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O'Hara to Testify *5-1*

Hoffa Probers Call Gervais, Lawyer

(Special to the States-Item)

CHICAGO — Federal subpoenas were issued today for Pershing O. Gervais, former New Orleans district attorney's aide, and attorney Edward M. Baldwin to testify in a hearing on the fraud and conspiracy conviction of former Teamster boss James Hoffa.

Meanwhile, Criminal District Court Judge Malcolm

O'Hara of New Orleans sat outside the courtroom awaiting another turn on the witness stand.

Judge O'Hara testified yesterday that he was the expense-paid travelling companion of a New Orleans builder who was convicted along with Hoffa.

THE GERVAIS AND Baldwin subpoenas order the two to appear at the hearing tomorrow.

Baldwin was O'Hara's campaign manager in 1965 when the judge ran unsuccessfully

for district attorney against incumbent Jim Garrison. Gervais was one of Garrison's chief assistants.

The hearing, ordered by the U.S. Supreme Court, is to determine if illegally obtained wiretap evidence was used to convict Hoffa.

HIS TESTIMONY followed that of builder Zachary A. "Red" Strate, 47, of New Orleans, who said that Judge O'Hara attempted to get an "affidavit of confessed wire-

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tapping" from the key witness in Hoffa's earlier Chattanooga jury-tampering trial.

Strate said the witness, Baton Rouge Teamster official Edward Grady Partin, refused to sign the affidavit.

Strate was sentenced to three years in prison and fined \$5,000 for his part in the alleged conspiracy to defraud a Teamsters pension fund of about \$20 million. He is free on appeal bond. Hoffa is appealing his conviction, which resulted in a five-year prison term and \$10,000 fine.

O'HARA TESTIFIED yesterday that on June 5, 1967, Baldwin called him in his chambers. He said Baldwin told him Walter Sheridan, a former Justice Department investigator, had told him he was doing a "White Paper" for the National Broadcasting Co. on Garrison.

He said Sheridan had TV tapes of O'Hara's speeches in his campaign against Garrison, and that Sheridan was quite impressed with the speeches.

Judge O'Hara said Baldwin talked with him about his relations with Strate and O'Hara. "Baldwin told me I should not be seen with such people. I told him Strate was my good friend," and that Baldwin himself associated with Gervais.

"THEN HE (BALDWIN) talked to me about the fact that I would select the next grand jury in the parish. I said, 'Ed, this is strictly my business. It will be done legally. I don't want to discuss it,'" said O'Hara. "I told him off pretty fast," he added.

O'Hara said Baldwin then sketched what Sheridan was doing on the White Paper, and they arranged to have lunch. They met for one and a half hours at the Fontainebleau Motor Hotel, O'Hara said, and discussed Sheridan's investigation of the Kennedy assassination at length.

"He told me Garrison should be removed as district attorney because he is a menace to the city, state and country and is one of the most dangerous men in the

U.S.," O'Hara said.

O'Hara said they also discussed that after Garrison won the 1965 race, the DA had done a great deal to keep Baldwin from getting any business as a criminal attorney.

HE SAID Baldwin "strongly suggested he was closely allied with Sheridan in getting his project together."

They arranged a meeting July 12 at the Bourbon Orleans between O'Hara, Baldwin, Strate and Sheridan, O'Hara testified. He said he

went with Strate and Baldwin brought Sheridan to the table.

O'Hara said he and Baldwin left Strate and Sheridan at the table to "negotiate."

Judge O'Hara testified that he had accompanied Strate on a number of trips around the country, including a visit in May to Teamsters headquarters, and that Strate paid his expenses. He said he knew no one at Teamsters headquarters. "My only purpose was to go with Strate," he said.

"HE HATED TO go alone and I went with him as a traveling companion. I just sat around." Judge O'Hara said that he and Strate were friends of long standing and that they had spent much time together since O'Hara's separation from his wife.

Attorneys asked Judge O'Hara if he owed Strate \$30,000 and if he had ever been paid any money by the Teamsters, but Judge Richard B. Austin sustained objections to both questions.

O'Hara admitted going to Baton Rouge with Strate in February, where he was asked by Strate to see Partin and present him with the affidavit Strate wanted signed.

"I WAS JUST a messenger," O'Hara testified. But he refused to say whose messenger he was, despite intense cross-examination by government attorney Donald Page Moore.

Earlier, Strate testified that he and Judge O'Hara had traveled to Washington, Las Vegas and other spots and "generally when we travel together I pay

the bills.

He said that he, Judge O'Hara and another Teamsters official had met in the Washington office of Frank Fitzsimmons, acting Teamsters head.

"THERE WAS SOME conversation . . . it was 99 per cent about Garrison."

O'Hara said he posed the question of what Sheridan intended to do with the program. Sheridan said:

"It's the hope that the investigation will expose Garrison's fraud and put an end to the investigation."

O'HARA SAID HIS comment was "it might bend or smear Garrison but I didn't believe he could stop any investigation with this program."

"Sheridan said if that was the fact, maybe the Orleans grand jury could take some action. If that failed, maybe the U.S. attorney or the governor of Louisiana might stop him.

"Sheridan said to Strate as he was leaving, 'Why don't you let me help you in Chicago?' There was no reply from Strate."

O'HARA CONTINUED that a day or two later Baldwin returned to his office and said, "Hey, Mac, did you hear

Sheridan tell Red, 'Why don't you let me help you in Chicago?'" O'Hara said he did.

O'Hara explained that Strate had become one of his "very, very intimate friends" recently. "In the last 16 months I've been separated from my wife and had a great deal of time on my hands, so I spent a lot of time at the Fontainebleau, which is only two or three minutes' ride from the courthouse.

"I've known him casually for three years, but since I was separated from my wife, the Fontainebleau has been practically my home . . . We go out together, play golf, go to the racetracks together."

UNDER CROSS examination by government prosecutor Donald Paige Moore, O'Hara admitted that Strate "generally" paid the expenses of their trips, includ-

ing several to Washington and one to Las Vegas this year.

In Washington he visited the Teamsters headquarters with Strate. O'Hara said, "simply to accompany Mr. Strate."

"I just sat around," he said. "My only purpose in being in Washington was that Mr. Strate told me he despised going there and asked me to ride up with him. I was unable to work then because of an ear condition. So I went as his traveling companion."

O'HARA SAID there had been a meeting in the office of acting Teamster head Frank Fitzsimmons, although the judge said he did not believe Fitzsimmons had been present.

At the meeting, said the judge, "there was some discussion of Hoffa being at Louisburg (W. Va.) Penitentiary and how we could go about alleviating (sic) Louisburg and moving him (Hoffa) to some other place of confinement."

O'Hara was asked to describe another meeting, which Strate testified earlier had been held in the office of James H. "Buddy" Gill, a administrative assistant to Sen Russel B. Long.

Strate told the court the meeting had been called in an attempt to get Partin, who was business agent for the New Orleans Teamsters local, to sign an affidavit stating that wiretap evidence had been used to convict Hoffa in the Chattanooga cases.

O'HARA ADMITTED being at the meeting and said it had been held in late February of this year.

Asked who had requested the O'Hara-Partin meeting, the judge replied, "Strate called me and said there were feelers, that Partin wanted to talk."

O'Hara admitted he had taken an affidavit to Partin, but that the Teamster official had refused to sign. Asked what he had done with the letter, the judge replied, "I don't know if I left it in my office or destroyed it."

He told the court the affidavit had been drafted by

Harold Brown, a defense attorney for Hoffa in Chattanooga, in Strate's office at the Fontainebleau the day before they went to Baton Rouge to meet with Partin.

It was dictated, O'Hara said, to his court reporter, Julian Levy.

"Did you read the affidavit?" the judge was asked.

"No," he answered.

"YOU HANDED IT to Partin without reading it?"

"Yes . . . No, I'll say I glanced at it summarily," stated O'Hara. "There was some allegations about wiretapping in Chattanooga. I asked Partin if it was correct, would he sign it."

"What was your interest in the Chattanooga trial?" came the next question.

"My role with the affidavit was as a messenger, more or less," Judge O'Hara replied, "as a person to deliver it to Partin, ask him to read it and, if true, sign it."

"Whose messenger were you?" asked the attorney.

"I UNDERSTOOD there were feelers to the Teamsters or Strate, and Strate asked me to take it," said the judge.

The defense attorney said, "So you were Strate's messenger boy? Why couldn't Brown be the messenger?"

An objection by the state was sustained.

"Did you ever borrow money from Strate?"

AGAIN AN objection was sustained.

"Had Strate paid you any money?"

Objection sustained.

"Had you received any money from the Teamsters

Union?"

Objection sustained.

The defense took a different tack:

"HAS YOUR court reporter, Mr. Levy, got a copy of the affidavit?" the judge was asked.

"Only one copy was made," he replied.

O'Hara was then asked whether Strate had ever been introduced to Ross Scaccia, the assistant district attorney then assigned to Judge O'Hara's section of court. He told

the lawyer that the three men — O'Hara, Strate and Scaccia—had lunched together about 50 times.

"Did you have a long conversation with Scaccia regarding your activities on behalf of Strate?" was the next question.

"SCACCIA TOLD me, 'Perhaps he's too hot for you. You're a judge, why don't you just drift away from him?'"

"Did Scaccia ask you what you were getting out of the association?"

"No," the judge answered.

"Did you tell Scaccia you were \$30,000 in debt from your campaign?"

An objection here was sustained.

ON RE-DIRECT questioning by Walsh, the judge said that Partin, while refusing to sign the affidavit, suggested two names as "persons who might be related" to the case in Chattanooga. These he named as Baton Rouge Municipal Judge Hawk Daniels and Sargeant Pitcher, Baton Rouge district attorney.

Gill had been present at the meeting with Partin in Baton Rouge, Judge O'Hara testified, but he had left to keep an appointment with Pitcher.

On re-cross examination Moore asked O'Hara, "Were you aware that Strate is convicted of mail fraud and conspiracy?"

An objection was sustained when the defense argued that the question was "an attempt to humiliate the witness."

STATES-ITEM



JUDGE MALCOLM V. O'HARA