

THE FINEST JUDGES MONEY CAN BUY

also held closed-door hearings in his chambers at which all of the interested parties were not allowed to be present. He even tried to prevent a court officer from performing his official duties in matters relating to a bankruptcy.

But Chandler is still Judge Chandler.

JUDGE MALCOLM V. O'HARA (LOUISIANA)

Malcolm V. O'Hara was elected Judge of Section A of the Criminal District Court for the Parish of Orleans and took office on September 25, 1962. Five years later he was granted a leave of absence by the Louisiana Supreme Court. On October 18, 1967, the attorney general of that state instituted removal proceedings against the judge at the request of more than twenty-five citizens and taxpayers from his election district.

The attorney general based the removal proceedings on the premise that Judge O'Hara was guilty of gross misconduct in his private affairs. Although there were many allegations of misconduct in the petition, the state relied primarily on nine particular charges: (1) practicing law while a judge; (2) associating with a person known by him to be a convicted felon; (3) attempting to gain evidence involving a court proceeding; (4) using his office as judge to influence a wire-tapping case; (5) failing to abide by prior warnings against his association with Zachary A. Strate, a known convicted felon; (6) participating in a meeting to assist a convicted felon in obtaining evidence to be used in a court proceeding; (7) conspiring with

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James Gill and Strate to obtain testimony to set aside the Hoffa-Strate conviction; (8) accepting improper gifts and gratuities from a known convicted felon; and (9) refusing to testify before a federal grand jury.

All of the misconduct complaints arose out of the relations between Judge O'Hara and Zachary A. Strate, Jr., which began in 1965. Strate, Jimmy Hoffa, Ben Dranow, S. George Burris, Abe I. Weinblatt, Calvin Kovens and Samuel Hyman were convicted in the U.S. District Court of the Northern District of Illinois of mail and wire fraud and conspiracy to defraud the Teamsters' pension fund. The conviction was affirmed by an appellate court. Judge O'Hara was certainly aware of that conviction before meeting Strate. The two men developed a very intimate and personal relationship. Over a period of approximately two years, Strate and O'Hara constantly discussed Strate's conviction in the federal court.

Strate was desperately trying to reverse the conviction, which was then on appeal. Judge O'Hara was interested in assisting Strate. Grady Partin, an official of the Teamsters Union in Baton Rouge, had been highly instrumental in the conviction of Jimmy Hoffa and three others in a federal district court in Chattanooga, Tennessee, on charges of jury tampering. Several of the attorneys and Hoffa were also involved in the Chicago trial which resulted in Strate's conviction.

In the early months of 1967 Strate was interested in talking with Grady Partin about whether wiretapping had been used in obtaining the conviction of Jimmy Hoffa in Tennessee. He asked Judge O'Hara to arrange a meeting with Partin. O'Hara was a close friend of James "Buddy" Gill, former Commissioner of Conservation of the State of Louisiana, who operated the Baton Rouge Industrial Contractors

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Association. Gill and Partin were close, and at Judge O'Hara's request, arrangements were made by Gill for Partin to meet with O'Hara in Baton Rouge.

The day before the scheduled meeting with Partin the judge and his court reporter met Strate at the Fontainebleau Hotel in New Orleans. There they were introduced to Harold Brown, one of the attorneys in the Chattanooga trial. O'Hara was present part of the time while Strate and Brown discussed a document concerning the wiretapping to be prepared for Partin's signature.

On the following day, Saturday, March 3, 1967, the three men went to Baton Rouge in Strate's automobile, which was driven by the judge. Shortly after their arrival at Gill's business, Partin arrived, and O'Hara was called into Gill's office, where he was introduced to Partin as "Judge O'Hara from New Orleans." The judge presented the document to Partin for his signature, but Partin refused to sign it, claiming that the statements in it were not true. O'Hara's attempt to use his judicial position to obtain information was not only improper, but successful.

During the meeting in Baton Rouge, Partin suggested to Gill that it would be helpful to see the district attorney of East Baton Rouge Parish, Sergeant Pitcher, and Judge William Hawk Daniels. The reasons for seeing these two was not clear, but Gill did see Pitcher privately while the others waited at a restaurant. Later he also saw Judge Daniels. It was hoped that from these meetings evidence of wiretapping at the Chattanooga trial would be secured, but these efforts also failed.

The "Sheridan Incident" was Judge O'Hara and his friends' next attempt to secure evidence. Walter J. Sheridan had been a member of the staff of the Senate Committee on Improper Activities in the Labor-Management Field and active in the John F. Kennedy presidential campaign and in Robert Ken-

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ney's senatorial campaign. He was a special assistant to the U.S. Attorney General from 1961 to 1964 and was actively involved in the Chattanooga trial of Hoffa and others.

In the summer of 1967 Sheridan was in New Orleans as a special correspondent for the National Broadcasting Company to investigate and report on the Garrison investigation of the assassination of President Kennedy. Edward Baldwin, Judge O'Hara's former law partner, who was interested in helping Sheridan in this investigation, made arrangements for a meeting between Judge O'Hara and Sheridan, and the judge brought his friend Strate to the meeting. The conversation between Strate and Sheridan centered around Strate's willingness to give information to Sheridan concerning the Garrison probe in exchange for information, to help himself and others, that wiretapping had been used in securing evidence in the Chattanooga trial. Sheridan and Strate did not come to any agreement, and no information was exchanged. What information did Strate have regarding the assassination of President Kennedy? And is there a possible connection between this information and the acquittal of Clay Shaw in the trial before Judge Haggerty? (Remember him from Chapter IV?)

Finally, Judge O'Hara accompanied Strate on at least two trips to Washington, D.C., and one trip to Las Vegas. The expenses of these trips were paid mostly by Strate.

Judge O'Hara finally admitted that he had a close association with Strate, that he acted on his behalf to obtain information in order to set aside a conviction in a federal court, that he ignored warnings given him by members of the state bar concerning this association, and that he accepted Strate's gifts and gratuities.

When all the evidence against the judge had been presented, the Louisiana Supreme Court found that his actions

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in the relationship with Strate were unacceptable and that he was indeed guilty of misconduct. Nevertheless, on June 4, 1968, the majority of the high court voted to dismiss the suit against O'Hara, saying:

Although the defendant is guilty of misconduct, we do not find him guilty of that flagrant and extreme misconduct which would warrant his removal under the constitutional provisions. He has compromised his office and the high degree of trust placed in him by the electorate, but the record does not reflect that this conduct has rendered him "utterly unfit" to perform the functions of his office. O'Hara's conduct does not meet the constitutional requirement for removal for "gross misconduct."

Only one justice dissented. Judge O'Hara still sits on the Louisiana bench. Hoffa is free. And Sheridan is rich as a result of his book about how it happened.

JUDGE ERNEST J. SOMERS (MICHIGAN)

On September 23, 1969, the Judicial Tenure Commission of the state of Michigan filed a complaint charging District Court Judge Ernest J. Somers with five counts of misconduct in office. On various days in April and May of that year, the judge was found to have presided on the bench while under the influence of alcohol.

Contrary to statutory authority, Somers had also permitted his court clerk to arraign defendants in criminal cases. The judge also often requested the advice of his clerk in open