

# Judge Galbreath Sparks Salty Deb

By MARK McNEELY

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NASHVILLE — Testimony before the special legislative committee hearing ouster charges against Criminal Appeals Court Judge Charles Galbreath of Nashville continued here today after an opening session sparked by pointed exchanges between Galbreath and two fellow jurists.

Scheduled to testify today were Criminal Appeals Court Judge William S. Russell, of Shelbyville, Judicial Standards Commission Chairman Earnest Taylor, of Morristown, and five others.

While four witnesses testified yesterday that they thought Galbreath had performed adequately in his post, Supreme Court Chief Justice Joe Henry of Pulaski, and Criminal Appeals Court Judge Martha Craig Daughtrey of Nashville said Galbreath's behavior had discredited the entire judiciary and was conduct unbecoming an appellate judge.

THE 10-MEMBER legislative committee is charged with recommending action on six of seven charges against the controversial judge to the full Legislature. If all testimony can be completed today, the committee may make such a recommendation by tomorrow morning.

As its first order of business yesterday, the committee dropped one of the seven charges. That one concerned allegations that Galbreath had been arrested for jaywalking in Columbus, Ohio, last year while visiting with Hustler Magazine publisher Larry Flynt.

Other charges against Galbreath by the Judicial Standards Commission include accusations that he had failed to adequately study and dispose of the cases before him, publicly criticized a local police fence operation, used profane remarks on the bench, allowed his law clerk to engage in private law practice, and that he wrote a salty letter to Flynt on official court stationery.

AN ATTEMPT to strike the charge concerning the letter to Flynt, which was reprinted in Hustler, failed in the committee by one vote yesterday.

The letter brought on the most heated exchange in yesterday's testimony.

"You're sick, Charlie, to have written such a letter," Henry said in response to questioning from Galbreath. Galbreath performed most of his own cross examinations of the witnesses, although his attorney, former constitutional convention President J.D. Lee of Madisonville, was present.

Galbreath asked the chief justice if he



Judge Charles Galbreath

had never written letters to editors of legal journals or other publications.

"I would not have made it so pornographic and obscene that a man would blush," Henry replied.

"And what about the opposite page?" Galbreath asked, concerning the placement of the letter in the magazine.

"I SEEM to recall there was a picture of a naked man rather comfortably endowed," Henry said.

"Let me distinguish between your depravity and mine," Galbreath told the chief justice. "I don't recall that picture."

Henry criticized Galbreath for using "gutter-type" language in the letter, and although Galbreath said that the letter had been printed without his permission and equally embarrassed him in printed form, he had insisted that he had the First Amendment right to write the letter.

"I'm just not sure an appellate judge has that right," Henry said. "There are a lot of things we don't do because we are judges." Earlier, Justice Henry had said judges "forfeit" certain constitutional rights upon taking office.

THE LETTER, Galbreath said, concerned a case involving a Tennessee man sentenced to seven years in prison for a crime against nature conviction.

After the exchange, Galbreath sought to strike portions of Henry's testimony from the record, but no action was taken.

"This is character assassination I

cannot allow to go unchallenged," Galbreath said in reference to Henry's remark that Galbreath was "sick."

"I've never been so shocked in all my life as when I heard Chief Justice Henry's comments," Galbreath said. "I've suffered through some of the sickness of Joe Henry as a citizen of this state. It was the most unprofessional, unchristian, ungentleman-like statement I have ever heard a public figure make, at least regarding me."

Earlier, Galbreath had asked Henry

why he had not told "up" if other jurists w Galbreath's work.

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Henry outlined s which he said Galbrec canons of judicial con also put the chief just asking him about a nepotism and favoritis

HENRY THEN ad

# Debate With Fellow Jurist

He had not told him to "straighten out other jurists were displeased with Galbreath's work."

"I told you one time you were a coward," Henry said at a media event and to stop talking about Galbreath for publication," Henry replied. Henry outlined several instances in which Galbreath had violated the code of judicial conduct, but Galbreath said he was the chief justice on the spot by which Galbreath was removed from the bench about a section prohibiting nepotism and favoritism.

Galbreath then admitted that his wife

had served as his secretary from 1946 until 1974, but that she quit 28 days after the nepotism canon was adopted.

"The canon was directed against hiring incompetent relatives, or relatives who do not work," Henry said. "You haven't had any hesitancy about hiring your relatives," he told Galbreath.

The proceedings were interrupted several times by Sen. Jim White (D-Memphis), chairman of the committee, to stop running debates between Galbreath and the witnesses.

Shelby County Dist. Atty. Gen. Hugh Stanton, Shelby County Public Defender Ed Thompson, Memphis State University law professor Joe A. Moore and Chattanooga lawyer Jerry H. Bommers, president of the Tennessee Trial Lawyers Association, all spoke in Galbreath's behalf.

"I find no fault with his abilities as a judge," Stanton said. The others made similar statements, doubting the seriousness of any of the charges as cause for removal from the bench.

## Conspiracy Theory Is Further Deflated

MEMPHIS (UPI) — A former policeman whose name has figured in conspiracy theories in the assassination 10 years ago of Dr. Martin Luther King Jr. has stepped forward to apparently deflate some of those theories.

Ed Redditt, a patrolman April 4, 1968 when King was struck by a sniper's bullet, gave recent anti-conspiracy testimony to the House Assassinations Committee, a Memphis television station reported last night.

The black former officer confirmed to

the committee that he was assigned to cover the Civil Rights leader, but in a surveillance role, not a security capacity.

Redditt was reportedly taken from the detail about two hours before King was killed, leading conspiracy theorists to believe his removal was deliberate to ease the shooting of King.

WMC-TV said in a copyrighted story that it learned of Redditt's closed testimony March 22 in a confidential memo.

## Galbreath Says Ray Deserves New Trial

NASHVILLE (UPI) — Court of Appeals Judge Charles Galbreath yesterday criticized the state Supreme Court for its refusal to grant James Earl Ray a new trial in the assassination of Dr. Martin Luther King Jr.

"Sure he should get a new trial," said Galbreath, shortly before his appearance yesterday before a legislative committee considering charges against him.

"If he put a quarter in the slot machine and hit the jackpot, he'd get the jackpot, wouldn't he? And to me this is the same sort of thing."

He referred to a state law which he said should have automatically granted Ray a new trial because the trial judge in the case died in office while Ray's appeal was pending.

Ray is currently serving a 99-year sentence at Brushy Mountain State Prison. Criminal Court Judge J. Preston Battle imposed the sentence on March 10, 1969, after Ray pleaded guilty to the King assassination.

Ray subsequently recanted his guilty plea, but Battle died of a heart attack before ruling on a new trial motion.