

Rejects Kohn Call

Gremillion Refuses To Probe DA Tactics

By BILL LYNCH

(States-Item Bureau)

BATON ROUGE — Attorney General Jack P. F. Gremillion today refused to intercede in New Orleans District Attorney Jim Garrison's investigation of the assassination of President John F. Kennedy.

Gremillion had been asked by the Metropolitan Crime Commission of New Orleans to take steps leading to an investigation of Garrison's handling of the probe.

The MCC had cited a television show by the National Broadcasting Co. which was critical of the district attorney's methods.

GREMILLION SAID in an opinion this morning that Garrison appeared to be handling his duties under the law.

He said, "District Attorney Garrison has not requested assistance from this office, and it is evident from the press releases that he is attempting to perform the duties of his office as he sees those duties.

"For those reasons, and because of the law . . . I must respectfully decline the request made by the Metropolitan Crime Commission."

Gremillion responded to a letter written to him by E. C. Upton Jr., president of the MCC, and Aaron M. Kohn, managing director of the private organization.

The MCC asked Gremillion to form a nominating committee composed of the deans of the law schools of Louisiana State University, Tulane and Loyola, the presidents of the state, city and criminal courts bar associations, the presidents of Public Affairs Research Council, Council for a Better Louisiana and the

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State League of Women Voters.

UNDER THE MCC proposal, the nominating committee would have recommended that three attorneys be appointed assistant attorneys general to investigate the conduct of Garrison's office.

"Let me observe that there is no authority within the law for such a procedure," the attorney general declared.

He told the Crime Commission that it was not the first time that it had asked him to supplant or supersede a district attorney. He said that similar action was requested in 1963 involving another parish and he rendered an adverse opinion then.

"This is not a small problem, as you can see from a thorough reading of that opinion," Gremillion said.

"IN VIEW OF THE decision of the Supreme Court of the State of Louisiana in the case of Kemp vs. Stanley, reported in the opinion attached hereto, the prerogatives of a district attorney cannot be assumed, supplanted or superseded, particularly when that district attorney is willing to perform his duties, nor can the attorney general deprive a district attorney of his powers.

"The logic of the Supreme Court in Kemp vs. Stanley was that a district attorney was elected by the people and the authority given to him could not be relieved, etc. when that district attorney was willing to perform his duty," Gremillion added.

"I have no evidence from Mr. Garrison or otherwise," the attorney general declared, "that he does not intend to perform his duties, and therefore, under the circumstances, I have no authority to comply with your wishes."

Copies of the opinion were forwarded to Gov. John J. McKeithen, Mayor Victor H. Schiro, Police Supt. Joseph I. Giarrusso and Garrison.

Gov. McKeithen had declared earlier that he saw no reason for the attorney general to get involved in the assassination probe.

The MCC request of Gremillion was a reaction to the NBC telecast Monday night.

THE MCC SAID there "is reason for fear that anyone may be charged and prosecuted based upon contriving false evidence."

The MCC said, "We believe we express the opinion of all objective observers when we state it is now imperative that an official, impartial, fact-finding procedure be established to immediately and exhaustively examine all allegations made against the Orleans Parish district attorney's office."

Garrison had countered that the NBC program was designed to wreck his case against Clay Shaw, the only person charged thus far in the alleged conspiracy to assassinate the President.

The district attorney also invited Kohn to take his case before the Orleans Parish Grand Jury and said he was asking foreman Albert V. Labiche to call Kohn to testify.

THE ATTORNEY general referred to an opinion rendered Sept. 10, 1962, in which he refused to supersede the district attorney of Jefferson Parish.

At that time, he cited a Supreme Court decision in State vs. Tate.

He said that when the district attorney advises him that he is prepared to perform his duties, he has no authority to supersede him or supplant him.

Gremillion noted that Kohn at that time had complained that Jefferson Parish officials had failed to take action on detailed information on "highly organized vice and other professional crimes rampant and growing in Jefferson Parish."