

28 Sept — Seek DA, O'Hara Recusal

# MCC Takes Records Case to Top Court

Attorneys for the Metropolitan Crime Commission today asked the State Supreme Court to recuse Criminal Judge Malcolm V. O'Hara and District Attorney Jim Garrison as advisors to the Orleans Parish Grand Jury. They also asked the court to quash a subpoena ordering the MCC to show all of its records to the grand jury.

Criminal Judge Matthew S. Braniff today denied a move by attorneys for the Metropolitan Crime Commission to have Judge Malcolm V. O'Hara recuse himself as advisor to the Orleans Parish Grand Jury.

The motion was filed in answer to a subpoena ordering the crime commission to bring all of its records, including names of confidential informants, before the grand jury this afternoon.

MCC attorneys also filed a motion to quash the subpoena and a motion calling for the recusal of District Attorney Jim Garrison.

Milton Brener, MCC lawyer, said the commission would appeal Judge Braniff's decision. Then, Judge O'Hara denied the

MCC motion for a delay to give attorneys time to file writs.

The state, represented by assistant DAs James L. Alcock and Richard V. Burnes, argued that the MCC had no basis for requesting O'Hara's recusal. They said the law states that a judge should be recused when he has a personal conflict in a trial situation. This is not a trial situation, they said.

Brener called the state's argument a "narrow interpretation" of the law.

JUDGE BRANIFF, HOWEVER, agreed with the state, saying that the MCC had stated no cause of action.

Judge Braniff then ordered the parties back to Judge O'Hara's court. O'Hara first denied a delay to give time for an appeal and then ruled against the MCC's motion for recusal of Garrison as legal advisor to the grand jury.

The motion to quash the subpoena charges that the jury is being used in an attempt to "destroy the crime commission." It also charges that Garrison and O'Hara both have publicly stated personal animosity toward the MCC.

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"Alternatively, movers aver that in view of the avowed purpose of the request for subpoenas duces tecum to investigate the Metropolitan Crime Commission of New Orleans Inc. and the publicly-stated intention of the legal advisers of the Grand Jury to destroy the Metropolitan Crime Commission, then there is no legitimate purpose in law to seek the names of informers of the commission, and the attempt to receive this information is violative of the constitutional rights of the Metropolitan Crime Commission."

IN THEIR MEMORANDUM in support of their motion to dismiss the subpoenas, the attorneys pointed out that the subpoenas call for records disclosing information with regard to informers of the MCC.

"It is literally impossible to comply with the requirements of Paragraph 1 of the subpoenas," the three lawyers contended. "Apart from not stating whose records are being subpoenaed or limiting the documents called for to any particular organization or persons or groups, the language of Paragraph 1 is hopelessly vague in a number of other respects.

"Apparently, the movers are expected to formulate their own definition of what constitutes an informer.

"APPARENTLY, THERE is no restriction as to the subject matters about which information should be given.

"The grand jury, on the advice of the district attorney, has thrown out a tremendous net in the hopes of ensnaring something important without any clear idea of what is being sought."

The grand jury began investigating allegations that organized crime existed in New Orleans following recent articles in Life magazine. Members of the MCC, which has said for years that Orleans Parish was a stronghold for organized crime, have already testified before the jury.

## Jury--

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The motion to quash is based on the contention, first, that revelation of contributors and members of the MCC would deter future support of the commission. The motion alleges that if revealed, these members can "reasonably fear retribution."

The motion also states that if the MCC is forced to reveal the identities of confidential informants, the lives of these informants would be in danger.

Arguments on the motion to quash were scheduled this afternoon.

The attorneys for the Crime Commission held that disclosures of identities of informers of the Metropolitan Crime Commission of New Orleans is "violative of the rights of movers as protected by the First Amendment of the United States Constitution, and would effectively destroy the operation of the commission in its fight to improve law enforcement and administration of justice.

fall." *Thomas Gifford Hagan* 28 Sept  
In sum, Pie Dufour's admirers, and their number is legion, have every right to tender a resounding "Well done!"

## Observation Deck Not Ready for Viewers

most premises, has no connection with the Deck. The latter is the property of the building management.

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POTPOURRI—Author Mark ("Rush to Judgment") Lane and wife have taken an apartment here, evidently for the duration of THAT CASE . . . Post-deb Claudia Collins is flashing a ring with two big diamonds on that important finger; Charlie Fenner, now in Service, is the future groom . . . Former councilman Joe DiRosa will toss his hat in the mayoral race in '69 . . . Pancho Rodriguez writes, "Please correct this Mexican stuff. I'm a true full-blooded American, born in Eagle Pass, Tex." Says his twin brother Juan belongs to the Mexican Patriotic Committee, not as a Mexican citizen, but as a friend of Mexico . . . Talk about an industrial show with a "kick" in it, you should have seen the musical sponsored by a large liquor firm at the Auditorium the other p.m. . . . Dr. Horace Chalstrom and wife Helen who invited "a few friends" to see their fashionable new home on Carrollton the other day, played host to 3,000 people between 2 p.m. and 10 p.m.; one of the guests reports, "It was a beautiful party, everything ran smooth as silk."