

AWAITS OUSTER ACTION

O'Hara Takes Leave 'To Protect Dignity'

Criminal District Judge Malcolm V. O'Hara today said he asked for a leave of absence because he believes "it is in the best interest of the dignified administration" of his office.

Judge O'Hara yesterday was granted an indefinite leave of absence pending outcome of impeachment proceedings underway against him. The Louisiana Supreme Court, which will hear the charges against him, granted the request.

Judge O'Hara said:

"I have been informed that the attorney general, the Honorable Jack P. F. Gremillion, is in receipt of a petition signed by some 40 taxpayers of the Parish of Orleans, calling upon him to institute removal proceedings against me in my capacity as judge of Section 'A' of the Criminal District Court for the Parish of Orleans. Inasmuch as Attorney General Gremillion is compelled by law to file these proceedings, and I know he will do his duty and follow the law, therefore I expect these civil proceedings to be lodged in the immediate future.

"I am fully aware of the publicity that these proceedings will generate if and when filed. Since the integrity, dignity and honesty of this important judicial office is being challenged, I believe that it is in the best interest for the dignified administration of the office that this publicity be removed as far as possible so as not to impede or reflect upon the office or the functions that it performs. Therefore, by a letter dated yesterday, I have tendered to the Supreme Court a request that it grant me a leave of absence until such time as any proceedings that are filed against me are concluded.

"I had previously met with the other judges of the Criminal District Court and informed them that I intended to make such a request for a leave of absence. They agreed to sit as the judge of Section 'A' on a rotating basis, utilizing my personnel, thereby eliminating the necessity of the appointment of a special judge for my court during my absence.

"I take this action despite the fact that I know that I have done nothing wrong. I sincerely hope that this matter will be disposed of in the immediate future, thus permitting me to return to the discharge of the duties of my office, to which I had been elected by a vast majority of the voting and taxpaying public of this city."

Judge O'Hara's removal has been asked on the ground that he was involved in an alleged

project to buy a new trial for convicted Teamster Union president James R. Hoffa.

A federal grand jury is probing the attempt to free Hoffa, convicted in 1964 of tampering with a jury. A Baton Rouge Teamster official, Edward Grady Partin, was the key government witness in the case. Judge O'Hara has said he was a "messenger" in an attempt to get Partin to change his testimony.

Helm to Testify Before BR Jury Next Monday

The East Baton Rouge Parish Grand Jury is scheduled to hear Jack Helm of New Orleans, head of the Universal Klans of America, Monday when it resumes its inquiry into racketeering influences.

Former Ku Klux Klan official Jules Kimble of New Orleans testified yesterday before the jury recessed.

BATON ROUGE district attorney Sargent Pitcher said final agreement has been reached for former New Orleans nightclub owner Gordon Novel to come back to Louisiana Oct. 20 to testify before the jury.

Novel, who claims he has information about organized crime in the state, has been sought by Orleans Parish DA Jim Garrison for questioning in his probe of the Kennedy assassination, but has avoided all attempts to extradite him from Ohio. Novel has been guaranteed immunity if he returns to Louisiana.

In New Orleans yesterday, David L. Chandler, a reporter for Life magazine, won the first round in his effort to avoid appearing before the Orleans Parish Grand Jury, which at District Attorney Jim Garrison's instigation is conducting its own investigation of organized crime charges.

The State Supreme Court granted Chandler a stay 10 minutes before he was to appear before the jury.

CHANDLER'S attorney, Cicero Sessions, appealed to the high court after Criminal District Court Judge Matthew S. Braniff ruled out a motion to quash his subpoena.

Sessions also filed motions to recuse Garrison and his staff, to compel Garrison and the grand jury foreman to state in open court the crime under investigation and asking for a copy of questions and answers elicited from Chandler during questioning by Assistant DA Charles Ward Jan. 26. Judge Braniff denied all of the motions.

The Supreme Court has given Chandler five days to file necessary documents in support of his appeal, and the state three days to answer.

The Orleans grand jury heard testimony yesterday from Municipal Court Judge Andrew G. Bucaro. Judge Bucaro was closeted with the jury for an hour.

Chandler charges personal animosity on Garrison's part and claims the DA misused the grand jury's subpoena power by having Chandler subpoenaed to appear before the jury Jan. 26 when he was not actually wanted by the jury.

HE ALSO charges that the subpoena violates his right to remain silent and not give evidence against himself.

The Baton Rouge Grand Jury sessions yesterday included questioning of C. H. Downs, aide to Gov. John J. McKeithen, about a Capitol telephone which allegedly was used for conversations between Jefferson Parish rackets figure Carlos Marcello and former McKeithen aide Aubrey Young.

Young has turned state's evidence in the grand jury investigation. Life has charged that Young received numerous calls from Marcello while he was still in the governor's office.

The jury returned an indictment against former New Orleans contractor D'Alton Smith

for public bribery in an alleged offer of \$25,000 to Young to arrange a meeting in an effort to purchase freedom for convicted Teamster Union president James R. Hoffa.