

CRIME UNIT WINS BATTLE AGAINST BARING RECORDS

The Metropolitan Crime Commission today won a major victory in its fight to prevent District Attorney Jim Garrison from requiring it to produce its records.

The Louisiana Supreme Court reversed a Criminal District Court decision upholding a subpoena for the records to be produced before the Orleans Parish grand jury.

The court, in an opinion by Associate Justice E. Howard McCaleb, ruled that the subpoena was unreasonable and oppressive.

IN THE COURTROOM when the decision was handed down was Mrs. Louise S. Kornis, assistant district attorney, who said a new subpoena would be requested setting out in a more specific fashion the rec-

ords sought.

The case grew out of a series of articles in Life magazine, which said organized crime flourishes in New Orleans and Louisiana. Garrison contends there is no organized crime in the city.

The crime panel, which supplied some of the information used in the Life articles, was called before the jury and questioned. The commission and its president, E. C. Upton Jr., resisted. Criminal District Court sustained issuance of the subpoena, which was set aside today.

JUSTICE M'CALEB wrote
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that the commission "is required by the order to produce the names and records of every informer it may have employed . . . whether or not such informer has given any information as to the operation of organized crime."

"Thus," said the opinion, "the Grand Jury has in effect thrown out a net in which it seeks without limit to secure private information, even though much of the information sought may not relate in any way to the existence of organized crime."

"We think the data requested is highly unreasonable and oppressive and hold that the issuance of the subpoena be vacated."

NINE PAGES LONG, the court's decree said that Article 732 of the new Code of Criminal Procedure provides for the issuance of such a subpoena to a person to produce at a hearing or trial tangible things in his possession or under his control . . . "if a reasonable, accurate description thereof is given . . ."

But, said Justice McCaleb, "the court shall vacate or modify the subpoena if it is unreasonable or oppressive."

The commission and Upton, said the Supreme Court, were ordered to produce all "documents, papers, records, books, accounts and information . . . which disclose and/or reveal the name and address of any informer . . . including informers being classified as confidential informers, and further all records which disclose the informers who were paid for information supplied to the Metropolitan Crime Commission . . . as well as the amount paid to each."