

Arguments In O'Hara Case End

The Louisiana Supreme Court today finished hearing final arguments in the State of Louisiana's case charging Criminal District Court Judge Malcolm V. O'Hara with gross misconduct.

The court promised to try to make a quick decision in the matter.

During today's session the State Attorney General's Office charged that Judge O'Hara violated both the Louisiana Code of Judicial Ethics and the State Constitution through his activities to overturn the convictions of James R. Hoffa and Zachary "Red" Strate.

O'HARA'S LAWYER, Russell J. Schonekas, contended that the judge's interest in the two convicted men was solely for the purpose of seeking truth.

The state says O'Hara accompanied Strate, a close friend, to Baton Rouge to get Edward Grady Partin, Teamster Union Local No. 5 business manager, to sign a statement that wiretapping had been used by the federal government in obtaining criminal convictions against Strate and Teamster Union President James R. Hoffa.

O'Hara's attorney said the trip was in the interests of justice. The judge warned Partin to sign the statement only if it were true, he said.

JUSTICE MACK E. BARHAM questioned Schonekas sharply about O'Hara's conduct. "He used the influence of his office didn't he, Mr.

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Schonekas? If not, why was he introduced as Judge O'Hara rather than Mr. O'Hara?

"And why did he ask Partin to sign the statement? Why didn't he just witness it?" the justice inquired.

O'Hara's attorney said that his client may be guilty of indiscretion and "possibly a reprimand is in order."

SCHONEKAS TOLD the court that any judge or lawyer "owes it to justice to try to obtain the truth." He contended that the state "has fallen flat on its face in trying to prove its case and should ask for a dismissal of its case against Judge O'Hara."

Representing the state today was John E. Jackson Jr., assistant Louisiana attorney general, who said at the outset of the argument that this matter is "purely and simply a civil case."

He said, "This is the only type of remedy the people of the state have to remove Judge O'Hara from office."

JACKSON SAID that the Supreme Court is now sitting as court and jury examining the conduct of this defendant. Jackson told the court that one of the basic issues involved is what constitutes gross misconduct and he said the term is "not difficult to define."

He was questioned at some length on whether the state is proceeding under the Supreme Court's Code of Judicial Ethics or under Article 9, Sections 5 and 1 of the Louisiana Constitution.

It was then that he said that both should be considered in deciding the O'Hara case and that in his view O'Hara had violated both.

JACKSON DESCRIBED various activities of Judge O'Hara, allegedly on behalf of Hoffa and Strate, including trips to Washington, D. C., on which, he said, Strate always paid the expenses.

Jackson answered a contention by O'Hara's attorneys Russell J. Schonekas and Edward A. Wallace, that Article 9, Section 5, is unconstitutional because it deprives the judge of due process of law.

Schonekas said that misconduct is not delineated in the section and that a judge cannot know in advance what constitutes gross misconduct.

"**DUE PROCESS** does not apply only to the criminal, but to the life, liberty and pursuit of happiness of all individuals," Schonekas said.

Jackson argued that Judge O'Hara has been "amply notified of the charge against him and has been given a hearing before the court's commissioner and the hearing today."

The suit to oust Judge O'Hara was instituted by Attorney General Jack P. F. Gremillion after several New Orleans groups, including the controversial New Orleans Metropolitan Crime Commission, filed petitions requesting such action.

Testimony was given by witnesses on both sides at four days of hearings before a commissioner appointed by the court, Michael M. Erwin.