

Mafia Probe Testimony Banned

REVENUE AIDES SILENCED

By **BILL LYNCH**

(States-Item Bureau)

BATON ROUGE—State Revenue Collector Lee Agerton today revealed he has silenced testimony by department employes before the legislative committee investigating Mafia influence in government.

Agerton himself refused to answer most questions put to him by the committee, which resumed hearings into allegations of influence by organized crime raised by Life magazine last April.

Agerton told the committee he wanted to cooperate with it but took his action pending the outcome of a state district court suit ordering production of tax records by the department.

AT THE SAME TIME, State Sen. Charles M. Brown of

Tallah advised the committee that Leon Gary, now state highway director, had offered to provide him with assistance on a trip to Las Vegas more than two years ago.

Brown said Gary, who was named in the Life article, was then in the governor's office although he was head of the public works department. He said Gary mentioned the name of someone in Las Vegas who Brown could contact if he needed anything like show tickets.

The state senator said he did not recall the Las Vegas man's name, but did not contact him and paid his own way.

Life said Gary was the man to contact for legislators when taking a trip to Las Vegas.

THE BATTLE OVER the tax records developed out of the last public hearing earlier this month by the Mafia committee when a former revenue department employe declared 30 or 40 legislators had not filed timely returns.

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Agerton boiled the figure down to eight who had not filed since he took over from former collector Ashton Mouton in an executive department shuffle growing out of the Life charges.

The committee has been trying to get the names of the eight but once again was frustrated in pursuing virtually any line of questioning about the department's records.

Agerton also clamped down on testimony by some employes who have become key witnesses and have furnished considerable information already to the committee.

THOSE SCHEDULED to appear before the committee today include T. J. Spiers, E. E. Hetherwick, Wilson Chopin and Ben Grasser.

Hetherwick has been a key figure in developing information about irregularities in the department during the McKeithen administration.

Sen. Adrian Duplantier of New Orleans, chairman of the committee, asked Agerton if he were aware that Hetherwick already had given the committee an affidavit.

"I am, and am quite disturbed about it," Agerton responded.

AGERTON, IN RESPONSE TO other questions about his position, said he had instructed all department employes to refrain from answering any questions about taxpayers' returns. He said he was taking this stand until the issue is decided in court.

Agerton also was questioned about his change in attitude in answering questions about tax returns at the last hearing. Dean Joseph Sweeney of the Tulane University Law School asked why he had readily answered questions up until 6 p.m. at the previous hearing and then by 8 p.m. had changed his position.

Agerton said he acted after his legal staff volunteered that he might be violating the law.

The new revenue collector also refused to answer questions about a corporation with which an employe of the department was connected and about the discovery of missing tax returns in a window sill in the building.

COMMITTEE COUNSEL GORDON KEAN asked him if he had received any information about the Gonzales Food

and Beverage Co. since he became collector and Agerton declined to answer if he had or under what circumstances.

Kean later revealed the committee issued a subpoena to Chopin, a department employe, to bring records of the company in his position as secretary.

Agerton acknowledged a file had been found in a window sill by one of the department attorneys but refused to say, when asked, if it concerned the returns of Carlos Marcello, reputed underworld boss.

Marcello was scheduled to testify before the committee today but won a federal court restraining order until Sept. 3.

THE REVENUE HEAD SAID they were Louisiana tax returns but then retreated again behind his position on tax records and the court suit.

He said that the committee's plans to question employes of the department about the Town and Country Motel in Bossier City and the Larue 90 Corp., both connected to Marcello, had prompted him to instruct them not to testify about records.

Agerton said in regards to the eight legislators who had not filed returns, six have done so and two have not. One or two involved more than one year, he said, and the others were delinquent for a year.

He also related the returns of Gen. David Wade, state adjutant general and former director of public safety, who filed a late return. Wade's name had been brought out during the last hearing by former assistant collector John Levy, who himself had admitted not filing a return timely with the department.

WADE, WHO ISSUED A PUBLIC statement saying his accountant had failed to follow through on his state tax return, paid his 1968 tax of \$914 with \$50 interest and a waiver of penalty last June 17. The penalty waiver was approved by the department and no notice of delinquency had been sent out.

In the Marcello aspect of the hearing, Kean said the rackets figure's attorney filed motions with the committee, one of which asked that he be allowed to testify in executive session.

The other motions involved procedure and all were denied formally by the committee.