

Study Haggerty Plea

By JAMES HEARTY

A decision on removal from the bench of Criminal District Judge Edward A. Haggerty Jr. may come Nov. 9, an attorney for the judge predicted today.

The Louisiana Supreme Court took the matter under advisement after hearing arguments by attorneys for the judge and the Louisiana Judiciary Commission, which is seeking Haggerty's removal.

Robert J. Zibilich, Haggerty's attorney, said the ruling will probably come on the court's next decision day, which is Nov. 9.

THE MATTER arose after Judge Haggerty was arrested in a vice raid on the Deville Motel here last Dec. 17. He was acquitted of criminal charges arising after the incident, but the judiciary commission conducted an investigation of the judge's conduct and recommended his removal.

Zibilich argued that none of the charges brought against Haggerty was proven in court and even if they had been they would not have constituted grounds for his removal.

He said there was no proof that the girls picked up in the motel raid were prostitutes and said the judge had nothing to do with the alleged

stag films brought to the party.

ZIBILICH attacked the commission's contention that while no single offense charged to Haggerty would constitute grounds for removal, all of his conduct taken together does.

This, said Zibilich, is faulty reasoning.

The attorney pointed to Haggerty's record of being in his court as scheduled at all times and keeping his docket up to date even while handling the 40-day trial of Clay L. Shaw last year.

Obscenity charges against Judge Haggerty were thrown out of Criminal District Court when Judge Matthew S. Braniff ruled key evidence in the case to be inadmissible.

IN TODAY'S hearing, Haggerty and his attorneys went before six Supreme Court justices and an ad hoc member replacing the seventh justice who recused himself because he served on the Judiciary Commission.

Hearing the case are Chief Justice Joe B. Hamiter and Associate Justices E. Howard McCaleb, Walter B. Hamlin, Frank W. Summers, Joe D. Sanders and Mack E. Barham. Judge H. W. Ayers of the Second Circuit Court of Appeal is sitting in for Asso-

See Haggerty— Page 6

Continued from Front Page

ciate Justice Albert Tate, who served on the Judiciary Commission.

In today's testimony, Robert E. LeCorgne, chief executive officer of the Judiciary Commission, told the justices of the evidence the commission considered in making its recommendation for Haggerty's removal.

LECORGNE SAID that on Dec. 17, 1969, police sent an undercover agent into the Deville to check out reports of a handbook operating there. LeCorgne said the agent learned of a stag show to be given several days later.

LeCorgne said the undercover agent and others were charged \$5 to be admitted to the party which Judge Haggerty attended. The Judiciary Commission officer said although the party allegedly was a birthday party for one of the attendees, three of the persons at the party didn't know the man who was being honored.

Justice McCaleb asked if the films shown at the party were "any worse" than the films shown commercially at motion picture theaters.

"YOU WOULD have to see them to believe them," LeCorgne told the high court justices. He said the films were graphic and crude.

LeCorgne said in answer to another question that there is no evidence Haggerty profited from the party.

But, he said, the Judiciary Commission felt Judge Haggerty violated his oath of office in which he swore to uphold laws against obscenity and gambling.

THE COURT set the hearing as the only one for the day, saying, "considering that the proceeding is impressed with public interest, it is entitled to special preference."

Last June, the commission made public its recommendations based on five specific charges that included Hagger-

ty frequently appeared drunk in public and was a close friend of Frank Occhipinti, "a man with self-admitted connections to Carlos Marcello."

The commission's investigation included six days of closed hearings in May.

In a brief filed by his attorneys last Friday, the judge asked the state Supreme Court to reject the recommendations.

"The entire case," the brief said, "consists of his personal behavior not squaring with the type of behavior that is approved by a certain segment of society."

"Nowhere in the record is it indicated, or even intimated, that any off-bench activity of the respondent judge ever affected his behavior on the bench," the lawyers said in a 138-page argument.

THE COMMISSION'S report said that "cumulatively, they (several delinquencies) demonstrate that . . . his continued incumbency is detrimental to the administration of justice and to respect for our state's judicial system."



—Associated Press Photo.
JUDGE EDWARD A. HAGGERTY JR., of Criminal District Court, right, confers with attorney **ROBERT J. ZIBILICH** outside the Louisiana Supreme Court today.