

High Court Votes 6-1 for Removal

HAGGERTY OUSTER ORDERED

By JAMES HEARTY

The Louisiana Supreme Court in a 6-1 decision today ordered Orleans Parish Criminal District Court Judge Edward A. Haggerty Jr. removed from the bench for "willful and intentional" misconduct.

Judge Haggerty was arrested last Dec. 17 in a vice squad raid on a stag party at the DeVille Motor Hotel here. Obscenity charges against the New Orleans jurist were thrown out when Criminal District Court Judge Matthew S. Braniff ruled key evidence in the case to be inadmissible.

However, a state judiciary commission convened to investigate the matter and recommended Judge Haggerty's removal. Today's ruling by the Supreme Court upheld the commission's verdict.

Robert E. LeCorgne Jr., Louisiana judicial administrator who successfully prosecuted the Haggerty ouster case, said Judge Haggerty has 14 days

in which to seek a rehearing before the high court.

If he elects to request a rehearing and one is granted, the court will consider the question of a pension for Judge Haggerty. If the rehearing is denied, said LeCorgne, Haggerty's judgeship is vacated without a pension.

JUDGE HAGGERTY earlier attracted national attention as the trial judge in the 40-day trial of Clay Shaw, New Orleans businessman acquitted of conspiracy charges in the assassination of President John F. Kennedy.

Casting their votes for Haggerty's removal were Judge H. W. Ayers of the Louisiana Second Circuit Court of Appeal, sitting in for Associate Justice

Albert Tate, who served on the Judiciary Commission; Associate Justices E. Howard McCaleb, Walter B. Hamlin, Frank W. Summers, Joe D. Sanders and Mack E. Barham.

Dissenting was Chief Justice Joe B. Hamiter.

Writing the majority opinion was Judge Ayers of Shreveport, who held that Haggerty knew he was violating laws he had sworn to uphold when he participated in gambling and stag party activities and presumably was aware of the "consequences of his deliberate actions."

IN HIS majority opinion, Judge Ayers emphasized Haggerty's actions were willful and deliberate rather than "single or solitary instances."

In his dissent, Chief Justice Hamiter wrote while "I do not approve or condone the alleged illegal or, perhaps, immoral conduct of Judge Haggerty," there was no evidence these activities had in any way affected Haggerty's handling of his Criminal District Court docket.

Hamiter said Haggerty's alleged offenses were a part of the judge's personal life and under the Louisiana Constitution were not grounds for dismissal from the bench.

Judge Haggerty, through his attorney, Robert Zibilich, maintained the alleged stag party was a "before-the-wedding bachelor party" and an old New Orleans tradition. Zibilich said if all men in the city who had attended such functions were placed on the police blotter, it would read "like a telephone directory."

Judge Haggerty left the Criminal

Turn to Page 18, Column 1

Continued from Front Page

District Court Building without seeing reporters.

He had conferred with his attorneys, Zibilich and George Mouledoux, in his chamber and departed through a rear exit.

His attorneys expressed disappointment at the decision.

ZIBILICH, CHIEF counsel for Haggerty, said he intended to study the decision over carefully and then make the proper application for a rehearing.

Asked if Haggerty would be able to resume his seat on the bench tomorrow, Zibilich said the judgment in the matter still is not "final."

Asked if the judge could run for election again in the event the removal order becomes final, Zibilich replied:

"Why certainly. I don't see why not."

POLICE CHARGED Haggerty brought two prostitutes to the stag party. They charged the judge with conspiring to commit obscenity, soliciting for prostitution, simple battery and resisting arrest.

The latter two charges arose when Haggerty resisted arresting officers and was forcibly subdued. Police said their information indicated the motel room was rented for the purpose of staging an obscene show and that those attending were charged \$5 admission.

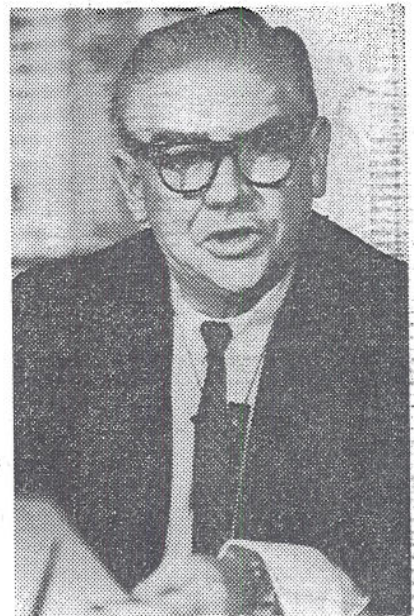
A total of 14 persons, including Haggerty and three women who allegedly were to participate in the stag show, were arrested as a result of the raid. Also seized were some alleged stag films.

The criminal charges against Judge Haggerty were thrown out Jan. 27 by Judge Braniff, who ruled certain evidence was not admissible and other evidence "was not sufficient to convince me beyond a reasonable doubt."

THE JUDICIARY Commission filed a brief with the Louisiana Supreme Court on Sept. 21 calling for the removal of Haggerty on the grounds his "public misconduct is so seriously delinquent as to bring disgrace and discredit upon the judicial office . . ."

Today's decision by the Supreme Court followed an Oct. 7 hearing before it at which Zibilich asked the Judiciary Commission's finding be set aside on the grounds the entire case against Haggerty "consists of his personal, off-the-bench behavior not squaring with the type of behavior that is approved by a certain segment of the society."

Neither Judge Haggerty nor his attorney were available for comment.



Judge Haggerty