

Motion by Defense Delays Smith Trial

Bribe Law Legality Attacked

(States-Item Bureau)

BATON ROUGE — A state court judge today took under advisement motions attacking a public bribery statute and the indictment of D'Alton Smith, New Orleans electrical contractor, who is accused of offering \$25,000 to a former aide of Gov. John J. McKeithen.

Smith's trial was delayed pending a ruling on the motions to quash the indictment by 19th Judicial District Judge Donovan Parker.

The state was not prepared to go to trial immediately on the case after being unable to serve a key witness, Baton Rouge Teamster boss Edward Grady Partin.

SMITH WAS INDICTED for offering Aubrey Young, former aide to McKeithen, \$25,000 to arrange a meeting between him and Partin.

Smith also has been charged in a bill of information with offering Partin \$65,000 to alter his testimony that convicted International Teamster President James A. Hoffa of jury tampering in a federal case. Hoffa is serving a prison term on the jury tampering charge.

Ossie Brown, defense attorney, challenged the constitutionality of the public bribery statute on the grounds that it was vague. He also challenged the indictment itself, claiming it likewise was vague.

BROWN ASKED THE court to require the state to answer questions defining the duties of Young as an aide to the governor and how the alleged bribe was to influence those duties.

Assistant Dist. Atty. Ralph Roy countered that the state had charged Smith with bribery in attempting to influence Young in his position as a public employe and not in relation to his duties.

East Baton Rouge Parish District Attorney Sargent Pitcher said prior to the arguments on preliminary motions that sheriff's deputies had been unable to serve Partin with a subpoena to appear at the trial.

Pitcher said that Partin's

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testimony was essential in the case and he planned to seek a delay in the trial unless Partin appeared.

Partin on Monday and Tuesday of last week visited the Senate chamber in the state Capitol, where hearings of the labor-management Commission of Inquiry were in progress.