

GREMILLION FILES OUSTER BRIEF

Courts Said Periled If O'Hara Kept

Failure to remove Criminal District Judge Malcolm V. O'Hara from office would undermine the standards of the legal profession, Louisiana Atty. Gen. Jack P. F. Gremillion says.

In a brief filed yesterday with the Louisiana Supreme Court, Gremillion argued that the state has proved "gross misconduct" on the part of the judge.

THE STATE IS seeking Judge O'Hara's removal on

grounds that he was involved in a move to get international Teamster boss James R. Hoffa out of jail by getting a witness against Hoffa to change his testimony.

The Supreme Court is scheduled to hear arguments in the ouster move at 11 a.m. May 3. Transcripts of testimony given by Judge O'Hara and others in four days of preliminary hearings before Court Commissioner Michael E. Irwin have been filed with the court.

"**THE DEFENDANT**, being a judge and public official, has the responsibility to society to obey its laws and rules of conduct.

"The special responsibilities that he assumes as judge carry with them a diminution of certain rights normally accorded to individuals without such responsibilities, because of the trust bestowed and the nature of our democracy under law.

"To not remove the de-

See O'HARA— Page 4

O'Hara--

Continued from Page 1

defendant judge from office would permit a public official . . . to thwart official inquiry of him without fear of disciplinary action.

"**FAILURE OF THIS** honorable court to take the appropriate action and remove the defendant judge from office can do nothing other than discourage up-going generations of lawyers and judges to think of their calling as imposing on them no higher standards than might be acceptable in the common market place."

Gremillion said Judge O'Hara excuses his conduct on the basis of his intimate friendship with New Orleans contractor Zachery "Red" Strate, with whom he allegedly conspired to obtain testimony to set aside the Hoffa conviction. But, said Gremillion:

"**... ALL THE EVIDENCE** in the case, as well as the testimony of Mr. Strate, leads to the conclusion that Judge O'Hara was duped . . . and thereafter consciously or unconsciously allowed himself to be used by Mr. Strate and all the Teamster defendants, including Mr. Hoffa, for their benefit and their benefit alone."

Had Judge O'Hara been a private citizen, Gremillion wrote, his friendship with Strate "would never have kindled, nor would he have been

implicated in a dedicated conspiracy to obtain evidence in an effort to have the federal convictions set aside."

CONCLUDING, Gremillion said that although O'Hara's conduct is on trial, "in truth and in fact, the judiciary is on trial and individual members of this court, and every judge in Louisiana."

O'Hara testified in a Chicago federal court hearing last year he had been a "messenger" in an effort to get Baton Rouge Teamster leader Edward Grady Partin to sign an affidavit stating illegal wiretapping was used to convict Hoffa.