

O'Hara Given Continuance in Ouster Hearing

The Louisiana Supreme Court today continued until Thursday at 11 a.m. a hearing on the state's move to oust Criminal Court Judge Malcolm V. O'Hara from the bench.

Justices of the high court granted the continuance after O'Hara's attorneys noted the absence from the bench of Chief Justice John B. Fournet.

The state attorney general's office is seeking the removal of O'Hara on charges that the jurist acted improperly in attempting to gather evidence to overturn the convictions of Teamsters Union boss James R. Hoffa and builder Zachary A. Strate.

ATTORNEY RUSSELL P. Schonekas, representing O'Hara, observed that Justice Joe B. Hamiter was acting as chief justice this morning in the absence of Chief Justice Fournet.

He asked for the continuance, declaring that the case is of vital importance to the judge, to the public and to the judiciary. He said the case is without precedence.

Schonekas also told the court that Attorney General Jack P. F. Gremillion, in the state's brief filed with the high court, had said the whole judiciary is on trial in the case and "we agree with him," Schonekas said.

A POSTPONEMENT "could not possibly prejudice anyone involved except Judge O'Hara, himself," Schonekas told the court.

Assistant Attorney General John E. Jackson opposed the continuance on grounds the state is entitled to an expeditious handling of the matter.

Jackson told the court he feels the case could be heard with less than the full complement of justices.

O'Hara's attorneys, in their brief filed with the court, denied that Judge O'Hara sought to have Baton Rouge Teamster official Grady Partin change his testimony, which was instrumental in the conviction of Hoffa for jury tampering. Strate was convicted on a fraud charge.

PRESENT IN THE COURT today were Dr. J. D. Grey, president of the Metropolitan Crime Commission, and Joseph W. Simon, executive vice president of the Chamber of Commerce of the New Orleans Area. Both were among the original 43 signers of the petition seeking the removal of Judge O'Hara.

Dr. Grey told newsmen he was "just a spectator" and was present because "as a citizen, I'm interested in the judiciary."

Appearing with Schonekas was attorney Edward A. Wallace. Also representing the state was Henry J. Wallace.

In another brief filed with the high court today, the New Orleans Bar Association, as a "friend of the court," charged that the conduct of Judge O'Hara "constitutes such gross misconduct as requires and necessitates his removal . . ."

THE BRIEF SAID:

"It is respectfully submitted that the conduct of Judge O'Hara . . . as revealed by the record in these proceedings is violative of the standards established by the Canons of Judicial Ethics and, in addition, constitute such gross misconduct as requires and necessitates his removal . . ."

THE ASSOCIATION SAID THAT

"if a member of the judiciary gives reason, by his conduct, his habits or his associates to have his integrity doubted, then no matter how honest or able he may be in fact, his decrees will be subject to the suspicion that they might have been rendered as a result of friendship or favor.

"His individual work as a judge will be impaired and the confidence of the community in the impartial administration of justice will be substantially weakened."