

Decision on O'Hara

It is always a sad day when a jurist must be officially censured for his conduct, for judges occupy peculiarly sensitive positions within society's fabric.

The Louisiana Supreme Court yesterday reprimanded Criminal District Judge Malcolm V. O'Hara, declaring that he "has compromised his office and the high degree of trust placed in him by the electorate . . ."

But, in the eyes of the court, "the record does not reflect that this conduct has rendered him 'utterly unfit' to perform the functions of his office."

So Judge O'Hara will retain his seat on the criminal bench.

In its 6-to-1 decision to dismiss the removal suit brought against the criminal jurist by Atty. Gen. Jack P. F. Gremillion, the Supreme Court said it was fair to conclude from the record that Judge O'Hara associated with a convicted felon, Zachary Strate, and that the judge "used his title of judge and the prestige of his office in an attempt to obtain evidence in order to set aside a conviction."

The conviction, said the attorney general, was that of James R. Hoffa, Teamster Union official now in prison, and Strate.

The record in the removal proceeding also led to the conclusion, said the high court, that Judge O'Hara accepted gifts and gratuities from Strate.

In his dissent, Justice E. Howard McCaleb, said he believed a judge guilty of gross misconduct if he used his title and prestige in an effort to get evidence to set aside a conviction and if he accepted gifts and gratuities from a potential recipient of benefits from an overturned conviction.

Men and women who sit on the bench in judgment of their fellow citizens bear heavy responsibilities. One of their obligations is to conduct themselves so that they can pass judgment when their own official and personal performance is questioned.

That serious questions were raised about Judge O'Hara's performance and that the Supreme Court considered them sufficiently valid to justify a reprimand should be a cause of genuine sorrow.