

## Ouster Recommended Haggerty Seeks Quick High Court Hearing

Criminal District Judge Edward A. Haggerty Jr. is asking for a speedy hearing before the Louisiana Supreme Court on a recommendation that he be removed from the bench for "willful misconduct."

The Judiciary Commission of Louisiana made the recommendation yesterday.

His attorneys, Robert J. Zibilich and George E. Moiledoux, said they disagree with the commission's findings and seek an early hearing by the court, which will make the final determination on whether Judge Haggerty will be removed.

THE ATTORNEYS said they are requesting Robert E. LeCorgne Jr., chief executive officer of the judiciary commission, to join them in asking the court for a speedy hearing. They said Haggerty has no plans to step down. The judge had no comment.

LeCorgne had told reporters earlier he could give no indication when the high court may act on the matter.

Today is the last day for hearings in the spring term of the court, but one associate justice said last night it is possible a special hearing could be called.

ANOTHER SAID, however, that such a summer hearing is unlikely and the case is not likely to come before the court until its fall term, which begins in October.

A further delay in the hearing might result from the Aug. 1 retirement of Chief Justice John B. Fournet. A special election has been called by Gov. John J. McKeithen in November to fill the vacancy to be created by the retirement.

If the Louisiana Supreme Court removes Haggerty from the bench, he would be ineligible to receive retirement benefits, according to Louisiana law.

If the court orders involuntary retirement he would retire with the same benefits of voluntary retirement.

BY LAW, THE Supreme Court may permit additional evidence to be introduced when reviewing the recommendation of the Judiciary Commission.

The constitution states the

Supreme Court has three alternatives in such a case — removal or involuntary retirement of the judge or dismissal of the proceedings.

In the case of removal, the judge's salary shall cease and he may be disqualified from holding judicial office in the state thereafter either permanently or temporarily.

Judge Haggerty, who made national headlines while presiding at the trial of Clay L. Shaw on charges of conspiracy in the assassination of President John F. Kennedy — a case in which Shaw was acquitted — was on the bench when notified of the recommendation.

HE RECESSED court and

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conferred with his lawyers, then invited newsmen into his office, where the attorneys made a brief statement and answered questions.

Zibilich said a hearing by the court itself "would be in the best interest of the administration of justice." Responding to a question whether he would "fight" against the recommendation, the lawyer said he did not like to use the word "fight," but added, "we are going to go for our rights under the law — and that is a hearing before the Supreme Court."

Judge Haggerty continued hearing and armed robbery trial last night and Zibilich said this attested to his plans not to retire. The attorneys said only the voting public should decide if a judge is to be removed from office.

WE BELIEVE that, absent from the gravest circumstances," said Zibilich, "a judge should only be removed from office in the same manner that he acquired that office — that is to say by vote of the people."

The lawyers expressed disappointment with the recommendation but added: "We are pleased that the commission saw fit to emphasize the fact of the judge's competence, and ability on the bench and assistance to counsel in general."

"We are further pleased with the favorable comment made concerning the judge's lengthy public service which has never been tainted with the hint of any evil activities."

WE EMPHASIZE that this decision is not final, but

is merely a recommendation. Automatically, this matter will be heard by the Louisiana Supreme Court."

Judge Haggerty was arrested along with 13 other persons, in a police department vice squad raid at the Motel DeVile, 3800 Tulane Ave., Dec. 17, 1969. He was charged with obscenity, soliciting for prostitution and resisting arrest.

He subsequently was found not guilty of all charges by Criminal District Judge Matthew S. Braniff Jan. 27.

The judiciary commission's hearing was held May 18 through May 23, during which scores of witnesses, most of them police officers, testified in the Supreme Court chambers at Gravier and Loyola.

YESTERDAY'S 46-page report outlining reasons for its recommendation of removal or involuntary retirement, said in part:

"The essential reason for our recommendation of removal results from the cumulative effect of several delinquencies. Individually, none of them by itself might be ground for removal; cumulatively they demonstrate in the commission's opinion that the respondent Judge (Haggerty) should be removed from the judicial office and that his continued incumbency is detrimental to the administration of justice and to respect for our state's judicial system."

The incident at the motel,



JUDGE HAGGERTY AND ATTORNEY ZIBILICH

Judge Haggerty's "irregular drinking and gambling habits," and consorting with and "openly and publicly" placing bets on horse races with "Victor Manuel Soto, a handbook operator with a criminal record," were cited by the commission.

"ON THE whole," said the commission in its conclusion, Haggerty's "public misconduct off the bench is so seriously delinquent as to bring disgrace and discredit upon the judicial office and a loss of public respect and confidence in his ability to perform his official duties impartially and conscientiously."

The report described the judge as a "heavy drinker in public in his off-bench hours" and told of bar bills amounting to several hundred dollars a month at the DeVille and the Rowntowner Motel.

It said he played poker one to two nights a week at the DeVille "with a group regularly including several members of the criminal bar." Haggerty was a consistent winner of "rather substantial sums from members of the bar practicing before him," the panel said.

THE REPORT also referred to the judge's "close friendship with Frank Occhipinti, manager and part owner of the Rowntowner Motel," and called Occhipinti "a man with self-admitted connection to Carlos Marcello, whom

the evidence shows to be a 'Mafia' leader of organized crime in the New Orleans area."

Judge Haggerty ran up a bill of more than \$1,700 in his dealings with Occhipinti, the commission said, "without any substantial payments, or any request having been made therefor."

"The nature of the impropriety indicated by this association and this creditor-debtor relationship is indicated by, among other things, the circumstances that Occhipinti's brother, Roy, was subject to criminal charges which were allotted for disposition before the respondent judge, and which were retained by him for disposition up until the present "investigation was instituted," the report stated.

JUDGE HAGGERTY admitted bringing films to the motel room "knowing they were of obscene nature," said the report, adding the films were "totally depraved" and "hardcore pornography."

Further, Judge Haggerty also "admits having brought the (three) prostitutes to the meeting, although he denies knowing they were such or that he brought them for the purpose of engaging in prostitution."

While it did not find that Haggerty secured the attendance of the prostitutes by advance planning, the report said, it did find it "incredible that he did not realize that these three women were engaged in activities of this nature."

JUDGE HAGGERTY, on March 14, 1969, "arbitrarily and illegally ordered the arrest of police officers Irvin Magri and Chester E. Cooke," the report added. The officers in the performance of their official duty "had discreetly informed the district attorney's office that they saw the respondent (Haggerty) leaving

an illegal dice game, which they subsequently raided."

"... Nevertheless," said the commission, "despite these gross delinquencies, the commission feels it is also incumbent upon it to state that the record reflects that the responding judge is regarded by the bench and bar as able and conscientious when actually on the bench.

"Despite his frequent absences and tardiness, he did dispose of his docket without undue delay. The respondent judge's expertise in criminal law, evidence and criminal procedure seems undisputed by all witnesses.

"We note also that, following the notoriety attaching to the respondent judge's arrest on Dec. 17, 1969, he has behaved in an exemplary manner, both on and off the bench, and has been neither absent from nor tardy in arriving at court on a court day."