

Probe Testimony Sought

McKeithen Is Challenged

By ALLAN KATZ

The attorney for Life magazine writer David Chandler today challenged Gov. John J. McKeithen to appear in federal district court to testify under oath on the state's probe of political corruption in Louisiana.

At the same time, attorneys for the governor were appealing to the U.S. Fifth Circuit Court of Appeals to quash a subpoena requiring him to appear in Federal District Judge Lansing L. Mitchell's court here tomorrow at 2 p.m. to face the questions of Cicero Sessions, who is representing Chandler.

Sessions issued his challenge just before the court took its noon recess in the hearing of a lawsuit filed by Chandler to quash a subpoena

issued for him by the joint legislative Mafia committee.

"THE GOVERNOR has been anxious to talk about these matters in every forum except in a courtroom under oath," Sessions said. "I will tell you I am anxious to question him under oath."

An aide said the governor is seeking to quash the subpoena issued by Sessions "because we feel that the chief executive of a state cannot be compelled to testify."

"He can testify if he wishes but no authority has the right to force him to do so."

EARLIER, CHANDLER testified he currently is investigating matters that involve some members of the joint legislative Mafia com-

mittee that seeks to question him.

He specifically mentioned the Magnolia Acceptance Corp. The former counsel for the MAC company, which currently is in receivership, is Sen. Adrian G. Duplantier of New Orleans, chairman of the Mafia committee.

Later, Duplantier said he has issued a statement which made clear his involvement with MAC was blameless. He said he is not interested in intimidating or harassing Chandler.

"We only want to get facts that will help us solve our problems in Louisiana," Duplantier said.

CHANDLER ALSO testified in the court of Judge Lansing L. Mitchell that at Gov. McKeithen's request, he once made a swing through the southern half of Louisiana to check on gambling activities and found a newly elected sheriff holding an inauguration party in a bookie establishment.

Chandler, who wound up two days of testimony at about 11:25 a.m., maintains the committee seeks to force him to divulge information from his confidential files and otherwise harass his activities as a reporter.

John V. Parker, attorney for the Mafia committee, held that Chandler is a former employe of the state for the period 1967-69 when Chandler served as a special state police officer at the request of the governor.

Parker produced a letter written by Chandler to McKeithen reporting on his activities as a special officer. He also produced a letter from Chandler to George P.

Hunt, editor of Life Magazine, in which Chandler said the governor was cooperating in a cleanup of the state.

CHANDLER SAID in rebuttal, "McKeithen often said things for effect and his carte blanche sometimes had no substance."

Parker sought to show that as a special officer of the state, Chandler had used the influence of the governor's of-

fice to investigate political corruption.

Chandler confirmed that on one occasion he used the influence of the governor's office to further an investigation.

He told of seeking access to the files of the state racing commission.

"I discovered that during meetings of the racing commission, the members would

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call an executive session when they wanted to discuss something of importance," he said.

"IN THESE instances, in executive session, they would discuss such matters as certain members allowing bookies to work at race tracks, the drugging of horses and the return to the owners of certain drugs seized in a police raid."

Chandler said the attorney for the state racing commission refused to turn these records over to him unless he was ordered to do so by the governor.

Chandler testified he called Mrs. Rita Vicknair, secretary to the governor, and asked her to call the attorney. She did so, Chandler said, and the attorney gave him access to the "secret minutes" of the racing commission.

Chandler said the secret minutes of the racing commission dwarfed in size the public records of the commission.

UNDER EXAMINATION by Cicero Sessions, the attorney

for Life magazine, Chandler said he is the only reporter the Mafia committee has subpoenaed and the only reporter whose confidential files they have tried to get.

Chandler said many other reporters in the state have done work similar to his, but none of these has been subpoenaed.

In this regard, he named Bob Shultz of the Readers Digest; Bill Lynch of the States-Item; Mike Kettering, WDSU-TV, and Bill Elder, WWL-TV.

Sessions contended attention is being focused on Chandler to "create a climate of persecution and prosecution by the executive, legislative and judicial branches of government."

AT ONE POINT during the proceedings, Judge Mitchell publicly apologized for what he termed some light hearted banter which he engaged in yesterday that involved the name of state attorney Gen. Jack P. F. Gremillion.

Mitchell was reported in the news media as saying the "PF" in Gremillion's name stood for "Old Pussy Foot."

Judge Mitchell said the remarks were made in jest and he regretted any inference derogatory to Gremillion.

Sessions, with whom Mitchell was engaging in "banter" when the remark was made also publically apologized to Gremillion.

Yesterday, Chandler complained the committee was trying to get him instead of trying to uncover information about organized crime.

BEFORE TESTIMONY began on the injunction request, a three-judge panel rejected a contention by Chandler's attorneys that the legislative resolution creating the anti-Mafia committee was unconstitutional. "We find that the statute is not overbroad or vague on its face," said Judge John Minor Wisdom of the U.S. Fifth Circuit Court of Appeals, speaking for the court.

"Adequate relief may be obtained without going into the constitutionality of the statute," he said. The ruling dissolved the three-judge panel created to rule on the constitutional issue and referred the case to Judge Mitchell alone. District Judge Fred J. Cassibry was the third member of the panel.

The court also ruled a case in which Jefferson Parish rackets figure Carlos Marcello seeks an injunction voiding a committee subpoena must be heard separately. A previous ruling had consolidated the cases involving Chandler and Marcello. No date was set for the U.S. District Court hearing on Marcello's suit.

Sessions said he will appeal the ruling on dissolution of the three-judge panel to both the Fifth Circuit Court and the U.S. Supreme Court. Sessions requested a delay in the trial until these appeals can be acted upon, but Judge Mitchell denied the motion and Sessions said he will appeal this decision also.

CHANDLER TOLD the

court yesterday that after three Life articles published in September 1967, McKeithen went to New York to confer with the magazine's editors. The governor said "he had heard enough and wanted to go back and clean up the state," Chandler testified, and he said he wanted to "borrow" Chandler to keep a log on McKeithen's cleanup activities.

It was first decided to appoint him to the governor's staff, Chandler said, but Sessions said this would not adequately shield him from Garrison's efforts to harass him.

Chandler then was appointed to the state police, he said, but his powers were restricted. His salary and expenses during this period were paid by Life, he said.

In late 1967, the writer testified, the governor asked him to tour the state and make a report on efforts to clean up organized crime. Following the tour Chandler said he told McKeithen there was as much vice in South Louisiana as before.