

STATES-ITEM

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NEW ORLEANS

## Once Tried to Oust Garrison

# O'Hara Gets DA's Case

State bribery and gambling charges against Dist. Atty. Jim Garrison and nine others today were allotted to the court of Criminal Dist. Court Judge Malcolm V. O'Hara, who once tried unsuccessfully to oust Garrison from the DA's office.

The 10 men, including two high-ranking New Orleans policemen, were indicted by the Orleans Parish Grand Jury on four charges—public bribery, conspiracy to commit public bribery, gambling and conspiracy to commit gambling. The first two charges are felonies, the last two misdemeanors.

Garrison appeared before O'Hara today and filed a motion to have his office recused, so the DA's office will not have to prosecute the case.

The indictments were made at the request of Garrison. They closely parallel charges filed in a federal affidavit June 30 when the 10 were arrested and taken before a U.S. magistrate. A special federal grand jury empaneled Aug. 2 has not yet returned any indictments in the case.

WHEN THE cases were allotted this morning, each of the four indictments was assigned to a different criminal court judge. But under court procedure the judge who is allotted the first felony case hears all cases against the same group of defendants.

In this case, the conspiracy to commit public bribery charge was allotted to Judge

O'Hara so each of the other charges also will be tried in his court. Actual assignment of the other three charges went to Judges Matthew S. Braniff, public bribery; Bernard J. Bagert, conspiracy to commit gambling; and Alvin V. Oser, gambling.

In 1965, Judge O'Hara took a leave of absence to run for the DA's post. After a heated campaign full of charges and counter charges Garrison soundly defeated O'Hara to retain the post.

There was no indication when the charges allotted today will be heard.

U.S. Atty. Gerald J. Gallinghouse said today the federal government's probe on organized crime in this area "goes far beyond" charges levied so

far against Garrison and the others.

Gallinghouse would not comment directly on the unusual move by Garrison to have himself and the others charged in state court.

It was not clear how the new state charges would affect the federal ones. There was speculation the state prosecution would preclude a federal one on grounds of double jeopardy.

The parish grand jury indictments were returned yesterday before Judge Bagert.

Garrison said he appeared before the jury earlier in the day to request the indictments "lest I be charged for failing to do my full duty as district attorney."

THE JURY also named for-

mer police Capt. Frederick A. Soule Sr., who was assigned to the DA's staff at the time of the alleged violations; former police Sgt. Robert N. Frey, onetime vice squad commander; and seven men in the pinball industry.

Soule and Frey were fired from the force after a departmental investigation of the federal accusations.

The federal affidavit accused Garrison and the others of bribery, illegal gambling and obstructing law enforcement. It charged that \$1,500 a month was paid to Garrison, Soule and Frey.

Garrison claims the federal charges are in retaliation for his investigation of the assassination of President John F. Kennedy.