

Dupuy Silent, Avoids Quizzing

Criminal District Judge Alvin V. Oser today excused city councilman Clarence O. Dupuy as a witness today after Dupuy twice invoked the Fifth Amendment and refused to tell the Orleans Parish Grand Jury about his dealings with the attorney for the inheritance tax collector.

Judge Oser sustained Dupuy's position that to answer the questions would tend to incriminate him and the judge relieved him from further testimony under the subpoena.

Dupuy was specifically asked whether he had secured the post of attorney for the tax collector for Floyd Greene, a law associate, and whether he had been given \$73,000 in fees that were due Greene.

To both questions Dupuy said that on advice of his attorney he was respectfully declining to answer under the Fifth Amendment.

Attorney Milton Brener, representing Dupuy, said Dupuy could clearly not be compelled to answer the questions because the district attorney has stated publicly the jury is investigating possible salary extortion and the questions were almost identical to the definition of the crime.

Volz argued that the questions would not tend to incriminate Dupuy, but Judge Oser ruled with Dupuy and Brener.

The court test before Judge Oser came after Dupuy refused to answer the questions in the closed-door session and was taken into open court to testify.

Greene, who testified in an alimony hearing in Civil District Court on Jan.

21 that he had given Dupuy \$73,000 worth of his fees in exchange for a regular \$700-a-month salary, was cited for contempt when he refused to answer grand jury questions. That case is now pending before a federal judge here.

Volz said that at this time the investigation is at a standstill at least momentarily and it would have to wait.

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until the question of Greene's immunity is settled by the federal courts.

Dupuy later commented that had he been invited to appear before the grand jury or the district attorney he would have explained in detail his posi-

tion in the case. Instead, he said, the district attorney elected to call other witnesses and to subpoena him even though other public officials had been invited to appear.

"There was no evidence of any wrongdoing by Mr. Greene or by myself and there has been no wrongdoing by Mr. Greene or myself," Dupuy insisted.

"I will not testify at this time. I am not going to cooperate with an investigation done in bad faith."

Volz denied that the decision to subpoena Dupuy constituted persecution, as the councilman insisted, and he added that the decision to call Dupuy was up to the grand jury itself.

Meanwhile, Volz said, the grand jury was moving ahead with its probe of possible kickbacks in the coroner's office and in the state planning office.

Volz said that Dr. Carl H. Rabin, the coroner, had asked to testify in the probe involving alleged payments by funeral directors to members of his staff in exchange for information about unclaimed bodies.

Dr. Rabin, who has denied any knowledge of such events, will testify next Thursday.

Today the jury heard Dr. Thomas Cocke, a former assistant coroner; Sam Moran, chief investigator for the office, and Richard Torres, former administrative assistant to the coroner.

A onetime employe of the coroner's office has told the grand jury that the practice of funeral directors paying for information about unclaimed bodies was widespread when he worked there.

In another case, two consultants to the state bridge crossing survey, William R. Burk Jr. and George D. Hopkins Jr., were called in the investigation of possible kickbacks to State Planning Director Ronald Katz.

Katz was removed by Gov. John J. McKeithen as the head of the state planning office's River Area Study after Burk and Hopkins filed complaints against him with the State Ethics Commission. He was retained, however, as head of the state planning office.

McKeithen said he removed Katz from the \$250,000 bridge study because he did not meet the deadline set for its end.

The Ethics Committee has taken no

7 April 1972 Judge Back Dupuy Action Refusal to Testify is Upheld

City Councilman Clarence O. Dupuy — who invoked the privilege from self-incrimination in connection with his dealings with the Orleans Parish attorney for the state tax collector — yesterday was upheld by Criminal District Court Judge Alvin V. Oser.

Oser ruled that the testimony would tend to incriminate Dupuy under the state public salary extortion law.

The councilman invoked the privilege when the Orleans Parish Grand Jury asked him if he secured for Floyd Greene the position of attorney for the tax collector and if he received fees, amounting to more than \$70,000 a year, resulting from the position.

MILTON E. BRENER, at-

torney for Dupuy, argued that the questions asked Dupuy were phrased in the same language used to define the public salary extortion law. Also, he argued, the district attorney's office had publicly stated it was investigating possible violations of the law.

Receiving a payment from a public official as a reward or remuneration for securing his employment was the violation to which Brener referred. Oser agreed and released Dupuy from his subpoena.

In a separate case, First Asst. Dist. Atty. John Volz said that the grand jury will invite Orleans Parish Coroner Dr. Carl H. Rabin to testify Thursday in connection with an investigation of operations of his office.

AFTER DUPUY'S appearance, Volz said the investigation into the fee sharing charge was at a standstill and probably would not pick up again until U.S. District Court rules on Greene's contention that he should not be forced to answer other questions in the same investigation.

"If the ruling is favorable, we'll be having Mr. Greene back," Volz said. Greene had also invoke the 5th Amendment privilege when he refused to answer whether or not he gave anything of value to Dupuy for securing the position for Greene.



Councilman Dupuy
on way to jury session

action in the case, but has referred the results of its preliminary investigation to state and federal authorities. Both federal and state grand juries then began looking into the allegations.

Katz and his attorney appeared at the office of U.S. Atty. Gerald J. Gallinhouse this morning, but apparently has not yet been ordered to testify before either of the grand juries.