

'Inferences ... Too Serious' Probe of Judges to Begin

The Orleans Parish Grand Jury will begin hearing witnesses this week in a probe of allegations against two Criminal District Court judges and one former judge of the court.

Dist. Atty. Jim Garrison revealed plans for the investigation yesterday, saying it is based on material supplied by the federal government in the form of transcripts of what he called "electronic eavesdropping."

The DA said he initiated the probe July 10 despite his original judgment that he felt no criminal prosecution was justified based upon the federal information.

Garrison was sharply critical of the "eavesdropping" operations of the federal investigators, saying his office does not engage in such practices and that he believes federal courts will eventually declare them illegal.

The witnesses were not named and it was not revealed when they will appear. The grand jury normally meets on Thursday.

In a news release issued yesterday, Garrison reiterated his statement made in a July 6 letter to state Atty. Gen. William J. Guste that, "I felt the material from the federal government did not justify criminal prosecution by the state of Louisiana."

GUSTE SENT Garrison a letter, released last Friday, that urged an investigation.

The attorney general said the Justice Department documents "raised the serious question of the possibility of attempted public bribery. They relate to public officials in positions which demand the full public confidence."

Garrison, however, said Monday that the investigation had already begun when Guste made the request.

Garrison, in a second letter to Guste, dated last Friday and also revealed Monday, said that "after having written of my evaluation of the material, I decided that—regardless of what my own evaluation might be—the allegations and inferences were too serious not to be looked into as a matter of course."

He said he decided "I should disregard my own evaluation and take steps to investigate and further objectify the data, if possible."

"On July 10, I wrote each member of the grand jury and informed them that I was going to make available to them the material which this office had received from the federal government."

GARRISON ALSO said that he allowed grand jury members to take home the full transcript of the government's tape recordings to study over the last weekend.

While the federal information has not been made public by officials having it, Guste did confirm they contained separate recorded conversations between former government informant Pershing Gervais and Judges Charles Ray Ward and Jerome Winsberg.

Guste also said the federal information also concerned former Judge Malcolm O'Hara.

Gervais once served as an investigator in the district attorney's office. However, he later became an undercover informer for the federal government in its investigation of an alleged bribery scheme to protect pinball operators.

The investigation led to indictments on conspiracy charges against Garrison and others in the case. Garrison, who has not been brought to trial, denied the charge.

Gervais recently alleged he was harassed by the federal government into the investigation. He also claimed Garrison was innocent.

GERVAIS ALSO recently termed the federal information about the three judges as a frame.

Garrison alluded to Gervais' state-

Turn to Page 11, Col. 1

Continued from Page 1

ments about the judges Monday.

"In a criminal case, it is necessary for the prosecution to prove that the defendants are guilty beyond any reasonable doubt," Garrison said.

"Because the federal government's evidence consisted more of inference than of clear criminal activity, because of the government's unduly long delay in making the transcript available and because the government's main witness—who would have to testify in behalf of the prosecution in any state trial—had denounced the substance and integrity of the federal evidence, I concluded that there was very little prospect of building a successful state prosecution out of the late-arriving federal government tape recordings.

"The government had retained these clandestine recordings for as long as 20 months, in at least one instance, before making them available to state officials."

Garrison also said his office "has followed a policy of refusing to participate in such secret police activity as wire-tapping and electronic eavesdropping."

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Grand Jury Will Try To Question Greene

By JACK DEMPSEY

The Orleans Parish Grand jury will make another try tomorrow to question reluctant witness Floyd F. Greene and has invited a federal investigator to testify in a new investigation.

Greene, attorney for the Orleans Parish inheritance tax collector, was upheld by a federal court when he refused to testify earlier, but Asst. Dist. Atty. John Volz said a recent Supreme Court ruling encouraged the grand jury to make another try.

The jury wants to ask Greene if he gave anything of value to City Councilman Clarence O. Dupuy to secure his appointment in 1964.

Meanwhile, the jury was to begin its investigation into allegations against two Criminal District Court judges and a former judge of the court. Invited to testify was John Wall, head of the federal organized crime strike force. He was not subpoenaed.

Dist. Atty. Jim Garrison announced the investigation Monday after previously saying no criminal prosecution was justified by the information supplied by federal officials.

Though it is not public, the information is believed to be recorded conversations between former government informant Pershing Gervais and Judges Charles Ray Ward and Jerome Winsberg, as well as former Judge Malcolm V. O'Hara.

Volz said Wall was asked to send a representative from his office if he did not wish to appear himself.

No witnesses were subpoenaed in the judges' investigation, and it was also understood the jury would not take up an announced investigation of alleged irregularities in Parish Prison operation.

The jury has been probing the Greene matter intermittently since January, when Greene testified in a divorce case that he gave all but \$700 a month of his job fees to Dupuy, passing on a total of \$73,000 in a 13-month period.

Greene refused to testify even though he was granted immunity from prosecution and received a contempt citation, but won on appeal to federal court. The jury now plans another try under new guidelines laid down by the U.S. Supreme Court.