

ORLEANS PARISH GRAND JURY

SPECIAL INVESTIGATION

AUGUST 9, 1967

*Judge Malcolm O'Hara*

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PRESENT: MR. JIM GARRISON, DISTRICT ATTORNEY,  
MESSRS. CHARLES WARD, ALVIN OSER,  
ANDREW SCIAMBRA AND NUMA BERTEL,  
ASSISTANT DISTRICT ATTORNEYS

MEMBERS OF THE ORLEANS PARISH GRAND JURY

JUDGE MALCOLM V. O'HARA

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Reported by:  
Maureen B. Thiel  
Secretary  
Orleans Parish Grand Jury

JUDGE MALCOLM V. O'HARA, after being duly sworn by the Foreman of the Orleans Parish Grand Jury, testified as follows:

MR. CHARLES WARD:

For the record, please state your name and address?

A. Malcolm V. O'Hara, 801 Henry Clay Avenue.

Q. What is your occupation?

A. Judge of Section "A", Criminal District Court for the Parish of Orleans.

Q. When were you elected to office?

A. July, 1962.

Q. Prior to your election were you also State Senator representing several of the Wards in New Orleans?

A. I was elected to the Louisiana State Senate in 1960 and remained in that capacity until I was elected Judge in 1962.

Q. Judge, during the time you practiced law did you practice with Leon Hubert and Edward Baldwin?

A. Yes, I did and I practiced with each of them separately and jointly. I practiced first with Edward Baldwin in 1958 and then I believe Mr. Hubert came into the firm around 1959. I remained in that partnership until I was elected Judge in 1962.

Q. On June 5th of this year did you have occasion to see Ed Baldwin, your former law partner, in New Orleans?

A. Yes, I did.

Q. Where?

A. In my chambers, back in the Court.

Q. Did you have a conversation with him?

A. Yes.

Q. Tell us the nature of that conversation?

A. Mr. Baldwin came into my office prior to the beginning of court, I would say approximately a few minutes after 10:00 o'clock that particular morning and he told me that he wanted to talk to me and since there was nobody in the office I said "Ed, go ahead and say what you have on your mind, start talking". He told me that he had been in contact with a gentleman by the name of Walter Sheridan and he said, "you know who he is", and I told him I knew very well who he was. He said that Sheridan had been in the City of New Orleans for approximately 3 or 4 months putting together, as he put it, a "white paper" for the National Broadcasting Company. I told him I had heard rumors to that effect, but I knew nothing about it. He told me, Baldwin said, that he was a little concerned because I was seen constantly with the gentlemen by the name of Zachary Strate and Pershing Gervais. I said "Hell, Ed,

I see them almost every day at the Fontainebleau Hotel - I see them there, I see a lot of people there. The fact is these men are good friends of mine - I talk to Gervais every day, almost every day. And he said that Walter Sheridan had told him that he was very surprised that I, being a State Judge, had been in contact with a Government witness in the Chattanooga-Hoffa case. I said "Ed, Mr. Sheridan told you the truth, I did see the man, I saw him in company with a very reputable gentleman from Baton Rouge and I did talk to this particular witness.

Q. Who was that gentleman?

A. Edward G. Partin. I told him that I had seen him and talked to him. Then Baldwin said to me, he said 'Sheridan told me that the Judge played it very smart, that he did not offer this witness anything, that he did not make him any promises, all he asked the witness for was to tell the truth.' Those were Sheridan's words to Baldwin, as reported to me. I told Baldwin, sorta laughingly, "well Ed Partin finally told the truth, that is exactly what happened and Sheridan has the right dope." So when Baldwin told me this, after telling me he was concerned that maybe my reputation was at stake by seeing Mr. Strate and Mr. Gervais and contacting the Government witness, I thought

that possibly, not possibly, but some sort of threat was emanating from some place and when he told me he was in contact with Sheridan I thought Sheridan was sending me a message. So after we passed this subject up Baldwin began to relate, in somewhat sketchy detail, as to what this white paper would consist of.

Q. About your meeting Partin, were you meeting Partin unless there was a veiled threat?

A. There is a background to some of this and some of it gets to be very subtle at points. During this conversation in the office Baldwin related to me how Sheridan had gone to some TV Station and replayed all of my campaign tapes against Mr. Garrison, and Baldwin said that Mr. Sheridan's reaction was that I had run a hell of a campaign and I was also a prophet in foreseeing the doom of Mr. Garrison. In other words, I was complimented at one point and I thought a little threatened at another point. So he gave me the sketch of the NBC white paper and I suggested to Baldwin, because it was getting close to court time that we better continue this conversation somewhere else, and I suggested that we go to lunch at the Fontainebleau Hotel, which we did when I finished at court.

Q. That same day?

A. Yes, we met at approximately 12:30 or 1:00 o'clock.

Q. What occurred at the Fontainebleau when you met Mr. Baldwin?

A. At lunch Baldwin enumerated in detail what this program was to consist of and witness by witness as to who would appear on the show and what they would say. He enumerated or spelled out his personal dislike for Jim Garrison, that he personally thought that he should be destroyed, that Sheridan's sole mission in the City of New Orleans with this so-called documentary was to end the problem, destroy Garrison or to get him to resign. We talked about how Mr. Garrison's campaign had affected his life, and what happened to me thereafter, and Baldwin was very vindictive about the results of the campaign. I told him, I said "Look, Baldwin, that ball game is over, I have forgotten about it, I am trying to lead my life as normally as possible". I also told him that after hearing his version of this TV program that I did not think it would end in any manner, or stop the problem, or destroy Garrison, or cause him to resign. Interspaced with all of this, all of the conversation at lunch, was more conversation about Strate and Pershing Gervais, and how bad it is for me to be seen with them

and I don't know whether it was at lunch or in my office but Baldwin told me, he said you know you pick the next Grand Jury and I said, "Ed, I am very well aware of the fact that I pick the next Grand Jury, it comes around but every 3 years and I know when it is my turn and I said I will pick it in accordance with the law, I know what I am supposed to do and I am selecting the next Jury, so let's forget about it." I don't know whether I said it in my office or at the lunch. After I had conveyed the idea to Baldwin that I did not think the TV program would destroy Garrison I told him "I know a way that I might be able to help you if things work out all right." I said, "if they do, maybe this will severely hurt, it might even obliterate Garrison but let me tell you something, I am not interested in doing this, I am physically tired, I am emotionally drained, I do not want to be involved in any fracas with Mr. Garrison, I took him alone, he beat me, that is the end of it. However, if I change my mind I will let you know and somewhere injected in here he gave me some sort of an invitation to meet with Mr. Sheridan if I changed my mind. That generally is what we discussed at lunch and this



took a considerable period of time. Gentlemen this was on a Monday, all of this took place on this day.

Q. When you talked with Mr. Baldwin did Pershing Gervais' name come up as a means of , or vehicle to make inroads with Mr. Garrison?

A. Not with Baldwin.

Q. Did you have occasion to see Sheridan at a later date?

A. Yes.

Q. Where?

A. I met with Walter Sheridan along with Mr. Zachary Strate and Mr. Edward Baldwin at the Bourbon-Orleans Hotel here in New Orleans at approximately 5:00 p.m. in the bar or cocktail lounge.

Q. When you first met with Mr. Baldwin-do you recall the approximate date when you first met with Mr. Baldwin, Mr. Strate and Mr. Sheridan?

A. Exactly one week later, it would be June 12.

Q. The time of day would have been around 5:00 o'clock p.m.?

A. Yes. It was right at 5:00 o'clock.

Q. How did you get to the Bourbon-Orleans?

A. I was with Mr. Strate.

Q. When you arrived at the Bourbon-Orleans, will you tell us what happened?

A. Mr. Strate and I arrived at approximately five or ten minutes early, we walked into the bar but did not see anybody I recognized and apparently he did not either. We looked around pretty good but did not see anybody. He said let's go kill a little time and walk around the block and give them a few minutes to get here. So we walked several squares and returned to the Hotel and into the bar and there was a gentleman seated at the bar. Incidentally this is like many such places, dimly lighted, but I did see a man seated at the bar. When we returned to the bar Mr. Strate and I took a table a fair distance away from the bar and we sat down there for approximately five minutes when Mr. Baldwin walked through the door. He spotted us because we were seated between the bar and the door and he said to me "Hi Mac", and he reached over and shook hands with Mr. Strate saying "Hi Red", all of this took a matter of seconds. He then proceeded from our table and talked to the gentleman who was seated at the bar and brought that gentleman over to the table. That gentleman was introduced to me as Walter Sheridan. Mr. Strate knew Mr. Sheridan. We made a little small talk, but it was pre-

arranged between Mr. Baldwin and myself that after the four of us met Mr. Baldwin and I were to walk away from the table and let Mr. Strate and Mr. Sheridan discuss whatever they were to discuss.

Q. Did Mr. Baldwin know you were going to be in the company of Mr. Strate?

A. I have to answer this way. In setting up this appointment - first of all there was a little confusion, I told him when I first contacted him maybe we will meet where Mr. Sheridan can get a lot of calls back and forth, I talked to Baldwin three or four times in setting up this matter and on each occasion that I spoke to Baldwin in reference to setting up the meeting I told him, I said, "Ed, I am going to bring someone with me to this meeting". He knew positively that I was bringing some one, now the only people we talked about, I don't think Ed thought I would bring Mr. Garrison and the only other people we discussed were Mr. Strate or Mr. Gervais, and/or Mr. Gurvich, so I can only go by deduction that Baldwin knew who I was going to bring.

Q. Was he surprised to see Strate with you?

A. He did not seem to be surprised. And remember the gentleman

who was at the bar was Mr. Sheridan and/<sup>he</sup>was sitting there when Strate and I were at the table, so I don't think that Mr. Sheridan was surprised, he may have been surprised, but he knew positively who I walked in with and was looking at us for five minutes before Baldwin walked in.

Q. What happened after Mr. Baldwin left your table and went to speak to Sheridan?

A. Nothing. Strate and I were watching for him to bring him over.

Q. Immediately?

A. Yes, immediately.

Q. What happened after that?

A. As I said, after the introduction some small talk, and then I told Ed, "let's go take a walk", so he and I walked away from the table a considerable distance, I guess some 30 feet from their table, went near the bar and ordered a lemonade.

Q. You walked away so you would be out of hearing distance?

A. Yes.

Q. How long did you stay away from the table?

A. I can only approximate, I would say about an hour.

Q. During that time was Mr. Sheridan conversing with Mr. Strate?

A. Constantly.

Q. After the conversation, what occurred after that?

A. I don't know exactly who called who over, either Mr. Sheridan signaled to Mr. Baldwin or Mr. Strate signaled to me, as though OK we have had our conversation, come on back over to the table.

Q. When you walked back did you overhear any of the conversation between Mr. Strate and Mr. Sheridan?

A. All four were talking, sometimes I was talking with Sheridan, Baldwin was talking to Strate, and it bounced back and forth. Mr. Sheridan and I generally discussed very briefly his role in the TV program, I believe I asked him what are you trying to do with this TV thing and he said "we want this problem stopped at all costs", or "no matter what it took", or words to that effect. I said how do you expect to do this? He said this TV show will have a great deal of impact and he said it may be as a result of it the Grand Jury will take some action against Mr. Garrison for malfeasance, or words to this effect, or that the Attorney General will supersede him, or possibly the Governor will exercise some pressure upon Mr. Garrison and make him quit that way. I told Sheridan

I don't think any one of those three things will happen, either individually or collectively. I made some little joke, I said you know Mr. Sheridan it is too God damn hot around here for people to be worrying about this! Something irrelevant, I was trying to change the subject. I don't know how long we talked, we ordered a drink, perhaps an hour or 45 minutes, and as the conversation was breaking up I heard Mr. Sheridan say to Mr. Strate "why don't you let me help you in Chicago" those were his exact words: "why don't you let me help you in Chicago?" After those words were spoken, almost simultaneously with that statement, we all sensed that the conversation had ended so we began milling about, shoving away from the table and making our goodbyes. I remember nothing after that statement except that we all said we will see you all later, or words to that effect. So we left. I know Mr. Strate and I left first, whether they left immediately thereafter I don't know.

Q. Did you see Baldwin any time after that? Any time in your office after that in relation to this?

A. I don't know if it was the next day, Tuesday or Wednesday,

but it was a very short period of time when Baldwin walked back into my office and he said, "Say, Mac, did you hear what Sheridan told Red: 'why don't you let me help you in Chicago'". And I said "Ed, you are damn right I heard Sheridan say that" and that was the end of the conversation at that particular time when he came into the office, it was close to 10:30 and I put on my robe and went out on the bench. Since that time I have seen Ed a few times, but we have not discussed this meeting.

FOREMAN:

Any more questions, gentlemen?

We will convene back in the Grand Jury Room.

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C E R T I F I C A T E

I certify that the preceding transcript is a true and correct copy of the testimony given, under oath, before the Orleans Parish Grand Jury, on the 9th day of August, 1967, and reduced to typewriting by me.

Maureen B. Ship