

PERSONALITY

Alioto's Odyssey

Over the past three years, San Francisco Mayor Joseph Alioto's life has been a long odyssey through litigation and apparent scandal. In September 1969, a *Look* magazine article accused him of consorting with known Mafiosi. Then the State of Washington filed a civil suit against him in an attempt to recover \$2.3 million in legal fees. On top of all that, the Federal Government indicted him on bribery charges.

Few politicians could have survived such accusations. Alioto has. He has in fact been cleared of all the civil and criminal charges. The final round, unless he decides to sue a third time, of his frustrating three-year legal tug of war with *Look* came to a close two weeks ago when the jury in the second trial of his libel suit against the magazine voted 12 to 0 in his favor, agreeing that the article was substantially false and that it defamed Alioto. Thus vindicated, the ebullient, violin-playing mayor is now being touted as the California Democrat with the best chance of receiving his party's gubernatorial nomination in 1974, when Ronald Reagan's present term is up. A résumé of his trouble and triumphs:

THE LOOK SUITS. Alioto's legal battles began with the Sept. 23, 1969, issue of *Look*, which included an article headlined: THE WEB THAT LINKS SAN FRANCISCO'S MAYOR ALIOTO AND THE MAFIA. The story claimed that Alioto had connections with at least six active Mafia members. Alioto aggressively counterattacked, filing a libel suit the same day he read the article.

But it soon seemed to him that he was involved in more than an example of overzealous journalism. The article was obviously beneficial to Ronald Reagan. More ominous to Alioto was the covert cooperation *Look's* writers had received from federal authorities in preparing the story. Alioto charged that the writers had interviews with at least two FBI agents and had obtained confidential records from the Federal Bureau of Narcotics and Dangerous Drugs, the U.S. Attorney General's office, the Internal Revenue Service and the U.S. Bureau of Customs. Alioto said that they also had gathered information from intercepted mail and an illegal telephone tap operated by the FBI.

The Senate Subcommittee on Constitutional Rights looked into Alioto's charges, and William Rehnquist, then an Assistant Attorney General and now a Supreme Court Justice, denied any wrongdoing by any federal agency. Rehnquist did admit that FBI Agent Herbert Mudd had given *Look* some unauthorized information, but said that "appropriate disciplinary action was taken."

Look offered to settle the libel case out of court, which would have en-

hanced Alioto's political image just before his re-election in November 1971. But his price tag of nearly \$100,000 was too high, and *Look* backed off.

In court, an earlier jury and the recent one determined that Alioto had indeed been defamed by the *Look* article, which both juries concluded was false in one or more of its allegations. In his suit, Alioto had asked \$12.5 million in damages from Cowles Communications, which published the now-defunct *Look*, and the company's board chairman Gardner Cowles. Although the juries agreed that Alioto had been wronged, both refused to award dam-

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SAN FRANCISCO MAYOR JOSEPH ALIOTO

ages, contending that they were unable to decide if the article was intended to do him malicious harm.

THE FEE-SPLITTING CASE. While the libel case was in train, the State of Washington, three cities, one port and eight public utilities in January 1970 brought civil suit against Alioto, whom they had retained to prosecute price-fixing suits against utility-equipment manufacturers. Alioto, one of the country's leading antitrust lawyers, had hired two attorneys to help him, and the trio proved all too successful: they won \$16 million in judgments and received \$2.3 million in fees, which Alioto split with the other two attorneys. The state and the other groups sued to have the entire sum returned. Though that trial took six months, the jury after only a single day's deliberation unanimously found that the three were entitled to the total fee.

THE BRIBERY CHARGES. Alioto and the two attorneys were accused of bribery by the Federal Government because of the means by which the fees were awarded, and in March 1971 all three

were indicted. The indictment came during Alioto's re-election campaign, and there was little hope that the case would be tried before Election Day. Despite the criminal charges hanging over him, Alioto won. When the case finally went to court, Alioto and his co-defendants were cleared of the federal charges by a judge who thought the Government's case was so weak that he ordered acquittal without bothering to hear the defense.

Alioto angrily contends that his legal problems were politically motivated: he was becoming a threat to the Republicans' hold on the statehouse. His *bête noire*, Alioto insists, was former U.S. Attorney General John Mitchell.

Mitchell denies the accusation. "He's made these wild charges time and time again. Obviously, I've never talked about the subject matter or the Alioto indictment with the President or Governor Reagan. It's absolutely ridiculous that I had any interest in Mr. Alioto's political future."

Now Alioto believes that he has



A PAGE FROM THE "LOOK" ARTICLE Cooperation from federal authorities.

been through the worst of it. As enthusiastic and outgoing as ever, the bull-shouldered son of a Sicilian-born fisherman hopes that his political fortunes are back where they were in 1968, when he delivered the nominating speech for Presidential Candidate Hubert Humphrey, was briefly considered for the vice-presidential nomination and was widely regarded as one of the party's rising new talents. "I don't come from a wailing tradition," Alioto says. "We take life as it is. It is a tough life, and we know it is. They have plumbed every aspect of my life, and this is all they have been able to come up with: two ridiculous, silly, unsubstantial charges. I think they are through."