

HOFFA RETRIAL MOTIONS DENIED

T.P. 923/67
Gervais, Baldwin Told to
Appear Today

A federal judge denied motions in Chicago Tuesday for a new trial for James Hoffa, imprisoned Teamster Union president, and five codefendants who were convicted in 1964 on charges of fraud and conspiracy.

Earlier, federal subpoenas were issued for Pershing O. Gervais, former New Orleans district attorney's aide, and attorney Edward M. Baldwin, ordering them to appear at the hearing Wednesday.

Criminal District Court Judge Malcolm O'Hara of New Orleans sat outside the courtroom during Tuesday's proceedings. Judge O'Hara testified Monday that he was the expense-paid traveling companion of a New Orleans builder who was convicted along with Hoffa.

BUGGING ADMITTED

Baldwin was O'Hara's campaign manager in 1965 when the judge ran unsuccessfully for district attorney against incumbent Jim Garrison. Gervais was one of Garrison's chief assistants.

Judge Richard B. Austin of U.S. District Court made his ruling at the close of seven days of testimony in the hearing ordered by the Supreme Court.

The high court had ordered the hearing after the government admitted it obtained evidence by electronic eavesdropping of a conversation between a codefendant, S. George Burris, and a Miami businessman, Ben Sigelbaum.

Judge Austin said: "It is the opinion of the court that no tainted evidence had been heard in the course of the original trial and that the government learned nothing new from these overhearings of Dec. 2, 1963 (the Burris-Sigelbaum conversation) or other overhearings that have been referred to."

RULING ASSAILED

Judge Austin said it would

take some time to make a formal written opinion but added, "I feel no purpose would be served in not making known now what the findings will be."

Lawyers for Hoffa termed the ruling "a flagrant violation of the defendants' constitutional rights." They charged the government used the illegally obtained information to form its 1964 case.

The defense surprisingly did not call Walter Sheridan, a top aide to Robert F. Kennedy when the latter was attorney general. Testimony of another defendant had linked Sheridan with knowledge of wiretapping and Sheridan had been subpoenaed by the defense.

Zachary A. "Red" Strate, 47, a New Orleans builder, testified that Judge O'Hara attempted to get an "affidavit of confessed wiretapping" from the key witness in Hoffa's earlier

Cont. in Sec. 1, Page 4, Col. 4

PICAYUNE, NEW ORLEANS, 1

HOFFA CASE

Continued from Page 1

Chattanooga jury-tampering trial.

FREE ON BOND

Strate said the witness, Baton Rouge Teamster official Edward Grady Partin, refused to sign the affidavit.

Strate was sentenced to three years in prison and fined \$5,000 for his part in the alleged conspiracy to defraud a Teamsters pension fund of about \$20 million. He is free on appeal bond. Hoffa is appealing his conviction, which resulted in a five-year prison term and \$10,000 fine.

Judge O'Hara testified that on June 5, 1967, Baldwin called him in his chambers. He said Baldwin told him Sheridan, a former Justice Department investigator, had told him he was doing a "White Paper" for the National Broadcasting Co. on Garrison.

He said Sheridan had tele-

vision tapes of O'Hara's speeches in his campaign against Garrison, and that Sheridan was quite impressed with the speeches.

Judge O'Hara said Baldwin talked with him about his relations with Strate. "Baldwin told me I should not be seen with such people. I told him Strate was my good friend," and that Baldwin himself associated with Gervais, O'Hara said.

MET FOR LUNCH

"Then he (Baldwin) talked to me about the fact that I would select the next grand jury in the parish. I said, 'Ed, this is strictly my business. It will be done legally. I don't want to discuss it,'" said O'Hara. "I told him off pretty fast," he added.

O'Hara said Baldwin then sketched what Sheridan was doing on the White Paper, and they arranged to have lunch. "They met me for one and a half hours at the Fontainebleau Motor Hotel," O'Hara said, and discussed Sheridan's investigation of the Kennedy assassination at length.

"He told me Garrison should be removed as district attorney because he is a menace to the city, state, and country and is one of the most dangerous men in the U. S.," O'Hara said.

ACTIONS ALLEGED

O'Hara said they also discussed that after Garrison won the 1965 race, the DA had done a great deal to keep Baldwin from getting any business as a criminal attorney.

He said Baldwin "strongly suggested he was closely allied with Sheridan in getting his project together."

They arranged a meeting July 12 at the Bourbon Orleans between O'Hara, Baldwin, Strate and Sheridan, O'Hara testified. He said he went with Strate, and Baldwin brought Sheridan to the table.

O'Hara said he and Baldwin left Strate and Sheridan at the table to "negotiate."

EXPENSES PAID

Judge O'Hara testified that he had accompanied Strate on a number of trips around the country, including a visit in May to Teamsters headquarters, and that Strate paid his expenses. He said he knew no one at Teamsters headquarters. "My only purpose was to go

with Strate," he said.

Strate testified earlier that he and Judge O'Hara had traveled to Washington, Las Vegas and other spots and "generally when we travel together I pay the bills."

He said that he, Judge O'Hara and another Teamsters official had met in the Washington office of Frank Fitzsimmons, acting Teamsters head.

GARRISON TOPIC

"There was some conversation . . . it was 99 per cent about Garrison."

O'Hara said he posed the question of what Sheridan intended to do with the program. Sheridan said:

"It's the hope that the investigation will expose Garrison's fraud and put an end to the investigation."

O'Hara said his comment was "it might bend or smear Garrison but I don't believe he could stop any investigation with this program."

"Sheridan said to Strate as he was leaving, 'Why don't you let me help you in Chicago?' There was no reply from Strate."

O'Hara continued that a day or two later Baldwin returned to his office and said, "Hey, Mac, did you hear Sheridan tell Red, 'Why don't you let me

ADVERTISEMENT

help you in Chicago?" O'Hara said he did.

ANOTHER MEETING

O'Hara also said there had been a meeting in the office of Fitzsimmons, although the judge said he did not believe Fitzsimmons had been present.

At the meeting, said O'Hara, "there was some discussion of Hoffa being at Louisburg (W. Va.) Penitentiary and how we could go about alleviating (sic) Louisburg and moving him (Hoffa) to some other place of confinement."

O'Hara was asked to describe another meeting, which Strate testified earlier had been held in the office of James H. "Buddy" Gill, an administrative assistant to Sen. Russell B. Long.

Strate told the court the meeting had been called in an attempt to get Partin, who was business agent for the New Orleans Teamsters local, to sign an affidavit stating that wiretap evidence had been used to convict Hoffa in the Chattanooga cases.

'CALLED BY STRATE'

O'Hara admitted being at the meeting and said it had been held in late February of this year.

Asked who had requested the O'Hara-Partin meeting, the judge replied, "Strate called me and said there were feelers, that Partin wanted to talk."

O'Hara was asked whether Strate had ever been introduced to Ross Scaccia, the assistant district attorney then assigned to Judge O'Hara's section of court. He told the lawyer that

the three men—O'Hara, Strate and Scaccia—had lunched together about 50 times.

"Did you have a long conversation with Scaccia regarding your activities on behalf of Strate?" was the next question.

"Scaccia told me, 'Perhaps he's too hot for you. You're a judge, why don't you just drift away from him?'"

"Did Scaccia ask you what

you were getting out of the association?"

"No," the judge answered.

"Did you tell Scaccia you were \$30,000 in debt from your campaign?"

An objection was sustained.

On re-direct questioning by Walsh, the judge said that Partin, while refusing to sign the affidavit, suggested two names

as "persons who might be related" to the case in Chattanooga. These he named as Baton Rouge Municipal Judge Hawk Denials and Sargeant Pitcher, Baton Rouge district attorney.

Gill had been present at the meeting with Partin in Baton Rouge, Judge O'Hara testified, but he had left to keep an appointment with Pitcher.