

# Faulty Tape Texts Used in Hall Trial

By Jack Anderson  
and Les Whitten

The Justice Department used recklessly inaccurate transcripts of secret tapes to help convict Oklahoma's former Gov. David Hall in a nationally publicized bribery trial.

The official transcripts are loaded with serious mistakes. For example, the word "most" is transcribed as "less," and "disobeying" comes out as "just being." Throughout the transcripts, innocent words appear incriminating and vice versa, lengthy tape gaps aren't mentioned and one person's statements are put in the mouth of another.

Hall's own conversations, recorded without his knowledge while he was still in office, were used to help convict him. Yet part of a key conversation, which tended to exonerate him, was omitted from the transcripts that were used at the trial.

The enormity of the errors and omissions in the Hall transcripts—combined with similar mistakes we discovered in an unrelated Washington criminal case—casts doubt on the convictions of hundreds of suspects.

It has been common practice to tap telephones, bug rooms

and rig informers with body recorders to gather evidence. The transcripts of these tapes have been used in countless proceedings, ranging from narcotics trials to Richard M. Nixon's impeachment hearings.

Earlier, we reviewed 150,000 words in FBI transcripts, which had been stamped as "Evidence" and circulated to prosecutors and courts. We found more than 30,000 errors, some serious enough to jeopardize the rights of the accused.

Wherever such transcripts have been used, the danger exists that the suspects have been improperly jailed unless their lawyers took the unusual pains of going over the government's transcripts word for word and comparing them with the original tapes, as we have done.

A veteran Justice Department lawyer, whose job would be jeopardized if we identified him, has confirmed that the "typical, normal transcription" is a "shoddy job." He considers it "horrendous" that suspects may go to prison on such fraudulent evidence. Yet the department has been satisfied to let its tainted convictions stand.

In the Oklahoma case, Hall was indicted shortly after he stepped down as governor in

January. He and Dallas financier W. W. (Doc) Taylor were charged with attempted bribery and related felonies.

Taylor allegedly offered \$50,000 for Hall's help in securing a contract. The evidence against them was obtained largely from Oklahoma's Secretary of State John Rogers, who allowed his telephone to be tapped and permitted FBI agents to rig him with a body recorder and miniature transmitter.

In return for his cooperation, Rogers was granted immunity from prosecution on tax and securities charges.

The Rogers tapes were transcribed by the FBI, the U.S. attorney's office and Oklahoma state personnel. The transcripts were used, mistakes and all, to get the two defendants indicted. Then the same transcripts were given to the defense attorneys to prepare their cases.

Hall and Taylor were prosecuted by U.S. Attorney William Burkett, a Nixon appointee and political opponent of Hall. At the trial, the tapes were a sensation. The transcripts, though not admitted into court evidence, were dramatically used by Burkett to summarize what he said the jurors were hearing on the scratchy tapes.

He used them to examine witnesses, quoted from them to make his arguments and waved them before the jury. Thus, the errors in the transcripts became part of the fiber of the trial.

On some points, the defense attorneys questioned their accuracy, and many transcripts were redone. But even though FBI agents swore the new versions were accurate, we found them still full of mistakes.

Federal Judge Fred Daugherty allowed the error-riddled transcripts to be used at the trial, and both defendants were convicted. Hall was sentenced to three years, Taylor to 18 months. The case is now headed for the appeals court.

We have listened carefully to the tapes and have compared them to the transcripts. We found error after error, as many as 100 per page. Unaccountable gaps, a la Rose Mary Woods, occur at strategic moments.

Although we found some omissions and distortions that, if corrected, would strengthen Burkett's case, we found more instances that would help Hall and Taylor. In any event, the jury clearly did not get the "best evidence."

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