

The Trials of Hoffa

Post
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In 30 years at the bar, I have never seen anything more subversive of the American Judicial System of justice and the constitutional rights of a citizen than the editorial policy of *The Washington Post* on James R. Hoffa. Your editorial of Dec. 1, "Hoffa's Legal Blitz" is the latest example.

Mr. Hoffa has filed a petition with the Supreme Court of the United States to review his conviction in Chattanooga on the main ground that it was obtained by violation of his rights under the Fourth and Sixth Amendments. As one of his counsel, I helped to prepare that petition; and was proud to sign it in the firm belief that it presents sound facts and reasons for the Court's review. In doing so, neither I, nor my colleagues in the matter, were participating in any "scandalous assault upon the United States judicial system" or extending some sort of improper "paper blitz" to the Supreme Court," as your last editorial puts it.

At a minimum, your editorial recklessly maligns the professional good names of some readily identified lawyers of excellent reputation. But, more fundamentally, in attacking Mr. Hoffa's right to seek Supreme Court review of constitutional questions, you are either attacking the right of any citizen to seek such review, or attacking the right of one citizen alone to do so because his name is Hoffa. The former is hardly defensible; the latter does you no credit.

After Mr. Hoffa appealed from the Chattanooga conviction, it was discovered that the Government had a secret informer ostensibly working with Mr. Hoffa's counsel in his defense of the Chattanooga charge. *The Post* has expressed no disapproval of this shoddy governmental action; but it appears to be a rather clear invasion of his Sixth Amendment right to counsel. His lawyers raised this question properly by a motion for a new trial in ac-

cordance with the Federal Rules of Criminal Procedure. Properly raised, too, by like motion for new trial is Mr. Hoffa's claim that the Government supplied the jurors in his case with liquor and prostitutes. Your last editorial speaks of this claim as "wild tales." In an earlier editorial you noted that affidavits of prostitutes supported this claim. But you failed to note what was much more significant, namely, that this claim is supported by affidavits of a number of completely respectable citizens with no reason to lie, who are, indeed the acquaintances or fellow employees of the jurors concerned.

Of such motions by Mr. Hoffa for a new trial you say: "no one should be allowed to make a mockery of justice because he can pay lawyers to file motions faster than the courts can dispose of them," and you conclude "He must not be allowed to succeed." It is difficult to understand how you sit in Washington and rationally decide without any investigation of your own, or benefit of the holding of an evidentiary hearing by anyone, that Mr. Hoffa has engaged in the "unprincipled sneering of jurors and court officials."

You might make it clear, as you have yet to do, that you condemn the practices of governmental bootlegging and procuring for jurors, and spying on the counsel of a defendant who is on trial, and you might, sensibly, demand every appropriate inquiry into whether it did or did not happen in Chattanooga. So much, surely, is required of a metropolitan daily that lays some claim to disinterested pursuit of the public good.

I would not ordinarily comment on matters that are under judicial consideration. But I will not sit idly by while it is baldly stated that lawyers in general, and this one in particular, need only be paid for abuses of judicial process.

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