

# Court Denies 5-1 8/16/68 Hoffa Appeal On Wiretap

CHICAGO (AP) — A federal appeals court has upheld a lower court finding that electronic eavesdropping by the government did not aid in the 1964 conviction of James R. Hoffa, imprisoned Teamsters union president.

The U.S. Circuit Court of Appeals agreed yesterday with a finding by U.S. District Judge Richard B. Austin that "the government obtained no new information from the electronically eavesdropped overhearings." One of the three judges dissented.

Hoffa was sentenced to five years in prison and fined \$10,000 in the 1964 conviction for fraud and conspiracy in using \$1 million in union pension funds to finance a Sun Valley, Fla., real estate project.

The sentence was vacated by the U.S. Supreme Court, which ordered a hearing to determine whether admitted government wiretapping aided in the conviction.

Austin issued the finding Aug. 22, 1967, against Hoffa after the Teamsters official and five co-defendants contended the government had based its 1964 case on a wiretap of the telephone of S. George Burris of New York, one of the co-defendants.

Austin ordered the five-year term to run consecutively with an eight-year sentence imposed in Chattanooga, Tenn., on conviction of jury tampering. Hoffa is serving in the Lewisburg, Pa., federal penitentiary.