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**2 Mafiosi Linked to C.I.A.
 Treated Leniently by U.S.**

By NICHOLAS GAGE

Few organized-crime leaders have ever been pursued as vigorously by the Justice Department as was Sam Giancana in the early 1960's, according to official records. The late Mafia boss of Chicago was followed

handling of a Mafia boss emerged from a two-month investigation by The New York Times of Mr. Giancana and John Roselli, another Mafia figure, focusing on the treatment they received from the Government after they participated in Central Intelligence Agency plots to assassinate Prime Minister Fidel Castro of Cuba.

The Times investigation was begun after it was disclosed

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Second of three articles.

constantly, jailed for contempt and finally driven into self-exile in Mexico.

But the records show that on three occasions when Federal officials had Mr. Giancana in a tight spot, they let him out of it. They blocked his indictment on wiretap charges, declined to cross-examine him about his Mafia activities when they had the chance, and turned down an opportunity to send him back to jail.

The account of this unusual

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that the Senate Select Committee on Intelligence had uncovered evidence that the two Mafia leaders and President Kennedy had a close friendship with the same woman, Judith Campbell, in 1961 and 1962.

The investigation included interviews with present and former Government officials, persons who participated in the C.I.A. plots, underworld figures and a long-time friend of Mr. Giancana and Mr. Roselli.

The Senate select committee disclosed that both Mr. Giancana and Mr. Roselli escaped prosecution on wiretap charges through the C.I.A.'s intervention in 1962. But The Times investigation found that the two men received generous treatment from the Federal authorities in other instances as well, and that, while Mr. Roselli tried to use his C.I.A. connections when he got into legal trouble, Mr. Giancana apparently did not.

Bizarre Liaison

The investigation also uncovered new details of the bizarre liaison between the C.I.A. and the Mafia that were not in the report that the Senate committee issued last November.

In an interview in Las Vegas, Nev., Robert A. Maheu, who has said he brought the C.I.A. and the Mafia together, recalled that in 1959 he met Mr. Roselli in Las Vegas, where he looked after the interests of the Chicago Mafia leaders.

After that meeting, Mr. Maheu and Mr. Roselli became friends and when Mr. Roselli's travels took him to Washington he would sometimes be invited to parties at Mr. Maheu's home in Virginia.

Mr. Maheu was then head of a detective agency in Washington (he later went to work for Howard R. Hughes, the industrialist) that received a \$500-a-month retainer from the C.I.A., and Mr. Roselli would often meet C.I.A. agents at the Maheu parties.

Mr. Maheu said that, when C.I.A. officials wanted to enlist the aid of the Mafia in the Castro assassination plot in 1960, they asked him to act as the intermediary.

Appeal to Patriotism

In an appearance before the Senate select committee, Mr. Maheu testified that Mr. Roselli was initially reluctant to take part in the assassination plot, but was eventually won over by an appeal to his patriotism. Mr. Roselli then recommended that Mr. Giancana, an old friend of his, be brought into the plot because of his excellent contacts in Cuba, where he had had extensive gambling interests before Mr. Castro assumed power after the collapse of Fulgencio Batista's government in 1959.

According to the long-time friend and confidant of Mr. Giancana, the Chicago Mafia boss was also reluctant to join the plot, and felt all along that the assassination attempt would not succeed.

"You can't hit an entrenched leader like Castro," he quoted Mr. Giancana as having told him, "but all they [the C.I.A.] want from me is some names in Havana, so how can I turn them down?"

Mr. Roselli, Mr. Giancana and Mr. Maheu went to Miami Beach in the late summer of 1960 to plan the assassination attempt, according to Mr. Maheu, and the three men stayed there for several months, with their headquarters in the Fontainebleau Hotel.

Unhappy Over Separation

During that period Mr. Giancana's spirits were very low, according to both Mr. Maheu and the long-time confidant. He was unhappy at being separated from his girlfriend Phyllis McGuire, the singer, who, he believed, was seeing other men during his absence from Las Vegas.

"Sam was crazy in love with Phyllis at that time," Mr. Maheu recalled, "and threatened to drop everything and fly to Las Vegas to check up on her."

In an effort to keep him in Miami, Mr. Maheu said, he hired a private detective agency to shadow Miss McGuire, and one of its agents was arrested by the Las Vegas authorities while trying to tap the telephone of the entertainer Dan Rowan's hotel room. Mr. Maheu contended, in his interview with The Times, that he did not ask the detective agency to tap Mr. Rowan's hotel

phone, but only to follow Miss McGuire.

"The wiretap was stupid anyway," he said, "because Rowan wasn't going to be talking on the phone while making love."

The arrest of the private detective led to an estrangement between Mr. Maheu and Mr. Giancana, and nearly disrupted the assassination plot. The apprehended detective told the authorities that he was working for Mr. Maheu; Mr. Maheu then told the Federal Bureau of Investigation that he was involved in a C.I.A. operation.

"Sam was furious at Maheu for spilling the beans to the F.B.I. about the plot," Mr. Giancana's confidant said. "He thought Bob should have been a stand-up guy and taken the rap himself."

C.I.A. Intervened

The F.B.I. wanted to prosecute Mr. Maheu, Mr. Giancana and Mr. Roselli on wiretapping charges, but the C.I.A. eventually intervened with the Justice Department and arranged to have the charges dropped, according to the Senate committee's report. But by then the C.I.A. was so fed up with Mr. Maheu and Mr. Giancana that they dropped them from the Castro assassination project, retaining only Mr. Roselli for new efforts against Mr. Castro in what was later referred to as "phase two" of the unsuccessful plot.

Herbert J. Miller, who was then the Assistant Attorney General in charge of the Justice Department's Criminal Division, said that the decision not to prosecute Mr. Maheu and Mr. Giancana for wiretapping was made reluctantly.

"We weren't happy about it, but we felt we had to do it for the national interest," he said in an interview.

It has been speculated that Attorney General Robert F. Kennedy, knowing that Mr. Giancana and Mr. Roselli could embarrass the Kennedy Administration with their story of the C.I.A. plot, told his men to go easy on the two Mafia leaders. But the opposite happened, according to William G. Hundley, chief of the Organized Crime Section under Mr. Kennedy.

'Bobby Pushed Us'

"I remember some of those meetings in his office," he said. "Bobby pushed to get Giancana at any cost."

The F.B.I. agents followed Robert Kennedy's orders so conscientiously that Mr. Giancana eventually decided to take them to court. In 1963, he sued in Federal District Court in Chicago for relief from the surveillance, saying that F.B.I. agents' cars clogged the street outside his home and that the agents followed him to his favorite cocktail lounge and even to his family mausoleum.

"It was something, the way those agents stuck to him," his confidant said. "When he went to play golf, four agents played the hole behind him, and when he would miss a shot they would all boo."

Because Mr. Giancana brought a civil suit against the Federal Government, he had to go on the stand to testify in his complaint, leaving himself open to cross-examination.

"It was the greatest opportunity the Justice Department has had or will ever have to cross-examine a Mafia boss," Edward V. Hanrahan, former United States Attorney in Chicago, said in a telephone interview.

But John Peter Lulinski, the Assistant United States Attorney selected by the Justice Department to handle the case, never questioned Mr. Giancana on the stand.

"There is no cross-examination," he told the court.

A Second Opportunity

Mr. Giancana was brought to the stand a second time during the proceedings, and the judge again gave the Government the opportunity to cross-examine Mr. Giancana.

"No cross, your honor," Mr. Lulinski said.

Mr. Giancana, who had walked into the courtroom looking uncharacteristically nervous, walked out beaming after the judge ruled in his favor.

Why didn't Mr. Lulinski ask Mr. Giancana any questions?

"We were told by the Justice Department not to cross-examine him," said Thomas James, who assisted Mr. Lulinski on the case.

Many observers were dumfounded by the Justice Department's performance. Why had it thrown away its big chance

to squeeze Mr. Giancana? Today it is difficult to find out because both Mr. Lulinski and his superior, United States Attorney Frank McDonald, as well as Attorney General Kennedy are dead.

Mr. James said he could not remember what reason the Justice Department gave for its instructions.

Everyone Was Upset

Mr. Hundley, then chief of the department's Organized Crime Section, said that he recalled that everyone in his agency was upset at what had happened in Chicago, but the case was handled by the Civil Division and not by his section.

John W. Douglas, who was head of the Civil Division at the time, said he could not remember the case.

Court records do not show why the Government did not cross-examine Mr. Giancana.

Neither Mr. Hundley nor Mr. Miller believes that the kid-glove treatment of Mr. Giancana was the result of fear that he would divulge the C.I.A. plot. They say that if the Government was afraid of this, Mr. Giancana would not have been followed so rigorously in the first place until he was driven to sue. They add that if the Government feared disclosures, the Justice Department would not have worked so hard two years later to send Mr. Giancana to jail.

In 1965, Mr. Giancana was taken before a grand jury and asked about his underworld activities. But, except for his name, he had no information to offer beyond citing the Fifth Amendment protection against self-incrimination. The grand jury then gave him immunity, which meant that if he did not talk he would be held in contempt. Mr. Giancana still refused to say anything and was sent to jail for the duration of the grand jury's term.

1942 Prison Term

It was the first time he had been behind bars for 23 years. In 1942, Mr. Giancana was released from the Federal penitentiary in Leavenworth, Kan., at the end of a sentence for violations of the Prohibition laws.

Mr. Giancana, who was born in 1910, served his first prison sentence when he was 15 years old. By the time he was 20, he had had 51 arrests, three of them on murder charges. (One murder case against him collapsed when the state's chief witness was killed.)

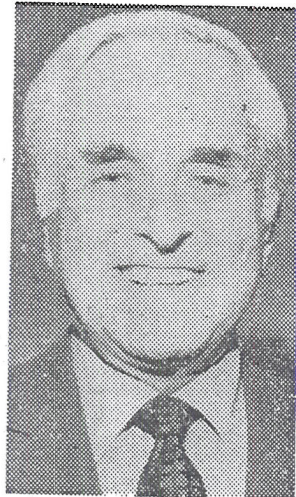
A year after Mr. Giancana's imprisonment for contempt, the grand jury's term expired, ending his jail sentence. At this point, the judge who had sent Mr. Giancana to jail, the foreman of the grand jury and United States Attorney Hanrahan all wanted Mr. Giancana taken before a new grand jury, given immunity again, and, if he still refused to talk sent back to jail.

But Mr. Hanrahan said that the Justice Department ordered him not to give immunity to Mr. Giancana again, and the Mafia leader was freed.

"The biggest mistake I made as United States Attorney," Mr. Hanrahan said recently,



The New York Times, 1965
Sam Giancana



The New York Times
John Roselli

"was going along with Justice and not trying for another contempt case against Giancana."

Again the question arises: Was Mr. Giancana given special consideration because of his role in helping the C.I.A.? Mr. Hundley and Henry E. Petersen, his successor as chief of the Organized Crime Section, say no. Mr. Hundley said that the decision not to give Mr. Giancana immunity a second time resulted from considerable debate within the Justice Department.

At that time, he said, the present immunity statutes did not exist. The legal basis for sending Mr. Giancana to jail in 1965 was a Federal Trade Communication statute that said that if a witness before a Federal grand jury was asked about telephone calls he was automatically given immunity.

"So we were on thin legal grounds to begin with," Mr. Hundley said, "and I basically did not believe that the way to fight mobsters was to immunize them and put them away. It's gimmickry, no matter how you cut it."

Mr. Hundley, now a criminal lawyer in Washington, said that he was opposed to immunizing Mr. Giancana the first time.

"I was against it and Hanrahan was for it," he said. "[Assistant Attorney General] Jack Miller sided with Hanrahan and Giancana was immunized. Then Jack Miller resigned and Fred Vinson was put in charge of the Criminal Division. Fred sided with me."

Special Treatment Discounted

Mr. Giancana's confidant said that if Mr. Giancana received any special consideration from the Government, he never asked for it. He said that when Mr. Giancana was cited for contempt in 1965, his attorney, Edward Bennett Williams, who Mr. Giancana had told about the C.I.A. plot, wanted to "tell the judge about it and get Sam off the hook," but Mr. Giancana refused to allow it.

Mr. Roselli, on the other hand, did ask for consideration for his part in the C.I.A. plot on two occasions after the wiretap case, and in one he got it.

In 1966, efforts were begun by the Government to deport Mr. Roselli, who was born Filippo Saco in Italy and allegedly came to the United States illegally as a child. The deporta-

tion efforts were begun after Mr. Roselli reportedly refused to become a Federal informant on the Mafia.

Mr. Roselli got in touch with Sheffield Edwards, the C.I.A. official who directed the early phase of the agency's assassination plots with the Mafia, according to the Senate committee's report, and Mr. Edwards persuaded the Justice Department to stall the deportation move. (It has since been revived and is proceeding in a Federal court in Florida.)

Rigged Card Games

In 1967, Mr. Roselli was arrested for fraudulent gambling activities at the exclusive Friar's Club in Beverly Hills, Calif. Along with three other men, he was convicted of cheating Tony Martin, the singer, Harry Karl, a shoe store executive, and other persons out of more than \$400,000 in rigged card games. The crooked players were purportedly signaled by electronic means by an observer looking through a ceiling peephole.

Again, Mr. Roselli tried to use his involvement with the C.I.A. to save himself, but this time he failed.

Mr. Maheu, who had brought Mr. Roselli and the C.I.A. together, said that an attorney for Mr. Roselli called him and asked him to make a statement to the judge about Mr. Roselli's help to the C.I.A.

"I categorically refused and told him I would deny the whole thing happened," Mr. Maheu said.

The Justice Department also refused to intercede again on his behalf, but Mr. Roselli told the judge about his role with the C.I.A. anyway. It did him no good; he was convicted in the case and sentenced to five years in jail and a \$55,000 fine. He served half his term and was then paroled.

Shortly after Mr. Giancana was released from jail in 1966, he moved to Mexico—to avoid prosecution in the matter of a stolen ring, according to his long-time friend.

Nine years later, back in the United States and just before he was scheduled to appear before a grand jury, he was fixing himself a snack in the early morning hours of last June 19 when someone killed him with seven .22-caliber bullets pumped into his neck and head.

Tomorrow: Frank Sinatra and the Justice Department.