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No Mr. Nice Guy for Watergate case

By John Sparks

WASHINGTON, June 2—When Attorney Gen. Elliot Richardson decided to try to hook Teamsters Boss James R. Hoffa in 1962, he reached down into the ranks of the Justice Department and tapped James D. Neal for the job.

One insider familiar with that decision recalls the reasons behind it.

"Bobby Kennedy wanted to prosecute Hoffa himself," he said. "And since he could not, he just picked the meanest, toughest, most incorruptible young lawyer he could find. He never regretted the decision."

ELEVEN YEARS later James R. Neal finds himself, temporarily at least, a major force in the prosecution of the Watergate case, having been selected by special prosecutor Archibald Cox to study the evidence and make recommendations.

Rumor has it that Cox wants Neal to stay on to continue and round up the actual prosecution, and that Neal is balking because it would force him to abandon private practice in Nashville.

But some of Neal's friends contend the two-week time limit he has given himself is actually only Neal's way of giving himself an "out" if he doesn't like what he sees.

"Neal's got that gleam in his eye," confides an associate who has discussed the case with him. "If he thinks he can take charge of the investigation and pursue it to a successful conclusion, he won't be able to turn his back on it."

MORE THAN a month ago, when it became apparent that the Justice Department was looking around for a big name lawyer with a "clean" image, a list of potential selectees was read to Neal over the telephone at his Nashville home.

"They're all good lawyers," he told the caller with a note of disdain in his voice. "But what they need is a good prosecutor."

Neal is a good prosecutor, a man who, like Bobby Kennedy, places winning at the top of his list of priorities.

"Jim Neal is also a good defense lawyer," said one man who more than once has found himself opposite Neal in Tennessee courts. "But Neal's defense usually consists of prosecuting the prosecution."

DESPITE HIS success in private practice and as United States attorney for the Middle District of Tennessee from 1961 to 1966, neither of Neal's reputation was built as head of Kennedy's prosecution team in Florida's 1962 trial.

A short, barrel-chested man who wears expensive, well-tailored suits and plays tennis to keep trim, he strutted around the courtroom much as Hoffa strode the corridors, both acting like big cats about to pounce on anything that moved.

They were formidable opponents.

"It was like two gorillas meeting," remembers one bystander. "Each's presence antagonized Neal. Neal's presence antagonized Hoffa. If there had ever to fight, it would have been a hell-uva fight."

THE CIGAR-CHOMPING Neal won a robbery conviction, a $1 million fraud charge against the union leader when a mistrial was declared because of jury tampering by the defense.

But the jury-tampering charges proved the ultimate weapon and two years later a second prosecution team, which included Neal, sent Hoffa to prison for trying to bribe jurors.

As in the Watergate case, jury tampering played a major role in the Hoffa case. Day after day Neal took the floor to deny charges by defense lawyers that the prosecution had [illegible] jurors. Again and again [illegible] wife [illegible]

After the later prosecution of the jury-tampering charges, discovery of evidence was a key to winning [illegible] to put into the jury [illegible] the government strapped a tape recorder to the back of a former Nashville policeman who had been hired as a Hoffa investigator.

THE EVIDENCE he gathered led to the disbarment and conviction of Z. T. Osborn Jr., a young Hoffa lawyer who had been the winning attorney in the famous Baker vs. Carr reapportionment case. Years later, after his release from prison, Osborn committed suicide.

The Hoffa case has also continued to haunt Neal for a decade. Deals he made as a government prosecutor with a key witness not supported by the Nixon administration.

Despite Neal's opposition, the Justice Department proceeded with a vigorous prosecution of Partin on charges that prosecution witness, Grady Partin, Neal thought should never have been brought. Because he felt responsible, friends say Neal has served as Partin's defense lawyer for something less than his normally expensive fee.

IF HE STAYS in the Watergate case, he will find himself across the tables from old acquaintances. He knows William G. Hundley, attorney for John Mitchell. In addition, Charles Norman Shaffer, an attorney for John Dean, was on the same Hoffa prosecution team.

Even if Neal decides not to stay, his brief presence will be telling.

Says one old Justice Department associate: "If Archie Cox wants Jim Neal

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Neal was Hoffa prosecutor