

# ANYTHING TO GET HOFFA

20 FEB 1967

THE NATION

FILE # 100-4567

## FRED J. COOK

*Mr. Cook is the author of many important articles for The Nation.*

In an era when only power counts, the long jungle warfare between James R. Hoffa and the U.S. Department of Justice has gone into a new, stimulating, and sometimes hilarious phase. It might be called, considering the government's protestations of hurt innocence, the Case of the Wire-Tapping Gremlins; it involves, among other things, the spectacle of J. Edgar Hoover's chosen heir apparent, Curtis DeLoach, with his foot in his mouth; and most of this can be attributed to a verity of modern American life: \$200,000 in one pot will always outweigh a steady bounty of \$200 a month.

When the U.S. Supreme Court last December upheld his 1964 Chattanooga conviction for jury tampering, Hoffa let it be known that \$200,000 in reward money awaited the man who could prove that his telephone lines had been tapped and his hotel premises bugged during that very period in 1964 when he was trying to consult with his attorneys and defend himself against the government's jury-tampering charges.

This magnificent offer lured into the open one Benjamin David (Bud) Nichols, of Heiskell, Tenn., an expert in electronic gadgetry, who deposes that for the past ten years, in return for that \$200 monthly bounty, he has been tapping and bugging at the whim and direction of the Federal Bureau of Investigation. One of his chores, he says, was the bugging and phone tapping of rooms occupied by Hoffa's entourage and by the jury during the Chattanooga trial.

There is not much doubt about the motivation that

led Bud Nichols to make these belated revelations; hence, there might be some natural skepticism about his testimony. But the new motion that Hoffa's attorneys filed with the Supreme Court at the end of January does not rest upon Bud Nichols' story alone. His account is bolstered by the sworn statements of four public officers, who aver from their own personal knowledge that Hoffa and his attorney of record, William E. Bufalino, were victims of widespread and persistent wire tapping.

This new evidence reinforces what was patent to all but the innocent and the credulous in the record of the Chattanooga trial. A bit of background here becomes necessary.

Hoffa's trial in Chattanooga was based upon the earlier, so-called "Test Fleet" trial in Nashville, Tenn., which had ended in a hung jury. Hardly was the first trial over when Hoffa and a number of co-defendants were indicted and brought to trial in Chattanooga on the charge of tampering with the Nashville jury.

The government's ace in the hole in the Chattanooga trial was Edward Grady Partin, an ex-convict and a Baton Rouge, La., Teamster boss. Partin had been a constant Hoffa hanger-on during the Nashville trial and had ended up as a kind of sergeant-at-arms at Hoffa's door. Yet all the time, it developed, he had been an informer for Robert F. Kennedy's Department of Justice.

Partin had been in jail in Louisiana on charges of embezzlement and theft of union records, first-degree manslaughter and kidnaping. According to an affidavit later supplied to the Hoffa defense by a cellmate, Partin had announced that he would get out of jail by turning in Hoffa. He didn't care a damn about Hoffa, he reportedly



Such is the Bud Nichols story. Naturally, there has been the very devil to pay. One tactic has been to denigrate Nichols. He was sentenced to six months at hard labor while in the army in 1948; he had four forgery charges lodged against him by Columbus, Ga., police in

After another brief stop at the Read House, Nichols says, Sheridan "came down with an identical type of package which contained tapes, and he indicated that the jury

Nichols says he found a jack was loose and shoved it back in. Sheridan, he adds, "picked up several tapes and told me to go to the car and that he would be out in a minute. He came out to the car with the tapes in an envelope. I know this, for he referred to them in his conversation as we were going down to the Read House and stated that he knew they were going to win this case because Hoffa and his 'legal beagles were going crazy.'" After another brief stop at the Read House, Nichols says, Sheridan "came down with an identical type of package which contained tapes, and he indicated that the jury

Nichols story is that he was kept on duty in Chattanooga throughout the trial, receiving an additional compensation of \$842 from the federal government. On one occasion, he says, he received an emergency summons to meet Walter Sheridan near the Patten Hotel. The tape recorder on Hoffa's taps appeared to have gone haywire. Nichols says he found a jack was loose and shoved it back in. Sheridan, he adds, "picked up several tapes and told me to go to the car and that he would be out in a minute. He came out to the car with the tapes in an envelope. I know this, for he referred to them in his conversation as we were going down to the Read House and stated that he knew they were going to win this case because Hoffa and his 'legal beagles were going crazy.'" After another brief stop at the Read House, Nichols says, Sheridan "came down with an identical type of package which contained tapes, and he indicated that the jury

According to Nichols, this is the way it happened: About the middle of January, 1964, he was summoned by FBI Agent Parker for duty on the Hoffa case, and on January 16 or 17, Parker himself delivered two tape recorders and a batch of eavesdropping equipment to Nichols' home. Nichols was instructed to go to Chattanooga the next day and to call the FBI office there, using the code name of Major. He followed instructions and so met Walter Sheridan, Kennedy's special delegate in charge of the racketeering squad entrusted with the task of mailing Hoffa, Sheridan, Nichols said, introduced him to another man with the words: "This is Major and he will sketch and gave his new partner a set of keys. Nichols and his newly designated aide departed about 9:30 or 10 P.M. for the Read House, a hotel in Chattanooga where the Hoffa trial jury was to be sequestered. They went to the tenth floor, and Nichols placed tiny radio transmitters in various rooms in accordance with the sketch given him by Sheridan. He also tapped all the phones. A recorder and a receiver were placed in a central room next to the elevator. Then Nichols walked through each room, counting in a soft voice to make sure the bugs were working, and picking up each telephone and counting softly into its mouthpiece. Satisfied that no spoken word could elude the sensitive electronic gadgetry, the two men went over to the Patten Hotel, where they similarly treated Rooms 906, 908, 912 and 914, all of which were to be occupied by Hoffa and his retinue.

All this, if true, must come as a great shock to the FBI. New light is now shed on such mysteries by the affidavits of Bud Nichols and four assorted public officers. According to Nichols, in an affidavit he signed for Hoffa's defense on January 11, he had been employed for ten years as a private snooper for the FBI, working out of the Knoxville office under the direction of FBI Agent John A. Parker. In summarizing his relationship with America's most sacrosanct agency, Nichols said: "I have been an informer for the FBI. I have tapped many telephone wires and performed many functions for the FBI. I have stolen for the FBI in conjunction with other agencies that required such service, the details of which have been incorporated in a statement given to Mr. Hoffa's attorneys. I feel that I have been a captive of the FBI. I have made available to Mr. Hoffa's attorneys certain pertinent documents, substantial and not only my qualifications in the electronics field but other evidence with respect to my association with the FBI and other agencies."

Spindel landed in Chattanooga, a small army of FBI agents to Spindel at his New York home by telephone, and when Department of Justice. The summons had been relayed to Spindel from the airport to Hoffa's hotel headquarters. It was clear from the testimony of the government's own witnesses that they knew exactly who was coming and where and when to meet him—a most remarkable instance of forensic telepathy. New light is now shed on such mysteries by the affidavits of Bud Nichols and four assorted public officers. According to Nichols, in an affidavit he signed for Hoffa's defense on January 11, he had been employed for ten years as a private snooper for the FBI, working out of the Knoxville office under the direction of FBI Agent John A. Parker. In summarizing his relationship with America's most sacrosanct agency, Nichols said: "I have been an informer for the FBI. I have tapped many telephone wires and performed many functions for the FBI. I have stolen for the FBI in conjunction with other agencies that required such service, the details of which have been incorporated in a statement given to Mr. Hoffa's attorneys. I feel that I have been a captive of the FBI. I have made available to Mr. Hoffa's attorneys certain pertinent documents, substantial and not only my qualifications in the electronics field but other evidence with respect to my association with the FBI and other agencies."

Justice Earl Warren vigorously dissenting, upheld as perfectly proper conduct in its December decision rejecting Hoffa's appeal. In doing so, the court also overlooked and condoned the fact that Hoffa and his lawyers and his witnesses had been subjected to constant surveillance by a squad of twenty-five FBI agents in a fleet of roving cars, directed from a radio command post, during the entire course of the Chattanooga trial. Patent on the record were indications that Hoffa's telephone lines and hotel suite must have been thoroughly tapped and bugged. There was, for example, the Bernard Spindel incident. Spindel is a skilled wire tapper and electronics expert, and Hoffa, in the middle of the trial, had decided to call him to Chattanooga to counterspy electronically on the Department of Justice. The summons had been relayed to Spindel at his New York home by telephone, and when Spindel landed in Chattanooga, a small army of FBI agents was on hand to call him from the airport to Hoffa's hotel headquarters. It was clear from the testimony of the government's own witnesses that they knew exactly who was coming and where and when to meet him—a most remarkable instance of forensic telepathy.

The day after his release, Partin telephoned Hoffa and invited himself (as the government's own recordings of this and a subsequent conversation showed) to join Hoffa in Nashville. Partin went to this self-arranged rendezvous primed by government agents to look out for jury tampering. With this strong hint to guide him, he soon began turning up just the kind of stories his new employers wanted. Though government witnesses walked the thin line of perjury in denying that Partin was a paid informer (a violation of federal law), the government eventually was compelled to admit that more than \$1,500 had been paid to Partin's wife in regular monthly installments. There was other evidence of a *quid pro quo*. Once Hoffa was convicted with Partin's help, the government thoughtfully overlooked some \$5,000 in income tax evasion charges, and the indictments for embezzlement and manslaughter and kidnapping have remained suspended. All of this the U.S. Supreme Court, with only Chief Justice Earl Warren vigorously dissenting, upheld as perfectly proper conduct in its December decision rejecting Hoffa's appeal. In doing so, the court also overlooked and condoned the fact that Hoffa and his lawyers and his witnesses had been subjected to constant surveillance by a squad of twenty-five FBI agents in a fleet of roving cars, directed from a radio command post, during the entire course of the Chattanooga trial. Patent on the record were indications that Hoffa's telephone lines and hotel suite must have been thoroughly tapped and bugged. There was, for example, the Bernard Spindel incident. Spindel is a skilled wire tapper and electronics expert, and Hoffa, in the middle of the trial, had decided to call him to Chattanooga to counterspy electronically on the Department of Justice. The summons had been relayed to Spindel at his New York home by telephone, and when Spindel landed in Chattanooga, a small army of FBI agents was on hand to call him from the airport to Hoffa's hotel headquarters. It was clear from the testimony of the government's own witnesses that they knew exactly who was coming and where and when to meet him—a most remarkable instance of forensic telepathy.





James R. Hoffa

1949; and he was sentenced to four months in the workhouse in Knoxville on two forgery charges in 1951. He enlisted for a second hitch in the army in 1958 (this, he says, was at the behest of the FBI for whom he was doing undercover work), and was arrested as a deserter in February, 1959. On the whole, the government implies, here is an untrustworthy character—almost as untrustworthy as Edward Grady Partin.

Walter Sheridan is now an executive with the National Broadcasting Company. Enraged at the Nichols story, he told *The New York Times*: "I never met him [Nichols] in my life. I don't know of any wire tapping or bugging in the Hoffa case. As far as the statements made about me being involved in any bugging or wire tapping in this case—they're absolutely false."

FBI Agent Parker, the man who, Nichols says, gave him most of his orders during the years he lived underground with the FBI, seemed to have a different reaction. Asked if he knew Nichols, he groaned: "Oh, good Lord." And then shut up.

As for the Teamsters, they insist that they treated the Nichols tale with the greatest circumspection. Nichols was brought to the Washington headquarters of the Teamsters and grilled for a whole weekend by Teamster attorneys. "We checked every facet of his life and story before we would accept it," one Teamster spokesman says. Bernard Spindel was brought in to question Nichols about the details of the electronic eavesdropping, and assured the Teamsters that Nichols' description of the rooms and telephone hookups in the Patten and Read House was accurate in every detail. In addition, Teamster representatives say: "We have documentary evidence of things he did for the FBI. We can't say what it is at this time, but it is good and it is solid."

Whatever private documentation the Teamsters may

have about Bud Nichols and his activities, they have offered the court affidavits from three public officers who swear that they heard Walter Sheridan play back tapes of conversations that had taken place in Hoffa's suite in Chattanooga. Here again some essential background is necessary.

One of the stranger aspects of the jury-fixing tales spun by Edward Grady Partin involved a Huntington, W. Va., businessman named Nicholas Tweel. Partin's story was that on October 22, 1962, the very day of his arrival in Nashville to begin his spying on Hoffa, he had happened to meet Tweel in the lobby of the Andrew Jackson Hotel. He had never laid eyes on Tweel before, nor Tweel on him, but according to Partin they struck up such a fast and furious friendship that Tweel told him all about Hoffa's plans to fix the Nashville jury. Subsequently, Tweel and a business associate, Allen Dorfman, of Chicago, an insurance man who handled Teamster funds, were indicted with Hoffa on jury-fixing charges.

At the resulting 1964 Chattanooga trial at which Hoffa was convicted, Partin's account of the Tweel-Dorfman involvements in the alleged conspiracy received some rough handling. Tweel insisted he'd never known Hoffa, never met him, right up to the moment they were arraigned together on the jury-tampering indictment. Tweel's whole contact, it developed, had been with Dorfman, with whom he was planning a business venture. They had been scheduled to meet elsewhere, but Dorfman had been summoned to Nashville by Hoffa to bring some records that might be needed in the pending "Lest Fizer" trial—and so Dorfman had asked Tweel to meet him there. Tweel was in Nashville for only one day and part of another; he discussed his business deal with Dorfman, then went back to Huntington, and never returned to Nashville. Even the jury that convicted Hoffa couldn't buy Partin's tale of Tweel's involvement, and both Dorfman and Tweel were acquitted.

But it was as a result of the Tweel tale told by Partin that three Huntington public officers became involved in the case and ultimately found themselves indicted. The key figure in this offshoot of the Hoffa case is Herman A. Frazier, now retired after twenty-four years' service with the Huntington Police Department. Frazier, at one time had served as acting chief of the department, and in the fall of 1962 was Chief of Detectives. He had also been long active in the Fraternal Order of Police, a national organization with some 60,000 full-time police officers as members, and from 1961-65 was vice president of this organization. In addition to his official duties, he and two brother officers had organized the Huntington Research Bureau, a private agency concerned primarily with polygraph work, screening employees for private industry and national defense agencies.

On October 19, 1962, three days before Partin in Nashville was to encounter and implicate Tweel, Frazier received a visit from a mystery man who identified himself as Jack Wrather. He told Frazier that the trial was to start in Nashville the following Monday and said that Hoffa's forces needed a check on the panel from which the trial jury would be drawn. Frazier expressed some surprise that the Teamsters, with their resources, wouldn't already have gathered all the information they needed,



but Wrathier silenced his doubts by giving him two \$100 bills and six \$50s. Frazier agreed to take off for Nashville, to register at the Noel Hotel, and to get in touch with Wrathier who would be at the Andrew Jackson.

To help him, Frazier enlisted Police Capt. Alfred Nelson Paden, of the Huntington force, and Albert P. Cole, who at the time was personnel director of Huntington. Frazier later testified that he began to have some qualms about this whole mysterious business and that these qualms were intensified when an unknown man appeared at his hotel room and began instructing him about the procedure for checking on the jury panel. Frazier's two comrades were absent, and when Frazier expressed some doubts about whether they could fulfill their assignment, the man said, oh, it was very simple, he would show Frazier how it was done. Picking up Frazier's hotel room phone, he made a few calls to prospective jurors, pretending he was a journalist doing a story. Frazier began to dislike the look of things and said he wouldn't do anything until he had talked to Wrathier. So he went to the Andrew Jackson Hotel and asked for Jack Wrathier. And was told that no such man was there, or ever had been.

While at the Andrew Jackson, Frazier chanced to meet Nicholas Tweel, whom he had known since school days in Huntington. That night, he and his friends had dinner with Tweel, did the town a bit; and the next day they all went back to Huntington, never having heard from Jack Wrathier again, never having done anything in Nashville. But behind them, on the record, of course, were those telephone calls that, according to Frazier, the mysterious visitor had made from their hotel rooms.

Now matters began to get sticky for Frazier. Paden and Cole. On February 1, 1963, two FBI agents called on Frazier. He was later subpoenaed to testify before a Nashville grand jury investigating the alleged jury fixing, and he was questioned many times by Walter Sheridan. Sheridan, he says, demanded that he take a lie-detector test. Frazier at first demurred, but later agreed. He was given a long and exhaustive lie-detector test by the FBI; and, as he never heard anything about it again, as the results were not subsequently used to challenge his veracity, it must be assumed that he passed with flying colors.

Despite this, Frazier, Paden and Cole were indicted for attempted jury fixing. They were tried twice. The first jury disagreed and the second, in a trial in early 1965, acquitted them.

During all the months that their fate hung in the balance, Frazier says in the affidavit he has now furnished the Teamsters, he and his companions were repeatedly questioned and pressured to get them to testify against Hoffa. "It would require many pages to tell all the harassment, pressure and embarrassment we suffered at the hands of some members of the United States Department of Justice," his affidavit says. He charges that much of the pressure came from Walter Sheridan, and he relates one incident in which, he says, Sheridan exposed himself.

"At one such interview before my indictment," Frazier's affidavit reads, "Sheridan asked me several questions subject of which he could only have known by listening to my phone conversations. I told him he was tapping my phone and he would not deny nor admit it.

"Nelson Paden and I decided to lay a trap by phone to

prove to Sheridan that we knew he was tapping our phones. We decided on a name few people have and that we would discuss that name when we called each other. We used the name 'Armentrout' and indicated that he was connected with our being in Nashville. Apparently, Sheridan couldn't contain himself and he asked me who Armentrout was and why we hadn't told him of Armentrout. I then accused him of tapping my phone. I told him that Armentrout didn't exist and that he had fallen into our trap. He did not deny the accusation."

Sheridan remained convinced that Tweel and Dorfman, acting as go-betweens for Hoffa in the jury-fixing plot, had been responsible for the presence of the three investigators in Nashville, and so, Frazier says, he kept trying to get what he called "the truth" from them. According to Frazier, Paden and Cole, Sheridan was finally driven into committing the indiscretion of playing his tapes. Frazier says that on one occasion Sheridan turned on a tape recorder for him, and—

Two men were talking. One was Hoffa's voice. Sheridan said it was Hoffa and that the other was an attorney. . . . Hoffa was asking this man who the hell Frazier, Paden and Cole were and who the hell brought them to Nashville in the first place. The other man said he didn't know who they were. . . .

Frazier says in his affidavit that Sheridan played another tape:

I could hear a noise like a phone ringing and a voice said, "Hello." Hoffa's voice said, "Bufalino, do you know who the hell Frazier, Paden and Cole are and how the hell they got involved in this case?" Bufalino said: "Jimmie, I really don't know. I do know Nick Tweel knows them."

Hoffa and Bufalino discussed the problem some more, and Hoffa decided to get an opinion from Z. T. (Tommy) Osborn, Jr., one of his attorneys in Nashville and a man who was to be indicted and convicted on jury-tampering charges. Sheridan, Frazier said, then played another sample of his tape library

that began by a sound like a phone ringing. Then a receiver sound and a female voice saying three names, I don't remember the first two, but the third was Osborn. Hoffa's voice then said, "Hoffa—put Tommy on the phone." A man answered and Hoffa asked, "Tommy, do you know those men from Huntington, West Virginia?" Osborn said he had met them. Hoffa asked if Tweel and Dorfman knew them. Osborn said yes, he understood they did. Hoffa asked if Osborn thought we should be contacted for statements. Osborn said he saw no reason for us to be interviewed. . . . then the conversation ended by Hoffa saying, "Our troubles are big enough now without taking on someone else's troubles." Osborn agreed.

Sheridan's purpose in playing the tapes, Frazier said, was to demonstrate to the three investigators that Hoffa wasn't going to help them—and so they had better play ball with him. On one occasion, with all three of the accused investigators present, he played a tape to emphasize this very point. The recording apparently had been made of the conversation of a group of men sitting around a table talking. "One had Hoffa's voice saying Tweel and



Dorfman denied any connection with us and that they [Tweel and Dorfman] weren't going to involve themselves with us."

Police Captain Paden's affidavit adds more details about this last scene. He recalls that Hoffa said at one point that he knew nothing about Frazier, Paden and Cole "and we could all go to hell, or something similar." After giving this a chance to sink in, Sheridan, according to Paden, turned to them and said: "See, you don't mean a thing to these people. Your only chance is to change your story and involve Tweel and Dorfman."

Cole quotes Sheridan as telling them in addition: "These are the big boys—these are Hoffa and his attorneys: sitting there discussing you fellows. And you can see now that Tweel and Dorfman have abandoned you. You are getting nothing from them—the Hoffa organization—you boys are on your own. I'm the only person that can possibly help you."

Since Frazier, Paden and Cole still refused to play ball, they were indicted and forced to go through two trials to clear themselves. All three men say that Sheridan asked them not to disclose his tape-playing, and Frazier says that he told Sheridan they wouldn't. However, Frazier adds, after the Supreme Court turned down Hoffa's appeal, he read that Hoffa "had only thirty-eight days to file an appeal or he was going to jail," and he decided he couldn't keep silent any longer. He telephoned Paden and Cole and told them what he had decided to do. "They both advised me to go ahead and they would back me all the way," Frazier says. The dovetailing affidavits from all three followed.

There is other confirming evidence. About the time that the Supreme Court was turning down Hoffa's appeal, wire tapping and bugging began to become a highly sensitive issue. Forced disclosures that these arts



J. Edgar Hoover

had been practiced on a wide scale led to the overturn of several convictions, most notably that of Fred M. Black, an associate of Bobby Baker, for income-tax evasion. The Internal Revenue Service, its prosecutions put in jeopardy by these disclosures, called for a study of all cases in which such eavesdropping might have been involved. The overturn of convictions and confirmation of the long-standing belief that no man can be sure of privacy in a world of snoopers began to give law enforcement a black eye, and J. Edgar Hoover, who does not take criticism gracefully, threw the blame on Kennedy. Kennedy expressed utter surprise.

Such was the situation when William Loeb, the wealthy and ultraconservative publisher of the *Manchester Union-Leader* in New Hampshire, had what he described as a most revealing conversation with Cartha DeLoch, Assistant Chief of the FBI and the man reportedly favored by Hoover to succeed him. In an affidavit later supplied to the Hoffa defense, Loeb said on December 20, 1966:

DeLoch stated to me that during his tenure Attorney General Robert F. Kennedy had a special unit of three individuals mainly responsible for wire tapping. He said that the unit was headed by Walter J. Sheridan, Special Assistant for Kennedy, and that the actual wire tapping was done by a man named Eddie Jones. DeLoch stated that Jones had been placed on the payroll of the Immigration and Naturalization Service through the efforts of the Attorney General. . . . He said the third member of the group responsible for wire tapping was a Carmine Bellino. He further stated that Attorney General Kennedy had instructed the Internal Revenue Service to tap wires.

DeLoch, in discussing the James R. Hoffa case, suggested to me that I suggest to the Hoffa lawyers that their best move would be to ask the Department of Justice to conduct an investigation of wire tapping in connection with the various Hoffa trials. He said that if such an investigation were conducted he was sure that it would turn up extensive evidence of wire tapping in connection with the trials of Hoffa.

Loeb added that he telephoned DeLoch the next day and said he thought that what he had been told was so newsworthy he should use a story about it. DeLoch replied, Loeb's affidavit states, that "if I attempted to publicize this information he would deny that he ever talked to me about the matter."

So Loeb put the information in an affidavit for Hoffa—and things started to sizzle. FBI spokesmen pointed out that Loeb had obtained a \$2.5 million loan from the Teamsters for his newspaper chain and that he had been offering a \$100,000 reward for anyone who could turn up evidence of eavesdropping on Hoffa. DeLoch himself was not available for direct quotation, but FBI sources indicated that he had denied all.

This counterattack incensed Loeb. His loan from the Teamsters is paid up to date, he said (the Teamsters themselves insist that it has been an excellent business deal), and besides the issue was simple: who was telling the truth? To determine this, Loeb challenged DeLoch to take a lie-detector test, offering to take one himself. He pointed out that what was at stake was whether a man should unjustly go to jail; then he added, turning the knife:

"Of equal importance also is the fact that you are frequently mentioned as Hoover's successor as head of the



FBI. It is therefore important that if you are to succeed Hoover it be determined right now whether you have told the truth in this situation."

While Washington was chuckling over this contretemps, the Teamsters were further documenting for the Supreme Court the extent of the espionage that, they claimed, had violated Hoffa's rights. In additional affidavits, William E. Bufalino, Hoffa's attorney of record, described his experiences with federal bugging and wire tapping.

On November 15, 1961, he and the late James F. Haggerty, Sr., of Detroit, the courtroom strategist for Hoffa, were in the San Juan Hotel in Orlando, Fla., preparing Hoffa's defense against charges that had been brought against him there. Bufalino states:

I was in Haggerty's room discussing the pending case with him when Haggerty reached for the telephone to make a call. He dropped a piece of paper on the floor and bent over to pick it up. He called my attention to a piece of black adhesive tape which was hanging from the underside of a shelf of the telephone table. The lower side of the shelf was approximately ten inches from the floor. We looked underneath the table and I observed an object two inches wide and an inch-and-a-half thick. It was taped to the underside of the shelf and appeared to be of black, plastic material.

Haggerty and Bufalino notified the Orlando Police Department of their find, and were told by Lieut. Bill Yohn that they had discovered "an electronic wireless transmitter." Orlando police thoughtfully turned the gadget over to the FBI for investigation. Haggerty and Bufalino had an appointment to meet with FBI agents in Orlando, but the FBI canceled out. Hoffa subsequently charged that evidence used as a basis for the Orlando indictment had been illegally obtained through the wire-tapping activities of Edward M. Jones, then an employee of the McClellan committee. Subpoenaed, Jones testified that he was a wire tapper, that he had tapped for the McClellan committee, but then, asked directly whether he had tapped Hoffa's lines, he refused to answer, taking refuge in the fact that the McClellan committee had invoked Senate Rule XXX, which conveniently provides that no Senate employee can be compelled to produce documents or reveal information without the consent of the Senate.

Against this background, William Bufalino's most recent experiences with wire tappers become fascinating. For many months, he and his wife had complained to the Detroit Bell Telephone Company that the phones in their Grosse Pointe Shores, Mich., home appeared to have been tapped; but, until the summer of 1965, they had no proof. Then, on June 10, 1965, Mrs. Bufalino dialed from her home phone, Tuxedo 1-6859, to a number in Kingston, Pa.—Area Code 717, Butler 7-2024. Minutes after the call had been completed, Bufalino charges in a suit he has brought against Detroit Bell, some unknown caller telephoned the Butler number, trying to find out who had made the long-distance call. Not getting any cooperation, the caller said he would find out in Detroit. Shortly afterward, Bufalino charges, his wife's phone rang and a caller, identifying himself only as "a telephone company employee," insisted that she identify herself and give her telephone number. When she refused and asked



Robert F. Kennedy

the caller to identify himself, he became abusive and threatened to cut off her telephone.

"If I really want the number, I'll make you report it out of order and I know I got the right line," the caller said.

Shortly afterward, Tuxedo 1-6859 did indeed go dead, and Bufalino raised a storm with Detroit Bell. Service was restored the following morning. About 10:15 A.M., June 11, 1965, while Bufalino was talking to his wife from his office, there came an interruption, and suddenly Bufalino found himself listening in on the conversation of two unknown men. Having a free phone handy, he switched on a dictaphone and recorded the conversation. The two chitchatting ghosts, who later identified themselves as Frank Kaminski and Robert Koss, both employees of Detroit Bell, were discussing the hard time Mrs. Bufalino had given them the day before:

KAMINSKI: You know I'm so mad I'm shaking, Bob. If I had her, honest to God, I'd kick her right in the teeth. How can you talk nice to people like that is what gets me. Huh?

KOSS: She thinks she's King of the Hill.

KAMINSKI: Ain't no way for a telephone man—how in hell can you identify if she—if she misconstrued it what I told her yesterday. I told her—I say if re—I really want that number, I'll make you report it out of order and I know I got the right line (*click*). Who's on here?

HOLOWICH: Holowich.

KAMINSKI: Holowich, I'll put you on hold. It'll probably be a couple of minutes, or give me a call in about five. It'll be better off then.

HOLOWICH: I'm up the pole now, Frank.

KAMINSKI: Well, you'll have to hang on now, Dick.

With Holowich waiting up the pole, Kaminski and Koss resumed their conversation about all the troubles the Bufalinos were giving them. At one point, Kaminski said he'd bet Bufalino was talking to "her" right now about them.

KOSS: Can you put her line up and check?



KAMINSKI: Oh, that's easily done (pause, click). No. No. She ain't—she ain't there now. See? She reported this yesterday.

Koss: Yeah?

KAMINSKI: Yeah (pause). Well, when is he going to pick this up? (Pause.) Kinda exciting, isn't it there?

Here Bufalino came on the wire, got the two talkative telephone employees to identify themselves, and then notified them he would see them in court.

Subsequently, in pretrial depositions, Bufalino established that Detroit police had set up a wire-tap listening post in a second-floor apartment at 45-14 East Mack Avenue. One of the policemen who monitored the taps finally acknowledged the party he had played. In a pretrial deposition on November 9, 1963, the policeman, Paul L. Quigley, revealed that he, with Walter Sheridan and Sam Healy, worked on the wire-tap deal with Sgt. Walter DePugh, who left the Detroit force to join the Internal Revenue Service in November, 1962.

According to Quigley's pretrial testimony, reported in an affidavit by Judge Hoffman at the end of December, the East Mack listening post was equipped with four tape recorders and four sets of earphones. There was also a pen register on the Bufalino wire. That device kept the numbers of phones being dialed. The wire-taps were in operation throughout the fall of 1962 and part of 1963, according to the testimony. The taps, Detroit police say, were used to discuss Bufalino, and it

was his understanding the taps were being made for federal authorities. Many of the calls, he said, dealt with details of Hoffa's legal problems, and many of Bufalino's recorded conversations were with other defense attorneys.

Although Solicitor General Thurgood Marshall has submitted a formal memo to the Supreme Court, denying that government agents used bugs or wire taps before or during Hoffa's Chattanooga trial, it is not necessary to interpret the evidence detailed above as casting doubt on Mr. Marshall's word. More likely, he is only one of many Americans who have not yet grasped the extreme sophistication with which certain government agencies cut the corners of veracity.

Not are the circumstances here set down of concern only to Hoffa and his colleagues. They involve the question of whether any man, even one as powerful as Hoffa, has a fighting chance to defend himself if, as the record seems to indicate, he must battle the paid and planted informer, the *agent provocateur*, the wire tapper eavesdropping on his most private conversations with his attorneys. The pioneers who founded this nation fled from oppressive systems in which a man accused by authority virtually stood condemned. Now, in this age of massed and overpowering power, the rights, the dignity and the freedom of the individual are scorned by an immune and sanctified authority. That is the real issue that Hoffa has presented to the Supreme Court.