

3, TUESDAY, JULY 15, 1969

Judge Denies Hoffa a New Trial

Special to The New York Times

CHICAGO, July 14—A Federal District Court judge refused today to set aside the conviction of James R. Hoffa, president of the teamsters union. Hoffa had sought a new trial on the ground that wiretap evidence used against him in 1964 was illegal.

Judge Richard B. Austin resented Hoffa to five years in prison for conspiring to divert more than \$1-million from union welfare funds.

Maurice Walsh, Hoffa's attorney, requested that the new sentence run concurrently with the eight-year sentence the union leader is now serving for jury tampering in Tennessee.

Judge Austin refused this, ordering the five-year sentence to follow the eight-year sentence. Hoffa is up for parole in November in the jury tampering case. He has also been granted a rehearing in Tennessee on the illegal wiretapping issue.

Judge Austin ruled today that the evidence presented here in the week-long hearing showed that the wiretap material used in the union funds trial was irrelevant to the evidence on which Hoffa was convicted.

During the hearing, the

United States Attorney produced logs of seven conversations overheard by employees of the Federal Bureau of Investigation in Detroit, Las Vegas, Miami, and Chicago.

Judge Austin noted that the only conversations in which Hoffa's voice was actually heard involved the monitoring of an FM radio station, with no evidence of legal trespass. He therefore ruled that there had been no violation of Hoffa's privacy.

Last week Judge Austin said Hoffa's attorneys had failed to produce any evidence that there were any more logs of conversations that the Government was withholding.

However, he refused to require the F.B.I. to produce interoffice communications connected with these overheard conversations. An appeal to a higher court was expected on this ground.

Hoffa, who has been held in the DuPage County Jail at Wheaton since the hearing started, was ordered returned to the Federal prison at Lewisburg, Pa.

Hoffa and five other defendants were originally convicted by a jury in Chicago of conspiring to divert more than \$1-million from \$25-million in loans made by the Teamsters

Pension Fund, of which Hoffa was a trustee. The Government said that the conspiracy was designed to rescue Hoffa from a bankrupt land development company in Florida.

Judge Austin also resented four other defendants in this case. They were: Benjamin Dranow, who got five years in prison; Calvin Kovens, three years; Zachary A. Strate Jr., three years, and Abe I. Weinblatt, who was convicted of only one count of fraud and sentenced to only one hour in the custody of the United States Marshal. He was fined \$5,000.

A fifth co-defendant, S. George Burriss of New York, was previously resented to serve 18 months and fined \$5,000 in a separate hearing.