

# The Chief Prosecutor

James Foster Neal

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WASHINGTON, Oct. 17 — His friends say that James Foster Neal thrives on competition and he hates to lose. "Flip him to see who buys lunch and he loses—the day's a disaster," says his Nashville law partner, Aubrey B. Harwell Jr. Mr. Neal, one of the few lawyers who signed on at the special prosecutor's office on a temporary basis, heads the prosecution team for the Watergate cover-up trial. It is the set piece of the Watergate affair—the biggest trial to grow from the worst political scandal in American history.

Given his urge to compete and the importance of the trial, it seemed odd that Mr. Neal declined to present the Government's opening argument Monday at the trial and instead let an assistant, Richard Ben-Veniste, handle the job.

Aside from courtroom tactics, it was believed to be a mark of Mr. Neal's self-confidence and a recognition by him of the talents of an associate. A less confident man would insist on doing everything himself.

It was also a mark of how well he works with the young Ivy League lawyers assembled by the former special prosecutor, Archibald Cox, to investigate Watergate.

## He Questions Dean

However, once the prosecution's case opened, it was Mr. Neal who questioned the Government's star witness, John W. Dean 3d.

"He inspires a great deal of loyalty among a bunch of very willful young lawyers who are tough, aggressive, ambitious and vain. That takes a lot," said one man who has been close to the special prosecutor's office.

Mr. Neal is an offbeat figure among the young lawyers. He strides down the marble hallways of the Federal Court House looking tough, broad-shouldered and muscular, jaw set, lips held tightly together, blue-gray eyes conceding nothing.

All that comes out when he speaks, however, is an old Tennessee country boy, telling stories and chuckling a little at the serious world with his feet up on a desk and a fat cigar in his hand.

Before Watergate, Mr. Neal was best known for his successful prosecution of James R. Hoffa, the former president of the International during the days of the late Attorney General, Robert F. Kennedy. The first Hoffa trial in 1962 ended in a hung jury, but Mr. Neal also handled the prosecution of charges of tampering with that jury and helped send Mr. Hoffa to prison.

## In Court as a Boy

Mr. Neal was born Sept. 7, 1929, on a farm in Oak Grove, Tenn. as a child he used to go to the county courthouse with his father who liked to listen to the lawyers argue cases.



Associated Press

Wins loyalty of "very willful young lawyers."

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degree from Georgetown University in 1960.

He was a special assistant to Attorney General Kennedy from 1961 to 1964. He worked closely with a group of Kennedy-era lawyers who were later brought into the Watergate case to defend associates of former President Nixon and Mr. Nixon himself.

Among Mr. Neal's close associates were William O. Bittman, an unindicted co-conspirator in the cover-up case; Charles N. Shaffer Jr., lawyer for John W. Dean 3d, a key witness; Herbert J. Miller Jr., Mr. Nixon's lawyer, and William G. Hundley, a lawyer for former Attorney General John N. Mitchell.

## Named U.S. Attorney

In 1964, Mr. Neal was appointed United States Attorney for the Middle District of Tennessee. He left that post two years later to enter private practice with Mr. Harwell. It is a busy general practice with a number of clients in the country music field, including the singer Johnny Cash.

On May 26, 1973, the day after Archibald Cox was sworn in as special prosecutor, he called Mr. Neal.

Mr. Neal, leaving his wife, Ellen Julie Neal, and his children, James Jr. and Julie Ellen, behind in Nashville, moved into a Washington hotel and plunged into the case, but without cutting the ties to his law firm.

His work on the case ended on Oct. 19, 1973, when Mr. Dean pleaded guilty to obstruction of justice and agreed to become a key witness in the cover-up trial. He resigned that day, with an agreement to return and handle the cover-up case, if Mr. Cox wanted him. The next night Mr. Cox was dismissed at the order of Mr. Nixon.

Later, at the urging of Leon Jaworski, who succeeded Mr. Cox, Mr. Neal returned to handle the cover-up trial.

For many years he was an avid golfer but gave up the game because it took too much time away from his family. He switched to tennis.

Asked why he came back for the trial, Mr. Neal said, "I would have been very sad if I had passed it up. It's the fastest game in town. Also, I hope that there's something unselfish about it."

At the Portland, Tenn., high school, Mr. Neal was known as "Flush." He went on to the University of Wyoming as a fullback on an athletic scholarship, graduating in 1952. He served in the Marine Corps during the Korean war and was discharged a captain. Then he went to Vanderbilt University Law School, graduating in 1957, and earned a master of law