

*Watergate
Prosecutor
Jim Neal:
The
Shrewd
Tennessee
Lawyer
Who Once
Nailed
Hoffa
And
Who Hates
To Lose*

By Judy Bachrach

If you ask the folks back home in Nashville about Jim Neal, who made the long trek North this time only after some pushing, they'll talk your ear off. They say he's been losing a pile of money ever since he suspended his lucrative law practice back home to become chief trial attorney in the Watergate case.

("Prestige?" echoes Tyree Harris, another prominent Nashville lawyer, "Prestige is awful hard to eat . . .")

They say he's one of the best trial lawyers around.

They say he's superb in the pit, radiating confidence, charm, authority. They say he's never lost a case when he's pleaded a client not guilty. Or, more accurately, he's never had a conviction upheld.

They say Jim Neal hates to lose about as much as any man they've ever known.

"If you play three sets of tennis with Jim Neal," says his partner, Aubrey Harwell, "and he beats you the first two rounds, but loses the third, Jim will demand a rematch. No matter what time it is. No matter how late it is."

They say he's that kind of guy.

"Yes," says James F. Neal, nodding sorrowfully, "I really hate losing. And that's bad. It's because I have these feelings of inferiority, I think. And I think when you feel inferior then you feel you've got to win. And that's bad too."

At this moment, while he is trying to look absorbed in the process of fiddling with a

lighter and a 50-cent fat cigar, he does not at all look like the smooth tough associate special prosecutor who choreographs Watergate courtroom strategy in tandem with Richard Benveniste and Jill Volner—both of whom he hired. He looks a little annoyed with himself and the tennis anecdote. He is a smallish man, this Nashville lawyer who will pit his shrewdness and experience against the lawyers for Haldeman and Ehrlichman.

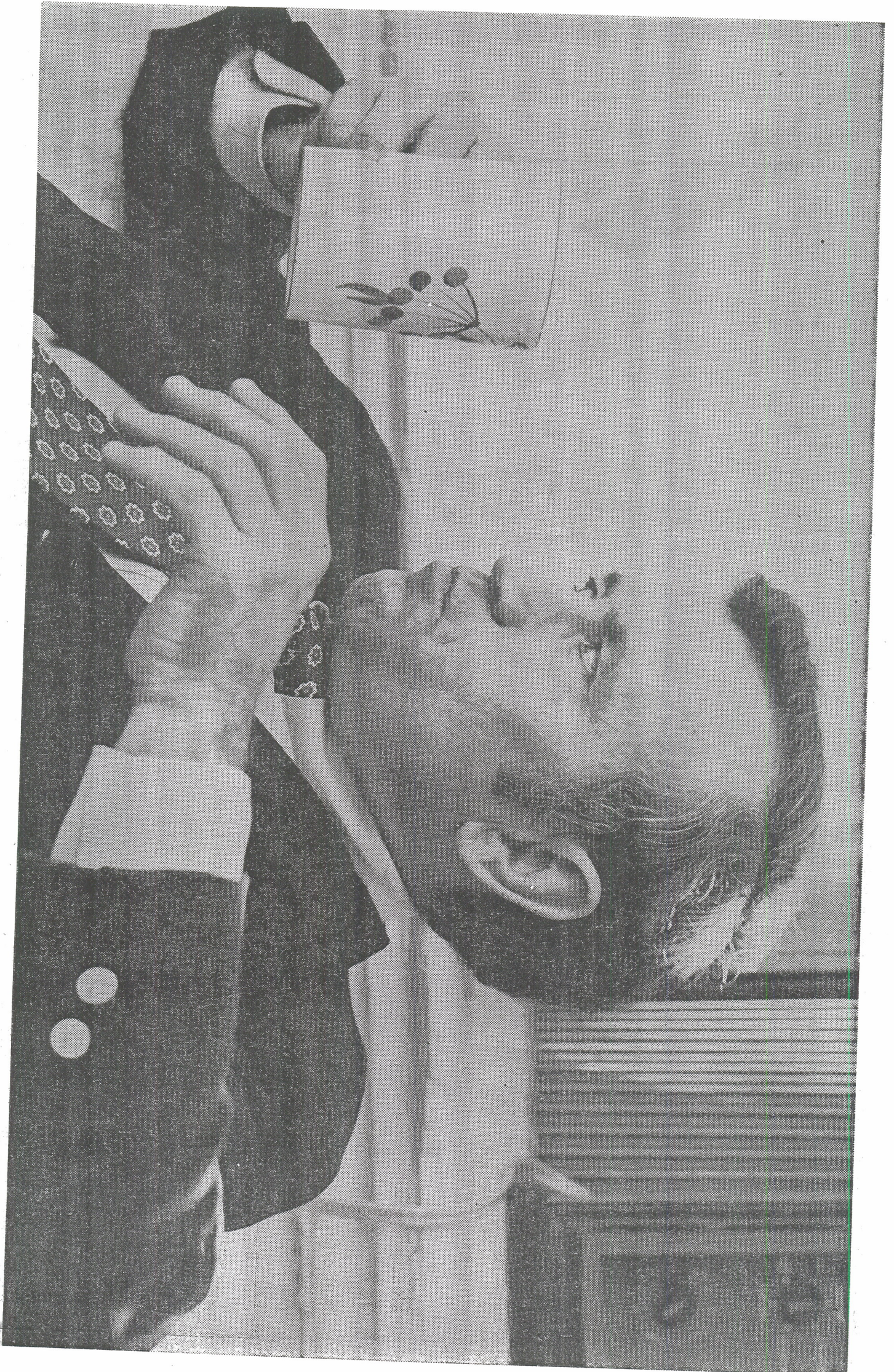
He has a Southern accent that ebbs and flows according to his mood. He has a slight paunch which he straps inside a blue Brooks Brothers shirt that matches his eyes.

"I guess I'm dumpy," says Jim Neal. "And let's face it, you don't care much about clothes when you're dumpy."

He is, in fact, a man of rather arresting good looks, and the broad red tie, the jacket that refuses to leave his frame on a very warm day, all testify to the fact that he cares a good deal about his appearance. It is, after all, one way of winning.

"Jimmy Hoffa once called me the most vicious prosecutor who ever lived." He grins at the memory. Jim Neal won against the old Teamster president, too. That was back in '64 when he was just 35 and still working for then Attorney General Robert F. Kennedy in the Justice Department. Neal's first Hoffa trial (1962) ended in a hung jury. But in '64 he got a Chattanooga court to convict Hoffa for jury tampering.

See NEAL, L3, Col. 1



By Graig Herndon—The Washington Post

NEAL, From L1

It was, to say the least, a rather spectacular trial, or as Neal would say, "not a very gentlemanly contest."

One Hoffa lawyer outdid himself in his summation before the jury. As Neal recalls:

"He threw 30 pieces of silver on my table. And then he said, 'Pick up your pieces of silver, Mr. Neal. You've earned them...'"

He draws reflectively on the cigar, his accent billowing forth with the smoke. "In fact I liked Hoffa. Why sure I did. W-a-a-l let me change that a bit. 'Like' is too strong. I recognized some stellar qualities in Hoffa. He was born poor; he was tough; he didn't whine or ask for mercy. And he fought with everythin' in him."

"Jim Neal is highly competitive," says his partner. "I can't stress that enough. Have you ever thought of what distinguishes a great trial lawyer from a good one? It's the ability to dominate. Jim's got it."

But winning is a strange thing. And Jim Neal who's done it for a number of clients whom a lot of Nashville folks would swear were as guilty as sin—he says so much in life is a matter of luck.

"And I've paid some price for it, too. Well, I have a hiatal hernia and I have stomach spasms. Yeah, it's tension most of the time. See, I must remain outwardly confident all the time, in the courtroom..."

He was born 45 years ago, a farm boy in very rural Tennessee. Oak Grove ("Pop. 35—less now that Jim is gone," says his partner) was his birthplace, and his parents, Robert Gus and Emma Neal, now 81 and 80, still live there.

"We had 80 acres," says Emma Neal. "And Jim used to milk the cows and sell the cream—yeah, he had his own cow, too. We didn't feel like we was poor. We had plenty to eat and plenty to wear and when you feel like that you're not poor. But we wasn't rich, that's for sure."

So if you gauge progress in purely monetary terms, Neal's come a fair distance since his boyhood. He lives in a big stone house that he gutted and remodeled in the western part of Nashville ("The better part," explains one native). There is a tennis court on the grounds. His buddy, John Seigenthaler, once an administrative aide to Robert Kennedy, who now publishes the Nashville Tennessean, estimates that Neal's private practice earns him about \$100,000-\$150,000 a year.

Jim Neal chuckles at that figure. "Why that's mighty flatterin'. But when you hit the papers you read all sorts of things about yourself. Like I

read how I was a star football player in college. Actually, I was pretty pedestrian."

It was football, nonetheless, that paid for his education at the University of Wyoming.

"Paid me books, learnin', plus 30 bucks extra a month and theoretically I had to clean the head—that's the john," he explains graciously.

"Jim wasn't an excellent student," says his mother. "But he never flunked."

"Why I was just lucky I didn't flunk out," says her son. "Barely went to class. Barely studied. I tell you those were four years of uninsured foolishness." He glares at the coffee table, angry with himself. "I was just lazy, good-fer-nothin'..."

Well, people do change. After college he entered the Marine Corps, positive he was going to fight in Korea. He didn't. He became, instead, a liaison officer, with time to think about what he was not doing with his life.

"And I said, 'Hell I got to stop this. Got to make somethin' of myself.' Well I figured, 'Hell. This is hard work. Better become a lawyer.'"

The blue eyes light up. "So I went to Vanderbilt (University) and I'm proud to say I got only two B's." He raises two fingers for emphasis.

"The rest were all A's."

He graduated first in his class. In 1957, he arrived in Washington at the firm of Turney & Turney where he did some tax law, minor cases, "and whatever garbage they give you when you're just outta law school."

By that time he was 28 and had been married three years. Today after 20 years of marriage he says, "Well it's like all marriages. It's good and bad. We have fights. I love my wife, appreciate, respect her and I can't think of being married to anyone else."

"Yes, pretty much," says Julie Neal who is now down in Nashville. "I pretty much knew I wanted to marry Jimmy right after I met him." She was born a Yankee in Harrisburg, Pa., but years of Nashville have stretched her vowels, obliterated consonants.

She met Neal on a blind date, married him when she was 22, having only partially completed her education at Immaculata College in Pennsylvania. She says, "Maybe I would've become a lawyer if I was as smart as Jim. But probably not." She works part time as a bookkeeper.

Almost from the first her husband's jobs took him away. A lot. And these days she sees him only on the occasional weekend.

"Yes, that's probably why we've stayed married 20 years." She laughs. "I've really grown accustomed to it."

“They say he’s never lost a case when he’s pleaded a client not guilty. Or, more accurately, he’s never had a conviction upheld. They say Jim Neal hates to lose as much as any man they’ve ever known.”

But it’s harder on Jimmy than it is on me to do this . . .”

“This is tougher on my family than it is on me,” says Jim Neal. “You know raising kids is a very difficult thing. I don’t know many great parents.”

He sighs. He has two children: a daughter, 11; and a son, 14, who is a copyboy at the Nashville Tennessean.

“And he loves that. You know my son, to be honest, has a lot of trouble adjusting to life. But the two things he really loves are his Yamaha and that job.”

He leans back and studies his cigar which has gone dead. “It’s probably more difficult for them like this than if I never went home. But I’m home just enough to have an unsettling influence on my family, and frankly, I feel very guilty about it. That’s one reason I’ll be glad when this trial is over.”

His wife says, “It took a lot of arguments on (Former Special Prosecutor Leon) Jaworski’s part to bring Jimmy back to Washington, (the second time). I tried to persuade him to go. ‘Cause he’d be sorry if he didn’t.” She laughs again. “Well I think he likes the limelight.”

The first time Jim Neal glowed under the limelight was during the ‘62 Hoffa trial. He had arrived at RFK’s Justice Department but one year earlier at the age of 32—a bright, cocky young man who, despite his yen for tax law, was placed by Kennedy in the criminal division.

He played touch football with the rest of the crowd up at Hickory Hill. And he worked with—and this ultimately proved to be of some significance—the solicitor general whose name was Archibald Cox.

“Archie was several years older and much ahead of me in personal accomplishment,” Neal grins broadly. “Yeah I suspect Archie thought I had more brashness than sense.”

In ‘64 he left the Justice Department and was named U.S. attorney in Nashville to fill the unexpired term of his predecessor.

“Yeah, and one of the last things I had to do before I became U.S. attor-

ney was prosecute Hoffa’s Nashville lawyer who’d tried to bribe a juror. Tommy (Z.T.) Osborn. Yeah. A pretty good friend of mine too.” Neal shakes his head slowly, sadly. “He shot himself a few years after he got out of prison.”

(It was not to be the last time a “pretty good friend” who happened to be a lawyer ran into a messy situation. Last weekend, William O. Bittman who’d known Neal since their Justice Department days, brought the prosecutor a copy of an E. Howard Hunt memo that showed the Watergate break-in defendants were expecting pardons and hush money—even before their trial began. According to Neal, Bittman had repeatedly denied any knowledge of that memo.

(Neal, says Bittman, “was and still is” his good friend. And that’s all he’ll say).

By 1966 Jim Neal left the limelight and set up a private practice that included some perfectly splendid cases. A police commissioner in Chattanooga accused of a moonshine whiskey conspiracy. Acquitted. An accused hijacker caught by the FBI with a gun in his belt. Acquitted. Edward Grady Partin, a former Louisiana Teamsters boss, and one-time Hoffa in-mate who became a key anti-Hoffa witness, charged with antitrust violations. Two convictions that arose out of those charges set aside. Folks down in Nashville can’t get over Jim Neal’s record.

And Tyree Harris pays him the supreme compliment.

“I know if I was under indictment, I’d rather have Jim defending me. ‘Specially if I was guilty.”

And Jim Neal handles all of Johnny Cash’s business. They’re good friends.

“Matter of fact, Johnny just called me th’other day. Wants two tickets to the Watergate trial, Nov. 11. For him and June.”

Someone who knows him pretty well says that Jim Neal was troubled about the possible consequences of pardoning Richard Nixon. He says Neal was worried about the effect all this might have on the Watergate jurors, who know that the President pardoned

Richard Nixon, and not, say, Haldeman or Ehrlichman.

Hearing this, Jim Neal grows grave—and alarmed. "Look, I can't comment on that one way or the other." His brow furrows. "The gag rule. I just can't confirm or deny it."

And one person who's talked to him recently says, "I get the impression he (Neal) might not be too impressed by Jaworski at all . . . He knows that Archie (Cox) liked young people with intellect. And when a question of law and procedure came up, Cox would get together with the young staff members in a give-and-take dialogue to develop policy."

"Jaworski, on the other hand, didn't enjoy that sort of thing. He didn't want to be bothered dealing with the staff in an intimate way. He wanted them to come up with a decision. And then he'd say 'Yes,' or 'No.' "

At this Neal shakes his head vehemently. "I don't think that's entirely accurate. I have high regard for Leon. In some ways more than I have for Archie Cox. You know Leon—he's an establishment lawyer from Texas and it took great courage for Leon (to prosecute Watergate); whereas Archie was more liberal to begin with."

But he adds, "Leon was more a man who wanted you to go back to your own office and wrestle with a problem."

It was, nonetheless, Archie Cox who lured Jim Neal away from Nashville, Tenn. That was right after he was appointed special prosecutor, and Neal said, yes, he would come. But just for two weeks.

Well, the two weeks did one of those instant film dissolves. And so, it wasn't until five months later that Neal left for home and family. That was the day John Dean pleaded guilty and Neal figured he'd done just about enough.

The next day Archie Cox was fired.

"And Jim was shattered," says one friend, "He loved Archie."

So then it was Leon Jaworski's turn to start calling Nashville. "We were all hoping that Jim would come back," says Richard Ben-Veniste.

"Mr. Jaworski called a number of times," says Neal's law partner. "Jim's absences created tremendous difficulties for us in handling business. But (Watergate) is the biggest game in town. The biggest."

And Jim Neal says, "I get bored just practicing law in Nashville . . ."

So last May he returned North to complete the job. Every day he rises "as late as possible" and finishes by 10 p.m. He lives in a furnished flat and he says it's not much of a life, but you get used to anything.

John Seigenthaler came up a little while back and watched his old friend in action. He says that Jim Neal stands

directly behind the podium at the end of the jury box — and does not move from there. Not after he heard Judge John Sirica chastise another attorney for moving about.

"Jim dresses very casually—dark blue blazer," says Seigenthaler. "Now he knows John Dean's testimony about as well as John Dean. But when he questioned him it was in such a conversational way that this was not apparent to the jurors."

"And when he cross-examines," Seigenthaler chuckles. "Well, you'll see. He's tough. He never goes on a fishing expedition. Never asks a question to which he doesn't know the answer. Jim doesn't believe in surprises on the witness stand . . ."

But Jim Neal won't talk the trial. At all.

Questions like, "Are the rules of evidence being compromised in the trial?" Or "What do you think of John Dean?" yield this unvarying response:

"Like to talk to you 'bout that some time . . ."

And a laugh.

"When I resigned as U.S. attorney, having had some notoriety, I had a tough time adjusting to anonymity." Jim Neal plays with his lighter. "Any time you go through something like this (Watergate publicity) the real world—and the boredom associated with the real world—creates problems . . ."

It is probably flight from boredom more than anything else that motivates Jim Neal. That and a very obvious impatience with his own frailties. He's thought seriously about running for mayor, or governor, but gave up the idea.

"I always thought," he says, "that I'd make a very good office-holder and a very poor candidate. You have to fool around day after day . . ."

And yet, there is a decided kinship between lawyers and politicians—especially trial lawyers. Most attorneys have a peculiar reverence for trial lawyers, regarding them a breed apart. They have to be at once showmen and strategists. And there exists among those who have chosen bravado and stomach spasms as a way of life the brittle comradeship of gladiators.

"I was at the trial," says John Seigenthaler, "when Jim Neal walked up to John Wilson (Haldeman's lawyer) and said, 'Why are you goin' so soft on John Dean? I thought you'd go after him hammer and tongs.'"

"And Wilson, he says, 'The hell you did. You would have done just what I did. And the way I did it.'"

"And Neal—he just laughed. And then he said, 'You're right. You're absolutely right. I would've done it just the way you did.'"