

# WILL THE LAW EVER GET HOFFA?

---

HE HAS BEATEN  
FOUR RAPS,  
BUT HOFFA WILL YET  
GO TO JAIL,  
BOBBY KENNEDY  
INSISTS.

---

By HOMER BIGART

CALLED BEFORE McCLELLAN COMMITTEE  
IN 1957, HOFFA PIOUSLY SWORE TO TELL  
THE TRUTH, THEN TANGLED WITH BOBBY.



In a moment of triumph last December, Teamster boss Jimmy Hoffa ventured a printable and, for him, almost tender assessment of his favorite and most tenacious enemy, Bobby Kennedy.

Jimmy mildly referred to the Attorney General as "that spoiled brat . . . that crumb-bum," and added, "Someday I'm gonna break both his arms."

Hoffa, whose raw teamster idiom is usually peppered with promises to break both arms and both legs of whatever bum comes to mind, was feeling charitable. It had been a satisfying day. In Nashville, Tennessee, a few hours earlier, he had beaten off the Government's fourth major attempt in five years to put him in jail. This time, a Federal jury had been unable to decide whether or not he was guilty of sharing a million-dollar payoff from a trucking firm as the price of labor peace. The case had ended in a mistrial.

It was a stunning setback in the Attorney General's crusade to divest Hoffa of the presidency of the 1.7-million-member International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (and casket workers, quarry workers, barbers, musicians, stagehands, hotel employees and car washers).

Flying back to Detroit in a chartered twin-engine plane, Hoffa relaxed from the strain of nine weeks in court by playing a few hands of gin rummy. Later he snoozed. Sharing the plane were part of the Teamster corps of lawyers and aides. Everyone felt jovial: Mistrial was as good as acquittal in the Nashville case. But Hoffa, before dozing off, made a point of warning his minions against complacency.

"Bobby, small and dangerous as he is, is liable to try anything," he said. "What does it cost him? Not a nickel. The taxpayer picks up the tab."

For years Hoffa has sought to foster the myth that he is the innocent victim of a rich kid's vendetta. The fact is, however, that he has rather impressive resources at his own disposal. Jimmy himself has estimated the Teamsters' assets at about \$1 billion, and there seems to be no limit to the funds he can tap for legal expenses.

As Teamster boss, furthermore, Hoffa has a stranglehold on the American economy anytime he wants to squeeze. Teamsters drive the trucks that distribute the vital necessities of life—food, clothing, fuel, and merchandise—more than 80 percent of all freight moved in this country. A word from Hoffa can shut off supplies from stores and factories. Not even the dead escape him: A teamster drives the hearse. And next year Hoffa hopes to be in a position to dictate the terms of a master contract for all inter-state trucking, thus putting himself in a position to paralyze the nation's economic life by a coast-to-coast strike.

The thought that any one man, however personally trustworthy, should wield such unprecedented power has alarmed thoughtful Americans in and out of government. And that the man should be Jimmy Hoffa, notoriously arrogant and greedy for power, often accused of misuse of funds, and infamous for his toleration of hoodlum associates, makes the prospect still more perilous for the country.

In 1957 the American Federation of Labor and Congress of Industrial Organizations voted to expel the Teamsters after its own investigation showed that the union "has been and continues to be dominated or substantially influenced by corrupt influences." More recently a leading



labor attorney said, "Hoffa no longer makes any pretense of purging the Teamsters of hoods and gangsters."

Still powerful in the union are such unsavory characters as Anthony Provenzano, better known as "Tony Pro," an international vice president and the president of Local 560 in Hoboken. At the moment Tony Pro is awaiting trial on two Federal indictments charging extortion and accepting illegal payments.

In Hoffa's own Local 299 in Detroit, George Roxborough, business agent, has pleaded guilty to and Roland McMasters has been convicted of accepting payoffs. McMasters is awaiting the outcome of an appeal. William Presser, president of the Ohio Conference, recently started serving an eight-month sentence in Federal prison for perjury. John J. Felice, president of Joint Council 41, Cleveland, has been convicted of accepting payoffs but is out on appeal. Frank Matula of Los Angeles remains one of the trustees appointed by Hoffa to guard the union's funds although he has served a term for perjury.

Bobby Kennedy's crusade to eliminate or at least reduce the menace of Hoffa began in 1957 when he first clashed with the cocky little teamster at hearings of the Senate Rackets Committee. Kennedy was counsel for the committee, and Hoffa, then a Teamster vice president under Dave Beck, was the major witness. Kennedy concluded at the time that Hoffa was just about the most sinister figure in the land because of his "venality, his shady business deals, his gangster connections, his roughshod abuse of democratic procedure within the union."

The Attorney General still holds that conviction. So, presumably, does his brother the President, who said during the 1960 campaign, "I am not satisfied to see such men as Jimmy Hoffa . . . still free."

Three times before Nashville the Government had tried to bring Hoffa to book. In 1957 he was acquitted on a charge of attempting to bribe an investigator for the Senate Rackets Committee. Later the same year he was brought to trial on a wiretapping count but went free when the jury failed to agree. Tried again on the charge in 1958, he won an acquittal.

Of these three defeats, the most humiliating for the Government was the first. John Cye Cheasty, a New York lawyer, told Bobby Kennedy that Hoffa had given him money and told him to get a job on the Rackets Committee so he could secretly feed information back to the Teamster leader. Kennedy arranged a trap. FBI men were on hand with cameras when Cheasty delivered papers to Hoffa on a Washington street corner and was paid off. The case seemed airtight, so solid that Kennedy said he would jump off the Capitol dome if Hoffa were acquitted.

Teamsters have been hollering "Jump!" at Kennedy ever since. Hoffa, on the witness stand, coolly admitted paying Cheasty \$3,000 in cash out of a "revolving fund" in his office but said he wanted Cheasty as a lawyer, not a spy. The jurors apparently believed his story. Kennedy, furious, blames the Justice Department for sloppy handling of the case.

Having seen Hoffa wriggle free three times, the Attorney General was determined that the Government's case be meticulously prepared by the time the Teamster boss came to trial on the payoff charge. Kennedy accordingly dispatched to Nashville a task force of New Frontiersmen headed by his special assistant,



FACING HOFFA IN THE SENATE HEARINGS, COUNSEL KENNEDY BEGAN HIS STILL-CONTINUING CRUSADE.

Walter Sheridan, and two of his brightest young attorneys, James F. Neal, 33, an ex-Marine who was born on a farm near Nashville, and Charles N. Shaffer Jr., 30, a New Yorker who graduated from Fordham Law School at the top of his class.

If Hoffa was worried about the caliber of his adversaries, he gave no sign of it. Aged 50 and carrying 190 pounds on his five-foot, five-and-one-half-inch frame, he kept his truck-solid body hard by continuing his long-standing practice of exercising on a chinning bar and doing as many as 25 push-ups each morning. (He and the Attorney General once engaged in a spirited but inconclusive argument over which of them could do the most push-ups.) Most mornings Hoffa also took a brisk four-to-six-mile walk through Nashville before going to court.

On one of these morning hikes, accompanied by this reporter, Hoffa suddenly froze in his tracks as a big truck passed, snarling its way up a grade. A look of rapture crossed his tough, square face. "Ah," he cried, "listen to that exhaust charge. He's kicking her in right now. Ah, he kicked her in just at the right speed and goosed her. Ah, just like music." Standing there bareheaded on that Nashville corner grinning with boyish delight at the shriek of a diesel being goosed, Hoffa seemed not to have the least qualm about the treachery to his own union members which Kennedy regarded as clearly evident.

The Government's case against Hoffa was basically simple. It accused him of violating a fundamental concept of trade-union morality—that no labor official may reap personal profit from dealings with a company whose workers his union

represents. A violation of the Taft-Hartley Act, the crime carries a maximum penalty of two years in jail and a fine of \$20,000. Furthermore, although it was not an offense that would automatically remove Hoffa from his union presidency under the Landrum-Griffin Act, the Government hoped that conviction would encourage a revolt by teamsters who resented their boss's dictatorial methods but who were kept in line by the belief that nothing could stop him.

Specifically the Government charged that Hoffa and a Teamster crony, the late Owen (Bert) Brennan, shared a payoff from Commercial Carriers Inc., a Detroit-based firm that hauls new automobiles from factories to dealers in rigs driven by teamsters. Commercial Carriers had run into serious labor trouble in 1948 at its terminal in Flint, Michigan, when it suspended an arrangement permitting teamsters who owned their own tractors to lease them to the company. The drivers went on strike, and there was considerable violence and sabotage.

A Government witness, Louis C. Broome, an employee of Commercial Carriers, testified that during the strike he attended a meeting in the office of Bertram B. Beveridge, then vice president and a part owner of the company, when Beveridge received a significant telephone call. After hanging up, according to Broome, Beveridge told the group: "It appears it will be necessary for us to lease equipment from someone Hoffa designated in order to settle the Flint strike."

Shortly thereafter, Hoffa arrived in Flint, denounced the Teamster strike as illegal and ordered the drivers back to

work. Right after this, the Government charged, Commercial Carriers staked Hoffa and Brennan to a fleet of trucks which the company then leased back—for 65 percent of each load's revenue.

A St. Louis banker, John Fox, an official of the Mercantile Commerce Bank and Trust Company, testified that he had received a telephone call from Beveridge asking for a loan to finance the purchase of nine new tractors for a new company called Test Fleet.

Fox made a detailed memorandum of the conversation, and his memo became the Government's most important exhibit. In it Fox had written that Test Fleet was being organized "for a Mr. Hoffa and a Mr. Brennan, who, according to Beveridge, are the dominant figures in the union picture in Detroit." Beveridge guaranteed the loan, and it went through.

Test Fleet was chartered in Nashville in 1949, with all of its stock held by the wives of Hoffa and Brennan under their maiden names of Josephine Poszywak (Hoffa) and Alice Johnson (Brennan). This arrangement, the prosecution contended, was a transparent attempt to conceal the true ownership of Test Fleet. Transparent or not, the Government, to win a conviction in Nashville, had to convince the jury that Hoffa (with Brennan) was the real owner and beneficiary of the arrangement.

To this end, the Government sent 29 witnesses to the stand. Several of these said they had never heard of Josephine Poszywak or Alice Johnson but had always dealt with Jimmy Hoffa on Test Fleet business. Even more damaging to the defense was evidence tracing \$51,000



## Judge Miller accused Hoffa underlings of trying to sway the jury.

of Test Fleet dividends to Hoffa. The prosecution showed that he had used some of this money to buy mining stock and some for a hunting-and-fishing lodge in upper Michigan which he then magnanimously leased to Teamster officials.

Apparently still more discomfiting to Hoffa was the testimony of an old friend, George S. Fitzgerald, a leading Teamster attorney. Called as a Government witness, Fitzgerald testified that Hoffa had once asked him to take a \$15,000 dividend check from Test Fleet and give him another check in the same amount. Fitzgerald said that the Test Fleet check was made payable to Mrs. Hoffa and had been endorsed by her. He said he had agreed to the swap, and the check he gave Hoffa was introduced in evidence to show that Hoffa had cashed it.

Shortly after this revelation, Fitzgerald encountered Hoffa in the corridor outside the courtroom. Hoffa was seething with anger. According to Fitzgerald, the Teamster boss told him, "You are finished. You are fired. I want you to turn over all your books and records to the union." (Hoffa denied firing Fitzgerald and insisted the lawyer had resigned. Fitzgerald called Hoffa's statement a "fabrication.")

By the time Hoffa took the stand he had cooled off. He denied that he was involved in or personally profited from the truck-leasing deal. He contended that he had sought legal advice as to whether his wife's part-ownership of Test Fleet was a violation of the Taft-Hartley Act; lawyers had told him it was not. And he contradicted Fitzgerald's testimony on the check

swap. He said Fitzgerald had come to him seeking a \$15,000 loan. Knowing that by a happy coincidence his wife had just received a dividend check for that very amount, Hoffa said, he had suggested that she give it to Fitzgerald and take the lawyer's personal check for the same amount, holding it until he could make it good.

Hoffa blandly admitted that he had used his wife's Test Fleet dividends to finance certain business investments of his own. But, he said righteously, he considered the money a loan, and he always "put it back in our joint funds at home." There was nothing unusual about this arrangement, he told the jury. After all, he added, "I happen to be the husband of Mrs. Hoffa."

Fatuous as Hoffa's protestations sounded, the Government was unable to prove them false. Perhaps even more damaging to the prosecution's case was the dull, stale, cumulative nature of its testimony.

The only moment of real drama came early in December when an unemployed dishwasher strode through the swinging gate, marched up to the defense table and, drawing a BB pistol from his trench coat, fired point-blank at Hoffa.

"The gun made a much flatter noise than a pistol," says chief prosecutor Neal. "It just went 'Splat, splat, splat.' I thought, *What in the world is holding Hoffa up?*"

But Hoffa was in no genuine trouble. The innocuous pellets struck him on the left arm, raising small welts. His assailant, a 23-year-old former mental patient named Warren Swanson, fared far worse. Hoffa, springing to his feet, caught Swanson with a right to the head. A deputy marshal's revolver butt knocked him to the floor, where Hoffa's bodyguard then kicked him.

Swanson later admitted that he had intended to kill the Teamster boss. "I know it sounds crazy," he said, "but I got a message from a higher power."

In any event, after this one flash of action, the court proceedings inevitably seemed more tedious than before. Every-

one was relieved when the weeks of testimony finally ground to an end.

The jury was out for 17 hours. Three times it reported "hopeless deadlock." Finally Judge William E. Miller, furious over instances of attempted jury tampering by "close labor-union associates of the defendant," reluctantly declared a mistrial.

Hoffa, cocky and exuberant, strutted out of the courtroom, leaving the Government lawyers crushed and despondent. It was unlikely, everyone knew, that the case would be brought to trial again. Most of the jurors, it was learned, had been for Hoffa. They had voted eight to four for acquittal on the first poll, seven to five for acquittal at the end.

Nevertheless, no one thinks that Bobby Kennedy's battle to save the country from Hoffa ended on December 23 in Nashville. Already, both sides are laying the groundwork for the next round.

Hoffa for his part has been taking every opportunity to picture himself as the victim of wholly unwarranted Kennedy bias. Recently, for example, he gave signs of pressing the \$2.5 million libel suit he filed in 1960 against the National Broadcasting Co., accusing Kennedy of libeling him on a 1959 Jack Paar show.

Early this year, moreover, he charged that Kennedy was trying to put him out of business by preventing Teamster officials from obtaining bond against the loss or theft of union funds.

"The minute a bonding company bonds our union," he declared, "the FBI descends on the company and subpoenas its records. This is the kind of police-state Gestapo system we are living in today."

The Justice Department denied the charge, and Hoffa, asked by the House Labor Committee for evidence to support his charges, admitted that he had no direct personal knowledge of Government pressure on bonding companies.

But a regard for such niceties as evidence is unlikely to keep Hoffa from raising the cry of persecution at every opportunity this spring. For he knows the Government is engaged in preparing

the next and perhaps last major effort of the Kennedy crusade.

Last year, even before deciding to bring him to trial in Nashville, the Justice Department had begun moving against Hoffa on a massive front. Throughout the country at least a score of grand juries began investigating various activities of the Teamsters. One grand jury, in Orlando, Florida, returned a criminal indictment against Hoffa, charging that he has misused \$500,000 in union funds and committed fraud "by mail, telegraph and telephone" in promoting Sun Valley Inc., a Florida real-estate development touted as the "Teamster Model City of Tomorrow." Many building lots in this model city, the jury charged, were "so low and permeated with water as to make them not suitable for construction of homes." The indictment further charged that Hoffa had a hidden option to buy 45 percent of Sun Valley's stock.

Conviction in this case would make Hoffa liable to 20 years in prison and a fine of \$85,000, and the Government debated for months whether to try him in Orlando or Nashville. It was finally decided that the Test Fleet case offered a better chance for quick conviction.

Now Kennedy's lawyers can either revive the Orlando case or drop it in favor of a far more comprehensive charge of mishandling millions of dollars of the Teamsters' pension and welfare funds. This case centers in Chicago, where an indictment is expected to be sought charging Hoffa and other Teamster trustees with using part of the huge pension fund of the union's Central States Conference to finance a series of questionable real-estate ventures.

Reportedly about 60 percent of the \$180 million fund administered by these trustees is invested in real-estate loans and mortgages, and the underlying suspicion is that some Teamster officials received kickbacks. Questioned about these investments, Hoffa puts on his practiced air of injured innocence. "Nobody got defrauded out of a nickel," he says, "so where in the hell is the problem?"

THE TEAMSTER TEAM IN NASHVILLE: AIDE JOSEPH KONOWE, TEAMSTER COUNSEL WILLIAM BUFALINO, HOFFA, DEFENSE LAWYER JAMES E. HAGGERTY, HOFFA'S SON JIMMY.





The Chicago case certainly promises no quick decision; it is immensely complicated. Hoffa, furthermore, has not reached his present eminence in a hoodlum-infested union without learning a great deal about the uses of power; and he has a corps of extremely shrewd legal minds ready to jump at a snap of his fingers. Nevertheless, Justice Department agents have been quietly sifting evidence for more than 18 months. Grand juries have investigated Teamster pension and welfare funds not only in Chicago but in 13 other major cities.

This time the Government knows its case, however complex, must be solid. Each past failure to make its charges stick has only lent apparent substance to Hoffa's carefully wrought self-portrait as the blameless victim of a personal vendetta. "There aren't many bites left in the apple," one Government official explains, "so the next one better be good."

It particularly had better be good because of Hoffa's goal of negotiating a coast-to-coast trucking contract in 1964. The prospect of any one man's holding such extraordinary power over the country is a chilling one, and no one who has seen Hoffa in action thinks that he would hesitate to use that power to enforce his will on the nation.

Hoffa himself scoffs at fears that he might call a nationwide strike. He maintains that it wouldn't be necessary, that the mere threat to strike one or two major lines would be enough to break employers' resistance to his demands. He may well be right. Even now most of the trucking industry is at his mercy.

Against Hoffa's sinister power no bargaining is possible. Contract terms are dictated. The employer can either accept them or be struck. "How do you bargain if you can't say no?" asks Joseph M. Adelizzi, managing director of the Empire State Highway Transportation Association. "How do you bargain if the other fellow holds a strike gun pointed at your belly? Saying no to Hoffa would be like committing suicide." THE END



HOFFA CARRIES A CHINNING BAR ABOUT WITH HIM, ONCE ARGUED WITH BOBBY OVER WHO COULD DO THE MOST PUSH-UPS.