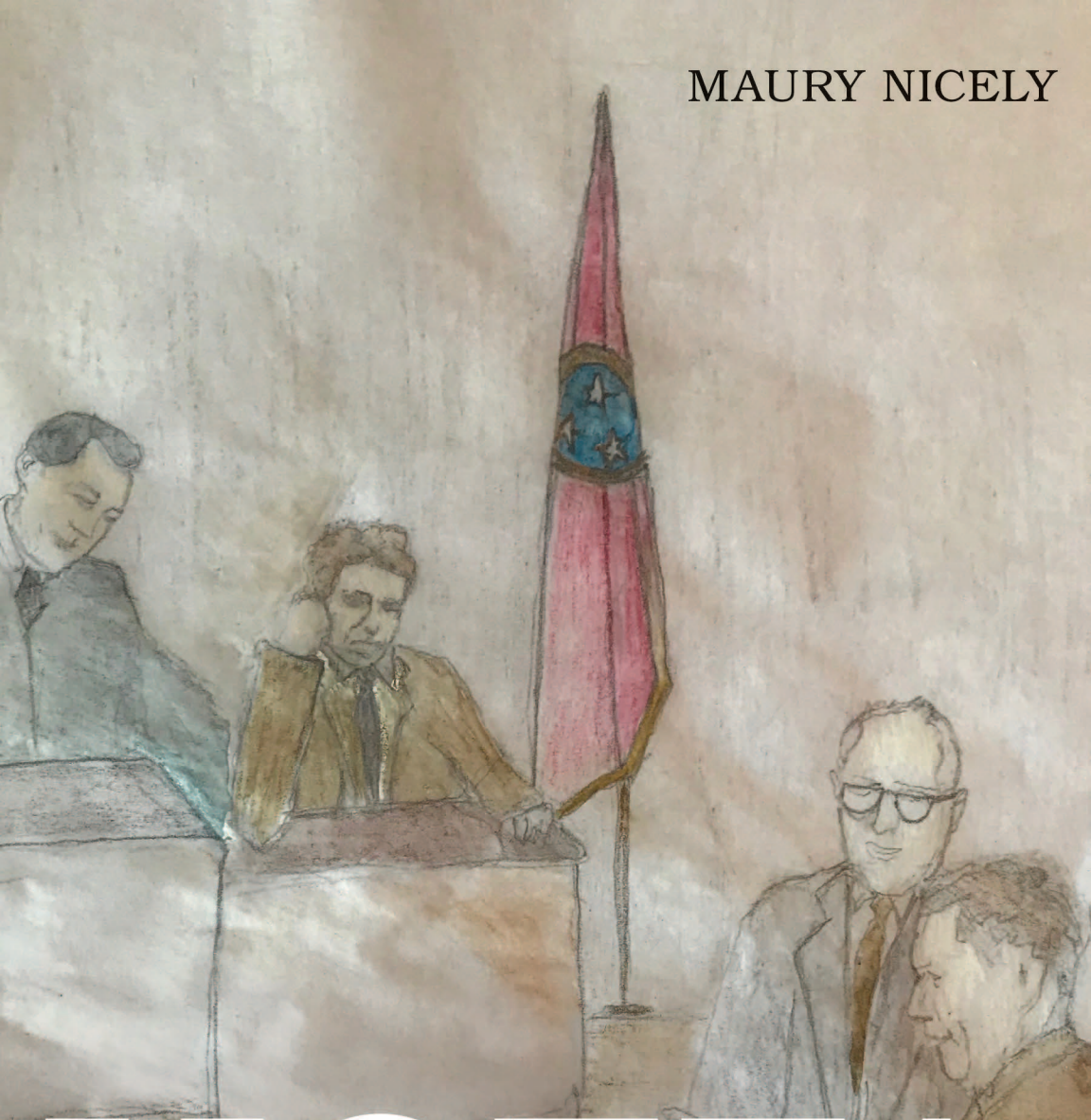
MAURY NICELY



HOFFA IN TENNESSEE

The Chattanooga Trial That Brought Down an Icon

Hoffa in Tennessee

MAURY NICELY

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To my parents,
Steve and Karen Nicely

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PROLOGUE

As US attorney general in the early 1960s, Robert F. Kennedy considered the president of the Teamsters Union, Jimmy Hoffa, a corrupt force who, in light of the organization's influence over the national economy, posed a threat to America. Convinced that Hoffa needed to be removed from power, therefore, he established a "Get Hoffa Squad" for the purpose of convicting the Teamster boss of wrongdoing. In so doing, Kennedy did not follow the general practice of identifying a crime and trying to determine who committed the act; instead, he began with *Hoffa* and then set out to determine whether he had engaged in some—any—criminal enterprise.

A unique defendant, Hoffa had the money and power to counter the efforts of the federal government, and several attempts to gain a conviction resulted in acquittal and disappointment. Undeterred, the Get Hoffa Squad persisted, year after year, to unearth some criminal act with which to nab the notorious Teamster leader. Over time, Hoffa and his lawyers became convinced that these efforts by Kennedy and his cronies had morphed into "persecution, not prosecution." Hoffa railed that government spies and informants had been used to report on his activities, witnesses had been threatened in order to sway their testimony, and wiretaps and recording devices had been used to listen in on confidential discussions within the Hoffa team.

To counter these aggressive tactics, Hoffa employed any number of courtroom strategies of his own. Celebrities appeared to shake hands with him in front of the jury. The testimony of government witnesses was blunted by accusations of racist behavior. Government agents were accused of surveilling and wiretapping Hoffa and his associates. As the government ramped up its efforts to "get Hoffa," the maneuvers the union boss was willing to employ in his effort to evade guilt likewise evolved. The result was a brutal, bare-knuckle brawl in which both sides appeared willing to dispense with not only the rules of civility, but also notions of right and wrong.

This struggle between Hoffa and Kennedy culminated in a six-week trial in a small federal courthouse in Chattanooga, Tennessee, in 1964. Wedged

between the two bitter factions was relatively new federal judge Frank Wilson, whose job it was to ensure a fair trial for Hoffa and his codefendants. The trial would prove to be a slugfest. Enraged by a belief that government agents and a turncoat Teamster had spied on Hoffa and his attorneys, and fearful that the trial was taking a negative turn, the defense team made a fateful decision. They would direct their rising ire toward the court itself in the hopes that the young judge would misstep, lose his temper, and cause a mistrial. The result was a bitter struggle, one that severely tested the court on a daily basis.

The story of the Chattanooga trial of Jimmy Hoffa is that of a lone, embattled judge struggling mightily to control a legal proceeding that teetered on the edge of bedlam, threatening to spin out of control. It also represents the first blow to Hoffa, a judicial setback that would tarnish his image and set in motion his downfall and disappearance a decade later. The following pages examine how—and whether—justice can prevail in the midst of an overwhelming assault on the judicial system itself.

ONE

Now some folks say he'll go to jail,
But others say, "We'll pay his bail"—
Now, we don't know who's right or wrong,
But a million drivers will sing his song.

Well, they're trying to get to Jimmy,
Trying to get to Jimmy,
Jimmy, they're coming after you;
Trying to get to Jimmy,
Trying to get to Jimmy –
Every politician and his brother, too.

—"The Ballad of Jimmy Hoffa," Smokey Stover (1960)[1]

AS THE SMALL aircraft taxied down the concrete runway toward the hanger, the crowd of blue-collar workers began to shout, clap, and wave homemade signs.[2]

"Welcome to Chattanooga!"

Built in 1930, the Lovell Field Airport consisted of a single hangar, an administration building, and a Standard Oil filling station. By the 1960s, the

antiquated airfield was in need of updating, and the landing strip had become a construction site. Touted as "one of America's most modern municipal airports" and the "Aerial Gateway of [the] Future," the contemporary airport was designed to "swallow up" the old structures, incorporating them into a sprawling building. The new terminal had only recently been completed, and the old lobby was being converted into a storage area for air freight.[3] At the ground breaking, local businessman T. A. Lupton Jr. characterized the airport as a "great step forward in increasing the strengths and advantages of Chattanooga." Floyd Delaney, president of the Chamber of Commerce, bragged, "Business leaders visiting us will get the impression they should get of Chattanooga."[4] With the arrival of a small aircraft on January 19, 1964, the city would be thrust firmly into the national spotlight, something that might have pleased those boosters.

Spotlights from the control tower flooded the runway. The door to the aircraft opened, and the crowd erupted. Jimmy Hoffa, president of the International Brotherhood of Teamsters (IBT), stepped down to the tarmac.

"We'll Always Be for Jo and Jimmy Hoffa"

Greeting supporters, Hoffa apologized for the late arrival; it had been a rough flight. Accompanying him were several members of his legal team and staff, as well as his wife, Josephine, his daughter, Barbara Crancer, and his son, James P. Hoffa. Asked about the others' presence, Hoffa replied, "We are a closely knitted family," adding that his wife and children were there "to give me encouragement." With his arm around his wife's shoulder, Hoffa smiled, waved to the crowd, and walked to a waiting Cadillac.[5]

"Thank You Jimmy for the Contract"

Only three days earlier Hoffa had enjoyed his finest hour. Less than one hour before a deadline set for six nationwide trucking companies to go on strike—a costly and destructive tactic from which Hoffa had not been willing to back down—the businesses had agreed to a National Master Freight Agreement, the first nationwide collective bargaining agreement in what had once been a completely decentralized industry. The contract created a common floor beneath which the wages of Teamsters members could not be reduced. It also established a common deadline for the expiration of bargaining contracts, maximizing Teamster leverage at the bargaining table. Hoffa, who calculated that the agreement would result in a forty-five-cent-per-hour pay increase

for workers, pronounced it "a great contract." The *New York Times* assessed it as "a personal triumph for the union's president."[6]

"He Brings the Bacon Home—Our Wages Prove It"

It was not Hoffa's first visit to Chattanooga; he had swept through town only two days earlier. After answering "a barrage of questions from newsmen," he had been escorted downtown for a series of brief meetings before heading home to spend the weekend with his family. To his delight, Hoffa had been showered with support and thanks by crowds of union supporters. Now, on his return trip, he was scheduled to remain in Chattanooga not for hours but for weeks, a period of time that would prove to be one of the most pivotal of his public life.[7]

Leading the delegation of well-wishers on January 19 was George E. Hicks, the president of Teamsters Local 515 in Chattanooga. Beaming, Hicks greeted Hoffa enthusiastically, directing him to the car that would take him into town. A police motorcade escorted Hoffa and his entourage downtown to the Hotel Patten, where he greeted union members and their wives at a reception in his honor.[8] Jimmy Hoffa had arrived in triumph in the heart of the South.The following day, however, he would appear in federal court to answer charges that would threaten his freedom, his livelihood, and—most importantly—his grip on the Teamsters Union.

TWO

"You Have a Blessed Opportunity to Free
More Slaves Than Lincoln Did."

—Letter received by US senator John McClellan
during investigation of Teamsters Union[1]

ON THE MORNING of Tuesday, August 20, 1957, Jimmy Hoffa strode up the steps to the entrance of the old Senate Office Building in Washington, DC. With him was George Fitzgerald, who had been his legal representative for years. Inside, the two men proceeded up the curving marble staircase from the rotunda to the third-floor Caucus Room. Designed as an "audience hall," the Caucus Room featured Corinthian columns, glittering chandeliers, and a gilded ceiling. It had been adapted to host public hearings, including those examining the sinking of the *Titanic* (1912), the Teapot Dome Scandal

(1923), and the Army-McCarthy hearings (1954). In August 1957, the Caucus Room housed the McClellan Committee hearings, a public investigation into organized labor. The proceedings would create a national sensation, largely because they were broadcast to a wide audience through the new, modern medium of television.[2]

Hoffa and his attorney seated themselves at a table near the front of the room facing the committee members. The space was filled to capacity. Poster boards bearing titles such as "Teamster 'Paper' Locals, New York" surrounded Hoffa and Fitzgerald, as did microphones, television cameras, and a dozen reporters scribbling notes on pads of paper. One photographer crouched at the foot of the table to capture closeup images of the cantankerous Teamster. Hoffa pulled his chair close, resting his elbows on the table to size up the committee members as they made last-minute notes and whispered to one another. At precisely 10:30 a.m., Sen. John McClellan brought the Caucus Room to order.[3]

Congress did not begin its investigation of organized crime with an intention to examine the Teamsters. As the 1950s progressed, however, an investigation of the IBT became inevitable. Beginning in 1950, the criminal underworld was exposed to the glare of publicity when black-and-white television sets transmitted into American homes blurry images of hearings chaired by charismatic senator Estes Kefauver, a Tennessee Democrat who wore a coonskin cap on the campaign trail and served as Adlai Stevenson's running mate in the 1956 presidential race. Although eventually eclipsed by Joseph McCarthy's communist investigation, the work of the Kefauver Committee cracked open the door to public awareness of the connection between the Teamsters and organized crime.

It was revealed during the Kefauver hearings that Teamsters Local 985 in Detroit had been used as a front for the extortion of funds from jukebox distributors. In 1953, therefore, the newly elected Republican Congress pushed for further inquiry into Teamster locals in Detroit—Hoffa's home turf. Assigned to the task was the Hoffman Committee, named for its chairman, outspoken anti-labor Republican congressman Clare Hoffman. The central target of the inquiry was William Bufalino, a Pennsylvania-born lawyer who had reportedly married into the mob, relocated to Detroit, and acquired interests in the jukebox business. Companies that refused to pay initiation fees and dues to become "honorary" members of the union were picketed

and, in some cases, firebombed. It was also alleged that the judge presiding over an extortion case against Bufalino had received a campaign donation of $6,200 shortly before acquitting the accused lawyer.[4]

In examining the Teamsters, the Hoffman Committee reportedly found a "gigantic, wicked conspiracy to, through the use of force, threats of force and economic pressure, extort and collect millions of dollars" from employers. Hoffa was swept into the investigation when it was learned that he had ordered the financial records of Local 985 to be destroyed, although he claimed that the disposal of the documents was a routine process "to save storage space."[5]

It seemed that Congress had the IBT on the ropes. However, internal conflict eventually crippled the Hoffman Committee. After the chairman was unceremoniously voted out, he was replaced by Wint Smith, a Republican from Kansas who shifted the committee's focus to a series of questionable investments Hoffa made with Teamster pension funds. It was during those hearings that Hoffa was first questioned about the Test Fleet Corporation, a financial interest that would plague him for much of the rest of his public life.

Hoffa and his close friend and business partner Owen Bert Brennan, a former truck driver from Chicago, had established Test Fleet in 1949. To distract attention from Hoffa, the ownership of the company was quietly placed in the maiden names of their wives. Test Fleet had allegedly been established with the help of another company, Commercial Carriers, in exchange for Hoffa's assistance in settling a potentially damaging Teamsters strike on beneficial terms for Commercial Carriers. It was also claimed that Commercial Carriers had lent $50,000 to Test Fleet for the purpose of purchasing equipment, and that the bookkeeper for Commercial Carriers had kept the books for Test Fleet for four years at no charge. The relationship between the two companies financially benefited Hoffa and Brennan, who realized a profit of $125,000 on their $4,000 investment over the first seven years of the company's existence. The problem? The ownership of a trucking company by a Teamsters official created a significant potential conflict of interest and violated the federal Taft-Hartley Act.[6]

Just when it seemed that Congress had latched onto tangible evidence of Hoffa's impropriety, the Smith Committee was abruptly disbanded on the basis that it lacked the jurisdiction to continue its investigation. Stepping away to answer a long-distance telephone call, Smith returned to the Caucus Room to announce that the hearings had been canceled. "The pressure comes from a way up there," the exasperated congressman told stunned reporters, "and I just can't talk about it any more specifically than that."[7]

In 1954, only months after the unexpected dismantling of the Smith Committee, a new set of hearings convened under the direction of Ohio Republican congressman George H. Bender. Critics referred to Bender, a candidate for the US Senate at the time, as "the Clown Prince" due to his silly antics such as conducting singing groups and rattling cowbells at public events. Once again, the hearings were quickly snuffed—or, as was said at the time, they were "recessed at the call of the chairman." This last claim raised eyebrows when the Ohio Conference of Teamsters, which had been supporting Bender's political opponent, hastily altered its position to support Bender in his Senate race.[8]

The Teamsters had slipped the noose.

Two months after his initial appearance before the McClellan Committee, on October 4, 1957, forty-four-year-old Jimmy Hoffa would be elected general president of the International Brotherhood of Teamsters in a landslide victory, receiving 72 percent of votes cast. In his acceptance speech, he stated, "[I promise] to do all in my power to lead you and this organization to a position of respect and honor in the eyes of the rank and file of labor, in the eyes of the nation, in the eyes of the world." Hoffa also took the opportunity to address critics of the IBT. "The 1,500,000 working American men and women who make up this International Brotherhood of Teamsters are your next-door neighbors," he assured his audience. "They aren't gangsters. They aren't hoodlums. . . . These people are Americans. I am proud to be one of these people." The rank-and-file membership adored their new, charismatic leader, who would be reelected for a second term in 1961. He was tailor-made for the job. Discussing his role as president of the union, Hoffa once remarked, "I like this job. Every hour I work [at it] is an hour of pleasure."[9]

In strictly numerical terms, Hoffa's presidency bore substantial fruit. The Teamsters added 132,000 new members (for a total of 1.567 million) in 1958–59, during a period of declining union membership in the United States. These increases translated into financial gains, and the Teamsters treasury contained $40 million by 1959. This was a high-water mark in terms of the union's finances. Given these developments, it was widely affirmed that Hoffa was "not just the most powerful man in labor, [but] the most powerful man in the country, next to the President."[10]

Hoffa would use this power to strengthen his ties to a dangerous partner—the mob. As early as 1941, faced with a need for "reinforcement

manpower," i.e., muscle, to counter the violent tactics used by management to break strikes, Hoffa had devised a ready solution: affiliation with the criminal underworld. His relationship with organized crime had only expanded since that time. Publicly, Hoffa downplayed his ties to criminal figures, explaining, "You develop a relationship with 'em to where you don't interfere with their business and they don't interfere with your business." He naively believed that he could use organized crime to his advantage without the risk that it would actually worm itself deeply within the union.[11]

Hoffa considered organized crime a secure business partner, a safe bet for financial investments. Challenged on the basis that he had authorized loans to criminals out of the union's pension fund, he retorted, "I'll tell you one thing for damned sure. We had damned few defaults." In his mind, Hoffa was able to justify his questionable affiliations because business arrangements with the mob were profitable.[12]

Others, however, were not so comfortable with the ties developing between the Teamsters and suspected racketeers. Early on, Hoffa's underworld connections had led to two public trials. The first took place in 1941, when Hoffa pled no contest to allegations that he had assisted in forcing non-union wastepaper businesses out of operation. The following year, he was accused of extorting thousands of dollars from a mom-and-pop grocery store association that was using non-union labor to deliver its goods. Hoffa pled guilty after the charges were reduced to a misdemeanor, and he was required only to pay a fine. Neither trial resulted in jail time or negatively impacted Hoffa's status within the union. Nevertheless, he was coming to be recognized as a man willing to operate close to the line, if not over it.[13] As labor reformers began to examine the ties between organized labor and mob activities in the 1950s, it came as no surprise that Hoffa would be on their radar screen, particularly as he tiptoed closer and closer to the presidency of the Teamsters.

———

Although Congress's initial efforts to confront the Teamsters faltered—in part as a result of the political influence the union wielded—in time the federal government would identify a man undeterred in his relentless quest to implicate Hoffa in wrongdoing.

His name was Robert Francis Kennedy.

In January 1955, Democrats regained control of the US Senate. As a result, Sen. John L. McClellan (D-AK), now a member of the majority, was appointed to chair the Senate Permanent Subcommittee on Investigations.

A stern, ascetic man who had become a lawyer after serving in World War I, McClellan had sat in the US House of Representatives in the 1930s before his election to the Senate. During the infamous investigation of communistic infiltration into US affairs, McClellan had led a walkout of Democratic committee members to protest Joseph McCarthy's conduct. In McClellan, the subcommittee had found a firm, experienced chairman whose focus would not be easily diverted.[14]

Initially, the Teamsters were not the focus of the committee, which intended to scrutinize governmental operations. However, as investigators looked into the purchasing practices of the US armed forces, they stumbled upon information indicating that the criminal underworld was involved in the shipment of uniforms. It stood to reason, therefore, that attention would soon focus on the labor union dominating the trucking industry that shipped those items.[15]

As McClellan's committee was beginning to develop its evidence, public interest was aroused against the Teamsters in May 1956. Victor Riesel, an investigative journalist for the *New York Journal American*, had openly criticized the union on his daily radio show. He was subsequently blinded by a cup of acid thrown in his face on a New York sidewalk. Television viewers were taken aback when Riesel appeared on *Meet the Press* wearing dark sunglasses and thick bandages to cover the wounds on his face and hands.[16]

Journalist Clark R. Mollenhoff then exposed a scheme engineered by Hoffa and New York mobster "Johnny Dio" Dioguardi (who would also be implicated in Riesel's blinding). Hoffa and Dioguardi had planned to create a number of "paper locals"—local unions that existed nowhere but on paper—for the fraudulent purpose of boosting Hoffa's Teamster delegate totals and, therefore, his power within the union. Just as McClellan began to look into this irregularity, he received complaints that the committee was exceeding its authority. Critics claimed jurisdiction over labor racketeering issues properly lay with the Committee on Labor and Public Welfare. The idea of shifting the investigation to the labor committee was not favored, however, as it was suspected that labor committee chair John F. Kennedy (D-MA) would be soft on the union.[17]

To resolve these concerns, on January 30, 1957, the US Senate Select Committee on Improper Activities in the Labor Management Field, known informally as the McClellan Committee, was created. In light of the political problems previously experienced with the investigation of the Teamsters, half of the group's members were drawn from the Committee on Government Operations, and the other half from the Committee on Labor and

Public Welfare. The new committee would be bipartisan—four Democrats (McClellan, Kennedy, Sam Ervin [NC], and Pat McNamara [MI]) and four Republicans (Irving Ives [NY], Joseph McCarthy [WI], Karl E. Mundt [SD], and Barry Goldwater [AZ]).[18] The purpose of the McClellan Committee was twofold (and limited):

> To determine whether existing law is being properly administered, or if our present statutes are so defective and deficient as to permit improper practices and activities in the labor-management field; and
>
> To develop the facts and fortify the Congress with pertinent information necessary to enable it to enact remedial and strengthening legislation in those areas where present law does not prohibit or is inadequate to prevent actions that it deems to be improper or inimicable to the best interest of labor, management, or the public interest.[19]

Young lawyer Robert F. Kennedy, only four years out of the University of Virginia Law School and the brother of one of the committee members, filled the position of chief legal counsel. He established his headquarters in Room 101 of the Senate Office Building, which, cluttered with legal treatises and stacks of documents, resembled a "secondhand bookshop."[20] As might have been expected given the prior aborted attempts to corral the Teamsters, onlookers doubted whether the McClellan Committee would achieve anything consequential. With that in mind, Carmine Bellino, the "doggedly determined" chief accountant whose research would prove invaluable in tracking the documentary trail left by Teamsters leadership (and whom Kennedy referred to as "the best investigator in the country"), questioned the chief counsel.

"Unless you are prepared to go all the way," he cautioned, "don't start it."

"We're going all the way," Kennedy replied tersely.[21]

From the beginning, the McClellan Committee differed from its predecessors in tone and determination. Kennedy and his investigators "have the moral certitude, the fervor and lust for a better world that goes with youth," the *Saturday Evening Post* deadpanned. "These men condemn wrongdoing unequivocally. . . . There is something a little chilling about their moral certitude and zeal."[22] The committee established offices in eight cities, from which investigators pursued fifteen major inquiries at a time. They soon began uncovering real evidence as a result. Nevertheless, it would remain to be seen whether the results would be any different from those of the prior congressional committees that had confronted the Teamsters behemoth.[23]

In his 1975 autobiography, Hoffa attributed his legal problems to the efforts of a single man. His key mistake, Hoffa opined, was "coming to grips with Robert F. Kennedy to the point where [they] became involved in what can only be called a blood feud."[24]

The two men first met in the summer of 1956, when Kennedy and two of his aides appeared at the offices of Teamsters Local 299 in Detroit with a subpoena for the branch's records. According to Hoffa's version of the incident, when he informed the visitors that he was in a meeting, Kennedy, "a fellow with a big mop of brown hair," tried to push his way into the room.

Shoved back into the hallway, a flustered Kennedy stammered, "Do you know who I am? I'm Robert Kennedy."

Hoffa responded tersely, "I don't give a good goddamn who you are. If you want to see me you wait right out there in the hallway until we're through with our meeting."

In Hoffa's account, Kennedy "acted like a spoiled brat" after having been instructed to leave the office. And although he crowed when a local judge ultimately quashed the subpoena, Hoffa did recognize the significance of this initial contact, remarking, "[The] incident turned out to be the start of what was to become a blood feud. . . . I had stepped on a poison snake."[25]

Their next meeting occurred on February 19, 1957, at a dinner brokered by Eddie Cheyfitz, a Washington public relations staffer for Hoffa. Almost immediately upon arriving at Cheyfitz's home in Chevy Chase, Maryland, Kennedy and Hoffa reaffirmed their negative opinions of one another. Kennedy later wrote, "It seemed to me that he wanted to impress upon me that Jimmy Hoffa is a tough, rugged man." When the union boss informed him, "I do to others what they do to me, only worse," Kennedy felt that Hoffa was a "bully hiding behind a façade," a man whose lack of self-confidence compelled him to brag about his strength and vigor. For his part, Hoffa described Kennedy as "condescending" and "a damn spoiled jerk." Peppered with questions about how much money he earned and why he had not gone to college, Hoffa concluded that Kennedy was a pompous snob. "Here's a fella thinks he's doing me a favor by talking to me," he said.[26]

According to Hoffa, the evening reached its crescendo when Kennedy turned to the topic of physical prowess:

> I understand that you are supposed to be a very tough fellow . . .
> Hoffa, I'll just bet that I can beat you at Indian hand wrestling."

> I hadn't heard anything so stupid since I was a kid. . . .
> "Come on, come on," he said. "You're not afraid, are you?"
> I let him strain for a couple of seconds. Then, like taking candy from a baby, I flipped his arm over and cracked his knuckles on to the top of the table. It was strictly no contest and he knew it. But he had to try again. Same results. He didn't say a word. He just got up, his face red as fire, rolled down his sleeve, put on his jacket, and walked out of the room. He didn't even stay for dinner.[27]

In Kennedy's account, the dinner party came to a merciful close at 9:30 p.m. when his wife telephoned to report that a driver had hit a tree on their property and was sitting in their living room, hysterical. Kennedy said a quick good-bye and returned to Virginia. "Tell your wife I'm not as bad as everyone thinks," Hoffa remarked. Though smiling as he slid into his car for the drive home, Kennedy felt that Hoffa "was worse than anybody said he was." In the end, the February 1957 dinner, intended to allow Hoffa and Kennedy to clear the air, served only to pour fuel on the coals smoldering between them.[28]

"I'm damned certain in my heart," Hoffa concluded, "that Robert F. Kennedy became my mortal enemy that night."[29]

On a sidewalk outside of the Dupont Plaza Hotel in Washington on March 12, 1957, Hoffa approached a man wearing an overcoat and hat who handed him a large envelope. Hoffa gave the man $2,000 in cash, part of a sum promised in exchange for inside information about the affairs of the McClellan Committee. The following evening, the two men met again outside of the hotel, and Hoffa was handed another envelope stuffed with documents.

What Hoffa did not know was that FBI investigators stationed across the street from the hotel were photographing him. He was also unaware that his contact, forty-nine-year-old New York attorney John Cye Cheasty, had reported the bribery scheme to the federal government. A former IRS accountant, Secret Service agent, and disabled veteran, Cheasty had agreed to act as an informant. Hoffa was arrested on the spot.[30]

Later that night, sitting in a courthouse, Hoffa came face-to-face with Kennedy. In a bizarre, testosterone-soaked conversation, the two debated who could do more push-ups. Hoffa claimed that he could do thirty, while the younger, thinner Kennedy claimed fifty. Conceding the point, Hoffa snapped, "What the hell weight does it take to lift a feather?"[31]

Freed on bail of $25,000, Hoffa faced up to thirteen years in jail and a fine of $21,000 for attempted bribery and conspiring to influence and obstruct a federal investigation. In light of the FBI surveillance and the firsthand testimony of Cheasty, it seemed likely that Hoffa would be found guilty. "Anyone could try this case," prosecutor Edward Troxell boasted. Recognizing the corner into which Hoffa had been painted, a confident Kennedy quipped, "If Hoffa isn't convicted, I'll jump off the Capitol dome."[32]

Hoffa, however, was not prepared to concede. On Cheyfitz's recommendation, he secured the services of Washington attorney Edward Bennett Williams, who, despite being only thirty-six years of age, had become a well-respected trial litigator. His famous (and infamous) clients included Joseph McCarthy and criminal boss Frank Costello. Williams, nicknamed the "Magic Mouthpiece," would later go on to represent other newsworthy figures such as Hugh Hefner, Frank Sinatra, and John Hinckley Jr. Hoffa's decision to hire the charismatic Williams was arguably the brightest move made in the case.[33]

Hoffa admitted to hiring Cheasty but said he had done so in good faith, engaging him as a legal advisor due to his experience in handling Senate investigations. Hoffa said he had no intention to purchase inside information, and he claimed that he had not known that Cheasty was "a goddamn spy" who had obtained a job with the McClellan Committee. In light of the evidence amassed against him, this explanation might be difficult to buy. It pitted Hoffa's credibility against that of the patriotic, squeaky-clean Cheasty.[34]

Faced with sizably unfavorable facts, Williams chose to downplay the evidence and instead manipulate the jury's impressions of Hoffa and Cheasty. The fact that the jury hearing the charges included eight black members—largely because Williams had focused his jury challenges to exclude white panelists—assisted the defense. Examining the government's chief witness, Williams insinuated that Cheasty was a racist, asking whether he had used a fictitious name while employed in Tallahassee, Florida, to "break the bus boycott" and investigate the NAACP. Although the judge sustained objections to the questions, the mere accusation likely compromised the jury's opinion.

The judge learned that jurors had been given copies of the Washington *Afro-American* newspaper containing an article entitled "The Facts Behind the Hoffa Trial." The article referred to Hoffa as the "hardest-hitting champion" of the Teamsters Union, including its "167,000 colored truck drivers." It also deemed Williams the "White Knight" and the "Sir Galahad" of the civil rights movement and warned that Hoffa had been framed. In addition, the article labeled the judge (who was originally from Mississippi) and Senator McClellan (from Arkansas) puppets of Old South business interests. A

photograph accompanying the piece showed Hoffa with Martha Jefferson, a black attorney from Los Angeles who had suddenly joined the defense team. Alarmed by the inflammatory content of the article, the judge ordered the jury to be sequestered for the remainder of the trial.[35]

The most notable episode, however, took place when former heavyweight boxing champion Joe Louis showed up in the courtroom. Embracing Hoffa, whom he called "my good friend," Louis declared that he had come from Detroit to see how things were going. When accused of trying to influence the star-struck jury with celebrity appearances, the defense pointed out that the boxer had simply come to visit Martha Jefferson (who did become his wife in 1959). Nevertheless, it was later revealed that the Teamsters had paid Louis's travel expenses. The episode was significant enough to lead McClellan Committee member Barry Goldwater to sarcastically remark, "Joe Louis makes a pretty good defense attorney."

In retrospect, the tactics of the defense team seem transparent. Nevertheless, even before closing arguments, the conclusion seemed foregone, and the jury deliberated for only four hours before acquitting Hoffa.

"Jimmy," remarked reporter Clark Mollenhoff outside the courthouse, "you are a lucky bastard."

"I just live right," Hoffa smirked.

Unable to restrain himself, a gloating Williams sent Kennedy a present wrapped up with a ribbon. When the chief counsel opened the package, he found a toy parachute intended to assist in his promised leap from the Capitol dome.[36]

The unorthodox tactics Hoffa employed in the 1957 trial foreshadowed the no-holds-barred approach that he and his lawyers would bring to the various legal attempts to bring him to justice in the 1950s and 1960s. Over time, the lawfulness of some of those bruising maneuvers themselves would be called into question.

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Hoffa's surprising acquittal would not resolve all of his legal entanglements. In fact, he was soon spending so much of his time fending off legal threats that he commented sardonically, "I'm going to be able to hang out a shingle as a lawyer myself before long."[37] In late 1957, Hoffa was tried in New York City on allegations that he and his business partner, Owen Bert Brennan, had hired a wiretap specialist, Bernard Spindel, to install listening devices to illegally monitor IBT employees in Detroit. Spindel also informed a New

Jersey legislative committee that he had been paid to strap minirecorders to union officials so that Hoffa could review their grand jury testimony. Edward Bennett Williams would not repeat his performance on behalf of Hoffa. "I've about had it," he confided to Mollenhoff. "I didn't know what I was getting into with Hoffa and his friends." Nevertheless, after thirty hours of deliberations the jury reported that it was "hopelessly deadlocked," causing the judge to declare a mistrial. It was later revealed that eleven members of the jury had favored conviction, with only a single holdout. Once again, Hoffa had narrowly dodged a guilty verdict.[38]

The case was retried in the spring of 1958, but it was diluted by a ruling of the US Supreme Court in *Benanti v. United States* that evidence obtained by wiretapping was inadmissible in federal trials. Because most of the supporting evidence had been obtained by wiretaps, it was a much weaker case the second time around. During the retrial, moreover, the defense presented twenty-seven new witnesses who testified that on the day in question Hoffa had been in Seattle, and not Detroit. After the verdict, a note bearing the words "Hoffa was acquitted" was passed to Kennedy. Reporters noted that his face went sallow at the unhappy, but by now familiar, news.[39]

These successes did not come without a cost. As federal investigators' efforts to snare Hoffa intensified, his efforts to elude conviction escalated. Hoffa was compelled to retain as many as 150 lawyers experienced in labor, transportation, and (increasingly) criminal law, leading him to comment that he had "single-handedly doubled the average standard of living for all lawyers in the country." The ever-inflating Hoffa legal team came to refer to itself as the "Teamsters' Bar Association." In a wry nod to his ongoing legal battles, moreover, Hoffa kept a plaque on his desk featuring the Latin phrase *Illegitimi non carborundum*—"Don't let the bastards wear you down."

Since the McClellan Committee had begun its investigation, Hoffa had faced three criminal trials and one additional indictment. All had ended ingloriously for Kennedy and his federal investigators. Hoffa appeared unbeatable.[40] The chief counsel bumped into the union boss in a courthouse elevator during his New York wiretapping trial. Kennedy asked Hoffa how the case was going. "You never can tell with a jury," Hoffa responded slyly. "Like shooting fish in a barrel."[41]

Despite his legal disappointments, Kennedy could take solace in the fact that he would have his own opportunity to question Hoffa before a national

audience. The televised McClellan Committee hearings had captured the attention of the nation, so much so that the committee, initially authorized for one year, secured renewal for two additional years, through March 1960. The McClellan hearings would pit Hoffa and Kennedy against one another, increasing their mutual animosity. Over time, the two slowly became obsessed with one another, each trying doggedly to get the best of the other at every turn. "My first love is Jimmy Hoffa," Kennedy remarked at one time, conceding his fixation with "getting" the Teamster leader.

It was a family obsession. Ethel Kennedy was reported by the gossip column of the *Washington Post* to have engaged in a lighthearted call-and-response with her children while driving past Teamsters headquarters:

> "What's up there?" she asked.
> "The Teamsters Union!"
> "And what do they do?"
> "Work overtime to keep Jimmy Hoffa out of jail!"
> "And?"
> "Which is where he belongs!"[42]

The jokes were not all at Hoffa's expense. While driving home following his normal eighteen-hour workday, Kennedy spied a light on in Hoffa's office. Unable to allow his rival to outwork him, Kennedy returned to his own office to try even harder to unearth some piece of incriminating evidence. After that episode, it was said, Hoffa sometimes left his office lights on at night to trick Kennedy into thinking he was up there working, even if he was long gone.[43]

Over time, the rhetoric Hoffa and Kennedy employed deteriorated into a morass of nasty condemnations. Kennedy famously labeled the Teamsters a "conspiracy of evil" and its leader "a dangerous influence in the American labor movement." He catalogued the dangerous power possessed by the union with respect to the US economy: "Between birth and burial, the Teamsters drive the trucks that clothe and feed us and provide the vital necessities of life. They control the pickup and deliveries of milk, frozen meat, fresh fruit, department store merchandise, newspapers, railroad express, air freight, and of cargo to and from the sea docks. Quite literally, your life—the life of every person in the United States—is in the hands of Hoffa and his Teamsters. The fact that this power is now lodged in the hands of a man such as Hoffa," Kennedy prophesied grimly, "[is] tragic for the Teamsters union and dangerous for the country at large."[44]

For his part, Hoffa publicly professed contentment: "[I'm] happy with the free advertising that Bobby Kennedy is giving me. I couldn't buy that kind of

publicity for a million dollars." He could not disguise, however, his contempt for the chief counsel, whom he described as "a vicious bastard" and "a spoiled brat who never had to work for a living and who never tried a case in court." Hoffa felt that Kennedy had developed a psychotic fixation on him, seeking to charge him with some crime—any crime—at any cost. That attitude did not soften with time. "Hell, I hated the bastard," Hoffa wrote bitterly years later, long after Kennedy had died and Hoffa had relinquished the reins of the Teamsters Union.[45]

Hoffa appeared before the McClellan Committee on four separate occasions, enduring thirteen days of questioning. Although the topics broadened over time, the initial focus in August 1957 was "his [Hoffa's] and his wife's investments in a variety of enterprises ranging from trucking to partnership in a girls' camp and a heavyweight boxer"—and including the Test Fleet Corporation. When the committee challenged his motivation for stepping into the Commercial Carriers strike, Hoffa insisted that "the strike was illegal, and he had gone into the situation only for that reason," and not as a quid pro quo for financial support for his own corporation. Asserting that he saw nothing wrong with maintaining business interests in an industry (trucking) in which his own union operated, Hoffa nevertheless offered to "rid himself of any family investments in the trucking business."[46]

That concession notwithstanding, Hoffa employed any number of evasive tactics to stymie the committee's investigation. The questioning devolved into a frustrating attempt to extract information from an obstinate witness who professed to remember very little about the subject of the inquiry. Numerous other witnesses at the hearings employed obstacles to hinder the work of the committee. Of the 1,526 individuals who offered their testimony in the Caucus Room of the old Senate Office Building, an astonishing 343 took refuge behind the Fifth Amendment, which provides that "No person . . . shall be compelled in any Criminal case to be a witness against himself."[47]

One noteworthy exception, interestingly enough, was Hoffa. As the rising president of the Teamsters Union, Hoffa had political reasons for avoiding misuse of the Fifth Amendment, which could jeopardize the standing of the union in the eyes of the AFL-CIO, as well as his own ability to remain in office. Hoffa did not "take the Fifth" a single time during his testimony. Instead, he simply professed a lack of memory in response to the questions hurled at him. To that end, during his testimony in August 1957 it was said that Hoffa "either avoided or equivocated" when responding to 111

questions.[48] This shrewd (but somewhat transparent) strategy eventually led the vice-chairman of the committee, Irving Ives, to remark upon the witness's "forgettery." For his part, McClellan lamented that Hoffa "was a direct man everywhere but in the witness chair." The senator eventually grew so infuriated with Hoffa's evasiveness that he considered bringing perjury charges against the IBT president.[49]

After Hoffa's appearance in August 1957, McClellan read out a forty-eight-count indictment against the witness. In addition to detailing conflicts of interest, questionable associations, paper locals, dubious expenses, and evasive responses to the committee's questions, the indictment devoted five paragraphs to the Test Fleet Corporation. Thirty-four additional counts supplemented the indictment in September 1957. At the conclusion of the 1957 hearings, the committee issued an interim report concluding that "President [Dave] Beck and Vice-President Hoffa used their official union position for personal profit and advantage, frequently to the direct detriment of the Teamster Union membership."[50]

If one objective of those chastisements was to encourage the recalcitrant witness to be more forthcoming, the committee was to be sorely disappointed. To the contrary, as time progressed, Hoffa added additional dilatory techniques to his arsenal:

> "Proxy pleading" of the Fifth Amendment, by which Hoffa would profess to have no recollection of a topic and refer the committee to another witness who would take the Fifth Amendment himself;
>
> The "stout denial." "That isn't in the record," Hoffa would remark after listening to a summary of a prior witness's testimony. "I have read the record and nothing like that is in there." This would force the committee to either take the time to pause the proceedings and search for the testimony or abandon the question; and
>
> The "long tangent," going off on a long, vague, and ultimately unresponsive digression.[51]

These various strategies led a frustrated Ives to remark, "You haven't taken the Fifth, but you're doing a marvelous job of crawling around it."[52]

Over the course of the hearings, the animosity between Kennedy and Hoffa continued to escalate, at times boiling over publicly. By the occasion of his final appearance before the committee on July 14, 1959, Hoffa had perfected one additional strategy—a disconcerting, inexhaustible stare directed toward the chief counsel. As Kennedy recalled in his 1960 book *The Enemy Within*:

> I called it "the look." . . . During the afternoon I noticed he was glaring at me across the counsel table with a deep, strange, penetrating expression of intense hatred. I suppose it must have dawned on him about that time that he was going to be the subject of a continuing probe—that we were not playing games. It was the look of a man obsessed by his enmity, and it came particularly from his eyes. There were times when his face seemed completely transfixed with this stare of absolute evilness. It might last for five minutes—as though he thought that by staring long enough and hard enough he could destroy me. Sometimes he seemed to be concentrating so hard that I had to smile, and occasionally I would speak of it to an assistant counsel sitting behind me. It must have been obvious to him that we were discussing it, but his expression would not change by a flicker. . . . And now and then, after a protracted, particularly evil glower, he did a most peculiar thing: he would wink at me. I can't explain it. Maybe a psychiatrist would recognize the symptoms.[53]

Hoffa claimed to have used the last tactic to aggravate the chief counsel. "I used to love to bug the little bastard," he explained. "Whenever Bobby would get tangled up in one of his involved questions, I would wink at him. That invariably got him."[54]

By the conclusion of the McClellan Committee hearings, what had begun as an apprehensive relationship between two polarized and extremely competitive personalities had devolved into carping, public disparagement, and mutual loathing.

Years later, Hoffa complained that the methods of the McClellan Committee and its offspring constituted "persecution[,] not prosecution." He was not the only critic, as a number of other observers questioned the group's tactics in its vigorous pursuit of the Teamsters.[55] The most significant censure involved the manner in which the McClellan Committee selected topics to investigate. It is generally expected that an investigation should begin with a crime; the purpose of the investigation, then, is to determine who committed that crime. Kennedy, critics charged, had "placed the mule in front of the cart" by latching on to an individual he wanted to prosecute—such as Hoffa—and then searching for *any* evidence to convict him of a crime. Noting that a savvy investigator could probably dig up enough dirt on anyone by

looking hard enough, critics lamented that this process of "selective justice" risked upsetting the foundations of the US justice system.[56]

Supporters rose to Kennedy's defense, characterizing the labor racketeering investigations as unique, involving "known criminals but unknown crimes." Investigator Walter Sheridan explained the situation as follows: "It was not a vendetta. It was, rather, a determined and dedicated effort by Bob Kennedy, as chief counsel of the Committee and later as Attorney General of the United States, to cope with a uniquely talented man who used his almost limitless power and resources to perpetuate a racket-infested nationwide empire; to corrupt public officials and private citizens; and to arrogantly violate his own fiduciary trust and the laws of the land for the benefit of himself and his associates and to the detriment of his union members and the public good. For Kennedy to have done less than he did would have been a violation of his own public trust and a dereliction of duty." From a goal-focused point of view, one commentator opined, Kennedy's methods accomplished "useful social results that might not have been achieved otherwise." Thus, the end result—convicting Hoffa—would justify any overreaching or aggressive tactics.[57]

Of course, Hoffa did not accept that self-serving explanation for what he considered government oppression. In his mind, Kennedy had made him the target of one of the largest-ever federal investigations solely because of a personal vendetta and a political desire to punish the Teamsters for supporting Republican candidates. As Hoffa stated in 1959, "Something is wrong when a man may be judged guilty in a court of public opinion because some enemy or some ambitious person accuses him of wrongdoing by hearsay or inference."[58]

Or, as he put it in his autobiography, "It was a witch hunt, pure and simple."[59]

One result of the McClellan hearings was the public conclusion that Hoffa was a dangerous influence on the US labor movement. In its second interim report (1959), the committee noted, "If Hoffa remains unchecked he will successfully destroy the decent labor movement in the United States." As the hearings quietly wound down in early 1960, the committee reiterated this opinion: "The testimony is crystal clear that in his unrelenting drive for power Mr. Hoffa had repeatedly shunted aside the interest and welfare of rank-and-file union members while making deals with major employers

and the trucking industry. . . . He and his racketeer—and in some instances gangster—associates continue to do business at the same old stand, in the same arrogant and defiant way, despite the overwhelming demands of the citizens of this country for a cleanup, and the elimination of corruption and disreputable practices for this, the Nation's most powerful union."[60]

The work of the McClellan Committee resulted in numerous criminal convictions. All told, 201 Teamster officials and conspirators were indicted as a result of the hearings, and by 1964 more than 125 of those individuals had been convicted. Even so, one key objective of the committee had gone unfulfilled: Hoffa remained a free man, and he was still the president of the Teamsters Union.[61]

Upon the close of the hearings, Kennedy resigned as chief counsel in order to assist with his brother's race for the presidency and to write a book about his experiences, published in 1960 as *The Enemy Within*. However, he could not forget about Hoffa. "We have fought the evil that Hoffa represents for two and a half years," he told his supporters. "It's been a hard grind all along—for the people who work on our committee and for myself. I am not going to lie down and see all that work go to waste." It was not an idle threat. Kennedy simply could not let Hoffa go.[62]

Kennedy would not have to wait long for his next shot. On December 16, 1960, President-Elect John F. Kennedy appointed his brother attorney general. As might have been anticipated, criticism of the thirty-five-year-old focused on his lack of legal experience. "If Robert Kennedy was one of the outstanding lawyers of the country, a preeminent legal philosopher, a noted prosecutor or legal officer at Federal or State level, the situation would have been different," one critic noted. "But his experience . . . is surely insufficient to warrant his present appointment." While some detractors may have questioned Kennedy's experience and qualifications, the news of the his appointment must surely have concerned Hoffa, who had personally experienced his tenacity and determination. Even as he insisted that the "attorney general's job [would] not be another subcommittee for the Senate," Hoffa must have recognized that it would now be the executive branch of the US government, and not simply a legislative committee, placing him in its cross hairs.[63]

It came as no surprise, then, when the newly appointed attorney general assembled an interagency team of attorneys and investigators for the single-minded purpose of continuing the pursuit of the Teamsters president. The

members of this group, which came to include sixteen attorneys and approximately thirty investigators, jokingly referred to themselves as the "Terrible Twenty." To others, however, they were known simply as the "Get Hoffa Squad."[64]

Outraged, Hoffa complained that Kennedy had "assigned an elite squad of 23 deputy attorneys generals" to get him. For the first time, Hoffa began to sound paranoid, complaining that "FBI agents followed him wherever he went, tapped his phone, opened his mail, and beamed electronic listening devices on him from half a mile away, aided by invisible powder they had rubbed into his clothes." "You are walking on a picket line," he explained to curious reporters, "and an FBI agent comes up and rubs this white chemical on you and you're wired from then on. They can pick up everything you say until you have the suit cleaned." "FBI agents say they are mightily intrigued by such a chemical," a news account reported, "but equally unaware of its existence. If Hoffa has the formula, they wish he'd share it."

In reality, the efforts of the Get Hoffa Squad were not quite so scintillating. For the most part, investigators spent their time painstakingly reviewing piles of documents—ledgers, receipts, and canceled checks documenting Teamster activities—searching for evidence of inappropriate conduct. It was a meticulous, boring process with little resemblance to the cloak-and-dagger exploits of secret agents the public imagined.[65]

Even if Hoffa was exhibiting signs of paranoia, though, his feelings of persecution were to some degree grounded in fact. He correctly believed that the new administration had placed him squarely in its sights. Despite the dissolution of the McClellan Committee, Kennedy was still working to get Hoffa. The question that hung in the air was from which quarter the next indictment would come, and when.

It would not take long for that question to be answered.

THREE

"They're fixing to get at the jury."

—Edward Grady Partin[1]

FOLLOWING THE QUIET dissolution of the McClellan Committee, Hoffa was free to focus on union affairs for the first time since assuming the Teamsters presidency. Reelected in 1961, he pushed through a series of revisions to the IBT constitution that served to solidify his power and influence. He also continued to work toward his ultimate goal—a single nationwide trucking contract for all IBT locals. Confident that he had sidestepped the various traps the federal government had laid for him, Hoffa proclaimed,

"[Kennedy] ought to recognize now that the time and effort they've put in trying to destroy the Teamsters have completely failed. It was a waste of time."[2]

Within the Department of Justice, however, a team of attorneys and investigators was laboring day and night, reviewing the voluminous transcripts of the McClellan hearings to determine how to best exploit Hoffa's testimony to bring new charges against him. Eventually, a scheme involving Sun Valley, the "Teamsters model city of tomorrow," offered the best opportunity for successful prosecution.[3] The Sun Valley project consisted of a strip of undeveloped land located in Titusville, Florida, a few miles south of Cape Canaveral, that had been purchased for $150,000 ($18.75 per lot) by Henry Lower, an "escaped convict and narcotics dealer" from Detroit. Lower offered the property as a retirement paradise for rank-and-file Teamsters. Two thousand union members purchased lots for $150 each, and the remaining 75 percent of the lots were placed on the public market for $550 each. Unbeknownst to rank-and-file investors, however, Hoffa and his business partner, Owen Bert Brennan, had privately arranged to purchase up to 45 percent of the property at the deflated price that Lower had originally paid, thus allowing them to make a considerable profit.[4]

To fund the project, Lower needed a bank loan. Hoffa withdrew $500,000 from the bank accounts of Teamsters Local 299, which was deposited into the Florida National Bank of Orlando, supposedly to stand as collateral for the loan. Of course, the diversion of union funds for that purpose was illegal. Complicating matters, after claiming $90,000 for his own services, Lower redirected $250,000 to other business enterprises, allegedly with Hoffa's approval. At the end of the day, Sun Valley never benefited from the promised improvements. The project deteriorated into a Sunbelt ghost town, with only six homes ever built. After Sun Valley filed for bankruptcy and defaulted on the remaining balance, the bank understandably refused to allow Hoffa to withdraw the union funds that had been deposited as part of the scheme.[5]

The Sun Valley fiasco came to the attention of investigators in September 1957. An investor identified only as "Oscar" contacted the government to report that he had visited the property and found no improvements. Moreover, while developers had advertised the area as "all on high, dry and rolling land," many of the lots were "so low and permeated with water as to make them unsuitable for construction of homes."[6]

Initially, Hoffa held investigators at bay by offering his political support to presidential candidate Richard M. Nixon, who stifled any real inquiry into the Sun Valley sham. After Kennedy defeated Nixon in the 1960 election, however, the protection the Republican candidate offered evaporated. On

December 7, 1960, Hoffa, Lower, and Detroit banker Robert E. McCarthy Jr. were indicted on twelve counts of mail fraud. On December 16, Hoffa appeared in a federal court in Orlando and pled not guilty to the charges, which carried a potential penalty of sixty years in jail and a fine of up to $12,000.[7]

The Sun Valley scheme was a public relations nightmare. In an article entitled "Hoffa's Hornswaggle," *Time* magazine pinpointed the problems the development plan created: "In all his brushes with courts, congressional committees, ethical practices committees and assorted reformers, Teamster Boss James Riddle Hoffa has earned a reputation as a thoroughly bad egg. But, curiously, even some of his critics pay him at least one grudging compliment: despite his many faults, they say, Jimmy Hoffa always takes good care of his Teamsters. Last week a federal grand jury in Florida leveled charges against Hoffa that, if proved, should smash forever the notion that he cares a hoot about the welfare of his union's members." Hoffa must have cringed when he pictured rank-and-file Teamsters reading articles discussing his self-serving manipulation of the Sun Valley project. Nevertheless, he addressed the charges with accustomed aplomb. "Nobody got defrauded out of a quarter," he insisted. "So where's the problem?" To reporters he explained, "Stories about the Orlando case make it look like Hoffa put $500,000 in his kick. Which ain't bad if you can do it, but I didn't." What was wrong with using union funds to invest in potentially lucrative Florida property?[8]

A second legal issue arose on May 17, 1962, when Hoffa was arrested for assaulting a subordinate, Samuel Baron, the field director of the IBT warehouse division. Accurately suspecting Baron of leaking information to the Get Hoffa Squad, Hoffa had cursed and shoved him, blackened his eye, and given him a bad cut under his right eyebrow. Hoffa was released on $500 bail. If found guilty, he would be subject to up to a year in jail and a $500 fine; even more significantly, under the IBT constitution the striking of a fellow union member was grounds for expulsion from office.[9]

Only two days later, a Nashville grand jury indicted Hoffa yet again, this time for labor extortion stemming from the Test Fleet situation. Misdemeanors, the two counts of the indictment carried potential penalties of up to a year in jail and a fine of $10,000. The government made a shrewd decision in selecting Nashville as the site for the trial. Either Nashville or Detroit would have been a suitable location; Test Fleet was chartered in Tennessee, while Commercial Carriers was based in Michigan. It was clear, however, that the

prosecution would prefer to conduct the trial far from Hoffa's home turf. In addition, Kennedy's former administrative assistant John Seigenthaler edited the *Nashville Tennessean*, which would cover the trial.

On July 19, 1962, a federal court in Washington held that union funds could not be used to pay a union official's legal bills. Hoffa's continuing legal battles would force him to dip into his personal savings.[10] One piece of good news did arrive in mid-1962. The government elected not to move forward with the Sam Baron assault case, largely because all six witnesses to the incident either refused to testify or claimed that Baron, and not Hoffa, had been the aggressor. In the wake of this stunning reversal, one Teamster attorney labeled such Hoffa devotees, who were apparently willing to perjure themselves to support the IBT president, as the Teamster boss's "improvers." These individuals had "a facility for improving misdemeanors into felonies"—while assault was a misdemeanor, obstruction of justice and perjury were felonies. This notion would prove to have an eerie resonance in subsequent years.[11]

Even after the failure of the Baron case, a delicate question remained as to how two trials (in Orlando and Nashville) could be scheduled for prosecution in the same time frame. Soon, that issue would resolve itself in Hoffa's favor. When the US Congress passed a bill creating a new Middle Judicial District in the State of Florida, all cases scheduled for trial prior to October 29, 1962, were delayed until a conference could be held to consider the effects of the change. The Sun Valley case, set to begin on October 15, was removed from the trial calendar.[12] In this manner the way was cleared for the government to proceed with the Test Fleet case. Given the gravamen of the charges (mere misdemeanors), it appeared that circumstances had unexpectedly benefited Hoffa once again.

On October 21, 1962, the day before the Test Fleet trial was set to begin, Hoffa arrived at the Nashville airport, where Ewing King greeted him. Hoffa had helped King secure the presidency of Teamsters Local 327 in Nashville. Climbing into King's red Thunderbird, Hoffa was escorted to the Andrew Jackson Hotel, where a block of rooms on the seventh floor would serve as the IBT's de facto headquarters throughout the trial.[13]

"The people of Nashville just were not that interested [in the Test Fleet trial]," Get Hoffa Squad member Walter Sheridan reflected. Perhaps one reason was the competing national news during the same time frame. On October 22, the first day of the trial, President Kennedy announced the dis-

covery of missile installations in Cuba, ninety miles off the coast of Florida. According to the President, the United States intended not only to quarantine Cuba but also to retaliate with force against any aggressive action by the Soviet-backed island nation. For the next week, the country was riveted to the crisis, which would become the apex of the Cold War—quite possibly the closest that the United States and the Soviet Union came to nuclear war. The crisis was not resolved until October 28, one full week into Test Fleet proceedings. From a public relations perspective, the affair blessed Hoffa's team by diverting Americans' attention from the trial in Tennessee. Yet again, it seemed that luck clung to Hoffa's coattails when it came to legal matters.[14]

The chief attorney for the prosecution was Jim Neal, a "stocky, cigar-chomping ex-Marine with a Tennessee drawl" who had graduated first in his class from Vanderbilt University Law School in 1957. Neal's "native intelligence and aptitude for painstaking research" made him the first man recruited to the Get Hoffa Squad. When Kennedy approached him about the possibility of trying organized crime cases, Neal protested, pointing out that he had no experience with such matters. "That's all right," Kennedy replied, "I don't have any experience being attorney general." Neal acquiesced and agreed to join the team. Prior to Test Fleet, he had won a bankruptcy fraud case against Hoffa associate Benjamin Dranow in Minneapolis. Also, Neal had initially recommended that an indictment be pursued in the Test Fleet case. In time, Hoffa would refer to Neal as "one of the most vicious prosecutors who ever handled a criminal case for the Justice Department."[15]

Assisting with the prosecution was the youthful Charlie Shaffer, a twenty-six-year-old assistant US attorney who had recently graduated at the top of his class from Fordham Law School. US attorney Kenneth Harwell rounded out the government team. The Test Fleet trial would be the largest and highest-profile legal matter in which they had been involved. They would hole up at the Noel Hotel, only a few blocks from the courthouse.[16]

Across the aisle, forty-four-year-old William Bufalino, the "fiery and headstrong" counsel who had represented the IBT in a number of previous legal matters, represented Hoffa. The son of a Pennsylvania coal miner (and the cousin of crime boss Russell Bufalino), William Bufalino had studied for the priesthood before opting for a legal career. After serving in the army's Judge Advocate General (JAG) Corps during World War II, he had moved to Detroit, married into the Angelo Meli mob family, and opened his law

office. In addition, Bufalino been a principal target of the "jukebox locals" investigation into criminal extortion in 1953. A veteran of Hoffa's prior trials, he would bring a brash, aggressive style to the defense.[17]

The defense also included sixty-five-year-old James E. Haggerty, a well-respected veteran attorney from Detroit who had once been president of the Michigan Bar Association. Meticulous and white-haired, Haggerty was rarely seen outside the courthouse without a hat and cigarette. Some Hoffa associates referred to him as "the Bishop." Primarily an antitrust lawyer, Haggerty had joined the defense team following the Sun Valley indictment.[18]

Z. T. "Tommy" Osborn, a Nashville lawyer familiar with local customs as to courtroom procedures, served as local counsel for the defense. A "highly regarded Nashville native," Osborn had recently won the landmark *Baker v. Carr* case (1962), a divisive, politically charged decision in which the Supreme Court established the "one person, one vote" standard for legislative redistricting, increasing the political power of urban areas (and black voters) vis-à-vis rural districts. "At forty-two," therefore, Osborn "became the new darling of local politics, one of the few people in [Nashville] welcome at both newspapers and in both political factions." Osborn had received his law degree from the YMCA Night Law School. A former city attorney who had defended Nashville Teamsters from time to time, he was known to have an affinity for underdogs—he was willing to take cases for little pay if he felt that a litigant needed his help. Well-liked throughout Nashville, even by those who opposed him in court, Osborn was a rising star in the legal community.[19]

Federal district court judge William E. Miller, a native Tennessean whom Eisenhower had nominated in 1955, presided over the trial. Miller was known for his "uncompromising integrity," so much so that a purported Chicago-based plot to bribe him was said to have failed because no one had the courage to approach him.[20] Due to a preexisting heart condition, Judge Miller announced that court would be held for only four hours each morning. While this decision afforded the attorneys a great deal of time to prepare for each day's proceedings, it also caused the trial to draw out for an excruciating nine weeks.[21]

On October 26, opening statements began in the Test Fleet trial. Speaking on behalf of the prosecution, Charlie Shaffer summed up the government's position: "The proof in this case will show that beginning in 1947 and up

until 1958 Hoffa, his union associate and business partner, Bert Brennan, and several people connected with a company who employed Teamsters Union members represented by Hoffa all participated in a long-range plan, whereby Hoffa would be continuously paid off by the employer."[22] The United States would offer several witnesses to testify as to the organization of the Test Fleet Corporation. Their testimony would challenge the notion that the wives of Hoffa and Brennan were the real owners of (or in any way involved in) the company.

The defense offered several answers to the charges. Hoffa and Brennan had received legal advice indicating that there was nothing wrong with their wives' owning a trucking company. Once the arrangement had been challenged during the McClellan Committee hearings, the women had withdrawn from the company. Hoffa's lawyers—including Jacques Schiffer, who would later play a prominent role in the union boss's Chattanooga trial—confirmed that they had deemed the arrangement lawful. Brennan's widow[23] testified that she and Jo Hoffa had owned the Test Fleet Corporation, although on cross-examination she admitted that she knew little about the company or its business practices. The defense argued that the strike against Commercial Carriers had been settled because it was an illegal strike, and not because of any business arrangement with Hoffa. Finally, the defense claimed that the attacks on Test Fleet were motivated by the attorney general's all-consuming desire to get Hoffa at any cost, and not by any legal shenanigans by Hoffa or his partners.[24]

Despite the prominence of the litigants and the fiery accusations leveled back and forth, outside observers considered the Test Fleet case no more than a dry, tedious piece of litigation involving a litany of details concerning the ownership and control of a business entity. Perhaps it was for that reason that Nashvillians seemed uninterested. As the trial progressed, however, it was clear that the Test Fleet hearings would be anything but dull. The first sign that the trial would be unorthodox was immediately apparent. On the evening of the proceedings' first day, US attorney Ken Harwell received a phone call from a prospective juror who had been contacted by a "Mr. Allen" from the local *Nashville Banner* newspaper. Allen asked him several questions about the trial, some of them concerning her feelings about Hoffa and the Teamsters. Of course, such a contact with potential jurors was highly improper. The curious thing about the call? There was no reporter at the *Nashville Banner* with the surname of Allen.[25]

Informed of the situation, Judge Miller dismissed the juror who had reported the improper contact. When he asked others whether they had

received similar calls, several raised their hands and were likewise excused. Miller instructed the remaining jurors not to talk with anyone, watch the television news, or read newspaper articles about the trial. Fearing damage to the *Banner*'s reputation, the newspaper's editor printed a front-page editorial denying involvement and offering a $5,000 reward for information leading to the arrest of the perpetrator(s).[26]

"I swear to God that neither I nor any of my lawyers knew anything at all about these attempts," Hoffa insisted in his autobiography. The "Allen from the *Banner*" calls, though, signaled the opening salvo in what would become a serious, ongoing attempt to influence the Test Fleet jury. Significantly, the incident also represented the first time that one of the members of Hoffa's camp quietly fed information to the government about the very same attempt.[27] That man was Edward Grady Partin.

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The Get Hoffa Squad first became aware of Partin, the head of Teamsters Local 5 in Baton Rouge, Louisiana, on January 1, 1962, when he called a dissident former Teamster to report threats of violence by Hoffa, as well as bribes being paid to fix NLRB elections. Ironically, the FBI was already investigating Partin on unrelated issues. Because he was a close associate of Hoffa who had refused to cooperate with prior investigations, his claims were ignored. The call was completely forgotten when a grand jury indicted Partin for forging the name of a Local 5 member on a union withdrawal card.[28]

The indictment was not Partin's first brush with the law. He had acquired a lengthy rap sheet dating back to his discharge from the Marine Corps at age seventeen after stealing a watch. When Partin was charged with auto theft in Oregon one month later, the case was dismissed with the stipulation that he leave the Pacific Northwest and return home to Natchez, Mississippi. Just two years later, however, Partin was back, pleading guilty to second-degree burglary. He served three years in the Washington State Reformatory, and one year after his release, he served an additional ninety days on a plea for petit larceny.

It was at that point that Partin's life was said to have turned around. He married his wife, Norma Jean, in Baton Rouge and joined the Teamsters Union, rising to the presidency of Local 5 by 1952. He also became an avid Hoffa supporter.[29] Partin's legal entanglements, however, had not ceased. On June 22, 1962, a federal grand jury in New Orleans indicted him for embezzling $1,659 in union funds. On September 26, he was charged with

vehicular manslaughter and leaving the scene of an accident in Alabama. The following day, Partin was arrested on a charge of kidnapping and held without bail. Although the matter concerned a family quarrel involving a Teamster member (and not a true kidnapping), the allegation was a serious one, particularly for a man with a lengthy rap sheet.[30]

Three days after Partin was jailed on the kidnapping charge, Walter Sheridan received a call from Department of Justice attorney Frank Grimsley, who reported that Partin wanted to talk to a department official about a national security issue. Grimsley agreed to a meeting in the middle of the night on October 1. Partin recounted a disturbing encounter between himself and Hoffa. "I've got to do something about that son of a bitch Bobby Kennedy," Hoffa had grumbled. "He's got to go." During the same meeting, Partin claimed, Hoffa had asked him what he knew about plastic bombs and had commented that he knew where to get a silencer for a gun. For whatever reason, either patriotism or self-preservation, one of Hoffa's associates was suddenly willing to turn on the IBT president.

Still somewhat suspicious, the FBI administered a lie detector test. Partin passed.[31] After using his influence to see that the "kidnapped" children were returned to their mother, Partin was released on bond. He called Hoffa on October 8 to report his release from jail, then again on October 18, as the Test Fleet trial loomed on the horizon. Unbeknownst to Hoffa, the calls were tape recorded. As Hoffa later related, Partin said that "he was being hounded by federal investigators 'because [he was] a loyal Hoffa man.'" He also requested a meeting, to which Hoffa assented passively. Partin was told to come to the Andrew Jackson Hotel, where the defense team was setting up camp. The question as to who had invited Partin to Nashville would become a critical issue in examining the events of the Test Fleet trial.[32]

Almost unwittingly, the government had stumbled on the key to getting Hoffa. Partin would go to Nashville and keep an eye open for jury tampering or other illegal activities. If he saw anything inappropriate, he was to call the federal office in Nashville and use the code name "Andy Anderson," which investigators would recognize.[33] Surprisingly, and despite the various charges hanging over his head, Partin did not make any demands in exchange for his cooperation. "Most of the sources I had dealt with in the past had asked for anonymity and for promises that they'd never be called to testify," Sheridan later recalled. "Partin made no such request."[34]

It would not take long for Partin to call the FBI. On the evening of October 22—the first day of the trial—Sheridan spoke with him. "They're fixing to get at the jury," Partin said, explaining that two ostensible Hoffa associates,