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Former FBI agent ends lengthy silence
The Mafia Bombings

Published: 02.04.2004

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ARIZONA DAILY STAR

The story so far: Police said they were told to back off when the FBI investigated whether one of its agents was involved in the Tucson bombings.

ON THE RECORD
Day Four

In this memo, an FBI official discusses Rep. Udall's attempt to have a Senate investigations subcommittee include the Tucson bombings in its review of bombings nationwide. Hoover noted the memo's mention of the publisher of the Arizona Republic and wrote: "I surmise this newspaper is back of all this pressure. H."

Read the document (.PDF file)

Two men told a judge in 1969 that they bombed a home and a ranch in Tucson for an FBI agent who wanted to ignite a mob war.

Nearly thirty-five years later, the agent, David Olin Hale, said for the first time publicly that he believes he was framed by mobsters for putting too much heat on them.

Hale resigned from the FBI while under police investigation for the bombings. In a recent interview near his home in the southeast United States, Hale told the Arizona Daily Star this was the price he paid for being so effective in his four years working against Tucson bookies, loan sharks and racketeers.

Tucson FBI agents had "most all the bases covered on all their activities or all their movements," Hale said. "And we feel we were doing a tremendous job - probably too good of a job at that time - because they didn't have any room to maneuver."

Hale was never charged with a crime. Records show FBI Director J. Edgar Hoover allowed Hale to resign and then circled the wagons as politicians and the press demanded an explanation. Hale said he wanted to defend himself against the accusations of the two

bombers, but he was hampered by orders from the U.S. Attorney General's Office. In a telegram, the office prohibited Hale from discussing anything he had learned from bureau files or employees and from revealing confidential sources.

"It was useless," Hale recalled. "I felt very badly about it because I would've loved to have gone into a hearing or a trial or some sort of legal setting to get to the bottom of things."

FBI records and interviews with those close to the case show he was not charged - despite the testimony implicating him - because of a lack of corroborating evidence. Some federal officials also were reluctant to investigate a case in which the victims were mobsters.

Hale said he couldn't explain who set him up, or how, in bombings at the home of Joseph Bonanno Sr. and at a ranch owned by Peter J. Licavoli Sr., both mob leaders. An FBI report summarizing the case after Hoover's death acknowledged the possibility of a frame-up but said there was no evidence of one.

In the interview, Hale said his confidential informants told him the late Tucson hoodlum Charles J. "Batts" Battaglia ordered some of the bombings that came in the wake of the Bonanno and Licavoli attacks.

Battaglia was a reputed lieutenant of Bonanno, the part-time Tucsonan and longtime Brooklyn-based mobster linked to the sporadic violence of the "Bananas War" in New York. Bonanno died in 2002, Licavoli in 1984.

During court testimony in 1969, William J. Dunbar Jr. and Paul M. Stevens said Hale led them to believe he had the backing of the FBI when they helped him set off the bombs. A police officer testified Hale was also implicated by Jerry Max Pasley, a Tucson bartender and hoodlum.

Hale chalks that up to small-town thinking. He said Tucson police were understaffed and lacked the underworld sources and expertise that he brought to the city when he arrived in 1964 after fighting crime in Los Angeles.

Unsolved killings

Tucson police had failed to solve the 1960 gangland-style murder of a real-estate promoter, Lewis Sirotta, who was strangled with a rope and stashed in the trunk of his car on North Silverbell Road. The disappearance of a reputed bookie, Joseph Hootner, also puzzled police detectives in those years. Hale said his sources told him Hootner had been put to death for skimming.

"It's got to be embarrassing to them, in my mind's eye, having two significant murders in their midst involving organized crime and bookmakers and not being able to solve them until this day," Hale said.

"And here I come into the area with the background and the ability to develop live sources and to get the ball rolling like I did." That, Hale said, "had to have a profound effect on the Tucson Police Department."

Hale, a trim, neatly groomed man, seemed relaxed and confident during most of the interview. He appeared startled, however, to learn that Hoover had ordered him fired if he wouldn't resign.

Hale paused when asked why he chose to speak now.

"Well, it's time," he said. "There always comes a time in somebody's life when he wants to set the record straight. And I think that the older one gets, the more important it is to set the record straight."

That record dates to 1969, when Hale came under investigation by police.

Two young men arrested that year in the bombing of the Bonanno home told police that Hale recruited them and helped them carry out that bombing as well as another one, at Licavoli's Grace Ranch, to provoke a war between mobsters who had retired to Tucson.

Although the Mafia never gripped Tucson like it did cities such as New York and Chicago, police here attributed numerous unsolved bombings to organized-crime disputes or extortion. But if Hale crossed the line with the Bonanno-Licavoli bombings in 1968, he left few signs of it behind, bureau records show. These records show how closely the bureau monitored whether its former agent would be prosecuted.

Police gave their findings on Hale to Pima County Attorney William J. Schafer III, but his office said Arizona law didn't permit a conviction based solely on the testimony of accomplices and that they lacked sufficient corroborating evidence.

Three days after the allegations against Hale exploded in the press, Assistant U.S. Attorney Joana Diamos had lunch with two FBI agents. She told them the county attorney had met with her boss, Richard Burke, trying to get him to prosecute Hale in federal court, according to an urgent teletype the agents fired off to Washington shortly after the meal.

Diamos "feels that the county attorney has a bad case and is trying to push it off on the federal government if possible," an agent wrote.

Burke, who was then a recent appointee as U.S. attorney for Arizona, was told by his assistant that Joe Bonanno, who was notorious for avoiding courtrooms, would probably refuse to testify against Hale. Prosecutors questioned the reliability of other witnesses in the case, too.

Bill Bonanno points to Hale

While prosecutors considered what to do, Bill Bonanno contended in a newspaper article that a vigilante group aided by Hale carried out the bombings. The next day Hale began calling some of Tucson's prominent citizens, requesting they meet with him to hear important information.

"He picked four of us who were prominent in civic activities," William Hawes Smith, who was a Valley National Bank vice president of communications, recalled in a recent interview.

Smith drove to Hale's home on Aug. 28, 1969. The ex-FBI agent sat in Smith's parked car and talked for 45 minutes. His message: State police were in Tucson investigating Smith and other suspected members of a vigilante group, Smith wrote in a confidential bank memo.

The disgraced FBI agent called Bill Bonanno a "pathological liar" and said he believed Bonanno inspired the campaign against him, Smith wrote.

Hale also complained about irresponsible reporters in Phoenix and Tucson, and "several times said that if they got hold of my name that irreparable damage would be done," Smith wrote.

Why would Hale meet with important citizens and link their names to dynamite-throwing vigilantes?

"I don't know," Smith said in the interview, "unless it was to throw suspicion away from himself or from the people that were really doing it."

Hale recently denied that he met with important citizens and said he never heard of any vigilante group while investigating the bombings.

U.S. Rep. Morris K. Udall kept pushing for the FBI to explain what happened.

"It shows a contempt for the public on the part of the FBI," he told a reporter. "It's as if the FBI is saying it's not accountable to the public, and that an FBI agent who goes sour is immune from prosecution."

In July 1970, Udall alerted the Senate Permanent Subcommittee on Investigations.

At the time, the Nixon administration was warning that bombings nationwide had reached menacing proportions. In 1969 and early 1970, nearly 5,000 had been reported, many related to Vietnam War protests. The Treasury Department estimated that only 8 percent involved regular criminal schemes like extortion or insurance fraud.

Udall suggested to the subcommittee chairman, Sen. John L. McClellan, that the panel make the Tucson bombings part of its inquiry.

But an FBI memo shows that when the subcommittee's lawyer disclosed Udall's suggestion, an FBI inspector "reminded" him "there is still a good possibility for additional local prosecution in this matter in Arizona."

Other barriers to widening the Hale probe arose, too. The subcommittee lawyer told the FBI that "he intends to point up the fact that in all probability the only people who stand to gain from a congressional inquiry into the Tucson bombings are members of the organized-crime syndicate."

Newspaper vs. Hoover

In August 1970, Paul Dean, a columnist with The Arizona Republic in Phoenix, criticized the FBI in an open letter to Hoover for cloaking the Hale affair. The aging director seemed to think the criticism was all local.

When he read a memo about Udall seeking to alert the congressional panel, Hoover zeroed in on the part that revealed Republic Editor and Publisher Eugene C. Pulliam also had sent clippings on the Hale case to Sen. McClellan.

"I surmise this newspaper is back of all this pressure," Hoover scribbled to his staff.

But even Sen. Mark Hatfield of Oregon and Vice President Spiro Agnew forwarded letters to Hoover from constituents angry about the Hale affair.

"This is a time when Congress is making outraged outcries about the wave of bombings by militants and protesters," a Hatfield constituent wrote. "A bombing by an individual is a terrible thing and should be punished severely, but a series of bombings by the FBI is one hundred times worse."

At the end of September 1970, Hoover learned that Burke, the U.S. attorney for Arizona, was thinking about calling a federal grand jury on the Tucson bombings.

Burke admitted he still lacked sufficient evidence to indict Hale but planned to go through the motions anyway to put an end to the matter, according to FBI reports.

At FBI headquarters, Hoover expressed contempt that Burke was knuckling under to media pressure.

"It is a shame U.S. Atty accedes to pressure of a crummy press + a shyster reporter like Dean," Hoover scribbled in the margin of a memo.

In April 1971, the chief assistant U.S. attorney for Arizona explained the investigation of Hale was going slower because he was doing it without the assistance of the FBI.

FBI records show that this contention stung agents who felt that the attorney, William C.

Smitherman, implied they wouldn't investigate one of their own.

"It is understood from sources in Tucson that Smitherman is completely politically motivated," a Phoenix agent wrote to headquarters. "He is close to Senator Paul Fannin (R-AZ) and Congressman Udall, and it is rumored that he has aspiration for higher political office.

"He obviously is not a friend of the bureau, based on his loose remarks to the press, and the Agents have been instructed that while they must deal with him they must do so at arm's length."

If prosecutors ever presented evidence to a secret grand jury, no charges were returned. No one can be charged today because the statute of limitations expired in 1973.

Hoover's problems

Having an agent implicated in a bombing spree was the last thing the FBI needed. Hoover, who enjoyed decades of respect as the man who built the world's top law enforcement agency, was under siege and widely regarded as too old for the job.

In December 1971, a front-page New York Times article summarized his problems: House Majority Leader Hale Boggs had condemned the FBI's "Gestapo" tactics of spying on Americans, documents had been stolen in a burglary at an FBI office in Media, Pa., Special Agent John Shaw had been forced out for mild criticism of Hoover, and the cost of the new Hoover Building, the FBI's headquarters, was spiraling upward. Hoover, the Times said, "is near the end of the line."

Four months later, at 77, he died unexpectedly in his bedroom.

If Hoover had drawn a curtain around the Hale affair, his successor, L. Patrick Gray III, kept it tight.

On his first swing through Phoenix, Gray refused to answer a press conference question about Hale. When he returned to Arizona a few months later, near the end of 1972, Gray rejected an interview request from Arizona Republic reporter Bob Thomas, who was still pursuing the bombings story. An FBI report contended the journalist had "an unusual personal interest" in bringing up the Hale affair.

An agent speculated that Republic editors - regarded as much friendlier - probably would have discouraged the interview request if they had known of it.

During his recent interview with the Star, Hale changed his story about why he quit the bureau on the day he was implicated in court in the bombings, saying at first that the move "was voluntary and for personal reasons that had nothing to do with the investigations."

Later, he said he left not because of any wrongdoing but because no agent was ever allowed to embarrass Hoover.

He said he regrets that his sudden departure gave the appearance of a cover-up and allowed mob boss Bonanno and his son Bill to castigate him in print without challenge.

In his 1999 autobiography, "Bound by Honor," Bill Bonanno said he fired the blast that struck one of the two bombers who hit his father's home. He recalled Hale, the man they implicated, as a rogue cop skirting the Constitution to eliminate evil.

"He was a lunatic, not a civil servant," Bonanno wrote.

Joseph Bonanno's 1983 autobiography, "A Man of Honor," referred to Hale as "a particularly obnoxious man" who "seemed to go out of his way to show his contempt for us when the situation didn't require it, when he could have been matter-of-fact."

Bureau's hands not clean

If Hale was trying to trick mobsters into fighting with one another, as bombers Dunbar and Stevens told the judge, he would have found inspiration from the highest quarters of the agency. The FBI at the time was in the midst of a Vietnam-era counterintelligence program against U.S. citizens, especially the radical left. This effort, dubbed Cointelpro, included "Operation Hoodwink" - sending anonymous letters to New York Mafia leaders in an attempt to provoke disputes with the Communist Party USA.

"It's not surprising that some agents would be willing to go over the deep end," said professor Athan G. Theoharis, a Marquette University historian and nationally recognized expert on the FBI.

Another indication that Hale had no secret authority to bomb was his apparent concern about being "bugged." He complained to a federal attorney that his phones were being tapped, an FBI memo shows. He had Udall's staff sweep its phones for bugs before a planned talk with the congressman, a Udall aide recalled in a memo. Smith, the former bank official, said he, too, thought Hale was guarding against electronic surveillance when he came out of his house and sat in Smith's car to talk.

Hale told investigators that on the night of the Bonanno bombing, he was at his church on the East Side, miles away from Bonanno's home near North Campbell Avenue and East Elm Street. So he couldn't have been with the two bombers, as they claimed, he said. In repeated statements to investigators, the late Tucson attorney Will Dees, who attended the Mormon Church with Hale, supported the agent's alibi.

Attorney Thomas Chandler, who represented one of the two convicted bombers, said a third man, businessman Walter Prideaux, also participated in the bombings and implicated Hale. Chandler scoffed at Hale's assertion that he was framed.

"To believe that I've got to believe that Prideaux, Stevens and Dunbar were colossal liars, absolute colossal liars," Chandler said in a recent interview. "And I talked to each one of those people independently of the others. I had extensive conversations with them. … It would be almost inconceivable that they could have been all on the same page in every critical point, in every minor detail."

Stevens declined to comment for this series. Attempts to reach Dunbar were unsuccessful. Prideaux died years ago.

Wes Mauldin, a retired state lawman whose informants put police on Hale's trail, said Hale told two people that he considered himself an "avenging angel" - a name associated with Porter Rockwell, an Old West lawman and devoted bodyguard of Mormon prophet Joseph Smith.

Hale never used the term with Pasley, then a bartender and hoodlum who associated with mob figures and is now serving time for murder in the Arizona State Prison Complex in Buckeye. But Hale did seem to consider himself on a moral high ground as he worked against criminals, Pasley said.

"He was sort of like real clean-cut, and sort of viewed those guys - I should say us guys, maybe - as probably what we were at that time: a bunch of goofball thugs," Pasley said.

Former Tucson police Lt. Don Lowe said the bombings initially boosted Hale's stature. He was said to have briefed Hoover by phone.

Diamos, the former assistant U.S. attorney, remembers Hale as zealous to a fault, even overstepping his authority once by filing charges against a criminal suspect before Diamos gave authorization.

"What a jerk," Diamos said. "He had the ability to take it upon himself and play God."

Smith, the former bank vice president, said that after Hale left town, the Justice Department sent a prosecutor to specialize in organized crime.

"I took him around and I said, 'What can you tell me about David Hale?' "

According to Smith, the prosecutor replied: "When I was given my orders to come out and take over this new district, I was told I could do whatever I wanted, save for one thing.

"And that thing was the David O. Hale case."