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Saturday
10/17/81

Pittsburgh Post-Gazette

WILLIAM BLOCK and PAUL BLOCK JR.
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Close out Nard case

John A. Nard of Bell Acres Borough is a curiosity; he has cost the taxpayers of the United States hundreds of thousands of dollars as he pursues a personal vendetta, and he continues to get away with it.

A little more than 14 years ago Mr. Nard signed a contract to build a meat packing plant for Armour and Co. in Pittsburgh and nine months later signed a second contract to build a similar facility for the firm in Sioux City, Iowa. Trouble began almost immediately between Mr. Nard and Armour and the falling out became total 15 months after the first contract was signed. They filed suits against each other in both Iowa and Pennsylvania in November 1968. Since then:

- Mr. Nard has contested the settlements reached in trials in the civil actions between himself and Armour in federal district courts in Pittsburgh and Iowa. In both instances circuit courts of appeal affirmed the settlements of the lower courts. Other appeals were similarly unsuccessful.

- Mr. Nard convinced the U.S. attorney in Iowa in 1971 to investigate charges of perjury by Armour witnesses in Mr. Nard's Iowa trial. The U.S. attorney did this, but a grand jury returned no presentment. The same U.S. attorney made presentments to two other grand juries at Mr. Nard's behest, this time covering questions of perjury in both the Iowa and Pittsburgh trials. These grand juries returned no presentments either.

- Mr. Nard brought suit in 1974 in a separate action in the U.S. district court in Pittsburgh, claiming he was denied a fair trial in the Pittsburgh civil case because important evidence was suppressed by Armour. His plea was denied after a hearing before a judge.

- Mr. Nard in 1974 pleaded guilty to not filing income tax returns for 1967 and 1968 and nolo contendere to tax evasion on his 1968 return. He was fined \$10,000 and given suspended sentences. Before this, he had approached then U.S. Attorney Richard Thornburgh with complaints that his tax troubles, as well as his total lack of success in the district courts of Iowa and Pennsylvania, were the result of a criminal conspiracy. Mr. Thornburgh said he could find no such evidence.

- Mr. Nard has pursued his conspiracy theory since, petitioning, among others,

the chief judge of the Third U.S. Circuit, two attorneys general of the United States, Mr. Thornburgh's successor as U.S. attorney in Pittsburgh and the current U.S. attorney in Iowa. The last man, James Reynolds, spent two years on an investigation that included the expense of sending two Secret Service interviewers around the country, only to have a grand jury reach the same conclusion: There was nothing to prosecute.

When it comes to having your day in court, that record would seem to have exceeded the expectations of even an unreasonable man. The matter should be over. But, no. U.S. Sen. Orrin Hatch, R-Utah, a former Pittsburgher and lawyer for John Nard, has employed staff of the Senate Judiciary Committee and his office for at least the past nine months in an investigation of Mr. Nard's claims of an ever-expanding conspiracy. Their principal target at the moment is that first Iowa U.S. attorney who took Mr. Nard's case to three grand juries and who is under consideration to become U.S. attorney again.

Last week they held a public hearing in Washington and issued a 71-page report, the gist of which was an undocumented assertion that the former U.S. attorney did not succeed because his heart was not in the Nard case. And why was his heart not in the case? Because the fix was in; the judicial and prosecutorial establishment of the United States for a decade has conspired to deny Jack Nard justice!

When asked by reporters how this could be so, given the public record, Sen. Hatch hemmed and hawed. When asked who had written the report upon which this conclusion was based, Sen. Hatch refused to say.

When asked how he could justify spending thousands and thousands of dollars of taxpayers' money pursuing the financial interests of a private citizen, a citizen who also just happened to owe him \$25,000 in unpaid legal bills, Sen. Hatch said it was a matter of justice — and besides, he had excused the debt before he began the investigation. Then the senator observed somewhat wistfully, that, perhaps, it was time to close the Nard case.

It was the only thing that he — or anyone else involved in Mr. Nard's behalf — has said in seven years that has made any sense.

Hultman
file

Legal Serv. Board set up

From: W

Report sheds new light

By BOB CASE
Courier Staff Writer
and

ANDY MONTGOMERY

Courier Washington Correspondent

WASHINGTON—A previously undisclosed memorandum from the office of the U.S. Senate legal counsel, written last April, concluded there was "no case" for charging Waterloo attorney Evan L. "Curly" Hultman with perjury.

Existence of the "internal memo" from an associate legal counsel was revealed by Sen. Charles Grassley, R-Iowa, Wednesday during a marathon hearing before the Senate Judiciary Committee at which Hultman was questioned.

The memo was sent in April to the chairman and ranking minority member of the committee and two other members, Sens. Orrin Hatch, R-Utah, and Dennis DeConcini, D-Ariz.

HATCH AND DeConcini have been Hultman's chief accusers on the committee.

Hultman was called to testify about a decade-old case while he was serving as U.S. attorney for the Northern District of Iowa, and he repeatedly clashed with Hatch during the hearing, which convened at 10 a.m. and did not conclude until 8:30 p.m.

After Hultman testified before the Judiciary Committee last December, Hatch and DeConcini charged that he may have committed perjury or obstructed justice during his appearance.

However, the focus of the Wednesday hearing was not on those charges but on what a Senate staff report prepared for Hatch and DeConcini alleges was Hultman's abuse of "prosecutorial discretion" while conducting grand jury investigations as a U.S. attorney in the early 1970s.

The staff report makes no reference to existence of the memo.

THE GRAND juries called by Hultman looked into complaints by John A. "Jack" Nard of Sewickley, Pa., who was involved in a civil court battle with Armour and Co. over the construction of two plants for the meat-packing firm by Nard's company.

After reviewing Hultman's December testimony, the Senate associate legal counsel concluded that "no item seems to approach the kind of flat factual misstatement made with knowledge of its falsehood which the law requires for a perjury case."

"On the contrary, on these points, Hultman's various qualifications of his statements and the non-specific nature of the questions and answers seem to

rule out such a charge."

Grassley used the memo during the hearing in his strong defense of Hultman's conduct.

He said that with the hearing now out of the way, he will concentrate on pushing the nomination of Hultman for reappointment to the U.S. attorney position.

However, Hatch indicated that if Hultman is nominated by President Reagan, the nomination is certain to run into trouble when it reaches the Judiciary Committee.

Hatch also said he remains convinced that Hultman had mismanaged the grand jury investigations.

He told reporters he thinks the current U.S. attorney in Northern Iowa, James Reynolds, should convene a new grand jury to recall witnesses who he said he believes lied before the Hultman grand juries.

Both DeConcini and Hatch reiterated the allegations of a Senate staff report, released Monday, that "there is persuasive evidence that Nard was a victim of perjured and misleading testimony and that Hultman and other Justice Department officials abused the prosecutorial discretion inherent in their posts by failing to follow up on many leads made available to them."

HULTMAN INSISTED he had given the investigations "my best shot" and that any alleged contradictions relating to his December testimony could be attributed to memory lapses and the failure of the committee to provide him with ample time to prepare his testimony and to advise him of the nature of the charges.

The Waterloo lawyer also said Hatch was "second-guessing" events that had occurred as long as 10 years ago, and pointedly observed that "the federal district judges, an appellate court and three grand juries" doubted Nard after they "listened to all the evidence."

Hultman contended that Hatch and DeConcini and their staffs had treated him unfairly and that a report leaked from the committee without affording him an opportunity to respond had damaged his legal reputation.

At the outset of the hearing, Grassley charged that Hatch and DeConcini were trying to turn the panel into a "super court" of appeals for people dissatisfied with the results of old court cases.

GRASSLEY REPEATEDLY read into the record portions of reports that DeConcini and Hatch failed to include when questioning Hultman's handling of investigations.

His strong comments apparently throw DeConcini and Hatch balance, and his presence at the long hearing seemed to the lid on even more questions from the two senators.

Grassley said the staff released Monday "did the very committee had been assured happen. It was a document guessing and re-trying."

The Iowa said he knows firsthand "fundamental" and then remarked, "Frankly, I think it was fair to give Mr. Hultman the extremely short notice given in December."

Grassley also said it was three reports were written before of the committee. "Analyzing his (Hultman's) he

to: Bob M.

From: Linda WO

THURS., OCT. 3, 1981 Waterloo Courier Section 4

new light on charges against Hultmar

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His strong comments appeared to throw DeConcini and Hatch off balance, and his presence throughout the long hearing seemed to have kept the lid on even more antagonistic questions from the two senators.

Grassley said the staff report released Monday "did the very things the committee had been assured would not happen. It was a document of second-guessing and re-trying."

The Iowa said he knows and understands "fundamental fairness," and then remarked, "Frankly, I don't think it was fair to give Mr. Hultman the extremely short notice he was given in December."

Grassley also said it was unfair that three reports were written for members of the committee, "supposedly analyzing his (Hultman's) handling of

a particular case when the authors of the reports never discussed the matters with him."

HATCH RESPONDED that an investigator had attempted to contact Hultman but that he was in Germany.

"Hey, Mr. Chairman," Grassley broke in, "he was in Germany only one week."

"When we sit here today and attempt to pass judgment as to whether these federal judges and Justice Department officials have treated individuals fairly, perhaps we should remember the admonition of the Lord that those without sin should cast the first stone," Grassley said.

It was an allusion to Hatch's connection with Nard. Before his election to the Senate, Hatch was Nard's lawyer.

At one point during their frequent clashes, Hatch said Hultman had since December to prepare for the Wednesday hearing.

"UNTIL MONDAY," Hultman angrily responded, "I did not know what the bill of particulars was. Until you know what you are looking for it is a waste of time (to search records on file at the Department of Justice)."

Repeatedly, Hultman told Hatch that his statements constituted "a total conclusion on your part that is totally unfair."

"You cannot sit here and draw a conclusion based on three or four documents of five, six or more years ago. It is easy at this time to follow a given theory and follow it through, but it is difficult to go back six or seven

years and say you should have asked certain questions or different questions."

Hatch told Hultman, "I see that."

After the hearing, Hatch told reporters that Hultman's testimony not changed his mind that Nard been wronged by Hultman and Justice Department.

He said he did not know what role would play when and if Hultman nominated for the U.S. attorney position. The nomination would first considered by the Judiciary Committee.

For Hultman, it was a long exhausting day in the witness chair and near the end, he came close losing his voice.

AUG 2 1981

Political scene

Hultman case labeled bizarre

¹²⁷
“**T**HEY ARE HIDDEN from public view, an anonymous community with a powerful, often decisive, influence over the legislative process in America... They run things.”

The quotation is taken from the jacket of a book entitled, “Congressional Staffs—The Invisible Force in American Lawmaking.”

To put it so bluntly may come as a shock to those who view the Congress of the United States strictly as a body of elected officials, 100 senators and 435 representatives, making the laws of the land.

However, the author is absolutely right in his assessment of the power of staffs serving the Congress.

THE INFLUENCE of staff in the decision-making process is tremendous and it has continued to expand as the process has become more complex.

Senators and representatives today have a multitude of responsibilities.

They would be hopelessly lost without a virtual army of researchers, speechwriters, personal aides, general counsels, administrative assistants and so-called experts of every type.

I was reminded of the power of congressional staffs the other day while trying to fit together all the pieces in the bizarre case in which Waterloo attorney Evan L. “Curly” Hultman has found himself involved.

He has been accused by a Pennsylvania businessman, John A. “Jack” Nard, of being part of a conspiracy against him while Hultman was U.S. attorney for the Northern Judicial District of Iowa in the 1970s.

Currently at issue is whether Hultman may have committed perjury or obstructed justice when he appeared before the Senate Judiciary Committee in December of last year.

PUBLICLY, THE questions about his testimony have been raised by two U.S. senators—Orrin

Bob Case



Hatch, Republican of Utah, and Dennis DeConcini, Democrat of Arizona.

However, it appears to be a Senate staffer who is the driving force in pursuing allegations against Hultman.

He is Kim Pearson, who last year was on the staff of the Judiciary Committee, but who now works for Hatch on the Senate Labor Committee.

Supposedly, there is a document in existence which allegedly cites 16 instances in which Hultman's testimony was in conflict with Justice Department records.

Apparently the keeper of the document is Pearson.

It is a document Hultman would like to get his hands on, and simple justice would dictate that a copy be made available to him.

Hatch promised Sen. Chuck Grassley he could have any material he wanted concerning the Hultman-Nard controversy.

However, John Maxwell, chief counsel for the Subcommittee on Agency Administration of the Judiciary Committee (headed by Grassley), repeatedly has been given the runaround by Pearson in his efforts to get two copies of the document—one for Grassley and the other for Hultman.

IN OTHER words, here is a Senate staffer with the arrogance to deny a U.S. senator (Grassley) vital information—and even after his boss (Hatch) had promised the Iowa Republican senator, he could have any documents he wanted touching on the controversy.

The only conclusion which can be reached is that Pearson doesn't want Hultman to be prepared to respond to specific accusations if and when he is

called to testify again before the Judiciary Committee.

Hultman thought he would have a chance to testify on Wednesday or Thursday of last week, but the hearing was postponed until an as yet unspecified date in September.

Personally, I won't be surprised if there never is a hearing, called for the specific purpose of giving Hultman a chance to offer additional information concerning his controversy with Nard.

I SAY THIS because of a sneaking hunch Pearson and others may have decided they really have no case against Hultman and would prefer leaving the case unresolved, with lingering suspicions about the Waterloo attorney.

That would leave Nard free to continue to tell everyone who will listen that Hultman is guilty of all kinds of bad deeds without being required to testify under oath.

I can attest to the fact that Nard seldom misses an opportunity to take verbal shots at Hultman.

During a recent telephone conversation, he said investigators with whom he had talked had told him the case against Hultman was “absolutely devastating.”

Who are these investigators? Nard refused to say.

Sitting out here in Waterloo, Iowa, I'm in no position to judge all the facts in this bizarre case. I do know that over the years, I've never had reason to question Hultman's honesty, and he tells me there is absolutely no truth to Nard's allegations.

HULTMAN DESERVES an opportunity to respond to charges by Nard and others in a public forum—and the proper forum is the Judiciary Committee of the U.S. Senate.

Yes, he deserves an opportunity to face his accusers, including people on Senate staffs who generally remain hidden from public view.

Justice will not be served until he has that opportunity.

n. Oct. 11, 1981

Political foe says Hultman 'victimized' by committee probe

By BOB CASE
Courier Staff Writer

Evan L. "Curly" Hultman, accused in a U.S. Senate staff report of abuse of "prosecutorial discretion" as a U.S. attorney in the 1970s, has received support from a fellow Waterloo lawyer who serves as 3rd District Democratic Party chairman.

"I'm convinced he is a victim of abuse of process," Dave Nagle said Friday.

He was referring to Hultman's problems with Sens. Orrin Hatch, R-Utah, and Dennis De-

Concini, D-Ariz., in connection with charges by a Pennsylvania businessman, John A. "Jack" Nard.

Hatch and DeConcini have pursued Nard's allegations that Hultman was involved in a conspiracy against him.

THE SENATE staff report was used by Hatch and DeConcini in their questioning of Hultman during a marathon hearing Wednesday before the Senate Judiciary Committee.

Hultman has been recommended for appointment as U.S. attorney for the Northern District of Iowa by members of the Iowa Republican congressional delegation.

It is the position he held during the Nixon and Ford administrations when Hultman presented charges by Nard to three grand juries, but no indictments were returned.



Dave Nagle

The charges stemmed from Nard's legal battles with Armour and Co.

"I'm perfectly satisfied that if we have to have a Republican U.S. attorney, then he (Hultman) ought to be reappointed," Nagle said.

Currently serving as U.S. attorney in the northern district is James Reynolds, a Dubuque Democrat, who was appointed by former President Carter. It is expected that President Reagan will replace him with a Republican.

Nagle charged that Hultman was being "victimized by a convicted felon (Nard) and a senator (Hatch) who used to be his attorney."

In the 1970s, Nard pleaded no contest to a charge of income tax evasion, was fined and received a suspended jail sentence.

Before his election to the Senate in 1976, Hatch was Nard's attorney.

Nagle said he sent a letter to Hultman Friday, "expressing my full confidence in him and the hope he will be appointed."

WHILE IT might seem unusual for a Democrat to go to bat for a Republican, Nagle said "it is not a matter of party."

He said he simply "can't stand back and let someone be victimized as Curly has been victimized."

As a member of the Iowa Trial Lawyers Association and the Iowa Academy of Trial Lawyers, Nagle said he knows Hultman's colleagues in the legal profession have confidence in his integrity.

"The only reaction we ought to have in this community is a sense of outrage that he could be dragged through something like this," Nagle said.

Sun.
Oct. 11, 1981

Abuse of power by Sen. Hatch merits a probe?

EVERY IOWAN (and indeed every American who knows about it) should be outraged by the tyrannical abuse of power displayed in the persecution of Waterloo attorney Evan L. "Curly" Hultman.

That such a supposedly august body as the United States Senate has been the persecutor is nothing short of disgraceful. Traditionally, no group is more avid in protecting its own rights and according its members proper procedure and human courtesy than the Senate.

BUT ALL SUCH principles were wantonly abandoned in the Senate Judiciary Committee "investigation" of Hultman, former U.S. attorney for the Northern District of Iowa who is up for reappointment to that same post.

People accused of murder, rape, arson and the like routinely receive more courteous and fairer procedural treatment than that given Hultman by the Senate committee.

Hultman's chief accusers have been two members of that committee, Sen. Orrin Hatch, R-Utah, and Dennis DeConcini, D-Ariz. Hatch has emerged as the prime culprit.

In fact, Hatch turned what some might call an investigation into nothing more than a kangaroo court supposedly giving Hultman a hearing while at the same time hazing him.

Courier editorial

THE WHOLE BOYRY episode began with a committee hearing last December which focused on Hultman's handling, as federal district attorney, of grand jury investigations into charges by John A. Nard, a Pittsburgh, Pa., building contractor.

These charges related to Nard's legal battles with Armour and Co. for which Nard was building plants near Pittsburgh and in Sioux City. Suffice it to say that the case is exceedingly complex and the facts difficult to determine.

BUT THE Judiciary Committee hearing in Washington last week was the first opportunity for Hultman to answer charges about his handling of the decade-old case since he appeared before the committee last December.

After the December appearance, Hatch and DeConcini charged that Hultman may have committed perjury or obstructed justice in his appearance. But the committee ignored repeated Hultman requests for an opportunity to answer these charges in another hearing—until last Wednesday.

At that time, Hultman clearly stated that lack of time to prepare his testimony, not any intent to

To: Bob M.

midland, accounted for any alleged discrepancies in his testimony last December.

THE SAME UNFAIR and bizarre pattern of persecuting Hultman is apparent even in last week's hearing.

It was not until Monday that a new 71-page report on the Nard case by Hatch's staff was released. It does not accuse Hultman of criminal behavior but rather of abusing "prosecutorial discretion." Again, Hultman had scant time to see and study the charges prior to the hearing.

Yet a memo from the office of the U.S. Senate legal counsel, written last April, concluded there was "no case" for charging Hultman with perjury.

EXISTENCE OF THAT memo was not made public until Wednesday and even then not by Hatch or DeConcini but by Sen. Charles Grassley, R-Iowa, during the lengthy hearing.

Why wasn't Hultman told of this last April?

And why was Hultman forced into a marathon and abusive hearing—one which ran from 10 a.m. until 8:23 p.m.?

AND HOW COULD Hatch, with a straight face, charge conflict of interest because Hultman's Des Moines lawyer at Wednesday's hearing works for the same law firm which is listed as representing Greyhound Corp., the parent company of Armour and Co.?

The fact is Hatch was Nard's personal attorney before becoming a senator in 1977. Yet Hatch was serving as committee chairman during most of Wednesday's hearing after DeConcini chaired it for the first three hours.

Doesn't this at least give the appearance that Hatch has been doing little more than grinding his own ax in persecuting Hultman?

Interestingly, as Hultman pointed out at the hearing, Nard has pleaded "no contest" to a felony income tax charge and guilty to two lesser charges.

PERHAPS THE U.S. Senate should conduct an ethics investigation into the actions of its own Mr. Hatch.

Some of the treatment of Hultman not only disgraces the Senate but should offend Americans' sense of fair play and justice for which they have long been proud.

Political scene

Defends Hultman right 'to have say'

IT'S EASY TO understand why Waterloo's Evan L. "Curly" Hultman is frustrated these days. Someone is trying to do him in, and thus far he has been denied the opportunity to defend himself in the public forum where unsubstantiated allegations originated.

The unbelievable situation in which Hultman finds himself started with a hearing on Dec. 11, 1980, in Washington, D.C. before the U.S. Senate Judiciary Committee.

Only one member of the committee was present—Sen. Dennis DeConcini, an Arizona Democrat.

HULTMAN HAD been asked to testify with little advance notice and without the benefit of information concerning the specific nature of the inquiry.

All he knew was that it had something to do with his handling of a case in the 1970s involving Jack Nard, a Pittsburgh, Pa. contractor, while Hultman was the U.S. attorney for the northern district of Iowa.

Nard, a convicted federal income tax violator, has a passion for accusing federal judges and government lawyers of being involved in a conspiracy against him.

Hultman apparently is one of the individuals on his "hit list."

Nard has been assisted in his "crusade" by several newsmen, always looking for the sensational.

When Hultman appeared before the one-man committee, he stated, according to the official transcript:

"Let me preface my remarks by saying we are going back on events that are almost 10 years ago. Therefore, I want you to know that my responses will be to the very best of my recollection.

"THIS WAS only one case in many, many cases that I handled during the period of time. It has no special significance other than the nature of the case, which I would indicate at the outset in response to your question."

When he returned home, Hultman immediately wrote to DeConcini to request an opportunity to testify again, recognizing that without the benefit of documentation, there could have been inconsistencies and inaccuracies in his statements.

He received no response, just as he received no response to a second letter.

Then along came DeConcini and Sen. Orrin Hatch, Republican from Utah, with the charge (conveniently leaked to the news media, but with no notice to Hultman) that the Waterloo attorney may have committed perjury

Bob
Case



or obstructed justice when he testified on Dec. 11.

Again Hultman wrote to DeConcini, with a copy of his letter to Hatch.

No response from either.

Interesting to note is the fact that before he was in the Senate, Hatch was Nard's lawyer.

LAST WEEK, columnist Jack Anderson got into the act by accusing Iowa's U.S. senators, Roger Jepsen and Charles Grassley of having an angry confrontation with Hatch, in which they allegedly tried to convince Hatch to halt an investigation of Hultman.

Grassley said he couldn't believe Anderson was talking about the meeting he had with Hatch, insisting there was no angry confrontation and no demand that the Utah senator do anything except to give Hultman an opportunity to have his say before the Judiciary Committee.

Personally, I believe Grassley, because Anderson generally has demonstrated that he is one of those columnists who subscribes to the idea that you should not let the truth stand in the way of a good story.

Never has Hultman asked that DeConcini and Hatch drop their investigation.

He has asked only for the opportunity to be heard, and denying him that right is a disgraceful miscarriage of justice.

HATCH'S ROLE in this messy situation must be particularly upsetting to Hultman. Both are conservative Republicans and both were strong supporters of Ronald Reagan for the GOP presidential nomination last year.

During his tenure as U.S. attorney, Hultman received high marks from his superiors in the Department of Justice, including Griffin Bell, President Carter's attorney general. (Hultman was not replaced by a Democrat until November of 1977.)

He has to be shaking his head, wondering why he is receiving such shabby treatment today, with a Republican administration and a Republican-controlled U.S. Senate in Washington.

To - Bob M.
from - Marilyn
10-2-81

1981 OCT - 2 AM 9:42

Hultman will testify about alleged perjury

Waterloo lawyer Evan L. "Curly" Hultman finally will have an opportunity to testify before the U.S. Senate Judiciary Committee concerning charges dating back to the time he was a U.S. attorney.



Evan Hultman

Although Hultman was out of the city Thursday, his office confirmed that he has been notified of a committee hearing to which he will be called to testify Wednesday.

A Pennsylvania businessman, John A. "Jack" Nard, has charged that Hultman was involved in a conspiracy against him in the 1970s when Hultman was U.S. Attorney for the Northern Judicial District of Iowa.

HULTMAN HAS denied the charges.

Announcement of the hearing was made Tuesday by Sen. Orrin Hatch, R-Utah, after the Judiciary Committee had approved the spending of \$168,000 on various investigations.

Hultman appeared before the committee last December, with only one committee member, Sen. Dennis DeConcini, D-Ariz., present.

Hatch, who once was Nard's lawyer, and DeConcini later charged that Hultman may have obstructed justice or committed perjury during his testimony in December.

Hultman repeatedly has sought an opportunity to respond to that charge before the Judiciary Committee.

In announcing next Wednesday's hearing, Hatch said his staff has prepared a new report on Nard's accusations against Hultman, which he said will be released Monday.

Sen. Charles Grassley, R-Iowa, is a member of the Senate Judiciary Committee.

JOHN MAXWELL, formerly on Grassley's staff in the House, is staff director of the Judiciary Committee's Subcommittee on Agency Administration, headed by Grassley. He has been following the Hultman-Nard case closely for the senator.

Maxwell said Thursday he has not seen the report that Hatch said will be released Monday.

According to Maxwell, the hearing will be conducted by a special panel headed by Hatch, with DeConcini the ranking Democratic member. He said all members of the full Judiciary Committee also serve on the special panel.

Hultman has been recommended by Grassley, Sen. Roger Jepsen and Republican members of the U.S. House from Iowa for appointment to the U.S. attorney's position he held during the Nixon and Ford administrations.

After Jimmy Carter's election as president, Hultman was replaced by James Reynolds, a Dubuque Democrat.

Reynolds is still on the job.

TB - Sen. H.
From - Marilyn

Waterloo Courier Mon., June 15, 1981

Column on Hultman probe disputed

By ANDY MONTGOMERY
Courier Washington Correspondent
and BOB CASE
Courier Staff Writer

WASHINGTON—A newspaper column alleging that Iowa Republican Sens. Roger Jepsen and Charles Grassley attempted to kill a Senate investigation involving Evan L. "Curly" Hultman of Waterloo was strongly disputed Monday.

"Quite the contrary," Grassley declared, "our goal was to be totally

open. We wanted everything laid out on the table."

Grassley was critical of the Senate Judiciary Committee, on which he serves, for failing to follow through on a decision to call back Hultman to clear up apparent discrepancies in his Dec. 11, 1980, appearance before a subcommittee of the full committee.

"I also would like to know why no hearings are being held," Grassley said. "I can't seem to get any favorable or unfavorable response. Nothing seems to happen. It kind of irritates me."

JACK ANDERSON, in a column published Monday in the Washington Post, said Jepsen and Grassley had a "stormy face-to-face confrontation" with Sen. Orrin Hatch, R-Utah.

According to Anderson, the two Iowa senators tried to get Hatch to back off on a probe into allegations that Hultman committed possible perjury during his Dec. 11 testimony.

"But Hatch refused to be moved by the angry entreaties of the two

See HULTMAN

Continued on page 2, col. 1

To: Bev. H.

Hultman requesting opportunity to testify at panel hearings again

Hultman

From page 1



Evan Hultman

Iowa." Anderson wrote. "He held his temper, but informed Jepsen and Grassley firmly that his investigation into their pal Hultman would go forward."

Anderson quoted a Hatch aide that "those two thought they would shout Orrin into dropping the case."

However, Grassley said the article was inaccurate.

"As I read the article, it was hard for me to realize that it was a report of the meeting in which I was involved," he said. "It did not accurately tell what went on."

It would indicate that Hatch did not want additional hearings, according to Grassley.

"IN FACT, I didn't have to ask him to have additional hearings," Grassley said. "He said if there was more information, additional hearings could be held."

Hultman said Monday he had not seen the Anderson column.

However, he made it clear he does not want the case dropped without being given an opportunity to clear up any inaccuracies or inconsistencies in his Dec. 11 testimony.

Hultman had been called to testify concerning his handling of a case involving John A. Nard, a Pittsburgh,

Pa., contractor, while the Waterloo lawyer was U.S. attorney for the northern district of Iowa in the 1970s.

Chairman of that hearing was Sen. Dennis DeConcini, D-Arizona.

Hultman has written to DeConcini three times since his Dec. 11 appearance to ask that he be given another opportunity to testify.

"To date, no one has even acknowledged receipt of any of my letters," Hultman said Monday.

He said he sent the first letter to DeConcini when he returned home after his Dec. 11 appearance.

HULTMAN POINTED out that he had testified without the benefit of notes or documents to refresh his memory about events that had occurred five to 10 years earlier.

The second letter was sent to DeConcini in April, according to Hultman.

He wrote to him again, with a copy of the letter to Hatch, after the two senators had indicated in a letter to the chairman of the full Senate Judiciary Committee, Strom Thurmond, R-South Carolina, that Hultman may have offered "inaccuracies, misrepresentations and contradictory testimony."

They requested that Hultman be investigated for possible perjury or obstruction of justice.

The committee apparently was pre-

pared to consider the matter at a May 5 meeting, but action was delayed because DeConcini was not present, according to word Hultman received at the time.

The Waterloo attorney expressed disappointment in the delay, saying he wanted the matter resolved as quickly as possible.

It was on May 5 that Jepsen and Grassley met with Hatch.

DURING THE meeting, Jepsen and Grassley noted that Hultman's letters had gone unanswered.

This led to Hatch's telephoning DeConcini and suggesting that there be additional hearings, according to Grassley.

"Hatch talked himself into having further hearings," the Iowa senator recalled.

On May 12, the Judiciary Committee, in a closed-door meeting, decided to ask Hultman to provide further testimony.

What baffles Grassley and Hultman is the fact that no hearing actually has been scheduled.

"I do not know why they do not want to pursue it unless they have some other motive," Grassley said. He declined to speculate on the possible motives.

Grassley said he wants the hearing

so the Hultman matter can be brought to an early conclusion, instead of being dragged out.

There were no immediate comments from either Jepsen or from Hatch's office.

ANDERSON FAILED to mention in his column that at one time, Hatch represented Nard as a practicing attorney in Utah.

The columnist did call attention to Hatch's position as a bishop in the Mormon Church without noting that he (Anderson), too, is a member of that church.

Hultman has been mentioned for possible appointment to his former position as U.S. attorney for the northern district of Iowa.

He was succeeded by James Reynolds during the administration of President Carter.

Reynolds, a Democrat, has been recommended by Hatch for appointment as an assistant attorney general in the Reagan administration.

Evan Hultman wins additional hearing

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By ROGER HEDGES
Gannett News Service

WASHINGTON — A former federal prosecutor from Iowa who is suspected of giving perjured testimony last year to a Senate committee will be given another chance to tell his story, the Senate Judiciary Committee decided Tuesday.

Rather than ask the Justice Department to investigate the possibility of filing perjury or obstruction of justice charges against Evan Hultman, 55, Waterloo, Iowa, as two senators urged April 30, the committee voted during a closed door meeting to schedule an additional hearing for Hultman.

Sens. Orrin Hatch, R-Utah, and Dennis DeConcini, D-Ariz., wrote a letter to Sen. Strom Thurmond, R-S.C., committee chairman, asking the full committee to authorize a Justice Department investigation.

Hultman testified last December at a hearing DeConcini held to air the charges of John A. Nard, a Pittsburgh building contractor who claims he is the victim of a decade-long Justice Department conspiracy cover-up.

Hultman, a Republican U.S. attorney in Iowa for eight years, testified that he thoroughly investigated Nard's claims that perjured testimony was used against him in a civil trial in Sioux City, Iowa, but could find no substantiating evidence.

A committee attorney who analyzed Hultman's testimony and compared it with Justice Department records, including some from Hultman's own files, told Hatch and DeConcini that he found 16 discrepancies that merit further investigation.

The compromise that the committee agreed on Tuesday was worked out at a Monday night meeting between Hatch and Iowa's two Republican senators, Charles Grassley and Roger Jepsen. They complained that Hultman had not been given enough time to prepare his testimony, which dealt with events that took place almost 10 years ago.

Hultman, who served two terms as Iowa attorney general, is a major general in the Army Reserve. Since the Reagan administration took office, he has been under consideration for either a top Pentagon post or his old job as U.S. attorney.

Hatch, who was Nard's attorney before he was elected to the Senate, has kept alive the Pittsburgh businessman's charges that the Justice Department, the Republican hierarchy in Pennsylvania and a federal judge have conspired against him for more than 10 years.

At the heart of his conspiracy theory are two breach of contract suits he was involved in with Armour and Co. over the construction of meat processing plants in Iowa and Pennsylvania.

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THE REGISTER'S EDITORIALS

Mistreating Hultman

When Iowans elected a U.S. senator in 1980, they chose Republican Charles Grassley over the incumbent Democrat, John Culver. The names of John Nard of Pennsylvania and of Republican Senator Orrin Hatch of Utah were not on the ballot. Yet they continue to bedevil Grassley's role as senator.

The most recent episode in the Grassley has done all he can to make it clear he will not back off from his support of Hultman.

Nard-Hatch saga was played out in a seven-hour hearing on the illness of Evan Hultman to be a U.S. attorney in Iowa, a position he held from 1969 to 1977. Hatch continues to ask questions about Hultman's role in the prosecution of Nard on federal tax offenses and other charges a decade ago. Before he was elected in 1977, Hatch was Nard's personal attorney.

About the only good thing to come out of the hearing was that Grassley told off Hatch and rightly expressed frustration

with the duplicity of Hatch and Senator Dennis DeConcini (Dem., Ariz.) for their continuing efforts to delay Hultman's consideration as federal prosecutor for Iowa's Northern District.

Hultman served eight years as U.S. attorney in Iowa. In the early 1980s, he was twice elected Iowa's attorney general. He was Black Hawk County attorney before that. He has the solid backing of Iowa's GOP delegation. Nevertheless, he still is not reappointed, and Hatch's antics have encouraged Reagan aides to dangle Hultman's appointment before Grassley to pressure him for support of administration-backed bills.

With his denunciation of Hatch and DeConcini and with his response to the Reagan pressures, Grassley has done all he can to make it clear that he will not back off from his support of Hultman. He shouldn't. Given the many questionable appointments the Reagan administration has made, it is doubly disturbing that the administration doesn't stop the squabbling by the Nard-Hatch contingent and its unfair treatment of Hultman.

Tempers flare in D.C. as Hultman is grilled

By JOHN HYDE

Of The Register's Washington Bureau

WASHINGTON, D.C. — For Evan Hultman, Wednesday was the longest day.



EVAN HULTMAN

Nard of Sewickley, Pa.

The hearing was as strange and complicated as anything ever seen in a Senate committee room.

Hultman, who had repeatedly asked for the hearing, was attempting to clear his name, after two senators accused him of lying in testimony he gave last December about the Nard case.

Senator Orrin Hatch, a Utah Republican who was Nard's personal attorney before coming to the Senate in 1977, saw the hearing as another chance to prove Nard had been wronged by a host of federal judges, prosecutors and Justice Department officials.

And for U.S. Senator Charles

Grassley, the hearing at last provided an opportunity to try to straighten out a mess that has tied Iowa's federal patronage jobs in knots and to vent his anger over the handling of Hultman, whom Grassley and the four other Republicans in the Iowa congressional delegation have recommended for another term as U.S. attorney in northern Iowa.

Grassley accused Hatch and Senator Dennis DeConcini (Dem., Arizona) of setting themselves up as a "super court of appeals" who would second-guess "the decisions of sincere and dedicated members of the federal bench and officials of the Department of Justice."

DeConcini began the hearing acting as chairman at the request of Hatch.

Looking straight at the grim-faced Hatch, Grassley said, "I am not a lawyer and am not prepared or qualified to discuss the scholarly points of procedural due process, but I do know and understand fundamental fairness."

"Frankly, I don't think it was fair to have given Mr. Hultman the extremely short notice that he was given (prior to the hearing) in December. I don't think it was fair

HULTMAN

Please turn to Page 16A

Grassley assails language of Sen. Hatch at hearing

HULTMAN

Continued from Page One

that a report was written accusing him of criminal conduct, which never mentioned the fact that he had been cleared of those charges.

"I don't think it was fair that that report was leaked to the press when he was given no notice of it," Grassley continued. "I don't think it was fair that his letters were never answered."

His voice rising, Grassley advised the senators to "remember the admonition of the Lord that those without sin should cast the first stone."

And, in a sharp break with the customary deference senators give one another, Grassley strongly rebuked Hatch for saying Nard "got the shaft."

"Five-Letter Word"

"You used a five-letter word that I don't think ought to be used in public," said Grassley.

DeConcini appeared disturbed by Grassley's charges and promised that the senators would not attempt to sit as jurors in the Nard case.

But Hatch, who took over as chairman about three hours into the hearing, pressed the Nard case in detail, asking Hultman repeatedly to explain various decisions he made in handling the case before three grand juries in the early 1970s, asking why Hultman decided to call some witnesses and not others, whether he could identify certain documents, demanding that Hultman explain various statements made in telephone conversations Nard had taped.

Almost an hour of the hearing was spent debating whether it was proper for Hultman to refer to Nard as a "convicted felon." Hultman said the fact that Nard pleaded no contest to a felony income tax charge, and guilty to two lesser charges, was a "matter of public record. It's a fact."

Hatch, however, argued that since Nard claimed he was "framed" by officials of Armour and Co., with whom Nard was involved in a civil dispute, it would not be correct to call him a convicted felon.

Since Nard had said much the same thing when he testified years ago before the Iowa grand jury, Hatch said, why didn't Hultman then prosecute Nard for perjury?

"I can't even respond to a question like that, senator," said Hultman. "I'm not going to sit here and draw conclusions from three or four documents put in front of me about a grand jury that took place six or seven years ago."

Hultman's position was that he and his staff had "done the best we could" in handling the complex Nard case. In the end, he said, he had made a judgment as a prosecutor not to bring Nard's charges to a trial.

"It's very, very easy to take a given theory at this time and follow it through," said Hultman. "It is far more difficult for me to sit here and

DES MOINES REGISTER

Att: Bob

answer questions about 'did you or did you not ask such and such a question?'

Hultman reportedly stated that he had testified last December on short notice, without knowing what the committee wanted, without the aid of any documents, and without knowing that two reports written by Hatch staffers had accused Hultman of criminal conduct.

"Devastating Impact"

In an emotional exchange with Hatch, Hultman said the staff reports had "serious, devastating impact on me as a lawyer, whose livelihood depends on honesty, competency and decency."

The latest report on the Nard case by the Hatch staff, a 71-page document released Monday, does not accuse Hultman of criminal behavior but does say he "abused prosecutorial discretion" and said the case raised "the gravest questions" about Hultman's suitability to serve another term as U.S. attorney.

Hultman said the "whole report is filled with half-truths, misstatements and statements taken out of context." He began a lengthy documentation of his charge, but DeConcini asked him to stop, arguing that "it's only a report, it's not a conclusion."

Hatch also attacked the Des Moines lawyer Hultman brought to the hearing to act as his counsel, Tom Reavely, because the law firm for which Reavely works is listed in law directories as representing Greyhound Corp., parent company of Armour and Co.

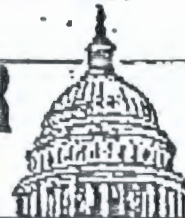
Reavely, immediate past president of the Iowa federal bar association, said he has never personally represented Greyhound, and was at the hearing because he had known Hultman for several years.

Hultman angrily told Hatch that even if Reavely had represented Greyhound, it should "not disqualify him, any more than your relationship with Mr. Nard disqualifies you."

At the conclusion of the hearing, Hatch said he had "taken some very bad abuse" from the press over his relationship with Nard, and complained that he is only trying to get Nard a fair trial.

Hatch said after the hearing he remains dissatisfied with some aspects of Hultman's testimony, but is not certain whether he will oppose his nomination for U.S. attorney.

THE CAPITAL REGISTER



A column of commentary by
The Register's Washington Bureau

Moment of truth

There is a case to be made for old-fashioned, honest indignation. In an age when politicians are told what to say by pollsters and how to act by image-makers, there is something very attractive about those moments when a human spirit shines through. Ronald Reagan won the New Hampshire primary — and probably the Republican nomination — that night in Nashua, N.H., when he angrily told the moderator of a debate that he had paid for the microphone and would do with it what he pleased. People liked what they saw in that moment.

People would have liked what they saw in Charles Grassley last week at a Senate Judiciary Committee hearing. The hearing was another effort to air Pittsburgh businessman Jack Nard's theory that a huge number of federal judges and officials — in particular former U.S. attorney Evan "Curly" Hultman of Waterloo — have conspired to persecute him.

It was obvious from the outset that Grassley has had enough of Nard and his friends. Grassley was mad about the way Hultman has been sucker-punched by Utah Republican Senator Orrin Hatch — Nard's former lawyer — and Hatch's Senate staff. Moreover, Grassley said so. Furthermore, he said it to Hatch's face. And, having said it, he announced that he would sit through every minute of the hearing to make sure Hultman got a fair shake. And he did, for almost eight bizarre hours.

It was a rare performance.

Hultman was an impressive witness, too. Despite his showing, however, and despite Grassley's help, Hultman's hopes of being named U.S. attorney in northern Iowa are probably fading. Hatch most likely got what he wanted out of the hearing when the Washington Post carried a story the next day with a headline reading "U.S. Attorney Nomination Clouded."

As for the Iowa Republican congressional delegation's recommendation of former Iowa attorney general Richard Turner to be federal prosecutor in the state's southern district, no one seems to know what's going on. Turner's name was sent to the White House last summer, weeks before Hultman was recommended. The Reagan administration has taken no action on either candidate.

Under normal circumstances, it would be hard to believe the Nard case had somehow twined itself around Turner, too. But then again, under normal circumstances it would be hard to believe that a Utah senator and a convicted felon from Pennsylvania could take control of Iowa patronage.

Hatch aide doesn't believe Hultman's Senate testimony

By Dale Kuster
Gazette staff writer

An aide to Sen. Orrin Hatch, R-Utah, said Thursday night that Waterloo attorney Evan Hultman's "mismanagement" of the Jack Nard case "should be a factor in considering his reappointment" as U.S. attorney for Iowa's Northern District.

Jim Phillips called Hultman a "distortion artist," and said he could not believe Hultman's responses at Wednesday's hearing before the Senate Judiciary Committee.

Phillips' comments were a strong indication that Hatch will not support Hultman for reappointment to the U.S. attorney's post. Hultman was federal prosecutor for the Northern District during the Nixon and Ford administrations.

Observers doubt if Hultman, recommended by Iowa Sens. Charles Grassley and Roger Jepsen, can win Judiciary Committee approval without Hatch's support. Hatch and Sen. Dennis DeConcini, D-Ariz., have strongly criticized Hultman's handling of the Nard case. Republicans control the committee 9 to 7.

However, Grassley remained optimistic that Hultman's nomination can advance.

"If we get it from the White House," he said, "I believe we can get it through the Judiciary Committee. I don't think all Democrats would vote against it. It would take

a solid block of Democrats plus Hatch to defeat the nomination in committee."

While admitting he has had no communication with the White House since Wednesday's hearing, Grassley said in Cedar Rapids Thursday night, "I have no reason to think it won't come from the White House. But, I have informed the White House I don't intend to trade any votes for the nomination or anything else."

The next road the Hultman nomination would take, Grassley pointed out, would allow the Iowa's supporters "to bring in people with all the good things to say about Curly. There are all sorts of ways you can build a record."

Calling the current controversy an isolated instance, Grassley said Hultman's detractors have been unable to build a pattern. Grassley said if there was an established sequence of wrongdoing, "even I could change my mind. But I didn't hear anything that was new."

On the other side of the controversy, former Grassley aide John Maxwell charged that Hatch's staff accused Hultman of giving perjurious testimony last Dec. 11 despite a Senate Legal Counsel determination to the contrary. Maxwell is now a Judiciary Committee staff member.

Maxwell said a 71-page Judiciary Committee staff report highly critical of Hultman "is full of holes. They

only show part of picture." He said he expects Hultman will be approved for the U.S. attorney's post. He quoted Judiciary Committee Chairman Strom Thurmond as saying Sept. 30: "I would expect his (Hultman's) name to be up here soon for confirmation."

"I sat next to Maxwell for 10 hours (Wednesday)," Phillips retorted, "and he never said one thing about holes in the report. He knows full well I would give him the courtesy to say anything he wanted about the report, and it is outrageous for him now to tell the press this. I defy him to show me the holes in the report."

Phillips said he didn't know if the Hatch staff ignored the Senate Legal Counsel staff report referred to by Maxwell. "I just came on this case in July," he said. "There is not going to be any perjury referral (regarding Hultman) to the Justice Department," Phillips added.

Nard, a former Pittsburgh contractor, lost a \$ million breach of contract suit with Armour and Co. in connection with construction of packinghouse plants near Pittsburgh and Sioux City. He also pleaded no contest in a tax evasion case, and claims both the civil and criminal judgments resulted from perjurious testimony given by Armour witnesses.

In 1971 Nard asked Hultman to investigate those claims of perjury. Hultman called three grand juries, but none returned indictments. Subsequently, Nard accused Hultman of being tied to a conspiracy with Pennsylvania Republican friends of Armour.

The Gazette has learned that the circumstances involving the complex Nard case are the subject of a federal grand jury now meeting in Sioux City, and led by current U.S. attorney James Reynolds.

Reynolds said he could not comment on grand jury proceedings. "Sen. Grassley called me about the same thing. I told him I was not investigating," Evan Hultman said. "Whatever else I'm doing, I can't comment on."

Two years ago Reynolds called a grand jury to review the Hultman-Nard proceedings. That grand jury took no action. Reynolds said he did not investigate Hultman then. "Rather, I was trying to find out if someone else had improperly attempted to influence Mr. Hultman" in connection with Hultman's han-

Brothers make court appearance

WATERLOO (AP) — Two brothers being held as material witnesses in connection with the deaths of two Waterloo police officers appeared in court Thursday on charges of involuntary manslaughter.

Joseph Pham, 36, pleaded innocent to the charges and demanded that he be represented by a black attorney.

Johnny Lee Pham, 28, pleaded guilty to the involuntary manslaughter charges as well as a charge of resisting arrest.

The guilty plea is part of a plea bargain arrangement between the Black Hawk County Attorney's Of-

Last day to register by mail

Marie L. Kopel, Linn County commissioner of elections, announced that today is the last day to register to vote by mail for the Nov. 3 municipal election. All voter registration-by-mail forms must be postmarked by midnight tonight.

Voter registration-by-mail forms are available at the Linn County Administrative Office Building, city hall, banks, credit unions, savings and loan associations and union halls.

Gazette 10/9/81 To: Mr. Hultman P. 24 from 198c

Republicans honor Ballard

Grassley, Tauke advise patience with presidential programs

By Ken Sullivan
Gazette political writer

As Linn County Republicans gathered Thursday night to honor one of their workers, two GOP lawmakers used the occasion to caution the assembly about expecting too much too quickly from President Reagan's economic recovery program.

The scene was the Roosevelt Hotel where about 170 Linn County and Eastern Iowa Republicans gathered to salute Harriett Ballard, 89, of Cedar Rapids for 80 years of volunteer service to the Republican Party, both in Linn County and the state.

The dinner meeting provided a forum for Sen. Charles Grassley to advise Americans to be patient with

Harriett Ballard



Charles Grassley



Tom Tauke



"the president and his programs."
"We must avail ourselves of the opportunity to ask other people also to have patience with the president and his programs."

"The biggest problem will be to

teach the American people the president's plans will be tremendously successful; he already has been tremendously successful.

"The economic doldrums we're in didn't come up overnight and they're not going to go out overnight."

In fact, noted 2nd District Rep. Tom Tauke, "the responsibility for carrying forward a program of economic recovery has shifted from the president to Republican members of Congress.

"It is clear the program offered by President Reagan last month will not be adopted by Congress. While a majority of members of Congress support the president's budgetary goals, that majority does not support the priorities reflect in the budget-cutting plan outlined by the president in September."

Tauke observed that Congress is prepared to concur with Reagan in his appeal for further reductions in spending, but "only if Pentagon spending also is significantly reduced.

"A monumental responsibility has shifted from the shoulders of the

president to the shoulders of Republican members of Congress.

"He has carried us just about as far as he can carry us."

The task now ahead of Congress, said Tauke, is "to develop the kind of program that can pass Congress so we can move forward on the economic recovery program he has shown great leadership on this year."

Also joining Tauke and Grassley in the tribute to Harriett Ballard were Lt. Gov. Terry Branstad and Secretary of State Mary Jane Odell, who spoke briefly, and State Treasurer Maurice J. Baringer and Secretary of Agriculture Robert Lounsberry.

In responding to the accolades, Ballard jokingly noted that political involvement for a woman 80 years ago "wasn't easy" until men discovered women would do all the "leg work."

However, she acknowledged, "I believe I am one of the Republicans in Iowa and Linn County who blazed the trail and things started going to where they are now."

False testimony allowed: Panel

Report raps Hultman

By Dale Kuster

Gazette staff writer

A U.S. Senate Judiciary Committee staff report says former U.S. Attorney Evan Hultman allowed "testimony that he knew, or should have known, to be false" to be presented to a 1978 grand jury investigating complaints of Pittsburgh contractor Jack Nard.

The 71-page report, distributed Monday to Judiciary Committee members, said "mismanagement was rife" in the grand juries called in 1972, 1973 and 1975 by Hultman to review Nard's claims of injustice.

Hultman, of Waterloo, was U.S. attorney for the Northern District of Iowa during the Nixon and Ford

administrations. He has been recommended to the Reagan administration by Iowa Sens. Charles Grassley and Roger Jepsen for "creditability" to the U.S. attorney's job.

However, the former Iowa attorney general has been embroiled in controversy over the way he handled the Nard case, raising serious questions if Hultman could ever win confirmation from the Judiciary Committee.

Nard, involved in a legal battle with Armour and Co. over construction of packing plants near Pittsburgh and Sioux City, claimed that he was the victim of Pennsylvania Republican politics. He claims Hultman

• Please turn to page 7A: Hultman

— Hultman —

did not vigorously pursue his case, which included charges of perjury against an Armour witness, because Hultman was part of the conspiracy.

Hultman has vigorously denied Nard's charges. On Wednesday, Hultman will appear a second time before the Judiciary Committee on the Nard matter. After a hearing last Dec. 11, Sens. Orrin Hatch, R-Utah, and Dennis DeConcini, D-Ariz., accused Hultman of 16 instances of violating perjury and obstruction of justice statutes.

Hatch and DeConcini wanted to turn their allegations over to the Justice Department for further investigation, but Grassley and Jepsen convinced Sen. Strom Thurmond, R-S.C., chairman of the Judiciary Committee, to allow Hultman a chance to respond.

"There is compelling evidence that Hultman conducted (the grand juries) in such a way as to make it impossible for the jurors to come to a fair or informed decision in the Nard case," the report states.

"Although evidence in Hultman's possession suggested a solid case of perjury and subornation of perjury against Armour," the report continues, "that documentation was apparently not presented to the three Iowa grand juries."

Republican Hultman's handling of the Nard case was reviewed by a 1978 grand jury called by Democrat James Reynolds, the current U.S. Attorney for Iowa's Northern District. Reynolds concluded that Nard's allegations concerning Hultman could neither be proved or disproved, and his grand jury took no action.

Senate sources said no attempt is being made to pin Hultman with charges that Reynolds could not prove. Rather, they told, the Judiciary Committee is reviewing the Nard case in an oversight capacity, to see if the Justice Department's integrity department really reviewed the Hultman-Nard saga in a satisfactory manner.

The report focused on what is known as prosecutorial discretion, that is, the judgment of a prosecutor whether or not to file charges. "If there is a centerpiece to the complicated and convoluted series of events that make up the Nard case," the report said, "it is the abuse of prosecutorial discretion by Hultman and his staff."

The purpose of the report, said a Senate source, is to lay out the issues, "the evidence that was in the possession of Hultman, the Department of Justice and the courts."

U.S. Attorney Nomination Clouded

By Mary Thornton
Washington Post Staff Writer

Evan L. Hultman, who is in line to become U.S. attorney for the northern district of Iowa, hasn't been nominated formally, but he has run into trouble from the Senate Judiciary Committee, which eventually would have to approve his nomination.

Hultman was U.S. attorney for eight years under Presidents Nixon and Ford, and was Iowa attorney general and GOP gubernatorial candidate in 1964.

He was brought before the committee yesterday to explain a number of "contradictions" and "mis-statements" in his testimony before the committee last December. He had been subpoenaed then to defend his handling of a controversial case that was under his jurisdiction for several years in the early 1970s.

Blaming any contradictions on lapses in memory, Hultman told the committee that it was impossible for him to recall legal details that occurred as long as a decade ago.

A review of the situation by the office of the Senate legal counsel found that "our own review . . . persuades us that the material does not reach the level of known falsehood that constitutes perjury At most, the material may be read to cast doubt on Mr. Hultman's credibility"

Sen. Dennis DeConcini (D-Ariz.), who chaired yesterday's hearing, said he had turned that evidence of contradictions in Hultman's testimony over to the Justice Department without recommendation earlier this year.

Central to the controversy over Hultman is the case of John A. Nard, a Pittsburgh building contractor who lost a million-dollar breach-of-contract suit with the Armour meat-packing company of Iowa and later pleaded no contest to related tax-evasion charges.

Hultman became involved in the case when Nard asked him to investigate alleged perjury by

company employees in his earlier trials. Records indicate that Hultman believed there was perjury involved, but, after three grand juries, he had obtained no indictments, and Nard was launched on a crusade to prove that Hultman, either through incompetence or political complicity, had not done his job.

The case is complicated further by the fact that, before he was elected to the Senate, Sen. Orrin G. Hatch (R-Utah), chairman of the Judiciary Committee, served for a number of years as Nard's attorney in this case.

To avoid a possible conflict of interest, Hatch ended the relationship when he was elected, waived \$25,000 in legal fees that Nard owed him and turned over direction of the hearing to DeConcini.

A staff report released yesterday by DeConcini and Hatch said, "There is persuasive evidence that Nard was the victim of perjured and misleading testimony, and that Hultman and other Justice Department officials abused the prosecutorial discretion inherent in their posts by failing to follow up on the many leads Nard made available to them."

The report concluded that Hultman "grossly abused his office," and added, "Unless and until his record in this matter is cleared, the gravest questions will remain regarding Hultman's suitability for further federal appointment."

It said "mismanagement" in the investigations he headed was "so rife as to raise serious questions about Hultman's professional conduct."

Hultman countered yesterday that "two federal District Court judges, an appellate court and three grand juries" did not believe Nard after they "listened to all the evidence."

He said "every grand juror referred to" in the DeConcini-Hatch report "views Nard in a negative manner, some going as far as describing him as a 'crook' and 'shyster.'"

Result of Hultman's rebuttal uncertain

By Dorothy Williams

Special Washington Correspondent

Evan Hultman, who hopes to once again serve as U.S. Attorney for the Northern District of Iowa, for nine hours Wednesday defended his conduct of the so-called Jack Nard case in an appearance he requested before a Senate Judiciary subcommittee.

When Sen. Orrin Hatch adjourned the panel about 8:30 p.m. Wednesday, it appeared that Hultman had not succeeded in persuading the Utah Republican that Hatch was wrong in backing a senate judiciary staff report highly critical of the Iowans handling of the Nard case.

"Did you read the report?" Hatch asked a reporter who sought his reaction to Hultman's defense. "Do you see where it (the report) was disproven in any way?"

Although authored by staff of the judiciary oversight subcommittee, the report was endorsed by Hatch and Sen. Dennis DeConcini, D-Ariz., who presided over last year's Dec. 11 subcommittee hearing at which Hultman first told his story to the Senate.

The report said "the record indicates" that Nard never got a fair trial. It also stated that Hultman apparently never lived up to his professional obligation to prove or disprove Nard's charges of misconduct by the Armour Co.

Nard lost a million-dollar breach of contract

suit with the Armour meatpacking company, and pleaded no contest to related tax evasion charges. He claims results in both instances were based on perjurious testimony given by Armour witnesses.

In 1971, Nard asked Hultman to investigate those claims of perjury. Hultman called three grand juries, but none returned indictments. Subsequently, Nard accused Hultman of being tied to a conspiracy with Pennsylvania Republican friends of Armour.

Last July Iowa Sens. Roger Jepsen and Charles Grassley sent the White House and the Department of Justice their recommendations that Hultman be returned to the U.S. Attorney post in which he served from 1968 to 1977.

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Asked if he would support Hultman for the position, Hatch, a judiciary committee member, said it is "premature" for him to say. He said the committee must study the transcript of Wednesday's hearing. Hatch said he certainly wants "to give Mr. Hultman the benefit of the doubt."

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During the course of Wednesday's hearing, Hultman did note times when he had erred in testimony last December.

Hatch wanted it on the record that Hultman was being represented by Thomas Reavley, a member of a Des Moines law firm that represents the Greyhound Corp. in Iowa. Greyhound is the parent firm of Armour.

Hatch and DeConcini took turns in chairing the hearing.

TB - Rev. H.
From - Marilyn

Waterloo Courier Mon., June 15, 1981

Column on Hultman probe disputed

By ANDY MONTGOMERY
Courier Washington Correspondent

and BOB CASE
Courier Staff Writer

WASHINGTON—A newspaper column alleging that Iowa Republican Sens. Roger Jepsen and Charles Grassley attempted to kill a Senate investigation involving Evan L. "Curly" Hultman of Waterloo was strongly disputed Monday.

"Quite the contrary," Grassley declared, "our goal was to be totally

open. We wanted everything laid out on the table."

Grassley was critical of the Senate Judiciary Committee, on which he serves, for failing to follow through on a decision to call back Hultman to clear up apparent discrepancies in his Dec. 11, 1980, appearance before a subcommittee of the full committee.

"I also would like to know why no hearings are being held," Grassley said. "I can't seem to get any favorable or unfavorable response. Nothing seems to happen. It kind of irritates me."

JACK ANDERSON, in a column published Monday in the Washington Post, said Jepsen and Grassley had a "stormy face-to-face confrontation" with Sen. Orrin Hatch, R-Utah.

According to Anderson, the two Iowa senators tried to get Hatch to back off on a probe into allegations that Hultman committed possible perjury during his Dec. 11 testimony.

"But Hatch refused to be moved by the angry entreaties of the two

See HULTMAN

Continued on page 2, col. 1

To: Bev. H.

Hultman requesting opportunity to testify at panel hearings again

Hultman

•From page 1

Iowans," Anderson wrote. "He held his temper, but informed Jepsen and Grassley firmly that his investigation into their pal Hultman would go forward."

Anderson quoted a Hatch aide that "those two thought they would shout Orrin into dropping the case."

However, Grassley said the article was inaccurate.

"As I read the article, it was hard for me to realize that it was a report of the meeting in which I was involved," he said. "It did not accurately tell what went on."

It would indicate that Hatch did not want additional hearings, according to Grassley.

"IN FACT, I didn't have to ask him to have additional hearings," Grassley said. "He said if there was more information, additional hearings should be held."

Hultman said Monday he had not seen the Anderson column.

However, he made it clear he does not want the case dropped without being given an opportunity to clear up any inaccuracies or inconsistencies in his Dec. 11 testimony.

Hultman had been called to testify concerning his handling of a case involving John A. Nard, a Pittsburgh,

Pa., contractor, while the Waterloo lawyer was U.S. attorney for the northern district of Iowa in the 1970s.

Chairman of that hearing was Sen. Dennis DeConcini, D-Arizona.

Hultman has written to DeConcini three times since his Dec. 11 appearance to ask that he be given another opportunity to testify.

"To date, no one has even acknowledged receipt of any of my letters," Hultman said Monday.

He said he sent the first letter to DeConcini when he returned home after his Dec. 11 appearance.

HULTMAN POINTED out that he had testified without the benefit of notes or documents to refresh his memory about events that had occurred five to 10 years earlier.

The second letter was sent to DeConcini in April, according to Hultman.

He wrote to him again, with a copy of the letter to Hatch, after the two senators had indicated in a letter to the chairman of the full Senate Judiciary Committee, Strom Thurmond, R-South Carolina, that Hultman may have offered "inaccuracies, misrepresentations and contradictory testimony."

They requested that Hultman be investigated for possible perjury or obstruction of justice.

The committee apparently was pre-

pared to consider the matter at a May 5 meeting, but action was delayed because DeConcini was not present, according to word Hultman received at the time.

The Waterloo attorney expressed disappointment in the delay, saying he wanted the matter resolved as quickly as possible.

It was on May 5 that Jepsen and Grassley met with Hatch.

DURING THE meeting, Jepsen and Grassley noted that Hultman's letters had gone unanswered.

This led to Hatch's telephoning DeConcini and suggesting that there be additional hearings, according to Grassley.

"Hatch talked himself into having further hearings," the Iowa senator recalled.

On May 12, the Judiciary Committee, in a closed-door meeting, decided to ask Hultman to provide further testimony.

What baffles Grassley and Hultman is the fact that no hearing actually has been scheduled.

"I do not know why they do not want to pursue it unless they have some other motive," Grassley said. He declined to speculate on the possible motives.

Grassley said he wants the hearing



Evan Hultman

so the Hultman matter can be brought to an early conclusion, instead of being dragged out.

There were no immediate comments from either Jepsen or from Hatch's office.

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The columnist did call attention to Hatch's position as a bishop in the Mormon Church without noting that he (Anderson), too, is a member of that church.

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He was succeeded by James Reynolds during the administration of President Carter.

Reynolds, a Democrat, has been recommended by Hatch for appointment as an assistant attorney general in the Reagan administration.

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Result of Hultman's rebuttal uncertain

By Dorothy Williams
Gazette Washington Correspondent

Evan Hultman, who hopes to once again serve as U.S. Attorney for the Northern District of Iowa, for nine hours Wednesday defended his conduct of the so-called Jack Nard case in an appearance he requested before a Senate Judiciary subcommittee.

When Sen. Orrin Hatch adjourned the panel about 8:30 p.m. Wednesday, it appeared that Hultman had not succeeded in persuading the Utah Republican that Hatch was wrong in backing a senate judiciary staff report highly critical of the Iowans handling of the Nard case.

"Did you read the report?" Hatch asked a reporter who sought his reaction to Hultman's defense. "Do you see where it (the report) was disproven in any way?"

Although authored by staff of the judiciary oversight subcommittee, the report was endorsed by Hatch and Sen. Dennis DeConcini, D-Ariz., who presided over last year's Dec. 11 subcommittee hearing at which Hultman first told his story to the Senate.

The report said "the record indicates" that Nard never got a fair trial. It also stated that Hultman apparently never lived up to his professional obligation to prove or disprove Nard's charges of misconduct by the Armour Co.

Nard lost a million-dollar breach of contract

suit with the Armour meatpacking company, and pleaded no contest to related tax evasion charges. He claims results in both instances were based on perjurious testimony given by Armour witnesses.

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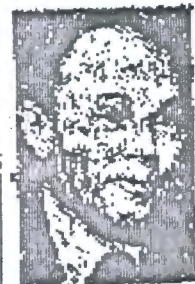
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Tempers flare in D.C. as Hultman is grilled

By JOHN HYDE

Of The Register's Washington Bureau

WASHINGTON, D.C. — For Evan Hultman, Wednesday was the longest day.



EVAN HULTMAN

Nard of Sewickley, Pa.

The hearing was as strange and complicated as anything ever seen in a Senate committee room.

Hultman, who had repeatedly asked for the hearing, was attempting to clear his name, after two senators accused him of lying in testimony he gave last December about the Nard case.

Senator Orrin Hatch, a Utah Republican who was Nard's personal attorney before coming to the Senate in 1977, saw the hearing as another chance to prove Nard had been wronged by a host of federal judges, prosecutors and Justice Department officials.

And for U.S. Senator Charles

Grassley, the hearing at last provided an opportunity to try to straighten out a mess that has tied Iowa's federal patronage jobs in knots and to vent his anger over the handling of Hultman, whom Grassley and the four other Republicans in the Iowa congressional delegation have recommended for another term as U.S. attorney in northern Iowa.

Grassley accused Hatch and Senator Dennis DeConcini (Dem., Arizona) of setting themselves up as a "super court of appeals" who would second-guess "the decisions of sincere and dedicated members of the federal bench and officials of the Department of Justice."

DeConcini began the hearing acting as chairman at the request of Hatch.

Looking straight at the grim-faced Hatch, Grassley said, "I am not a lawyer and am not prepared or qualified to discuss the scholarly points of procedural due process, but I do know and understand fundamental fairness."

"Frankly, I don't think it was fair to have given Mr. Hultman the extremely short notice that he was given (prior to the hearing) in December. I don't think it was fair

HULTMAN

Please turn to Page 16A

Grassley assails language of Sen. Hatch at hearing

HULTMAN

Continued from Page One

that a report was written accusing him of criminal conduct, which never mentioned the fact that he had been cleared of those charges.

"I don't think it was fair that that report was leaked to the press when he was given no notice of it," Grassley continued. "I don't think it was fair that his letters were never answered."

His voice rising, Grassley advised the senators to "remember the admonition of the Lord that those without sin should cast the first stone."

And, in a sharp break with the customary deference senators give one another, Grassley strongly rebuked Hatch for saying Nard "got the shaft."

"Five-Letter Word"

"You used a five-letter word that I don't think ought to be used in public," said Grassley.

DeConcini appeared disturbed by Grassley's charges and promised that the senators would not attempt to sit as jurors in the Nard case.

But Hatch, who took over as chairman about three hours into the hearing, pressed the Nard case in detail, asking Hultman repeatedly to explain various decisions he made in handling the case before three grand juries in the early 1970s, asking why Hultman decided to call some witnesses and not others, whether he could identify certain documents, demanding that Hultman explain various statements made in telephone conversations Nard had taped.

Almost an hour of the hearing was spent debating whether it was proper for Hultman to refer to Nard as a "convicted felon." Hultman said the fact that Nard pleaded no contest to a felony income tax charge, and guilty to two lesser charges, was a "matter of public record. It's a fact."

Hatch, however, argued that since Nard claims he was "framed" by officials of Armour and Co., with whom Nard was involved in a civil dispute, it would not be correct to call him a convicted felon.

Since Nard had said much the same thing when he testified years ago before the Iowa grand jury, Hatch said, why didn't Hultman then prosecute Nard for perjury?

"I can't even respond to a question like that, senator," said Hultman. "I'm not going to sit here and draw conclusions from three or four documents put in front of me about a grand jury that took place six or seven years ago."

Hultman's position was that he and his staff had "done the best we could" in handling the complex Nard case. In the end, he said, he had made a judgment as a prosecutor not to bring Nard's charges to a trial.

"It's very, very easy to take a given theory at this time and follow it through," said Hultman. "It is far more difficult for me to sit here and

Att: Bob

answer questions about 'did you or did you not ask such and such a question?'

Hultman repeatedly stated that he had testified last December on short notice, without knowing what the committee wanted, without the aid of any documents, and without knowing that two reports written by Hatch staffers had accused Hultman of criminal conduct.

"Devastating Impact"

In an emotional exchange with Hatch, Hultman said the staff reports had "serious, devastating impact on me as a lawyer, whose livelihood depends on honesty, competency and decency."

The latest report on the Nard case by the Hatch staff, a 71-page document released Monday, does not accuse Hultman of criminal behavior but does say he "abused prosecutorial discretion" and said the case raised "the gravest questions" about Hultman's suitability to serve another term as U.S. attorney.

Hultman said the "whole report is filled with half-truths, misstatements and statements taken out of context." He began a lengthy documentation of his charge, but DeConcini asked him to stop, arguing that "it's only a report, it's not a conclusion."

Hatch also attacked the Des Moines lawyer Hultman brought to the hearing to act as his counsel, Tom Reavely, because the law firm for which Reavely works is listed in law directories as representing Greyhound Corp., parent company of Armour and Co.

Reavely, immediate past president of the Iowa federal bar association, said he has never personally represented Greyhound, and was at the hearing because he had known Hultman for several years.

Hultman angrily told Hatch that even if Reavely had represented Greyhound, it should "not disqualify him, any more than your relationship with Mr. Nard disqualifies you."

At the conclusion of the hearing, Hatch said he had "taken some very bad abuse" from the press over his relationship with Nard, and complained that he is only trying to get Nard a fair trial.

Hatch said after the hearing he remains dissatisfied with some aspects of Hultman's testimony, but is not certain whether he will oppose his nomination for U.S. attorney.

[Handwritten signature]
215 South Main

TO: BOB M.
FROM: MARILYN

Waterloo Courier 7-23-81

Hultman unsure if he'll get a chance to testify

By BOB CASE
Courier Staff Writer

Waterloo attorney Evan L. "Curly" Hultman was still waiting Thursday—waiting to learn if he will or will not be called to testify before the Judiciary Committee of the U.S. Senate next week.

It was announced last Friday there would be a hearing on July 28 to give Hultman an opportunity to offer additional testimony concerning a bizarre case dating back to the 1970s when he was U.S. attorney for the Northern Judicial District of Iowa.

Hultman never has been officially notified of the hearing, and there were indications Wednesday afternoon that it might be postponed until July 30, the third week in August or September.

THE WATERLOO lawyer has been the target of charges by Pennsylvania businessman John A. "Jack" Nard, two U.S. senators and former staff members of the Senate Judiciary Committee.

Nard has contended that Hultman was involved with Justice Department officials in a conspiracy against him—charges Hultman repeatedly has denied.

Nard was in a legal battle with Armour & Co. in the 1970s. He has alleged that Hultman failed to properly investigate his charge that a key witness for Armour may have lied during a civil trial in Sioux City.

According to Nard, it was part of a "cover-up" in which Hultman allegedly was involved with Justice

Department officials, federal judges in Pennsylvania and another U.S. attorney who is now governor of Pennsylvania, Richard L. Thornburgh.

Hultman denies all charges and says Nard's conspiracy allegations are ludicrous.

The July 28 hearing was announced by U.S. Sen. Charles Grassley, R-Iowa, after receiving word that it had been scheduled from the office of Sen. Orrin Hatch, R-Utah.

JOHN MAXWELL, who is Grassley's representative on the Judiciary Committee staff, inquired on Monday as to the time and location of the hearing.

He was advised that the date had been changed to July 30.

According to Maxwell, Grassley and Iowa's senior senator, Roger Jepsen, then confronted Hatch on the Senate floor and asked him why Hultman never had been contacted and why the date of the hearing had been changed.

Hatch then suggested that the hearing be scheduled for the third week in August or in September, according to Maxwell.

Grassley objected to an August hearing while Congress will be in recess.

"I want the hearing as soon as it can be held—if not next Wednesday, then on Thursday," Hultman said Wednesday afternoon.

Hultman testified before the Judiciary Committee

Evan
'Curly'
Hultman



concerning Nard's allegations on Dec. 11, 1980. He was called to testify with only 48 hours' notice.

THE HEARING was conducted by Sen. Dennis DeConcini, D-Ariz. DeConcini had in his possession at the time two confidential staff reports which took Nard's side in the case.

Nard was present for the hearing and distributed copies of one of the reports to newsmen. It was prepared by Peter D.H. Stockton, a House employee who had some relationship with the Senate Judiciary Committee, according to Maxwell.

Maxwell said he has been unable to learn if Stockton is still a congressional employee.

The other report critical of Hultman's role was

See HULTMAN

Continued on page A3, col. 1

Hultman

From page 1

prepared by Michael Hexter, a former staff aide to Hatch, and Kim Pearson, currently on the staff of the Senate Labor Committee, which Hatch heads.

Copies of the critical staff reports were not made available to Hultman, and he complained during the hearing that it was difficult for him to recall events dating back 30 years without the benefit of any documents or notes.

Although he officially no longer is connected with the Nard-Hultman case, Pearson is still active in pursuing charges against the Waterloo lawyer.

Contacted by the Waterloo Courier Wednesday, Pearson said there had been some discussion of postponing the hearing to give "Mr. Hultman sufficient time to prepare his testimony."

ASKED WHY Hultman had not been notified of the originally scheduled date for the hearing (July 29), Pearson said he could not be notified until the Judiciary Committee chairman, Sen. Strom Thurmond, R-S.C., approved travel expenses for the Waterloo lawyer.

Hultman said he was not interested in travel expense money, and he pointed out that he neither requested nor received reimbursement for his travel expenses to Washington for the hearing last December.

According to Maxwell, Hatch promised Grassley he could have any documents in the possession of the Judiciary Committee he wanted which touched on the case.

However, Maxwell said Pearson has declined to

give him a copy of a document Hatch and DeLoach apparently used as the basis for charges Hultman may have obstructed justice or committed perjury during his Dec. 11 testimony.

Allegedly, the document cites 16 instances in which Hultman's testimony was in conflict with Justice Department records.

MAXWELL SAID he has sought copies of the document for both Grassley and Hultman, contending the Waterloo attorney ought to know what the specific charges are before he testifies.

He said Pearson told him early in the week he did not know whether he could make a copy available for Hultman.

"I reminded him there was such a thing as due process," Maxwell told the Courier.

Later, Maxwell said Pearson told him the document no longer existed, and then said all materials were in a hearing book for use by Hatch.

While he was U.S. attorney, Hultman took Nard's charges of possible perjury in during the Sioux City civil trial before three grand juries, but no indictment was ever returned.

The case was pursued by Hultman's successor, James Reynolds, who was appointed by President Carter.

Reynolds in 1980 said a grand jury called by him had the same finding as those convened by Hultman—that there was no basis for Nard's charges.

Hultman has declined to discuss the case in any detail, contending he first wants to present his case before the Senate Judiciary Committee.

To Bob M.

Thurs., July 14, 1981

Iowa Republicans in Congress push Hultman for U.S. attorney

By JOHN HYDE

© The Republic's Washington Service

WASHINGTON, D.C. — Iowa's Republican congressmen Wednesday recommended that Waterloo lawyer

Evan L. Hultman be named U.S. attorney in the state's Northern Judicial District, setting the stage for a climactic showdown with Pennsylvania businessman John A. "Jack" Nard and his sympathizers.



EVAN L. HULTMAN

Nard contends that Hultman, several government officials and others have conspired against him.

Denies Charges

Hultman denies the charges and says Nard's conspiracy allegations are ludicrous. Nevertheless, the Nard case has been a vexing roadblock to Iowa patronage politics.

The Iowa Republicans, and in particular Senator Charles Grassley, became convinced that recommending Hultman for the job was the only way to push the matter to a resolution, an aide to Grassley said.

Before recommending Hultman for the position he held from 1969 to 1977 under the Nixon and Ford administrations, the Republicans cleared Hultman's name with the Justice Department and the White House to make certain he would not be rejected.

One aide to Grassley said the Justice Department "seemed familiar with the Nard case, and based on what they know, they are not afraid of" Hultman's nomination.

The aide said the White House assured Grassley that it would not back away from the Hultman nomination because of the Nard controversy.

Representative Cooper Evans, who did not participate directly in discussions with the Justice Department, said he was told that department officials "would be just delighted to have that nomination. I don't think they put too much stock in the charges."

Nevertheless, Evans and the other Iowa Republicans in the House decided they should acknowledge Nard's charges in recommending Hultman to Attorney General William French Smith.

They wrote Smith that they understood "this cloud must be lifted prior to an appointment," and added "we are confident that Mr. Hultman will be vindicated by an investigation and urge that his nomination be approved."

A letter from Grassley and fellow

Republican Senator Roger Jepsen simply recommended Hultman "highly" without reference to the Nard case.

Hultman, reached in Waterloo where he is in private legal practice, said he was pleased by the recommendation but declined further comment.

"Craziest Thing"

Nard, in a telephone interview, called the recommendation of Hultman the "craziest thing I ever heard of" and promised to testify against Hultman at his confirmation hearing. He also called Grassley and Jepsen "two very poorly informed senators."

Two of Nard's sympathizers in the Senate, Dennis DeConcini (Dem., Ariz.) and Orrin Hatch (Rep., Utah), said through spokesmen that they had no comment.

Last December, DeConcini was chairman of a Senate Judiciary Committee hearing on the Nard case, at which Hultman and others testified. Aides to DeConcini say he held the hearing at the urging of Hatch, who had been a lawyer for Nard before entering the Senate.

In the weeks after the hearing, Hultman began pursuing several positions in the new Republican administration, including jobs in the Department of Defense and his old post as U.S. attorney. At the same time, Hatch was pushing the current U.S. attorney in northern Iowa, a Democrat, James Reynolds, for a position as assistant attorney general. Hatch gives Reynolds high marks for conducting an extensive investigation of Hultman's activities as U.S. attorney.

P 1 2

Late last April, Hatch and DeConcini wrote a letter to Judiciary Committee Chairman Strom Thurmond recommending that Hultman's testimony be sent to the Justice Department for investigation of perjury and obstruction of justice.

After Grassley and Jepsen intervened, Hatch and DeConcini agreed not to press for an investigation immediately but to hold another hearing and ask Hultman to testify again.

No Hearing Date

So far, no date for a hearing has been set.

Aides to Iowa congressmen believe the failure to hold another hearing — which Hultman himself had requested — was a deliberate attempt to keep Hultman in political limbo. Others, including Nard and aides to DeConcini, say the delay was caused by Hatch's request for additional financing.

Hultman, whose 56th birthday was

Wednesday, was twice elected Iowa attorney general in the early 1940s and was the GOP candidate for governor against Democrat Harold Hughes in 1964.

The Iowa Republicans have recommended former state Attorney General Richard Turner as U.S. attorney in Iowa's Southern Judicial District.

If Hultman is nominated for the Northern Iowa position by President Reagan, as expected, the confirmation hearing probably will be in September, an aide to Grassley said.

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Evan Hultman

Hultman receives backing

By BOB CASE
Courier Staff Writer

Members of the Iowa delegation in the U.S. Congress have demonstrated they are not concerned about charges against Waterloo attorney Evan L. "Curly" Hultman.

The two senators and three representatives have recommended Hultman's appointment as U.S. attorney for the northern district of Iowa—a position he held during the Nixon and Ford administrations.

PITTSBURGH contractor Jack Nard has claimed Hultman was involved with other Department of Justice officials in a conspiracy against him in the 1970s. He has contended that Hultman failed to thoroughly check charges made by Nard that perjury was committed in a Sioux City federal civil trial.

Hultman vehemently has denied the charges.

Apparently Sen. Charles Grassley became convinced that the only sure way to push the matter to a conclusion is to recommend Hultman's appointment.

Grassley and Sen. Roger Jepsen recommended Hultman's appointment in a letter to Attorney General William French Smith Wednesday.

A separate letter was sent to Smith by the three Iowa Republican members of the House. It was initiated by 3rd District Rep. Cooper Evans of Grundy Center. Also signing were 1st District Rep. Jim Leach of Davenport and 2nd District Rep. Tom Tauke of Dubuque.

In the letter they refer to the Nard matter by saying they recognize a "cloud must be lifted" before Hultman can be appointed.

Evans, Leach and Tauke express confidence that "Mr. Hultman will be vindicated by an investigation."

With their endorsement, the Iowa members of Congress appear confident that President Reagan will nominate Hultman for the position.

THAT COULD set the stage for a confrontation between Hultman and Nard before the Senate Judiciary Committee, which would have to act on the nomination before a vote on confirmation by the full Senate.

Hultman testified Dec. 11 before a subcommittee of the Judiciary Committee concerning the Nard case. The hearing was conducted by Sen. Dennis DeConcini, D-Ariz.

In April, Sen. Orrin Hatch, R-Utah, and DeConcini wrote to the chairman of the committee, Sen. Strom Thurmond, R-S.C., and said Hultman may have committed perjury or obstruction of justice.

Hultman denied he was guilty of any false testimony, and has asked for an opportunity to appear before the panel again. However, he has said he has never received a response to any of his requests.

Committee sources have indicated he will be called to testify again, but no date for a hearing has been set.

HOWEVER, he will have that opportunity if, as expected, he is nominated for the U.S. attorney position, because a hearing on the nomination most assuredly would touch on Nard's allegations.

Nard said Wednesday he would testify against Hultman's nomination at a confirmation hearing.

Waterloo Courier Thurs., July 16, 1981

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Senator sets hearing in Hultman-Nard case

By JOHN HYDE

Of The Register's Washington Bureau

WASHINGTON, D.C. — Senator Orrin Hatch (Rep., Utah) unexpectedly announced Friday that he will hold a hearing July 23 to take testimony from Waterloo lawyer Evan Hultman.

Hatch's move came less than two days after Republicans in Iowa's congressional delegation recommended that Hultman be named U. S. attorney in northern Iowa.

The hearing called by Hatch will consider Hultman's dealings with John A. "Jack" Nard, a Pennsylvania businessman, when Hultman was serving as U. S. attorney in the early 1970s. Nard claims that Hultman did not prosecute his complaints because of political pressure from the Justice Department. Hultman denies the charge.

At the request of Hatch, who was once Nard's personal attorney, a Senate hearing on the Nard case was held last December. Hultman and several others testified at the hearing, which was chaired by Arizona Democrat Dennis DeConcini. In a letter to DeConcini, Hultman asked to testify again but received no reply.

In late April, Hatch and DeConcini called for a Justice Department investigation of Hultman's testimony, to determine whether he committed perjury and obstruction of justice.

An aide to Iowa Senator Charles Grassley, John Maxwell, believes the two senators were trying, by their letter, to block the appointment of Hultman to a federal job.

After Grassley and Iowa Senator Roger Jepsen intervened, Hatch and DeConcini agreed not to push for a Justice Department investigation and to hold another hearing. But weeks passed and no hearing date was set.

Finally the Iowa Republicans, convinced that the accusations against Hultman were groundless, decided to recommend him for the old job as federal prosecutor.

In announcing their action two days ago, the Iowa Republicans seemed certain that the Nard matter would be played out in the Judiciary Committee's confirmation hearing on Hultman, not at a special hearing.

Hatch's announcement Friday also came as a surprise to Judiciary Committee staff members, who said a full hearing of the committee was already scheduled for that day. Committee Chairman Strom Thurmond (Rep., S.C.) could not be reached for comment.

Maxwell said it is not known who will act as chairman of the hearing called by Hatch.

Hatch has said he acts only in the role of adviser in the Nard case because of the possibility that he could be charged with a conflict of interests.

Maxwell said Grassley is considering a request that Thurmond personally act as chairman at the hearing.

D. M. REGISLER

7/18/81

The Nard case: It stymies Iowa patronage

(First of three articles.)

JOHN HYDE

Des Moines Register's Washington Bureau

WASHINGTON, D.C. — "Jack Nard has been terribly wronged," says U.S. Senator Orrin Hatch. "His is one of the great cases of unjustified treatment in this country."

That may be.

Nard vehemently insists he is the victim of a bizarre conspiracy stretching from Pennsylvania to Iowa to the District of Columbia, a conspiracy that has grown "bigger than Watergate."

He claims that lawyers, federal judges, prosecutors, government officials and politicians have dragged him through a 13-year odyssey during which his business was destroyed, he lost a million dollars, he was falsely accused and convicted of evading taxes, and his effort to correct the injustice was frustrated at every turn.

"I'd say I have a massive conspiracy here. . . ." says Jack Nard. "I tell you, it's amazing."

But maybe not.

Nard's critics say he is nothing but a fast-talking businessman who got in over his head, lost his shirt and has spent a decade tirelessly, recklessly contending that everyone not on his side is a crook. They say Nard and allies have tried to con and subvert the courts, the grand jury system, the press and high elected offices with tactics reminiscent of the late Senator Joseph McCarthy.

"In 30 years of dealing with some pretty tight and tough matters, the Nard case is the worst," says former U.S. Attorney Evan Hultman of Iowa, one of Nard's targets. "Of all the guys I've dealt with, and I've prosecuted some pretty fancy guys, I can tell you this guy is the slickest operator I've ever seen."

Or maybe the Nard case has gone on so long, grown so complex and is so filled with ambiguity that the truth will never be known. As the current federal prosecutor in northern Iowa, James Reynolds, says: "Neither side has an open and shut case. It's like the Kennedy assassination — maybe you'll never know what really happened."

No matter who is right, the Nard case has assumed its own importance; it refuses to be ignored.

It has wandered in and out of Iowa courts and grand juries for a decade, costing tens of thousands of dollars and affecting the lives and fortunes of people from the governor of Pennsylvania to a building engineer in Ames. The case has insinuated itself into the press, the Justice Department and the U.S. Senate, and in each place it has become a subject of contentious debate.

Lately, the Nard case has totally confounded the process of Republican patronage politics in Iowa. Pro-Nard forces are pushing Democrat Reynolds for a job in the Justice Department; another group is fighting to return Republican Hultman to his old job as U.S. attorney; the Iowa Republicans in Congress are watching in bewilderment as they are slowly, inex-

orably drawn into the swamp.

The origin of the Nard case is simple enough. It started as a business dispute.

In 1967, Nard and his partners in the Three Rivers Construction Co. won a bid to design and build a \$6.5 million meat processing plant for Armour and Co. near Pittsburgh. In 1968, while the Pennsylvania plant was under construction, Nard's firm won a similar contract to build a plant for Armour in Sioux City.

On November 21, 1968, Armour canceled both contracts, complaining about delays and the quality of Nard's work. Everybody sued everybody else.

The Iowa case was first, a jury trial presided over by federal Judge Edward J. McManus in Sioux City. Neither side won a clear victory.

The Iowa court ordered Nard's firm to pay Armour \$60,000 for delay damages, and it ordered Armour to pay Three Rivers more than \$95,000 for commissions earned before the contract was terminated.

The 8th U.S. Circuit Court of Appeals affirmed the ruling.

In Pennsylvania, Armour sued Nard's company for \$4 million, claiming that the eventual cost of completing the meat processing plant would exceed the contract by that amount. Armour also claimed Nard diverted money from the plant to build a personal residence. (The money used to build the house later became an issue in the tax evasion case against Nard.)

The case was heard in Pittsburgh by federal Judge Joseph F. Weis, who decided both parties were to blame. He ordered Three Rivers to return a total of \$809,283 to Armour, partly money Armour had given Nard's firm for payment to subcontractors. Armour received no money for the \$4 million cost overrun it had claimed.

In 1973, the 3rd U.S. Circuit Court of Appeals upheld Weis' ruling. Weis by then was a member of the appellate court, but he took no part in the decision.

Since those trials, Nard has waged a ceaseless campaign to prove the verdicts were unjust and, in fact, illegal, and to recover the money he paid in court judgments.

He maintains that witnesses for Armour committed perjury in the Iowa trial. He believes Weis ruled against him because of political pressure from friends of former Pennsylvania Senator Hugh Scott.

Nard thinks the tax evasion charge against him was set up by Armour, and U.S. Attorney Richard Thornburgh — who owed his job to Scott — knew it was a frame-up when he prosecuted Nard.

He charges that former Iowa U.S. Attorney Hultman was aware of perjury in the Iowa trial, but covered it up under pressure from Thornburgh, who had become head of the Justice Department criminal division. Thornburgh is now governor of

Pennsylvania, and denies all of Nard's charges.

When Nard persuaded Hultman's successor, U.S. Attorney James Reynolds, to check out the situation, the Justice Department, again under pressure from Pennsylvania politicians, did what it could to frustrate the investigation, Nard says.

It is a mark of Nard's doggedness that his case has been in and out of half a dozen federal courts in Pennsylvania and Iowa, before at least five federal grand juries in Iowa, the Iowa State Board of Engineering Examiners, the Internal Revenue Service, U.S. Senate committees, the Watergate special prosecutor and several levels of the Justice Department.

And it's not over, by any means. Recently two U.S. senators, Orrin Hatch of Utah and Dennis DeConcini of Arizona, asked that testimony given about the Nard case before a Senate committee last year by Hultman be turned over to the Justice Department for investigation of perjury and obstruction of justice.

After Iowa Senators Charles Grassley and Roger Jepsen intervened, the Judiciary Committee said it would invite Hultman to give further testimony before taking any action on the demand made by Hatch and DeConcini.

True to his form, Nard now charges that Grassley and Jepsen are obstructing his quest for justice. "They better get themselves a good lawyer," says Nard.

At the center of the storm is John A. Nard of Sewickley, Pa., a blustery, balding, 52-year-old former car dealer, who relishes the role of David fighting Goliath.

"Why is everybody picking on me? I'm just a little ol' country boy from Virginia," he says in his best voice of outrage.

He likes the idea that he has become, through his case, an investigator. His search for justice has led him to other crimes, he says. He says he now is certain that the roots of his own case lie buried in "the mob."

He likes to tell his story with drama, a hint of mystery, a suggestion of bigger things to come. "This is going to break into a scandal like this country has never seen," he thunders.

Facts spill out of him in a torrent, frequently in chaotic order. Letters, transcripts, court documents and articles pour out of his briefcase and bags. Even people sympathetic to his cause describe him as "a confusing interview subject."

And adding to the confusion is Nard's taste for spicy-sounding innuendo. "Ask Hultman whether he ever had diabetes," he will say. "Just ask him."

Friend and foe alike agree that Nard's most salient quality is persistence. He is virtually a full-time advocate of his cause, prowling the halls of Congress, nagging reporters,

searching out new evidence of conspiracy. Hultman says that Nard called him scores of times, frequently showed up in the office, once even tracked him down in Virginia where Hultman was making a speech.

"He can be awfully obnoxious, because he has been terribly wronged," says Orrin Hatch.

Adds U.S. Attorney Reynolds, "Jack is his own worst enemy."

Reynolds compares Nard to the late Martha Mitchell, the wife of former Attorney General John Mitchell who revealed Watergate secrets in rambling late-night phone calls.

"I call it the Mrs. Mitchell syndrome," says Reynolds. "Nobody would listen to her because they thought she was a nut. It turned out that saying she was crazy was a very good defense against the truth."

There was, furthermore, "peripheral evidence" that tended to give Nard credibility, Reynolds says.

- Nard's contention that Hugh Scott, the former Pennsylvania senator, was behind the conspiracy, gained credibility when Reynolds learned from the Justice Department that Scott was under investigation in an unrelated tax case. (Scott was never charged.)

- Scott's law firm's clients included Greyhound Corp., parent company of Armour.

- Almost every lawyer who has examined testimony given for Armour by one expert witness in the Iowa trial agrees that it was unsound and misleading.

- Hultman, when he was a federal prosecutor, did tell several people that he expected the grand jury would return indictments.

- Finally, Reynolds says, Nard gave information to the Watergate special prosecutor that resulted in the indictment and conviction of Greyhound Inc. Nard says the company paid a \$5,000 fine in the case, which involved 1972 campaign contributions.

Nard's critics, including Hultman, admit that he offers interesting tidbits of information, and that he is sometimes right. But, they say, that falls far short of the huge conspiracy he alleges. "When you check out all the pieces, they don't add up," says Hultman.

There were other aspects of the Nard case that bothered Hultman. He felt Nard had a tendency to be selective in what he told the prosecutors. For example, Hultman says he was unaware, until he was well into the case, that something similar was happening in Pennsylvania.

And there was the tax charge. Nard was indicted by a federal grand jury on two counts of failing to file timely returns for 1967 and 1968, and one felony count of tax evasion.

The tax evasion charge grew out of Nard's dealings with Armour in Pennsylvania. During the time that Nard was building a plant for Armour he was also constructing a home for himself. The IRS said Nard tried to evade taxes by not reporting as income some construction materials he diverted from the Armour project to his home.

Nard says now that he did nothing illegal, that he maintained a separate billing system for the material going into his home, that it was to be paid from his anticipated profits, and that Armour was fully aware of what he was doing. But in 1973, Nard pleaded guilty to the lesser counts and no

contest to the felony charge.

(The IRS recently filed a \$20,000 tax lien against Nard in Pennsylvania. Nard, in turn, says he is considering filing suit against the IRS, charging it with being part of the conspiracy against him.)

Hultman was also troubled, he says, by the tendency of witnesses not to say what Nard had promised they would say. Conversely, Hultman noticed that Nard tended to use him as a reference, although he says he frequently told Nard that he could not discuss grand jury proceedings.

Nard still tells reporters often that Reynolds or Hatch or others he believes to be his allies can verify what he is saying.

"I must have told him 60 times, maybe 75 times, 'I don't want you to drop my name,'" says Hatch. "Nard talks to everyone, and he has misused it."

Nard is undaunted by such complaints. His style is to assure everybody that the next official inquiry will vindicate him — the next trial, the next grand jury, the next Senate hearing.

And when he has not been vindicated, Nard has re-styled the conspiracy and moved ahead.

"You got to give the poor little guy credit," says Hatch. "He never gives up."

(Next: What happened in Iowa?)

Who's who in the Nard case

John A. "Jack" Nard, of Sewickley, Pa., businessman and former contractor whose civil dispute with Armour and Co. gave rise to allegations of corruption and wrongdoing on the part of public officials who have dealt with the case.

Orrin G. Hatch, Republican U.S. senator from Utah who once worked as a lawyer and consultant for Nard and now presses Nard's claims in the Senate.

Clark R. Mollenhoff, former reporter for The Des Moines Register and now a professor and author who has been interested in Nard's case.

Greg Rushford, free-lance reporter who worked with Clark Mollenhoff in an investigation of judicial corruption.

James Reynolds, current U.S. attorney for northern Iowa and Orrin Hatch's candidate for assistant U.S. attorney general, who investigated Nard's complaint against Reynolds' predecessor, Evan Hultman.

Deanis DeConcial, a Democratic U.S. senator from Arizona who chaired a Senate hearing on the Nard case at the request of his friend Orrin Hatch.

Jack Anderson, a syndicated columnist who employs Clark Mollenhoff part time and has written about the Nard case.

Michael Hunter, former staff aide to Orrin Hatch who spent a year investigating Nard's claims and writing a sympathetic report.

Kim Pearson, current aide to Orrin Hatch who is extensively involved in investigating and publicizing the Nard case.

Joseph F. Weis, a former federal district judge and current appeals court judge, whose decision in a civil lawsuit cost Nard about \$800,000.

Evan "Carly" Hultman, a Waterloo lawyer and former Iowa attorney general and U.S. attorney, who investigated Nard's claims.

Richard Thornburgh, former U.S. attorney in Pittsburgh and current governor of Pennsylvania, who filed a tax evasion case against Nard.

Barron P. McCune, a federal district judge who presided in the Nard tax case.

Alan Kirschen, an Omaha lawyer who worked as an assistant U.S. attorney under Hultman and investigated the Nard case.

Mary E. Wagner, former Justice Department lawyer who had supposedly investigated the Nard case but whose files could not be found.

Hugh Scott, former U.S. senator from Pennsylvania, whose political influence supposedly aided a conspiracy against Nard.

William Bosenberger, an Ames engineer who was reprimanded by the Iowa Board of Engineering Examiners for giving what it called "simplistic and incomplete" testimony on behalf of Armour and Co.

Albert J. Neri and David Warner, reporters for the Pittsburgh Post-Gazette, whose articles on the case drew a libel suit from Nard.

Charles Grassley, Republican U.S. senator from Iowa, who interceded on behalf of Hultman in the Senate.

Roger Jepsen, Republican senator from Iowa who strongly opposed Orrin Hatch's plan to name James Reynolds to a position in the Justice Department.

John Maxwell, aide to Charles Grassley and former aide to Roger Jepsen, who researched charges against Hultman and concluded they were groundless.

The Nard case: How Iowa attorneys became entangled

(Second of three articles.)

By JOHN HYDE

Of The Register's Washington Bureau

WASHINGTON, D.C. — The Jack Nard case found its way to Iowa a decade ago and, like an unwanted puppy, it has never gone away.

It was 1971 when John A. Nard went for the first time to see Evan "Curly" Hultman, then the federal prosecuting attorney in northern Iowa. Nard, a Pennsylvania contractor, had recently emerged from a federal court in Sioux City, where he had been a party in a civil lawsuit with Armour and Company. The case involved breach of a contract under which Nard was to build a meat processing plant in Sioux City. Nard told Hultman that witnesses for Armour had lied under oath.

From the outset, Hultman was uncomfortable with the case. "A prosecutor shouldn't be investigating, using the federal government, to help a civil litigant," says Hultman.

There was no way of knowing, in 1971, that the Nard case would blossom into an alleged conspiracy of gigantic proportions; that federal judges, prosecutors, Justice Department officials and U.S. senators would be drawn into the case; that it would mar Hultman's long record of public service and damage his political prospects.

All Hultman knew in 1971, in his words, was that, "As a U.S. attorney when a party comes with a complaint, you have a responsibility. Therefore, I pursued it further."

Hultman assigned the case to his first assistant, Robert Sikma. The matter was taken to a grand jury for a day or two, but, according to Hultman, Sikma eventually concluded there was no case.

On Dec. 1, 1972, a new assistant named Alan Kirshen came to work for Hultman. On his first day at work he was assigned the Nard case.

"At first I really believed what Nard was telling me," Kirshen says. "I was really excited by this. I was a new prosecutor."

Nard presented Kirshen and Hultman with eight fat notebooks, full of documentation about his case. Kirshen began going through Armour's files, with the company's cooperation, to learn still more. Information was presented to a second set of grand juries, in both Sioux City and Cedar Rapids, according to Kirshen. Nard himself testified.

While Kirshen was conducting his inquiry, several things were bothering Hultman, he says.

• At some point in the second grand jury proceedings, Hultman says he became aware for the first time that Nard was involved in a similar matter in Pennsylvania. For whatever reason, says Hultman, Nard simply had not told the Iowa prosecutors anything about the Pennsylvania case, where Nard and Armour were involved in a similar breach of contract dispute, and where Nard was attempting to recover some \$800,000 by proving the trial had been tainted.

"It became very obvious to me ...

that Mr. Nard was using the U.S. attorney's office to secure any type of advantage that he could. . .," says Hultman. Nard was constantly "trying to get me involved in all kinds of motions, all kinds of procedures."

Nard insists that Hultman not only knew about the Pennsylvania case, but asked to have jurisdiction over certain aspects of it. Hultman denies that.

• In July 1973, the Internal Revenue Service, through the U.S. attorney's office in Pittsburgh, accused Nard of tax evasion. Nard pleaded guilty to two misdemeanor counts of failing to file, and no contest to a felony count of tax evasion. He was fined and given a suspended sentence by U.S. District Court Judge Baron McCune.

"Once you find out that the individual that you are dealing with as a prosecutorial witness has been indicted and convicted of a serious federal crime, you now are on another tightrope," says Hultman.

Nard says the tax charge resulted from a deliberate attempt by Armour to frame him, and that Richard Thornburgh, the U.S. attorney in Pittsburgh who prosecuted the tax case, was aware of it.

Nard says he pleaded guilty and no contest because the inquiry in Iowa was entering a sensitive phase and would have been damaged or delayed by a court fight in Pennsylvania. He says Hultman promised to assist in later having the convictions erased. Hultman says Nard's contention is ridiculous.

• The press started showing great interest in the Nard matter.

"Nard had newsmen from all over the East calling me," says Hultman. "I would get calls daily." One of the reporters who showed interest in the Nard case, Hultman says, was Clark Mollenhoff, then chief of The Des Moines Register's Washington Bureau.

"Nard would call me all the time and say, 'Clark is doing a story for us that will be very helpful,'" Hultman recalls. "I'd tell him, 'Jack, that isn't the way I do business.' Nard was constantly promoting his cause through the press."

After Mollenhoff left The Register in 1977 and was teaching at Washington and Lee University, he became involved in a project to investigate corruption in the federal judicial system, under the auspices of the Fund for Constitutional Government. The project was also supported by the National Taxpayers Legal Fund.

Both foundations received money from Nard — he sets the figure at "about \$40,000" — intended to support the judicial investigation.

Mollenhoff could not be reached last week for comment on his role in the Nard matter, but in the past he has said the money went to an associate in the investigation, Greg Rushford. Mollenhoff has said he per-

sonally received no money for the work.

Nard vehemently denies that he was attempting to purchase friendly press coverage through donations to the foundations.

"I borrowed the money in order to give to the funds. Nobody else would give the money, so I did," he says.

While Hultman was increasingly vexed by these matters, Kirshen's investigation was going nowhere.

Says Kirshen in retrospect: "As I got more and more into it, as it got more and more murky, as Mr. Nard's credibility began to crumble, but not his persistence, my final conclusion was, having investigated this fully and having spent hours and hours and hours with those files, hours with Mr. Nard, hours with the Armour documents, and hours with the witnesses — nothing."

Nard began charging that Armour withheld documents from the grand jury and that Kirshen was aware of this. Using his civil lawsuit in Pennsylvania, Nard attempted to subpoena Kirshen to learn more about what was happening in the Iowa grand jury.

Furious over what he saw as an intrusion on the grand jury, Kirshen wrote a memo to the Justice Department in August 1973 strongly urging that Nard's subpoena be resisted. The Kirshen memo forever poisoned the Justice Department against Nard and his case, it was later charged in a Senate staff report prepared for Senators Orrin Hatch and Dennis DeConcini.

In 1974, Hultman dispatched Kirshen to handle cases growing out of Indian incidents at Wounded Knee, S.D. Hultman says he needed Kirshen's help on those cases, but he admits he was aware that relations between Kirshen and Nard had deteriorated.

In 1975, Hultman himself again took the Nard case to another grand jury. His assistants were then convinced that Nard had no case, but Hultman says one facet of the matter continued to nag him.

He frankly agreed with Nard, he says, that one witness for Armour, a professional engineer from Ames named William H. Bossenberger, had given misleading testimony at the 1971 Sioux City trial.

In 1972, the Iowa State Board of Engineering Examiners formally reprimanded Bossenberger for giving "simplistic and incomplete" testimony as an expert witness for Armour. Hultman now says he assisted Nard in bringing Bossenberger before the engineering board; Nard says Hultman had nothing to do with it.

"There is no question the testimony was bad," says Hultman. "But I was in a tough, tough crack. It comes down to a legal question. We finally concluded that you can't find perjury

with someone giving judgment testimony."

But the decision not to indict anyone came long after Hultman says he casually told several people that indictments would probably be returned. Hultman says he made such predictions to at least three people he now wishes he had never talked to: Nard; Nard's one-time lawyer, Orrin Hatch; and reporter Mollenhoff.

"I thought I was going to be able to go get somebody or I wouldn't have been wasting my time," says Hultman. "But three years later, when you look at what everyone has said, it's not the same ballgame."

When Hultman finally told Nard in 1975, on the last day of the grand jury, that no indictments would be handed up, Nard "was absolutely furious," says Hultman.

"Well, lawyers and judges are all corrupt and all part of the conspiracy," Hultman says Nard responded. It was the start of Nard's contention that Hultman, too, was part of a conspiracy against him.

Specifically, Nard charges, Hultman pulled back under pressure from Richard Thornburgh, who had become head of the Justice Department criminal division. Thornburgh owed favors to former Pennsylvania Senator Hugh Scott, Nard contends.

Hultman says the accusation is outrageous, that such a conspiracy would be virtually impossible, and that he offered Nard and his attorneys every opportunity to present their case to the grand juries in Iowa.

When Jimmy Carter took office, and Republican Hultman was replaced by Democrat James Reynolds, Nard was waiting.

Reynolds says he was first contacted by Nard the day before he was sworn in as U.S. attorney in November 1977. Nard told Reynolds about his lengthy battle with Armour, of his belief that perjury had been committed, of Hultman's investigation and his belief that Hultman had been induced to "throw the case," Reynolds says.

He says Nard told him to check out the allegations with former attorney Hatch, by then a U.S. senator, and reporter Mollenhoff.

Reynolds says he later received a call from Mollenhoff. "I felt that Mr. Mollenhoff had been a most knowledgeable person about Washington," Reynolds said in Senate committee testimony. "I was totally ignorant of anything. ... He confirmed the allegations. Therefore, at that point I felt I had predicate enough to press on. ..."

Officials in the Justice Department, however, warned Reynolds that Nard was "kind of a crank," he says, and that a departmental investigation of Nard's complaints had found them groundless.

Reynolds set about to see the files on the investigation, he says.

It had been conducted by Mary Wagner of the Justice Department's Public Integrity Section, but the department had difficulty finding the files.

"Nard predicted from the first moment that I would never find Mary Wagner's file," says Reynolds. As weeks and months went by, and Reynolds got the runaround, he began to think "maybe there is something here."

Reynolds personally went to Washington in search of the Nard files. He found nothing but the file on the old tax case.

Wagner had left the Justice Department and was practicing law in Washington, D.C. Reynolds called her to find out what had happened to the Nard files. She seemed helpful at first, "then all of a sudden I couldn't get her to respond. I felt I was getting stonewalled here," Reynolds says.

On June 12, 1978, six months after he first sought the files, Reynolds subpoenaed Wagner to appear before a federal grand jury in Sioux City. Thus the Nard case returned once again to a grand jury in Iowa.

Wagner said she was pregnant and couldn't come to Sioux City. Reynolds demanded that she produce both the files and a letter from her doctor. By June 23, Reynolds had received neither, so he contacted then-Attorney General Griffin Bell's office to tell him about the situation.

Finally, on July 3, 1978, Wagner formally replied to Reynolds' request. What she said did not much impress Reynolds: She had interviewed Hultman (the target of Nard's complaint) and a few other people, and concluded that the investigation should go no further. There were no files because there was no investigation.

At that point, Reynolds decided to conduct his own probe. He believed that use of investigators associated with the Justice Department would be suspect, so he asked, and received, permission to use two Secret Service agents. He also notified Griffin Bell, in accordance with Justice Department rules, that an investigation was under way involving Hultman; Kirschen, now a private lawyer in Omaha, Neb.; and Thornburgh, now governor of Pennsylvania.

Reynolds and his investigators pushed forward throughout 1979, interviewing some 33 people and reviewing volumes of documents. Enough toes were being stepped on that high officials at the Justice Department started hearing the yelps.

On Aug. 16, 1979, Reynolds says, he was summoned to a 4½-hour meeting with Assistant Attorney General Phillip Heymann about the investigation. He says he was questioned about the amount of time being spent on the Nard affair, and the lack of results. Reynolds said he would try to complete the matter in 30 to 60 days.

In June 1980, Reynolds made his last presentation to the federal grand jury. In Reynolds' words, the grand jury "agreed they wanted to take no further action on Mr. Nard's complaints nor would they recommend any further investigation nor bill of indictment be presented for discussion or vote."

The result of his investigation left Reynolds with an empty feeling. "Basically, when it came to the end, the charges couldn't be substantiated or disproved," he says. "Could it ever? If it were true that there was a conspiracy, and there was some circumstantial evidence — you couldn't prove it unless you could get one of the conspirators to admit it."

Reynolds says he has never questioned Hultman's right as a federal prosecutor to tell Nard "to kiss off, for whatever reason." The only purpose of his investigation, says Reynolds, was to find out whether Hultman received anything in return for his action.

"I was never able to substantiate one thing," says Reynolds.

So, at the end of 1980, the Nard case had been in Iowa almost 10 years, had been before at least five grand juries, had consumed literally thousands of man-hours, and had reached the highest levels of the Justice Department. And only one thing had happened: An engineer had been reprimanded by the state examining board.

And it wasn't over yet.

(Next: The crusade in the Senate.)

The Nard case: What motives for a conspiracy?

(Last of three articles.)

By JOHN HYDE

Of The Register's Washington Bureau

WASHINGTON, D.C. — Orrin Grant Hatch came to the United States Senate in 1977, bringing with him a wife and six children, an impressive list of religious and conservative credentials, and a hefty debt owed to him by Jack Nard.



ORRIN G. HATCH

Nard is a Sewickley, Pa., businessman who claims that public officials in Iowa, Pennsylvania and Washington have conspired to cover up an illegal scheme to ruin him. Among those Nard accuses of corruption is the former federal prosecutor in northern Iowa, Evan Hultman, now practicing law in Waterloo.

As a member of a Pittsburgh, Pa., law firm in the late 1960s and early 1970s, Hatch represented Nard in two lawsuits. When Hatch moved to Utah, with an eye toward entering Republican politics, he continued to consult with Nard.

By the time Hatch went to the Senate, Nard owed him \$25,000 to \$27,000 in legal and consulting fees, according to Hatch.

"I felt so bad for him," says Hatch. "I wasn't wealthy ... but I gave him a thousand dollars on one occasion. He was just flat down on his luck."

The Nard case was slowly grinding to a halt. His claims had been examined by several grand juries, without indictments being returned. Nard's conspiracy theory continued to expand, encompassing more and more people. The Justice Department, by one account, had come to regard him as a crank. Press interest in the case seemed to be flagging.

But Nard had two important people interested — Hatch and former Des Moines Register reporter Clark Mollenhoff.

Also in 1977, a Washington foundation called the Fund for Constitutional Government began an investigation of corruption in the federal judiciary. Mollenhoff's friend, defense analyst A. Ernest Fitzgerald, a member of the foundation's board, proposed the investigation and suggested that Mollenhoff head it, the foundation's director recalls.

Mollenhoff and an associate, Greg Rushford, worked on the project for two years, during which they investigated the Nard case, discussed it briefly as part of a Washington Post article and brought it to the attention of at least one other news organization.

Anne Zill, director of the Fund for Constitutional Government, says the project was started with the understanding that Mollenhoff and Rushford would have to raise the money for it.

During the course of the two years, Zill says, the project cost \$40,968.50. Of that amount, Zill says, the foundation's records show \$20,800 came from Jack Nard, earmarked for the Mollenhoff-Rushford project.

Aside from the money contributed by Nard, most of the money for the project came from millionaire philanthropist Stewart Mott, the founding father of the Fund for Constitutional Government, Zill says.

"That Nard wanted them [Mollenhoff and Rushford] to investigate his case is beyond question," Zill says. "But I really don't know how much good they did him, because they had a hard time getting published."

Mollenhoff said Monday he became interested in the Nard case as part of his 40-year effort to combat "corruption in the judiciary and law enforcement. ... That has been my philosophy and it used to be the philosophy of The Des Moines Register. You don't get on the side of crooks. The Nard case was one of literally dozens I had an interest in following through on."

Mollenhoff said he had not "received one penny" from Nard. He said the money received through the foundations helped pay Rushford's salary and expenses. "Basically it was a labor of love for me. I paid a lot of expenses out of my own pocket."

He estimated that less than 10 percent of Rushford's time — and even less of his own — was spent on the Nard case during the judicial corruption project.

Nard's documents convinced Mollenhoff that "he had been done wrong" in the original lawsuits, Mollenhoff said. "I'm still interested in the case because I'm interested in justice."

In the Senate, Hatch put an aide named Michael Hunter, a former assistant U.S. attorney in Salt Lake City, to work on the Nard case.

Hunter spent a year investigating the case, and produced a report indicating that Nard had been the victim of a grave injustice.

The 1973 ruling by federal Judge Joseph Wells that cost Nard some \$800,000 in his legal dispute with Armour and Co. was "contradictory, if not incompetent," says Hunter's report. The ruling "raises a number of questions which require lucid answers if the federal judicial system is to avoid further irreparable erosion," the report says.

Copies of Hunter's report found their way to reporters. One news organization that quoted Hunter extensively was Gannett News Service, which first became aware of the Nard case through Mollenhoff and Rushford, according to Ann Devroy, co-author of the Gannett article.

Hatch and Mollenhoff also were influential in convincing U.S. Attorney James Reynolds, Hultman's successor as the federal prosecutor in northern Iowa, that Nard's charges should be investigated, according to Reynolds.

Some time in 1979, the large debt Nard owed to Hatch disappeared. The debt was listed on Hatch's 1978 personal financial disclosure statement filed with the secretary of the Senate, but not on the 1979 or subsequent reports.

Nard says he "went in to pay Hatch the money and he turned it down. He said, 'If I take the money I can't investigate the case.'"

Hatch says only, "I have waived those fees."

But, Hatch argues, there would be no conflict of interests on his part even if the debt still existed.

"My concern is this — where there is injustice it ought to be righted. I'm getting a little tired of the media maligning me, because my heart is clean. If I had taken the investigation myself, I don't think it would have been a conflict of interest. A wrong is a wrong."

Sensitive to the possibility of such charges, however, Hatch decided not to take the lead in a Senate investigation. Instead, he asked Democrat Dennis DeConcini of Arizona — who Hatch describes as "a close friend and bipartisan ally" — to conduct an investigation of the Nard case.

Hatch's role, he says, has been to help DeConcini understand what Nard is talking about.

"Nard can be very difficult to understand," says Hatch. "We did help Dennis put together the scenario. Dennis has agreed to do the Nard case on his own. I will not play a role, other than to help Dennis."

In 1979, Nard finally succeeded in winning the interest of his hometown newspaper, the Pittsburgh Post-Gazette. The resulting articles portrayed Nard as a shrewd manipulator of media, a man with little evidence to back up his claims of extensive conspiracy, and a man deeply in debt.

Nard sued the paper for libel. The suit still is pending.

The Pittsburgh paper also reported the connection between Mollenhoff, the Fund for Constitutional Government, and Nard.

One of the paper's reporters, Albert J. Neri, said Mollenhoff refused to be interviewed unless Neri would sign a statement saying in part:

"It is not my purpose to challenge or question the integrity or the motivation of Mr. Mollenhoff in investigating the court system for I am aware of his longtime record of more than 35 years of investigations of corruption in government, as well as his specific interest in corruption and mismanagement in the federal courts going back at least as far as the investigations of Senator Estes Kefauver in 1950 and 1951."

Neri refused to sign.

After publication of the Post-Gazette articles, "controversy erupted" on the board of the Fund for Constitutional Government, according to director Zill.

"The board was worried about a possible conflict of interest," she says. "Mollenhoff denied it vehemently." The board voted to halt the project, which by then was \$10,000 in debt.

The interrelationships among Nard's allies perhaps were best illustrated by a March 17, 1980, article in

the Federal Times, a Washington newspaper, sold primarily to government workers. The article cited alleged laxities in the Justice Department's public integrity section.

One of the cases discussed in the Federal Times was the Nard affair. Another was the case of Fitzgerald, whose effort to expose a huge cost overrun at the Pentagon had been vindicated by Mollenhoff's earlier reporting. Another of the cases had been investigated by Rushford, and another by columnist Jack Anderson.

The Federal Times article was co-authored by Inderjit Badhwar who, like Fitzgerald, is on the board of the Fund for Constitutional Government. And Badhwar, like Mollenhoff, works as an investigator for columnist Jack Anderson. Anderson, in turn, now has taken an interest in the Nard case.

DeConcini cited the Federal Times article when he announced that he was launching a Senate investigation of the handling of public integrity cases. DeConcini sought and gained subpoena power to investigate 15 cases, including several mentioned by the Federal Times plus the highly publicized case of Robert Vesco, the fugitive financier. One of the 15 cases was the Nard case.

Michael Hunter, who drafted the first Senate report on Nard, left Hatch's staff. His work was carried on by Kim Pearson, another aide to Hatch. In July 1980, another report was prepared on the Nard case for Hatch and DeConcini by Peter D.H. Stockton, who has worked in several Capitol offices.

Regarding events in Iowa, Stockton's report said: "Although three grand juries were convened in Iowa, Secret Service interviews of the grand jurors revealed that the U.S. attorney [Hultman] never told them the purpose of their investigation. It appears that Nard was set up by this U.S. attorney."

The report, which Stockton said was prepared with Reynolds' help, concluded that "Nard was probably the victim of an incriminating conspiracy in which an initial act of wrongdoing by a federal judge [Weis] was compounded by a series of coverups."

Curiously, the report, dated Oct. 2, 1980, seemed to indicate that Reynolds' presentation of the Nard case to the grand jury in Iowa was continuing. In fact, the grand jury had told Reynolds months before that it wished to hear no more about Nard.

The Stockton report, too, was given to newsmen. Nard himself gave a copy to a Des Moines Register reporter at the Senate hearing on Nard's case.

The hearing was held Dec. 11, 1980. DeConcini was the chairman and only senator present. Called to testify were Hultman; his former assistant, Alan Kirshen; Thomas Henderson, former chief of the Justice Department's public integrity section; Mary Wagner, who briefly examined the Nard case at the Justice Department and dismissed it; and Reynolds.

In addition, several witnesses appeared on behalf of Judge Weis, who has never had any forum in which to respond to Nard's charges.

Appearing in his defense were Paul A. Manion, president of the Allegheny Bar Association, David Fawcett, president of the Pennsylvania Bar Association, and Nard's own former lawyer, David Buerger, who said he felt "compelled, to put it most charitably, to say that Mr. Nard is not

thinking clearly."

Said Manion: "The campaign has now reached the stage that this Senate committee is being used to place an imprimatur of legitimacy on these baseless charges. We submit that you should not permit yourself to be so demeaned."

Hultman, now in private legal practice in Waterloo, says he was given only two days' notice of the hearing, and, aside from knowing that it would be about the Nard case, knew nothing of what was going on. He was unaware that both the Hunter and Stockton Senate staff reports already had summarized his behavior in the Nard case as criminal, he says.

When he learned of the reports, Hultman exploded, charging that the Senate staffers were engaged in "McCarthyism at its zenith."

Hultman returned to Iowa and wrote to DeConcini, offering to give further testimony or produce relevant documents. He says he received no reply. In April 1981, he wrote again. Again, he says, he heard nothing.

On April 30, Hatch and DeConcini wrote a letter to Senate Judiciary Committee Chairman Strom Thurmond recommending that Hultman's testimony be turned over to the Justice Department for investigation of perjury and obstruction of justice.

Within hours after Hatch and DeConcini sent their letter to Thurmond, at least one Iowa newspaper, the Cedar Rapids Gazette, received a phone call tipping it to the letter's existence.

Senator Charles Grassley's involvement in the Nard case was slow and reluctant. It was also inevitable, since the Nard case had thrown a gigantic monkey wrench into the mechanism of Iowa patronage politics.

Hultman, who worked hard for Ronald Reagan's presidential candidacy in 1980, was attempting to win a federal job. As a general in the Army Reserve, Hultman thought he had a chance to be appointed to a Defense Department post. If not, he wanted to return to his old job as U.S. attorney, he says.

Meanwhile, Hatch was promoting Democrat Reynolds for the post of assistant attorney general in the Reagan administration.

From the moment of his arrival in the Senate last January, Grassley began hearing from Nard's defenders — Hatch, Pearson, someone calling himself an "associate" of columnist Jack Anderson — that Hultman shouldn't be backed for a government job because "Hultman's in big trouble," says Grassley aide John Maxwell.

Puzzled, Grassley asked Maxwell to investigate. Maxwell came back just as puzzled. "Frankly, I don't think there's a case of perjury there," says Maxwell. "Most of the evidence is extremely weak, and some of it is contradictory."

Maxwell says he came to believe that politics motivated the December 1980 hearing on the Nard case, and that the letter co-signed by Hatch and DeConcini was intended to scuttle the appointment of Hultman as U.S. attorney in northern Iowa.

"I don't think there's any doubt whatsoever that the timing of the letter was because they thought Curly [Hultman] was going to be named U.S. attorney," says Maxwell.

"I think they're sincere," says

Maxwell of Nard's defenders in the Senate. "I think they really believe Hultman is a crook."

As Grassley and Maxwell searched for the conspiracy Nard alleged, it seemed constantly to recede, says Maxwell.

The central problem in Maxwell's mind was motive. What motive would Hultman have had to cover up perjury committed in a civil lawsuit? Why would a man with an otherwise unblemished record take the risk of throwing a case before a grand jury? Indeed, why would Hultman have taken the Nard case to a grand jury at all?

A number of theories have been put forward by Nard and Hatch.

One is that Richard Thornburgh, as head of the Justice Department's Criminal Division, told Hultman he would be kept on as a federal prosecutor after Carter took office, if he would derail the Nard case. The problem with that theory is that Hultman finished work on the Nard case in 1975, well before Carter was elected. And it would appear difficult for Thornburgh, a Republican, to offer Hultman, a Republican, a job in a Democratic administration.

Could Hultman have been offered a federal judgeship? In 1975, both Iowa senators were Democrats who insisted that judicial candidates be named by a non-partisan merit board.

Nard hints Pennsylvania politicians might have had something to do with Hultman becoming a general in the Army Reserve. Hultman says generals are picked by a "blind" panel of generals. His panel didn't know or care about his political and legal connections, says Hultman. Furthermore, if political clout were needed to win a star, Hultman would have had plenty within Iowa.

Reynolds suggests there might be a "Pennsylvania connection" in Hultman's 1964 support for former Pennsylvania Gov. William Scranton's presidential bid.

"My God," says Hultman. "That's so crazy, it's funny."

"To my mind," says Grassley aide Maxwell, "the scenario is that somewhere back up the pipeline, there probably was some wrongdoing in Pennsylvania. But as the sphere of the case expanded, the conspiracy was based on less and less evidence."

Having come to that conclusion, Grassley and Iowa Senator Roger Jepsen told Thurmond and Hatch they thought it would be unfair of the Judiciary Committee to refer Hultman's testimony for investigation of perjury. Instead, they suggested, Hultman should be given another chance to testify.

Thurmond agreed. No date has been set for the second hearing.

Months before, shortly after Grassley had entered the Senate, says Maxwell, Grassley had been told by "somebody associated with [Jack] Anderson" that Grassley would "get into big trouble" by siding with Hultman.

And Nard, making free use of his connections with Anderson, called Grassley's administrative assistant, Robert Ludwiczak, and told him: "According to Maxwell — 'a story was going to run about all this. He said Grassley better watch out, and I had better watch out. . . . He called Curly a 'whore' and he called me a 'chicken wimp.' He said by the time he got through with me I'd have to go back to law school."

Soon after Nard called, Anderson

did indeed write a column critical of Grassley and Jepsen, accusing them of attempting to block Hatch's investigation by shouting at him.

"The heroes in the drama of government are sometimes damned by the press and public along with the rascals," said Anderson. "But the honorable men and women in public life deserve to be noticed. Such a legislator is Senator Orrin G. Hatch."

Some final views on the Nard case from some of the participants:

"I'm just trying to clean this place up. I don't need this goddamn aggravation." — Jack Nard.

"They say it's a conspiracy, but they don't say what year or what month or what day. They don't say who met, or what were the realities. What is the proof that somebody, somehow put pressure on Hultman here to go throw a grand jury? Even the worst criminals in the world have a right to a bill of particulars." — Evan Hultman.

"Frankly, I don't know if it will ever be solved. But I hope someday, somebody will get to the bottom of it." — Orrin Hatch.

"The more I looked at it, the more my concern shifted from what happened in Iowa to what was happening on the Senate Judiciary Committee." — John Maxwell, Grassley aide.

"It appears to be one of those things that is very difficult to prove. ... There were some facts, but there was no way to break the conspiracy." — James Reynolds.

"The governor has, and continues to consider it nonsense." — spokesman for Pennsylvania Gov. Richard Thornburgh.

Hultman seems assured of ROA presidency

127 By Dale Kueter
Gazette staff writer

There were no indications Tuesday that Evan Hultman's troubles before the U.S. Senate Judiciary Committee would stand in the way of his becoming president of the Reserve Officers Association of the United States.

Neither did it appear that the Judiciary Committee investigation of Hultman would hold up much longer his nomination for reappointment as U.S. attorney for the northern district of Iowa.

The Waterloo lawyer, who formerly served as Iowa attorney general and was U.S. attorney for the Northern District of Iowa during the Nixon and Ford administrations, has become embroiled in the Judiciary Committee's examination of complaints by Pittsburgh contractor Jack Nard.

Nard claims he was the victim of Justice Department politics in the 1970s, and that Hultman was involved by not thoroughly checking Nard's charges of perjury in a Sioux City federal civil trial. Nard was locked in a legal battle with Armour and Co. over construction of a packing plant.

Hultman is a major general in the Army Reserve, and by virtue of being vice president of the ROA is in line to take over the top spot at the organization's annual convention in Albuquerque, N.M., this week.

The ROA includes officials of the Army, Navy and Air Force Reserve organizations, and is considered to have substantial political clout in Congress regarding defense issues.

Two members of the ROA nominating committee said they have "heard rumblings" about Hultman's troubles, but claimed they know very little about the Judiciary Committee matters.

"I don't have any factual information about it," said Army Col.



Evan
Hultman

don't convict anyone until he has had a trial. A lot of people get investigated," Army Col. Peter Pallis of Chicago said he was not attending the convention, and did not plan to participate in any way in the nominating process.

Army Brig. Gen. Robert D. Upp of Los Angeles, chairman of the ROA nominating committee, could not be reached for comment.

Air Force Maj. Gen. John E. Lacy of Cedar Rapids, current president of the ROA, said he has no idea what the nominating committee will do. Lacy said he has had no contact with either committee members or Hultman. The office of ROA president rotates between the services, and this year, Lacy said, the Army Reserve is handling nominations.

Hultman, a prominent Iowa Republican, had been considered by the Reagan administration for undersecretary of the Army, a position since filled by someone else. He remains the front-runner for reappointment as U.S. attorney for Iowa's Northern District, but his case before the Judiciary Committee has held up his nomination.

Hultman voluntarily withdrew as a candidate for the undersecretary's job, but is likely to be nominated for the U.S. attorney's job. John Maxwell, a former aide to Sen. Charles Grassley, said Tuesday that Hultman's nomination for the U.S.

attorney post could proceed within the next month.

"What I have told Sen. Grassley and Sen. (Roger) Jepsen is that I've seen nothing that should be cause for holding up Hultman's nomination," said Maxwell, now chief counsel and staff director of the Judiciary Committee's subcommittee on agency administration. Grassley heads the subcommittee.

Hultman's nomination would eventually have to be approved by the full Judiciary Committee, an action that is highly unlikely while other issues involving Hultman are still pending.

On April 30, Sens. Orrin Hatch, R-Utah, and Dennis DeConcini, D-

Ariz., wrote a letter to Sen. Strom Thurmond, R-S.C., Judiciary Committee chairman, saying Hultman may have committed perjury or obstructed justice when he testified before a Judiciary subcommittee last Dec. 11.

Hultman has consistently maintained that his actions have been strictly "honorable," both in his handling of the Nard case back in the early and mid 1970s and in his appearance in December.

Hatch and DeConcini proposed that the matter be turned over to the Justice Department for further investigation, but after strong protests by Iowa Republicans Grassley and Jepsen, Thurmond and the Judiciary

Committee decided to give Hultman an opportunity to respond.

It is believed that the hearing for Hultman will continue before the full Judiciary Committee. A Thurmond aide said Tuesday afternoon that no date has been scheduled, but that the Hultman issue could be taken up either the last day of July or early in September. Congress is in recess during August.

R.J. (Duke) Short, chief investigator for the Judiciary Committee, nixed a report that if Hultman is elected president of ROA, the Hultman case before the Judiciary Committee will be dropped. "I've heard that rumor," said Short, "but this matter (the Hultman case) will

go forward. Mr. Thurmond believes Mr. Hultman should have the opportunity to respond" to the Hatch and DeConcini charges.

Hultman's handling of the Nard case was reviewed by the Justice Department in the late 1970s, and two years ago was the subject of grand jury probe conducted by Democrat James Reynolds, current U.S. attorney for the Northern District. No action was taken.

Cedar Rapids Gazette
July 8, 1981

Stormy meeting reported; Grassley raps columnist

By JOHN HYDE

Of The Star's Washington Bureau

WASHINGTON, D.C. — Iowa's two U.S. senators had a "stormy face-to-face confrontation" with Senator Orrin Hatch of Utah in an effort to halt a Senate investigation of former U.S. Attorney Evan Holtzman of Waterloo, syndicated columnist Jack Anderson reported Monday.

"All hell broke loose," Anderson quoted an unidentified Hatch staff member as saying.

Iowa Senators Charles Grassley and Roger Jepsen "thought they could shoot Orrin into dropping the case. . . . Boy, were they loud," the source told Anderson.

"But Hatch refused to be moved by the angry entreaties of the two Iowans," said Anderson. "He kept his temper, but informed Jepsen and Grassley firmly that his investigation into their pal Holtzman would go forward."

Grassley heatedly disputed the column's accuracy Monday.

"You notice where the Washington Post printed it — right beside the funnies. That's exactly what I think of it," said Grassley of Anderson's column.

"There is no relationship between the actual environment of that meeting and what is printed here," he said.

The Iowa senators did go to talk to fellow Republican Hatch several weeks ago about a letter Hatch co-signed demanding that testimony Holtzman gave to the Senate Judiciary Committee in late 1980 be turned over to the Justice Department for investigation of perjury and obstruction of justice.

Jack Nard Case

Holtzman had testified about his role in a case involving Jack Nard, a Pennsylvania contractor who has accused numerous judges and public officials of corruption.

During the mid-1970s, when Holtzman was the federal prosecutor in northern Iowa, he presented Nard's claims to three grand juries. No indictments were returned. Nard later claimed that Holtzman, too, was part of a conspiracy against him.

Anderson and reporters working

for him have had a continuing involvement in the Nard case, and close ties to Hatch, whom Anderson described as "a shifty lawyer, a former construction worker, a card-holding member of the AFL-CIO and an erstwhile bishop in the Mormon Church."

"Though an unabashed conservative in his political philosophy, his sense of personal rectitude has made him just as tough on Republicans as on Democrats when he suspects wrongdoing by government officials," said Anderson.

Anderson neglected to mention that Hatch was Nard's personal lawyer before Hatch entered the U.S. Senate.

Following his testimony before the Judiciary Committee, Holtzman twice sent letters offering to appear again. He received no reply.

Grassley and Jepsen became involved in the case partly because Holtzman is a well-known figure in Iowa Republican circles — he was the party's candidate for governor in 1964 — and partly because the matter has delayed and confused Iowa patronage considerations.

Holtzman was seeking an appointment in the Defense Department or to his old post as U.S. attorney.

No Voices Raised

Grassley said that during the meeting, Hatch himself suggested that Holtzman be asked to give more testimony, and that no voices were raised.

Grassley, however, was clearly irked at an unnamed Hatch aide giving a version of the meeting to Anderson, and he wants to know how it happened.

"When I visit with a senator in the privacy of his office, I don't expect some staff person to be going around telling everything to the press," said Grassley. "Hatch said last week he would get to the bottom of it, and I expect him to do it."

Meanwhile, no date has been set for Holtzman to give further testimony. And Iowa's Republican congressmen have not named their candidate for U.S. attorney in Iowa's northern judicial district.

Regis/37
6/16/81

Committee may consider appearance by Hultman

By Dale Kueter
Gazette staff writer

The Judiciary Committee of the U.S. Senate today was expected to consider a request to allow Evan Hultman of Waterloo an opportunity to respond to charges that he may have committed perjury when giving testimony last Dec. 11 in Washington, D.C.

Two U.S. senators have asked that the Justice Department further investigate testimony of Hultman, former U.S. attorney for the Northern District of Iowa. Hultman appeared before a Judiciary subcommittee chaired by Sen. Dennis DeConcini, D-Ariz.

In an April 30 letter to Judiciary Chairman Strom Thurmond, R-S.C., DeConcini and Sen. Orrin Hatch, R-Utah, said Hultman "possibly" violated perjury or obstruction of justice statutes. A senate source said there are 16 areas where Hultman's testimony conflicted with Justice Department documents involving the case of Pittsburgh contractor Jack Nard.

Nard claims he was the victim of Justice Department politics in the 1970s, and that Hultman was involved by not thoroughly checking Nard's charges of perjury in a Sioux City federal civil trial. Nard was locked in a legal battle with Armour and Co. over building of packing plants.

Hultman said he presented Nard's case to three grand juries. No indictment was returned. Hultman said his actions throughout, including his appearance before the senate subcommittee, have been honorable.

The Judiciary Committee was to take up the Hultman matter in closed session. It could not be

learned by press time what action, if any, had been taken.

John Maxwell, a former aide to Sen. Charles Grassley, R-Iowa, said today that he has been asked by Grassley to make his own investigation of the Hultman matter. Maxwell is now chief counsel for the Judiciary subcommittee on agency administration, which is headed by Grassley.

"The senator is interested that justice be done," said Maxwell, "not to protect anyone from wrong-doing, but at the same time making sure that innocent parties are guaranteed justice."

Maxwell said he has made it known that he thinks Hultman has not had an opportunity to respond to the charges of perjury and obstruction of justice, and that he should. He said Hultman twice wrote letters to DeConcini, once last Dec. 15 and

again April 22, offering to explain possible inconsistencies in his testimony.

But Maxwell insisted he was not "playing the role of advocate" for Hultman. He said Grassley has been "up front" about his being a long-time acquaintance of Hultman.

Maxwell said Hultman made it clear from the start of the hearing last Dec. 11 that he was recollecting, to the best of his memory, events that had taken place nearly 10 years ago.

"I think those conflict charges have to be considered in that light," said Maxwell. "He (Hultman) was only given a couple days notice of the hearing, and had no files to look at."

Maxwell said there are two questions regarding the "serious" charges raised by Hatch and DeConcini, whether there was a conflict in testimony, and the matter of intent.

C.R. man hurt in car accident

DYERSVILLE — Daniel Bergman, 19, of Cedar Rapids was listed in satisfactory condition this morning at a Dyersville hospital where he is being treated for injuries suffered in a three-vehicle accident Monday afternoon 3 miles west of Dyersville on U.S. Highway 20.

The Iowa State Patrol said a westbound car driven by Bergman crossed the centerline and struck the rear of an eastbound gas transport truck driven by Lyle Gustafson, 31, of Ogden. Bergman's car spun off of the wheels of the truck and struck a car driven by William Mitchell, 43, of Oshkosh, Wis., who had pulled onto the shoulder of the road in an attempt to

avoid the accident. Bergman's car then went into the ditch.

Bergman was charged with failure to yield one-half of the road way. Damage to the three vehicles was estimated at \$7,000 damage.

THE CEDAR RAPIDS GAZETTE

Established in 1883 by The Gazette Company and published daily and Sunday at 500 Third Ave. SE, Cedar Rapids, Iowa, 52406. Second Class postage paid at Cedar Rapids, Iowa.

Subscription rates by Carrier \$1.65 per week. By mail: Afternoon Editions and Sunday, 7 issues, \$8.05 4 weeks, \$85.80 52 weeks. Other States and U.S. Territories \$123.00 52 weeks. No mail subscriptions accepted in areas having Gazette carrier service.

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Hultman 'ready to answer questions'

By Dale Kueter
Gazette staff writer

James Reynolds, U.S. attorney for the Northern District of Iowa, today supported a move giving his predecessor, Evan Hultman, a chance to reappear before a U.S. Senate subcommittee.

Sen. Orrin Hatch, R-Utah, chairman of the Senate Subcommittee on the Constitution, and Sen. Dennis DeConcini, D-Ariz., a member of the subcommittee, said in a letter April 30 that Hultman may have violated perjury and obstruction of justice statutes during testifying before the subcommittee last Dec. 11.

In the letter, the two senators urged Sen. Strom Thurmond, R-S.C., chairman of the Senate Judiciary Committee, to turn over Hultman's testimony transcript and other documents to the Justice Department for further investigation.

Shortly after the letter was sent, Senate sources said there were 16 instances where Hultman's testimony was in conflict with Justice Department documents involving the case of Pittsburgh contractor Jack Nard.

Tuesday, in a closed-door session, the full Judiciary Committee decided to allow Hultman a

chance to respond to the allegations before another session of the Hatch subcommittee. No date for the reappearance has been set.

Hultman said today he has not been notified of the Judiciary Committee's action. He said he is ready to answer questions.

"There are bound to be inconsistencies between the actual record and what I was able to recall," Hultman said of his Dec. 11 testimony. "When I left the U.S. attorneys office (in 1977), all the records stayed there. I had no aid of records in testifying."

Hultman said he has not "been given a bill of particulars" as to the 16 areas where his testimony purportedly disagrees with federal records.

Nard claims he was the victim of Justice Department politics in the 1970s, and that Hultman as U.S. attorney then did not vigorously pursue Nard's claim that perjury had been committed in a Sioux City federal civil trial in which he was involved. Nard was locked in a legal battle with Armour and Co. over the building of packing plants.

Hultman took Nard's claims before three

federal grand juries, but no indictments were returned.

In 1979, Reynolds had a grand jury investigate Hultman's handling of the Nard matter to determine if there had been any wrong-doing. That grand jury took no action either.

Reynolds said today that it was unfortunate that a Hultman letter to DeConcini dated Dec. 15, in which Hultman offered to further address any inconsistencies in his testimony, was lost.

"Because of that," said Reynolds, "there should be some ability to correct any errors. I agree with the Judiciary Committee's decision that the hearing should be continued."

Reynolds, a Democrat who has been supported by Hatch for a top Justice Department job, said he has been notified that the post will not be filled by the Republican administration.

Reynolds indicated he would like to apply for reappointment as U.S. attorney for the Northern District of Iowa, "but in light of the political situation I think that would be unproductive."

Hultman, in addition to being considered for a high defense department position, has also expressed interest in being reappointed to the U.S. attorney's post for Northern Iowa.

MAY 12 1981

Committee may consider 122 appearance by Hultman

By Dale Kueter
Gazette staff writer

The Judiciary Committee of the U.S. Senate today was expected to consider a request to allow Evan Hultman of Waterloo an opportunity to respond to charges that he may have committed perjury when giving testimony last Dec. 11 in Washington, D.C.

Two U.S. senators have asked that the Justice Department further investigate testimony of Hultman, former U.S. attorney for the Northern District of Iowa. Hultman appeared before a Judiciary subcommittee chaired by Sen. Dennis DeConcini, D-Ariz.

In an April 30 letter to Judiciary Chairman Strom Thurmond, R-S.C., DeConcini and Sen. Orrin Hatch, R-Utah, said Hultman "possibly" violated perjury or obstruction of justice statutes. A senate source said there are 16 areas where Hultman's testimony conflicted with Justice Department documents involving the case of Pittsburgh contractor Jack Nard.

Nard claims he was the victim of Justice Department politics in the 1970s, and that Hultman was involved by not thoroughly checking Nard's charges of perjury in a Sioux City federal civil trial. Nard was locked in a legal battle with Armour and Co. over building of packing plants.

Hultman said he presented Nard's case to three grand juries. No indictment was returned. Hultman said his actions throughout, including his appearance before the senate subcommittee, have been honorable.

The Judiciary Committee was to take up the Hultman matter in closed session. It could not be

learned by press time what action, if any, had been taken.

John Maxwell, a former aide to Sen. Charles Grassley, R-Iowa, said today that he has been asked by Grassley to make his own investigation of the Hultman matter. Maxwell is now chief counsel for the Judiciary subcommittee on agency administration, which is headed by Grassley.

"The senator is interested that justice be done," said Maxwell, "not to protect anyone from wrong-doing, but at the same time making sure that innocent parties are guaranteed justice."

Maxwell said he has made it known that he thinks Hultman has not had an opportunity to respond to the charges of perjury and obstruction of justice, and that he should. He said Hultman twice wrote letters to DeConcini, once last Dec. 15 and

again April 22, offering to explain possible inconsistencies in his testimony.

But Maxwell insisted he was not "playing the role of advocate" for Hultman. He said Grassley has been "up front" about his being a long-time acquaintance of Hultman.

Maxwell said Hultman made it clear from the start of the hearing last Dec. 11 that he was recollecting, to the best of his memory, events that had taken place nearly 10 years ago.

"I think those conflict charges have to be considered in that light," said Maxwell. "He (Hultman) was only given a couple days notice of the hearing, and had no files to look at."

Maxwell said there are two questions regarding the "serious" charges raised by Hatch and DeConcini, whether there was a conflict in testimony, and the matter of intent.

IOWA PRESS
CLIPPING BUREAU
Des Moines, Iowa

Register
Des Moines, Ia 50309
Cir. 245,802

MAY 13 1981

Senate panel wants more testimony from Hultman

By JOHN HYDE

Of the Register's Washington Bureau

WASHINGTON, D.C. — The Senate Judiciary Committee Tuesday delayed action on a resolution asking the Justice Department to investigate Evan Hultman, a former U.S. attorney from Iowa, for perjury and obstruction of justice.

Instead, the committee decided to ask Hultman to give further testimony, in order to answer questions raised about his appearance before the committee in December 1980.

The decision was made in a closed session of the Judiciary Committee and no public announcement was made. Two sources, who asked not to be named, revealed the action to The Register.

Two senators, Republican Orrin Hatch of Utah and Democrat Dennis DeConcini of Arizona, had asked the committee to forward Hultman's testimony to the Justice Department for investigation. They maintained

there were "16 areas of conflict" in Hultman's sworn testimony, according to committee sources.

Hultman, now in private practice in Waterloo, said he appeared hurriedly before the committee and testified without notes or records. He acknowledges that some details in his testimony may be in error but he denies any deliberate attempt to commit perjury or obstruct justice. Following his appearance last year, Hultman volunteered to give further testimony but received no response from the committee.

Committee sources said Iowa Republican Senator Charles Grassley, a member of the Judiciary Committee, strenuously insisted to committee Chairman Strom Thurmond (Rep., S.C.) that Hultman was being treated unfairly.

At a gathering Monday night, attended by Grassley, Hatch and Thurmond, a compromise was

reached to delay action on the resolution calling for an investigation until Hultman had again testified.

Grassley, through a spokesman, declined to comment on the matter Tuesday.

Hultman appeared before the committee last year when it was holding hearings on public corruption.

Hultman was asked about his actions in a case involving Pittsburgh, Pa., contractor Jack Nard. When Hultman was U.S. attorney, Nard asked him to investigate Nard's claim that a witness in a civil case involving Nard had committed perjury. Hultman took the matter before a grand jury but no indictment was returned. Nard subsequently charged that Hultman was involved in a cover-up.

Nard's personal attorney for a time

was Orrin Hatch.

After Hultman left office, his successor, James Reynolds, conducted an extensive investigation of Hultman's actions. The case was taken before two grand juries but no indictment against Hultman was returned.

Hatch is now backing Reynolds, a Democrat, for a post as assistant U.S. attorney general. Hultman, a Republican, is also seeking a federal job, either in the Department of the Army or in his old post as U.S. attorney.

The sources said no date has been set for the hearing at which Hultman will be asked for further testimony. Democrat DeConcini will be chairman of the hearing. He was the chairman — and only member present — when Hultman testified last year.

THE WHITE HOUSE

Office of the Press Secretary

Hultman
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For Immediate Release

December 8, 1981

NOMINATIONS SENT TO THE SENATE:

Evan L. Hultman, of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years, vice James H. Reynolds, term expired.

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1985, vice Ethel Bent Walsh, term expired.

Richard W. Heldridge, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States, vice Margaret W. Kahliff, resigning.

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