Richard: Previously on Rediscovering: Don Bolles, a murdered journalist.

Mr. Funk: Yes. Well, I had some fair play from Don Bolles last year.

Mr. Funk: And I have got to be a little dubious, judging from experience, you know, once burned it's your fault, twice burned, it's my fault and

Mr. Funk: Well, I don't know. It's just the way I seen Bolles edit stories and edit statements, and they come out meaning something altogether different, so.

Richard: The Funks would make the next move. They filed a lawsuit. The lawsuit alleged that they'd been wronged by the story that said they'd wiretapped Bolles. The Funks filed a suit against the newspaper. But they also filed suit against Bolles personally. And they named his wife for good measure.

Richard: The price they wanted? Twenty million dollars.

Richard: Reporters make recordings for a variety of reasons. Most often, they just want to make an accurate record of a conversation. Bolles made a habit of taping his conversations, both on the phone …

Caller: Your name's Don then?
Bolles: Don Bolles. B o l l e s.
Caller: Don, if I call you back, I'll just say it's Pete calling.

Richard: And in person ...

Bolles: Would you consider them your customers?
Brazil: Yeah. Yes. I got their money.

Richard: There's another reason to tape record conversations. Recordings can be used to trap somebody. Get them saying something they don't want to say publicly, and that recording could be used against them.

The taping Bolles did was legal. At least in Arizona. Because at least one person — Bolles — knew he was recording. But it was illegal to tap into a conversation where neither party knew they were being recorded. That's what Bolles believed happened on his home phone. It was bugged.

The way Bolles understood it, people in the racing industry wanted to capture him on the phone so they could find proof he was conspiring against them. They didn't find any evidence of that conspiracy. But they did create one angry reporter.

Richard: I'm Richard Ruelas and this is Rediscovering Don Bolles, a murdered journalist.

music fades

Richard: Arizona Republic reporter Don Bolles was slapped with a lawsuit. He was being sued by the people who ran the dog tracks in Phoenix. They had long been upset with him for his coverage of the industry. Especially stories about Emprise, the big company that ran the tracks with the Funks. Bolles wrote about Emprise's suspected mob ties.

Richard: But the lawsuit was over a particular story. The Republic had reported that Bolles's home phone had been tapped. And that the race track folks did it. The lawsuit demanded 20 million dollars .

Richard: Bolles was able to laugh about it.

Bolles: I wanted to find out. Do you know anywhere I could borrow $20 million dollars? (laughter)
Johnson: Those dumb bastards.

Richard: Here's Bolles talking about it more with George Johnson. He's the man who told Bolles he had been wire tapped. He knew that information, he said, because he had been hired to investigate Bolles by the race track owners.

BOLLES: It's very significant to us that we've been sued four times in the last month and a half, and three of them are by this Cavanagh firm.
JOHNSON: You're kidding.
BOLLES: Hum-mm. No this is a planned campaign.
JOHNSON: Is that right? Yeah, I can't figure it out, but maybe you can.

Richard: Bolles kept hearing from law enforcement that charges were just around the corner. After all, tapping his phone was a violation of the law. But Bolles was getting impatient with the pace of events. He wanted to go on the offensive. Here he is talking to Johnson about it. And Johnson is egging him on.

Bolles: By the way, they're demanding, they sent a letter to Mr. Pulliam today and a few others demanding a retraction of some materials. I haven't seen the letter yet, so I don't know what it says, but apparently it's just part of this whole campaign of legal harassment. And I don't know what we're going to do on it.
Johnson: Well Don, let me ask you this. I think, 'cause you know, the way things are right now, and I really didn't do myself any good by not appearing, from the way you know the public looks at it. They don't know the particulars. But I think it's about time ... well, let me just ask you, your advice on this. I'd just like to take the offensive against these pricks now.

Richard: Bolles didn't use that language. But he shared the sentiment. Bolles was itching to file his *own* lawsuit against the Funks.

Richard: After waiting for others to take action, Bolles took matters into his own hands. He filed his countersuit in March 1971. He named the Funks, Emprise, the Arizona Bank and the phone company. His lawsuit contended that all of those parties conspired to invade his privacy and caused him emotional distress.

Richard: Bolles wanted two-point-two million dollars. It was about one-tenth of what the Funks wanted from Bolles. But Bolles was after more than money. He wanted to go to court. He wanted evidence. He wanted to question those involved. He wanted to win.

Which, apparently, is an awful reason to file a lawsuit.

Bodney: In my experience and view litigation is a poor way to spend one's free time.

RICHARD RUELAS: That's David Bodney, an attorney who handles legal matters for The Arizona Republic these days.

Bodney: It makes money for lawyers but it seldom advances interests that could not otherwise be protected or resolved in a less contentious environment. And yet there are some people who feel like they need their day in court. I really do try to persuade people that there are better ways to spend their time and their money than litigating.

Richard: If you've never been party to a lawsuit, first off, count yourself lucky. It seems like a brutal process.

Bodney: going to court costs a lot of money. It takes a lot of time. It permits the defendant to conduct all kinds of discovery into what your reputation really is. And it's ultimately very unsatisfying for most litigants.

Richard: David Bodney mentioned discovery there. That is the process that allows one side of a lawsuit to demand documents from the other side. And – legally – that material must be turned over. No matter how damaging it might be.

In this case, there was a highly damaging document. Remember that memo we told you about? The one Dom Frasca, bolles' reporting partner, wrote questioning the merits of the wiretapping story? We told you that memo would play a key role. And here is where it could come back. The newspaper was going to have to turn that memo over to the people suing them.

RICHARD RUELAS: The Frasca memo was three pages. It mainly outlined his concerns about running the wiretapping story. He wrote that he didn't think it should have been published. He ended the memo with this sentence: Frankly, the reservations I had before publication have only grown.

We showed Frasca's memo to Bodney.

Here was his reaction to reading it.

Bodney: So he was questioning whether the story should have been published at all. Right. His story. Yeah. Not terribly helpful to the defense.

Richard: For the newspaper, this memo was not good.

Bodney: Yeah. I mean those are the kinds of issues you hope to sort out pre publication and having a reporter who doesn't think it's soup yet and yet it gets published is a recipe for disaster.

Richard: The memo also was a tip off to the opposing lawyers that there was dissention in the newsroom about the story. And that they should find out more about it.

Bodney: If not for this kind of this kind of memo being written down the paper is able to sort of say we stand behind our story you can't get it within our walls and talk about how we made this decision or that decision.

Richard: And that's what the attorneys did. They started looking at the process used to produce the news story. They would lay bare the internal newsroom debates over publishing the stories on the supposed wiretaps.

Richard: The lawsuits the Funks filed said that the articles published about suspected wiretaps were published maliciously.

That the Republic knew that the articles contained false information, or that the newspaper didn't care whether the information was false.

Both of those are difficult to prove. Unless you have a memo that essentially states that.

Bodney: If someone's suing the newspaper he's able to get a hold of a memo like this where the reporter whose byline on the story with a reporter whose byline is on the story is expressing grave doubts that I didn't think it was true when we published it anyway. That's a good day for that side.

Richard: And the Funks and Emprise were just getting started. They weren't just asking for documents, now they wanted to do interviews. In legals terms, a deposition.

Bodney: And then the really fun part for the lawyer is the deposition. When we get to interrogate someone under oath for a period of hours about certain facts.

Richard: The idea is that both sides get a general idea of what will be said in the courtroom. But it is also a way for lawyers to harshly question people. Including the folks bringing the lawsuits. They can poke holes in their arguments. Or bring out damaging evidence. Or let them know just

how costly pursuing a lawsuit would be. And how maybe it would be better to just drop the whole thing.

It works the same way for both sides, but in this case, it seemed particularly damaging for Bolles.

Richard: The attorneys for the Funks seemed to want to dig deep into the inner workings of the Republic. They filed motions to depose anyone who might have touched the wire tap story.

That included the newspaper's publisher, Eugene Pulliam.

It's not clear who attorneys actually talked to. We only found a few depositions in those file cabinets.

Richard: First up was Bolles.

Richard: He and his wife were questioned in March 1971. Not by the Funk family's lawyers. But by attorneys for the bank and the phone company. Bolles had named them in his countersuit.

Richard: Bolles said the phone company harmed him by not protecting his call information. Similarly, he said the bank harmed him by allowing someone to get hold of his bank account records.

Here's him talking about it to Homer Bunch, the banker who gave up Bolles's banking information. Oddly, Bolles decided only to sue the bank itself. Not Homer Bunch personally.

Bolles called Bunch to tell him the news.

MR. BOLLES: We, as you probably may have noticed, filed a suit on various people the other day, and I just wanted to tell you that we had been informed of your conversations with Mr. Johnson, et cetera, and we talked it over and we decided that we -- you know, that you were an innocent party in the whole thing.
MR. BUNCH: You are not kidding.

Richard: The lawyers for the phone company and the bank had several lines of attack in their questions. We know this from a transcription of the deposition, so we don't have any audio of it.

Richard: The attorneys poked holes in Bolles's lawsusit, but then went in for the kill. The attorney asked Bolles how much money he had. He said that if the lawsuit were dismissed, Bolles might have to pay attorney fees for both sides.

Richard: And the bank would want proof Bolles could pay that massive bill. The attorney asked how much Bolles's home was worth. Bolles said he carried a mortgage and had about two thousand dollars of equity in it.

Richard: The attorney asked him about his cars. Bolles said he had two Plymouths. One he described as having air conditioning and a – quote – bad wobble in the front.

Richard: The attorney asked him if he had a stamp collection or coin collection or anything else of value. And whether he had a savings account for his kids' college education.

Richard: The point was clear: The attorney was telling Bolles the lawsuit could drive him to financial ruin.

Richard: It would get worse. The next month, attorneys traveled to New Jersey for the deposition of Dom Frasca. By this time, Frasca had left The Republic. He was working for a Congressman in New Jersey and he still harbored a grudge. In that deposition, Frasca let Bolles have it. Frasca said his relationship with Bolles was – his words -- "professionally unpleasant."

It's a far cry from how Frasca spoke about Bolles when he worked alongside him at the Republic .

MR. JOHNSON: And I think Bolles well, just from the couple of times I've talked to him seems like a real square guy, and --
MR. FRASCA: I'll tell you, he's a very honest guy, and -- and he won't let you down, I'm sure of that.
MR. JOHNSON: I know. I heard that.
MR. FRASCA: No, he won't let you down.

RICHARD: But in his time away from the paper, Frasca dramatically changed his views.

Richard: Frasca said Bolles could stretch a story. He told one anecdote -- his first encounter with Bolles as a colleague -- in which he said Bolles took what he thought was a small detail and turned it into a front page story.

Richard: He said that when he did interviews alongside Bolles in the mafia series, he was embarrassed to be working with him.

Richard: He said that Bolles went into stories with preconceived notions and reached unfounded conclusions. Frasca said he didn't consider Bolles a reporter. He considered him a man without honor, integrity or ability.

Richard: We know the paper's city editor, Tom Sanford was deposed. And we know George Johnson sat for several depositions. But neither of those turned out well for Bolles.

In Sanford's, the lawyers delved deep into all the decisions made in publishing the wiretapping story. That is not a pleasant prospect. Here's the current Republic attorney, David Bodney again.

Bodney: Well it can be really painful to have an outsider deconstruct the composition of a news report.

Richard: And Johnson didn't hold up well as a witness. He was evasive. And at one point, collapsed in anguish. He was hospitalized for a while saying the pressure was getting to him.

Richard: The overall cases were beginning to fall apart.

Richard: In January 1973, almost three years after the wiretapping stories ran, Emprise asked the court to dismiss it from Bolles's lawsuit. The judge went one step further and declared Emprise the winner. The judge also ordered Bolles to pay Emprise's attorney's costs. Emprise took it easy on Bolles. It charged him 71 dollars and 78 cents. Mostly for copies. We're not sure why they did. Maybe everyone was out of steam at this point.

Richard: And in August 1973 the Funks, the newspaper and Bolles all filed a note with the court saying they had agreed to drop everything.

It's not entirely clear why.

We know Bolles was motivated by wanting to prove the Funks and Emprise wronged him.

Emprise and the Funks had their own motive.

Here's how Bill Meek saw it. He's the Republic reporter assigned to cover this legal back-and-forth.

Bill Meek: The lawyers and the lawsuits filed and so forth was all designed to get Don to changes his approach.

Richard: It's not clear from the court record whether Bolles received any money. Settlements are usually confidential.

Richard: But Bolles's wife, Rosalie, said there was no big payday. No Mercedes in the driveway.

Rosalie: We didn't get any settlement. No nothing.

Richard: David Bodney, the Republic's attorney, said this is the reason lawsuits make bad tools for getting even.

Bodney: Yeah it's it's hard for people to let go of challenges to their sense of self and self-worth.

It's difficult to let go.

Richard: Bolles thought he had been wiretapped. His newspaper told the state about it on the front page of the Sunday paper. He suffered attacks to his personal reputation – rumors about being on the take from Vegas mobsters.

Richard: He thought his reporting partner had mob ties. He had been sued for $20 million. And threatened with financial ruin.

Richard: He fought through it all hoping the truth would come out. And now it wasn't.

Richard: Bill Meek, who covered all these back and forth lawsuits, said that 1973 was the year that crushed Don Bolles.

Bill Meek: It's what really brought Don down as a matter of fact, in my opinion, before he got blown away

Richard: In 1967, before the lawsuits began, the Republic ran a half-page ad promoting Don Bolles as an investigative reporter. It said he'd stepped on more toes than a beginning dance instructor.

Richard: But by 1974, even the paper's promotion of Bolles had changed. An ad from that year announced that Bolles would be covering the Arizona legislature. He was off the racing beat.

Richard: It's not clear whether this was part of the settlement. Or if it was a decision Bolles made with his editors.. It could be that Bolles just needed a break after the stress of the dog racing saga.

It certainly made life better for his wife.

ROSALIE: Well I liked it better when he was covering the covering Congress downtown. I liked that better…

Richard: when he was covering the State Legislature rather than others?

Rosalie: Yes life was a bit calmer then

Richard: One of Bolles's friends at the paper was columnist Paul Dean. He was the best man at Don and Rosalie's wedding. I asked Paul Dean to describe how he saw Bolles after he was assigned to cover the legislature.

Paul Dean: A lightly saddened man because he wasn't doing what he wanted to be doing. I think he felt a little demoted by going to the statehouse. There were them who say he wanted to go to the statehouse. I don't think he wanted to go there for a moment

Richard: Whatever the reason -- officially -- Bolles was assigned to cover the routine goings-on in the legislature and nothing else.

Caller (Pete): This is your number this 27169? What is that, your office?

Bolles: Yeah. Well yeah at the state capitol. We have a press room out here and I work out here.

Caller (Pete): OK. That's real good.

Richard: Even though Bolles had taken personal and professional hits, he was still pursuing good stories. And he still had the respect of lawmakers. Here's him talking to the House Speaker Burton Barr. Today, the main Phoenix library in central Phoenix is named after Barr.

Bolles: How's every little thing going?

House Majority Leader Burton Barr: You're a good man.

Bolles: Well.

House Majority Leader Burton Barr: I'm one of the - I love you.

Bolles: (Laughs)

House Majority Leader Burton Barr: You are a good man!

Bolles: Well I do my very best.

House Majority Leader Burton Barr: I have never had a complaint. Even when it's my ass bleeding on the cement.

Richard: Whether Bolles was on a self-imposed exile from investigative reporting, or one imposed by the paper, he was still interested in doing good work.

Bolles: Until they say don't write them kind of stories no more, I'm going to be right in there.

RICHARD RUELAS: Bolles was still covering the legislature in 1976. One day in January of that year, the governor decided to appoint a powerful wholesale liquor dealer to the state racing commission.

By sheer coincidence, the dealer just happened to be the largest donor to Gov. Raul Castro's campaign.

Bolles knew the man from covering the racing industry. Marley owned race horses. He also sold liquor to the tracks.

You get the feeling Bolles didn't think he was the kind of person who should be sitting on the board that was supposed to oversee the racing industry.

Richard: That man's name was Kemper Marley. It's a name that would soon be forever linked with Bolles.

Richard: On Tuesday, March 23, 1976, Bolles wrote a story about Kemper Marley.. It strung together the past misdeeds of Marley, as chronicled in old Republic stories. How 66 thousand dollars went missing when Marley was on the state fair board. How he had been accused of stealing an engine from a state-owned truck.

It wasn't really an investigative story. It was what we call in the business a clip job.

But it was a story that would change everything..

Richard: Later that week, a follow-up story said the governor was scheduling a meeting with Marley. The Republic editorial board weighed in that week, too. It said that Castro made a mistake in nominating Marley. The next week, Castro apparently agreed. Marley would not be a racing commissioner.

Richard: The following story would come out at the trial of those who killed Don Bolles.

At a coffee shop called Guggy's in Park Central Mall, a politician from Mohave County was having breakfast with a man named Max Dunlap. Dunlap was a good friend of Kemper Marley's He also owed Marley a great deal of money. Dunlap was reading the Republic that morning.

Richard: And he read the story about Marley being forced out of the racing commission. And he said: "Those bastards are on old Kemp's back again."

Richard: Maybe Dunlap could do his friend Kemper Marley a favor. Maybe he could get rid of the bastard at the Republic.

Richard: Next time on Rediscovering: Don Bolles, a murdered journalist …

RICHARD RUELAS: June 2 happened to be Don and Rosalie Bolles's wedding anniversary. By the time day the was over, it would acquire a different significance.

Fox 10 0:15 - It appears that he was backing out of a parking space when the explosion occurred.

LeLon Reed*[00:11:03]* We heard literally the building shook. I mean a concussion. And this is a brand new sturdy building you know and the whole building just was a shockwave.