

U.S. Judge Backs Ban On Hoffa

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Former Teamster Union leader James R. Hoffa yesterday lost his bid for court approval to run again for union president in 1976.

U.S. District Court Judge John H. Pratt firmly rejected Hoffa's contention that President Nixon acted unconstitutionally when he attached the condition that Hoffa be barred from seeking union office until 1980 when he commuted Hoffa's prison sentence in December, 1971.

Hoffa was sent to prison in 1967 after convictions for jury tampering and defrauding the Teamsters' pension fund.

Judge Pratt noted that "both these convictions were directly related to Hoffa's union activities."

Even though behind bars, Hoffa remained Teamster president until June, 1971, when he resigned and was made president emeritus with a large pension, for life.

Before the pardon, his prison sentences were scheduled to expire in March, 1980, the same date Mr. Nixon set for the expiration of the condition that Hoffa stay out of union politics.

In his suit, Hoffa had contended that the condition had violated his right of free speech and was the result of an "illegal" deal between incumbent Teamster's President Frank Fitzsimmons and for-

mer White House aide Charles W. Colson.

Hoffa announced earlier this year that he wanted to challenge Fitzsimmons for the union presidency at the 1976 Teamsters' convention.

Late yesterday Hoffa's lawyer filed notice that they would appeal Pratt's decision to the U.S. Court of Appeals here, and Hoffa himself said at a press conference in Detroit that he still hoped to re-enter union politics.

In his 42-page decision, Judge Pratt made a long review of English and American legal history and concluded that the President has "unfettered executive discretion" in granting pardons to federal prisoners and attaching conditions to them that "directly relate to the public interest."

Pratt said that keeping Hoffa out of union politics clearly was in the public interest because Mr. Nixon was justified in trying to protect "the integrity of union activities."

In rejecting Hoffa's charges that a conspiracy between Mr. Nixon and Colson would invalidate the condition, Pratt wrote: "The President may exercise his discretion (in granting pardons) . . . for whatever reason he deems appropriate and it is not for the courts to inquire into the rationale for his decision."

Hoffa had charged that Colson, operating through former presidential counsel John W. Dean III, had attached the condition that Hoffa stay out of union politics as part of a deal he had with Fitzsimmons under which he later became chief legal counsel for the Teamsters.

Judge Pratt did not deal with this accusation directly, but said that even if Mr. Nixon acted for "political advantage," this would not be enough to overturn the condition he imposed on a proper pardon, just as proper acts of Congress cannot be overturned by the courts on the grounds that the congressmen who voted for them "did so for improper motives."