

HOFFA TO TESTIFY AT INQUIRY HERE

Grand Jury Appearance Set Despite Some U.S. Aides' Fear That Deal Is Implied

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WASHINGTON, April 23—James R. Hoffa, the imprisoned president of the International Brotherhood of Teamsters, will be moved this weekend from his cell in Lewisburg, Pa., to New York to testify before a Federal grand jury investigating alleged improprieties involving the teamster pension fund.

Government sources report that Hoffa will be moved to the Federal House of Detention in Greenwich Village to await a one-day appearance before the jury Monday or Tuesday. The Government has obtained a writ of habeas corpus directing the move, according to the sources.

They said that it could be reasonably inferred, although it was not a certainty, that since the Government was taking the trouble to move Hoffa and take him before a jury that he would answer questions substantively and not invoke the Fifth Amendment against self-incrimination.

Move Opposed

A source close to the case said that several persons within the Justice Department had opposed the action.

The source who asked not to be identified, said that these people believed that calling Hoffa would serve only to free him from further criminal prosecution and might be part of a plan to commute his sentence. Department officials deny that this is so.

The grand jury appearance comes at a time of increasing activity in the Hoffa case. There are reports that attorneys for Hoffa have filed a petition with

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The White House for commutation of his sentence. Gerald Warren, a deputy White House press secretary, said tonight that the White House had not received such a petition. The Justice Department said

that it had not received the petition, but Lawrence M. Traylor, the department's pardon attorney, conceded that it was possible, if unusual, for a petition to be filed in the White House.

An attorney for Hoffa, Morris Shenker of St. Louis, would make no comment on the petition or any other aspect of the case.

The 58-year-old Hoffa is serving two consecutive terms totaling 13 years for mail fraud and tampering with a jury. On March 31, the United States Board of Parole denied him a parole and ruled that it would not consider another such application until June, 1972.

The New York grand jury, meeting in the Federal Court House in Foley Square, has been looking for the last two months into teamster pension fund transactions, according to Government sources.

The jury is formally operating under a section of the United States Code that relates to union kickbacks, and it is known that the jury has been calling in various people with respect to pension fund transactions in the Miami area. The allegations it is investigating are said to involve Hoffa.

Officials here believe this will be the first time in at least 15 years that Hoffa appears before a grand jury.

According to a source close to the case, those in the Jus-

gar Department opposed to the move feared that it might create the impression that Hoffa was cooperating with the Government.

Their reasoning was that Hoffa would have to be given immunity to testify, thus exempting him from prosecution, and that all the Government would get in return was possible evidence on someone less involved in the alleged wrongdoing.

A Difference of Opinion

According to this source, Will R. Wilson, Assistant Attorney General in charge of the Criminal Division, was in favor of having Hoffa appear before the grand jury before his parole hearing but was dissuaded by others in the Justice Department. When the Parole Board ruled against Hoffa, Mr. Wilson is said to have decided to go ahead.

As a matter of policy, the Justice Department does not comment on grand jury proceedings, and Whitney North Seymour, United States Attorney for the Southern District of New York, refused to discuss the investigation.

Those familiar with the various Hoffa cases say that there may be a similarity between the current situation and what happened 16 months ago. After Hoffa's first request for parole was denied in October, 1969, they point out, there were reports that he had filed a commutation petition.

News accounts in December, 1969, quoted Mr. Shenker, Hoffa's lawyer, as saying he had filed a commutation petition for his client, but the Justice Department said that it had not received any petition.

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A Petition Filed

Sources here assert that Hoffa filed a petition April 1 for commutation. This was the day after his appeal for a parole was rejected. Mr. Traylor acknowledged that a lawyer for Hoffa had picked up some petition forms, but he could not recall who the lawyer was or when he came by for the forms.

Hoffa has applied for a reduction in his sentence. In an appeal now before Federal Judge Richard B. Austin, Hoffa is asking that he be allowed to serve a five-year sentence for pension fraud concurrently with an eight-year sentence for jury-tampering. The judge is to hear the case early in May.

In addition, Hoffa has 90 days in which to appeal the decision of the Parole Board.

In the hearing on the sentence and in any reconsideration of his parole request or

commutation appeal, sources here say, an appearance before a grand jury that indicated cooperation with the Government would not harm Hoffa. The teamster union executive board is to meet May 10 to discuss Hoffa's candidacy for another five-year term. The union will elect a president at its convention July 5.

27 April 1971

Hoffa Here for Grand Jury Hearing on Pension Fund

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James R. Hoffa, the imprisoned president of the International Brotherhood of Teamsters, arrived at the Federal House of Detention here yesterday to await his scheduled appearance before a Federal grand jury today.

Hoffa is expected to testify before a grand jury that has reportedly been investigating alleged misuses of his union's pension funds. Federal prosecutors, however, refused to discuss Hoffa's scheduled appearance.

"We will not comment at all," United States Attorney Whitney North Seymour Jr. said. "We won't even confirm or deny his existence."

Federal marshals brought Hoffa to New York by car from the prison at Lewisburg, Pa., in which he is serving 13 years for mail fraud and jury tampering. His plea for a parole was denied last month.

Hoffa is expected to testify here for only one day. He is to be returned to Lewisburg after his appearance before the grand jury.



James R. Hoffa, in handcuffs, arriving at the U.S. House of Detention yesterday in a deputy marshal's custody.

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