

President Is Sued by

By Selig S. Harrison
Washington Post Staff Writer

Former Teamsters union President James R. Hoffa sued President Nixon yesterday in a bid to overturn a condition attached to his release from prison barring him from seeking union office until 1980.

In a move signaling an expected effort to regain his post at the 1976 union convention, Hoffa charged that Mr. Nixon acted for "impermissible and illegal purposes" when he banned participation in union politics as a condition of commuting the Teamsters' leaders' sentence in 1971.

Hoffa's suit, filed in U.S. District Court here names Attorney General William B. Saxbe as co-defendant. It says that Hoffa was not aware of the

ban on the day of his release, Dec. 22, 1971, and did not agree to any conditions accompanying his release.

Hoffa added that he was not advised of the ban until January, 1972, by then-Attorney General John N. Mitchell.

The suit contends that the ban was the result of a deal between incumbent Teamsters President Frank Fitzsimmons and then White House aide Charles W. Colson.

In return for shielding Fitzsimmons from a Hoffa challenge, the suit declared, Colson won agreement that he would become general counsel for the Teamsters.

Colson left the White House to enter private law practice in January, 1973, and has since served as the chief legal adviser to Fitzsimmons. Hoffa,

61, headed the Teamsters from 1957 until 1971. He was imprisoned on mail fraud and jury tampering charges in 1967 but did not resign the union presidency until five years later when the Teamsters elected Fitzsimmons to succeed him and named Hoffa as president emeritus for life.

In the suit filed yesterday, Hoffa stresses that the restriction on his future union activity in the commutation order had no legal precedent and had "not been recommended by the pardon attorney to the Attorney General, nor had the Attorney General recommended it to the President."

This contention has been supported by a deposition from former Attorney General Mitchell made public on Feb. 7. In it, Mitchell stated that

Hoffa

neither he "nor, to my knowledge, any other official" of the Justice Department during his tenure had "initiated or suggested" the ban on union politics.

"The commutation condition originated and derived from no regular executive clemency procedure but was caused to be added by Charles Colson" in a conspiracy with Fitzsimmons, the suit alleges.

If the President had not commuted his sentence and attached the ban, Hoffa declared, he would have been released by November, 1975, in the normal course; and with good behavior, by October, 1974.

Attacking the release condition as "a selective, discriminatory and unprecedented act," Hoffa, joined by four

Teamster locals and four individual Teamster members, said that the ban violated his Constitutional right of free association.

Hoffa's principal lawyer is Leonard B. Boudin, who headed the defense for Daniel Ellsberg in the Pentagon papers trial last year.