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**Dean Says Mitchell Approved
Union Curb in Hoffa's Release**

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MIAMI, May 29—John W. Dean 3d has testified that former Attorney General John N. Mitchell gave him a "go ahead" to impose a condition on James R. Hoffa that would prevent him from seeking the teamsters' union presidency again for 10 years in return for his release from Federal prison.

In a deposition, a copy of which was made available here, the former White House counsel said that he had originated executive clemency for Mr. Hoffa, which was signed by President Nixon two days before Christmas of 1971.

But, according to the Dean deposition, it was Mr. Mitchell who "told me to go ahead and prepare appropriate language" outlining the condition to be inserted in the commutation of Mr. Hoffa's 13 year sentence for his conviction on Federal charges of jury tampering and mail fraud.

Mr. Dean's testimony was taken last week in connection with a civil suit, filed in Federal District Court in Washington, in which the former teamster union president is seeking to have the condition dropped.

Mr. Mitchell has provided Leonard Boudin, a New York City lawyer who is representing Mr. Hoffa, with an affidavit declaring that he neither "initiated or suggested the inclusion of restrictions in the Presidential commutation of James R. Hoffa." But Mr. Mitchell did not deny in the affidavit that he ultimately approved the restriction, as Mr. Dean alleged.

Mr. Dean recalled under oath that when the warrant for Mr. Hoffa's release was prepared, "there had already been discussion with Mr. Mitchell about the condition."

'Decided by Mitchell'

It was then "decided by Mr. Mitchell," he continued, that "that language would be placed in the warrant."

Mr. Dean also asserted that he had not spoken about the

condition with Charles W. Colson, then a special counsel to President Nixon, until after "the language had been worked out, and the decision to place it in the commutation had been resolved." Mr. Colson, now a lawyer in private practice in Washington, serves as chief counsel to the teamsters union.

The Hoffa suit alleges that the condition was imposed to protect Frank C. Fitzsimmons, the present president of the International Brotherhood of Teamsters, from being unseated by Mr. Hoffa after his release from prison. The protective condition, Mr. Hoffa maintains, was the product of a "conspiracy" between Mr. Fitzsimmons and Mr. Colson.

**Trager Is Publicly Sworn
As U.S. Attorney Here**

In a ceremony attended by the Federal judges of the Eastern District of New York, Senator James L. Buckley, Brooklyn District Attorney Eugene Gold and scores of lawyers from Brooklyn and Manhattan, David G. Trager was sworn in publicly yesterday as United States Attorney for the Eastern District.

He had been privately sworn in late Friday evening in Chief Judge Jacob Mishler's chambers in a proceeding that he said the Justice Department had called for on very short notice Friday afternoon.

John W. Hushen, director of public relations for the Justice Department, said yesterday that the hasty Friday ceremony had been arranged at the request of the Deputy Attorney General's office after White House staff members called to inquire about the delay in swearing in Mr. Trager.

According to Mr. Hushen, the White House staff members said they were acting upon complaints from members of the New York Congressional delegation.