

Hoffa Bid for Data On Parole Rejected

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By Ken Feil—The Washington Post

Hoffa leaves court after losing his bid for documents.

Former Teamsters Union president James R. Hoffa yesterday lost an attempt to force the White House to turn over confidential documents relating to his release from prison.

U.S. District Court Judge John H. Pratt quashed a subpoena filed by Hoffa's lawyers for three memos that led to President Nixon's decision in 1971 to commute Hoffa's sentence on the condition that he be barred from seeking union office until 1980.

In a lawsuit against the President, Hoffa is contending that the ban is unconstitutional and was the result of a deal between incumbent Teamsters president Frank Fitzsimmons and then White House aide Charles W. Colson.

The suite contends that Hoffa was not aware of the condition when he was released, and did not agree to refrain from re-entering union politics.

Hoffa said yesterday that he plans to regain control of the Teamsters at the union's 1976 convention. 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 as their leader.

The memos sought by Hoffa included a letter of commutation prepared by former White House Counsel John W. Dean III for Mr. Nixon on Dec. 22, 1971, and a Dec. 21, 1971, memo from Dean to then-Attorney General John N. Mitchell.

Hoffa's attorney, David Rein, contended that the documents would "show the reason for putting this condition in." Also, Rein said, the me-

mos would demonstrate that pardon regulations were violated by Dean and the Justice department.

Rein asserted that the condition against Hoffa's right to run for union office was written by Dean "completely without authorization" and without the President's knowledge.

He said there are conflicts between sworn depositions by Mitchell and Dean, adding, "We're entitled to the best evidence we can get."

Assistant U.S. Attorney Michael Katz argued that Hoffa had failed to demonstrate a compelling need for the confidential documents and that, therefore, recent Court of Appeals decisions against unrestricted executive privilege are not applicable.

Judge Pratt ruled that Hoffa's attorneys had failed to "make a strong showing to rebut the claim of presidential privilege." Moreover, he said, the guidelines for discovery of evidence in criminal cases do not necessarily apply in civil cases.

Final arguments in the case are to be heard at 9:30 a.m. on Wednesday.

After yesterday's hearing, Hoffa reaffirmed his determination to run for the Teamsters presidency, adding, "This is no setback." He said he interpreted Pratt's ruling to mean that Rein had already obtained "all the information we would have gleaned from the memos."

Hoffa said he thought that Dean had exceeded his authority in inserting the ban on union campaigning. "I would say that John Dean apparently thought he was the President," Hoffa said.