

Probe Jury Is Silenced By Judge

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BALTIMORE, June 17—A federal judge today silenced a grand jury in its attempt to make public its findings in an investigation involving two U.S. senators and other high public figures.

The grand jury has been blocked twice by Attorney General John N. Mitchell from returning an indictment in the case.

The thrust of today's action is to keep the panel's findings hidden from public view for the time being and perhaps for all time because the 18-month term of the grand jury expires July 5.

Late yesterday, a group of prominent Washington and Baltimore lawyers obtained an order from Judge Albert V. Bryan of the Fourth Circuit Court of Appeals temporarily barring open discussion of the matter and preventing a sealed presentment containing a draft indictment from being made public.

Petitions filed by the attorneys listed their clients as "John Doe, Richard Roe, Peter Poe, et al."

The lawyers refused to name their clients or tell how many people they represented in the politically sensitive case involving a government contract. One of the attorneys, Norman P. Ramsey, is representing former Sen. Daniel B. Brewster (D-Md.) who already is under indictment on bribery charges in another case.

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Brewster also is known to be linked to the investigation in which the special grand jury wants to return an indictment, as are Sen. Russell B. Long (D-La.) and several other prominent Capitol Hill figures, including Congressmen.

The draft indictment, according to sources, names Long and others prominent figures as being involved in the case, but does not call for their indictment. The number of persons to be indicted is not known.

Although the proposed indictment contained in the sealed presentment remains secret, it is known that the panel since last summer has been investigating allegations that money was offered in exchange for political pressure on the Capitol Architect's office on a government contract.

Sources said the alleged

pressure was to get approval for about \$5 million in extra payments more than the initial \$11.7-million contract to build underground parking garages for the House of Representatives.

Prime contractor for the project was Baltimore Contractors, Inc., headed by Victor J. Frenkil, a prominent Maryland Democrat. The claim for the extra payments has not been paid and still is under review.

Besides Brewster and Long, also linked to the probe was Nathan Voloshen, a long-time friend of House Speaker John W. McCormack (D-Mass.) and a prominent Capitol Hill lobbyist.

Voloshen pleaded guilty in New York today to perjury and conspiracy charges growing out of allegations involving the use of the Speaker's office for influence peddling. Other federal charges are pending against him in Maryland.

Jury in Controversial Probe

Stephen H. Sachs, who left the U.S. Attorney's post in Maryland on June 1, had recommended last winter that Long be prosecuted in connection with the parking garage case. The Justice Department rejected the recommendation in March.

Sources have said that Mitchell and his staff, in addition to raising legal questions about the indictment, also are concerned over the political repercussions of an indictment that would name as politically powerful a figure as Long, whose Senate Finance Committee handles much important administration legislation.

The sequence of events leading up to today's action began Monday when a group of lawyers went to Chief Judge Roszel C. Thomsen, of the U.S. District Court here, and asked that the presentment and the draft indictment be suppressed and expunged from the records.

The lawyers were Paul R. Connolly and Harold Ungar, of the Washington firm of (Edward Bennett) Williams and Connolly; William E. Marbury and John Martin Jones, of Piper and Marbury, Baltimore; William G. Hundley, of Washington, and Ramsey, of Baltimore.

Thomsen set a hearing on their petition for Friday at 10 a.m., but would not agree to halt the open court session with the grand jury scheduled for today, Connolly said.

Although grand jury proceedings themselves are secret, the panel's deputy foreman, Warren Taylor, had said last week that he would ask Judge Thomsen in open court to unseal the presentment if Mitchell continued to bar the grand jury from returning an indictment.

The grand jury and Sachs last month charged in open court that Mitchell personally was blocking it from returning the indictment.

The panel then gave Thomsen the sealed presentment. Thomsen then said he would await a Justice Department recommendation before deciding whether to unseal the document.

The jury, however, did not ask at that time that the document be opened. After one delay, was granted by Thomsen, a deadline for a decision on the case had been set for today.

It was learned earlier this week that the Justice Department again had refused to allow the new U.S. attorney, George Beall, to sign the draft indictment.

Beall, a Republican, had concurred in the recommendation of Sachs, a Democrat, that the indictment be signed. Although it would be possible for Beall to disobey Mitchell's order this would, as a practical matter, kill the prosecution and endanger Beall's future relationship

with the Justice Department, sources said.

After meeting with Thomsen, the lawyers went to Judge Bryan late yesterday and obtained a writ of prohibition, temporarily barring Judge Thomsen "from conducting any public court session during which any facet on the grand jury's deliberations or attitudes concerning the Attorney General's recommendation for (sic) prosecution of the petitioners will or can be discussed."

Thomsen was ordered to show cause by June 23 why the order should not be made permanent.

After a brief closed-door meeting today with Beall and Michael Abbell, a Justice Department attorney who has assisted in the 10-month-long probe, the grand jury went into court. Judge Thomsen asked if there were "any presentments or indictments," and Taylor said there was.

Taylor then stepped forward, handed Thomsen a piece of paper, which Thomsen examined, and then called a recess.