

# Mitchell Blocks Indictments, Federal Grand Jury Alleges

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BALTIMORE, May 28—A

federal grand jury investigating high public officials charged today that Attorney General John N. Mitchell personally is blocking it from returning indictments in a matter it has been probing for 10 months.

Mitchell said the matter is being held up for additional study.

The special grand jury, which is known to have been investigating allegations involving public officials and the contract for the underground parking garages for

the House of Representatives, took its annual action in court today when it submitted a sealed presentment containing a draft indictment to Chief Judge Roszel C. Thomsen of the U.S. District Court.

Judge Thomsen instructed Mitchell to inform the court within one week whether the sealed draft indictment should be kept secret or made public. Thomsen said he would give his decision on making the presentment public after hearing from Mitchell and after "considering all relevant factors."

The grand jury also asked that the Justice Department

give the go-ahead to sign the indictment before July 5.

The underground parking garage investigation has never been confirmed by U.S. Attorney Stephen H. Sachs, who led the probe, or by the Justice Department. It was first reported in The Washington Post last summer.

Among the names that have been linked to that inquiry are those of former Sen. Daniel B. Brewster (D-Md.), already under indictment on an unrelated bribery charge; Nathan Voloshen, a friend of House Speaker John W. McCormack and a longtime Washington

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lobbyist who also is already under indictment, in Maryland and New York, on charges of using the speaker's office for influence peddling, and Victor J. Frenkil, a prominent Maryland Democrat and president of Baltimore Contractors Inc., prime contractor for the underground garages.

In April, the Justice Department rejected Sachs' recommendation that Sen. Russell B. Long (D-La.) be indicted in connection with the underground garages case.

### Others Believed Involved

Other prominent figures also are believed to be involved in the investigation, which concerns allegations that money was offered in exchange for political pressure on the Capitol architect's office to get approval for about \$5 million in extra payments sought by Frenkil.

Thomsen did not comment on the grand jury's request that the Justice Department draw and sign before July 5 an indictment containing "formal charges identical or substantially similar to the draft indictment." Court officers

said Thomsen has no authority to command the Justice Department to sign an indictment.

Sachs, who directed the special grand jury and concurred in its action today, told reporters that he met with Mitchell as recently as Tuesday but was unable to get his permission to proceed with the indictment.

To proceed without Mitchell's permission on what Sachs termed "obviously an important matter" would have been "an act of irresponsibility," Sachs said. Neither Sachs nor Mitchell would comment as to the contents of the sealed presentation or the reason for their dispute over the proposed indictment.

### Response Promised

Mitchell said yesterday the Justice Department would respond to Judge Thomsen within the week allotted, but he would not comment as to whether he felt the presentment should be made public. As to the reason for opposing the grand jury's desire to indict, he said:

"This matter was reviewed by the professional staff and criminal division, which raised some question about the nature of the case. In view of the questions, the staff asked that

it be allowed to review the case again and asked that it also be reviewed by the incoming U.S. attorney." Friday is the last day on the job for Sachs, the last remaining big-city Democratic U.S. attorney. He will be replaced Monday by George Beall, a Republican.

Sachs said that the grand jury's action today is apparently without precedent in the Fourth Federal Appellate District. The legal basis for the action, Sachs said, is in the Fifth Amendment to the U.S. Constitution, which says, in part, that no one "shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury . . ."

A person cannot be tried under a presentment, Sachs said. A presentment, he said, is a formal statement by the grand jury that it has heard evidence it believes justifies an indictment.

#### Signature Essential

In court today, Warren Taylor, deputy foreman of the special grand jury that has been sitting for 17 months, told Judge Thomsen that, "based upon the evidence returned to me, the grand jury is prepared to return an indictment charging certain defendants with violations of the law of the United States in this district."

However, Taylor said, Sachs had informed the panel that Mitchell "has so far refused to authorize him to sign the indictment we believe to be appropriate." Without the signature, Taylor noted, the indictment would be "of no effect."

As a result, Taylor said, "we now exercise our power to return a presentment to this court, based on the investigation we have conducted during our term, and request that charges identical or substantially similar to the draft indictment we are now presenting to the court . . . be drawn and signed by appropriate officials of the Department of Justice . . ."

#### Haste Is Urged

Taylor said the grand jury was requesting that the charges be drawn and signed "as soon as possible in view of the fact that our term as a grand jury expires 18 months from Jan. 5, 1969."

After a recess to study the sealed presentment, Thomsen returned to the bench to announce that he was ordering the document locked in the

court clerk's safe until he has heard from the Justice Department within a week.

"I know of no clear, binding authority as to whether this presentment should be made public or should be kept secret," Thomsen said. "There are arguments in favor of making it public and arguments in favor of keeping it secret."

Thomsen then dismissed the special grand jury until June 10 at 10 a.m. Sachs' only comment in court was that he confirmed Taylors' statements and acknowledged that he supported the panel in its action.

After today's court proceedings, Sachs told reporters that he was "aware, and have been since early last fall, that there has been a great deal of press speculation with regard to matters which the grand jury has before it. I am in no way, shape or form confirming or denying the accuracy of these reports and would say that it would be a mistake to speculate on the nature of the indictments that the grand jury wishes to return."

Asked specifically whether the draft indictment involved the contract for the House underground garages, Sachs said, "I'm not going to take the bait."

Sen. Long has consistently denied any wrongdoing in connection with the allegations, but acknowledged he asked his administrative assistant, Robert Hunter, "to

help plead the man's (Frenkil's) case" with the government on the contract.

Last August, The Post first reported that Sachs' office was investigating allegations that Long and Brewster agreed to exert pressures to obtain approval for Frenkil's almost \$5 million claim for extras on the original \$11.7 million contract. The claim has not yet been settled and is under review by a consultant in Illinois.

#### Rejected in April

Sachs' recommendation to indict Long and others went to the Justice Department in March. The departments' rejection of the recommendation for indicting Long came in April. Recommendations for other indictments in connection with the garages were left pending. In this and other politically touchy cases, the Justice Department requires its approval of any indictments.

The grand jury sitting today previously had indicted a former top Post Office Department official, Joseph P. Doherty, on bribery charges related to the awarding of postal contracts, and developed the information that led to Brewster's indictment in Washington.