

Public Figures Involved

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Justice Is Fighting Indictment in Case

BALTIMORE, June 15—The Justice Department again has recommended against an indictment being returned in a politically sensitive case involving public figures and a contract for the House of Representatives' underground parking garages, it was learned today.

The recommendation, which is, in effect, an order to U.S. Attorney George Beall, sets the stage for another confrontation between Attorney General John N. Mitchell and a special federal grand jury that last month charged Mitchell personally was blocking an indictment in the case.

The grand jury, which meets Wednesday, said last week through its deputy foreman, Warren Taylor, that if it were not permitted to indict, it would ask that a sealed presentment it returned last month be made public.

The presentment contains a draft of the indictment the grand jury wants to return. Beall's predecessor, Stephen H. Sachs, who left office June 1, joined the grand jury in its charge last month that Mitchell would not let him sign the draft indictment.

Draft Indictment

Without the signature of the U.S. attorney or a Justice Department official, the draft indictment carries no legal

weight. Sachs said at the time that it would be possible for him or his successor to sign the draft document, but to do so would be in direct violation of Mitchell's orders.

Beall said today he had received the Justice Department's recommendation in the case, but would not reveal its contents. A Justice Department spokesman said, "You'll have to wait until Wednesday to find out what we said."

Beall said Mitchell's decision would be made public Wednesday in U.S. District Court—either by an indictment, or by the grand jury asking Chief Judge Roszel C. Thomsen to make public the presentment.

Although there is no precedent for a grand jury returning a presentment in the 4th Federal Judicial Circuit that includes Maryland, Beall said case law involving a New York federal case states such presentments should be kept secret. **Judge Limitation**

Also, Beall said, case law states that a federal judge cannot authorize or order a U.S. Attorney to sign an indictment that a grand jury wants to return.

Mitchell has denied he was blocking the indictment. He said last month his staff had some concern about the proposed indictment and wanted to review it further. Also, he said then, the department wanted to give Beall a chance to review his predecessor's decision. Beall last week recommended that the indictment be returned before the panel's 18-month term ends in early July.

Although the contents of the proposed indictment remain secret, it is known that the panel has been investigating allegations since last sum-

mer 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 over and above the initial \$11.7 million contract to build the garages.

Prime contractor for the project was Baltimore Contractors, Inc., headed by Victor J. Frenkil, a prominent Maryland Democrat. The claim still is under review. Among the names linked to the inquiry are several prominent Capitol Hill figures, including members of Congress.

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