

Grand Jurors Say Mitchell Prevents A Craft Indictment

MAY 29 1970

Special to The New York Times

BALTIMORE, May 28— Attorney General John N. Mitchell was strongly criticized by a special Federal Grand Jury today for refusing to authorize indictments based on the panel's investigation of Government corruption.

The grand jury, impaneled here in early 1969, returned a nine-count indictment last May against Joseph P. Doherty, a former Post Office official, accusing him of seeking a \$20,000 bribe from a local contractor.

The jury also conducted a long investigation of former Senator Daniel B. Brewster, Democrat of Maryland, that resulted in his indictment for bribery by a Washington grand jury in December.

Warren Taylor, deputy foreman of the jury, rose today in Federal District Court here to denounce the Attorney General's actions.

Mr. Taylor told Chief Judge Roszel Thomsen that Stephen Sachs, United States Attorney who led inquiries and produced evidence before the jury, agreed with the panel's decision to indict.

But, Mr. Taylor continued, the Attorney General "has so far refused to authorized him

Continued on Page 10, Column 6

Continued From Page 1, Col. 1

to sign the indictment we believe to be appropriate."

After his speech, Mr. Taylor handed Judge Thomsen a sealed envelope containing the proposed indictment and asked that the Department of Justice bring formal charges based on the secret document.

After reading the draft indictment, Judge Thomsen ordered it kept secret and instructed Mr. Sachs to send a copy of it to the Attorney General. Mr. Sachs, one of the few remaining Democratic United States Attorneys in the country, is to be replaced tomorrow by a Republican.

Judge Thomsen also told Mr. Mitchell to inform the court within seven days whether he wanted the draft to remain secret or to be made public.

Federal rules of criminal procedure require that a Federal indictment carry the signatures of the grand jury foreman and the United States Attorney.

The indictments of former Senator Brewster allege that he received nearly \$25,000 in campaign contributions from mail order houses for his vote on a special third-class mail rate.

But the special jury here is also known to have been investigating construction contracts on a \$12-million underground parking garage built near the Rayburn House Office Building near the Capitol.

The panel is known to have investigated the possible involvement of Senator Russell B. Long, Democrat of Louisiana, in helping the contractor settle additional claims from the Federal Government for building expenses.

The leading contractor on the job was Baltimore Contractors, Inc., whose chief executive officer is Victor J. Frenkil, a campaign contributor to the Democratic party.

Senator Long has denied any wrongdoing in connection with the project.

Mr. Sachs refused today to

discuss any details of the draft indictment. "I think it would be a mistake to speculate about the precise nature of the indictment," he said.

He added, however, that he strongly agreed with the recommendations of the grand jury but had not signed the indictment because "I think it would have been an act of irresponsibility to sign an instrument against the express orders of the Attorney General."

Mr. Sachs also refused to speculate on the Attorney General's reason for not authorizing the indictment.