

# GURNEY IS SEEKING TO DISMISS CHARGE

His Lawyer in Florida Says  
Election Law Is Vague—

Jurisdiction Challenged  
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By WAYNE KING

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TALLAHASSEE, Fla., April 30

—An attorney for Senator Edward J. Gurney formally accepted today a copy of an indictment charging the Florida Republican with violating a state law requiring the reporting of campaign contributions.

The attorney, E. Harris Dittmar of Jacksonville, said that Senator Gurney, who was in Maine visiting his ailing mother, would plead not guilty to the charge.

In addition, the attorney filed several motions with Judge Charles McClure of Leon County Court, seeking dismissal of the charge, a misdemeanor that carries a maximum penalty of one year in prison and a \$1,000 fine.

Mr. Dittmar contended, among other things, that the campaign fund law was vague and that the county court had no jurisdiction in a matter involving a United States Senator.

#### Gurney News Conference

The allegation of failure to report campaign contributions stems from a televised news conference last December, when the Senator conceded that he had been aware since mid-1972 that about \$100,000 had been raised in his name without his knowledge.

The money was part of nearly \$400,000 that Larry Williams of Orlando, a 29-year-old former volunteer aide to the Senator, has admitted taking from building contractors in return for favorable treatment on applications to the Federal Housing Administration to build low-income housing in Florida.

Mr. Williams began serving a one-year term last March 20 at the Eglin Field Federal Prison Camp near Pensacola on charges growing out of the kickback scheme. Senator Gurney has denied any knowledge of his aide's influence-peddling activities.

Last month, William F. Pelski, former F.H.A. director in Miami, pleaded guilty to a Federal charge of conspiring with builders to sell his influence for a \$70,000 bribe for himself and about \$290,000 in contributions to Senator Gurney. He was sentenced to 18 months at Eglin. A builder who has admitted paying off Mr. Williams and Mr. Pelski is serving a one-year

term.

#### Grand Jury Inquiries

The building kickback scheme is the subject of Federal grand jury investigations in Miami and Jacksonville. Senator Gurney has agreed to appear before the grand juries.

The kickback scheme is also under investigation by the Federal Bureau of Investigation and the Internal Revenue Service.

The indictment today, alleged-fund reporting, came almost as a sidelight to the Federal inquiries.

It stemmed from a county grand jury investigation begun last week after State Representative Marshall Harris, a Democrat, contended that Senator Gurney's admission that he knew of the funds and had not reported them amounted to a violation of the law.

The county grand jury returned the indictment after viewing a videotape of the news conference in which Senator Gurney made the statement.

Warren Goodwin, an assistant county attorney who signed the indictment against the Senator, said the county grand jury was not investigating any other possible violations stemming from the kickback conspiracy.

That, he said, would be handled by the Federal inquiries.

Senator Gurney said yesterday that the alleged election law violations were purely political and were intended to discredit him in his bid for re-election.

He maintained that Mr. Harris had gone before the grand jury to further the candidacy of State Senator Richard Pettigrew, who is seeking the Democratic nomination for Mr. Gurney's seat. Mr. Harris has denied this.

#### Gurney Visits Mother

Special to The New York Times

WATERVILLE, Me., April 30

—Senator Gurney arrived here today to visit his 87-year-old mother, but fended off newsmen's questions about his indictment in Florida on charges of violating state election laws.

"I don't want to comment on that," Mr. Gurney said. "I've said everything I wanted to."

Senator Gurney, a member of the Senate Watergate committee, told reporters that he did not watch President Nixon on television last night, but that he "read the whole speech on the plane." He termed it "an excellent speech," and said that Mr. Nixon's offer of transcripts to the House Judiciary Committee was a fair one. "I don't see why they will not accept it," Mr. Gurney added.

Department Making Deal