

BALTIMORE JURY CITED 'OVERT ACTS'

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Expunged Report Alleges 45 Steps by Contractor to Defraud Government

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The text of a report prepared by a grand jury in Baltimore and now expunged from Federal Court records lists 45 "overt acts" through which a Baltimore contractor allegedly sought to defraud the United States Government.

Among the alleged acts cited in the 10-page document are pressures on the Capitol Architect's office, threats to have officials of the office dismissed and bribe offers to members of Congress.

The report — called a presentment—mentions, with widely varying degrees of involvement, two Senators, one former Senator and three Representatives, as reported to The New York Times last week by reliable sources. In addition, the report charges that some of the conspiratorial acts took place in the offices of House Speaker John W. McCormack,

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although it does not say that Mr. McCormack was involved.

The document alleges that Nathn M. Voloshen, a New York lawyer and lobbyist, used a telephone in the Speaker's office to call J. George Stewart, the late Architect of the Capitol, after Voloshen had received \$7,500 from the Baltimore contractor.

\$700,000 in Claims

The contractor, Victor H. Frakil, then had claims of more than \$700,000 pending with the Capitol Architect in connection with the underground garage at the Rayburn House Office Building built by his concern, Baltimore Contractors, Inc.

The report also says that on the same day — May 1, 1967 — Mr. Frenkil and Bernard Shepard, vice president of Baltimore Contractors, met with Voloshen in Speaker McCormack's offices.

The Grand Jury report also charges that Dr. Martin Sweig, the suspended administrative aide of Mr. McCormack, called an employe of the Capitol Architect in October, 1967, "on behalf of Baltimore Contractors Inc., in connection with matters of Baltimore Contractors, Inc., then pending before and submitted to the Architect of the Capitol in connection with the Underground Garage Construction project."

Dr. Sweig is currently on



Associated Press

Judge Roszel C. Thomsen

trial in New York. He is accused of having schemed to use the prestige of the Speaker's office illegally for the benefit of clients of Voloshen, who pleaded guilty to the same charges last week.

The grand jury's report was a subject of dispute between the jury and the United States Attorney working with it, Stephen H. Sachs, on the one hand, and the Department of Justice and Attorney General John N. Mitchell, on the other. Originally, the jury wanted

to indict Mr. Frenkil; Mr. Shepard; Voloshen; Senator Russell B. Long of Louisiana; former Senator Daniel B. Brewster of Maryland, and Robert E. Hunter, an assistant to Senator Long. Mr. Mitchell refused to allow the indictment to be issued because he felt the case was legally insufficient.

The jury then drew up the presentment, which charged only Mr. Frenkil and Baltimore Contractors, but mentioned the others. Mr. Mitchell still refused to allow an indictment to be issued.

Long and Boggs Named

The presentment is a report by the grand jury that has no legal effect. If the Justice Department had allowed Mr. Sachs to sign it, it would have become an indictment.

After Mr. Mitchell barred the indictment, attorneys for anonymous clients asked that the grand jury's report be quashed and expunged from court records. United States District Court Judge Roszel C. Thomsen granted their request last Monday, but refused a brief summary of the report.

The judge's summary said that the jury's report charged Mr. Frenkil and his concern with "seeking to obtain the assistance of members of both houses of Congress" in connection with "matters" concerning the Underground Garage Project.

The judge's summary named only two Congressmen — Senator Long and Representative

Hale Boggs, Democrats of Louisiana.

In regard to Senator Long and former Senator Brewster, the full presentment alleges, "Victor Frenkil and Baltimore Contractors, Inc., would corruptly offer money to Senator Russell B. Long of Louisiana and to Senator Daniel B. Brewster of Maryland as an inducement for them to bring the prestige, weight and influence of their respective offices to bear upon officials and employes of the Architect of the Capitol so as to further and promote the interests and desires of the defendants, Victor Frenkil and Baltimore Contractors, Inc. in their dealings with the Architect of the Capitol."

Senator Long's office has said that he will not comment on the allegations. Mr. Brewster could not be reached.

The Times reported last week that investigators had been told that Senator Long and Mr. Brewster were told at a meeting with Mr. Frenkil in early 1968 that if they would help get the claims paid, they could split 5 per cent of whatever claims were settled, up to \$125,000 each.

Actually, investigators were told that the alleged offer was for the two to split one-third of whatever claims they helped to settle. This would not have been one-third of \$5-million — Mr. Frenkil's ultimate total in claims — but a smaller amount, probably around \$500,000, that was pending at the time.

The full presentment gives

this account of Mr. Boggs's involvement in the circumstances of the case:

"It was further part of said conspiracy that the defendants Baltimore contractors, Inc., and Victor Frenkil, in an effort to gain the goodwill of Congressman Hale Boggs of Louisiana, and in the hope and expectation that Congressman Boggs would bring the prestige, weight and influence of his office to bear upon the Architect of the Capitol . . . he would and did cause the Maryland residence of Congressman Boggs to be remodeled at a cost to Congressman Boggs of \$21,000 despite costs in excess of \$45,000 incurred by Baltimore Contractors."

Mr. Boggs's office has released a statement on the matter saying that he never sought to influence anyone with regard to Mr. Frenkil's claim.

Mr. Boggs's statement said: "Surely, no fair-minded person would suggest any connection between a contract for home improvements on my Maryland home completed in 1966 and a claim which originated in 1968, more than two years after the work on my home was done."

"The contractor submitted the lowest bid of five Maryland contractors for my home improvement and I paid this bill in full upon completion. If he expended more, I was totally unaware of it."

Representatives Clarence D. Long and Samuel N. Friedel, both Democrats of Maryland,

are also named in the jury's report.

The presentment says that Representative Long met with Mr. Frenkil and other representatives of Baltimore Contractors on Nov. 20, 1968. It also says that Mr. Long met with representatives of Baltimore Contractors, Inc., and representatives of the Capitol Architect twice—on Nov. 22, 1968, and Jan. 9, 1969.

In addition, according to the presentment, there was a meeting on Jan. 22, 1969, "in the office of the majority whip of the House of Representatives (Mr. Boggs) attended by Robert E. Hunter, Congressman Hale Boggs, Congressman Clarence Long of Maryland, Congressman Samuel Friedel of Maryland, Architect of the Capitol George Stewart and Frederick Winkelmann, counsel to the Architect of the Capitol."

Representative Long has acknowledged that he attended at least two meetings with employes of the Capitol Architect, but has said he never took any position on whether the claim was justified.

Mr. Long said the claim "had been dragging on for some time" and he felt Mr. Frenkil "had a right to have a decision speeded up." He said "This is the kind of thing you do for a constituent."

The Jan. 22 meeting is the only mention of Representative Friedel in the presentment. However, Mr. Friedel told The Times in an interview that he

had signed a letter from the Maryland Congressional delegation urging a speedy review of Mr. Frenkil's claims. "We didn't take sides," he said. "We advised the architect to get an independent survey" of the conditions on which Mr. Frenkil based his claims.

Mr. Hunter could not be reached for comment.