

NY Times MAY 18 1974
**CHARGES DROPPED
AGAINST GURNEY**

**Florida Senator's Indictment
for Violating Election Law
Held 'Fatally Defective'**

By The Associated Press

TALLAHASSEE, Fla., May 17 —A county judge dismissed today a misdemeanor indictment that charged Senator Edward J. Gurney with violating a state election law on campaign contributions.

Judge Charles McClure dismissed as "fatally defective" the one-count indictment against Mr. Gurney, a Florida Republican who is a member of the Senate Watergate committee. The judge declared that the law under which Senator Gurney had been indicted was unconstitutional, and he criticized as improper and illegal advice that had been given to the grand jury by a Democratic state Representative who had asked for the grand jury investigation.

Mr. Gurney, 60 years old, was indicted last month by a Leon County grand jury on a charge of accepting campaign contributions without naming a campaign treasurer or setting up a campaign bank account.

In a statement issued by his

Continued on Page 15, Column 4

Continued From Page 1, Col. 4

Washington office, Senator Gurney said he knew he was "innocent when this indictment was handed down and the court has agreed with me."

He called the indictment a "trumped up political charge from the very beginning . . . conceived in partisan politics."

"The court's decision makes me grateful, thankful and renews my faith in the American system of justice," the Senator said.

State Republican leaders said Judge McClure's ruling could not help but bolster the Senator's chances for re-election this fall to a second term, although an independent poll taken before the indictment showed him trailing all five Democrats in the Senate race.

State Republican Chairman L. E. Thomas said the dismissal would "make Senator Gurney look like a hero by proving what he said all along—that it was a political prosecution."

Judge McClure ruled that the law upon which the indictment had been based was unconstitutional because the title of the act did not conform to the language of the law. He declared it "null and void."

In dismissing the indictment, Judge McClure said that State Representative Marshall Harris, Democrat of Miami, who had asked for the grand jury inquiry, had given legal advice to the panel in violation of state law. Judge McClure found the testimony of Mr. Harris "highly improper and prejudicial."

The indictment stemmed from a reported \$400,000 secret fund raised in Senator Gurney's be-



Associated Press

Senator Edward J. Gurney

half from contractors seeking influence with the Federal Housing Administration. Senator Gurney testified for two days before a Federal grand jury in Jacksonville earlier this week about the fund raising, which he says he ordered halted as soon as he learned of it.

Mr. Gurney was indicted after the grand jury viewed a videotape of a December news conference. During the news conference, Mr. Gurney said he learned in mid-1972 that \$100,000 had been secretly collected in his name.

He said he had ordered the fund-raising stopped but had not reported the money because he had not declared as a candidate and, therefore, had no way to report it.