

JUDGE EXPUNGES SECRET JURY DATA

Says Report Could Not Lead
to Trial of Contractor in
Capital Garage Deal

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BALTIMORE, June 23—A Federal District Court judge has ordered expunged from court records a special grand jury report that charged a contractor here and his concern with conspiracy to corrupt Congressional figures in Washington.

Chief Judge Roszel C. Thomsen ruled that no prosecution would be brought against the contractor, Victor H. Frenkil, and his concern, Baltimore Contractors, Inc., in the conspiracy alleged to have been involved in attempts to win approval of a \$5-million claim against the Government.

Judge Thomsen said the report would never lead to prosecutions because Attorney General John N. Mitchell had refused to sign proper indictment papers.

According to a summary of the jury's report read in court yesterday by Judge Thomsen, Mr. Frenkil and his company had attempted to offer money to Senator Russell B. Long, Democrat of Louisiana, to get assistance in winning the claim.

The judge's summary also said the jury presentment had reported that Mr. Frenkil had remodeled the Maryland home of Representative Hale Boggs, Democrat of Louisiana, at a price substantially below cost.

Reliable sources, who had earlier told The New York Times of these findings, had also said that other Congressional figures were named in the grand jury report. They were Representative Samuel N. Friedel and Clarence D. Long, Maryland Democrats, who were said to have attempted to has-

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ten settlement of the Frenkil claim; House Speaker John W. McCormack, Democrat of Massachusetts, who was mentioned ambiguously in the report, and former Senator Daniel B. Brewster, Democrat of Maryland, who along with Senator Long was said to have been offered \$125,000 for aid in settling the claim.

The series of events that led up to the decision to expunge the grand jury report is almost unprecedented. Reports by "runaway" grand juries are extremely unusual in Federal courts.

Normally, an Attorney General's order to a United States Attorney would never come to light, because United States Attorneys usually have enough control over grand juries to keep them from disclosing such an order by the Attorney General.

In this case, however, the

grand jury was determined to attempt to bring the situation to light by filing the presentment and asking that it be made public. This was done on the last day in office of United States Attorney Stephen H. Sachs, who said that he agreed with the grand jury.

In releasing the summary of the events, however, Judge Thomsen said yesterday that a grand jury sometimes can act as "the voice of the conscience of the community" even when formal charges cannot be brought.

At the same time, Judge Thomsen also released a Justice Department report, which said, "The evidence developed by the grand jury is insufficient to show any instance of corruption on the part of any Federal officers or employees of any branch of government."

The original claim filed by Mr. Frenkil was for uncalculated expenses reportedly incurred on a multi-million dollar garage built by Baltimore contractors beneath the Rayburn House Office Building in Washington.

Mr. Frenkil's concern filed with the Architect of the Capi-

tol, who was responsible for such matters, but was turned down. He later, according to the grand jury report, sought help from Congressmen and employees of the Architect's office.

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