

NYTimes APR 30 1974
**Gurney Indicted in Florida
On State Election Charges**

By The Associated Press

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WASHINGTON, April 29—Senator Edward J. Gurney has been indicted by a county grand jury in Tallahassee, Fla., on charges of violating state election laws, the Senator's office here said today. The Florida Republican immediately declared his innocence.

The grand jury reportedly ordered the indictment drawn up last Friday, before it recessed until Wednesday. The grand jury began its investigation of Mr. Gurney at the urging of Marshall Harris, a Democratic state legislator from Miami. He contended that the Senator acknowledged last December that he had violated state election laws by receiving campaign donations and failing to report them.

John Gardner, Mr. Gurney's press aide here, said the Senator had been indicted on a state law that makes it illegal to accept campaign funds without designating a campaign treasurer or setting up a campaign account. Senator Gurney maintained that the indictment was politically motivated.

"This is an unfortunate result of a vicious and unwarranted attack," Senator Gurney said in a statement. "I am confident that the process of justice and courts will operate swiftly to vindicate me of

Continued on Page 30, Column 4

Continued From Page 1, Col. 6

this unlawful charge and any wrongdoing. I am absolutely innocent."

Mr. Gurney, who is 60 years old, is a member of the Senate Watergate committee. He has announced that he will seek re-election this year. He was first elected to the Senate in 1968 after serving three terms in the House of Representatives.

The grand jury's investigation of Senator Gurney related to his announcement at a news conference last December that \$100,000 had been raised in his name without his knowledge.

He said he learned about the fund-raising in mid-1972 and had ordered it stopped. He said he did not report the money to the state because at the time he was not a candidate and did not have a fund-raising committee.

"The only solution seemed to be to wait until I became a candidate and report the funds then," Mr. Gurney said in December.

On Friday, Circuit Judge John Rudd told the Leon County grand jury that it could indict an elected Federal official under a state law that prohibits the acceptance of campaign contributions without naming a campaign treasurer or setting up a campaign bank account.

Mr. Gardner said Senator Gurney's attorney, C. Harris Dittmar of Jacksonville, Fla., will be in Tallahassee tomorrow to accept the indictment. The Senator said in his statement

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Senator Edward J. Gurney

that he had instructed Mr. Dittmar to file immediately a motion for dismissal and a demand for a speedy trial.

He also said the indictment would have a serious impact on his re-election campaign.

Senate Seat at Stake

"I would fervently hope that both the state court and the prosecutors can cooperate in my effort to bring this matter to a speedy determination because of its paramount political importance," Mr. Gurney said. "A U.S. Senate seat is clearly at stake here."

Senator Gurney contended in the statement that Mr. Harris,

the State Representative who had asked for an investigation, was a "crony" of Richard Pettigrew, a Democratic State Senator from Miami who is seeking his party's nomination to oppose Mr. Gurney. He said the charges were initiated as a "political vendetta."

Senator Gurney's news conference last December was in response to articles in The Miami Herald that said a former Gurney aide had collected \$350,000 on Senator Gurney's behalf, mostly from contractors seeking influence with the Federal Housing Administration.

First From Florida

TALLAHASSEE, Fla., April 29 (UPI)—Senator Gurney is believed to be the first member of Congress from Florida ever to be indicted.

The indictment was handed up by the same grand jury that last week charged Education Commissioner Floyd Christian—who later resigned—with 19 felony counts of accepting kickbacks and bribes in the awarding of state contracts, and then lying about it to a legislative committee and the grand jurors.

The alleged violation is a first-degree misdemeanor, carrying a maximum penalty, upon conviction, of a year in jail and a \$1,000 fine.

Noel Picks Lottery Chief

PROVIDENCE, R. I., April 29 (AP)—Maj. Peter J. O'Connell, executive director of the State Police, was selected by Gov. Philip Noel today as executive director of Rhode Island's lottery.