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**Gurney Faces Retrial on Jan. 5
On Two Slush Fund Charges**

WASHINGTON, Nov. 21 (UPI) —Former Senator Edward J. Gurney, Republican of Florida, who served on the Senate Watergate Committee, will be retired Jan. 5 on charges of conspiring to create a \$233,000 political slush fund and making false declarations to a grand jury, the Justice Department said today.

Mr. Gurney, 61 years old, was acquitted by a Federal jury in Tampa, Fla., on five of seven counts in an indictment but the jury deadlocked on two remaining counts, causing a mistrial.

Four additional counts named only Mr. Gurney's alleged co-conspirators. One of those co-defendants, Joseph Bastien of Winter Park, Fla., will also be retired. Mr. Bastien was Mr. Gurney's executive assistant in the Senator's Winter Park field office.

Mr. Gurney was acquitted on one count of bribery, one count of receiving unlawful compensation, and three of four counts charging him with making false declarations to a grand jury. The original 11-count indictment charged Mr. Gurney and six co-defendants with conspiring to create a \$233,000 fund for Mr. Gurney by soliciting contributions from persons who had matters pending before the Department of Hous-

ing and Urban Development.

In return for the contributions, the grand jury said, "pressures and influence would be exerted upon officials and employees" of the department to give the contributors favored treatment.

Mr. Gurney was the first United States Senator to be indicted on a felony charge since 1924, when Senator Burton K. Wheeler was cited for influence peddling. That charge was later dismissed.

Mr. Gurney's indictment in July 1974 resulted in his dropping his bid for a second term in the Senate. He resigned in December, 1974.