



EDWARD J. GURNEY
...2 counts outstanding

Levi Decides On 2d Trial For Gurney

Associated Press

Attorney General Edward H. Levi has decided to go ahead with a second trial of former Sen. Edward J. Gurney (R-Fla.) on charges of conspiracy and perjury, a Justice Department spokesman announced yesterday.

"After the Attorney General and the deputy attorney general reviewed the case, they decided to proceed with the retrial," department spokesman Robert L. Stevenson said.

The department made the same announcement last month but Levi told reporters Dec. 3 that the announcement was a mistake because he and Deputy Attorney General Harold R. Tyler had not reviewed the case and had made no decision on it.

The earlier announcement was based on information from Assistant Attorney General Richard Thornburgh, head of the Criminal Division, who recommended pursuing the prosecution.

Levi and Tyler now have concurred in the recommendation, the spokesman said.

Gurney, who did not seek reelection after being indicted, was acquitted in August on five charges involving allegedly illegal campaign fund-raising.

But the jury deadlocked on a charge that Gurney conspired to extort a slush fund exceeding \$233,000 from contractors and a charge that Gurney lied to a grand jury when he denied knowing about illegal fund-raising activities.

The deadlock on the two counts left the Justice Department with the option of dropping the charges or seeking a new trial.