

Request for Probe

Backups Buchanan, Brown Wg testimony

Rejected by Albert

9/27/73

Evidence Set for U.S. Jury Today

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Lawyers for Vice President Spiro T. Agnew are expected to attempt to block a special federal grand jury in Baltimore from beginning to hear evidence against the Vice President today.

Agnew's lawyers did not file legal papers in Baltimore seeking to block the investigation yesterday, as they had been expected to, but a source close to Agnew said the lawyers' announced intention of raising constitutional objections to the investigation this week "still stands."

A knowledgeable legal source said yesterday that if Agnew's lawyers file suit today to halt the investigation, George Beall, the U.S. attorney for Maryland, is expected to withhold evidence against Agnew from the grand jury until the constitutional issues of whether a Vice President can be indicted are resolved.

Barring such a suit, sources said yesterday, federal prosecutors under Beall's direction are prepared to call before the grand jury today the first of several witnesses who are expected to detail allegations that Agnew has accepted cash kickbacks from Maryland engineering and architectural firms.

Agnew's precise defense plans and the timing of



United Press International

Speaker Albert: '... matters before the court.'

moves his lawyers are expected to make remained uncertain last night, 24 hours after Attorney General Elliot L. Richardson announced that the Justice Department and Agnew's lawyers had failed to negotiate a settlement of the case that would prevent "a constitutional dilemma of potentially serious consequence to the nation."

Judah Best, one of the Vice President's attorneys, said last Saturday that Agnew's lawyers would file papers in Baltimore this week raising "constitutional impediments" to the investigation of Agnew. The Vice President's attorneys have stated repeatedly that they believe Agnew cannot be indicted by a grand jury until he is first impeached and removed from office by Congress.

Shortly after House Speaker Carl Albert announced yesterday that the House leadership had rejected Agnew's request for a

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congressional investigation of the allegations against him, all Best would say that Agnew's lawyers were "evaluating the situation." But neither Best nor others indicated that Agnew no longer planned to raise the constitutional issue as part of his defense in the investigation of political corruption in Maryland.

The Vice President's lawyers are expected to seek a federal court injunction that would prevent prosecutors from presenting evidence against Agnew to the grand jury.

Such a suit would require a hearing on the constitutional issues before Judge Walter E. Hoffman, who normally presides at a federal District Court in Nor-

folk. Hoffman was assigned to the Agnew case by Richardson after every federal judge in Maryland disqualified himself because of past associations with the Vice President, who served as governor of Maryland from 1966 to 1969.

A legal source yesterday described Hoffman as being poised for a quick trip to Baltimore after Agnew's lawyers file their anticipated suit. The source said the Fourth U.S. Circuit Court of Appeals in Richmond also is preparing to act quickly on any appeal from a decision by Judge Hoffman. Agnew's lawyers, other sources have said, expect that any constitutional challenge to the federal investigation ultimately will be settled by the Supreme Court.

Agnew was notified by Beall Aug. 2 that he is under investigation by federal prosecutors for possible violations of bribery, extortion, conspiracy and tax laws. The investigation, according to informed sources, involves alleged payments to Agnew when he was governor of Maryland and, in at least one instance, since he became Vice President.

Agnew has proclaimed his innocence of any wrongdoing and expressed confidence in his ability to vindicate himself.

Seeking an injunction to halt the probe appeared yesterday to be one of two major alternatives left to the embattled Vice President in the wake of the House leadership's swift rejection of his request for an independent, congressional inquiry.

The other alternative would be to resume the negotiations with Justice Department officials. These negotiations reportedly have involved Agnew's possible resignation from office and acceptance of a guilty plea to a relatively minor charge in return for the dropping of potentially more severe charges against him.

Agnew's lawyer and top-level Justice Department officials have held such negotiations, described by sources as "plea bargaining" since Sept. 12. Those talks broke down last week largely over the government's demand that Agnew, in addition to resigning and

pleading guilty to some criminal offense, also authorize a public statement that would make it clear he had accepted bribes, according to informed sources.

In announcing the failure of the negotiations and his authorization for presentation of evidence to the grand jury, Richardson made it clear that Agnew had sought the talks and that the Justice Department had entered into them in the hope of averting a major constitutional confrontation.