

Defense Attorney Picked by Justice

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By Edward Walsh
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Attorney General Elliot L. Richardson has named James Thompson Jr., the U.S. attorney in Chicago, to represent the Justice Department in any court hearing on the source of news leaks about the criminal investigation of Vice President Spiro T. Agnew, it was learned yesterday.

A spokesman for the Justice Department confirmed Richardson's selection of Thompson last night and said Thompson was expected to be in Washington soon, possibly today.

Richardson's action appeared to be an indication that the Justice Department expects federal prosecutors and other department officials to be subpoenaed by Agnew's lawyers and questioned about the source of leaks to the press about the case.

The department spokesman, however, cautioned last night, "You should draw no conclusions; other than that the Attorney General feels that some one in the Justice Department should be prepared to represent the department in a hearing."

Agnew's lawyers are also expected to serve subpoenas—possibly today—on reporters for The Washington Post, New York Times, Newsweek and Time magazines and CBS television.

In a motion filed last week with U. S. District Court Judge Walter E. Hoffman, Agnew's lawyers asked for a halt to the federal grand jury investigation in Baltimore into Agnew's possible violation of bribery, extortion, conspiracy and tax laws. They based their request in part on a contention that leaks to the press about the case have made it impossible for Agnew to receive a fair hearing before the grand jury or at any subsequent criminal trial.

The motion asked Hoffman to hold a hearing on the source of leaks to the press. The Vice President has accused Justice Department officials, particularly Assistant Attorney General Henry E. Petersen, of being the source of news stories about the investigation.

Hoffman on Wednesday authorized Agnew lawyers to subpoena sworn testimony from anyone they think has knowledge about leaks to the press.

A Justice Department spokesman refused last night to say whether any de-

partment officials had yet been subpoenaed by Agnew's lawyers. He said the department would not comment on any subpoenas because of the tight secrecy requirements clamped on the case by Hoffman.

Justice Department lawyers are scheduled to issue a legal memorandum today replying to Agnew's contention that the Constitution prohibits his indictment by a grand jury until he is impeached and removed from office by Congress. This constitutional argument, along with the charges about prejudicial publicity, formed the basis for Agnew's request for a halt to the grand jury investigation.