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# Lawyers for Reporters, Magazines Seek

By Edward Walsh  
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Lawyers for the reporters and national news magazines that have been subpoenaed by Vice President Spiro T. Agnew's attorneys will file motions in federal court in Baltimore today seeking to quash the subpoenas, informed legal sources said yesterday.

The motions to quash the subpoenas will be filed less than 24 hours before the reporters are scheduled to be questioned by Agnew's lawyers about the sources of news accounts about the criminal investigation of the Vice President.

U.S. District Court Judge Walter E. Hoffman, who is presiding over the federal grand jury that is investigating Agnew, also is scheduled to be in Baltimore today to attend the questioning under oath of high-level Justice Department officials by Agnew's lawyers about allegations of leaks by officials to the press.

Hoffman reportedly has reserved the use of a courtroom in the federal courthouse in Baltimore for this afternoon, but the purpose of the hearing he apparently plans to hold could not be learned.

The lawyers for the nine

reporters and Time and Newsweek officials who were subpoenaed decided to attempt to quash the subpoenas immediately after Hoffman rejected Monday their request for a one-week delay in the reporters' scheduled appearance for questioning at 9 a.m. Thursday.

The motions to quash the subpoenas will ask Hoffman to hold a hearing on the issue as soon as possible, which may be the reason the judge reserved a courtroom for today, lawyers for the newsmen said yesterday.

Two of the Vice President's lawyers from New

York, Jay H. Topkis and Martin London, were in Washington yesterday but remained out of their office here and unavailable for comment.

A Justice Department spokesman confirmed that Agnew's lawyers met Monday night with Justice Department attorneys and Hoffman somewhere in the Washington area. The spokesman said the meeting was held "to discuss procedural matters." He would not elaborate.

There was one unconfirmed report yesterday that Assistant Attorney General Henry E. Petersen, head of

the Justice Department's criminal division, was questioned under oath by Agnew's lawyers here yesterday. A Justice Department spokesman refused to confirm or deny this report.

In addition to Petersen, Agnew's lawyers reportedly have served subpoenas on Attorney General Elliot L. Richardson and George Beall, the U.S. attorney for Maryland who is conducting the criminal investigation of the Vice President.

The controversy over the subpoenas to reporters has now become the major legal battleground in Agnew's attempt to halt the grand jury

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investigation of his possible violation of bribery, extortion, conspiracy and tax laws.

In a motion filed with Hoffman Sept. 28, Agnew's lawyers asked for an end to the investigation, contending that the Constitution prohibits the indictment of Agnew unless he is first impeached and removed from office by Congress. A second contention raised by Agnew's lawyers was that leaks to the press about the investigation have made it impossible for the Vice President to receive a fair hearing from the grand jury, or at any subsequent criminal trial.

Last Wednesday, Hoffman granted Agnew's lawyers power to subpoena anyone they think has knowledge of leaks to the press concerning the investigation. Two days later, the subpoenas were served on Justice Department officials and the nine reporters.

Hoffman has set a hearing on the motion to halt the grand jury investigation for Friday in Baltimore and is expected to rule on the request early next week. In the meantime, however, he must also rule on whether to allow Agnew's lawyers to question reporters under oath Thursday.

The Vice President's attorneys are expected to argue that they need to question the reporters in an attempt to prove their charge that Justice Department officials have deliberately leaked information about the investigation to the press.

The Justice department has asked Hoffman to reject Agnew's claim of a constitutional shield from prosecution and the Vice President's arguments about alleged prejudicial publicity. In a memorandum given Monday to Hoffman, Solicitor General Robert H. Bork called the charges about

news leaks "frivolous," then subpoenaed to reporters "fishing expeditions" and accused Agnew's lawyers of "an attempt to confuse the issues and to halt a legitimate investigation by the common defense tactic of trying the prosecutor."

Despite the Justice Department's objections to the subpoena of reporters, there were no indications yesterday that government attorneys would intervene to support motions by lawyers for the newsmen to quash the subpoenas.

If the subpoenas are not quashed, the reporters involved in the case have indicated they will refuse to disclose their sources, thus risking contempt of court citations and imprisonment.

The grand jury that is investigating Agnew is scheduled to meet today and Thursday in Baltimore.