

Justice Dept. May Sue

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The Justice Department is considering suing Spiro T. Agnew to recover the payments he allegedly received from Maryland contractors while he was Vice President of the United States, a Justice Department official said yesterday.

The civil suit, similar to the one brought against former Senate aide Robert G. (Bobby) Baker, could result in Agnew being forced to pay the government about

\$30,000, the amount he allegedly received illegally while Vice President.

The government, though, has postponed making any decision on the possible suit until the continuing investigation of corruption in Maryland is completed, according to Robert Ashbaugh, the Justice Department attorney who is handling the case. Any possible suit would require the testimony of the same witnesses who brought the original charges against Agnew and other Maryland political figures.

Agnew resigned Oct. 10, 1973, and pleaded no contest to a single charge of evading taxes on income received in 1967, when he was governor of Maryland. At the time of his resignation, the Justice Department released a 40-page presentation of evidence detailing charges that Agnew had received kickbacks from contractors while executive of Baltimore County, governor of Maryland and Vice President.

The government charged Agnew received \$28,000

from one Maryland engineer and another \$2,500 from a second engineer while Vice President. Only the last payment, the government charged, was directly related to the awarding of a federal contract.

Any civil suit against Agnew would be based on the common-law doctrine that his gains were ill gotten and belonged to the government—not to himself. The doctrine was the basis of a suit the government brought against Baker, who served 1½ years in prison after be-

Agnew to Recover 'Payments'

ing convicted of criminal charges of attempted tax evasion, grand larceny, fraud and conspiracy. The government attempted to collect from Baker the money he allegedly took for selling his influence.

The Baker suit was settled last January without the legal issues being decided. Baker paid the government \$40,000 rather than go through a new trial.

The case was cited by Alan B. Morrison, director of Ralph Nader's Public Citizen Litigation Group who,

in letters to the Justice Department, has contended that it could recover from Agnew not only the payments, but part of Agnew's vice presidential salary as well.

"There are clear legal precedents permitting the government to recover the salary, as well as the bribe," Morrison said. "The salary for any period in which he was taking a bribe."

A Justice Department source said he doubted if the government would attempt to recover Agnew's

\$60,000 a year salary. He emphasized that the government has as yet made no decision on whether to institute a suit, but added, "The Bobby Baker case indicated our position."

It was not clear yesterday whether the state of Maryland could institute a similar suit. Deputy State Attorney General Henry Lord said his office had not researched the problem and could not comment.

According to government sources, no part of the bar-

gain struck with Agnew would preclude a civil suit to recover the payments or the former Vice President's salary. They pointed out for instance, that the Internal Revenue Service is proceeding with its attempts to recover the taxes—plus interest and penalties—that Agnew might owe the government for allegedly accepting the payments.

Agnew has paid a \$10,000 fine for failure to pay taxes on the 1967 payments he was charged with receiving.