

'A Heartbeat Away'

Baltimore Boys Apply the Squeeze

By Richard M. Cohen
and Jules Witcover

Washington Post Staff Writers

A year before Ted Agnew's name was injected into the Baltimore County corruption investigation by engineering firm owner Lester Matz, Barney Skolnik put down his prosecutorial whip and turned to the no less gentle practice of presidential politics. He quit the office of the U.S. attorney in Baltimore and joined the campaign of Senator Edmund S. Muskie of Maine, which then seemed to be embarked on a smooth and relatively uneventful road to the Democratic nomination.

Skolnik had always wanted to be in politics, but he soon realized he had hitched his wagon to a sputtering star. Bugged down writing issue papers in a Washington office, Skolnik left, went to Europe for several months, and in early September, 1972, asked for and got his old job back with George Beall, the U.S. attorney for Maryland. Beall was only too happy to have his ace prosecutor on the team again, but with one condition — that Skolnik shave off

the beard he had grown during his brief flirtation with politics and vagabonding.

On his first day back, Skolnik went to lunch with Tim Baker, another assistant U.S. attorney. As they returned from the restaurant, Baker asked him how he thought a certain Maryland political figure then under investigation

This is the second of seven articles, excerpted from the book "A Heartbeat Away—The Investigation and Resignation of Vice President Spiro T. Agnew," written by Washington Post staff writers Richard M. Cohen and Jules Witcover, and published this week by Viking Press.

would feel when he learned that Skolnik, his nemesis, was back on the job. Skolnik looked at Baker and smiled. "Terrorized," he said with a laugh.

Baker understood. It was not that Skolnik enjoyed terrorizing potential witnesses or defendants. It was, rather, that Skolnik appreciated the utility of

fear. He recognized it as a tool of his trade. Pleasant enough in a social situation, Skolnik could quickly adopt the posture of an inquisitor when in the interrogation or grand jury room. He could question a witness in a way that would bring sweat to the man's brow and blood from his face.

It was therefore understandable that many lawyers with clients being investigated by the U.S. attorney's office preferred to deal with Beall. The United States attorney for Maryland was known as a decent man who lacked Skolnik's guile and tenacity. Throughout the spring, it became common practice for a lawyer to attempt to get alone with Beall, to win from him a concession that Skolnik had earlier rebutted with a laugh. But place ably when the meeting took place, Skolnik would be there, too.

Like Baker and Liebman, Beall began to pick up Skolnik's phrases. Men under investigation were called "bad men." Men who were thought to be significantly more corrupt than most of the other engineers were called "very bad men."

See AGNEW II, A12, Col. 5

AGNEW II, From A 1

In a way, the prosecutors employed such terms to condition themselves for the job at hand—mean, nasty work that often entailed sending a man to jail. It was one thing to dispose of a mugger in that fashion, but quite another thing when it came to men very much like themselves—college-educated, middle class, articulate. These were not street people, but men with roots in the community. The humiliation of jail was total and absolute. It destroyed families, careers, and the men themselves.

The power of the Baltimore prosecutors thus was great. Judges generally abided by the recommendation of the U.S. attorney at sentencing time. If he told the court that the convicted defendant had been cooperative and that jail would be unwarranted, the judge was likely to follow that recommendation.

If, on the other hand, the government informed the court that the defendant had been recalcitrant and deserving of jail, the judge was likely to follow that recommendation, too. Thus, when a lawyer entered into negotiations with the government, his primary concern was "final disposition"—jail or no jail. All the rest—attempts to gain immunity from prosecution or an agreement that would allow the client to plead guilty to a lesser charge—was only frosting on the cake. What really concerned the client was jail—the ultimate disgrace.

When a prosecutor ran across an uncooperative witness he chased him with a special relish. In the unwritten code of prosecutors, no man could be permitted to thumb his nose at the government, and if he did, the prosecutor detoured his investigation to bring the witness to terms. Then, with the government's case developed, he would hammer at the witness unceasingly, threatening imprisonment and the disgrace that went with it. The potential witness, in John Ehrlichman's phrase, would hang twisting in the wind. Trapped, he would finally decide to cooperate. And once that decision was made—once that line was crossed—there was almost nothing that could drag a witness back to his original position.

He became malleable, often zealous, willing to report fact and hearsay.

At that point, the chase ended. The prosecutor who for months had been stalking his man suddenly became his confidant and protector, looking out after his interests and massaging his psyche. Slowly, the prosecutor would rehabilitate the witness he had so recently leveled, and prepare him for the moment when he appeared before a judge and jury to offer his testimony. Instead of a wreck of a man with stuttering voice and trembling hands, the jury would see a confident and—the prosecutor hoped—believable witness.

—

Attorney Joe Kaplan was in frequent touch with the Baltimore prosecutors, often discussing some of the Matz, Childs and Associates corporate records which the government had seized months before and which the engineering firm wanted back. On May 18, 1973, Kaplan made another of these routine phone calls to Baker, giving him no hint that he was about to blurt out the secret that had been weighing upon him since January.

Baker reminded Kaplan that his clients were certain to be indicted. Kaplan didn't flinch. Both Matz and his partner, John Childs, were aware of that possibility, he replied, and in fact were recoiled by it. They had always been prepared to cooperate with the government, but they had nothing the government would consider of value. Anyway, what they *did* have to say, the government would not be willing to hear.

Baker reacted as if Kaplan had slandered him. What did Kaplan mean by that? Both Matz and Childs had been offered immunity months ago, and it was Kaplan who had rejected the idea. Kaplan cut right in as if Baker had not said a thing. Then, without the slightest fanfare, Kaplan dropped the bombshell: The only person his clients were uniquely in a position to incriminate was the Vice President of the United States! The government undoubtedly would not be interested in that sort of information.

Baker was outraged at this suggestion that the Justice Department would retreat in the face of an investigation of the Vice President. After all,

he had been the one who had insisted for months that Agnew was camouflaging some crime behind his protestations. Now, rather than reacting with shock, he was indignant. The Baltimore U.S. attorney's office, Baker sternly lectured Kaplan, was nonpartisan. It was prepared to investigate and prosecute all federal crimes. Period. Then, as if suspecting that he was being duped, Baker reminded Kaplan that Agnew had not been executive of Baltimore County since December 1966. The statute of limitations would bar prosecution for any crimes committed during that period.

Kaplan thought maybe Baker had missed the point. Certainly his clients had information about Agnew when he was county executive, he said, but their dealings did not cease when Agnew became governor or, in fact, Vice President.

Baker fought to contain his excitement, but he invoked Skolnik's first rule: Don't alert a lawyer to the fact that his client has information you desperately want. He played it cool, steering the conversation back to the mundane. He made the routine assurances that the U.S. attorney's office would make every effort to protect the Matz, Childs firm, but that it could not be held accountable for what appeared in the newspapers. If Matz, Childs suffered economic losses because of bad publicity, he would be sorry, but helpless to do anything about it.

Kaplan said he understood. He said he would consult with his clients and report back, probably on Monday. Baker said that would be fine and then applied one final squeeze: Matz and Childs would soon be indicted, he warned again, and hung up the telephone.

Then Baker erupted. Leaping from his chair, he crossed the common reception room shared with his colleagues and rushed into Liebman's office. "Get to Skolnik's office," he barked, and then he ducked into Skolnik's office himself, Liebman right behind. "Have I got news for you!"

Next: "Say You Gave at the Office"