

Delay in Revealing Agnew Files

Baltimore

Spiro Agnew's lawyers delayed yesterday for at least a week the U.S. attorney's deadline for producing the Vice President's personal financial records.

While the federal prosecutors received closed-door testimony yesterday from a number of Maryland contractors in their investigation of alleged kickbacks to government officials — possibly including Agnew — lawyers in Washington reportedly were analyzing the Vice President's "constitutional position" with regard to the grand jury here and preparing a legal strategy for him.

It was to provide time for this legal preparation that U.S. Attorney George Beall agreed informally to what was called the "casual" time extension.

The original delivery time
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for the documents — 2 p.m. yesterday — had been set by Beall in an August 1 "invitation" to the Vice President to "cooperate" with the federal grand jury investigation.

The Vice President emphatically denied any connection with the alleged kickback schemes at a news conference in Washington Wednesday, calling such assertions "false and scurrilous and malicious" and "damned lies."

Yesterday Agnew flew to Palm Springs, to play golf.

Beall's letter soliciting the Vice President's cooperation in the investigation here had called upon him to deliver "all bank statements, cancelled checks, check vouchers, check stubs, checkbooks, deposit tickets and savings accounts books" in Agnew's personal files for the period from January 1,

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1967 to the present.

According to Daniel P. Levitt, a lawyer in the Washington office of Agnew's New York-based law firm, Paul, Weiss, Rifkin, Wharton and Garrison, there was no dispute among the lawyers or their client over the eventual production of Agnew's personal accounts.

"The question is not the production of the documents," Levitt said in an interview, "but production to whom — the grand jury in Baltimore or the Congress."

Under the strict interpretation of the doctrine of separation of powers asserted by the President earlier this week in a memorandum about presidential tapes to the U.S. District Court in Washington, Levitt said, "an

impeachable official is not indictable."

This argument, if it is pursued by Agnew, apparently would lead him to make any submission of his documents to Congress rather than to the grand jury here. This presumably would place him squarely in opposition with the prosecutors in Baltimore.

While strategies were being mapped and praise was mounting from Republican political leaders and others for the vice president's news conference Wednesday, Agnew also received a strong defense yesterday from an unexpected quarter — his Democratic successor as Governor of Maryland, Marvin Mandel.

At a news conference yesterday morning in the State House at Annapolis, Mandel not only denied "absolutely" published speculation that he or any of his political friends may be involved in the kickback investigation, but also asserted that Agnew was being unfairly "tried in the court of public opinion before even the grand jury has an opportunity to review the evidence."

Saying that on the basis of his personal knowledge of Agnew "I would be greatly shocked and amazed if the allegations against him were true," Mandel denounced the leaks to newsmen and the speculative reporting that he said has marked the week of developments here as "one of the great failures of our system of justice."

Mandel said federal authorities should launch an investigation into the release of information about the supposedly secret kickback inquiry here and that the Justice Department should prosecute whoever was found to be responsible.

New York Times