

9 Judges Skip Agnew Probe

By Bill Richards

Washington Post Staff Writer

BALTIMORE, Aug. 15— Each member of the panel of federal District Court judges here disqualified himself today from handling any portion of a grand jury investigation into political corruption that might involve Vice President Spiro T. Agnew.

Judge Edward S. Northrup, chief judge of the U.S. District Court in Maryland, said the decision had been made by the nine judges "because of the unique position of the Vice President and his relationship to the state of Maryland." Agnew was Baltimore county executive, then governor of Maryland before being elected Vice President.

The chief judge said that all six judges who attended a two-hour meeting today, including himself, had agreed they were connected in some way with the Vice President's political career and all said they preferred to step away from the Agnew portion of the case.

Northrup said he conferred by phone Tuesday with Chief Judge Clement F. Haynsworth of the Fourth U.S. Circuit Court of Appeals and Haynsworth agreed to appoint a judge from outside Maryland to handle any matters in the grand jury investigation pertaining to Agnew.

The judge appointed by Haynsworth would have jurisdiction over any questions of executive privilege or separation of powers that might arise, Northrup said.

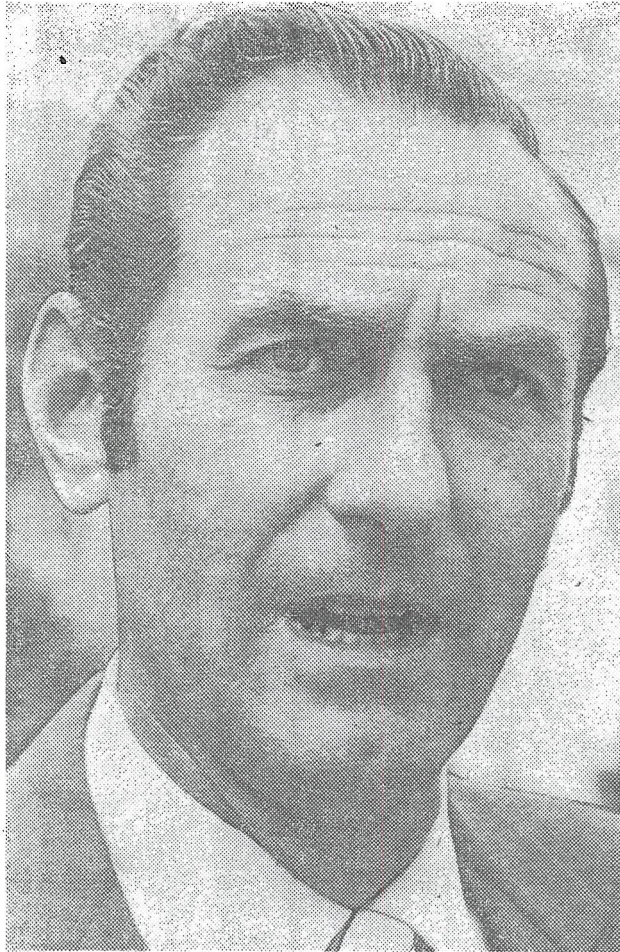
The Vice President was notified by Beall Aug. 1 that he was under investigation by a special federal grand jury for possible tax fraud, extortion, bribery and conspiracy violations. Agnew denied the charges during a press conference last week.

In another development, a Justice Department spokesman confirmed last night a report that Attorney General Elliot L. Richardson met early this month with Agnew to discuss the investigation.

The spokesman, Horace Webb, said the meeting took place Aug. 6 "to supplement information contained in the letter the Vice President received from the U.S. attorney and to present a general picture of the status of the investigation."

The meeting came two days prior to Agnew's press conference on the investigation.

Thus far in the investigation, constitutional questions apparently have not arisen because Agnew has



By Bob Burchette—The Washington Post

C. Stanley Blair: requested own removal from case.

agreed through his attorneys to make available his personal financial records and consented to be questioned by investigators from Beall's office.

In a letter delivered to Beall on Tuesday, Agnew made clear that he was granting access only to his personal financial and income tax records sought by the prosecutor and not the official records of the Vice President.

"There haven't been any sensitive matters pertaining to the Vice President that have arisen so far," Northrup said. "I hope to hell there aren't."

Northrup referred to the outside judge's duties in the investigation as those of "a fireman waiting for the bell to ring."

The decision to ask for appointment of an outsider to the case was made, he said, after reports were published that the judge now assigned to oversee the grand jury investigation, C. Stanley Blair, was removed because of his previous connections with Agnew.

Blair, the newest of the Maryland district's nine judges, was Maryland secretary of state under Agnew and later served as Agnew's chief of staff in Washington when Agnew became Vice President.

Northrup denied that Blair had been replaced but said the judge had requested his own removal from the case at today's meeting of the district's judges.

Blair removed himself from all portions of the case.

Agnew began his political career in Baltimore County where he was elected county executive in 1962. He was elected Maryland's governor in 1966 and Vice President in 1968.

Northrup noted that four of the District Court judges were appointed during President Nixon's term in office. The four, all Republicans, are James R. Miller Jr., Alexander Harvey II, Herbert F. Murray and Blair.

Two other judges, Roszel C. Thomsen and R. Dorsey Watkins, were Eisenhower appointees, Northrup said.

Another judge, Frank A. Kaufman, a Democrat, sat with Agnew on the Baltimore County zoning board of appeals before Agnew became county executive, according to the chief judge.

Northrup said he was himself a friend of the Vice President and had known him since he was appointed to the federal bench in 1962.

He said that in 1966 he advised Agnew on a replace-

ment for William E. Fornoff, who was temporarily resigning from the post of county administrator in Baltimore County.

Fornoff has figured prominently in the federal grand jury investigation and pleaded guilty to a minor tax charge June 4 after telling the grand jury that since 1967 he had funnelled cash kickbacks from several local contractors to "another official in Baltimore County."

In a two-page statement issued by Northrup, the judge said Blair's assignment to the case was a routine matter. Blair was assigned to handle administrative problems and legal matters for the grand jury such as motions to suppress, subpoenas, grants of immunity, returning indictments and juror excuses.

But Northrup said that Blair had not handled any sensitive items during the grand jury's eight-month investigation. Such matters were taken up by three other judges, he said, because Blair was unavailable at the time.

In discussing this aspect of the case in his chambers today, Northrup confirmed for the first time publicly that immunity had been granted to Lester Matz, the head of the Baltimore County consulting engineering firm of Matz, Childs and Associates, and a prominent Agnew fund-raiser.

Matz and a second consulting engineer, Jerome B. Wolff, president of the J. E. Greiner Co., reportedly had been seeking immunity from prosecution in return for their testimony to the grand jury regarding corruption.

Sources close to the investigation have said both engineers have been granted "use immunity," which means their testimony before the grand jury cannot be used against them. Under this system, both can be prosecuted on evidence the grand jury develops that is not included in their testimony.

The special judge to be appointed by Haynsworth will have complete charge of any aspect of the grand jury investigation involving the Vice President, Northrup said. All other matters relating to the investigation will be handled by the regular District Court judges, with the exception of Blair.

Northrup said he urged Haynsworth to designate a judge immediately from outside the Maryland District or outside the Fourth Circuit. The Fourth Circuit contains four other states besides Maryland: Virginia, West Virginia, North Carolina and South Carolina.