

Agnew Friend's Case Dropped

By Edward Walsh

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Federal criminal charges against a food chain executive who has given gifts of food to Vice President Spiro T. Agnew and Sen. J. Glenn Beall (R-Md.) were dropped earlier this year by Sen. Beall's brother, the U.S. attorney for Maryland, George Beall.

The decision to drop the charges against Joseph H. Rash, a vice president of Food Fair Stores, Inc., has since become embroiled in the appeal of an executive of another food chain who was fully prosecuted and convicted in May on the same charges, growing out of a separate incident.

The second executive, John R. Park, president of Acme Markets, Inc., of Philadelphia cited the dropping of the case against Rash in an appeal that contends, among other things, that he (Park) was the victim of discretionary prosecution by Beall.

His lawyer contends that there was less reason to prosecute Park because he was allegedly farther away in Acme's chain of command from any law violations than Rash was as vice president for Maryland operations for Food Fair.

Beall, reportedly sailing on Chesapeake Bay, could not be reached for comment yesterday, but one of his assistants said there were significant differences in the two cases against the food chain executives that led to the decision to prosecute one and dismiss charges against the other.

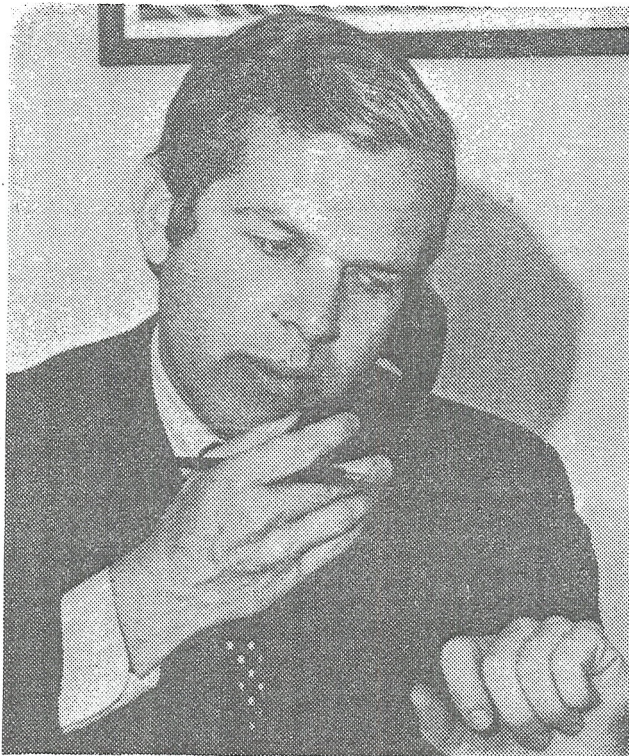
Rash, calling himself "an old buddy" of Agnew, acknowledged last week that he provided gifts of food to both the Vice President and Sen. Beall. Rash refused to discuss the size or frequency of the gifts. Agnew's office said it was a case of "very close friends who have exchanged gifts," and Sen. Beall said the gifts to him were Christmas presents consisting of "fruit cakes and a couple of cans of fish."

The charges against Rash and Park and their firms, filed by Beall without grand jury hearings, contended that the two executives were responsible for maintaining food in their respective firms' allegedly rodent-infested warehouses in the Baltimore area.

Rash and Food Fair Stores were charged last year. The corporation pleaded guilty to the charges and was given the maximum penalty, a \$5,000 fine, but Beall later dropped the charges against Rash as an individual.

Acme Markets, charged earlier this year, also pleaded guilty. But Beall pressed the charges against Park as an individual, who was convicted by a jury in federal court in Baltimore in May and fined \$250.

After the trial U.S. District Judge Joseph J. Young dis-



Associated Press

U.S. Attorney George Beall dropped Rash charges.

missed Park's lawyer's contention that Beall abused his discretionary power as a prosecutor by dropping charges against one executive while prosecuting the other. Park has since renewed that argument, among others, in an appeal of his conviction to the Fourth U.S. Circuit Court of Appeals.

The charges against Rash were dropped after he and his attorney conferred in Baltimore with Beall.

An assistant U.S. attorney to Beall, Leonard Linton, who was in charge of prosecuting both cases, said yesterday the charges against Rash were dropped after his attorney argued that Rash was a "trouble-shooter" for Food Fairs who had taken on responsibility for correcting unsanitary conditions at the firm's Baltimore warehouse.

Linton said that Rash's normal functions with the company did not include responsibility for warehouse operations, although he was among the Food Fair Stores executives mentioned in a report to Beall by the Food and Drug Administration requesting prosecution of the case.

"When we looked into it more, we felt we had a case we couldn't prove," Linton said. "We would have been prosecuting the man who was trying to solve the problem."

In his appeal, Park contends that as an even higher-ranking executive of Acme than Rash was of Food Fair, he (Park) was even more removed from warehouse operations and, therefore was not responsible for any unsanitary conditions.

Linton said Beall's office pressed the charges against Park because more than a year before the Maryland case arose, Park had been warned

Last week, Attorney General Elliot L. Richardson decided to allow a grand jury in Baltimore that is investigating political corruption in Maryland to hear evidence concerning the Vice President. Richardson, informed sources have said, has not yet decided on the constitutional question of whether Agnew must first be removed through impeachment proceedings before any indictment.

In other documents, Time magazine reported in its editions this week that Richardson and other high-ranking Justice Department officials are considering having the grand jury transmit a report of its findings to the House of Representatives for possible impeachment proceedings against Agnew rather than return an indictment.

Such a move would avoid a legal battle over the question of whether Agnew can be indicted while he holds office as Vice President.

However, Agnew's lawyers are known to be considering filing suit against the Justice Department to prevent even the presentation of evidence concerning Agnew to the grand jury.

Newsweek magazine, meanwhile, reported in its editions this week that a second figure in the Maryland probe has passed a lie detector test on his story that he paid \$2,500 to Agnew in 1971 in return for a favor. The lie detector test, according to Newsweek, was passed by Lester Matz, a member of a major Maryland consulting engineering firm.

Earlier, it had been reported that Jerome B. Wolff, head of another engineering firm and former aid to Agnew, had passed a similar lie detector test.

by the FDA that similar unsanitary conditions existed in Acme's Philadelphia area warehouse.

"At that point," prosecutor Linton said, "the president of a company ought to have known that something was wrong with the company's sanitation system, and he should have done something about it . . . The letter from FDA was written directly to Park and he was directly in the chain of command."

Rash is not believed to be involved in the investigation of alleged kickbacks to Agnew that is being conducted by Beall's office.