

Agnew Lawyers

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Vice President Agnew's lawyers and Justice Department officials have been engaged in what was described yesterday as delicate negotiations concerning a possible Agnew resignation to be coupled with a guilty plea to a relatively minor offense, according to informed sources.

The negotiations, according to two sources, could be described as plea bargaining. One informed source refused to say whether the negotiations were close to a conclusion or to reveal the details of what has been discussed at the Justice Department.

A Capitol Hill source said: "We've got it on good authority that Agnew is engaged in plea bargaining—that Ag-

new's resignation is part of the plea." Neither the White House, the vice president's office nor Deputy Attorney General William Ruckelshaus would comment yesterday on the plea bargaining report.

Disclosure of these negotiations came against the backdrop of a private White House meeting between Agnew and President Nixon on Thursday, which was held at Agnew's request. Despite an official agreement that neither men nor their staff would discuss the meeting, a White House aide said that Agnew's resignation was a topic of the meeting and that the vice president left in a "very discouraged mood."

J. Marshal Thomson, the vice president's press secretary, would not com-

ment on the meeting itself, but he made no attempt to conceal that Agnew was discouraged.

"It's understandable that the vice president might be letting some of this discouragement show," Thomson said. "It's a rough ball game and the slings and arrows are coming hot and heavy."

Thomson, in keeping with Agnew's enunciated policy of not commenting on "source" stories, declined to discuss reports that the vice president might quit. Vic Gold, Agnew's former press secretary and frequent defender, said the vice president would not resign.

Deputy White House Press Secretary Gerald L. Warren said yesterday morning that the staffs of the President and Vice President would in no way whatsoever have anything to say about the

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meeting. When Warren was asked about the plea bargaining report, he said:

"I repeat what I said this morning."

The meeting between Mr. Nixon and Agnew was held in the President's office in the Executive Office Building. It was the first conference between the two men since they met Sept. 1 for about two hours to discuss the accusations against Agnew.

Reportedly, Agnew had anticipated a shorter meeting Thursday. He was scheduled to play tennis later in the afternoon but canceled his plans because the meeting ran longer than expected.

The White House aide who disclosed that the two men had discussed resignation said also that Mr. Nixon had as-

sured Agnew that White House aides were not trying to promote his resignation.

Thomson said that this report was highly suspect because "only two people know what went on in there and they are not talking."

It could not be determined yesterday whether the initiative for the reported plea bargaining negotiations was taken by Agnew's lawyers or by the Justice Department. It also was not known if the possibility of Agnew's resignation coupled with a guilty plea was raised by the defense team or the Justice Department.

Agnew's lawyers, Judah Best of Washington and Jay H. Topkis and Martin London of New York, could not be reached for comment. Both of the

New York lawyers were reported to now be in Washington, having arrived here about 10 days ago.

Attorney General Elliot L. Richardson, met Thursday with the U.S. Attorney for Maryland, George Beall, to discuss the Agnew case. According to informed sources, the discussion dealt with the Agnew negotiations. "All the action is in Washington, not in Baltimore," the source said.

Agnew was notified last month that he is under criminal investigation in Baltimore concerning allegations that while he was Maryland governor he received kickbacks from engineering and architectural firms doing business with the state. Agnew has denied the

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charges and repeatedly proclaimed his innocence.

Justice Department officials reportedly are unwilling to make any deal that would allow Agnew to resign his office in exchange for agreement that he would not be prosecuted. Conscience of the damage done to the department's image as a result of Watergate, Justice officials apparently are insistent that Agnew plead guilty to some charge in exchange for special consideration from the government.

On Capitol Hill, there were a variety of rumors—some of them contradictory—on both the negotiations occurring at the Justice Department and the reported rift between President Nixon and Agnew.

"I just don't know," said one Republican senator. "This thing is so hot that they can't let it go much longer. The pressure," he said, "has got to be coming from the President."

Similarly, another high Republican source expressed the view that something was about to happen soon. "We've heard nothing definite here but my guess is that something is going to happen soon. It simply can't go on much longer under this kind of pressure." He said it was inconceivable to him that the Agnew investigation could have proceeded to this point unless the Justice Department thought it had a tight case.

Richardson decided last Friday to allow the evidence against Agnew to proceed to the grand jury. Up to now, the evidence obtained by the U.S. Attorney's office in Baltimore has not been presented to a special federal grand jury meeting there. The panel has been investigating political corruption in Maryland since last January and already has indicted Agnew's successor as Baltimore County executive, Dale Anderson, a Democrat.

The grand jury met for about 1½ hours Thursday and will meet again next Thursday to consider evidence

against certain other Baltimore County officials, sources said yesterday. It is then expected to begin hearing evidence against Agnew either next week or the following week.

Plea bargaining is an accepted practice in American jurisprudence. In many criminal cases, a defendant or grand jury target will be offered the opportunity to plead guilty to a lesser charge rather than stand trial on all the possible charges against him.

In the case of a grand jury investigation, the target can plead guilty to a "criminal information" even before an indictment is handed down. The plea must then be brought before a judge for approval. If the judge consents, the defendant is then sentenced.

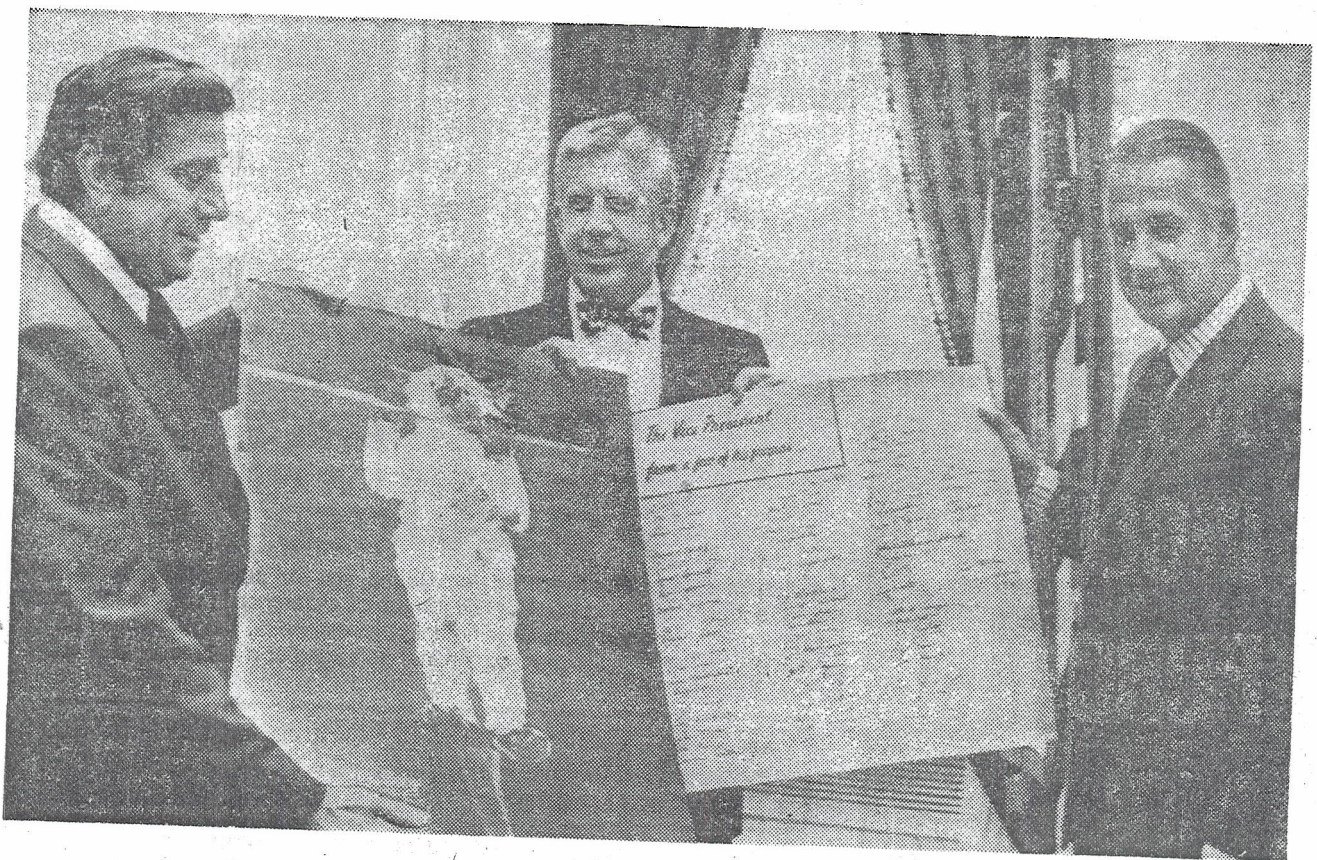
The investigation into political corruption in Maryland began nine months ago when Beall subpoenaed thousands of pages of records from Baltimore County, where Agnew was the county executive from 1962 to 1966.

From the beginning, the investigation centered on allegations that Maryland politicians had demanded or accepted kickbacks from architects and engineers in return for awarding them lucrative contracts for public projects."

Even before the indictment of Anderson, it became known that Agnew had become the focus of the investigation and that he had been implicated by some of the same engineers who had testified against Anderson. Most observers believe that these witnesses—among them, Jerome B. Wolff, a former aide to the Vice President—offered to testify against Agnew in return for at least limited immunity from prosecution in connection with both the Anderson and Agnew cases.

Agnew, informed sources said, was accused of accepting cash kickbacks while governor of Maryland and, in at least one instance, in return for a favor since becoming vice president.

The investigation of Agnew raised unprecedented constitutional questions, principally whether a grand jury has authority to indict a vice president or whether he would first have to be im-



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Rep. William L. Dickinson (R-Ala.), left, and Rep. Samuel Devine (R-Ohio), center, present Vice President Agnew with a cat poster that reads "Hang in There, Baby". Signatures of 100 congressmen backing Agnew are on card.

peached and removed from office by Congress.

Lawyers for the Vice President—citing some of the same arguments raised by President Nixon in the Watergate tapes case—insisted that Agnew was beyond the reach of a grand jury so long as he remained in office. Moreover, they hinted that they might file a civil suit against the Justice Department, seeking to prevent any testimony against Agnew from being presented to the grand jury.

The Washington Post reported earlier this week that a senior Republican figure who has conferred with the Vice President believes Agnew will resign "probably this week." That report initially was greeted with skepticism among political observers in Maryland, in part because a resignation would prevent Agnew from raising the constitutional issue as a defense.

Yesterday a source who is familiar with the progress of the case thus far did not discount the possibility of a resignation. "He (Agnew) might feel that the country can function only so long with the Vice President under a cloud.

The crucial decision to enter into plea bargaining negotiations with the Justice Department apparently was made Sept. 14. Best, one of Agnew's lawyers, said the Vice President's attorneys met that day in Washington. "We reached certain conclusions . . . and will implement them," he said.

It was also on Sept. 14 that the Justice Department signalled that Rich-

ardson had decided whether the grand jury could hear evidence concerning Agnew. Richardson is believed to have approved presentation of evidence to the grand jury, but not to have ruled on whether Agnew could be indicted, leaving the Justice Department room to negotiate.

The negotiations that have taken place since then have been accompanied by extraordinary secrecy. Agnew's lawyers have not been available for any comment for the past week, and two of them took the precaution of not working at their regular Washington office.

Beall has literally hidden from public view, entering his office from an inside parking garage, eating lunch at his desk and leaving the same way he entered. Beall met with Richardson on Thursday in Washington, sources confirmed yesterday, although the trip was shrouded in secrecy.

On Capitol Hill, the cloakroom debate over what Congress should do about the Agnew matter continued

with every indication that if he should resign there would be a long wrangle over the President's nomination of his successor.

In a statement, Sen. Edward M. Kennedy (D-Mass.) urged Congress "to go slow in contemplating its course of action."

Congress "should be in no haste to confirm" anyone who might be nominated as Agnew's successor, Kennedy said, "until the current controversy over the Watergate tapes is settled by the Supreme Court."

"In this situation, it would be unwise and unseemly for Congress to rush into the confirmation of a new Vice President before the issue is resolved," Kennedy said. "So long as the President himself is so clearly under the cloud of the possible disclosures on the tapes, grave questions exist as to the propriety of the President's choosing his own successor."

Kennedy put himself at odds with some members of his party when he said that if Mr. Nixon has to nominate a new vice president he should choose a person "who is best capable of assuming the nation's highest office."

Some other Democrats—as well as some Republicans—have urged a caretaker appointment, someone who would not be a candidate for President in 1976. Democratic national chairman Robert S. Strauss said Thursday that any replacement for Agnew should be "a nonpresidential type of appointment."

"The last thing the country needs is a caretaker vice president, unable to enjoy the confidence of the country he may be called to lead," Kennedy said.

He then called for an end of "the deliberate campaign of abuse" against Agnew. The Vice President "has conducted himself with dignity in recent weeks, in spite of his difficult position at the eye of the hurricane swirling around his future," Kennedy said. "He deserves the nation's respect for his demeanor in this unprecedented situation."

Sen. John Tower (R-Tex.), who said he had spoken to Agnew on Thursday before the meeting with the President, expressed doubt that Agnew will resign.

"I don't think he's inclined to follow that course," Tower said. "I don't think he will resign; I don't think he should resign."

Contributing to this story were Washington Post Staff Writers Edward Walsh, Irna Moore, Douglas Watson, Carroll Kilpatrick and Spencer Rich.