

BID TO HOUSE ENDS LONG SPECULATION

Move Shows How Agnew Plans to Fight, but Legal Confusion Remains

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Vice President Agnew's sudden and dramatic late-afternoon appearance at the House of Representatives today ended weeks of speculation about how he would fight allegations that have emerged against him from a Federal investigation into corruption in Maryland.

The decision to place his fate in the hands of the House made it appear unlikely that he intended to resign—a possibility he has strongly denied all along.

For the moment, at least, the embattled Mr. Agnew seems to have taken his stand.

But if his action cleared up the confusion about where he was going, it seemed to leave the whole matter in a constitutional and legal tangle that may take months to unravel.

Immediately after the hour-long meeting with Mr. Agnew in the office of Speaker Carl Albert, the House leadership emerged obviously perplexed.

Asked what the next step would be, Mr. Albert replied:

"I don't know. We just got it. We have to study it. We have to consult a lot of people."

"We're sleeping on it," said Thomas P. O'Neill Jr. of Massachusetts, the Democratic majority leader.

John J. McFall of California, the Democratic whip, said the

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mood at the meeting was "one of fairness and trying to understand what procedures had to be worked out."

Declaring that there was "no time limit" on a decision by the leadership, he said there was a lack of understanding of how to proceed.

"It was a very unique situation," he added.

Task for a Committee

Asked what options the House had, Mr. McFall said he understood that the Judiciary Committee could do what the House instructed it to do or that a special committee could be appointed. He said the latter step would necessitate a vote by the House to create the special committee.

He added that the House leadership would rely on advice from the House parliamentarian and from members of the Judiciary Committee.

Asked if the House was being asked to make an investigation instead of the courts, Mr. McFall replied:

"I would assume that there would be some motion in the courts to preclude further action."

The Vice President's attorneys are expected to go into the United States District Court either here or in Baltimore tomorrow and file motions that would attempt to raise "constitutional impediments" to the continued investigation of Mr. Agnew.

Attorney General Elliot L. Richardson said that he had ordered the Federal prosecutors in Baltimore to begin presenting evidence against Mr. Agnew to the grand jury on Thursday. Mr. Agnew's attorneys are expected to file their motions before that happens.

A legal battle of these motions could go on for weeks or months in the courts.

Letter to the House

Most observers felt the gist of the arguments Mr. Agnew's attorneys' motions will contain were probably contained in the letter he asked Speaker Albert to have read to the House today.

That letter, which was read to about 50 members present on the floor of the House, asked members to "undertake

a full inquiry into the charges which apparently have been made against me in the course of an investigation by the United States Attorney for the District of Maryland."

Noting that his attorneys had advised him that the Constitution barred any kind of criminal proceeding against a sitting President or Vice President, Mr. Agnew said he could not "acquiesce in any criminal proceeding."

Adding that he could not "look to any such proceeding for vindication," Mr. Agnew said that he believed it was the "right and duty of the Vice President to turn to the House."

He suggested that "a closely parallel precedent" existed in a case involving Vice President John C. Calhoun in 1826.

In late 1825, a Virginia newspaper published a letter charging that Calhoun, while Secretary of War, had profited from a War Department contract.

Calhoun sent a letter to the Speaker of the House requesting an immediate and full investigation of the charges. He also, out of "a sense of propriety," said he would temporarily defer from presiding over the Senate.

A seven-man committee—all except one hostile to Calhoun—was appointed by the Speaker.

Back to His Duties

Supporters of Calhoun denounced the investigation, since no witnesses testified in his support. But the committee concluded, in slightly equivocal language, that Calhoun had not benefitted from the contract.

Calhoun rejoiced "at the triumphant issue of the investigation" and resumed his duties as presiding officer of the Senate.

Today, the use of the Calhoun precedent appeared to add to the confusion among House members.

"I don't know whether this is ample precedent or not," said Representative McFall.

Another House member, who asked not to be named, said that Mr. Agnew had cited the Calhoun case without noting that the investigating committee had been accused of departing from "the fundamental principles of judicial investigation and the established rules of judicial evidence."

This Congressman said there might be a move on the House

floor tomorrow to have the Vice President's message "expunged from the record."

The Vice President's problems crackled into public view like a flash of heat lightning on the evening of Aug. 6.

In a brief and cryptic statement Mr. Agnew said that he had been notified that he was "under investigation for possible violation of criminal statutes."

"I will make no further comment until the investigation has been completed, other than to say that I am innocent of any wrongdoing, that I have confidence in the criminal justice system of the United States and that I am equally confident my innocence will be affirmed."

Mystery Ends Quickly

It was a moment of high mystery for most of those who heard it. But the mystery soon evaporated, as did Mr. Agnew's resolve to speak no more on the matter.

Within hours it was learned that the Vice President had been made aware of a Wall Street Journal article that was to appear reporting that he was a target of an investigation by the United States Attorney's office in Baltimore into alleged kickbacks involving state contracts.

Moreover, it became known that United States Attorney George Beal of Baltimore notified Mr. Agnew on Aug. 1 that he was under investigation for possible bribery, extortion, fraud and conspiracy.

Since then the Agnew affair—replete with conflicting reports and speculations that he would resign or fight any charges against him as Vice President—have consumed 50 uncertain days. The tension has mounted steadily.

At a news conference here on Aug. 8, Mr. Agnew said that he had heard "rumors" as long ago as last February that a widening Federal grand jury inquiry in Baltimore might be about to involve some of his close friends and long-standing campaign contributors.

Many of those under investigation were officials of Maryland concerns that had obtained nonbid engineering consultant contracts worth hundreds of thousands of dollars from Mr. Agnew's administrations in suburban Baltimore County and in the statehouse at Annapolis.

Briefing From Richardson

As August passed, it was learned that Attorney General Eliot L. Richardson had personally briefed Mr. Agnew on the substance and details of the case against him as gathered by the Federal prosecutors in Baltimore.

Mr. Agnew revealed that he had hired a Washington criminal lawyer, Judah Best, last



The New York Times/Mike Lien

Secret Service agents running beside the limousine of Vice President Agnew after he met with House leaders

spring. And to his defense staff were added the names of Martin London and Jay H. Topkis, members of the New York firm of Paul, Weiss, Rifkind, Garrison & Wharton.

The three were known to be researching and planning an elaborate constitutional defense, based on the unadjudicated proposition that a sitting Vice President cannot be prosecuted in the courts but must be impeached by Congress. But still there was no decision by the Vice President on how to proceed.

The suspense—and, according to Mr. Agnew's friends, the Vice President's personal anguish—mounted again and again. It was successively reported that potentially key witnesses against Mr. Agnew, including some of his oldest friends and supporters, had asked for or been forced by the prosecutors to accept immunity from prosecution for themselves in return for testimony against the Vice President.

The list of such "cooperating" prosecution witnesses reportedly included Jerome B. Wolff, who had served Mr. Agnew in three capacities. Mr. Wolff was, first, a government engineering aide to Mr. Agnew when the Vice President was the elected executive of Baltimore County from 1963 to 1967. Later Mr. Wolff was the State Roads Commissioner during the Agnew term as Maryland Governor.

Mr. Wolff had served briefly on Mr. Agnew's Vice-Presidential staff, as well, and had become president of one of the consulting concerns now known to be under investigation.

There was also Lester Matz, an official of Matz, Childs Associates. And finally—and reportedly most crushing to Mr. Agnew—there was I. H. Hammerman 2d, a wealthy Baltimore mortgage banker who had known the Vice President since they were sixth-grade students together at Baltimore's Garrison elementary school, and who had become early in 1973 Mr. Agnew's most aggressive promoter for the Republican Presidential nomination in 1976.

All of them reportedly were giving the United States Attorney damaging testimony about gifts to Mr. Agnew.