

Agnew Lawyers Ask Sources

Two Newsmen Questioned

By Edward Walsh
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A lawyer for Vice President Spiro T. Agnew called reporters of at least two news organizations yesterday and asked them to identify the sources of news accounts about the criminal investigation of the Vice President.

The calls were made by Jay H. Topkis, a New York lawyer who represents Agnew, to Fred Graham, a Washington correspondent for CBS television, and Richard M. Cohen, a reporter for The Washington Post.

Topkis is also believed to have called Ben A. Franklin of The New York Times, although Times executives refused to confirm this last night.

Graham and Cohen both said they refused to identify news sources for Topkis.

Last week, Agnew's lawyers asked U.S. District Court Judge Walter E. Hoffman to halt the grand jury investigation of Agnew in Baltimore that is being conducted by George Beall, the U.S. attorney for Maryland, and his staff. The lawyers argued that as Vice President, Agnew cannot be indicted until he is first impeached and removed from office by Congress, and that leaks to the press about the investigation have made it impossible for Agnew to receive a fair hearing before either the grand jury, or at any subsequent criminal trial.

In a 10-page affidavit written by Topkis and submitted to Hoffman, Agnew's lawyers accused Justice Department officials of being the source of leaks and charged the unnamed officials with "an immoral and illegal attempt to drive the Vice President from the office to which he was elected, and to assure his conviction."

The affidavit cited a broadcast by Graham Sept. 23 and news stories that were published in The Washington Post, New York Times, Baltimore Sun, Newsweek magazine and Time magazine.

Except for the New York Times executives who refused to comment, spokesmen for the other news organizations cited in the affidavit said they knew of no contacts by Agnew's lawyers with their reporters.

The federal grand jury that is investigating Agnew will meet in Baltimore today and for the second time is scheduled to hear evidence against the Vice President. The grand jury, which first heard evidence against Agnew last week, is also scheduled to meet Thursday.

Agnew was notified by Beall Aug. 2 that he is under investigation for possible violations of bribery, extortion, conspiracy and tax laws. The investigation, according to sources, involves allegations that Agnew accepted cash kickbacks from engineers and architects while

governor of Maryland and, in at least once instance, since becoming Vice President.

The first witness scheduled to testify before the grand jury today is William J. Muth, a former Democratic Baltimore city councilman who has raised funds for Agnew campaigns. Muth refused to answer questions when he appeared before the grand jury last week.

In an interview yesterday, Topkis confirmed that he had talked to some reporters who were cited in the affidavit, but said none of them had revealed their sources. He said he asked the question about sources because there was always a chance it would be answered.

"You can't tell," Topkis added, "I might want to be able to tell the judge I had asked."

Several Justice Department officials have sworn under oath that they are not the source of news leaks, according to a spokesman for the department. Agnew's lawyers have requested that Hoffman hold a hearing to determine the source of leaks.

Topkis said yesterday that no conclusion had been reached on calling reporters to testify at such a hearing. "If there were a hearing and we were called on to present evidence, we might have to consider calling reporters," he said.