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# Judge: No Contest Is 'Full Equivalent Of a Plea of Guilty'

## *The Resignation Charges Listed*

By Carroll Kilpatrick  
Washington Post Staff Writer

Spiro T. Agnew, almost unknown to the nation five years ago when Richard Nixon picked him as his running mate, yesterday resigned as the 39th Vice President of the United States to save the nation from "a long, divisive and debilitating struggle in the Congress and in the courts."

The son of a Greek immigrant, Agnew, who rose to be governor of Maryland before being elected Vice President, is the second man to resign the office. John C. Calhoun resigned in 1832 to enter the Senate.

President Nixon, expressing deep sadness over the fall of his two-time running mate and praising his record as Vice President, announced that he would move "expeditiously" to nominate a successor.

He summoned the Republican congressional leaders to the White House in late afternoon. The minority whip, Rep. Leslie C. Arends (R-Ill.), said the meeting was devoted entirely to the procedural questions surrounding the nomination and confirmation of Agnew's successor.

The nomination will be made by the President, and must be approved by majorities in both houses.

**See AGNEW, A6, Col. 1**

By Edward Walsh  
Washington Post Staff Writer

BALTIMORE, Oct. 10—Spiro T. Agnew, confronted with detailed government charges that for 10 years he sought and accepted thousands of dollars in cash kickbacks from consulting engineers in Maryland, pleaded "no contest" to a single charge of federal income tax evasion here today moments after he had resigned as Vice President of the United States.

Standing stiffly erect and expressionless beside one of his attorneys in a crowded federal courtroom here, Agnew read a prepared statement saying he chose to resign and not fight the charges against him because to do otherwise "would seriously prejudice the national interest."

Agnew's resignation and plea of "nolo contendere," which federal judge Walter E. Hoffman called the "full equivalent of a plea of guilty," were the principal elements in a plea-bargaining agreement hammered out in renewed negotiations begun last weekend by Agnew's lawyers and top Justice Department officials.

Hoffman, who called the proceedings in the hushed courtroom "this tragic event in history," sentenced Agnew to three years on probation and imposed a \$10,000

**See PROBE, A22, Col. 1**

## AGNEW, From A1

Later in the day, Mr. Nixon met with the Democratic leaders, House Speaker Carl Albert and Senate Majority Leader Mike Mansfield. Until a successor takes office, Speaker Albert—a 65-year-old Oklahoman—is next in line of succession to the presidency.

The Secret Service moved promptly to provide protection to Albert and announced that it would continue to protect Agnew for "a period of time."

Agnew's resignation was announced as he appeared in federal court in Baltimore to plead no contest to a single count of income tax evasion in 1967 while he was Maryland's governor.

First word of Agnew's decision came from Lisa Brown, a secretary in his office. A short time later, the White House released texts of letters between the President and Agnew and the latter's formal one-sentence resignation letter to Secretary of State Henry A. Kissinger.

"I hereby resign the Office of Vice President of the United States, effective immediately," the letter to the Secretary of State said.

The letter was delivered to Kissinger in his White House office at 2:05 p.m. and was effective immediately. A minute later, a copy of the letter and a longer letter to the President were handed to Alexander M. Haig Jr., White House staff chief, who in turn handed them to Mr. Nixon.

Agnew informed the President of his intentions at a meeting the two men held Tuesday night, grim-faced press secretary Ronald L. Ziegler said at a hastily called news conference shortly after 3 p.m.

The two men met alone in the Oval Office for about 40 minutes beginning at 6 p.m. Tuesday shortly before Mr. Nixon dressed for a state dinner he gave for President Felix Houphouet-Boigny of the Ivory Coast, Ziegler said.

"The President expressed his deep personal loss and appreciation for the Vice President's dedicated service to the nation over the

last 4½ years," Ziegler said.

In all of Mr. Nixon's recent statements on Agnew, he carefully limited his praise of Agnew to his term of service as Vice President.

Mr. Nixon expressed his "sense of deep personal loss" and his "respect" for Agnew for putting the national interest above personal interests, Ziegler said.

"The President recognized

the very painful decision" Agnew had made and expressed the hope that the American people will accord Agnew and his family the "compassion and understanding they deserve at this time," Ziegler said.

Asked whether the President's nomination of a successor would be a matter of days or weeks, Ziegler replied "not weeks."

When asked what role the President played in the denouement, Ziegler replied: "No direct role. The President and the Vice President have said that this is a personal decision only the Vice President could make."

Since it was disclosed in early August that Agnew was under investigation by federal prosecutors, speculation on a possible successor has centered on former Treasury Secretary and Texas Governor John B. Connally, Gov. Nelson A. Rockefeller of New York, former Secretary of State William P. Rogers, former Defense Secretary Melvin R. Laird and Attorney General Elliot L. Richardson.

However, there has been no word regarding Mr. Nixon's thinking, nor was there any informed speculation at the White House yesterday about a possible Agnew successor.

The political impact of the Agnew resignation could not be immediately measured, but few thought that it could do anything but further damage the man who twice picked him as a running mate and has himself been under the sharpest attack of any president in modern history.

If Mr. Nixon had not suffered the ignominy of Watergate, he might brush off the Agnew affair as doing little damage to his administration.

But even though the

White House, according to many Agnew backers, connived at prodding the Vice President to quit—a change stoutly denied—there appeared to be little gain for the beleaguered President.

In last year's campaign, Democratic nominee George McGovern's choice of Sen. Thomas F. Eagleton (D-Mo.) as his running mate and the subsequent disclosure that Eagleton had undergone shock treatment for nervous depression may have contributed to McGovern's defeat at Mr. Nixon's hands.

The former Vice President wrote Mr. Nixon: "I have concluded that, painful as it is to me and to my family, it is in the best interests of the nation that I relinquish the vice presidency."

Declaring that it "has been a privilege to serve

with you," Agnew concluded: "May I express to the American people, through you, my deep gratitude for their confidence in twice electing me to be Vice President."

In a "Dear Ted" letter, the President told Agnew he hoped he and his family "will be sustained in the days ahead by a well-justified pride in all that you have contributed to the nation by your years of service as Vice President."

"Your departure from the administration leaves me with a great sense of personal loss," the President wrote.

"You have been a valued associate throughout these nearly five years that we have served together. However, I respect your decision, and I also respect the concern for the national interest that led you to conclude that a resolution of the matter in this way, rather than through an extended battle in the courts and the Congress, was advisable in order to prevent a protracted period of national division and uncertainty."

Until the announcement, the President went through a full schedule of public activities without any hint of the dramatic news that was about to break.

Early in the day, he met for an hour and a half with Democratic and Republican congressional leaders to discuss the Middle East crisis.

mor at the ceremony, although twice he glanced at the table behind him to see how many more medals were awaiting presentation. His speech to the scientists, however, was unhurried and delivered without notes.

When Ziegler announced Mr. Nixon would move "expeditiously" to nominate a new Vice President, he said that the President "trusts that Congress will then act promptly to consider the nomination."

A bitter fight could break out in Congress on anyone Mr. Nixon nominates, for there are many potential Republican candidates for **President in 1976 who might** oppose the nomination of a rival candidate.

Likewise, Democrats, who now believe they are in an excellent posture for 1976 because of the Watergate and Agnew scandals, could object to the nomination of a man who would be a powerful rival three years from now.

There has been speculation that Mr. Nixon may be persuaded to nominate a man who would promise not to seek the Republican nomination in 1976, but it would be difficult for anyone to make such a commitment when he could find himself President when the nominating conventions roll around in 1976.

*Contributing to stories on the Vice President's resignation were Washington Post Staff Writers B. D. Colen, Helen Dewar, Paul G. Edwards, Martha M. Hamilton, John Hamrahan, Laura A. Kierman, Charles A. Krause, Jim Landers, Harold J. Logan, Richard L. Lyons, Judy Nicol, Tim O'Brien, Raul Ramirez and Adam Shaw.*

Ziegler said that there was no discussion of the Agnew matter at that meeting.

Later in the morning, Mr. Nixon presided at an East Room ceremony at which he presented Medals of Science to 11 scientists.

The President appeared to be at ease and in good hu-

## PROBE, From A1

fine, to be paid within the next 30 days. Agnew faced a total maximum penalty on the single income tax evasion charge of a \$10,000 fine and five years imprisonment.

In return for the resignation and plea, the government agreed not to prosecute Agnew on massive evidence of alleged bribery and extortion of at least \$87,500 detailed in a 40-page Justice Department "exposition of evidence" submitted to Judge Hoffman.

According to this document, several of Agnew's closest associates told the prosecutors that Agnew initiated and directed, almost from his first days in public office as Baltimore County executive in 1962, a complex scheme to extort thousands of dollars from consulting engineers in return for granting them lucrative government contracts.

Agnew's stunning resignation and plea came at 2:15 p.m. today in a courtroom crowded with reporters, lawyers, the nation's top law enforcement officials headed by Attorney General Elliot L. Richardson, and prosecutors, staff members and their relatives from the office of George Beall, the U.S. attorney for Maryland, who directed the nearly year-old investigation that produced the evidence against Agnew.

Richardson recommended to Hoffman that Agnew not be imprisoned and said that this was a key element insisted upon by Agnew during the plea bargaining.

"I am firmly convinced that in all the circumstances leniency is justified," the Attorney General declared. "I am keenly aware, first, of the historic magnitude of the penalties inherent in the Vice President's resignation from his high office and his acceptance of a judgment of conviction for a felony.

"To propose that a man who has suffered these penalties should, in addition, be incarcerated in a penal institution, however briefly, is more than I, as head of the government's prosecuting arm, can recommend or



**ELLIOT L. RICHARDSON**  
... present in court



**JUDGE WALTER HOFFMAN**  
... "plea of guilty."



**GEORGE BEALL**  
... directed probe

wish."

Richardson said that, in the plea-bargaining sessions with Agnew's lawyers, he and other Justice Department officials insisted that any settlement of the case include the public release of the government's evidence against Agnew. "Only with knowledge of these circumstances, can the American people fairly judge the jus-

tice of the outcome," the Attorney General said.

Before sentencing Agnew, Hoffman said that he had insisted that the culmination of the case occur in open court in the presence of Agnew. In the past, Hoffman also noted, he has generally imposed at least a brief prison term on any lawyer (such as Agnew) found to

have evaded federal income taxes.

"However," the judge said, "I am persuaded that the national interest in the present case are so great and so compelling—all as described by the chief law enforcement officer of the United States—that the ends of justice would be better served by making an exception to the general rule."

Agnew, accompanied only by Secret Service agents, strode quickly from the courtroom after the 30-minute proceeding and left the courthouse in a gold and black Cadillac. He told reporters outside the courthouse that he decided not to fight the charges against him "because I believe it would be against the national interest and have a brutalizing effect on my family..."

In his formal plea, Agnew acknowledged that he evaded payment of \$13,551.47 in federal income taxes for 1967. The government charged that Agnew, in a joint tax return for 1967 with his wife, reported an income of \$26,099 on which he paid taxes of \$6,416, while his actual income that year was \$55,599 on which he should have paid \$19,967.57 in taxes.

But it was clear from the 40-page Justice Department document released publicly after the court hearing that the government's evidence against Agnew involved much more than income tax evasion and centered on in-

formation that Agnew regularly extorted money and accepted bribes from Maryland engineers.

In a prepared statement that he read to Judge Hoffman, Agnew denied that he was guilty of anything but the single charge of income tax evasion for 1967. He said that he has never conducted his public duties in a way that would harm the public interest, and asserted that his acceptance of "contributions" while governor of Maryland "was part of a long-established pattern of political fund-raising in the state."

"At no time have I enriched myself at the expense of the public trust," Agnew declared.

The Justice Department document detailed charges not only against Agnew but also four of his close associates, who have been cooperating with federal prosecutors in the case.

According to the document, the extortion and bribery scheme devised by Agnew split the kickback funds, with half going to Agnew and the other half

being divided by I. H. Hammerman II, a wealthy Baltimore investment banker, and Jerome B. Wolff, a former aide to Agnew and now president of Greiner Environmental Systems, Inc., a Maryland engineering firm.

Wolff proposed at the beginning that the money be split in three equal shares among him, Agnew and Hammerman, the document stated, but Agnew insisted in subsequent negotiations with Hammerman that he, Agnew, get a full 50 percent.

Hammerman has agreed to plead guilty to a federal income tax charge, involving a possible jail term of three years, and to cooperate with prosecutors in return for not being prosecuted on other charges, the Justice Department said.

Wolff has received no promises from prosecutors except that his testimony before the grand jury will not be used against him in any subsequent criminal trial, the document said.

The other two key figures whose activities were described in detail by the Justice Department were Lester Matz, of the engineering

firm of Matz, Childs and Associates, and Alan I. Green, head of the engineering firm of Green Associates, Inc.

These two men, the Justice Department said, delivered \$87,500 in cash in plain envelopes to Agnew in Baltimore, Annapolis and Washington between 1967 and 1972.

Green, like Hammerman, has agreed to plead guilty to a tax charge involving a possible three-year prison term, the government said. Matz, like Wolff, has been told his grand jury testimony will not be used against him at any later criminal trial.

Referring to these agreements, Richardson said in the courtroom today that "none of the government's major witnesses has been promised immunity from prosecution."

As he left the courthouse, Agnew appeared to be bitter about this aspect of the case, which clearly was crucial in establishing what Richardson called "a pattern of substantial cash payments" to Agnew while he was governor of Maryland.

"Irrespective of the statements by the Attorney General in open court," Agnew told reporters, "the principal witnesses against me are not being prosecuted to the full extent. They have received full or limited forms of immunity."