

SENTENCE BACKED BY AGNEW'S JUDGE

Would Impose It Again, He
Says, in Same Situation

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WASHINGTON, Jan. 8—The Federal judge who gave former Vice President Spiro T. Agnew three years' probation instead of a jail sentence for income tax evasion said today that he would do it again in the same circumstances.

Questioned by reporters after a luncheon at which he was host, Judge Walter E. Hoffman said, "I don't think it's proper, just because a man is in high political office, to say, 'I'm going to make a goat out of you.'"

Judge Hoffman, who was holding his first news conference as head of the Federal Judicial Center, denied that he had committed himself to accept the Agnew plea bargain in advance of the brief court session that immediately followed Mr. Agnew's resignation as Vice President.

"At no time prior to being on the bench and hearing the plea bargain fully disclosed did I ever say 'I accept the bargain'" Judge Hoffman said.

But at another point he said, "Anyone with any intelligence would have known what I was going to do."

On Oct. 10, 1973, just after his resignation, Mr. Agnew pleaded no contest to a single charge of failing to report \$29,500 in 1967 income. Judge Hoffman sentenced him to three years' probation and fined him \$10,000. The sentence was later criticize in some quarters as excessively lenient.

Today, the judge said that he had acted as he did because "the Justice Department was interested in purchasing a resignation." At the time, he said that he was acting "in the national interest! Today, he said, "The interest of the nation is to have one man out and another man in."

He accepted the plea bargain approved by the Department of Justice, Judge Hoffman recalled, because Attorney General Elliot L. Richardson "knows more about that national interest than I do."