

# WXPPost Agnew Lawyers Study Sta



**VICE PRESIDENT AGNEW**  
... weighs response

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One of Vice President Spiro T. Agnew's lawyers said yesterday that Agnew's attorneys are closely studying President Nixon's response to a subpoena for presidential tapes and documents as they prepare to advise Agnew on whether he should turn over his personal financial records to federal prosecutors in Baltimore.

The lawyer, Judah Best, said the President's lawyers' response to the subpoena by Special Watergate Prosecutor Archibald Cox was a "significant" and "most illuminating" document to the Vice President's lawyers.

Best's remarks were the

strongest indication yet that Agnew's lawyers will advise him to refuse to turn over the documents on the grounds of executive privilege and the doctrine of separation of powers.

Best, however, urged caution in drawing conclusions about Agnew's ultimate response to the request for the records, noting that the Vice President told a press conference last week that he would not "blindly follow" his lawyers' advice in the case.

The request for Agnew's personal financial records was contained in a letter delivered Aug. 2 to Best from the office of George Beall, the U.S. attorney for Maryland. The letter informed Agnew that he is under in-

vestigation for possible violations of conspiracy, extortion, bribery and tax laws.

Agnew last week proclaimed his innocence of any wrongdoing and voiced confidence in the criminal justice system.

Agnew's lawyers are expected to respond to Beall's request for the financial records within the next week. Best said yesterday the lawyers have not yet recommended to the Vice President how he should respond to the request, but would do so this week.

In their response to the subpoena for presidential tapes and documents, filed Tuesday in U.S. District Court in Washington, lawyers for President Nixon argued that to turn over the

## nd on Executive Privilege

tapes and documents to Watergate prosecutors would do irreparable damage to the office of the presidency.

"The threat of potential disclosure of any and all conversations would make it virtually impossible for President Nixon or his successors in that great office to function," the President's lawyers said in a brief filed with the court.

"Beyond that," the lawyers argued, "a holding that the President is personally subject to the orders of a court would effectively destroy the status of the executive branch as an equal and coordinate element of government." A court order to compel disclosure of the tapes and documents, they added, would result in

"severe and irreparable damage" to "the institution of the presidency."

Best said yesterday there are certain parallels in the legal questions raised by the Watergate subpoena and the request for the Vice President's financial records. Asked if there were not a difference between the presidential tapes and documents being sought in the Watergate case and the wholly personal records requested by Beall, Best said:

"That distinction can be drawn. The question is whether it will be significant."

A week after Agnew's office issued a terse statement saying the Vice President was under investigation and that he was innocent of

wrongdoing, it was still not clear what specific allegations the federal prosecutors were probing.

According to sources familiar with the case, the investigation centers on allegations that private engineering and architectural firms were improperly awarded federal contracts during Agnew's term as Vice President, and that similar improprieties occurred when Agnew was governor of Maryland.

Agnew's announcement Monday night that he was under investigation was released after reporters learned of the letter from Beall's office notifying the Vice President that he was a

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**GEORGE BEALL**  
... requests records

### PROBE, From B1

target of the growing investigation of Maryland political figures.

The investigation began seven months ago and initially focused on Dale Anderson, Agnew's successor in 1966 as the county executive of Baltimore County and one of Maryland's most powerful Democrats. The Baltimore County aspect of the probe was into allegations that cash kickbacks were passed from contrac-

tors and engineering firms to Baltimore County officials during Anderson's administration, according to sources.

At some point in the probe, the focus shifted to Agnew, apparently beginning with his two years as governor of Maryland from 1967 through 1968, when he was elected Vice President. Agnew was county executive of Baltimore County from 1962 to 1966.

The investigators from

Beall's office, meanwhile, broadened their probe Friday by issuing three new subpoenas for records involving Agnew's political campaigns in Maryland and his activities as governor.

One of the subpoenas was served on the division engineers' office of the Federal Highway Administration in Baltimore. It demanded production of all records and documents relating to federally assisted highway projects in Maryland be-

tween Jan. 1, 1967, and Dec. 31, 1972.

A similar subpoena covering the same years—which include Agnew's entire term as governor—was served earlier on officials of the Maryland State Highway Administration.

The other subpoenas issued Friday were for production of all of Agnew's campaign financing records at the state board of election laws, and all of the documents relating to Agnew's years as governor that are stored at the Maryland Hall of Records in Annapolis.

Dr. Morris L. Radoff, Maryland's archivist and records administrator, said the subpoena he received ordered him to bring the Agnew gubernatorial records to Baltimore Thursday and to testify before a federal grand jury there.

The subpoena served on Radoff contained the first mention of possible grand



jury testimony involving the Vice President. When news of the Agnew investigation became public last week, sources familiar with the case said that the probe was in its preliminary stages and that no testimony involving the Vice President had been presented to a grand jury.

Only grand juries, not prosecutors, may indict a person on criminal charges. The significance of grand jury testimony directly pertaining to Agnew is that it would likely signal a move by the prosecutors to seek an indictment in the case.

Moreover, in such a politically sensitive investigation, U.S. Attorney Beall is believed almost certain to insist on clearance from Attorney General Elliott Richardson before taking evidence involving the Vice President to a grand jury. Beall and his staff of young assistant prosecutors are known to

have met several times last week with Richardson and other high ranking Justice Department officials.

One source familiar with the case said yesterday the prosecutors have indicated that they do not actually plan to bring Radoff before the grand jury Thursday. The subpoena was issued only to gain access to the records held by Radoff, this source said.

Radoff said yesterday the subpoena he received also directed him to produce any records he holds relating to Jerome B. Wolff.

Wolff, 55, president of Greiner Environmental Systems, Inc., is a key figure in the investigation. He worked for Agnew briefly when Agnew was Baltimore County executive, was appointed head of the Maryland State Roads Commission by Agnew when he was governor, and also worked

on Agnew's vice presidential staff until 1970.

Federal prosecutors are believed most interested in Wolff's role with the State Roads Commission. The bulk of the records subpoenaed by the prosecutors have to do with highway construction projects begun when Agnew was governor and Wolff headed the commission.

Wolff said through his lawyer last week that he was being "compelled to testify as a witness before the grand jury . . ." in connection with the case. Wolff, according to sources, was told by prosecutors that if he did not testify, presumably in return for lenient treatment, he would be granted so-called "use immunity," requiring him by law to testify and shielding him from prosecution arising directly from his statements.

It was not known when

Wolff would be called before the grand jury. And since Wolff was a key figure in the probe even before the investigation's focus shifted to Agnew, it was not known whether he would be asked to testify about the Vice President.

However, Wolff's statement, coupled with the subpoenas issued last week to state and federal agencies, appeared to indicate that the prosecutors were moving quickly in the case and may begin to present evidence relating to Agnew to a grand jury soon.

Because of the extraordinary sensitivity of the investigation, the prosecutors in Beall's office have refused to comment about the case and last week took the extraordinary step of issuing a joint press release saying they were not the source of leaks to the press concerning the case.