

# Decision on Agnew Up to Richardson

By Edward Walsh

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Attorney General Elliot L. Richardson said yesterday that he personally will decide whether evidence gathered by federal prosecutors in the investigation of Vice President Spiro T. Agnew should be presented to a grand jury.

In making that decision, Richardson said, he also bears the responsibility for the "ultimate resolution" of the key constitutional issue of whether a vice president can be indicted for a crime while he is still in office.

"I have the statutory duty to exercise general supervision and direction over the conduct of United States attorneys," Richardson said. "In this situation, clearly, I feel the responsibility I hold very keenly, and I would expect to exercise it."

Richardson was interviewed on the ABC-TV program, "Issues and Answers."

The issue of whether a president or vice president is subject to court jurisdiction in criminal cases has become embroiled in both the Watergate case and the criminal investigation of Agnew's affairs.

In a legal brief filed in answer to Special Watergate Prosecutor Archibald Cox' demand for certain presidential tapes and papers, lawyers for President Nixon have argued that a president must first be impeached and removed from office by Congress before he becomes subject to criminal court proceedings.

Agnew's lawyers, contending that there is no constitutional difference between a president and a vice president, are considering using the same argument should it be-



ELLIOT L. RICHARDSON  
... to review evidence

come necessary, according to sources familiar with the case.

Agnew was informed Aug. 2 by George Beall, the U.S. attorney for Maryland, that he is under investigation for possible violation of extortion, bribery, conspiracy and tax laws. The case, according to the sources, involves allegations that engineering, architectural and contracting firms paid off politicians to get work in Baltimore County, at the state level and, in at least one instance, for a favor from Agnew after he became Vice President.

Agnew, who has denied any wrongdoing, was the county executive of Baltimore County

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from 1962 to 1966 and governor of Maryland from 1967 until he took office as Vice President in January, 1969.

Last week, Agnew, responding to a request from Beall, turned over copies of his personal financial records to the federal prosecutors in Baltimore. Beall's office has also subpoenaed thousands of pages of county and state campaign financing and road construction records in the probe, which initially focused on the current Baltimore County administration of Democrat Dale Anderson.

In the television interview, Richardson noted that none of the evidence gathered by the prosecutors has yet been presented to a grand jury. "We haven't even reached the question of whether or not there would be any presentation to the grand jury at all," he said.

He said a decision to take the case to the grand jury—the first step in the indictment process — "would be based on what the evidence shows," and that it would be at that point that he would have to confront the overriding legal issue of whether a grand jury has power to indict a sitting vice president.

The grand jury in Baltimore that has been conducting the investigation into political corruption is expected to accelerate its pace and begin meeting twice a week this week. However, there's been no clear indication that evidence relating to Agnew will be presented to the grand jury this week.

Assistant Attorney General Henry Petersen, who heads the Justice Department's criminal division, met twice last week with Beall to discuss the Agnew investigation. Petersen is also believed to have met

with lawyers for Agnew, who are conducting their own investigation into the allegations concerning the Vice President.

Richardson said that he and Petersen are playing their "normal roles" in supervising the work of a U.S. attorney's office in connection with the Agnew investigation.

The Attorney General said that leaks to the press about the case had caused him "considerable distress," but that an investigation into the leaks had satisfied him that Beall and his staff were not responsible. Richardson warned, however, that he would discipline any Justice Department employee found to have leaked information to the press.

Richardson also defended his meeting with Agnew Aug. 6 at which the Maryland investigation was discussed. He said that it was not unusual for prosecutors to inform persons under investigation of the general subject matter of the investigation and that it would have been unfair "not to do at least that much" in Agnew's case.