

Leaks at Justice, Richardson Told

By Susanna McBee

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Attorney General Elliot L. Richardson said yesterday he has been told by news media representatives that the Justice Department has been a source of leaks about the investigation of Vice President Spiro T. Agnew.

He also disclosed in an interview with The Washington Post that several FBI agents have been asked to help question Justice Department employees about the leaks.

The Attorney General's comments were the first public admission that the leaks, which both the Vice President and President Nixon have vehemently denounced, might have come from Justice.

On Aug. 23 Richardson wrote Agnew that he had ordered a full-scale internal investigation on orders from the President. But his letter insisted that the leaks could have come from other sources—including White House staffers and even Agnew aides.

The same day a Justice Department spokesman, repeating earlier Richardson statements, said, "We have turned up no evidence that departmental personnel are the sources."

Yesterday Richardson noted that when he ordered the internal probe two weeks ago he had no indication that the leaks had come from Justice.

"Since then I have had indications from news media themselves that some information has come from inside the Department," he said.

He added that he has talked to representatives of more than one publication and that they refused to disclose their sources.

"It's a rather frustrating situation to be conducting an investigation in a setting in which we are, for all practical purposes, barred from getting in-

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formation from the people who really know what the facts are," he said.

The Attorney General stressed that he does not want to turn the investigation of leaks into a probe of the media.

He conceded that "it's always difficult to pinpoint the source of any leak" but ex-

pressed confidence that "if it can be done," the procedure being followed by the man in charge of the inquiry—Glen E. Pommerening, the acting assistant attorney general for administration—"will do it."

Agnew was informed Aug. 1 by George Beall, the U.S. attorney for Maryland, that he was under investigation for possible violations of bribery, extortion, conspiracy, and tax laws. That inquiry began as an investigation of alleged kickbacks from engineering and architectural firms to Maryland political figures. Agnew is a former Maryland governor.

The Justice Department investigation of leaks began Aug. 7, the day news accounts of the Agnew probe appeared, but it did not go into high gear until after Time magazine quoted unnamed Justice Department officials on Aug. 20 about the case and concluded that an indictment of the Vice President "appears inevitable."

Richardson said yesterday that he was "deeply disturbed" by the indications he now has about Justice's involvement in the leaks.

"The thing that has bothered me most of all has been the concern that while we are seeking by all practical means to strengthen confidence in the integrity of the department—that something like this, which can only damage the department as well as the individual affected, could happen," he said.

A Department source said a "handful" of FBI agents is now assisting the probe of leaks. Two weeks ago another source said the FBI had not been called in at that time to investigate Justice personnel.

On the larger question of what to do with the evidence that Beall is gathering about the Vice President, Richardson said he has not made a decision and would not even indicate when he would make one.

Basically, Richardson has three options: he can determine that the evidence does not support a request for a grand jury indictment or impeachment; he can decide that it does and that the Vice President can be indicted under the Constitution; or he can decide that Agnew cannot constitutionally be indicted and that any evidence should go to the House of Representatives, which would consider impeachment.

The Attorney General is

known to feel that the decision is the most momentous one he has ever faced in public life, but he is also said to be approaching it without regard to his own political future. He has noted wryly that he would not have come to the Justice Department "if I were concerned about anything but public service."

He has emphatically denied that he has been contacted by any mutual friend of his and the Vice President's on behalf of Agnew.

Since his initial discussion with the President about the case, he has not conferred with Mr. Nixon about it; nor has he discussed it with Agnew since he met with the Vice President Aug. 6.

To inquiries about the pressure on him, Richardson has told friends that his situation is similar to that of a Supreme Court justice—that while no one overtly pressures a justice, he knows that his vote on a case can have "portentous public consequences."

Richardson is approaching the decision knowing that his own governmental experience is broad—he is a former Secretary of defense and a former Secretary of Health, Education, and Welfare. He once said that when he was in the Eisenhower administration, he learned that "there comes a point when there is nothing to do but to try to be right."

The Attorney General is conferring with his staff and reading constitutional law and history treatises about the Vice President's possible liability to indictment.

At the White House, deputy press secretary Gerald L. Warren reported that the President told him yesterday morning that he "feels it would be very inappropriate for me to discuss" the Agnew investigation.

Warren said the President has "full confidence" in Richardson and "looks to the Attorney General to handle this matter." Warren would not reply to questions about whether Richardson would consult the President before making a decision, but he is expected to advise Mr. Nixon when he reaches one.

On Capitol Hill, chief counsel Sam Dash of the Senate Watergate committee said the panel has not turned up evidence to warrant its own investigation of the Vice President.

The Baltimore investigation

may be at a standstill because U.S. Attorney Beall went on vacation yesterday and is not expected to return until Monday. The special federal grand jury has not met since Aug. 23, when it indicted Baltimore County Executive Dale Anderson on 39 counts involving bribery and extortion and charged that he received \$46,420 in kickbacks from eight firms doing business with the county.