

Flap Over Agnew Friend-- His Charges Dismissed

Baltimore

Federal criminal charges against the supermarket executive who provided Vice President Agnew with gifts of food were dropped here earlier this year under circumstances that another accused food chain executive is contending were discriminatory.

According to federal court records, the Agnews' friend and benefactor, Joseph H. Rash, a vice president of Food Fair Stores, Inc., was named in a criminal information on warehouse sanitation violations filed by the Food and Drug Administration.

RODENTS

He was charged as the Food Fair executive responsible for permitting sanitation violations at the company's Baltimore-area warehouse.

The federal agency charged that its inspectors

had found evidence of rodent infestation at the warehouse.

Before Rash could be brought to trial here, the case was dismissed by U.S. Attorney George Beall.

However, similar charges were proccuted against a hgher executive of Acme Markets. He is en official of a competing chain who maintained that he was Rash from day-to-day responsibility for warehouse operations.

OFFICER

The Acme executive is John R. Park, the president and chief executive officer.

He was tried, found guilty and fined \$250 by U.S. District Judge Joseph H. Young.

Park has appealed the conviction to the U.S. Court of Appeals for the Fourth Circuit, contending that he was victimized by arbitrary and discriminatory prosecution.

In the official transcript of

a May 25, 1973, hearing on the dispute before Judge Young here, one of Beall's assistant prosecutors, Leonard Linton, is quoted as saying that the charges against Rash were dropped only after the prolonged resistance of Washington officials of both the FDA and the Justice Department.

"We met considerable resistance" to a dismissal, Linton declared in the transcript.

A U.S. attorney must obtain Justice Department approval before dismissing a federal criminal charge.

WARHOUSE

According to Linton's version of the dismissal, Rash's lawyer persuaded the prosecutor that although Rash earlier had told an FDA hearing examiner that he would assume responsibility for the santation violations, Rash was not a corporate officer in charge of warehouse matters.

"We therefore asked for uermission to dismiss," Linton said in the transcript. "After a long battle, a several-months battle (with Food and Drug Administration and Justice Department lawyers in Washington), we got permission."

Rash has said the gifts to the Agnews had been those between very close friends. A spokesman for the Vice President has declined comment.

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