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A SPEEDY DECISION

Grand Jury Scheduled to Get Evidence in the Case Today

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Carl Albert, Speaker of the House, refused today to act at this time on Vice President Agnew's request for an investigation by the House of Representatives into allegations that he received kickbacks from contractors in Maryland.

Mr. Albert announced his decision a day after the Vice President personally delivered a letter to him asking for a "full inquiry" by the House and a day before the Justice Department was scheduled to present evidence against Mr. Agnew to a Federal grand jury in Baltimore.

Facing newsmen in his office just before the House convened at noon, the Oklahoma Democrat read a brief statement that said:

"The Vice President's letter relates to matters before the courts. In view of that fact, I, as Speaker, will not take any action on the letter at this time."

Agnew's Options Narrowed

The unwillingness of the House Democratic leadership to open an investigation by Congress instead of by the courts, appeared to limit sharply the options, now available to the Republican Vice President and was widely believed here to have worsened his chances of heading off a grand investigation.

There was speculation that lawyers for Mr. Agnew, who is former Maryland Governor and former Baltimore County Executive, might go ahead with one option and ask a Federal District Court in Baltimore to block the inquiry by the grand jury.

Democrats Applaud

After reading his statement, Mr. Albert hurried off to the House floor, refusing to elaborate. But Representative Gerald R. Ford, Republican of Michigan, the minority leader, said that he interpreted the statement to mean that the Speak-

er would not act on the Vice President's request "until there is some resolution in the courts concerning Mr. Agnew's case.

"They made a Democratic decision," Mr. Ford said of Mr. Albert's announcement. Mr. Ford, who supported Mr. Agnew's request and favored creating a select committee to conduct the inquiry, told reporters, "I don't think there's anything we can do since we are in the minority."

There was scattered applause from a few Democrats when Mr. Albert's statement was read on the House floor by Rep-

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representative Thomas P. O'Neill Jr., Democrat of Massachusetts, the majority leader, and statements from a number of Democrats expressed support for Mr. Albert's decision.

Mr. Albert made his decision after conferences late yesterday and this morning with members of the House Democratic leadership, including Mr. O'Neill; Representatives John J. McFall of California, the majority whip; Peter W. Rodino Jr. of New Jersey, chairman of the House Judiciary Committee, and Lewis Deschler, the House parliamentarian.

"I don't think there was any objection; it was the Speaker's decision," Mr. McFall said. "I don't think the House should interfere with a court action."

A more political reason was offered by Representative John B. Anderson of Illinois, chairman of the House Republican conference, who told reporters before Mr. Albert's announcement that he did not believe the Democrats would go along with Mr. Agnew's request. "They won't bail the Vice President out of his predicament," he said.

After the Speaker's announcement, Mr. Anderson said he felt that Mr. Albert, before making his decision, should have asked Attorney General Elliot L. Richardson to provide him with information on whether the allegations against Mr. Agnew involved his conduct since taking office as Vice President in 1969.

"My criticism at this point is whether or not the action was taken in a vacuum," Mr. Anderson said.

Later in the day Mr. Anderson and Representative William S. Cohen, Republican of Maine, introduced a resolution calling on the Speaker to appoint "an appropriate committee" to investigate whether the allegations against Mr. Agnew involved activities in his tenure as Vice President. They said

that the Vice President was entitled to have such determination made but that they did not know whether their resolution would be sent to the Rules Committee or the Judiciary Committee.

Impeachment Panel

Moments after the House convened, Representative Paul Findley, Republican of Illinois, introduced a resolution calling for establishing a select committee of 14 members to recommend whether the House should undertake impeachment proceedings against the Vice President.

"Although some would rather see the Vice President first twist slowly in the winds of an indictment and trial, the nation cannot afford such uncertainty," Mr. Findley said.

Mr. Findley's resolution was automatically referred to the

House Rules Committee, whose chairman, Representative Ray J. Madden, Democrat of Indiana, took the House floor earlier to denounce Mr. Agnew's request for a House inquiry as "preposterous." Mr. Madden added:

"The petition of Vice President Agnew is obviously a legal maneuver in his behalf, designed to burden the House of Representatives with his problems. If indicted by a court the Vice President is entitled to a fair trial before a duly established Federal or state court and, of course, if convicted his situation might be of concern to the Congress."

Specialist Consulted

Mr. Rodino said that staff members of his Judiciary Committee worked most of last night compiling research and opinions on the Vice President's request before Mr. Albert announced his decision. Among those consulted, Mr. Rodino said, was Raoul Berger, a Harvard Law School specialist in constitutional law and the author of a recently published book, "Impeachment: The Constitutional Problems."

Mr. Rodino said it was his view "as a lawyer and a legislator that it would be inappropriate for the Congress to take any steps to impede the orderly administration of justice in the courts."

He said, "If there is any basis for the Vice President's broad claim of immunity from criminal prosecution while he is holding office, the question cannot be appropriately resolved by the Congress but must be dealt with by the courts."

Among other Democrats supporting Mr. Albert's decision was Representative Robert F. Drinan, Democrat of Massachusetts, who previously introduced a resolution calling for the impeachment of President Nixon. He said that Mr. Ag-

new's request "is a demand made by desperate attorneys who, by appealing to spurious history, want to impose upon this House a function which belongs not to this House but to the courts of the United States."

"I support the Speaker in this decision," said Representative John Conyers Jr., Democrat of Michigan. "We should not interrupt the legal process. I would trust 12 honest citizens of Maryland rather than 435 members of Congress."