

Albert Is Backed on Decision

The chairman of the House Judiciary Committee said yesterday that it is the responsibility of the President and the courts—and not of Congress—to handle any action against Vice President Spiro T. Agnew.

Rep. Peter W. Rodino Jr. (D-N.J.) rejected the possibility that Congress should first deal with the question of whether or not Agnew should be impeached on charges growing out of allegations of bribery and corruption against the Vice President in a federal probe in Baltimore.

"It is not the right of the legislative body to take away an action that might be indictable from the courts," Rodino said on the CBS program, "Face the Nation."

Agnew's attorneys challenged Friday the right of the Justice Department to continue to present evidence relating to the Vice President to a special federal grand jury in Baltimore.

The Vice President's lawyers have leaned heavily in their arguments against indictment before impeachment on a section of the U.S. Constitution, which states: "Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to the law."

The grand jury began hearing evidence against Agnew last week after Speaker of the House Carl Albert (D-Okla.) denied on Wednesday Agnew's personal appeal for a House investigation of the corruption charges.

Rodino said that it might be up to President Nixon to assume the final decision on whether or not to proceed with an actual indictment of Agnew. Attorney General Elliot L. Richardson has said in the past that he will make the

final decision on whether to seek an indictment after the evidence against Agnew is presented to the grand jury.

"I think," Rodino said, "that if we go to the view that the President is the chief executive officer, that the Attorney General is a subordinate, that then the President, I think, has the responsibility of determining whether or not there is in fact any foundation to going forward . . ."

Rodino also put aside yesterday any possibility that the House Judiciary Committee would take on an investigation of charges by Agnew of leaks concerning the investigation coming from the Justice Department.

Instead, he said it is the "right and responsibility" of President Nixon to inquire into the handling of the case by the Justice Department. Rodino warned that failure of the President to do this could constitute an impeachable matter in itself.

Newsweek magazine reported in this week's issue that lawyers for the Vice President and White House attorney J. Fred Buzhardt engaged in three "plea bargaining" sessions between Sept. 19 and Sept. 21.

The negotiations took place in secret in the Executive Office Building, the magazine said, and explored the possibility that Agnew might accept a reduction of the charges against him or a light sentence in return for his resignation and guilty plea.

Judah Best, one of the three Agnew lawyers said to have been in on the meetings, said yesterday he would have no comment on the report.

Appearing on the WTOP-TV

program, "Washington News Conference," Rep. Robert Bauman (R-Md.) dismissed yesterday the House leadership's refusal to investigate the charges against Agnew as "politics." The Maryland Republican, the principal sponsor of a resolution that would have the House investigate the charges, said that Congress was the "proper forum for the issue."

"We think the Vice President did raise the proper constitutional issue," Bauman said. "I think it is shameful that the Democratic leadership of the House just dismissed it out of hand. This is just baloney."



REP. PETER W. RODINO rejects possibility