

# Agnew Jury To Speed Up Investigation

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The special federal grand jury in Baltimore, that is investigating Vice President Spiro T. Agnew is scheduled to meet both Wednesday and Thursday this week in an apparent effort to conclude its investigation of Agnew in about a month, informed sources said yesterday.

The two scheduled meetings would be the first time the panel has met twice in the same week since it began its investigation of alleged political corruption in Maryland last December.

Despite the grand jury's scheduled accelerated pace, an informed source said yesterday that Justice Department officials have assured Agnew's lawyers that no attempt would be made to indict the Vice President at least until after U.S. District Court Judge Walter E. Hoffman rules on Agnew's request for a halt to the probe.

The Vice President asked Hoffman to stop the investigation in a motion that was filed

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Friday by his lawyers in federal court in Baltimore. The lawyers argued that the Constitution prohibits the indictment of a President or a Vice President until he is first impeached and removed from office by Congress.

They also contended that leaks to the press about the investigation have made it impossible for Agnew to receive a fair hearing before the grand jury, or at any subsequent criminal trial, should he be indicted.

Hoffman set a hearing on the motion for Oct. 12 in Baltimore and said that, in the meantime, federal prosecutors could continue to present evidence against Agnew to the grand jury. The date of the hearing is a Friday and Hoffman is expected to rule on the motion early the following week.

The judge's decision is almost certain to be appealed to the Fourth U.S. Circuit Court of Appeals in Richmond and ultimately to the Supreme Court.

Hoffman normally presides over a federal court in Norfolk. He was assigned to the Agnew case by Clement F. Haynesworth, chief judge of the Fourth U.S. Circuit Court

of Appeals, after every federal judge in Maryland disqualified himself from the case because of past associations with the Vice President. Agnew was governor of Maryland from 1967 to 1969.

Agnew was notified Aug. 2 by George Beall, the U.S. attorney for Maryland, that he is under investigation for possible violations of bribery, extortion, conspiracy and tax laws. The investigation, according to sources, involves allegations that Agnew accepted cash kickbacks from engineers and architects while Maryland governor and, in at least one instance, since becoming Vice President.

The Agnew case is part of a larger investigation into alleged political corruption in Maryland by Beall and his staff. In August, the grand jury indicted Dale Anderson, a Democrat who was Agnew's successor as Baltimore county executive, on 39 counts involving charges of bribery and extortion.

Anderson was accused of accepting \$46,420 from engineers and architects in return for awarding them lucrative public contracts.

The grand jury heard the first evidence against Agnew during a 7½-hour session last Thursday, two days after Attorney General Elliot L. Rich-

ardson announced that negotiations between Agnew's lawyers and the Justice Department had broken down.

The negotiations, according to informed sources, involved discussions of Agnew's possible resignation and acceptance of a guilty plea to a relatively minor charge in return for an end to the investigation.

According to one source, the grand jury heard four witnesses last Thursday, but none is considered a major figure in the Agnew investigation. Three of the four witnesses were lower level employees of consulting firms who were not asked directly about Ag-

new, the source said. He said he could not describe the fourth witness.

Before the first witness was called, the source said, Beall explained to the grand jurors what possible federal law violations are involved in the investigation and what witnesses and testimony they can expect to hear in the next few weeks.

In another development yesterday, a George Washington University law professor asked permission to intervene in the Agnew case and argued that a special prosecutor should be appointed to investigate allegations against the Vice President.

In a motion filed in federal court in Baltimore, the professor, John F. Banzhaf III, charged that Attorney General Richardson "suffers from an inherent and unavoidable conflict of interest" as head of the Agnew investigation because of "the political and other advantages" he would gain from a successful prosecution.

Richardson has been mentioned as a possible presidential candidate in 1976. Banzhaf's request was sent to Judge Hoffman for a ruling.

In most cases, major grand jury investigations begin with less important witnesses who provide general information, then move on to major wit-

nesses who are asked to testify directly about alleged wrongdoing.

The grand jury system, begun in 12th century England, is a one-sided affair, with only prosecutors presenting evidence against the subject of an investigation. There is no cross-examination, and no defense lawyers are present; indictment by a grand jury means that a majority of the grand jurors believes that the government has obtained enough evidence to justify a public accusation and trial of person.

Federal grand juries usually consist of 23 persons, although the grand jury hearing evi-

dence against Agnew consists of only 22 because one of the jurors earlier was excused from duty. The grand jury must have 16 members present to hear evidence. An indictment requires the votes of 12 grand jurors.

The grand jury system originally was devised as a shield against possibly capricious prosecution by the government. In recent years, according to a legal scholar who asked not to be identified, there has been increasing criticism of the grand jury system, in part because grand jurors too often are believed to do only what prosecutors want.

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