

Justice Dept. Hits Agnew 'Leak' Claim

Washington

The Justice Department has branded as "frivolous" Vice President Agnew's allegation that it engaged in a campaign of news leaks directed against him.

The department also said that subpoenaing newsmen to prove there was such a campaign was merely a "fishing expedition."

In a memorandum delivered to U.S. District Judge Walter E. Hoffman yesterday, the department declared its opposition to Agnew's efforts to call off the Baltimore grand jury that is looking into possible criminality on his part.

REPORTERS

At the same time, lawyers for 11 reporters and news organizations called the subpoenas "virtually unprecedented" in their sweep and indicated they will attempt to have the court throw them out.

The newsmen's lawyers filed a motion asking for a week's delay in responding to the subpoenas but the request was summarily rejected by Judge Hoffman.

Several of the ten lawyers involved said they are considering an appeal of the judge's action.

SCANDALS

The rejected motion was filed yesterday in U.S. District Court in Baltimore where the grand jury has been sitting since January investigating scandals in suburban Baltimore county and in the state of Maryland. Agnew served as elected executive of the county from 1962 to 1966 and as Maryland's governor from 1966 to 1968.

The Vice President was notified by letter August 1 that he was under investigation for possible bribery, extortion and tax fraud. He has denied the charges.

The newsmen argued that

one of the key issues at stake is the "right and duty of the press to alert the voters and their representatives to activities which may constitute grounds for impeachment."

Agnew's lawyers have argued that he cannot be indicted by the grand jury but must be removed from office by impeachment first.

The Justice Department does not plan to fight the subpoenas that its officers

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have also received, its memorandum stated.

Instead, the department said it will submit depositions, which are sworn statements from those subpoenaed.

"Analysis of the papers submitted by counsel for the Vice President discloses that their motion (to stop the grand jury) is supported by neither the facts nor the law," the memorandum stated. "They are engaged in an attempt to confuse the issues and to halt a legitimate investigation by the common defense tactic of trying the prosecutor."

The memorandum said a vigorous internal investigation had been made and had turned up nothing.

"But since the unsupported charges made by counsel for the Vice President are serious, the department wishes to meet them head on and meet them now," the memorandum continued. For that reason, despite the lack of any basis for the charges, the department will not object to or seek relief from the order that senior officials give their depositions under oath.

"However, we strongly object to the subpoenas issued to newsmen.

"We have never supported incursions into this sensitive area for the mere purpose of conducting fishing expeditions, and it is plain that this is all that is involved here."

LEAKS

It called charges of a campaign to leak news unfavorable to the Vice President "legally irrelevant."

The motion also said that the evidence gathered against the Vice President is so closely entwined with evidence gathered against other present and former Maryland officials that the Vice President's case cannot be

dropped without affecting the others.

It was the first time in the investigation that the Justice Department has given any insight into its reluctance to drop the case against Agnew.

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