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**Agnew's Charge on Leaks  
Denied by Justice Agency**

**Court Memo Terms the Claim 'Frivolous'  
and Scores Newsmen's Subpoenas  
—Reporters Rebuffed on Delay**

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Special to The New York Times

WASHINGTON, Oct. 8—The Justice Department branded as "frivolous" today Vice President Agnew's allegation that it had engaged in a campaign of news leaks directed against him and said that subpoenas to newsmen to prove there was a campaign were merely "fishing expeditions."

In a memorandum delivered to United States District Judge Walter E. Hoffman, the department declared its opposition to Mr. Agnew's efforts to call off the Baltimore grand jury that is looking into possible criminality on his part. Nevertheless, the department said it did not intend to fight the subpoenas its officers had received.

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

They 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 10 lawyers involved said that they did not know of any ground on which

the motion was rejected and that they were considering a possible appeal of the judge's action.

The rejected motion was filed in Federal 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. Mr. 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 Aug. 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 was the "right and duty of the press to alert the voters and their representatives to activities which may constitute grounds for impeachment."

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

Instead, the department said

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it would submit depositions, which are sworn statements, from those subpoenaed.

The department has declined to identify the subpoenaed officers.

"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."

**Vigorous Inquiry Cited**

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."

It called charges of a campaign to leak news unfavorable to the Vice President "legally irrelevant" and said that the "nine items of evidence" offered show precisely nothing."

The memorandum noted that it was "the substance of publicity, not its source" that bore on a grand jury's ability to consider fairly evidence presented before it.

The motion also noted that the evidence gathered against the Vice President was so entwined with evidence gathered against other present and former Maryland officials that the Vice President's case could not be dropped without affecting the others.

"It would be virtually impossible both to exclude the evidence touching the Vice President and at the same time to present fully and meaningfully the evidence relating to possible co-conspirators," the memorandum said.

"Thus the relief sought would, as a practical matter, immunize several persons other than the Vice President. Such a result would, of course, be intolerable."

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

**Interference Discerned**

The newsmen's motion for a week's delay outlined many of the arguments they are expected to raise in efforts to quash the subpoenas.

It stated that the "sole object" of the Vice President's action in seeking subpoenas was to "interfere directly or indirectly" with the traditional

role of a grand jury and of a prosecutor.

Citing a number of cases in supporting this argument, the motion said the court was "powerless" to stop the grand jury in this case and that "the enforcement of the subpoenas can serve only to harass the press."

It continued:

"Finally, even if massive publicity were a valid ground upon which to interfere with an ongoing investigation by a grand jury, applicant [the Vice President] may have waived any right to assert such a claim because applicant has generated much of the publicity himself through speeches and press conferences, and it is possible that

applicant or his attorneys have been responsible for many of the press leaks of which he complains."

The motion was delivered today, an official holiday, to the District Court clerk, Paul Schlitz, who went to his office in Baltimore specially to receive it.

**Memo Delivered to Judge**

The Justice Department delivered its memorandum to Judge Hoffman personally. He is believed to be staying at an Alexandria, Va., motel.

The judge normally sits in Norfolk, Va., but was designated to handle the case when the nine members of the Federal bench in Baltimore all withdrew because of prior association with Mr. Agnew.

In addition the Reporters Committee for Freedom of the Press announced today that it would attempt to enter the case on the side of newsmen and editors.

In a statement issued by Jack C. Landau, a reporter for the Newhouse newspaper chain, the reporters committee urged fellow newsmen to continue using confidential government and non-government sources.

The committee called the subpoenas "but another example of the unconstitutional and illegal harassments being imposed on working news reporters and news editors for doing their jobs by utilizing confidential news sources."