

Agnew's Office Called Possible Source of Leaks

By ANTHONY RIPLEY

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WASHINGTON, Oct. 9—An internal Justice Department study indicates that one of the major sources of allegedly damaging news leaks against Vice President Agnew may have been the Vice President's own office or the White House.

In a 34-page document submitted to United States District Judge Walter E. Hoffman, Assistant Attorney General Glen E. Pommerening cited a "high correlation" between information given to Mr. Nixon's and Mr. Agnew's offices and "disclosures which have appeared in the press."

The document also said that Henry E. Petersen, the Assistant Attorney General in charge of the Criminal Division, had no knowledge of the case prior to Mr. Agnew's own admission the night of Aug. 6 that he was under investigation. That admission came as The Wall Street Journal was preparing to publish the fact.

Mr. Agnew has concentrated his attack on Mr. Petersen as a major source of news leaks that he considers part of a campaign to drive him from office. He has called it a "malicious, immoral illegal attack" on him.

Both President Nixon and Attorney General Elliot L. Richardson have defended Mr. Petersen.

The Vice President's lawyers are seeking to learn more about those news leaks and have issued subpoenas to nine newsmen and two news magazines in an effort to question them.

Hearing Today

Judge Hoffman is expected to rule tomorrow on motions to quash the subpoenas for the newsmen and magazines. The request to quash them is based on constitutional guarantees of freedom of the press under the First Amendment, and Associate Justice Lewis F. Powell's concurring opinion in the 1972 *Branzburg vs. Hayes* case.

In that opinion Justice Powell wrote that if a newsmen believes his testimony implicates confidential sources "without a legitimate need of law enforcement" such a motion to quash "may be entered."

The Vice President's suit was a civil action aimed at stopping the grand jury investigation. The suit cited what it called "a steady campaign of statements to the press which could have no purpose and effect other than to prejudice any petit or grand jury."

Judge Hoffman empowered Mr. Agnew's lawyers to subpoena both Justice Department and news persons in searching for evidence.

He scheduled a hearing in

open court at 2 P.M. tomorrow in Baltimore to handle the subpoena question after summarily turning down a request for a week's delay.

A grand jury in Baltimore has been examining charges of bribery, extortion and tax fraud against the Vice President. He has denied any wrongdoing.

The report by Mr. Pommerening was made public yesterday, with portions removed that might disclose the case against the Vice President. The entire

document was submitted to Judge Hoffman.

It stated that only eight Justice Department officials had an in depth knowledge of the case before Mr. Agnew's admission that he was under investigation. At the time that investigation had been under way for nine months.

They included Mr. Richardson; one of his assistants, J. T. Smith; Deputy Attorney General William D. Ruckelshaus and one of his aides, Gary Baise; he United States Attorney for Baltimore, George Beall, and his three assistants who have handled the investigation, Russell T. Baker, Ronald S. Liebman and Barnett D. Skolnik.

It also noted that "additional sensitive information which has not been disclosed to the press" was held by five men, Mr. Petersen among them.

It said a total of 134 employees of the Justice Department had been interviewed and responded, "in sworn statements, that they themselves were not the source of information which appeared in the news media, nor did they know of any other person who was the source."

The document stated that Mr. Beall's office "did not become aware of the Vice President's substantive involvement as a potential defendant" until late May. The Justice Department headquarters in Washington was not aware of it until June 12, when Mr. Beall briefed the Attorney General.

Delivered Aug. 1

On July 27, Mr. Beall and Mr. Richardson met again and agreed on the idea of informing Mr. Agnew by letter that he was under investigation. The letter was delivered to Judah Best, one of Mr. Agnew's attorneys on Aug. 1, the report said.

On Aug. 5, Wall Street Journal reporter, Jerry Landauer, spoke with Mr. Skolnik, Mr. Baker and Mr. Beall, showing them details of the letter to Mr. Agnew and stating that the newspaper planned to publish an article on the Agnew investigation.

The Vice President's announcement came the next day.

The Pommerening report noted that Mr. Beall's office had managed to keep the investigation secret for nine

weeks and Mr. Richardson's office did so for seven weeks. The investigation became public only when information left the department, the document said in an apparent reference to the letter sent to Mr. Best.

"There appears to be a high correlation between the facts transmitted by the Department of Justice to the White House and/or the Vice President and the disclosures which have appeared in the press," Mr. Pommerening's report said.

"The first news story which revealed that the Vice President was under investigation has been attributed to the Vice President's staff," the report added, without specifying the staff source.

The report continued that an analysis of information credited to Justice Department sources in several key news reports had disclosed that "while the information may have been damaging to the Vice President, it was generally inaccurate."

Such inaccuracies, it contended, could have been prompted by those on the periphery of the investigation giving the partial information they had and thus confusing things; or they could have been efforts

by reporters to disguise a source of attributing it wrongly to the Justice Department.

"It appears that some reporters would not consider it a violation of journalistic standards to make attributions to the Department of Justice when in fact the information came from a secondary source who had official or unofficial access to Department of Justice information," the document said.

'Byzantine' Relationship

The report noted that many in Baltimore may have known about the investigation.

"There is a Byzantine-like relationship in the Baltimore business, political and social community," the report said.

"Several defendants have the same attorney; the same individuals have had business and social ties for long periods of time; several attorneys are former Department of Justice employees and one of the Assistant United States Attorneys is a former member of the law firm representing one of the major defendants.

"These relationships contribute to the general aura of gossip and rumor which has been widespread in Baltimore," the report said.