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**Agnew Plea Ends 65 Days
Of Insisting on Innocence**

By **BEN A. FRANKLIN**
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BALTIMORE, Oct. 10—Vice President Agnew ended today 65 days of defiant insistence that he was innocent of any wrongdoing by pleading no contest to a charge of cheating the Government of \$13,551.47 on his Federal income tax pay-

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ment for 1967, his first year as Governor of Maryland. Then he resigned his Federal office.

At a dramatic, surprise appearance here before United States District Court Judge Walter E. Hoffman after two days of secret negotiations, Mr. Agnew was confronted in open court by Attorney General Elliot L. Richardson.

The Attorney General said

in a prepared statement that the Government's evidence against the former Vice President went far beyond the six-year-old tax violation. But he said that "critical national interests"—the avoidance of the "serious and permanent scars" upon the nation that would have been inflicted by months or years of a criminal prosecution of a sitting Vice President, together with the new and allied dispute over newsmen's sources—justified the agreement with Mr. Agnew. Judge Hoffman then approved the agreement.

Under it, Mr. Agnew in a 40-minute court appearance waived all his rights as a defendant—the right to be indicted and to an arraignment—and was sentenced on the spot to pay \$10,000 fine and to three years of probation. He was admonished by Judge Hoffman to violate no state or Federal laws on pain of having his avoidance of a prison term reconsidered.

A long list of other charges, involving perhaps \$100,000 in payoffs by Maryland contrac-

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tors favored by Mr. Agnew in the award of state contracts, was dropped.

But the charges, and the evidence to support them, were made public later by United States Attorney George Beall. The Justice Department, Mr. Richardson made clear in court, had insisted on that in bargaining with Mr. Agnew.

The sudden collapse of the Agnew defense also mooted—made of no legal importance or standing—the complex litigation by 11 newsmen and news gathering organizations that had been the main courthouse activity here today until the appearance at 2 P.M. of the central characters in the drama.

Motions Are Moot

A mass of motions to quash subpoenas for the journalists' sworn testimony on their sources of the "prejudicial leaks" alleged by Mr. Agnew thus went into limbo, and a constitutional dispute that the reporters' lawyers had labeled in their pleadings one of the gravest in the history of the free press vanished with them.

Also mooted by Mr. Agnew's resignation was a pending move in Washington before the House Judiciary Committee to request the evidence against him for consideration by the House, rather than by the courts.

"It was late yesterday afternoon when I learned the final details of the negotiations," Judge Hoffman said in a statement from the bench explaining the arrangements. "I insisted that all details would have to be submitted in open court and in the presence of the defendant before any formal approval or disapproval could be given."

Security arrangements in the courthouse here have been unusually rigorous for weeks to protect the secrecy of the grand jury, and there was no awareness at first by most of the lawyers, newsmen and other spectators ushered into the crowded courtroom by United States marshals that Mr. Agnew was there.

A Warning Against Outcry

At a few minutes before 2 o'clock, Mr. Richardson's official limousine swept up to the curb in front of the courthouse. Mr. Richardson went immediately into the courtroom at the head of a procession of Federal prosecutors that included Mr. Beall, the chief prosecutor here, and Assistant Attorney General Henry E. Petersen, head of the Justice Department's Criminal Division.

It was Mr. Petersen whom Mr. Agnew, in an angry speech in Los Angeles last Sept. 29, accused of seeking to make him, Mr. Agnew, "a trophy" and of plotting news leaks against him to recover his reputation as a "bungling" prose-

cutor in the Watergate cases in Washington.

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Judge Hoffman was the first to address Mr. Agnew, who wore a blue suit, white shirt and a blue-and-tan striped necktie.

"You know that you should not execute a waiver of indictment unless you do so freely and without promise or reservation?" Judge Hoffman asked. "I do, your honor," Mr. Agnew replied, standing at the defendant's table with his three lawyers seated at his side.

"What plea is entered on behalf of the defendant," the judge asked Jay H. Topkis, Mr. Agnew's chief counsel.

"On behalf of the defendant, your honor, I enter a plea of nolo contendere."

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"Is that your plea, Mr. Agnew?" Judge Hoffman asked.

"That is my plea, your honor," he replied in even tones. His responses were loud and clear.

"It is the full equivalent of a plea of guilty," Judge Hoffman continued. "It may protect you in a collateral matter, a civil matter. But you fully understand the plea of no contest?"

"I do, your honor," was the reply.

"Do you fully understand the charge in the [tax evasion] information?" the judge asked.

And again Mr. Agnew replied. "I do, your honor."

Three Elements Cited

Judge Hoffman then cited the three elements of what he called "the plea negotiations."

"You are submitting your resignation as Vice President of the United States," the judge began. Secondly, the Justice Department would waive fur-

ther prosecution on other charges, "but this does not mean that your name may not be mentioned in proceedings against others," the judge said. Nor did it mean that the State of Maryland "or some private organization" may not take future action against him, the judge said.

The Government can still file a civil action against Mr. Agnew, for example, to recover unpaid income taxes, plus penalties and interest, if he does not pay them. This would be in addition to his \$10,000 fine.

"Do you understand and ratify the agreement as I have stated it?" the judge asked.

"I do so understand it," Mr. Agnew replied.

Letter of Resignation

Mr. Topkis then rose to announce that "at 2:05 P.M. today, there was delivered to the Secretary of State in Washington a letter from the defendant in which he submitted his resignation."

"I have advised my client that a plea of nolo contendere means, literally, 'I chose not to defend,'" Mr. Topkis said. "We waive the right of presentence investigation."

Attorney General Richardson then read a statement in which he said that the evidence available to the Government "establishes a pattern of substantial cash payments to the defendant during the period when he served as Governor of Maryland, in return for engineering contracts with the State of Maryland.

"Payments by the principal large engineering firms began while the defendant was County Executive of Baltimore County in the early nineteen sixties and continued into 1971. The evidence also discloses payments by another engineer up to and including December, 1972."

The time period covered thus

extended well into Mr. Agnew's first term as Vice President, beginning Jan. 20, 1969, and Mr. Richardson said that the Government's witnesses "would testify to having made direct payments to the Vice President."

"The agreement between the parties now before the court is one which must be just and honorable," Mr. Richardson said, "and which must be perceived to be just and honorable, not simply to the parties but above all to the American people.

"From the outset of the negotiations which have culminated in these proceedings, the



Associated Press

Mr. Agnew being sworn in as Maryland's Governor Jan. 25, 1967, by Judge Hall Hammond

Department of Justice has regarded as an integral requirement of any agreement a full disclosure of the surrounding circumstances, for only with knowledge of these circumstances can the American people fairly judge the justice of the outcome."

The Attorney General later said that Mr. Agnew would not have agreed to the plea bargaining without his "affirmative recommendation" to avoid a prison sentence—"an appeal for leniency," he called it.

'Historic Magnitude'

"I am firmly convinced that under the circumstances leniency is justified," Mr. Richardson said. "I am keenly aware, first, of the historic magnitude of the penalties inherent in the Vice President's resignation from his high office and his acceptance of a judgment of conviction for a felony. To propose that a man who has suffered these penalties should, in addition, be incarcerated in a penal institution, however briefly, is more than I, as head of the Government's prosecuting arm, can recommend or wish."

The detailed charge to which Mr. Agnew pleaded was not read in court, but was released moments after Judge Hoffman recessed hearings.