

By **CHRISTOPHER LYDON**

Special to The New York Times

WASHINGTON, Oct. 11—

As early as Sept. 13—and despite vehement later denials—Spiro T. Agnew informed the Justice Department through his lawyers that he was prepared to resign from the Vice President's office in exchange for an end of the Government's criminal prosecution of him, sources close to Mr. Agnew said today.

Before that, he had vowed to keep his office and vindicate himself. After that, when articles were published that Mr. Agnew's lawyers were negotiating—or "plea bargaining"—for lenient treatment, Mr. Agnew broke off talks and declared in an emotional speech in Los Angeles, "I will not resign if indicted."

But for the last four weeks Mr. Agnew's lawyers have been talking to the Justice Department with the explicit understanding that Vice-Presidential resignation would be a key element in any settlement of the criminal case against Mr. Agnew.

The sticking point in the negotiations apparently came on questions of how much of the evidence against Mr. Agnew would be published and how much wrongdoing he would have to admit. In addition, it was not clear until last Tuesday morning that Attorney General Elliot L. Richardson would support Mr. Agnew's campaign to stay out of jail—or that United States District Judge Walter E. Hoffman would concur and let him go free.

Outlined Sept. 13

Yet the basic bargain that became final yesterday—Mr. Agnew's no-contest plea to a single felony count, in return for his resignation—was outlined by Mr. Agnew's lawyers in their first negotiating session in the Attorney General's office on Thursday, Sept. 13.

For Mr. Agnew and his lawyers, one of the principal virtues of the settlement was the fact that he was not forced to plead guilty and remains at least technically free to continue proclaiming his innocence of the corruption charges that the Justice Department was prepared to bring against him.

After admitting tax evasion and making no resistance to a criminal conviction for that crime, his "innocent" claim is considered by some here to be perhaps just a point of pride. But apparently it was an important one to him, one that he will insist upon publicly.

Throughout the talks with the Justice Department, Mr. Agnew's lawyers represented

that they were speaking for an innocent man. Again today, some of his lawyers were saying that the Government had a thin case against him, based not on documents but on the testimony of barely credible witnesses. If the case had gone to trial, the lawyers said, he would have been acquitted.

Opposed Long Fight

Yet, before the middle of September, members of the Agnew legal team indicated today, the beleaguered Vice President decided that a long fight would not be worth it.

"He couldn't tolerate the spectacle of a divisive fight over his office," one Agnew intimate said. "He began to see the convulsions that were going to be involved."

This is a very different picture from the one Mr. Agnew was painting at the time. Further, it does not account for developments that were apparently strengthening the Government's case—and weakening Mr. Agnew's position—at about the same time.

According to Mr. Agnew's lawyers, for example, the Justice Department first told the Vice President in mid-September that I. H. Hammerman, Mr. Agnew's close friend and fund raiser, had begun to cooperate with the prosecution and would testify that he had given Mr. Agnew kickback money.

Friends say Mr. Agnew was surprised and saddened by Mr. Hammerman's turning against him. Yet the former Vice President's lawyers insisted today that the Hammerman evidence did not change the case fundamentally. And it was not a crucial element, they said, in Mr. Agnew's decision to bargain for his freedom.

Called Maneuvers

According to the lawyers around him, Mr. Agnew's declaration that he would not resign, and his short-lived appeal to Congress to test the case for impeachment against him, were simply tactical maneuvers to strengthen his bargaining position with the Justice Department.

The original negotiations, starting on Sept. 13, dragged on for several days without an agreement on the wording of Mr. Agnew's public statement or on the scope of the Government's release of evidence against him, these attorneys said.

As the lawyers talked, stories began to leak out—first on Sept. 18, that Mr. Agnew was considering resignation, and then, on Sept. 22, that his lawyers were "plea bargaining" with Federal prosecutors.

The lawyers denied that the

bargaining sessions had taken place—a flat misstatement of the facts, they acknowledged today. And then, they said, when the negotiations were to be resumed on Monday, Sept. 24, Mr. Agnew ordered his lawyers not to show up.

By that point, Mr. Agnew apparently felt, his public support and his bargaining strength were being severely eroded by the spreading reports that after vowing to fight he was in fact preparing to abandon his post.

Asked House Leaders

Accordingly, he asked the Democratic leaders in the House of Representatives to conduct an investigation, and asked the court in Baltimore to rule that criminal proceedings against a sitting Vice President could not continue.

The House leaders quickly rejected his request for a transfer of the proceedings. In Baltimore, Judge Hoffman continued to consider the constitutional question of whether a Vice President was subject to criminal prosecution.

Then, the lawyers said, last Friday, Mr. Agnew summoned Judah Best, one of three lawyers working on his case, and said he was ready to negotiate.

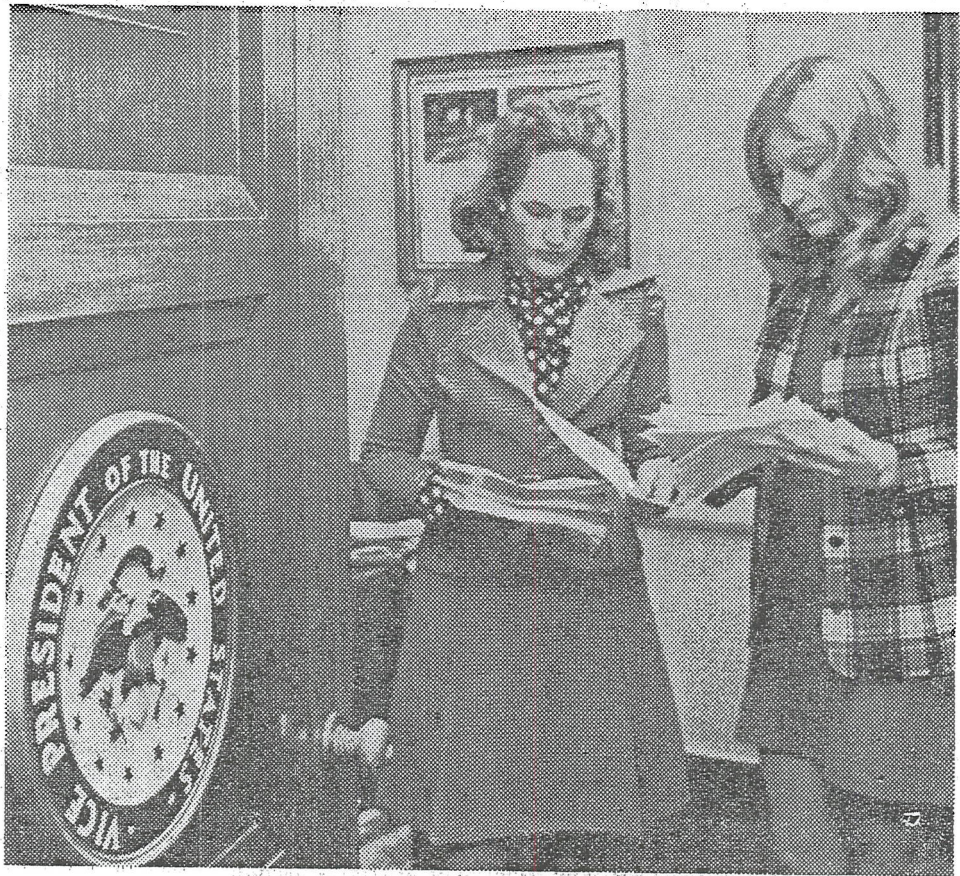
But the key negotiations, Mr. Best said today, took place not with the Justice Department but with J. Fred Buzhardt, special White House counsel on Watergate and a middle man in many of the Agnew case discussions.

Mr. Buzhardt was in Key Biscayne, Fla., with the Presidential party when Mr. Agnew gave the signal to resume talks. Mr. Best said he flew to Miami Friday night, and he and Mr. Buzhardt did their crucial bargaining between midnight and 3 A.M. Saturday in a Miami hotel room.

From the Agnew lawyers' standpoint, the core of the Buzhardt-Best agreement was that Mr. Agnew would remain free in his public statement about the case to deny the Government's corruption charges. Further, he would retain the right to review the Government's summary of the evidence against him.

One source close to the Agnew lawyers said that the 40-page document outlining an Agnew kickback system and made part of the official record of the case was "about 10 per cent" of the story the Government investigators had developed.

The other main elements of the settlement—the plea of nolo contendere in response to the tax evasion charge, and Mr. Agnew's resignation—had been part of the bargain from the beginning, the lawyers said.



The New York Times

Beth Nutting, left, and Susan Stover, members of Spiro T. Agnew's staff, with some of many telegrams expressing support, sent to him at his office in Washington.