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Charges List Vital to Agnew Deal

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At 1 o'clock Wednesday morning Attorney General Elliot L. Richardson and the chief of the Justice Department's Criminal Division, Henry E. Petersen, drove to Baltimore to write the last chapter in the capitulation of Spiro T. Agnew.

For four hours, with U.S. Attorney George Beall and his assistants, Richardson and Petersen labored over the 40 pages entitled "Exposition of Evidence" that chronicled charges of kickbacks from state contractors.

Not until 5 a.m. did Richardson and Petersen return to Washington. At 8 a.m. they gave a copy of the charges to Agnew's lawyers and awaited their approval. Then they headed back to Baltimore for the showdown in Judge Walter E. Hoffman's courtroom at 1 p.m.

The attention and anxiety attached to those 40 pages — by then undergoing a fifth draft — illustrated their importance in the final hours before the Agnew resignation. That summary, replete with allegations of Agnew's guilt, and Agnew's own

courtroom statement — part admission, part defense — were the two crucial factors in the settlement, according to administration sources.

Neither the question of a jail term for Agnew nor his resignation was a crucial issue at the end. According to one government source, Agnew's lawyers had surprised the Justice Department very early in the negotiations — in mid-September — by indicating Agnew's willingness to resign.

The tentative offer to re

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sign astonished one government participant.

"Until then I had thought that his position was not tenable, but I was really shocked when they said he might resign. It was a concession and it showed to us how serious his side considered the case. You don't give away something like that if you think you've got a chance of winning," the source said.

Best, claimed he was "not contemplating resigning."

Most of the haggling thereafter, according to government sources, involved the 40-page summary of evidence and what Agnew would say in the courtroom.

Richardson from the first insisted that the summary be made public. Otherwise, he felt, the country would be tormented for years with doubts and fears that a case had been trumped up against the Vice President.

One Justice Department official said that this likelihood was considered as potentially dangerous as the arguments in France over the Dreyfus case and in this country over the case of Sacco and Vanzetti.

Agnew's attorneys, the source said, were hostile from the start to the idea of issuing a public statement of untried charges against their client.

The other half of the deliberations dealt with what

Agnew would say in his courthouse statement on the day he resigned and pleaded no contest to one charge of tax evasion.

"We all along wanted some sort of confession of the integrity of the government's case, the source said.

Agnew, it was said, wanted to make as little admission of guilt as possible.

In the end, one of the last changes made in the agreement was a slight watering down of Agnew's statement. He wound up denying that he was guilty of anything but the one count of tax evasion and asserted that the contributions he accepted were part of normal political fund raising in Maryland.

The source asserted that the the government is still baffled at what it regards as Agnew's sudden turnaround on the whole case. He said that Agnew had agreed at the end to roughly the same settlement proposed in the first round of plea bargain-

ing sessions. Very little was added during the second round, which began last weekend the source said.

Between the first and second rounds, Agnew had undertaken a national speaking campaign in his defense, insisting that he would not resign even if indicted by the grand jury in Baltimore. He also sought to shift the proceedings to the House of Representatives and tried to subpoena newsmen and government officials responsible for news leak on his case.

Agnew's attorneys had been adamant throughout that the Vice President should not face a jail term and Richardson went along, although the issue was not faced squarely until the final hours. It was before Judge Walter E. Hoffman that Richardson disclosed early this week that he would ask for leniency, and not a jail term, for Agnew.

The issue of punishment was more hotly disputed

At the time Agnew's lawyers were making the "concession," the Vice President was publicly maintaining that he would not resign, and that he had never discussed the question of a resignation with President Nixon. It was roughly at the same time in September that The Washington Post quoted a source as saying the Vice President had told a friend he was considering resigning. Agnew did not comment, but a few days later his attorney, Judah

within the government camp than between Richardson and Agnew's lawyers. Beall and his assistants in Baltimore apparently wanted some jail term, although reportedly they had not agreed on how long a term should be sought.

A government source in Washington explained that the U.S. attorneys in Baltimore wanted tougher punishment because of the effect it would have on witnesses they were using in the Agnew case who would be helpful in other matters not yet thoroughly investigated.

"The prosecutors in Baltimore were looking their witnesses in the eye and we weren't," said the Justice official. "To the extent that Agnew was given leniency, their problems increased with their witnesses in other cases. Those witnesses wanted to be treated just like Agnew, with the same leniency as he would get."