

Agnew Aides Said to Seek Activists' Lawyers' Advice

By JOHN KIFNER

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CAMBRIDGE, Mass., Oct. 29 —Defense lawyers in the court cases of Dr. Daniel J. Ellsberg and the Rev. Philip F. Berrigan say that attorneys for former Vice President Spiro T. Agnew have sought advice from them in hopes of blocking the grand jury investigation of his financial dealings.

This development reportedly found the Nixon Administration's one-time chief attacker of dissenters and advocate of law and order seeking to learn from the defense techniques in two of the Administration's most celebrated unsuccessful prosecutions of antiwar activists.

Mr. Agnew, who had also been a critic of judicial "permissiveness" and suspended sentences, eventually struck a bargain with the Justice Department in which he resigned and pleaded no contest to one count of income tax evasion to stay out of prison.

Asked About Strategy

Jack Levine, a Philadelphia lawyer long associated with radical cases, and Charles Nesson, a Harvard Law School professor who had worked on Dr. Ellsberg's defense, said, however, that earlier Mr. Agnew's lawyers had asked them about motions they had made in combating grand jury investigations.

One of Mr. Agnew's attorneys, Martin London of the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, at first denied that anyone had reached the two men for advice. Then he said that telephone calls had been placed to them but asserted that it "had nothing whatever" to do with seeking advice.

"You either believe it or you don't," Mr. London said.

The Nixon Administration has begun a long series of grand jury investigations of radical groups, primarily through the Justice Department's Internal Security Division. These inquiries have created debate

within the legal community over whether the grand jury system is being abused.

In response to these sweeping investigations, defenders of dissenters such as the National Lawyers Guild, the Center for Constitutional Rights and the American Civil Liberties Union have formed study groups that are developing legal expertise in defending against grand jury inquiries.

Thus, Mr. Agnew's attorneys asked Mr. Levine, who had successfully defended Sister Jogues Egan, a Roman Catholic nun, against contempt charges when she refused to testify before the grand jury investigating Father Berrigan, whether Mr. Agnew had standing for an appeal to block the investigation.

Mr. Levine, in a telephone interview, recalled that he said he thought their "client didn't have much of a chance—he just didn't have any standing."

Father Berrigan, along with a group of other antiwar activists, was accused of plotting to kidnap Henry A. Kissinger, then a foreign policy adviser to President Nixon. All were acquitted.

Similarly, the lawyers for Mr. Agnew asked Mr. Nesson about motions he had made in seeking to block a Boston grand jury during the Pentagon papers case. Mr. Nesson said that he had sent them the briefs.

Sent Bill for \$50

Mr. Levine said that after he had given the advice, "I got mad thinking about all my friends they [the Administration] sent to jail."

So, he said, he sent in a bill for \$50, with a notation that he intended to donate the fee to a friend seeking the impeachment of Mr. Nixon. He said the bill had not yet been paid.

Mr. Nesson also said he had been reached by lawyers for E. Howard Hunt Jr., a convicted Watergate conspirator about motions filed during the Ellsberg case regarding charges of prosecutorial misconduct.