

## G.A.O. CHALLENGES GUARD FOR AGNEW

Says Nixon Lacks Authority  
to Order U.S. Protection

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WASHINGTON, Jan. 29—The General Accounting Office told Congress today that President Nixon had no legal authority to order Secret Service protection for Spiro T. Agnew after Mr. Agnew resigned as Vice President.

However, the agency, the investigative arm of Congress, indicated that it felt the expenditures for staffing Vice-Presidential offices during transition periods were proper. A staff of six is still helping Mr. Agnew to sort through hundreds of boxes of Vice-Presidential papers.

Mr. Agnew resigned as Vice President on Oct. 10 and then pleaded no contest to a charge of income tax evasion. That day, President Nixon requested that the Secret Service provide a detail to continue protection of the former Vice President "for a reasonable period of time."

An undisclosed number of agents are assigned to Mr. Agnew around the clock. The Secret Service has declined to say how many agents are assigned.

Gerald L. Warren, the deputy press secretary, said that there would be no comment from the White House.

A Treasury spokesman said that department officials were still satisfied that the President had "inherent executive power" to direct protection for the former Vice President.

### Cost of Protection

The G.A.O. said in its report that it had been told by the Treasury Department that \$89,222 was spent on Secret Service protection for Mr. Agnew from Oct. 10 through Dec. 15.

A Treasury spokesman said that he did not have readily available the figure on the cost of protection since Dec. 15. However, he indicated that it would be substantially less than the initial amount since the detail had been scaled down.

Details about Secret Service protection and staffing for Mr. Agnew were disclosed by the Controller General, Elmer B. Staats, head of the G.A.O., in a report to Representative John E. Moss, Democrat of California.

Mr. Moss had asked the

agency in early November to investigate Government expenditures on behalf of Mr. Agnew after he had left office.

Among the questions raised by Mr. Moss were whether Government limousines and drivers had been assigned to Mr. Agnew and whether he had been given use of military aircraft for travel.

Mr. Staats said that the Secret Service provided vehicles and drivers to transport Mr. Agnew as part of the protective service.

However, he said, there is "no evidence of which we are aware that Mr. Agnew has been provided with military aircraft for personal transportation."

Mr. Staats said that the Treasury Department had reported that Mr. Agnew took two trips by air between Oct. 10 and Dec. 15, but that a member of the Agnew staff had said both trips were on commercial airlines.

The G.A.O. report showed

that most of the \$89,222 for Secret Service protection for Mr. Agnew had gone for salaries of the agents. Between Oct. 10 and Nov. 10, \$52,610 was spent on salaries and benefits, \$3,028 on travel and \$300 for miscellaneous expenses. From Nov. 11 to Dec. 15, \$32,224 was spent on salaries and benefits, \$760 on travel and \$300 on miscellaneous expenses.

Mr. Staats said that there did not appear to be any statutory authority for Mr. Nixon's directive ordering Secret Service protection for Mr. Agnew. He said that Treasury officials had relied on a memorandum sent by Mr. Nixon to Secretary of the Treasury George P. Shultz on Oct. 10.

That memorandum stated, "You are hereby requested to direct the United States Secret Service to provide a detail for the protection of former Vice President Spiro T. Agnew for a reasonable period of time." It

was signed, Richard M. Nixon.

The following day Mr. Shultz sent the following memorandum to the director of the Secret Service:

"In accordance with a request from the President, a copy of which is attached, you are hereby requested to provide a detail for the protection of former Vice President Spiro T. Agnew for a reasonable period of time."

Mr. Staats said in his report to Congress that "in the absence of statutory authority for the protection of the former Vice President, we conclude that the Presidential directive to the Secret Service requesting such protection does not constitute legal authority to provide it."

Mr. Staats said that he had been told by Treasury officials that they contemplated that continued protection for Mr. Agnew "will be of short duration."