

Judge Hoffman Outlines Role In Agnew Plea

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The judge in the Spiro T. Agnew tax-evasion case admitted yesterday that he gave strong signals that Agnew would escape imprisonment if he pleaded no contest and resigned as Vice President.

U.S. District Court Judge Walter Hoffman, describing in detail secret plea bargaining, told reporters "I'm sure the lawyers realized" there would be no prison sentence if the plea were entered. "They would have been obviously ignorant if they hadn't," the judge said.

Although Hoffman has discussed aspects of the October, 1973, case in open court and with newsmen, he gave his first public response to criticism that he had crossed the line between the judicial and executive branches and took too prominent a role in the prosecution-defense negotiations.

Hoffman acknowledged that "a judge should not get involved" during plea bargaining, but defended his role in the Agnew case as in the national interest. And he emphasized that he made no formal commitment to the defense.

The judge, former chief judge of the U.S. District Court in Norfolk, handled the Agnew case on assignment to the Baltimore federal court, where the former Vice President pleaded no contest Oct. 10, 1973, to a tax-evasion charge and was fined \$10,000. Agnew resigned his office at the same time.

Hoffman, 63, met with reporters to discuss the program of the federal judiciary's research arm, the Federal Judicial Center, of which he is director. He said he hoped to open up new lines of communication between the judiciary and the press after a period of hostility.

Hoffman also answered questions about subpoenas he had issued to several news organizations, including The Washington Post, at the behest of Agnew's defense lawyers. The subpoenas were for reporters' testimony about the source of reports on the Justice Department's investigation of Agnew.

The news organizations and individuals were resisting the subpoenas, and some of them were prepared to risk contempt citations and jail sentences when Agnew entered his plea—a surprise because the judge had convened his court ostensibly to deal with the subpoena issue. Instead, he concluded the plea bargaining that had been in progress the previous weekend.



JUDGE WALTER HOFFMAN
... gave signals

Judge Hoffman recalled that "pounds of briefs were filed" by the news organizations contending that the summoning of reporters was an invasion of their First Amendment rights. "I haven't read the first one yet," he said, adding, "I know your owners spent fortunes."

Ordinarily, federal judges stay clear of plea-bargaining negotiations. But noting the saying that a Vice President is "only a heartbeat away" from the presidency, Hoffman said, "You know and I know that the thing of prime importance was the resignation."

Although the Agnew plea bargaining was unique because of the office he held and the political stakes involved, the controversy it stirred was another example of increasing public debate over the technique of negotiating over a matter of criminal justice.

Defenders say the legal system would bog down completely unless most defendants entered pleas, but critics say the process is too secretive and produces wide variations in punishment.

Agnew balked initially at entering a plea because of the uncertainty about a possible prison sentence. In meetings with both sides, first at an Alexandria motel and later at the Justice Department, Hoffman said, he told then-Attorney General Elliot L. Richardson "that I was going to put him in jail unless he made a strong recommendation for leniency."

Asked about the propriety of meeting elsewhere than at court, Hoffman said he was trying to keep the negotiations confidential.

He said it never crossed his mind to delay approval of the plea bargain to let the public know it was before him. "What in the world else did I have to do," he asked, "get the benefit of advice from you gentlemen?"