



Still life—north of the Playhouse

Photo by Rick Nelson

# \$50,000 kickback cited U.S. probing Agnew

WASHINGTON (AP) — Justice Department sources yesterday confirmed that the department is investigating Vice President Spiro T. Agnew and an alleged kickback scheme that a newspaper chain reported may involve payments of up to \$50,000 to Agnew.

Knight Newspapers yesterday reported that federal investigators are probing allegations that Agnew received weekly \$1,000 payments from contractors while a Baltimore County official and \$50,000 after he became vice president.

Justice department spokesmen refused to comment on the Knight story, but other department sources confirmed that Republican fund-raising practices and contributors are involved in the probe.

The Knight story said investigators are checking information that leading campaign fund-raisers for Agnew sought contributions from contractors in exchange for state and federal contracts.

At the same time, Atty. Gen. Elliot L. Richardson decided to keep the investigation inside the Justice Department and not turn over the case to

special Watergate prosecutor Archibald Cox.

Richardson made the decision after discussing with U.S. Atty. George Beall the ways to proceed with the probe, which reportedly includes Agnew's handling of state and local building contracts while Maryland governor and Baltimore County executive during the 60's.

The fund-raising aspect arose when J. Walter Jones of Annapolis, Md., a banker and real estate developer, admitted in a statement that he "was one of many, including the vice president, under investigation for alleged violations in connection with past fund-raising efforts."

Jones, however, denied any improper or illegal acts.

The Justice Department sources also said the investigation involves a great many persons other than Jones who have been identified publicly and it has extended over a period of several years.

Meanwhile, the federal prosecutors subpoenaed the records of the Maryland Department of Transportation for contracts awarded while Agnew was governor. The prosecutors requested records covering the years from 1967 into at least 1971 so as to include projects which were not completed until after he left office.

Maryland Gov. Marvin Mandel pledged in a statement "full cooperation" in providing the records.

One of those involved in the investigation, Jerome B. Wolff, headed the State Roads Commission while Agnew was governor. The commission became part of the Transportation Department in an executive reorganization under the Mandel administration.

There were reports that the probe also involved the awarding of federal contracts in Maryland let by the General Services Administration since Agnew became vice president in 1969. However, Justice Department officials refused to confirm that aspect.

Agnew, in a statement issued by his office Monday night, confirmed that he was under criminal investigation but denied any wrongdoing.

Justice Department officials said Richardson also discussed the case with Cox, who is conducting an independent investigation of the Watergate affair and other alleged illegal activities by members of the administration. But they said he decided to leave the case with Beall, the U.S. attorney in Baltimore who began the investigation last January.

The investigation involves charges of bribery, extortion and tax evasion relating from payments from private building contractors to Maryland and Baltimore County political figures.

The probe originally focused on alleged political corruption in the county, where Agnew began his political career in 1958 as a member of the Board of Zoning Appeals. It reportedly was broadened in recent months to embrace state contracts awarded during Agnew's two years as governor as well as the GSA contracts in Maryland since he was elected vice president.

The investigation reportedly is still in its preliminary stages with many of those involved not yet having appeared before the federal grand jury hearing evidence in the case.

Despite this, Beall served Agnew with a letter last week officially notifying the vice president that he was under investigation. The letter was first cleared by Richardson.

Agnew has not been called to testify in the case, nor is he formally accused of any crime.

He has not commented since his initial statement Monday night.

The White House has refused comment other than to say that it was aware of Agnew's statement before it was released.

If the case proceeded to the grand jury stage, the prosecutors would have to confront the constitutional doctrine of separation of powers, the doctrine Nixon is invoking in the Watergate case. There is also the question about whether the vice president could be indicted for a criminal offense without first being impeached.

## Watergate committee recesses

WASHINGTON (AP) — The Senate Watergate committee went on summer vacation yesterday, in the 10th week of its hearings, without quite completing the first phase of its inquiry into the Democratic headquarters break-in and the subsequent cover-up.

The hearings will reopen "subject to call of the chairman," sometime after Labor Day, four weeks from now.

Asst. Atty. Gen. Henry E. Petersen was the final and 35th witness on the 37th day of televised hearings that began May 17. Some 7,500 pages of testimony have been taken.

Petersen angrily told the committee he resents appointment of a special Watergate prosecutor — and the Senate's championing of that position — at a time when the case was nearly solved.

"Damn, I think it's a reflection on me and the Department of Justice," Petersen said in a near shout.

The senators, who have been sitting five days a week since the early days of the televised hearings, were visibly tired and seemed anxious to join the rest of Congress in the summer recess. The Senate is scheduled to return Sept. 5 and presumably the hearings, recessed "subject to the call of the chairman," would begin then or shortly after.

Petersen, the man in overall charge of the Watergate investigation from the start, strongly defended his prosecutors for their work and he was critical over appointment of the special prosecutor.

"We would have broken that case wide open and we would have done it in the most difficult of circumstances...that case was snatched out from under us when we had it 90 per cent complete," he said.

The explosion came as Petersen was defending the lack of indictments a few months ago when the Justice Department had a great deal of information about the Watergate break-in and cover-up.

"Forgive my emotions," Petersen

said after his outburst.

"I've been there too long and this has been a terrible year."

The blunt-speaking Petersen, testifying rapidly and in a gravelly voice said, "I resent the employment of a special prosecutor" but came to the conclusion later that it was necessary "because of the temper and the attitude of the Senate." He said if he had been a senator he might have taken the same position.

Petersen also testified that when he told President Nixon in mid-April that the department has learned of the 1971 Ellsberg psychiatrist's break-in, Nixon replied:

"I know about that. That's a national security matter. You stay out of it, it's your job to investigate Watergate."

But Petersen hastened to add he is not sure whether Nixon meant he knew about the break-in itself, or the report of it that had reached federal prosecutors.

Petersen said he pondered the situation, discussed it with his staff and finally determined that the Ellsberg trial judge should be informed. On April 25 he talked with Atty. Gen. Richard G. Kleindienst who agreed to approach the President again.

This time the President readily agreed the information should be transmitted, Petersen said, and it was, resulting eventually in termination of the Pentagon Papers trial of Daniel Ellsberg.

Petersen said the President had been criticized unfairly on the matter, adding: "I think the ultimate thing is that he came up with the right answer."

Kleindienst, who preceded Petersen to the witness chair, had recounted his shock on learning April 15 about high-reaching involvement in the Watergate scandal and of telling the story to a "dumbfounded...very upset" President.

But Petersen, who sat in on a second meeting with the President and Kleindienst that day, described Nixon as concerned, but said, "I admired his calm."

The sequence that led Kleindienst to the President began the evening before when then-Watergate prosecutor Earl J. Silbert related to Petersen what he had learned from the grand jury testimony of John W. Dean III, the White House counsel and Jeb Stuart Magruder, the deputy Nixon campaign director.

Petersen, Silbert and U.S. Atty.

Harold Titus met in a 1 a.m. to dawn conference later with Kleindienst, who in turn sought and got an audience the following afternoon with Nixon.

"Nothing was said to me that night that would implicate the President of the United States," Kleindienst said.

"The primary thrust" of Silbert's information "was the efforts made by many to cover up, to obstruct the FBI investigation into the Watergate incident," Kleindienst said.

The information "in one way or another" would implicate former Atty. Gen. John N. Mitchell, Frederick C. LaRue, themselves, H.R. Haldeman, John D. Ehrlichman, Robert C. Mardian and "you name it," Kleindienst said.

Kleindienst's testimony runs counter to that of Dean who said he felt Nixon knew as early as last Sept. 15 about the cover-up; and the President's own statement that he received new information on March 21 "which persuaded me that there was a real possibility that some of these charges were true."

The morning session of the hearing was interrupted for about 10 minutes by a group of men and women attempting to read a statement and shouting. Nine were forcibly expelled, but not arrested.

They said they belong to an organization called the National Caucus of Labor Committees of New York City.

### Weather

Fair and warm today and tonight; high today of 86, low tonight of 65. Partly cloudy, warm and humid tomorrow with afternoon showers possible; high of 87.

## Nixon lawyers say courts have no authority Tape subpoena 'unsupportable'

WASHINGTON (AP) — Lawyers for President Nixon told a federal judge yesterday that the courts have no authority to force Nixon to turn over White House tape recordings. Watergate investigators consider the tapes key evidence in determining who knew what about the Watergate affair.

In a brief filed in U.S. District Court, the lawyers said any attempt by the courts to enforce a subpoena for the tapes from special Watergate prosecutor Archibald Cox "would be an unsupportable violation of the constitutional doctrine of separation of powers."

Meanwhile, Samuel Dash, chief counsel of the Senate Watergate committee, said the committee is ready to file its lawsuit seeking access to Watergate-related White House evidence. Dash said the filing of the suit was postponed Tuesday because committee lawyers wanted to examine the White House response to Cox.

The brief filed by Nixon's lawyers formally outlined for the first time the arguments the President will use in this constitutional test of strength over the tapes.

The brief supported Nixon's previous refusal to honor the Cox subpoena for the

tapes of private presidential conversations and said if Nixon were compelled to produce the material, "from that moment it would be simply impossible for any president of the United States to function."

"A president would be helpless if he and his advisers could not talk freely, if they were required always to guard their words against the possibility that next month or next year those words might be made public," the brief said. "The issue in this case is nothing less than the continued existence of the presidency as a functioning institution."

The Senate Watergate committee had served Nixon with two subpoenas for tape recordings and other Watergate-related White House material. Its planned lawsuit was aimed at having the subpoenas enforced.

Sources inside the committee said the panel's lawyers are concerned that the federal courts will refuse to accept jurisdiction in the suit. If that happened, the committee would have to seek either special legislation that could be tested in the courts or initiate, contempt proceedings against Nixon.

"The committee met in executive session this morning and decided to postpone filing a suit until counsel for the

committee have an opportunity to ascertain and study the reaction of the White House attorneys to the motion of the special prosecutor," committee chairman Sam J. Ervin Jr., D-N.C., said in announcing the decision.

The next move probably will be Cox's. Judge John J. Sirica gave the special prosecutor until Monday to reply to Nixon's response. Sirica then told White House counsel Fred Buzhardt the White House could have until the following Friday, Aug. 17, for any additional written response it wishes to make. Sirica scheduled oral argument for 10 a.m., EDT, Wednesday, Aug. 22.

Cox had subpoenaed nine conversations from among those which were tape recorded by hidden microphones and telephone pickups at the White House, in the Executive Office Building and at the presidential retreat at Camp David, Md. The Watergate committee subpoenas also demanded tape recordings along with related documents and other papers and memoranda in Nixon's custody.

The brief filed by Buzhardt Tuesday reflected Cox's argument that Nixon had

waived any claim of executive privilege when he permitted aides to testify before the Watergate committee about the recorded conversations.

The brief said presidential papers have a unique status, and that they often are kept confidential for years, for security reasons or because they are personal or highly sensitive.

The brief noted that there are very few precedents on which to base a claim on either side of the argument.

Nixon has turned over to Cox two documents the prosecutor sought but has not responded to requests for two White House files, one on International Telephone & Telegraph Co. and another identified only as former White House counsel John W. Dean III's intelligence file.

The tape recordings at issue are conversations between Nixon and key aides, including Dean, and are believed to include discussion of last year's burglary of Democratic National Committee headquarters in the Watergate office building and the subsequent attempts to cover up the scandal.

## Senate okays separate advising

By RICK NELSON  
Collegian Managing Editor

Approval of a Subcommittee on Advising report and discussion of the implications of collective bargaining were the main topics at yesterday's University Faculty Senate meeting.

The Subcommittee report on Advising indicated it is not feasible to have a single advising program for the entire University and recommended each college draw up its own advising plan subject to minimum specifications set by the committee.

Subcommittee Chairman Thomas E. Daubert said, "The major goal (of the subcommittee recommendations) is to provide viable service" to students in an academically suitable manner.

Daubert said, "A major part of the recommendations allows colleges to decide their own requirements." He said the recommendations removed the requirement of the adviser's signature on registration and drop-add forms but added that many colleges may continue to require the adviser's signature.

In discussing the recommendations, Dan P. Silverman, associate professor of history, questioned the practice of having students advise incoming freshmen. He said freshmen would be most in need of trained faculty advisers.

Daubert responded that, in colleges and programs where the student to faculty ratio is 50 to one, having a faculty adviser for each student would be impractical.

Another objection raised was the high turnover rate of advisers in programs where a student may have a student adviser his freshman year, one faculty adviser

his sophomore year and a different faculty adviser after he declares a major.

Daubert suggested the college could provide for this by letting a student ask to keep his freshman year adviser until he declares a major.

John D. Sink, professor of meat science, objected to wording in the recommendations which states that "departments and colleges should train advisers" and suggested it be changed to read "departments and colleges must train advisers."

Daubert responded that such wording would be too strong, and Marvin E. Rozen, professor of economics, suggested a "vaguer, less coherent wording."

But Silverman said, "I would like to straitjacket the colleges into some form of adviser training," and moved that the wording in the recommendation be changed.

The amendment passed by a 51-40 margin.

The subcommittee report was approved unanimously.

The Senate heard a report of the Ad Hoc Committee to Study the Implications of Collective Bargaining for Faculty Governance.

W. D. Taylor, head of the Department of Biophysics, reported there are three ways for an organization to become certified as a collective bargaining agent:

- If an organization has a 50 per cent or greater "showing of interest" and the employer consents, the organization may apply to the Pennsylvania Labor Relations Board for certification;
- If the employer consents, an organization may petition for an election; and

- If the employer does not consent, an organization may petition for an election if it has a 30 per cent "showing of interest."

"Showing of interest" may take the form of signature cards obtained by the organization or membership in the organization among the employees, according to Taylor.

A question was raised as to whether membership in the American Association of University Professors constituted a vote for that organization as collective bargaining agent.

Rozen, an AAUP member, said, "I don't think any organization can commit its members to a goal they didn't have in mind when they joined the organization."

Kenneth P. Mortimer, associate professor of education, said it is unlikely that an organization could be certified as bargaining agent by showing a 51 per cent membership but added, "I don't know if it could happen."

In other action, the Senate received an additional nomination for its Faculty Rights and Responsibilities committee.

Silverman noted there are no blacks among the nominees and said, "I think we should have (as a nominee) a member of a minority group. It seems members of minority groups have the most complaints about society as a whole, and I think the Senate should have the opportunity to vote for a member of a minority group." He nominated Roy Austin, assistant professor of sociology.

The next Senate meeting is scheduled for 2:10 p.m. Oct. 9 in 112 Kern.



Advising the Senate  
THOMAS E. DAUBERT, chairman of the Senate Subcommittee on Advising, listens to questions and discussion about his subcommittee's report concerning revisions in the student advising program at yesterday's Faculty Senate meeting.