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Mr. Agnew: A Stone Wall At Justice

A miasmic fog of leaks and rumors has obscured the matter of who stands where in the Agnew affair. So it seems useful to set out the basic roles—the more so as an unexpected denouement may emerge.

The White House, as usual, has been trying to shove trouble under the rug. The Vice President, naturally, has wanted the best break he can get. But the Justice Department—thanks chiefly to a Watergate-burned assistant attorney general, Henry Petersen—has been refusing to be party to any fix.

The White House may not have started the rumors of an early resignation by Mr. Agnew. But once the word was out, Mr. Nixon's men made abundantly clear the President's interest in unloading the Vice President at the earliest opportunity.

The reason for this unseemly haste is twofold. For one thing, Mr. Agnew is a current embarrassment whose troubles underscore and redouble the Watergate difficulties which are already casting such a cloud over the administration.



Moreover, with Mr. Agnew out, the President would have a chance to designate his successor. That is important

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to Mr. Nixon not only for the future of the Republican Party. It is important because Mr. Nixon would be extremely vulnerable if a Democratic administration took over in 1976. Even a mildly energetic Democratic attorney general would probably find, in the dozens of scandals growing out of Watergate, a field day for prosecution.

So, far more than most sitting presidents, Mr. Nixon has a positive interest in having as the next president a Republican deeply in his debt. That is why he is not only pushing the Vice President to get out, but smoothing the path for John Connally to come in. For Mr. Connally would owe almost everything to Mr. Nixon, and he could be counted on to turn a blind eye to the wrongs of the present administration.

With no help from the White House, Mr. Agnew has had to rely almost entirely on his own resources. His lawyers early blocked out a complicated defense against the charge of accepting bribes and favors. At the heart of the defense was the unresolved constitutional argument that the Vice President had to be impeached before he could be indicted. That defense posed formidable issues, and it would at least eat up lots of time.

But Mr. Agnew was apparently not comfortable with resting his case on such technicalities. Accordingly, his

lawyers began talking to the Justice Department about possible arrangements whereby he might give up his legal claims and leave his office in return for concessions by the prosecution.

The Justice Department, however, took a stony attitude. Atty. Gen. Elliot Richardson let the case against various Maryland politicians including Mr. Agnew build slowly in Baltimore.

Behind this screen there went forward bargaining between the Agnew lawyers and the Justice Department. The key man was Assistant Atty. Gen. Petersen — a tough prosecutor with a strong sense of right and wrong who worked his way up in the Justice Department from a start as a clerk.

As a strong law-and-order man, Mr. Petersen was distinctly unhappy when Ramsey Clark was Attorney General. When John Mitchell came in, Petersen had stars in his eyes. For that reason he was probably more complaisant than he should have been in the early stages of the Watergate investigation.

But when he saw what was going on, Petersen reacted with characteristic energy. He stood up to the President himself, and his threat to resign finally forced Mr. Nixon to make one of the big breaks in the Watergate case—the acknowledgement of the burglary on Daniel Ellsberg’s psychiatrist.

Petersen has been behaving in the same tough way in the Agnew case. Reliable evidence developed by Fred Graham of CBS shows that Petersen told the Vice President’s lawyers that he had the proof and had it cold. Accordingly, he has been unwilling to go easy on prosecution, even in exchange for a resignation.

At the present writing the upshot is not clear. There could be a quick settlement or a long, complicated litigation. What is clear is that for once, despite the interest of the President and the Vice President and the administration, the fix was not automatically put in.