

Nixon Calls Agnew Move 'Proper' One

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By Lou Cannon

Washington Post Staff Writer

President Nixon said yesterday that he regarded Vice President Spiro T. Agnew's decision not to resign if indicted as "an altogether proper one," but added that the allegations concerning Agnew are "serious and not frivolous."

While insisting that he "respected" Agnew's intention not to quit, Mr. Nixon declined to endorse the Vice President's criticism of Assistant Attorney General Henry E. Petersen.

Agnew charged in Los Angeles last Saturday that Petersen was a source of "malicious and outrageous" news leaks that had prejudiced Agnew's chances of receiving a fair trial on allegations that he violated felony, bribery, conspiracy and extortion statutes when he was governor of Maryland or Baltimore county executive.

The Vice President said that the Justice Department was trying to get him as "a trophy" so that Petersen could recover a reputation damaged in the government investigation of the Watergate case.

Mr. Nixon said yesterday that he would have removed Petersen if there was "clear evidence that he had been guilty of an indiscretion." The President went on to say that Attorney General Elliot L. Richardson had assured him that an investigation within the Justice Department had determined that Petersen had not been responsible for the news leaks.

The President, at a relaxed and informal news conference, praised Agnew for "distinguished service as Vice President," and urged that he not be "tried and convicted in the press and on television by leaks and innuendos" in the present "white-hot atmosphere." But as he has on other occasions, Mr. Nixon drew a distinction between Agnew's service as Vice President and as Maryland governor.

The charges that have been made against him do not

relate in any way to his activities as Vice President of the United States," Mr. Nixon said.

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White House staff on the propriety of remaining in office pending a trial. Mr. Nixon has said that any Cabinet member or staff member would be suspended if indicted.

However, the Vice President, like the President, is elected by all the people," Mr. Nixon said. "He holds office in his own right and the decision as to whether he should resign or not is for him to make. He has indicated that he will not resign if indicted, and, therefore, that decision on his part should be respected."

Mr. Nixon urged all Americans to give Agnew "that presumption of innocence, as I certainly do." He said he had never asked for Agnew's resignation, did not have a contingency list for a vice presidential replacement, and had been assured by Agnew of his innocence in three private meetings.

But the President did not attempt to minimize the allegations. Responding to a question about whether there was substance to Agnew's charge that "that is a frivolous investigation," Mr. Nixon said:

"As far as the charges are concerned, they are serious and not frivolous. The Vice President's complaint, as you know, is that leaks that have come out on this particular matter have convicted him in advance and it is that particular point that concerns him and it concerns me as well."

The first reactions from the Agnew camp to the President's news conference were mixed. On the one hand, Agnew aides appreciated the presidential defense of the Vice President's decision not to resign.

On the other, they regarded the President's comments about Petersen as inadequate.

One Agnew aide said that simply declaring that Petersen was not the source of the leak did not "solve the problem" for Agnew.

J. Marsh Thomson, the Vice President's press secretary, said Agnew would have no

comment on the President's statements. He said that Mr. Nixon had not talked to Agnew about what he was going to say.

As for Mr. Nixon's remarks about the allegations being "serious and not frivolous," Thomson said that this is totally consistent with what the Vice President has said about them.

Ever since he called an Aug. 8 news conference to deny the allegations, Agnew has followed an independent course on his own case. He is scheduled to continue this tonight with a speech to the United Republican Fund in Chicago.

One Agnew associate said he expects that the talk will be similar to the one given by the Vice President in Los Angeles but on "a loftier plane." Until his direct attack on Petersen last week, Agnew had conducted his counterattack in general terms, denouncing prosecutors for news leaks but never naming them. He did not mention Petersen by name either, but identified him by his title as head of the Criminal Investigation Division of the Justice Department.

Agnew said Saturday, in seeking to show that the "well has been most successfully poisoned against him," that The Wall Street Journal had obtained a copy of the letter informing him he was under investigation before it was received by the Vice President.

This was promptly denied by The Journal.

Yesterday, Thomson said the Vice President's statement was based on a telephone call made to Agnew by The Journal informing him that a story was about to be published. This triggered a brief announcement by Agnew on Aug. 6 that he was under investigation.

The story was published on Aug. 7, and on Aug. 8 Agnew held a news conference. In response to questions Agnew said he had first received the letter from the prosecutor on Aug. 2.