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W. Ross

Rowland Evans and Robert Novak

'He Resigned Because He Had No Choice'

Vice President Spiro Agnew's sudden, secret approach to the Justice Department last Friday to renew his plea bargaining not only surprised federal prosecutors but also followed two weeks during which they had no new communications at all with Agnew.

It was during those two weeks, following his defiant speech in Los Angeles, that Agnew sought to generate national sympathy by portraying himself as a victim of a Justice Department plot.

Thus, Agnew's new approach on Oct. 5 to Justice Department prosecutors—an approach made without the knowledge of some of his closest advisers—was interpreted by high administration officials as a signal that the Vice President's national campaign had failed totally. In fact, he did not receive terms substantially better than he could have received some three weeks earlier.

The overriding view is that Agnew resigned because he had no choice and simply could not carry through with the battle to remain in office in the face of federal prosecution. That greatly reduces prospects of the Agnew affair seriously damaging President Nixon in the hearts of Republican rightwingers mourning their departed

leader.

When Attorney General Elliot Richardson and his lieutenants several weeks ago discussed strategy on how to handle the charges against Agnew, the possibility of an Agnew counterattack against them was mentioned. It was the Vice President's style, all agreed, to try to recover by attacking his accusers.

The possibility of such a counterattack was enhanced when the first round of plea bargaining between Agnew's lawyers and the Justice Department broke down. One basic disagreement: The prosecutors insisted upon full disclosure of the evidence against the Vice President.

Ambivalent from the start about whether to fight the charges or quit, Agnew began to accept advice from those lieutenants who wanted him to fight. The result was his Sept. 29 speech in Los Angeles pledging that he would not resign even if indicted and assaulting the Justice Department (particularly Assistant Attorney General Henry Petersen) as the source of his woes. Next came his legal efforts to force newsmen to reveal the sources of leaks about the case.

This campaign is now being viewed by some politicians as a blatant attempt to force better terms out of the Justice Department. "Utter nonsense," retorts one high Justice Department official. Rather, knowledgeable friends and foes generally agree that Agnew was trying to enlist public opinion on his side in hopes of generating pressure against the government.

He was only partially successful. Some Republican stalwarts, resentful that the President undermined his Vice President, rushed to Agnew's defense. Furthermore, Agnew made his point about leaks to news media undermining his case and eroding his civil liberties. But he was clearly unable to convince the country that there was a conscious conspiracy, centered in the Justice Department, to drive him out of office.

Indeed, polling data and politicians' insights indicate that the public would not tolerate Agnew staying in office while indicted. With Agnew having failed to convince the public he was a victim, the voters were unwilling to grant him special immunity.

After what one White House aide described as "an ordeal of unbelievable

magnitude," Agnew advised his lawyers to resume plea bargaining (the approach that came Oct. 5). Agnew kept that fact from all but his closest associates. Only Arthur Sohmer, his longtime assistant from Maryland days, and possibly Brig. Gen. John M. Dunn, his highly trusted military aide, knew about it.

In the renewed plea bargaining, Agnew's lawyers this time accepted the Justice Department demands for a full disclosure of the case against him (resulting in the 40-page paper released Wednesday). Agnew's lawyers asked for an assurance of leniency. The Justice Department could give no such assurance but promised it would recommend leniency to the judge. The recommendation was made and accepted.

The result was that Agnew saved the nation from another, protracted political crisis and perhaps saved himself from a prison sentence—but at the cost of his name and his disillusioned political following. With the failure of his campaign to show himself as the Justice Department's persecuted victim, there was no other outcome.

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