

10/12/73 WPost

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'A Good Deal for Everyone'

Assuming it was a deal that led to Spiro T. Agnew's resignation and his no-contest plea on one count of income tax evasion, it was a pretty good deal—clearly for Agnew, and quite probably for the rest of us as well.

From Agnew's point of view, the prosecutors must have had a formidable case against him. It's impossible to imagine his resigning if a single count of income tax evasion was the biggest thing they had.

Thus any arrangement whereby the bulk of the potential charges would be dropped has to be a pretty good deal for Agnew, who after all was, at the end, more concerned about saving his reputation and his freedom than about saving his job.

It may not have been a bad deal from the people's point of view, either. Except for those who wanted their vengeance on Agnew, it's hard to imagine that much good would have come from putting the man in jail.

From the people's standpoint, the worst thing about Agnew was that the nature of the charges—and the nature of his reaction to them—had rendered him worthless for the only real function of his office: to succeed to the presidency. Thus there was need to have him out of office. That he satisfied that need without the turmoil of impeachment proceedings or constitutional wrangling over his immunity from prosecution has to be a plus for the country.

To some degree, Agnew's own statement said as much. "My decision to resign and enter a plea of *nolo contendere* rests on my firm belief that the public interest requires swift disposition of the problems which are

facing me," he said.

Nolo contendere is not an admission of guilt but rather a decision not to fight the charges — often for face-saving purposes, or to avoid vulnerability to civil action.

But in Agnew's case, he admitted to the judge that he "did receive payments during the year 1967 which were not expended for political purposes and that, therefore, these payments were income taxable to me in that year and that I so knew."

His plea apparently kills other potential charges against him—presumably serious charges for which there was serious evidence—and a case can be made that the deal has had the effect of thwarting justice. Well, maybe so. But I think it was better to get the thing quickly done, even if it keeps Agnew out of jail on other charges.

Two immediate problems remain: what to do about the vice presidential vacancy, and what to do about the President. The links between the two are obvious.

The combination of Agnew's troubles and the tailing-off of the Senate Watergate hearings succeeded in taking nearly all the heat off President Nixon, despite the overwhelming public belief that he was implicated in the Watergate scandals, or at least in the cover-up of the scandals.

With the Agnew business out of the way, attention will return to the President, and to the question of impeachment. And that inevitably raises questions about filling the Agnew vacancy. The Constitution provides that such vacancies be filled by the President, with congressional confirmation.

The concensus here seems to be that the President would not nominate

a strong Democrat lest he give the Democrats too big an advantage in the 1976 presidential race, and that the Democratic-controlled Congress would not approve a potential Republican candidate. Nor could a President under attack for the poor caliber of men in his administration afford to nominate a weak vice president of either party.

Probably the smartest thing Mr. Nixon could do would be to nominate someone like Sen. Edward Brooke of Massachusetts. The fact that Brooke is a Republican could help him with his own party; the fact that he is an unlikely contender for the presidency could help him with Democrats. And the fact that he is black would virtually eliminate any chance of impeachment proceedings against the President. Assassination, too for that matter.

On the other hand, while the 25th Amendment permits the Congress to pass on a presidential nominee, it does not *require* the Congress to approve anyone. It may be that the best thing Congress could do would be not to accept any nominee, on the assumption that a President under threat of impeachment has no business being permitted to choose his own successor.

Failure to approve a new vice president would be meaningless for so long as Mr. Nixon remains in office. And if he should resign or be removed, House Speaker Carl Albert might be just about as good a temporary replacement as anybody the President and the Congress are likely to agree on.