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Richardson: 'President Was Kept...

United Press International

Following are excerpts from the news conference yesterday held by Attorney General Elliot L. Richardson and U.S. Attorney for Maryland George Beall:

Fully Informed at All Times'

Q. Attorney General, I think in the eyes of the ordinary citizen, Mr. Agnew was pretty thoroughly done in yesterday by having to give up the vice presidency and accept a conviction on a felony charge, tax evasion. That being so, what purpose was served by your spreading on the record all of the evidence you had amassed had you gone ahead to try him on extortion and bribery? I think many people see this as a sort of piling on . . . something that's already done.

A. As I said yesterday in court . . . it has been regarded by the Department of Justice from the outset, as essential to any agreement, that there be full disclosure of the surrounding circumstances, including the evidence assembled by the government during the course of its investigation. We have had, unfortunately, over recent months, a sense that there has been a cover-up in some situation of facts which the public were entitled to know. And in order to achieve and enhance public confidence in our institutions of justice and in our administration of justice, it has seemed to us in the Department of Justice essential, as I said, that the American people be in a position themselves to judge the basis on which this matter has been handled. This has been the sole reason for the disclosures that we have made and I would emphasize the fact not only was this part of the agreement, that it was understood and accepted by attorneys for the Vice President and by the Vice President himself, and with the concurrence of the court, the statement you referred to was entered into the record of the court proceedings themselves.

President's Role

Q. Will you tell us pre-

cisely what role President Nixon may have played in the decisions in this case. In particular, did the President expressly approve the entering into plea bargaining? Did he suggest parameters, limits or details of the Justice Department's position in that bargaining? Did he expressly approve in advance the final sentence?

A. The President was kept, of course, fully informed at all times. He fully approved each of the major steps that were taken in the course of these negotiations. He did not participate in the negotiations as such. He had of course, as President of the United States, to be satisfied that the essential elements of what was being done were constant with the public interest.

Omission or Suggestion

Q. I'd like to follow up one part of my question. Did since you didn't respond to he suggest any of those elements, whether either by omission or by setting parameters or by express suggestion?

A. No, he did not. He was of course concerned as all of us were, with the potential consequences of a long and agonizing trial of these issues of fact. And this was a concern, naturally, that he felt, as did the Vice President himself, and those of us who represented the Department of Justice.

Q. Attorney General Richardson, you've completed the criminal aspect of this, I understand, totally. But there are some tax aspects

that are still in the offing. You do intend to pursue those civil tax matters with all elements of the diligence you have been pursuing criminal matters in light of the exposition of fact set out in your 40-page document?

A. These, Mr. Mollenhoff are matters before the Internal Revenue Service of the Department of the Treasury. As Judge Hoffman pointed out yesterday, there are not matters that could be concluded in a criminal proceeding, and they remain to be worked out, be pursued further, between the Internal Revenue Service and counsel for the Vice President . . .

Crime Control

Q. . . . Mr. Attorney General, could I follow you up on that question by asking this? Under the Organized Crime Control Act of 1970, Title 9, you have civil authority to proceed to civil proceedings against any group or organization having demonstrated a pattern of racketeering activities—bribery, corruption and such. You could force divestiture of the ownership of the firm, you could force dissolution of the firm, or you could force civil reparations.

Do you intend to use this authority?

A. No. This is not a situation any aspect of which, in my view, properly belongs within the scope of that statute.

One Count

Q. The allegations in your 40-page document yesterday, contained a lot more than one count of income tax evasion. Why did you settle for just the one count?

A. Well of course, the only evidence of a negotiated plea is that each side yields something in order to achieve agreement. And while, if satisfying in terms of weight and substance to the grand jury, this evidence could have supported an indictment covering charges essentially more extensive than those that were covered in the single-count information, and in that event, these would have been tried. The consequence of pursuing that course would, as I pointed out, inevitably have been to justify the Vice President in insisting that the government be put to its proof. That means, in other words, that we would have had to have very prolonged court proceedings or potentially proceedings in the Congress by way of impeachment.

Plea Bargaining

Q. Mr. Attorney General, could you tell us whether the department initiated the plea-bargaining or did Mr. Agnew and his lawyers?

A. The department did not initiate plea bargaining. We were approached in the first instance not only in the recent negotiation but in the earlier period of negotiations which took place in September.

Chronology of Deal

Q. To follow up that, too, could you describe for us the chronology of the plea bargainings, of when proposals were made, who made them, and finally, how did the arrangement get made? You indicated some of your aides did not agree with the deal on sentence. Could you tell us exactly how this came about and how the deal was made?

A. There was a period of negotiations in September, which failed to achieve agreement. Negotiations were resumed first by telephone on Saturday of this past weekend, and then there was a meeting with counsel for the Vice President on Monday and with the judge followed by an ad-

ditional meeting with the judge who was counseled on Tuesday afternoon. And it was at that Tuesday afternoon meeting when the final provisions of the agreement were concluded.

Status of Witness

Q. Mr. Richardson, did the ... are the witnesses which provided the information against the Vice President still subject to prosecution and incarceration?

A. Yes, they are. The 40-page statement filed with the court yesterday covers the terms of the understanding with the key witness on which the statement itself was based. It makes clear that none of these individuals were promised immunity from prosecution. There have been in the case two understandings with respect to the plea that they would make. But in no instance has any individual been given a promise as to disposition of the case.

Efforts to Quash

Q. ... at the Justice Department, or to your knowledge, previous to that, were efforts made by the White House, by the Vice President's office, or any other outsiders, to quash the Agnew investigation?

A. No. There were no such efforts.

President's Counsel

Q. Mr. Attorney General, when you said the department was not initiating plea bargaining in early September, you were approached. Who were you approached first by? Directly or indirectly? Counsel for Mr. Agnew or counsel for the White House?

A. The first call I had was from President's counsel asking if I would be able to meet with counsel for the Vice President....

President Advised

Q. The President has repeatedly contended that these charges do not relate in any way to the conduct of the Vice President's office as Vice President. And yet you developed sizable information that they do. That at least on two instances he was awarded... I'm sorry... he received \$2,500 for the award of a GSA contract. And there was another instance in these 40 pages. I wonder, wasn't the President advised of this or didn't he understand the briefing you gave him when he said they didn't relate to the period in which he was Vice President?

A. He was aware that the

investigation touched on this ... the \$2,500 matter, but it was, of course, at the time when he learned of this in the very early stage of the investigation process, and the charge could not, of course, be considered proof. And so the President was, in effect, in a position which it would have been unfair on his part to imply that there had been proof of wrongdoing by the Vice President in that capacity.

Bargaining Details

Q. The final agreement reached ... did you agree on the penalty you were holding out for in your original negotiations with the Vice President? Was it essentially the same agreement or in your original negotiations were you asking for a guilty plea to a ...

A. The ... I don't want to go into real detail on the negotiations. I think that the public interest is better served by the results than it would by blow-by-blow account of discussions that went on among counsel. I'll simply say that the ... as to the matter of disposition, that was deferred until such time as it became evident that the recommendation of this department would be regarded by the judge as important to the court disposition of the matter and so that question, therefore, was not squarely reached until after the meeting with Judge Hoffman on Monday and then finally disposed of at the subsequent meeting with him on Tuesday....

First Aware

Q. When did you first learn of the dimensions of the case and when did you first discuss it with the President, and was it your feeling then that he had previously been aware of the investigation?

A. I first discussed it with the President early in August. And I had made members of his staff, first General Haig, aware of it in July. And therefore he knew something about the investigation as a result of communication to him by General Haig.

Told by Agnew

Q. Was he aware before July?

A. I think he was aware, in addition, before that that an investigation was under way because he had been so informed by the Vice President himself.

Guidance Held

Q. Did you withhold some

of the evidence against the former Vice President or has all the evidence that has come to your attention been made public?

A. All of the evidence has been developed on the basis that we believe would have been sufficient proof to submit to a grand jury, if the grand jury was going to be asked to act on this matter as of Oct. 10.

Limited Now

Q. Is it a part of the agreement on not proceeding criminally against the Vice President on the evidence established now? In other words if something new comes up next week that you didn't know about would you be limited in the prosecution in that area?

A. I would be limited with respect at the time that antedated the court proceedings yesterday.

Q. In that sense, in the broad area, it would be while he was executive officer in Baltimore County, governor or Maryland and Vice President?

A. Yes.

Matter Closed

Q. Would be barred. Anyone that comes forward now with new information would be turned aside or would be sent to the Internal Revenue Service?

A. The Internal Revenue Service would only be interested with the civil aspect of the situation. The, so far as the government's investigation is concerned, federal government, the things that have been touched on or uncovered in the course of that investigation, the matter is closed. . . .

Future Witness

Q. Will the Vice President be called as a witness in any future criminal prosecution?

A. I don't know. He's certainly not immune from being called. And as the judge said other proceedings may of course—his name or his role insofar as that is relevant to the proceedings against someone else . . .

Probe of Mandel

Q. In the summary of evidence Mr. Agnew is quoted, I believe, that he was following a system that had been practiced in Maryland, that he found in place, which suggests this question: Are you now investigating the present Maryland administration of Gov. (Marvin) Mandel and if you are not investigating, why not?

A. George Beall. That's a good question. The grand

jury investigation which began officially in January of this year continues. There has already been action from that grand jury in the form of indictments of other public officials in Maryland. The specific parameters of the grand jury investigation is something that I would purposely and dutifully like to avoid at this time. We have consistently taken the position, notwithstanding your polite objections, that grand jury proceedings are secret, that they should be kept from public view, and we expect to maintain that posture, but nonetheless to continue the investigation into bribery, corruption, kickbacks and political misconduct in the state of Maryland.

Can't Rule Out

Q. You are not ruling it out?

A. I can't rule anything out at this time, because the investigation continues. And as I say the parameters are impossible to precisely define . . .

Agnew Immunity

Q. I would like to ask if you plan to use the Vice President in pursuing the crimes of others and to give him immunity? Has there been any consideration for this?

A. I think the Attorney General answered that question essentially earlier.

Broad Blanket

Q. Not if the Vice President would be used in criminal activity. In other words are you giving a blanket to everybody that dealt with the Vice President? That's what it is bluntly and sharply.

A. The answer to the question is no. But as to whether there may be discussions with particular persons involving investigations. . . .

Investigation Open

Q. Information relative to others who are involved in this mess, corruption that has gone back for 10 years?

A. The investigation is still an open one as far as we are concerned and we have not yet firmly determined what persons may be spoken with and talked to in connection with that investigation.

Buzhardt Call

Q. Mr. Attorney General, you said that the first contact you had on the negotiations was with counsel for the President. Which coun-

sel for the President was that? And did he indicate he was acting at the President's request.

A. This was a call from Mr. (J. Fred) Buzhardt. He did not indicate that he was acting at the President's behest. Mr. Buzhardt at various stages during the course of these negotiations served in a capacity facilitating communications. And this was his initial role as it was his continuing role from time to time . . .

State Prosecution

Q. Is there anything in the agreement that could be considered as implicitly or explicitly preventing a prosecution by state authorities of Mr. Agnew? And in the event of a state prosecution would you share any of your evidence with the state prosecutors?

A. There is, to answer the first part of your question, no, nothing in the agreement that would prevent action by state prosecutors. The judge yesterday made this clear in summarizing for the record the substance of the agreement and the effect of the agreement. If a state prosecutor should initiate action we would then have to consider what steps to take . . .

Nixon Knowledge

Q. Do you have any reason to believe, any reason at all to believe that Mr. Nixon knew of Mr. Agnew's misconduct prior to August, 1972?

A. I would be wholly confident in asserting that the President had no reason. Of course, this is one of those incidents where one is asked in effect to prove a negative. But aside from the Vice President's own mention of the fact that an investigation was under way, and of course, the information that came to the President shortly before Aug. 6 from Gen. Haig, the President would not, in my judgment and belief, have any reason to know . . .

Nixon Approval

Q. Mr. Richardson, sir, can you tell us when, and in what manner, President Nixon approved the agreement that was entered in court yesterday?

A. The President did not pass on the agreement as such, in specific terms and conditions. His was a role rather of approving the general direction and the fundamental basis upon which the matter was being handled.