

The Fall of Spiro Agnew

After the long weeks of buildup, of insisting upon his innocence, of accusing Government officials of plotting his downfall, of vowing that he would fight to the end, the denouement of the Spiro Agnew debacle came with stunning swiftness. His hands trembling slightly and his Palm Springs tan bleached white with tension, Agnew walked into a Baltimore courtroom last week and admitted that he had falsified his income tax in 1967. When he emerged half an hour later, Agnew had been transformed from Vice President of the United States into a convicted felon.

Why had Spiro Agnew so dramatically and abruptly decided to quit? "Because everything he tried flopped," one high-ranking Justice official declares flatly. Indeed, Agnew had tried a lot of things that had fizzled or seemed about to. He had asked the House of Representatives to investigate the charges against him, only to have Speaker Carl Albert send him back to the courts for justice. He had tried to kill the grand jury investigation into his misdeeds by arguing that a sitting Vice President could not be indicted for a crime, and also by claiming that Justice Department leaks had prejudiced the jurors, and it did not appear that he was going to get very far on either front.

He had taken his case to the country, hoping to arouse popular support with a televised speech that claimed he was being framed by the Justice Department and, by implication, Nixon himself. The Republican women in his Los Angeles audience cheered him to the rafters, but no nationwide ground swell of public opinion developed to lift him high. "Everything was downhill after L.A.," says Marsh Thomson, Agnew's press aide. "The point was driven home to him that he was 'dead.' The limb had been sawed off."

Fist Banging. Desperately, Agnew went back to the tactic that he had first tried and then abandoned: working out a deal with the Justice Department under which he would be accused of a relatively minor charge if he agreed to resign. Known as "plea bargaining"—or, less elegantly, "copping a plea"—the practice is commonly used in all courts. The prosecution settles for a sure conviction rather than going to the trouble or expense of proving a more ambitious—and time-consuming—case in court.

In early September, trying to find a way out of the mess, White House Counsel Fred Buzhardt, almost surely acting at Nixon's behest, had secretly initiated plea-bargaining sessions between Agnew's lawyers and Attorney General Elliot Richardson and his top aides. From the outset, the overriding goal of Agnew's lawyers had been to keep their client from going to jail. Held in the huge, red-carpeted room just outside Richardson's office, the bargaining sessions were long and heated, the men often shout-

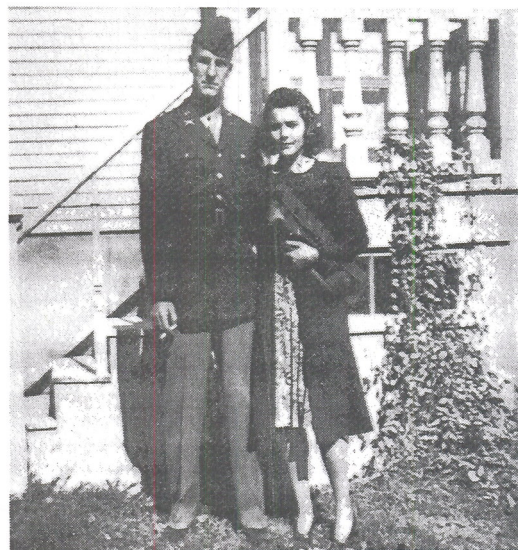
ing at each other as they maneuvered for a settlement. Even Richardson, a very proper Bostonian who normally keeps himself under control, raised his voice several times and twice banged his fist down on the table.

But while the men were still arguing, the press learned about the bargaining. The resulting stories infuriated Agnew. "That's enough," he said. "There'll be no more negotiation."

Well Rid. And there was none until at last the Vice President found himself alone, unsupported by his President and with his options running out. It looked as though it would come down to a courtroom fight, and the evidence had piled up against him. "I have never seen a stronger extortion case," says U.S. Attorney James R. Thompson of Chicago, who was brought into the affair at the last minute to augment Justice's firepower. "If it had gone to trial, a conviction would have resulted. The man is a crook. The country is well rid of him."

On Friday, Oct. 5, Agnew gave the word to reopen the negotiations to Judah Best, his Washington lawyer. Best immediately got in touch again with Fred Buzhardt, who was in Key Biscayne. Both men are fond of direct action and short, pungent phrases, and they understood each other completely. Buzhardt was definitely interested in talking. That night Best grabbed a plane to Florida and the two men met in a Miami motel in the predawn hours. Their approach was simple: let's get off dead center—the country requires that something be done. After their talk, Buzhardt called the Justice Department—again clearly with the approval of President Nixon—and the second round of plea bargaining began on Monday evening in a motel in Alexandria, Va., just across the Potomac River from Washington.

Best directed the Agnew team. The Justice lawyers were led by Henry Petersen, head of the criminal division and the man whom Vice President Agnew had accused in his Los Angeles speech of being out to get him as a personal trophy. Again the discussions exploded into arguments. As a condition of any deal, Petersen insisted that all of the evidence against Agnew be made public; Richardson was convinced that this was necessary so that there could be no charges from Agnew and his followers that he had been railroaded. Petersen also joined Maryland U.S. Attorney George Beall and his prosecutors in insisting on jail for Agnew. Best dug in his heels on both demands. The group was joined by the presiding judge in the case, Walter E. Hoffman. Unlike his subordinates, Attorney General Richardson had been willing all along to let Agnew escape jail, but he wanted to make no such recommendation to the judge, leaving it up to Hoffman to let the accused off with probation. A veteran of 19 years on the



THE AGNEWS DURING WORLD WAR II (1942)



GOING TO INAUGURAL AS GOVERNOR (1967)



POSING WITH T-SHIRT PROMOTER (1970)



LAUGHING IT UP WITH DUKE WAYNE (1972)

bench, Hoffman insisted that he would not do so unless Richardson himself recommended leniency. Deadlocked, the conferees broke up.

With that, Richardson faced the task of trying to persuade Petersen, Beall and his staff that in the best interests of the country, Agnew should be allowed to go free if the right formula could be worked out. TIME has learned that, in order to placate his aides, Richardson took the unusual step of allowing anyone who could not live with that decision to make a public statement of his objections. He gave his word that any dissenter would not damage his career at Justice by speaking out.

That point settled, Richardson himself joined the bargaining session the next day at the Justice Department. With the Attorney General listening closely, Judge Hoffman reiterated that he wanted a recommendation from Richardson before granting probation to Agnew. Finally, Richardson agreed.

Longest Day. By now, the other parts of the final agreement were falling into place. Richardson gave way on his earlier insistence that the Vice President admit that he received illegal payoffs. That major concession showed how eager not only Richardson but also the President was to get a settlement, for the White House had been kept informed of the negotiations at every step. Agnew's lawyers also backed off, agreeing to publication of the full weight of the evidence that the prosecution had assembled (see box following page).

The next day, Spiro's longest day, included a luncheon meeting of New York builders. Even on the brink of ruin, Agnew could not resist opening with the bitter jest that he had considered holding a "provocative discussion on the relationship of architects and engineers to the political fund-raising process." Later in the afternoon Spiro Agnew met as Vice President with President Nixon for the last time. For 40 minutes, the two men were alone in the Oval Office, sitting in chairs beside the fireplace beneath a painting of George Washington. When they were done talking about the bargain that had been struck, Agnew slipped away, and Nixon, looking more chipper and relaxed than he had in some time, was host to a state dinner for President Félix Houphouët-Boigny of the Ivory Coast.

The final act in the drama took place the next day in Baltimore's gray stone U.S. Court House. The session ostensibly was to hear arguments in Agnew's efforts to subpoena both news representatives and Justice Department officials about leaks in his case. But there had been a change in the agenda, signaled by the presence of a task force of U.S. marshals in and around the building.

Promptly at 2 p.m. the lawyers for Agnew filed in, then Richardson and the Justice contingent. The men shook hands and exchanged pleasantries, with one notable exception. Assistant U.S. Attorney Barnet D. Skolnik, who had ar-

gued vehemently that Agnew should be jailed, stalked past the Agnew men without a word.

Moments later Agnew entered the room, and while all eyes were upon him—he looked older somehow, his hair seemed whiter—Judah Best slipped away to make a phone call to an associate in Washington. Two minutes later, Secretary of State Henry Kissinger, who had been alerted to be in his office, was delivered a letter signed by Agnew: "I hereby resign the office of Vice President of the United States, effective immediately." (The duty of receiving the resignation of a President or Vice President is an archaic function of Kissinger's office, spelled out by the Presidential Succession Act of 1792.)

In the Baltimore courtroom, meanwhile, Judge Hoffman, Spiro Agnew,

future charges that he had been framed by the prosecutors' bargaining to encourage testimony against him. Richardson next entered into evidence the 40-page report of the Government's case against the former Vice President, noting that it showed a pattern of cash payments to Agnew in exchange for engineering contracts with the state of Maryland.

To try to convict Agnew on the basis of the collected evidence, said Richardson, would have taken years, "with potentially disastrous consequences to the vital interests of the United States." Considering this, he argued, it had been wiser to accept a compromise that allowed Agnew to plead no contest to a single charge. Then Richardson frankly admitted that no bargain would have been reached if he had not agreed to



ATTORNEY GENERAL RICHARDSON & U.S. ATTORNEY BEALL AT PRESS CONFERENCE
After heated arguments and hard bargaining, a plea for leniency.

now a simple citizen whose appearance before the bar of justice carried no grave constitutional portents or precedents, and the Attorney General were enacting the script that they had so carefully crafted. The Government said that Agnew had "willfully and knowingly" evaded \$9,551.47 in federal taxes on \$29,500 in undeclared income. Agnew did not contest the charge, pleading *nolo contendere*, which Judge Hoffman took pains to point out was equivalent to a guilty plea.

Then Hoffman asked Richardson for his recommendations on the sentence. "The agreement between the parties now before the court," Richardson began, "is one which must be perceived to be just and honorable, not simply to the parties but to the American people." Richardson said that none of the Government's major witnesses against Agnew had been promised immunity from prosecution, an important point in answering Agnew's once and perhaps

enter a plea of leniency for Agnew. But he insisted that leniency was justified—that the Vice President's resignation and acceptance of a conviction for a felony were punishment enough. Richardson urged that Agnew not be sent to jail "out of compassion for the man, out of respect for the office he has held and out of appreciation for the fact that by his resignation he has spared the nation the prolonged agony that would have attended upon his trial."

No Jail. Then it was Agnew's turn to read his lines, lines that showed what a hard bargain his lawyers had driven. He admitted that he had received payments in 1967 from contractors that were not used for political purposes. He acknowledged that these contractors had received state contracts. But he denied giving any of them preferential treatment. He also denied all other charges in the 40-page document and he insisted that "at no time have I enriched myself at the expense of the pub-



AGNEW LEAVING COURT HOUSE
From Veep to felon.

lic trust" whether serving as county executive, Governor or Vice President.

Summing up, Judge Hoffman acknowledged that he had approved the entire deal. It would not, he said, satisfy everyone. He did not like the fact that Agnew's guilt or innocence on the mass of charges would remain unresolved: "It would have been my preference to omit these statements and end the verbal warfare as to this tragic event in history." He said that when the accused standing before him is a lawyer, a tax accountant or business executive, he normally puts him in jail, and that is where he would have been inclined to send Agnew, were it not for the request of Richardson and the great compelling "national interests" in the case.

With that, Hoffman intoned: "It is the judgment of this court that imposition of any sentence be suspended for a period of three years, conditioned that you, Spiro T. Agnew, at all times will be of uniform good behavior, that you will not violate the laws of the United States or of any state; that, as a further condition of this probation, you are to pay a fine in the sum of \$10,000 within 30 days."

Agnew's ordeal in court ended ironically with a scene of comic confusion. As Judge Hoffman left the bench, the bailiff naturally ordered everyone to stand. The sudden movement and noise startled the Secret Service agent who was escorting Agnew out. "Everybody sit down!" he shouted. Some sat down for the former Vice President, but most remained standing for the judge.

Agnew promptly received a letter of condolence from President Nixon praising his services and saying, "I have been deeply saddened by this whole course of events." But within an hour of Agnew's resignation, the White House was

dissociating itself from the ex-Vice President. When someone asked an assistant to Press Secretary Ron Ziegler to run off some copies of Agnew's statement to the court, he was turned down. "It's not our statement," the aide said pointedly.

In these strained circumstances, there remained the details of closing down a career. Agnew will retain his Secret Service protection for a time. The Senate voted to keep his Capitol Hill staff on the payroll for another month. Some aides had been with him since the days in Baltimore, and there were tears in the room when they heard the news. Like any man who had just been fired, Agnew cleared out his desk and wrote some thank you notes. And he began working on a speech about the whole affair that he will deliver to the nation early this week, in which he may continue to argue that the evidence against him was the work of lesser men in Maryland trying to save their own skins.

The sudden settlement eliminated the danger of a constitutional crisis if, as expected, Agnew's claim that a sitting Vice President could not be prosecuted had gone to the Supreme Court. The agreement also prevented a decision on a basic issue involving the freedom of the press—the right of newsmen to preserve the secrecy of their sources (see THE PRESS).

At a press conference the day after the settlement, Richardson indicated that President Nixon had known more about the affair than he had let on. In his public statements, the President had said that he could vouch for Agnew's conduct after becoming Vice President. But Richardson said that Nixon early on had been told about the developing evidence that Agnew had received money while Vice President.

Fine Irony. Richardson also explained that Agnew could not be prosecuted by the Federal Government for any of the charges listed in the 40 pages of evidence, but said he could be tried by Maryland's courts—although the Attorney General made it clear that he hoped that this would not happen. And Richardson pointed out that Agnew could be brought to trial in a civil suit by the Internal Revenue Service for back taxes, including not only those dodged in 1967 but for any evaded in other years up through 1972. In addition to having to pay the taxes themselves, Agnew could be charged 6% annual interest and fined up to 50% of the total owed.

Thus, with fine irony, Spiro Agnew's immediate and future need is likely to be cash. With his conviction for a felony, he is likely to be disbarred. Nor can he count on the "defense fund" he was raising to carry on the fight. The donors have been invited to ask for refunds.

For Agnew, the need for money is a familiar one. He was always an "ethnic" kid from Baltimore on the way up, but painfully slowly. His setbacks, his

false starts must have gnawed at him—withdrawing from Johns Hopkins University with poor grades. In World War II, he proved steady under fire, but he was always passed over for promotion. Back in Maryland after the war, he got a degree from the nonaccredited law school at the University of Baltimore, practiced law intermittently and with little success, tried his hand as an insurance adjuster, even fetched up at one point as an assistant manager of a supermarket. Nothing seemed to click until, at the age of 38, he was appointed a member of the Baltimore County board of zoning appeals, a body with great power over the builders in the area.

Suddenly politics became a way to security. Agnew was operating in a state where, as he himself pointed out in court last week, payments of businessmen to politicians were so common that no one thought much about them. The prudent contractor simply budgeted for payoffs the way other businessmen put money aside for taxes.

Hard on Race. Agnew got his big chance in 1966 when he was elected Governor, winning because he then was relatively liberal, and running against a reactionary. But when ghetto riots hit Baltimore in 1968, Agnew met with the leaders of the state's black moderates and, before the TV cameras, dressed them down for not controlling the rioters. The incident established Agnew as a hard-liner on race and helped catch the eye of Richard Nixon.

In 1968 Candidate Nixon was presiding over a brainstorming conference on possible running mates when Agnew's name came up. Someone in the room warned that the Governor's record in Maryland looked suspicious. Nixon brushed the remark aside. As it turned out, he had already decided to pick Agnew.

The tough talking and law-and-order pose of Agnew may have helped Nixon win two elections, but the former Vice President contributed precious little to the Nixon Administrations, except to serve as a willing hatchet man, warring with the "irresponsible" press and firing off salvos of alliterative tongue twisters at weak-kneed liberals—those "nattering nabobs of negativism." But the plain fact was that Agnew was less at home with politicians than he was with celebrities and millionaires. He never seemed very happy in his work. But it takes money to play in the Frank Sinatra league—money or a title—and now Agnew has neither.

Perhaps Agnew would not seem to have fallen so far if he had not held himself up so high to the nation as the advocate of law and order. But fall he did, and the change was instantaneous. The day after his resignation, Agnew was attending the funeral of a half-brother when someone solicitously asked his wife, "What about the Vice President?" Quickly, Mrs. Agnew made the correction. "You mean the former Vice President," she said.