

'A Heartbeat Away'

Agnew Hits Back: 'I Will Not Resign'

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On Monday morning, September 17, 1973, when the Justice team was to meet with the Agnew lawyers again, word came to Elliot Richardson via the White House that Agnew was balking at the idea of full disclosure of the evidence the government had accumulated to support its case for his indictment. The Attorney General continued to insist that full disclosure was a non-negotiable item: The fair administration of justice was as much at stake as Agnew's career.

Another development that day jolted Washington. The Washington Post, under a banner headline that read "Agnew Discussing Resignation," ran a story by David S. Broder quoting a senior Republican Party leader as saying he had spent two hours trying to argue Agnew out of quitting. The source said he was "994 per cent certain" that Agnew would resign, probably that week. To the nervous and even paranoid members of Agnew's

staff, the story smacked of White House authorship, and could only be considered a blatant attempt to push Agnew out the door. Some pointed the finger — incorrectly — at Bryce Harlow, Agnew's friend who was also a presidential adviser.

In politically wise Washington, the

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story — and the clout of Broder's byline — convinced many readers that the die already had been cast for Agnew. The impression grew the next day when the White House declined to comment on the story or even say whether the President still supported his Vice President. Washington waited

for the other show to drop; Agnew's aides and friends seethed.

Thursday, September 20, was a day of frenzied meetings, mounting pressures, and counterpressures that engaged all the principals including the President himself, as Agnew stiffened against the Justice Department's efforts to impose a deal on him.

For more than four hours that afternoon, the arguments with Jay Topkis, Judah Best and Martin Lonsou over the fate of the Vice President went on. Best had been the initial contact and appeared to be the lawyer in charge of the politics of Agnew's situation, including liaison with the White House, but Topkis emerged as the legal and intellectual heavy trio, putting forward the most telling points over what Agnew should or should not say to warrant one plea or another.

Although Richardson had insisted that resignation, a plea to a criminal charge, full disclosure, and some admission of guilt were non-negotiable terms, Topkis nevertheless came in

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with a counterproposal — a significantly scaled-down version in which Agnew would admit some facts that would justify a plea of *nolo contendere* (no contest) to a misdemeanor, dkirting any acknowledgement that he knew he was being bribed.

The key word was in paragraph four of the letter: Agnew fought the inclusion of "knowing"—"knowing as he did so" (accepted cash from engineers receiving contracts) that said monies were given" to influence him. Although the specter of jail hung ominously over him, and for all his awe of White House power pressuring him to make a deal, he hung tough. And Richardson, though he kept the door open to further counterproposals, did the same.

Two hours after the meeting broke up, White House aide Alexander Haig phoned Richardson—there was no attempt to hide the close White House liaison now—to say that Agnew and his lawyers would be conferring too late that night for the lawyers to return that day. And once again Richardson kicked it around with his lieutenants and the three Beall assistants. Of equal interest, or at least equal amusement, to them all was an opening gambit which Topkis had made and Richardson immediately rejected, but which he now relayed to his colleagues. It was a statement Topkis had handed him that the Vice President

was willing to make, rather than admit a lot of charges.

Of all the chutzpah displayed by Spiro T. Agnew in the course of the investigation against him, this was the prize-winner—a cloying, patronizing paean to his accusers and to the President himself in the incredible hope that they would not insist that he admit he was a crook:

"There have been some suggestions in the media that this investigation was politically inspired; that the prosecutor or even the Attorney General sought to gain political advantage at my expense. I will have no part in any such suggestions. I do not believe them. Having served with Attorney General Richardson for five years in this administration, I know him to be a straight-shooting and devoted public servant. So far as the United States attorney is concerned, I endorsed his appointment when it was made, and I would do so again today.

"Nor do I believe that the President had any role in this matter. I have been honored to serve in this administration. I have always held him in the highest regard as my President and my friend. I hold him in that regard today. Mr. Richardson and Mr. Beall are of course responsible for this prosecution of me, but I believe that they are only doing their jobs. I have no reason to believe that they act out of any political or personal motivation.

"When a prosecutor learns of evidence, it is his job to investigate, and if the evidence seems to support a

charge, it is his duty to prosecute. That is what they have done here, no more and no less. I have no reason to complain of anything they have done."

This remarkable document, in addition to providing some comic relief, offered the tense prosecutorial team a new measure of the man they were jousting with: a desperate man, a cold, pragmatic, unprincipled man who, for all his pride, was willing to abandon it publicly to stay out of jail. Richardson's concern that a cornered ~~Tom Agnew~~ Agnew would be extremely dangerous was ironically borne out by this fawning statement; nothing, it seemed, was too much for him to say.

While his lawyers were busy trying to float this and other proposals past the Justice Department, Agnew himself was going to the top. Secretly, he asked for and received a one-on-one appointment with the President. (That, obviously, was why Haig had to call Richardson and tell him Agnew's lawyers wouldn't be getting back to him until the next morning.)

It was very rapidly clear from developments that Agnew was there to complain to the President that Richardson and the Justice Department were making it too tough for him to strike a deal, asking too much, especially in wanting him to plead to a felony and admit he had accepted the payoffs made for the purpose of influencing him.

At the close of this whirlwind day, Richardson was summoned to the White House to discuss the whole matter with Haig and Fred Buzhardt. This

was a stormy and aggressive session, in which the two White House men made clear in no uncertain terms that Agnew had to go, and go quickly.

That was what mattered. Richardson must not be allowed to stand in the way with his overly tough terms. But Richardson held firm to his non-negotiable conditions. Night had fallen when he left the meeting feeling, he told aides later, very much like Sir Thomas More, who alone aligned himself against the divorce of Henry the Eighth from Catherine of Aragon to marry Anne Boleyn—and eventually lost his head for it.

When Richardson called Buzhardt the next morning to tell him he was standing pat, he was braced for resistance, in light of the scene the night before. Instead, Haig called back and told him the President thought he was doing the right thing, and then Haig and Buzhardt said they now thought so, too. Apparently Nixon had reconsidered, and decided that rather than precipitate a blowup with Richardson, he'd better go along. It was no time to lose an Attorney General. Not only was the Agnew matter in a critical stage; Nixon's lawyers were in stiff and unyielding negotiations with

Watergate Prosecutor Archibald Cox over release of the White House tapes in that stormy, unpredictable case.

Late that night, however, something happened that provided at least a rationale for Agnew to break off negotiations entirely. The Washington Post was on the streets with a story by Richard M. Cohen and Lou Cannon that blew the cover on the plea-bargaining.

"Vice President Agnew's lawyers and Justice Department officials have been engaged in what was described yesterday as delicate negotiations concerning a possible Agnew resignation to be coupled with a guilty plea to a relatively minor offense, according to informed sources. The negotiations, according to two sources, could be described as plea bargaining."

This news brought to public attention for the first time the reality that Agnew might indeed step aside. None were more jolted by the story than Agnew's faithful staff and old friends, who had been told nothing about their man's willingness to cop a plea. He had been telling everybody that he was innocent and would fight, and as with everything in the past, they had believed him. The solidarity that had existed within the Agnew inner circle began to show some cracks.

In Washington, on Monday, September 24, Richardson and his chief aides waited all day to hear from Best who was across town at the Old Executive Office Building with his client. Agnew was livid. As far as he was concerned, the Post story about the negotiations had been leaked by the Justice Department for the dual purpose of embarrassing him and eroding his bargaining position. The Vice President, in the words of one associate, said he was "being screwed to the wall." He was innocent, he said, "and the public must believe I'm innocent. This makes it impossible to have a fair trial." Elliot Richardson and his young punks with Harvard degrees could wait until hell froze over before the Vice President of the United States would authorize his representatives to return to the bargaining table.

As in wartime when there is a deadlock in truce talks, Agnew decided to return to the battlefield to improve his bargaining position. But the group at the Justice Department did not know that. All day they waited and heard nothing from Agnew.

What they, especially Richardson, heard instead was the heartbeat of Richard Milhous Nixon. This alone, they knew, kept Spiro T. Agnew, a man they were convinced to a moral certainty stood on the brink of indictments as a felon, from the presidency of the United States.

In addition to the legal track open to Agnew, he had another that he had used so often in his career as Vice President and as ambassador to Middle America: Taking his case to the

people. The objective of his legal moves was obvious and direct. What he sought in "going public" was less so. There was perhaps the hope of mobilizing public pressure on the House to agree to undertake an inquiry into the case. Also, Agnew needed money. A lengthy court case had to be financed.

But those cast as Agnew's adversaries also suspected that he was deter-

mined to demonstrate, by rallying the "great silent majority" and the "forgotten Americans" whose special hero he had become, that he could guarantee the Nixon administration even greater headaches than it already had.

Agnew's first volley in the attempt to mobilize public opinion was fired on Thursday, September 27, when he held a thinly veiled background interview with James B. Reston, The New York Times' prestigious columnist. The lead on the story, which ran the next day, did not quote Agnew directly, but left no doubt that he was the source. "Vice President Agnew has made up his mind about the next phase of what he calls his 'nightmare.' He does not intend to resign, even if he is indicted by the Baltimore grand jury, but fight for exoneration through the courts, and keep appealing to the House of Representatives for a full and open hearing, no matter how long it takes."

The interview with Reston was, in effect, Agnew's declaration of war. The next thing was to select a proper battleground for his first personal assault. He was to go to California that weekend to address the National Federation of Republican Women. David Keene, his political adviser, was asked to review a routine speech drafted by another aide. Keene sent it to Agnew with a memo saying if Agnew did indeed intend to speak out, this was the ideal occasion. The women would assure him of a favorable audience for what would be a major television event.

En route to Los Angeles, Agnew, his military aide General Dunn, and Peter Malatesta stopped off in Palm Springs Friday as the guests of Frank Sinatra. Agnew and Sinatra played golf in the afternoon, and later they gathered with the others, including Mrs. Agnew and their daughter Susan, in the living room of Sinatra's place. "We sat around that afternoon and he was in a terribly pensive mood; he was low," one of those present said later. Before dinner, three or four of the insiders—including Sinatra—discussed Topic A over drinks, unanimous that Agnew had to fight back in the way he best knew: Going to the people with his side of the story.

The next morning, after breakfast at Sinatra's, the party—the Vice President and Mrs. Agnew, Sinatra, General Dunn, Malatesta, Dr. William Voss, Agnew's physician, and two Secret Serv-

ice agents—boarded the Vice President's Jetstar for Los Angeles. En route, Agnew took a piece of white paper and a felt-tip pen from his pocket and began quietly to jot down notes for an addendum to the speech.

In Los Angeles, the party went by car to the Republican women's convention, where about 2,000 loyalists—and alerted network television cameras—were waiting to hear the embattled Vice President. Signs proclaimed the overwhelmingly prevalent sentiment: "Spiro My Hero" and "Agnew for President."

Agnew strode calmly to the speaker's platform amid a tumultuous greeting that told him emphatically: We don't believe it. He read through his formal text—in which his only reference to his troubles was a broad discussion of the need for grand jury secrecy to avoid his own "cruel form of kangaroo trial in the media." Then, taking the folded white sheet from his pocket but looking directly into the television cameras, he began what doubtless was one of the most scathing attacks ever made against members of a national administration by a ranking figure in that same administration.

"In the past several months I have been living in purgatory," Agnew began extemporaneously. "I have found myself the recipient of undefined, unclear and unattributed accusations that have surfaced in the largest and most widely circulated organs of our communications media. I want to say at this point—clearly and unequivocally—I am innocent of the charges against me."

And then, finally, came the categorical no-surrender declaration: "I want to make another thing so clear that it cannot be mistaken in the future. Because of these tactics which have been employed against me, because small and fearful men have been frightened into furnishing evidence against me—they have perjured themselves in many cases, it's my understanding—I will not resign if indicted. I will not resign if indicted." Then came the cheers and wild applause.

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