

Fair Treatment Of Vice President Urged by Nixon

By David S. Broder
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Vice President Agnew, in a historical move, yesterday asked the House of Representatives to investigate the charges of bribery and kickbacks that have swirled around him for weeks. Such an inquiry could lead to impeachment proceedings.

He made his dramatic request a half-hour after Attorney General Elliot L. Richardson announced that evidence concerning Agnew would be presented to a federal grand jury in Baltimore on Thursday.

President Nixon met with both Agnew and Richardson yesterday morning and did nothing publicly to dissuade either of them from their conflicting courses of action. But later in the day Mr. Nixon issued a statement asking the American people to "accord the Vice President the basic, decent consideration and presumption of innocence that are both his right and his due."

The extraordinary day, which included fresh rumors of an Agnew resignation and fresh denials from his aides, ended with the situation full of uncertainty.

There was substantial doubt that the Democratic leaders of the House would accede to Agnew's request for a congressional investigation. There was widespread expectation—but no confirmation—that the Vice President's attorneys would move in court today to block the Justice Department from giving evidence on Agnew to the grand jury.

And, in a capital awash with rumors of plots and counterplots, the greatest uncertainty of all was whether either the Justice Department or the Vice President was respecting the wishes of the President of the United States.

A top presidential aide, involved in what must have been frantic backstage negotiations, said last night that "the Vice President is proceeding the way he thinks best, and the Justice Department is proceeding as it thinks it must."

But, he added that no one should necessarily assume that this double-edged legal-political battle "is a good move" from the point of view of a President already locked in combat with the courts and with Congress over his own role in the Watergate case.

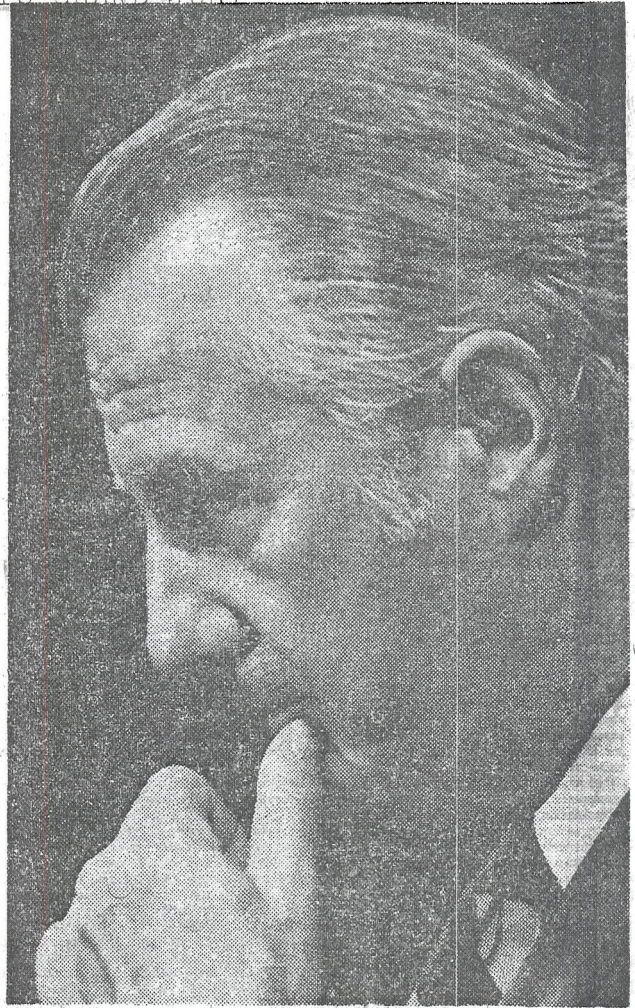
Agnew went to the office of House Speaker Carl Albert yesterday afternoon and personally presented to House leaders of both parties his request for a formal investigation.

In a letter he handed to Albert, Agnew said he would fight "any criminal proceedings being lodged against me;" but would "cooperate fully" with a House investigation, which, he said, offered the best means of "preserving the constitutional stature of my office and accomplishing my personal vindication."

He cited the precedent of an 1827 investigation of war-profiteering charges against Vice President John C. Calhoun, and said: "I am confident that, like Vice President Calhoun, I shall be vindicated by the House."

After meeting with Agnew for 90 minutes and conferring for another half-hour with his Democratic Colleagues, Albert said: "I don't know what we'll do . . . We've got to consult a lot of people."

But the No. 2 Democrat, Majority Leader Thomas P. O'Neill Jr. (D-Mass.), said, "My personal view is that we shouldn't act at all until the courts decide the question of



1972 Photo by Frank Johnston—The Washington Post

Agnew: "I cannot acquiesce in any criminal proceeding being lodged against me in Maryland or elsewhere."

whether he can be indicted," and there were other indications that Agnew's request faced delay or rejection.

Rep. John B. Anderson (R-Ill), chairman of the House Republican Conference, said, "I can't believe they (the Democrats) are going to go along with it. They won't bail the Vice President out of his predicament."

Meantime, a Justice Department spokesman last night reaffirmed Attorney General Richardson's decision to permit prosecutors in Baltimore to begin giving evidence on Agnew to the grand jury that has been investigating charges of kickbacks to present and former Maryland officials from contractors and consultants in the state.

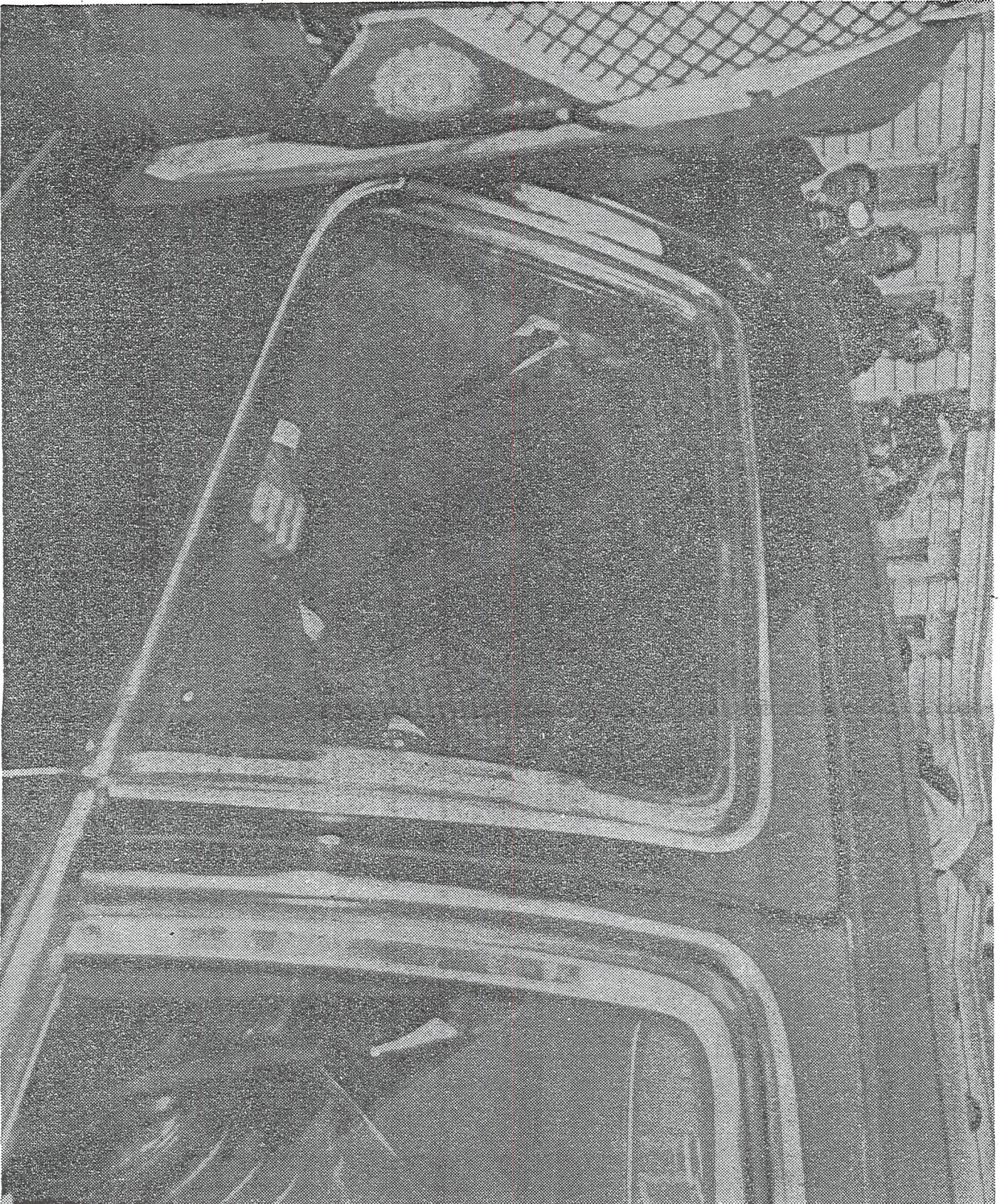
Agnew had been informed in early August that he was under investigation in the widespread probe for possible violation of bribery, conspiracy and tax laws.

In a formal statement, Richardson yesterday confirmed that since Sept. 12 he and other department officials have been meeting privately with Agnew's lawyers "to discuss procedural aspects of the case and options available to the Vice President."

The Washington Post reported last Saturday that in those discussions, both sides had raised the possibility of Agnew resigning from office in return for most or all of the charges being dropped. Just moments before Richardson issued his statement yesterday, the Dow-Jones news service reported that Agnew had made such an offer and that it had been accepted in principle.

But Agnew's office denied the report—as it had done with the earlier version—and Richardson said "the discussions have . . . failed to yield a satisfactory re-

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Vice President Spiro Agnew leaves the Capitol after a meeting with Speaker of the House Carl Albert.

Associated Press

AGNEW, From A1

solution. It has proved impossible, to this point, to reconcile the Vice President's interests, as represented by his counsel, with the Department of Justice's perception of its responsibility to assure that justice is pursued fully and fairly."

Accordingly, Richardson said, he had authorized U.S. Attorney George Beall to begin presenting the evidence on Agnew to the grand jury on Thursday. Agnew's attorneys had no

comment on the action, but there was widespread speculation in Baltimore that they will interpose constitutional objections to Richardson's actions today.

Such an action was clearly forecast in Agnew's letter to Speaker Albert. The Vice President said that "after the most careful study, my counsel have advised me that the Constitution bars a criminal proceeding of any kind . . . against a President or Vice President, while he holds office.

"Accordingly, I can not acquiesce in any criminal proceeding being lodged against me in Maryland or elsewhere."

Agnew had informed Mr. Nixon of his stand in a meeting at mid-morning, requested by Mr. Nixon after he had been briefed by Richardson on the breakdown in the negotiations.

For reasons that were not clear, Justice Department officials said the President had not immediately relayed that information to the Attorney General, and they said Richardson was unaware of Agnew's intentions when he made his announcement that the case would go to the grand jury.

While Richardson said in his statement that the negotiations with Agnew's attorneys "took place with the approval of the President's counsel (Leonard Garment) and the President," he said nothing about presidential approval of the decision to proceed with the grand jury. Aides later said they could not go beyond Richardson's own statement.

Similarly, on Agnew's decision to ask for a House investigation, there was no indication that Mr. Nixon had

endorsed such action. Two White House officials and an aide to Agnew all told The Washington Post the action was decided on by the Vice President on his own.

In a statement issued after both Richardson and Agnew had indicated their courses of action, Mr. Nixon said Agnew in their morning meeting had "again denied the charges that have been made against him" and had "informed me" that he intended to request a House investigation.

"I wish," the President said, "to emphasize my strong belief that during these proceedings the Vice President is entitled to the same presumption of innocence which is the right of any citizen."

Mr. Nixon praised Ag-

new's service as Vice President and said "he has won the respect of millions of Americans for the candor and courage with which he has addressed the controversial issues of our time."

The presidential statement put a temporary benediction on one of the most extraordinary days in the history of the nation.

First word of the drama

that was in store came shortly after noon when deputy press secretary Gerald L. Warren, replying to a question at his briefing, said that the President met in his Oval office for nearly an hour and a half with Richardson and Assistant Attorney General Henry E. Petersen.

The meeting, which had been long expected, began

about 8:30 a.m., Warren reported.

The President met with Richardson and Petersen "to receive an assessment of the investigation under way involving the Vice President," Warren said.

Following that meeting, the President asked the Vice President to come to his office, and they met in the Oval office for a little more

than an hour, Warren said.

In answer to questions, Warren said that the Vice President had not resigned and that the President had not asked the Vice President to resign. No one in the White House has pressured Agnew to resign, Warren insisted.

A short time later, the Vice President's office confirmed that he had canceled plans to speak at an insurance meeting today in Pebble Beach, Calif., but insisted that he would keep his engagement to speak before a group of Republican women in Los Angeles Saturday.

About the time that Agnew's office was making that statement, House Minority Leader Gerald R. Ford (R-Mich.) was seen entering the White House. He was met just inside the door by a White House aide and they walked quickly across West Executive Avenue to the Executive Office Building, where Mr. Nixon was working in his EOB hideaway. The White House at first refused to acknowledge that Ford met with the President, but later it did so without giving any details on the meeting.

By mid-afternoon, the Dow-Jones financial wire reported that Agnew had offered to resign, a report that immediately was branded as false by J. Marsh Thomson, Agnew's press secretary.

Shortly before 3 p.m., while Ford and the President were still meeting, the Justice Department announced that Richardson would have a statement at about 3 p.m.

The statement was not released, however, until shortly after 4 p.m., by which time Agnew had set up a meeting with House leaders and was preparing to leave his EOB office for the drive to the Capitol.

Present for the session in the Speaker's office were Albert, O'Neill, Ford, Majority Whip John J. McFall (D-Calif.), Minority Whip Leslie C. Arends (R-Ill.), Judiciary Committee Chairman Peter W. Rodino (D-N.J.), Rep. Edward Hutchinson (R-Mich.), ranking Republican on Judiciary, and House Parliamentarian Lewis Deschler.

After discussing Agnew's request for a House investi-

gation for 70 minutes, the House leaders went into the chamber and interrupted consideration of an immigration bill to have Agnew's letter read.

Shortly afterward, the Vice President left the Speaker's office and told reporters, "The letter speaks for itself. I may have a comment later, maybe in a few days."

The House Democratic leaders met until after 6 p.m., but Albert say they had left the meeting undecided on their course of action. He said the decision on how to proceed will be "up to the whole House" but would not comment on how the issue would get before the House.

McFall said the alternatives would include referring the matter to the Judiciary Committee, appointing a select committee to conduct an inquiry, or doing nothing.

Hutchinson, though the top Republican on Judiciary, said he would prefer a select committee handle the matter. He said he supported Agnew's request but added, "I don't blame them (the Democrats) for taking their time in deciding."

That Albert would face some opposition from his fellow-partisans in doing what Agnew asked quickly became obvious. Backing O'Neill's skepticism, Rep. James G. O'Hara (D-Mich.), a former president of the liberal Democratic Study Group, said he believed the House "ought not to get into it at this time."

"It seems to me," O'Hara said, "an effort by Mr. Agnew to confuse the issue and buttress his claim that impeachment is the proper forum, rather than the courts."

Several members of the House expressed the view that an investigation could be construed as a preliminary step toward impeach-

ment, but Hutchinson noted that if a House committee "doesn't find any evidence of an impeachable offense, it wouldn't lead to anything."

Contributing to this story were Washington Post reporters William Chapman, Carroll Kilpatrick, Susanna McBee, William Greider, Lou Cannon, Ed Walsh, Richard Lyons and Spencer Rich.