

NYTimes
Agnew Reaches Decision:
Intends to Fight, Not Quit

SEP 28 1973

By JAMES RESTON
Special to The New York Times

WASHINGTON, Sept. 27—

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 to 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.

Not, he makes clear, because of political ambition or any hopes for the Presidential nomination in 1976. All that is over now, he tells his friends. He has been destroyed politically and knows it, but he will not go quietly, for that would look like a confession of guilt, and that, he insists, is a confession he will never make.

Mr. Agnew decided to appeal to the House to hear his case after Fred P. Graham of the Columbia Broadcasting System, on Sept. 22, quoted Henry E. Petersen, Assistant Attorney General in charge of the Justice

Department's Criminal Division, as saying he had refused to drop criminal charges against the Vice President because Mr. Petersen was confident that the Government could obtain a conviction against Mr. Agnew if the case went to trial.

Mr. Petersen was quoted by Mr. Graham as saying: "We've got the evidence. We've got it cold."

On Aug. 6, the Vice President issued a statement saying: "I am innocent of any wrongdoing . . . I have confidence in the criminal justice system of the United States . . . and am equally confident my innocence will be affirmed."

The Vice President is no longer confident in the "criminal justice system of the United States" as it has been interpreted by the United States prosecutors in Baltimore and by Assistant Attorney General Peterson and others in the Criminal Division of the

Continued on Page 14, Column 3

Continued From Page 1, Col. 7

Justice Department. The "leaks" out of Baltimore and the Justice Department, he feels, have destroyed him before the evidence was even presented to the

grand jury.

He resents the suggestions that he went back on his word, first expressing confidence in the courts and then turning away from them to Congress. He "had" confidence in the "criminal justice system," he says, but then when it did not maintain the privacy of its investigation and "leaked" its unproved and even unheard charges against him, he felt he had been "betrayed" by the system and turned to Congress for a fair and open hearing.

Graham, and the following day in The Washington Star-News, Mr. Agnew concluded that these leaks were not coming from minor characters on the periphery of the investigation, but from men close to the top of the Justice Department, and therefore that the procedures before the grand jury would be "utterly poisoned."

Accordingly, he then turned to the House of Representatives and appealed for an open hearing. He discussed this first in private with the leaders of his party, and then approached Speaker Carl Albert and said he would welcome any kind of investigation, open and on television if the House so desired.

Not Surprised by Refusal

Mr. Agnew was not surprised that Speaker Albert refused to grant his appeal, but he does not regard this as final. He felt that the House would be more "sophisticated" about the charges being brought against him, and that it would at least give him a chance to be judged in the open and not by "leaks" in the headlines.

Having been turned down by the Speaker for the time being, he will now move soon to enjoin the grand jury from proceeding with its inquiry, though he understands that such a move is unprecedented and may not work. He will, in the meantime, keep trying for an open hearing before the House.

One reason why Mr. Agnew approached the Speaker was that he felt it was far better to offer to appear publicly before a select committee of the House rather than to wait and be dragged to the bar of the House in an impeachment proceeding.

He had volunteered all his records, he had gone in with his "hands open," and he resented suggestions that he had tried to duck his problem by "plea bargaining" with the Justice Department.

He insists it was the Justice Department and not he who had initiated the "plea bargain-

ing." His view is that he was invited to plead guilty to some charges, but this, in his view, was a copout that would make him look guilty in the eyes of the public, and on this, he felt, there could be "no compromise."

Mr. Agnew is obviously angry about Mr. Peterson and the criminal division of the Justice Department. He feels that they are on the defensive because, as he suspects, they did not turn up much evidence in the Watergate case that came out later in the Senate hearings, that they mishandled an important case about organized crime, that they resented the appointment of Archibald Cox as special prosecutor under Attorney General Elliot L. Richardson, and were now trying to make up for their losses at his expense.

The Vice President is suspicious about all this, and wants to get at the bottom of the leaks by Justice Department officials. He makes no charges against Mr. Richardson, though he wonders why Mr. Richardson has not been able to discover who was responsible for the leaks and why the people responsible have not been punished.

In fact, the Vice President feels that he has been so damaged by the leaks that he hopes to be able to get depositions under oath from the people who may be responsible, and if the evidence supports his own information about who is responsible, he is prepared to call publicly for their resignation.

Mr. Agnew is not critical of President Nixon's handling of his case, but is less sure about members of the President's staff. He says that the President has been cordial and friendly, and has never pressed him too resign or even to take a single step he did not want to take.

From time to time, Mr. Nixon was ambiguous and maybe less supportive than Mr. Agnew might have wished, but the President also had his problems. Politics, the Vice President says, is sometimes a little ambiguous, which suggests that he may still retain a sense of humor, but he recognizes that how he deals with his legal problems could affect the President's legal problems, so he has nothing to say against Mr. Nixon.

Mr. Agnew does not discuss the "evidence" against him. Mr. Peterson may feel that he has the "evidence" and that he had it "cold," but the fact is that Mr. Agnew merely knows the charges—that he is under investigation for taking kickbacks from builders and consultants in Baltimore, and that he is charged by some people, including his "personal friends," of taking money and evading taxes.

He does not yet know what "evidence" is available to support these charges, but he is asking to face the facts in

public. He concedes that it was common practice in Maryland and elsewhere to solicit campaign funds from contractors, and to give Government contracts to people who contributed to the party in power, if they had the ability to do the job.

He feels this was standard practice with his predecessors in Maryland and with his successors, but it was not evidence of corruption.

Dangers of Corruption

The Vice President recognizes that this system of political fund-raising may be wrong, even though it is common, and he is coming to the belief that maybe only through public financing of political campaigns can the dangers of corruption be removed and public confidence be restored.

But whatever past practice, he insists on a public investigation of whatever charges anybody wants to bring against him, and expressing confidence that he will be cleared if he can get an open hearing.

Meanwhile, the Vice President has personal problems. The pressure on his family is obvious. He was "boiling mad" at first, then melancholic, frustrated and sleepless, and during this time, he sought the counsel of his friends. He talked about all the options before him, and did mention resignation as one of them, but he says he never really considered resigning, and once he had decided to "fight it out," he felt confident and even calm.

His appearance bears this out. He is making his case now. If he cannot get his case out against the leaks against him, or get an open hearing in the House, then he will, ironically, turn to his old critics in the press. Meanwhile, he is surrounded by expensive lawyers and this is a problem.

The estimate is that his defense may cost as much as half a million dollars. He is now setting up a legal defense fund. He does not have personal finances to face the bills

coming up. He regrets having bought a house last year, on which he took a \$160,000 mortgage, plus a \$30,000 loan. Also, he had invested in a condominium on St. Croix, where there have been some shootings and that investment has gone bad.

His defense fund will have three trustees, three law professors who will pass judgment on the propriety of the contributors, and all the contributors will be identified publicly. This, he hopes, will see him through the long legal battle he expects.

He cannot "walk away" from this legal battle, he says. He guesses that despite many doubts, he really would have tried for the Presidency in 1976, but this is obviously "all over" now. But the fight is not all over, he insists, but just beginning, for he has to clear himself, and this is what he says he is determined to do.