

Agnew Prosecutors Planned To Ask 50-Count Indictment



SPIRO T. AGNEW
... evidence disclosed

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Federal prosecutors were prepared to ask a federal grand jury to indict former Vice President Spiro T. Agnew on approximately 50 counts of bribery, extortion and tax evasion, according to informed sources.

The knowledge that the Justice Department felt it had the evidence to seek such a massive indictment "was the incentive that moved Agnew to a prompt resolution of the case," one source said.

Agnew resigned last Wednesday, pleaded "no contest"

to a single charge of federal tax evasion and agreed to the release of a 40-page Justice Department statement outlining the government's detailed charges that Agnew sought and received thousands of dollars in kickbacks from engineers while he was Baltimore County executive, governor of Maryland and U.S. Vice President.

Referring to the allegations of 10 years of payoffs in the Justice Department document, one source said, "There were

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no other witnesses on direct payments, but the prosecutors had voluminous corroborative material about the flow of money and meetings."

J. Fred Buzhardt, a special presidential counsel, played the dominant role in bringing Agnew's lawyers and the Justice Department into agreement, at one point arguing against taking the case to the grand jury, according to government and other sources.

Buzhardt, these sources said, appeared deliberately to keep both Agnew's lawyers and the Justice Department in the dark about the exact nature of his instructions. For a time, the sources said, Buzhardt's actions led Attorney General Elliot L. Richardson to wonder if he were going to be fired.

Plea bargaining between Agnew's lawyers and top Justice officials, which began in September and then broke off, were initiated by Buzhardt. But, according to sources on both sides, Buzhardt never made it clear whether he was acting on orders from the President.

"Fred had to tiptoe into this one, chew on the edges and not alienate anyone," one source said. "It could have blown up in his face."

From the start of the negotiations in mid-September until the final agreement reached last week, Buzhardt had more than a dozen conversations with Richardson, sources said.

At one point, the sources said, Buzhardt suggested to the Justice Department that it leave the Agnew matter to Congress for possible impeachment proceedings. Agnew had asked the House for a special investigation, but was turned down by Speaker Carl Albert (D-Okla.).

"Buzhardt was never insistent about that point, but he threw it out because it was Agnew's position, arguing that for the sake of the country it would be the fastest resolution," one other source said.

Richardson rejected this suggestion and decided to take the case to the grand jury, these sources said.

Buzhardt's performance as go-between was characterized as "slippery," by one Justice Department official, who said that Buzhardt kept Richardson guessing about what the President wanted.

One Justice Department source said that the official White House silence on the negotiations and the Agnew investigation led Richardson to wonder at one point whether he was about to be fired by the President for proceeding with the grand jury investigation or for his handling of the plea bargaining.

Sources in the Justice Department and sources close to Agnew agreed yesterday that Buzhardt's purpose was to effect the quickest possible resolution of the Agnew crisis, heading off a prolonged court battle over constitutional issues and the prospect of a sitting Vice President who had been indicted.

Sources on both sides said they knew that a speedy resolution would have to include Agnew's resignation, meaning that Buzhardt, in effect, was working to oust the Vice President.

Buzhardt's behavior during the negotiations was low key and subtle, sources said, prompting several sources to speculate that Buzhardt's actions might signal a post-Watergate change in style for White House aides.

"If either side thought that Fred was trying to shove a settlement down their throat, Agnew or Richardson could've raised a stink which we couldn't stand," one White House official said yesterday.

Referring to Buzhardt's easy-going style, one former colleague noted, "Buzhardt is constitutionally driven to negotiate. He loves it and probably is one of the few people who could have put this together . . . without a lot of fuss."

The Justice Department

only gave the White House the broad outlines of its case against Agnew, but two sources said that Buzhardt either through his own contacts or through Agnew's lawyers—got the precise details of the allegations.

Throughout the negotiations, sources close to the former Vice President said, Agnew's lawyers were aware that the Justice Department would have sought an indictment of about 50 counts.

While Buzhardt was basically seeking the quickest possible resolution, one source said that Richardson was seeking a reasonably prompt resolution, full disclosure of the evidence accumulated against Agnew and a clear statement of the bargain.

Sources in the Justice Department and sources close to Agnew both emphasized that during the negotiations they were cut off from the White House and unsure of the President's position.

For a while Agnew's lawyers were convinced that news leaks about the investigation were coming from the White House, the sources said. At times Agnew felt he was being pressured to resign by the White House because he thought he wasn't getting the support he wanted from the President, one source said.

Agnew was in frequent contact with White House chief of staff Alexander Haig for information about the case. Haig also discussed the investigation with Richardson several times, sources said, and Haig personally kept the President informed of developments.

In a 20-minute nationally televised speech Monday night, Agnew reiterated his innocence of bribery or extortion. He emphasized that his plea of no contest to tax evasion was, in effect, an admission of guilt only on that charge.

In Baltimore yesterday, U.S. Attorney George Beall, who directed the Agnew investigation, said he would withhold comment on Agnew's speech until he can gauge the public's response.

If letters and other indications show that the public believes that Agnew was wronged by the release of the Justice Department document of allegations, Beall said, he would "strongly consider" making a public reply.

Before the former Vice President resigned and pleaded no contest last Wednesday, Beall said, "about four out of five letters were critical of us for trying the Vice President out of court and through leaks to the press. Now almost all the letters we're getting are either critical of Agnew or of us for being too lenient in our recommendation of his sentence.