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# ... I Have Been Paying Off The Vice President,

By Richard Cohen

**SHORTLY AFTER** the 1963 Republican National Convention, Richard M. Nixon talked this way about Spiro T. Agnew: “There is a mysticism about men. There is a quiet confidence. You look a man in the eye and you know he’s got it—brains. This guy has got it. If he doesn’t, Nixon has made a bum choice.”

Less than five years later it was clear that Nixon had indeed made a bum choice. Three times in the summer and fall of 1973, as Watergate began to consume his own days, the President had to dispatch aides to demand Agnew’s resignation, the final time in terms so blunt that Agnew’s lawyers protested the treatment and Agnew himself left the room.

It had never been a happy political marriage, and it was an awful time for divorce. The President was forced to

pause in the preparation of his own defense because of the Agnew affair. The Agnew resignation itself on Oct. 10, 1973, and the Justice Department’s simultaneous publication of the evidence against Agnew, further eroded public confidence at a time when Mr. Nixon craved that trust.

The resignation raised new questions about Mr. Nixon’s ability to choose men. He had been wrong with Agnew, wrong with John W. Dean III, wrong with I. Patrick Gray III, wrong with H. R. (Bob) Haldeman, with John D. Ehrlichman, with Charles Colson and with a host of others who left the White House under a cloud and, in some cases, were later convicted of crimes. And, perhaps most fateful of all, the Agnew resignation helped clear the path for the President’s own demise, preparing the country psychologically, demonstrating that it could survive such a shock.

Despite his obscurity when he was first picked as the Nixon running-

mate, Agnew had become the Republican Party’s best performer, an accomplished partisan brawler who could have rallied his own constituency to Mr. Nixon’s cause. Agnew, the seemingly indefatigable Nixon point man, had become the spokesman for that vast range of American beliefs and life-styles known as Middle America. He spoke for its values, for its prejudices, for the President and against his enemies—the students, the press, the intellectuals.

**SO SECURE WAS** Agnew in his role as spokesman for these people that Mr. Nixon’s hopes of substituting him on the 1972 ticket with John Connally of Texas vanished in the political reality of Agnew’s clout. The one-time zoning lawyer from Towson, Md., was suddenly the front-runner for the 1976 Republican nomination, his credentials certified by George Gallup.

In April of 1973, Agnew was the choice of 35 per cent of Republican voters for the nomination, the Gallup

Poll reported. His nearest rival, Gov. Ronald Reagan of California, was 15 per cent back with the support of just 20 per cent of GOP voters. Gerald Ford was not even on the list.

Ironically, Agnew’s standing was enhanced initially by the very Watergate scandal that brought Mr. Nixon down. Almost alone among the Nixon administration’s highest officials, Agnew was unblemished by any connection with either the burglary or the cover-up. His reputation for integrity remained undiminished and, had not events intervened, he could have thrown it into the fight to save the man who named him to the ticket in 1968 and made his name a household word.

Richard M. Nixon, a two-term Vice President himself, had definite ideas about the vice presidency in 1968.

His vice presidential candidate needn’t be a man of great stature; the media would soon fix that. His vice presidential candidate needn’t be someone he knew personally; Eisenhower had been a virtual stranger to the man he had picked. His vice presidential candidate need only to offer something to the ticket—an identification with the South’s border area, a hard line against civil disruption, the general demeanor of a no-nonsense son of suburbia.

Agnew, then governor of Maryland and formerly executive of Baltimore County, had risen fast in the political world, winning both offices with the help of schemes in the county’s and later the state’s dominant Democratic Party. And by 1968, he had shed his once liberal image.

In the spring of 1968, while Nixon was mulling his vice presidential choice, Agnew dealt toughly with three major incidents involving Maryland blacks—a student boycott at Bowie State College, a sit-in outside his office, and the Baltimore riots after the assassination of Dr. Martin Luther King Jr. One of Nixon’s aides, Patrick J. Buchanan, gave newspaper clippings to Nixon about Agnew’s handling of the incidents.

The clippings, it soon became apparent, had an impact. The two men met, seemed to hit it off and Agnew, to the

surprise of almost everyone, was Nixon's choice.

Agnew, Mr. Nixon said, was to be a prime adviser on domestic policy. To prove it, the new President installed his Vice President in the White House itself, the basement, to be sure, but still the White House. It was there that

## PAGE FOURTEEN/THE NIXON

Agnew received some of the kickbacks from Maryland contractors who still felt honor-bound to continue the payments.

**B**UT AS IT HAD been for Nixon under Eisenhower, the vice presidency for Agnew was devoid of a policy-making role. Instead Agnew became the administration's evangelist, a perpetually airborne speaker on the political Chautauqua circuit where he lambasted the press, criticized students and skewered Mr. Nixon's critics in alliterative phrases that became his trademark.

It was always a dry, starchy performance with even the prologue of Bob Hope-like one-liners delivered with the flatness of a reading clerk in a legislature. But it caught on. The laughter and mocking derision gave way to respect. His audiences liked what the man was saying and the way he was saying it.

In the 1970 congressional elections, Mr. Nixon again opted for the Eisenhower pattern. While he largely stayed in the White House, Agnew took to the road—the low road, in the view of many. It was the campaign of the "radiclib," the "impudent snobs," the attack on Sen. Charles Goodell, the maverick Republican from New York, whom Agnew characterized as "the Christine Jorgensen of the Republican Party."

Although White House speech writers were assigned to Agnew, the delivery—and even many of the words—were Agnew's. The style had even developed back in Towson and Annapolis and was recognizable to Marylanders. Although Agnew seemed to be a puppet of the White House, there is no evidence that he undertook his attack on the press, for example, as a result of presidential orders.

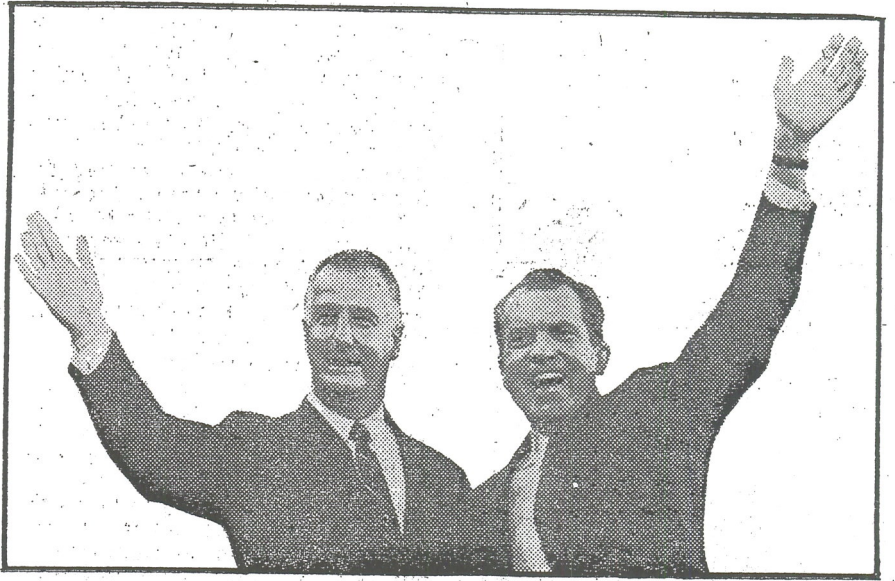
Instead, it appeared that Mr. Nixon was right: Agnew and he thought alike, shared the same view of the world that struck a responsive chord in both the party and large segments of the public. Agnew, by the 1970 campaign, was the party's second biggest draw. Only the President could fill a hall better, and the President was mostly staying in the White House.

During that campaign, Agnew brought an estimated \$3.5 million into party coffers. He campaigned in 32 states, traveling 32,000 miles. But when the campaign was over, the results were uneven. Goodell had lost; so had two Senate Democrats, Albert Gore of Tennessee and Joseph D. Tydings of Maryland. But the GOP had only picked up a net total of two Senate seats while losing nine House seats and 11 statehouses. Agnew called the election results "bittersweet."

It was, in fact, a serious blow and Agnew, as the administration's foremost campaigner, began to feel the scorn of outraged Republican moderates, many of them governors. At the same time, Connally began to be mentioned as a possible Agnew replacement on the 1972 ticket.

Agnew, in several interviews at the time, talked about returning to the practice of law, possibly writing a political column or maybe taking a job in television. He assumed a low profile. The speeches were muted.

**B**UT HE RETAINED one attribute: loyalty to Richard Nixon. When the Young Americans for Freedom endorsed Agnew for President, he



curtly reminded them that he served Richard Nixon. When Rep. Paul N. (Pete) McCloskey of California challenged Mr. Nixon in the New Hampshire presidential primary, Agnew remarked that McCloskey was in such a financial bind that he had to sell his favorite painting—"Benedict Arnold Crossing the Delaware."

Even with the Connally rumors floating around, Agnew made no move to enhance his standing in the party. He did not, as Mr. Nixon did in 1956, attempt to rally county and state GOP chairmen to his side. The President was supreme, he said, and "must select the most powerful and potent Vice President he can find."

That turned out to be Agnew, and the 1970 pattern was repeated. Agnew did the hard campaigning. Mr. Nixon, for the most part, stayed in the White House, letting Agnew, his surrogates and George McGovern win the election for him.

The Nixon-Agnew landslide, as had been expected, materialized in November. Yet five days before his second inaugural, Spiro T. Agnew was a doomed man.

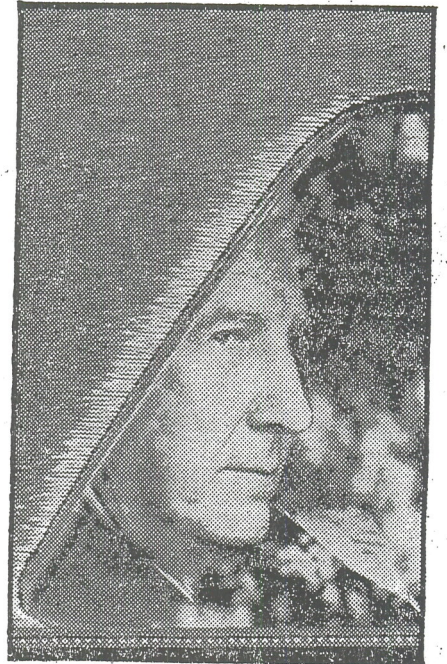
On Jan. 15, 1973, Lester Matz, a Baltimore County engineer, visited his lawyer and announced his plight: His books had been subpoenaed in the Maryland U. S. attorney's probe of political corruption in Baltimore County. The books would prove that he had been generating cash in order to kick back 5 per cent of his fees to the county executive, Dale Anderson.

Tell everything you know, was the lawyer's advice. The government is not interested in prosecuting you. You will be offered immunity in exchange for information on higher-ups.

"Do I have to tell them everything I know?"

Yes, Matz was told. In that case, he responded, he could not cooperate. The lawyer asked why. "Because," Matz blurted out, "I have been paying off the vice president."

Relentlessly, the prosecutors in Baltimore—George Beall, the U. S. attor-



ney, and his assistants, Barnet Skolnik, Russell T. Baker Jr. and Ronald S. Liebman—applied pressure to engineers like Matz, unaware of their dark secret.

**A**GWEN, THOUGH, was aware, and slowly through the late winter and spring he prepared for the coming investigation. He talked to the then Attorney General, Richard G. Kleindienst and complained that the investigation of Anderson had the potential to smear him. He was, after all, Anderson's predecessor. He sent his own lawyer, George White, to visit Beall and also to complain about the potential for damaging publicity.

In April, Agnew informed Mr. Nixon of the investigation—dismissing it as amounting to nothing much. He was innocent of any wrongdoing and he had nothing to fear, he said. But he sent his new lawyer, Judah Best, to Baltimore anyway—just to stay in

touch.

On June 21, the dam burst. With the pressure on Matz increasing—he was facing multiple indictments—two of his lawyers, Joseph H. H. Kaplan and Arnold Weiner, went to see Beall and his assistants. In minute detail, they laid out what their client would be prepared to say before the grand jury: Agnew had taken kickbacks.

The payments had begun when Agnew was executive of Baltimore County and continued while he was governor of Maryland. In general, they amounted to 5 per cent of the worth of the contracts the county and later the state awarded Matz's engineering firm.

But the payments, the prosecutors learned to their consternation, had continued during Agnew's term as Vice President. Some represented money Matz thought he still owed Agnew for contracts awarded in the past. One payment—for \$2,500—was for a stray General Services Administration contract that happened to come Agnew's way.

Other witnesses came forward, adding more and more detail. In the end, four persons—three engineers and an intermediary—signed sworn statements saying they had participated in a scheme to kick back money to Agnew—as county executive, as governor and as Vice President. Two of the witnesses underwent lie detector tests and passed.

On Aug. 1, Beall formally notified Agnew that he was under criminal investigation. The news came in the form of a letter handed to Agnew's lawyer, Best, in Baltimore and delivered to the Vice President that day. The letter set out in general terms the areas under investigation—bribery, extortion, tax evasion and conspiracy. Within a week the news was public.

Agnew, true to his reputation, fought back. The charges, he said at a press conference, were unfounded. He was innocent and would prove it. He would not resign. The President had not asked for his resignation. He would remain in office.

**T**HE VICE PRESIDENT was exercising poetic license with the truth. Mr. Nixon had not asked him to resign. But Gen. Alexander M. Haig Jr., White House chief of staff, had. It was just the first of those requests—and the first time Agnew failed to take the hint.

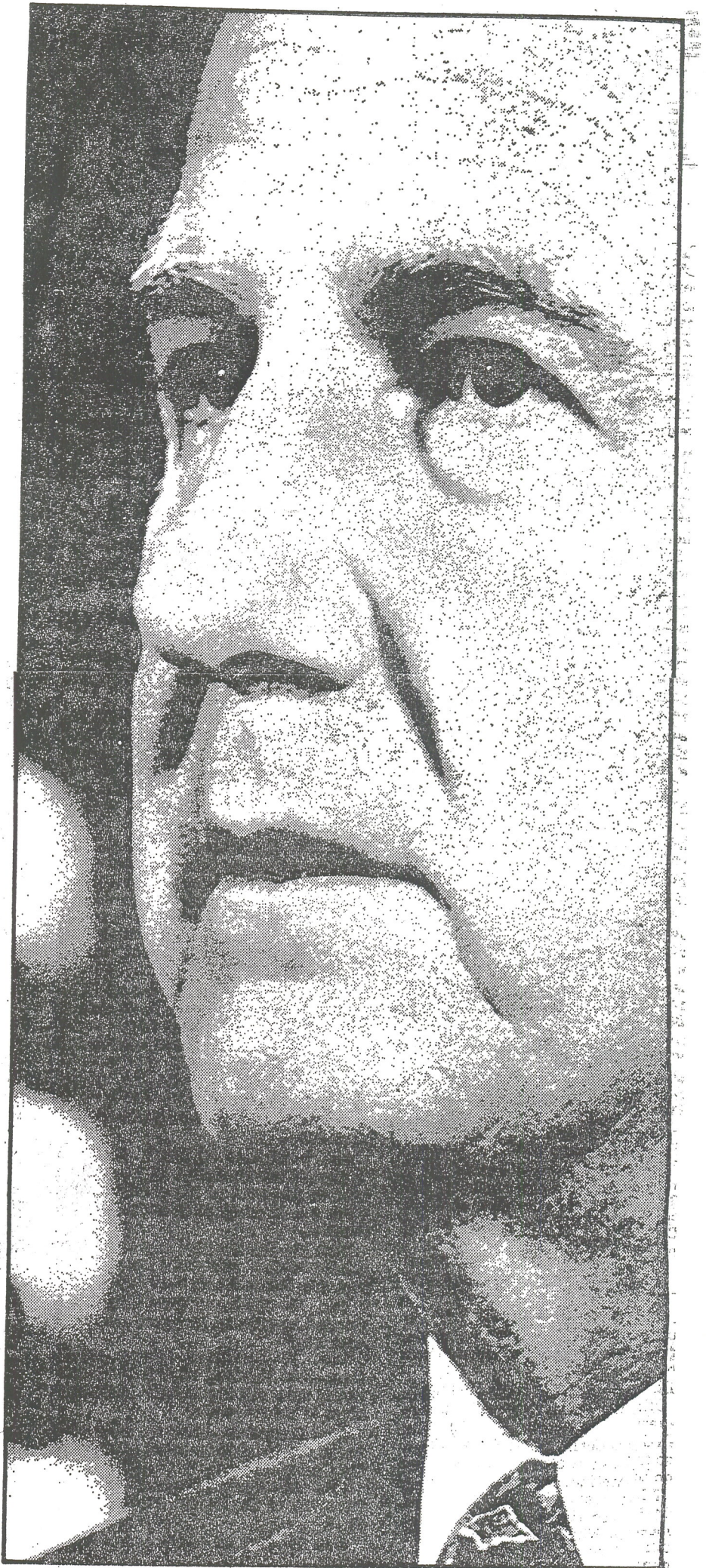
Against Agnew was aligned a solid administration front. The President, for all his protestations of neutrality, wanted him out. Agnew was severely complicating life. He was saying he could not be indicted because he was Vice President—an issue the President did not need to have tested in the courts. Later Agnew attempted to have impeachment proceedings started

against him in the House, another route the White House viewed with horror.

But the White House was in a dilemma. Mr. Nixon's own political standing was at an all-time low (although it would soon sink lower). He could ill afford to take on Agnew publicly and risk alienating the Vice President's constituency. The President needed every vote, and a large number of them were tied to the fortunes of Spiro T. Agnew.

In the Justice Department, the new Attorney General, Elliot L. Richardson, also viewed the Agnew case with horror. A man he was convinced was a criminal could succeed to the presidency at any moment. The President was under extreme pressure. He had, in fact, been hospitalized in July for viral pneumonia, a disease Richardson thought improbable. Might it have been a stroke, or something else?

And, of course, there was Watergate. Mr. Nixon had indicated he might not honor a Supreme Court order to turn



over tapes of presidential conversations. That could provoke an unparalleled constitutional crisis, possibly impeachment. How could there be impeachment when the No. 2 man might himself be under criminal indictment?

So together the White House and the Justice Department—each suspicious of the other—strove to effect Agnew's resignation. One by one, Agnew's possible avenues of escape were closed off—impeachment, a suit over possible leaks coming from the Justice Department or even Agnew's attempts to say he, like the President, was immune from criminal indictment.

**T**HROUGH IT ALL, Agnew continued to look to the White House as his possible savior. When he attacked, when he attempted to rally his constituency, he lashed out not at the White House but at the Justice Department. He drew a fine line between the President and the men he appointed.

The attack came Sept. 29 in Los Angeles in a speech before the National Federation of Republican Women. It began routinely enough. But then Agnew reached into his pocket for the notes he had scribbled on the plane coming up from Frank Sinatra's home in Palm Springs.

"In the past several months I have been living in purgatory," Agnew said. Then he launched into an unprecedented attack on the Justice Department of his own administration, singling out for severe criticism "the

chief of the criminal investigation division," stopping short only at using his name—Henry Peterson. He called Petersen's conduct "unprofessional, malicious and outrageous."

Agnew, who earlier in the speech had reiterated his innocence, ended by declaring, "I will not resign if indicted. I will not resign if indicted." As expected, the speech brought down the house. The Republican women, longtime Agnew supporters, stood on chairs to applaud the vice president. He strode from the hall in triumph.

The triumph, however, was short-lived. That speech, more than any other single event of Agnew's term as Vice President, demonstrated how little he knew about the White House, and especially about Richard Nixon. He apparently did not know what the transcripts of presidential conversations were later to reveal—that the President had a close relationship with Petersen who was acting as a sort of intermediary between Mr. Nixon and the Watergate grand jury.

Shortly after the speech, Mr. Nixon sent Agnew a message which loosely translated said: Quit playing demagogue or there will be no deal. Without a deal, Agnew faced an almost certain trial and a likely jail sentence. It was time Agnew concluded, to concentrate on the bargaining table and see if he could strike an agreement with the Justice Department.

The speech was important for another reason, too. It had been a bold declaration of innocence coupled with a solemn vow not to resign even if indicted, and it was believed. When Agnew did resign within 11 days of the speech, it was yet another blow to the standing of all public officials, and especially Mr. Nixon's.

No longer would a ringing declaration to remain in office be accepted at face value. Mr. Nixon's own vows, the public could later conclude, were no different.

**S**OON AGNEW'S lawyers—Jay Topkis, Martin London and Best—were back at the bargaining table with Richardson and others from the Justice Department. One series of plea-bargaining sessions had been broken up when news of them was reported in the press. Now, in a motel room in Alexandria, the two sides attempted again to hammer out the deal that would remove Agnew from office.

The bargaining itself was unprecedented, a break with the Justice Department's standard procedure. Prosecutors do not bargain with the chief

target of their investigation, and they certainly do not bargain with recalcitrant targets. Agnew was both.

But Richardson and his aides in the Justice Department, and the President and his men in the White House, were intent on clearing the line of succession. Agnew, they concluded, must go. The White House, as was its custom in the case, played middleman, bringing together the two sides and mediating some disputes.

The deal was the essence of simplicity. Agnew was willing to resign only if guaranteed that he would not face a jail term. The Justice Department insisted on releasing its evidence to disprove Agnew's claims that the investigation was a concoction of perjury and fantasy.

And so, at 2 p.m. on Oct. 10, 1973, Spiro T. Agnew rose in a courtroom of the federal courthouse in Baltimore and pleaded nolo contendere—no contest—to a single count of tax evasion. At the same time, a lawyer from the firm of Colson and Shapiro in Washington handed Agnew's resignation to Secretary of State Henry A. Kissinger.

U.S. District Court Judge Walter Hoffman, after noting that a no contest plea was tantamount to a guilty plea, imposed a \$10,000 fine on Agnew and sentenced him to a three-year term—suspended. Within moments Spiro Agnew, private citizen, left the courthouse and the 40-page exposition of evidence was distributed to the press.

Ten days after the resignation, the men who were the architects of the deal were gone. In a dramatic Saturday night shuttling of limousines between the Justice Department and the White House, Richardson, his deputy, William Ruckelshaus, and the Watergate special prosecutor, Archibald Cox, were gone. The nation again was in the throes of the Watergate story and the Agnew episode of petty corruption was quickly shelved.

As for Agnew, he paid his fine, cleared up his paperwork in an office provided by the government and sold a novel to Playboy Press. For the most part, he refused all interviews and kept his mouth shut while the man who saw so much by looking him in the eye slipped from office himself.

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*Cohen, a metropolitan reporter for The Washington Post, covered the Agnew case and is co-author of "A Heartbeat Away," about the Vice President's fall.*