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# Mr. Agnew and the Press

Throughout the 65-day ordeal that ended last week with the resignation of Spiro Agnew, the former Vice President stoutly maintained that he was the victim of "trial by headline." He still proclaims that the government's case against him was conducted in the form of "leaks and innuendos" intended to break him on the wheel of adverse publicity.

It is now unlikely that a dispassionate forum will ever exist in which truth can be separated from falsehood in the Agnew case. By resigning and pleading no contest to a single tax evasion charge, Mr. Agnew has foreclosed that possibility.

Nonetheless, the charge that the press worked hand in glove with the prosecution to deprive Mr. Agnew of his constitutional rights, his reputation and his office is a serious one, and it deserves examination.

Mr. Agnew and his lawyers drove a hard bargain and won what is widely regarded as a handsome settlement in light of what the government claimed it had as sworn testimony and documentary evidence.

A part of that settlement was a 40-page "information" outlining the government's case. This document provides us with some basis for measuring Mr. Agnew's charge that the "leaks" made it impossible for him to get a fair trial. When the government's information is compared with about 200 pre-settlement stories that attempted to describe the nature of the case against Mr. Agnew, several things become clear.

First, it is obvious a number of sources—not just people in the Justice Department—were being quoted. Some really were "reliable" sources; others were shaky. The stories vary from accurate to grossly inaccurate, when compared with the case the government swore to the court it had developed.

Second, while key elements in the case did indeed worm their way into public view, the vast body of evidence contained in the information remained essentially undisclosed until released by the prosecution.

Third, for all the potentially damaging disclosures, much that was favorable to the former vice president was also reported.

Fourth, and finally for the purpose

here, the prejudicial publicity Mr. Agnew suffered can only be described as mild when compared with that sustained by any number of other defendants in recent trials, especially some of those defendants brought to trial by the administration from which Mr. Agnew recently and painfully separated himself.

It is a given that in ordinary circumstances the less said of a case before trial, the better. It also must be said, however, that Spiro Agnew, when he stood a heartbeat from becoming the single most powerful individual on earth, was no ordinary citizen. When serious charges were being made against him, that was no ordinary circumstance. Moreover, no convincing correlation between publicity and a fair trial is known to exist.

With all that as given, the stories that were printed in the two months from Aug. 6 to Oct. 10 should be measured by a single criterion: to what extent did they assist the American people in understanding the nature and gravity of the charges against the second highest official in the land?

In dollars, first of all, the newspaper figures never identified the amount the government would later assert the former Vice President received.

The Knight Newspapers came closest by reporting early on that one contractor was being investigated for the possibility that he furnished the former Vice President with \$50,000 in a lump after handing over \$1,000 a week for four years. But the configuration of

that story bears very little resemblance to what the government asserts.

The New York Times had Agnew taking \$2,500 to land someone a job with the General Services Administration, but that didn't turn up in the Justice Department's list of evidence either.

The Washington Post passed along on its front page a story it picked up from Time magazine. It said that two

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of the principals had told the government that Agnew extorted campaign contributions from potential contrac-

tors. When you read the prosecutors' paper, campaign contributions turn out to have played a very minor role.

Most of the stories focused most of their attention on Agnew's role as governor of Maryland. The Post was one of the few that suggested the possibility of contractors marching into the White House compound with cash. Even then, this most significant of all details relating to Agnew's behavior as the second highest office holder was not the lead on the story for that day.

If the government was responsible for what the press was printing, it wasn't telling very much of what it later claimed to know. And those "leaked" fragments didn't really fit together in the way they were woven in the document released on settlement day.

It was only then that the world read allegations of a county executive who began arranging for private payment as soon as he took office; of charts drawn up to show the potential personal profit of every contract.

No one in the press was told that the government had added up at least \$100,000 in extorted bribes before it quit counting or of Lester Matz returning to Baltimore a shaken man, telling his partner that he just bribed the Vice President of the United States in his office next door to the pinnacle of power.

And what the press told, it told warily. The Wall Street Journal, which provided one of the first definitive stories—the one that apparently forced the Vice President's office to acknowledge the investigation—was careful to say that what it had learned was merely about a set of charges, that Mr. Agnew had been formally accused of nothing.

Some stories took the Vice President's side. The Star-News had one such, saying it was strange that Agnew would be accused of taking bribes, since there was no evidence he had very much money.

James Reston wrote with compassion and eloquence on the front page of The Times about the Vice President's fighting spirit and his determination not to resign.

A Star-News columnist said that if Agnew were vindicated, the whole affair might well boost him into the White House in 1976.

Several newspaper followed up the lead of the Vice President in one of his press conference contentions that men desperate to save themselves had fingered him.

If it was a meager performance on details, it was nevertheless a balanced performance in the main. Mr. Agnew's presumption of innocence was maintained to a greater degree than that of the Chicago 8 was maintained by most

of the press. Or the Harrisburg 7, about which the government had a great deal to say before they were charged with the offenses of which they were later acquitted.

Considering all the government asserts about him, Spiro Agnew did about as well in the court of public opinion as he did in the court of law. Many another have fared worse, accused of less.