

Treasury Holds Fast on Agnew Guard

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The Treasury Department said yesterday that it will not discontinue Secret Service protection of Spiro T. Agnew, despite the comptroller general's finding that President Nixon had no legal authority to order the guard.

In a letter to Rep. John E. Moss (D-Calif.), Treasury general counsel Edward C. Schmults said Mr. Nixon's decision to provide round-the-clock protection to the former Vice President is "presumptively valid and lawful."

Based on Comptroller General Elmer B. Staats' opinion last Friday that Mr. Nixon's claim of inherent executive power in ordering the guard on Agnew was "without foundation," Moss had demanded that Treasury Secretary George P. Shultz discontinue the protection.

The Treasury ruling also is counter to an opinion expressed yesterday by Attorney General William B. Saxbe, who said he saw no reason for continuing the protection of Agnew unless the former Vice President was in danger.

When asked about the detailing of Secret Service agents during Agnew's vacation on the West Coast, Saxbe said, "If there is no danger, I can see no reason for it." He said if there was a danger, or other circumstances of which he was unaware, then it would be "another matter."

Aides to the former Vice President have said that the Secret Service protection was justified on the basis of mailed threats alone, but the

Baltimore News American reported yesterday that garbage has been dumped on the front porch of Agnew's Kenwood, Md., home recently. The newspaper said that persons also had thrown eggs and tomatoes at the house.

Secret Service officials last night refused to comment on the report, or on the hate mail reportedly received by Agnew.

In one General Accounting Office report, Staats said that from Oct. 10, when Agnew resigned and pleaded no contest to a charge of income tax invasion, to Dec. 15, the cost of the Secret Service protection totaled \$89,222.

The Secret Service has not revealed how many agents have been assigned to Agnew, and has said only that it has continued the guard at the request of Mr. Nixon and Schultz.

In yesterday's letter, the Treasury Department did not say how long it would continue the protection, but it was implicit that it would probably extend to mid-April.

That would be six months from the time Agnew resigned, which is the same length of time that Hubert H. Humphrey was guarded after his term as Vice President expired early in 1969.

Treasury officials frequently have alluded to the six-month guideline in answering questions about Agnew's Secret Service detail.

Schmults referred to the protection of Humphrey, and to a Secret Service detail assigned to Sen. Edward M. Kennedy (D-Mass.), who was given protection for two months in 1972, after the assassination attempt on Alabama Gov. George C. Wallace.

"None of these prior directives have been regarded as unlawful," Schmults said in defending Treasury's compliance with Mr. Nixon's instructions.