

'A Heartbeat Away'

Richardson Learns Agnew Is Involved

By Richard M. Cohen
and Jules Witcover

Washington Post Staff Writers

4/17/74

On May 25, 1973, when Elliot L. Richardson took over from Richard Kleindienst as Attorney General of the United States, he had no real idea what his subordinates in Baltimore were up to, and his mind was otherwise occupied. He inherited a deeply demoralized Department of Justice. Kleindienst had stepped down amid the mushrooming Watergate scandal with only the barest hint to Richardson about the Baltimore County investigation.

Although Watergate had not implicated Kleindienst directly, it was tainting many of his associates and particularly the man he had succeeded and under whom he had served through the first Nixon administration—John N. Mitchell.

The new team at Justice had barely assembled in the last days of May when Richardson received a visitor from nearby Maryland. George Beall was only one of 94 U.S. attorneys in the department, and when he simply showed up at Richardson's office, asking how to get to see the new Attorney General, one new assistant wasn't sure what to do. "What's the normal procedure?" he asked a secretary.

This is the fourth of seven articles, excerpted from the book "A Heartbeat Away—The Investigation and Resignation of Vice President Spiro T. Agnew," written by Washington Post staff writers Richard M. Cohen and Jules Witcover, and published this week by Viking Press.

"Does a U.S. attorney just wander in and see the Attorney General?" The secretary advised that it was just not done. Beall was turned away. But before he left he got an appointment to discuss an important matter that, he said, former Attorney General Kleindienst would have talked to him about.

By the time Beall finally did see the Attorney General, on June 12, there had been a significant development. Lester Matz and Jerry Wolff were ready to involve Agnew. That gave Beall something to make Richardson take notice. And so Beall decided (apparently without the knowledge of his assistants) to tell Richardson that much, at least. He could not go too hard with the story, because Matz and Wolff were still balking at signing the letters of negotiation that would clear the way to getting corroborating testi-

mony against Agnew. And so he proceeded cautiously, telling Richardson at first essentially only what he had been telling Kleindienst through the late spring: The prime target of the kickback investigation was Baltimore County political boss Dale Anderson and that there was yet no hard evidence that Agnew was involved.

Through most of Beall's recitation about his Baltimore County investigation, the Attorney General seemed preoccupied, but cordial, sitting at his desk with his feet up, chair back, drawing on a pipe and doodling with a blue felt pen on a notepad, taking notes occasionally. But when Beall told him that within recent weeks his team was starting to get second-hand information that indicated the Vice President might be involved, Richardson doodled less and took more notes. The meeting ended with Richardson asking to be kept posted, and Beall promising to do so.

Baker later explained Beall's cautious presentation to Richardson this way: "Our conclusion here was that there wasn't anything to tell Richardson. In part we suspected that Matz and Wolff really didn't have very much on Agnew or anything else be-

See AGNEW III, A16, Col. 1

AGNEW III, From A1

cause of their unwillingness to sign the letter of negotiation."

In Baltimore, however, the prosecutors were now taking the possibility most seriously and were pursuing it with vigor. When attorneys had finally come in on June 21 and laid out Matz's whole grisly case against Agnew, the scope and venality of it had itself dictated a decision: Washington had to be told what they had.

Attorney General Richardson already was hearing from other sources—about the tactics being used by memson told Buzhardt that if anyone had any complaints about the conduct of anyone in the Department of Justice, he should make them to Richardson personally; otherwise he would ignore them. That was the last the Attorney General heard of the matter.

During the week of June 18, Beall phoned Richardson's office with an urgent request for a meeting for himself and his three assistants. After at least two postponements, the team was scheduled for Tuesday, July 3. This was to be the first time that Skolnik, Baker and Liebman would meet the Attorney General. Skolnik, impressed, arrived at Beall's office at about nine o'clock that morning in a new blue suit. He had just bought two suits and was saving one for his wedding.

As they drove—80 to 85 miles an hour, well above the speed limit—south to Washington the four men talked about their game plan. Beall, to underline at the outset that these young colleagues were responsible citizens, would introduce each to Richardson at some length, stressing their Ivy League educations, their clerkships and experience.

He would then recapitulate the whole

investigation and turn the detailed briefing over to Baker who, reading from notes, would give Richardson a comprehensive rundown of the case against Agnew.

Richardson was busy when they arrived. For 45 tense minutes the Baltimoreans cooled their heels, and as they waited, Liebman the comedian, pointing to some medieval prints on the walls, conjectured that the Justice Department probably had a torture chamber in the basement for upstart U.S. attorneys. It was a lame line, but it cut the tension and the others laughed.

At around noon, more relaxed now, they were told the Attorney General would see them. They were admitted to the long conference room that adjoins Richardson's office, and they were impressed. To these men who toiled in the colorless federal bureaucracy in Baltimore where everything in sight was low-cost government-issue, the rich-grained furniture and other appointments were another world. Elliot Richardson himself was an impressive sight to the three assistant U.S. attorneys, and he sat at the head.

Beall proceeded with rather lengthy introductions of his young aides and talked again about the Maryland investigation, which he had outlined to Richardson at the June 12 meeting. Eventually Beall arrived at the part of the story where, as they all knew, he was about to say the name Agnew. Just then, Richardson's secretary came in and handed him a note. Richardson looked at it, got up quickly from his chair, excused himself, went into his private office, and closed the door behind him.

"Get to it, George," one of the aides said as soon as he was gone. "He's going to throw us out of here."

"I'm right there," Beall said. "I was just about to mention it."

Behind the closed door Richardson was hearing something that alone was cause enough for apoplexy—and this was even before he heard Beall's revelations. Alexander Haig, the President's new chief of staff, was on the phone telling him that the President was livid over a story that morning in the Los Angeles Times. Archibald Cox, the Watergate special prosecutor, had started a preliminary inquiry into the President's real estate transactions, the story said, centering on the \$1.5 million paid for his home in San Clemente. The paper quoted one source as saying that a key aspect of the inquiry would be a check on whether any of the money used came from union funds, corporations, or Republican campaign resources.

The report of a San Clemente investigation on top of everything else was intolerable to the President. Haig told Richardson to find out exactly what Cox was up to. Richardson said he would do so, and then he headed back into the conference room to hear what the eager-beavers from Baltimore wanted from him.

It would help if they got to the point. The President on the warpath about Cox was quite enough for one day. Richardson was now understandably distracted. When Beall resumed, Richardson doodled on his ever-present pad. Beall at last mentioned the incriminating testimony against Agnew. Richardson, pipe in mouth, a look of deep consternation on his face, stopped doodling and feverishly started note-taking. Baker took over and filled in chapter and verse in a crisp summary of the story Matz's attorneys had laid out in Baltimore.

Richardson took it all in, grimly.

Compared to this, Nixon's complaint about Cox was only a temper tantrum. Without emotion, he went over all the points that had been raised, asking questions, encouraging his visitors to discuss what collectively should be done next. But whenever they started to get into details, there would be another note under his nose about another White House phone call.

Richardson, getting up and striding out to mollify the President, then returning to hear more about a development that might not only rock the administration but throw the Republic into political crisis, was being batted back and forth by events each more bizarre than the one before. What finally tore it for him was yet another call from Haig, during which Nixon himself broke in. He wanted, he told Richardson in no uncertain terms, a flat public denial from Cox that any San Clemente investigation was under way, and he wanted it at once. (Cox eventually made this denial, but he acknowledged at the same time that he had ordered a staff review of "relevant public knowledge"—newspaper stories—about the purchase and improvements on the President's property because he "did not have even the most elementary knowledge of the facts" in the matter.)

This demonstration of presidential temper severely jolted Richardson, coming as it did when he had also to act responsibly on another shocking development of immense importance and potential harm to the President and his administration. According to Richardson insiders later, their boss in fact was so vexed at the President's conduct that he considered resigning that very day. Among the elements that persuaded him to stay on was his concern about the Agnew affair, and

the governmental crisis it posed in the event of sudden succession to the presidency.

Richardson, for his part, seemed outwardly at least to take the interruptions and the irritations in stride. He grasped at once the dimensions of what the Baltimoreans were telling him, and he never challenged the authenticity of it. "I had a kind of instinctive confidence in what appeared to me both the decency and the professionalism of the way in which this whole thing was being handled by Beall and his staff," he said later. As an old prosecutor and investigator into similar kickback scandals in Massachusetts, he said he knew the Baltimoreans "were already in possession of what on its face was more complete and convincing testimony than I had ever been able to assemble in my own investigation."

Methodically, Richardson began to raise the big issues. What would the effect of the Agnew case be on the capacity of the administration to govern? Almost from the start, Richardson was appalled at the possibility that, if Agnew was guilty, fate could result in the ascendance of a felon to the presidency. He wanted immediately to confront the Vice President with the evidence against him. Agnew would have to deny the charges and offer proof of his innocence, or he would have to resign. He authorized Beall and the others to press forward with their investigation in the most thorough manner, and expressed the hope that Agnew would indeed resign if guilty and confronted.

From the very first, then, the resignation of Vice President Agnew was seen by the attorney general as the most direct, desirable way to serve the public interest. It was a judgment that was to be the cause of considerable de-

bate and some heat before the whole matter was resolved.

63

The Baltimore team left Washington satisfied and encouraged. They had feared they might encounter an obstructionist, and they had found instead a strong and impressive ally, with plenty of reasons of his own—dramatically demonstrated to them that very day—to keep a wary eye on the White House as the now-enlarged Justice Department investigation of Agnew went forward.

Richardson came out of the meeting shaken, for all his surface composure. He called in one of his assistants, J. T. Smith, and told him what he had heard, "by way of reassuring myself that there really wasn't anything I could or should do." That night, when he went to his home overlooking the Potomac in McLean, Virginia, he told his wife, Anne, that "a bad scene was developing, and that it involved the Vice President. I expressed some worries about the fact that I might be perceived to have some personal interest or animus" in seeing Agnew go—since Richardson, as well as the Vice President was being mentioned as a possible Republican presidential candidate in 1976. "It was a deeply disturbing picture," Richardson said later. "I felt sick, almost. It was as bleak a day as I'd ever had." The satisfaction that the Baltimoreans felt, knowing Richardson was there, was not present in the man himself, as he contemplated the crisis ahead for his embattled department, his beleaguered administration, and above all his country.

© 1974, The Washington Post Co.

Next: PLEA-BARGAINING