

A Possibility

Agnew and the High Court

By Tom Wicker
N.Y. Times Service

Washington

Everybody is commenting on the unusual opportunity given to President Nixon by the retirement of two Supreme Court justices.

He can shape the direction of the court for a generation, they say, but that's not the half of it.

The key to the real possibilities lies in the speculation that Mr. Nixon might name

Vice President



Spirow Agnew to one of these splendid jobs. Maybe this should not be taken lightly.

Agnew's legal attainments aside; and anyway, from the people who gave you G. Harold Carswell, you wouldn't expect Learned Hand.

In the first place, Agnew meets two of Mr. Nixon's major specifications; he's conservative enough, and while Maryland is not precisely a Southern state, the vice president is one of the main ornaments of the Southern strategy.

RUMOR

In the second place, since the hot rumor is that Mr. Nixon wants a fresh face with him on the ticket next year, the Supreme Court would be just the right place to dump Agnew without wounding his dignity or rousing up his right-wing fans.

Then things really get interesting. The new 25th Amendment to the constitution provides that if "there is a vacancy in the office of the vice president, the President

shall nominate a vice president who shall take office upon confirmation by a majority vote of both houses of Congress."

Don't forget, there are two spots open on the Supreme Court. Add that fact to the 25th Amendment and Mr. Nixon could revamp the whole team — give the administration a brand new image and probably sew up the election year in advance.

POSSIBILITY

Here's a possible scenario:

Agnew to the Supreme Court. Secretary of State William Rogers to the Supreme Court. Secretary of the Treasury John Connally to the vice presidency (he wouldn't formally turn Republican until after he's confirmed by the Democratic majority in both houses), thus carrying Texas and mollifying Japan. This leaves two choice cabinet openings at \$40,000 a year.

Mr. Nixon would put Governor Nelson Rockefeller in as secretary of state, thus grafting the eastern establishment onto the administration. This would leave the treasury open, and the smart money has it that the President would bring in Wilbur D. Mills (that Southern strategy again), ridding himself of a stumbling block on the Hill while getting another conservative Democrat in the cabinet to replace Connally.

Asked to comment on these possibilities, informed sources at the White House said, "Watch what we do, not what we say."