

To Resign or Not to Resign

By Clifton Daniel
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Washington

Should Vice President Spiro T. Agnew resign? Will he resign?

The White House has undoubtedly considered the question. Agnew must have asked it of himself. He apparently has discussed it with at least one political friend. The press has made a front-page issue of it.

But there is no ready answer. Unless the vice president, his intimates and his accusers know something the rest of Washington does not know, there seems to be no immediate occasion for resignation — at least not in the minds of the vice president's entourage.

Agnew was informed early in August that he was under investigation on charges of taking kickbacks from contractors and engineers in Maryland, where he served as the executive of Baltimore county and governor before coming to Washington.

EVIDENCE

Attorney General Elliot L. Richardson has reportedly ruled that evidence in Agnew's case may be presented to a federal grand jury in Maryland. But, so far as is publicly known, the grand jury has not yet begun to consider the evidence, much less begun to prepare an indictment against Agnew.

There is, moreover, a constitutional question as to whether the vice president can be indicted unless he is first removed from office. Like the President, he can be removed only by impeachment proceedings.

Even if convicted, the vice president is not obliged to resign.

President Nixon has said that anyone in his administration who is indicted will be suspended and anyone convicted will be discharged. But the vice president does not hold office at the pleasure of the President; he was elected by the people. Mr. Nixon could suggest resignation; he cannot command it.

INDIRECT

There is no reason to suppose that the President has suggested it up until now, and a man who knows him well surmises that Mr. Nixon would never propose it directly. "That's not the way he works," that man says. "He couldn't fire a fly."

The President might put out the word that the vice president's continuation in office was an embarrassment to the administration, and then send someone else to persuade Agnew that duty demanded he resign.

The argument would be that the vice president serves only one real purpose in the government, and that is to replace the President in case of death or incapacity. A vice president under criminal investigation, certainly one under indictment, it could be argued, would hardly be qualified to assume the presidency.

PRIDE

"Ted Agnew is a proud man," one of his familiars said. "If he felt he had a President in the White House who didn't want him, that would have an effect on him."

There is, however, another aspect to Agnew's character. "He is not a quitter," his press spokesman, J.

Marsh Thompson, said earlier in the week.

Agnew's former spokesman, Vic Gold, now a newspaper columnist, has long been suspicious, because of Mr. Nixon's proclaimed admiration for John B. Connally, that Mr. Nixon wants to throw the vice presidency to Connally, the former Democratic governor of Texas, now a Republican.

This week in Newsweek, Gold is accusing the White House of undercutting Agnew; but he says, "come hail or high water, Spiro Agnew isn't quitting."

ARGUMENT

Agnew might even argue that, morally speaking, he is no more under an obligation to resign than Mr. Nixon, who is himself under suspicion and under investigation.

If the vice president should quit and Mr. Nixon should appoint Connally to the vice presidency, subject to congressional approval, under the 25th Amendment to the Constitution, Connally would obviously gain an advantage in the 1976 presidential race. That might be one of the best reasons for Agnew not to resign, if he could avoid it.

A lesser reason is that Agnew enjoys many advantages in office that he would not have out of office — a high position, a decent salary, free office space, a large staff, a limousine and chauffeur, Secret Service protection and deferential treatment.

As vice president, he also can claim to wear the cloak of constitutional immunity from prosecution, unless and until it is stripped away from him.

REASONS

If there are so many reasons not to resign, why has Agnew even thought of it? The political friend in whom he confided told David Broder of the Washington Post he was "99½ per cent certain he will resign — and probably this week."

Thompson, the press spokesman, who says that the vice president will not resign, that he considers himself wholly innocent, and that he will do nothing that carries an implication of guilt, nevertheless acknowledged that at the end of a hard day the vice president might once have wondered out loud whether it would not be better just to quit.

That momentary "dark mood" might have misled somebody, Thompson said. He himself has not seen the vice president in such a mood, Thompson added, and he does not expect it to become Agnew's dominant mood.

What would happen if the vice president were indicted? That's another story.

Analysis
and
Opinion