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Agnew Decries Watergate Hearings

By William Claiborne
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ST. LOUIS, June 11—Vice President Agnew condemned the Senate Watergate hearings today for indulging in a "gross perversion of justice" that will ruin the lives of innocent men and let some of the guilty go scot-free.

The nationally televised hearings, Agnew said, can hardly fail to "muddy the waters of justice beyond redemption" by trying the Nixon administration before "the court of public opinion" instead of in established judicial processes.

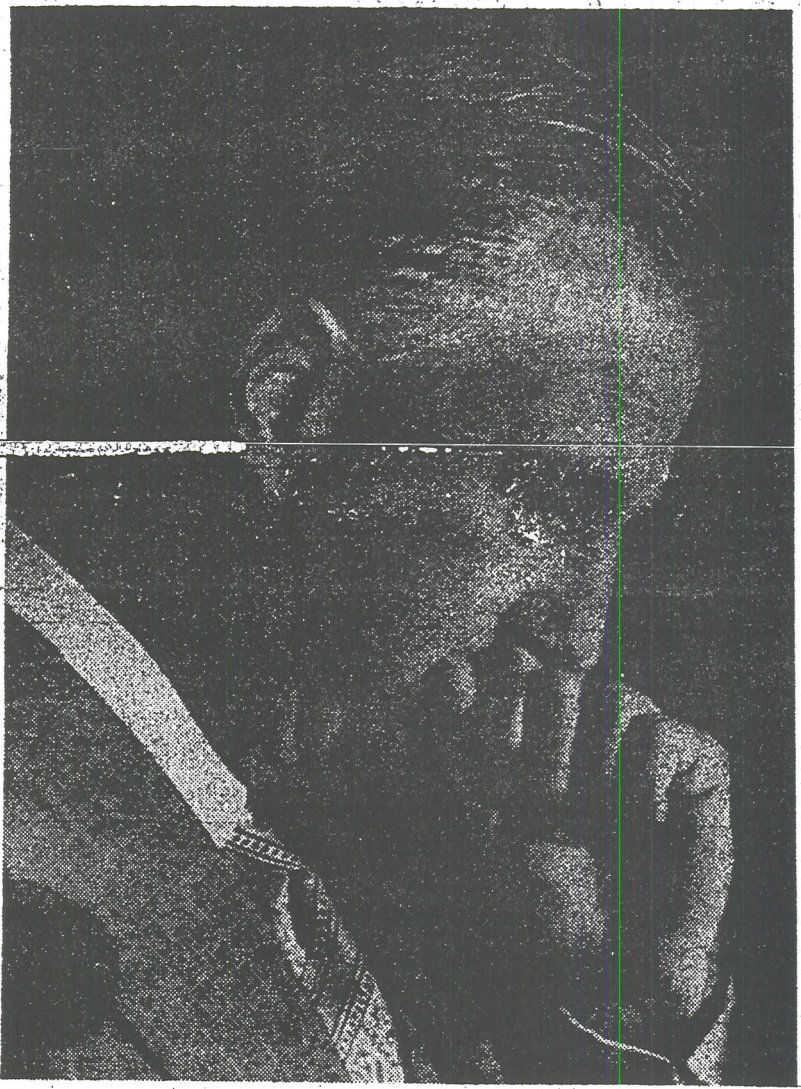
The Senate investigation, he said, "tends to complicate the search for truth by making both witnesses and (the) committee players on a spotlighted national stage."

In an address to a convention of the National Association of Attorneys General here, Agnew predicted gloomily that the public hearings will probably go on uninterrupted despite his opposition and the objections raised by Watergate prosecutor Archibald Cox. But the Vice President appealed to the state officials convening here to speak out publicly against the hearings anyway.

A survey of attorneys general showed little immediate interest in a formal endorsement of Agnew's attack on the Watergate hearings, although the Vice President's remarks were warmly received by an audience that is normally receptive to the position that criminal allegations should be tried in court before opinions are formed by publicity.

Chauncey H. Browning Jr., West Virginia attorney general and head of the resolutions committee, said the issue may be brought up later in the convention.

Conspicuously missing from Agnew's 30-minute address was the expected defense of the Nixon administration that had been forecast late last week by some



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Vice President Agnew pauses during speech to attorneys general.

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of the Vice President's aides. The aides had said Agnew was prepared to defend Mr. Nixon vigorously and, in doing so, reject the advice of some conservative supporters that he disassociate himself from the affair.

Only three times did Agnew refer to Mr. Nixon by name or to the administration, and then only in an oblique way to buttress his contention that the Senate hearings are counterproductive to the Watergate prosecution.

Agnew criticized the hearings for having a "Perry Masonish impact" on the public that he said makes the American people the "ultimate jury" in a case that should be heard before a court.

Referring to the widely broadcast hearings, Agnew said, "The season of summer, in television, usually brings little but reruns and unknowns in place of regular stars.

"But this summer it's different. Somewhere on your TV dial, morning, noon and

night for the next several weeks or even months, you will be able to find a gripping drama—the Senate investigation of that web of crimes and controversies that has come to be known as Watergate.

"The indefatigable camera will paint both heroes and villains in lurid and indelible colors before the public's very eyes in the course of these proceedings," Agnew said. He said the attractive-

ness and stage presence of witnesses may become more important than the content of their testimony.

The Vice President ticked off seven judicial safeguards that he said are missing from the Senate Watergate probe.

- Cross-examination, which, he said, has been ruled out by the committee chairman, Sen. Sam D. Ervin Jr., even though some witnesses stand accused and have the motivation to implicate others to mitigate their own offenses.

- The rights of witnesses to be represented by counsel are abridged because the lawyers can take no active part in the colloquy among the committee members.

- There is no opportunity to rebut testimony, which Agnew said was most noticeable when attorney Gerald Alch had to demand a chance to speak when convicted Watergate conspirator James W. McCord Jr. made several accusations against his former lawyer.

- There is no guarantee that witnesses can introduce evidence to impeach an accuser's credibility.

- There is no prohibition against hearsay testimony. In fact, Agnew charged, "the witness is not only permitted to give hearsay but is positively encouraged to do so."

- Witnesses are permitted to testify about their inferences, impressions and even speculation.

- The Watergate committee has refused to ban cameras from the hearing room, which Agnew said introduces an "emotional and dramatic factor."

"The audible sighs, snickers or groans of the people in the hearing room are dramatically relayed to the millions of TV viewers, thus potentially affecting the way they receive the information," Agnew said.

"Thus, even if the Senate hearings succeed in reliably establishing the guilt of some individuals in the Watergate case, they will probably do so at the expense of ultimate conviction of those persons in court. And this is bound to leave the American people with an ugly resentment at the spectacle of wrongdoers going scot-free," the Vice President said.

On the topic of speculative testimony, Agnew recalled the May 23 testimony in which former White House aide John Caulfield said that in his mind he believed that former presidential counsel John W. Dean III was referring to Mr. Nixon when he spoke of an offer of executive clemency for the Watergate defendants.

Later in the same testimony, Agnew recalled, Caulfield said he never had any conversations with the President about clemency and that Dean never said such an offer came from Mr. Nixon.

"... We were left only with Mr. Caulfield's personal opinion—an opinion that would never have been permitted in a court of law because its truth can't be tested," the Vice President said.

Agnew tangentially acknowledged criticism of the government's early Watergate investigation when he said the Senate hearing's popularity may stem from public frustration over "the silence of many key figures" and "the lingering concern that the administration was essentially investigating itself..."

But those conditions no longer prevail, the Vice

President said, and Cox and his staff should be given the opportunity to prosecute without the focus of national attention.

"One is now left with the impression that hearings which began on the premise that it is more important to bring out the truth than to jail people may wind up blocking the imprisonment of some who are guilty, smearing the reputations of men who are innocent, and leaving truth itself very much in doubt," Agnew said.

Addressing himself to his "good friends and old sparing mates in the nation's press," Agnew said coverage of Watergate has changed drastically in the last several months.

"From a situation where the news media—to their great credit—were one of the principal forces pushing

for full disclosure, we have now moved into a situation where excessive haste to print the spectacular may actually frustrate the processes of truth and justice," Agnew said.

In the weeks ahead, the Vice President said, the news media will be put to an "acid test" when reporters and editors contemplate "those sensational leaked-from-undisclosed-sources stories that might boost circulation but which could also malign the innocent and help to acquit the guilty."

Quoting the late Supreme Court Justice Benjamin Cardozo, who said, "Justice is not to be taken by storm. She is to be wooed by slow advances," Agnew said:

"The storm of public indignation aroused by this sordid Watergate affair is an

understandable reaction, and a healthy one . . . (But) those forces must be harnessed by the instincts of fair play that are so basic to our society, and they must be channeled through the established institutions best equipped for the difficult dual task of protecting the rights of the individual and enforcing the law of the land."

"This will not be the shortest and easiest way for America to untangle the tragedy of Watergate and repair the damage done—but beyond a doubt it is the safest and wisest way," Agnew said.

The attorneys general earlier today discussed what they said is an increasing number of civil damage suits brought by inmates of state correctional institutions.

In Wisconsin alone, according to Assistant State Attorney General Robert D. Repasky, there are now pending prisoner damage suits totaling \$5 billion.

"Vague and ad hoc-types of warden decisions" should be replaced with specific prison rules written by state legislatures, Repasky said.

Virginia Attorney General Andrew Miller urged the delegates to consider taking

out damage suit insurance policies on guards and other prison officials who may be sued by inmates. Vann Lefcoe, Virginia Assistant Attorney General, cited several cases in which prison authorities in his states have been held liable for damages in suits brought by prisoners charging cruel and unusual punishment or other constitutional violations.
