

The 25th Amendment

By James Reston

WASHINGTON, Aug. 14—This city has been living on surprises for so long that it has a bad case of the jitters. What was unthinkable a few days ago is in this morning's headlines, and Vice President Agnew is only the latest object of this prevailing pessimism.

After the indictments of former Attorney General John Mitchell and former Secretary of Commerce Maurice Stans, after the convictions in the Watergate case and the resignations of H. R. Haldeman and John Ehrlichman, the tendency here is to hope for the best but to speculate on the worst.

Thus, though Mr. Agnew has merely been put on notice that he is under investigation for "allegations concerning possible violation" of Federal criminal statutes (conspiracy, extortion, bribery and "certain criminal provisions of the tax laws"), though he has denied the charges and President Nixon has expressed his undiminished confidence in him, Washington is full of speculation about what would happen if Mr. Agnew were indicted, convicted or even tarnished, and then resigned.

This is unfair since the speculation assumes at least the possibility of guilt, but the speculation is a fact. For example, the Deputy White House Press Secretary Gerald Warren was asked publicly if the President had a "contingency list" of possible successors to Mr. Agnew. He replied that the President had no such list and added that the fact of the investigation "does not diminish the President's confidence in him."

Nevertheless, considerable attention is being paid here to Section Two of the 25th Amendment to the Constitution of the United States, which reads as follows: "Whenever 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."

This means that if Mr. Agnew should resign, the person nominated by the President to succeed him, if

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confirmed by a majority of the House and Senate, would be second in line for the Presidency during the remainder of Mr. Nixon's second term, and a leading candidate for the Republican Presidential nomination in 1976.

Politicians accustomed to the astonishing events and disasters of the last few years and months cannot easily overlook the implications of the 25th Amendment.

Whom would the President nominate if Mr. Agnew should resign? Would the Democrats, who have a majority of both houses, be likely to confirm a strong successor who might keep them out of the White House for a third term? The guessing game has started.

The names most often mentioned are Gov. Nelson Rockefeller of New York, Gov. Ronald Reagan of California, former Treasury Secretary John Connally, Attorney General Elliot Richardson and Melvin Laird, former Secretary of Defense and now a Nixon aide in the White House.

All of them have some handicaps. Rockefeller is now 65 and Reagan 62. Connally, 56, is resented by some Republicans as a newcomer to their party, and by many Democrats as a turn-coat. Richardson, 53, is emerging as a strong and independent man with experience in state government and in the State and H.E.W. Departments, but as the new Attorney General he would be directing the prosecution of Mr. Agnew, if the latter is indicted. And while Laird, 50, is popular on Capitol Hill and could probably be confirmed more easily than the others, he is identified with the Indochina war and would undoubtedly raise objections among the opponents of that war.

In the Congress, there are Howard Baker, 47, of Tennessee, who has come to national prominence in the Watergate hearings, though this does not endear him to many Republicans; Edward Brooke of Massachusetts, Gerald Ford of Michigan, the Republican leader of the House and Barry Goldwater of Arizona, who is now 64.

Other Republican Governors on some lists are Linwood Holton, 49, of Virginia, William G. Milliken, 51, of Michigan, Daniel J. Evans, 47, of Washington and Francis W. Sargent, 58, of Massachusetts.

Nobody around the President will admit to playing this guessing game and the same goes for the leaders of Congress or the potential Democratic Presidential candidates. But politicians around here have become increasingly critical of leaving the question of picking possible Vice Presidential candidates to the last minute, especially after the last minute choices of Mr. Agnew in 1968, and Senator Tom Eagleton in 1972.

The betting around here is that Mr. Agnew will survive the investigation, but even his indictment would be a serious embarrassment and would raise questions of whether a Vice President indicted on criminal charges could carry on his duties in the atmosphere of mistrust existing after the other recent scandals.

What is fairly clear is that the Vice President, in spite of his early hesitations about turning over his financial statements to the Federal prosecutors, will not refuse to face up to the charges on the ground of his constitutional rights. Nevertheless, there have been so many unexpected thunderclaps in the news lately that even the possibility of his resignation is concerning both parties more than they are willing to admit in public.