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Agnew Resignation Question

By CLIFTON DANIEL
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WASHINGTON, Sept. 19 — Should Vice President Agnew resign? Will he resign?

The White House has undoubtedly considered the question. Mr. 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.

News
Analysis

Investigation in Maryland

Mr. 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.

Attorney General Elliott L. Richardson has reportedly ruled that evidence in Mr. 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 Mr. 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 in Congress. Even if indicted, 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. President Nixon could suggest resignation; he cannot command it.

Action by Nixon Doubted

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 do 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 Mr. Agnew that duty demanded that he resign.

The argument, according to that scenario, 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.

"Ted Agnew is a proud man," one of his familiars said today. "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 Mr. Agnew's character. "He is not a quitter" his press spokesman, J. Marsh Thompson, said yesterday.

Gold Sees Connally threat

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

This week in Newsweek, Mr. Gold is accusing the White House of undercutting Mr. Agnew, but he says, "Come hail or high water, Spiro Agnew isn't quitting." Mr. Agnew might even argue that, morally speaking, he is no more under an obligation to resign than President Nixon, who is himself under suspicion and under investigation.

If the Vice President should quit and President Nixon should appoint Mr. Connally to the Vice Presidency, subject to Congressional approval,

under the 25th Amendment to the Constitution, Mr. Connally would obviously gain an advantage in the 1976 Presidential race. That might be one of the best reasons for Mr. Agnew not to resign, if he could avoid it.

A lesser reason is that Mr. 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.

Immunity From Prosecution

As Vice President, he also can claim to wear the cloak of constitutional immunity from prosecution, unless and until it is striped away from him.

If there are so many reasons not to resign, why has Mr. 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."

Mr. 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 yesterday 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, Mr. Thompson said. He himself has not seen the Vice President in such a mood, Mr. Thompson added, and he does not expect it to become Mr. Agnew's dominant mood.

What would happen if the Vice President were indicted? That's another story.