

NYTIMES
Richardson Denies Aide
Leaked Report on Agnew

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Special to The New York Times

WASHINGTON, Oct. 1—Attorney General Elliot L. Richardson assured President Nixon this morning that Henry E. Petersen was not the source of a disputed news broadcast about Vice President Agnew.

Gerald L. Warren, the White House deputy press secretary, said that Mr. Richardson had provided the assurances in response to a telephone inquiry from the White House counsel's office. The President, Mr. Warren said, has no information that would cause him to doubt Mr. Richardson's word.

Mr. Petersen, the Assistant Attorney General in charge of the Criminal Division, was attacked by Mr. Agnew, although he did not name him, in a speech in Los Angeles on Saturday. The Vice President accused the career official of having selected him as a "big trophy" to help recoup prestige lost in the Watergate case.

Mr. Agnew's ire was aroused in part by a Columbia Broadcasting System news report on Sept. 22, in which Mr. Petersen was quoted by an unnamed source as having said of the investigation into charges of corruption against the Vice President: "We've got the evidence. We've got it cold."

According to Mr. Warren, Mr. Richardson said today that Mr. Petersen was not the source of the report and had talked to no reporters about the case. Mr. Richardson also said that his investigation into the problem of news leaks was continuing.

But neither Mr. Richardson nor Mr. Warren has denied that Mr. Petersen made the quoted statement privately to someone other than a reporter.

In a letter to The New York Times, Oct. 1, the correspond-

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ent who made the Sept. 22 broadcast, Fred P. Graham, noted that his broadcast "did not quote Henry Petersen as saying anything to me, and did not imply that Mr. Petersen had discussed the Agnew case with me in any way."

Instead, the broadcast quoted an unnamed "source close to the negotiations" as having said that Mr. Petersen made the comment to Mr. Agnew's lawyers at a "plea-bargaining" session the preceding Wednesday. 19 SEP

The distinction is an important one because what might be considered an improper comment to the press about the case could be quite proper if made as part of a private discussion within the Justice Department.

Mr. Warren repeatedly declined today to state Mr. Nixon's reaction to the latest twist in the Agnew case, which has produced an open feud between two of the senior members of the official family. Mr. Warren would associate himself neither with Mr. Agnew's attack nor Mr. Richardson's sharp rejoinder, issued later on Saturday.

'Greatly Respected'

Mr. Richardson praised Mr. Petersen as "a distinguished Government lawyer . . . greatly respected by his colleagues in law enforcement." He rebuked Mr. Agnew for having attacked

a man who, for ethical reasons, could not defend himself.

But by retaining Mr. Petersen, after having threatened to dismiss anyone guilty of news leaks in the Agnew case, Mr. Nixon indirectly gave the Assistant Attorney General his backing.

Asked if the Justice Department would look into the source of the Petersen comment, William Ruckelshaus, the Deputy Attorney General, replied, "We can't reinstitute a full-blown review every time a statement is attributed to a Justice Department source."

He conceded that there might be "some misguided people in this department who would let something out for reasons of their own, perhaps the Watergate cover-up syndrome."

Mr. Ruckelshaus told the New York Times that Mr. Petersen did not remember making this disputed comment to anyone.

Mr. Ruckelshaus added that Mr. Richardson, who attended the meeting where the remark was alleged to have been made, did not remember hearing it.

"Who stands to lose the most from this?" Mr. Ruckelshaus asked, and pointed out that the Justice Department would suffer if its case were ultimately damaged by prejudicial publicity.

On another matter, Mr. Warren said that J. Fred Buzhardt, a special White House counsel, had acted as a "go-be-

tween" in negotiations between Mr. Agnew's lawyers and the Justice Department. The negotiations, which had touched on the possibility of Mr. Agnew's resigning in return for a reduced charge, collapsed last month.

But Mr. Warren refused to confirm or deny a report in Newsweek magazine that Mr. Buzhardt had suggested during the negotiations that the Vice President consider resigning.

Mr. Warren said that Mr. Buzhardt had acted with the President's approval. At no time, he added, did the counsel join actual negotiating sessions or advance any substan-

tive plans of his own for a deal.

On Capitol Hill, meanwhile, the Speaker of the House of Representatives, Carl Albert, said that his decision not to order a House inquiry into the charges against the Vice President "was not based on political considerations."

Speaking at a news conference, Mr. Albert said the negative reply he gave to Mr. Agnew last Wednesday "expressed my opinion then and expresses my opinion now." He was unwilling to say when or under what circumstances he might be willing to reconsider.

MR. GRAHAM'S LETTER

James Reston's article on Sept. 28 quoted Vice President Agnew as saying that his confidence in Justice Department was undermined by the fact that Assistant Attorney General Henry Petersen was "quoted" by me in a CBS news broadcast concerning the Agnew investigation. The thrust of Mr. Reston's story was that Mr. Agnew felt that Mr. Petersen had allowed himself to be quoted regarding the Government's evidence in the case, and that the Vice President considered this a deliberate impropriety aimed at damaging him.

Apparently The New York Times' columnist, William Safire, read the article that way, as he stated in his column today [Oct. 1] that Mr. Petersen "told" me a direct quote about his evidence in the case.

The purpose of this letter is to point out that my broadcast did not quote Henry Petersen as saying anything to me, and did not imply that Mr. Petersen has discussed the Agnew case with me in any way. I am enclosing a copy of the text of my broadcast, which described a negotiation session between Justice Department attorneys and Mr. Agnew's lawyers at the Justice Department last Wednesday. Quoting "a source close to the negotiations," the broadcast stated the positions reportedly taken by Mr. Agnew's lawyers, by Attorney General Elliot Richardson, and by Mr. Petersen. It is

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clear from the broadcast that the quote from Mr. Petersen about the strength of his evidence was said at that meeting to Mr. Agnew's lawyers—not to me.

Mr. Petersen has never discussed the merits of the Vice President's case with me.

Very truly yours,

FRED P. GRAHAM

No Major Witnesses

In Baltimore, United States Attorney George Beal, although he is now fully authorized by the Justice Department to present evidence against Mr. Agnew to the grand jury, was reported to be planning a routine work week. The grand jury was to meet, as usual only on Thursday. A telephone survey of lawyers familiar with the investigation indicated that no major witnesses would be heard by the jury this week.

The Justice Department must file in Baltimore on Friday its brief in response to Mr. Agnew's petition last week asking the United States District Court here to stop the grand jury investigation and any presentation of any evidence that might lead to an indictment.

The Vice President's lawyers contend that Mr. Agnew cannot be indicted in the courts, but must be impeached by the Congress.