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**PRESIDENT BACKS
AGNEW'S REFUSAL
TO RESIGN OFFICE**

**Terms It 'Altogether Proper'
for Him to Remain in Post
If U.S. Jury Indicts Him**

FINDS CHARGE 'SERIOUS'

**Nixon Also Says He Has
Seen No 'Clear Evidence'
of Petersen Indiscretion**

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Special to The New York Times

WASHINGTON, Oct. 3 — President Nixon said today that it was "altogether proper" for Vice President Agnew to declare that he would not resign if he should be indicted by a Federal grand jury in Baltimore.

But the President, whose support of the Vice President has

*Transcript of news conference
will be found on Page 31.*

been the subject of close scrutiny and considerable skepticism among Mr. Agnew's supporters, declared at a White House news conference that the charges being assembled against the Vice President were "serious and not frivolous." [Questions 2 and 8, Page 30.]

Mr. Nixon said that there were a number of Republican Governors, former Governors, members of Congress or Mayors who had "a right to seek the Presidency if they so desire," but he omitted from the list of potential 1976 candidates any direct mention of his Vice President. [Question 6.]

Disagrees on Petersen

Moreover, in a distinct disagreement with Mr. Agnew, the President said that he had seen no "clear evidence" of any indiscretions on the part of Henry E. Petersen, the Assistant Attorney General overseeing the investigation of alleged kickbacks from contractors to Mr. Agnew and other Maryland political figures. [Question 9.]

The President took note of what he called "lively discussion" in the press about the possibility of Mr. Agnew's resignation being offered or sought. Without specifically rebutting published speculation that he would like the Vice President to leave office, the President said that he had not sought the resignation and that he respected Mr. Agnew's right to reach an independent decision.

Mr. Agnew's spokesman, J. Marsh Thomson, expressed "gratitude" later in the day at Mr. Nixon's comments.

Other associates of the Vice President said privately, however, that the expression of Presidential confidence in Mr. Petersen had not been so well-received.

In an emotional speech last Saturday in Los Angeles, Mr.

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Agnew charged that information about the inquiry had been leaked from the Justice Department in a "malicious and outrageous" effort to "destroy" him politically. He declared, without naming him, that Mr. Petersen had chosen the Vice President as a "big trophy" with which he might redeem a reputation marred by "ineptness" in the Watergate investigation.

Mr. Nixon, however, pointedly told a questioner today, "If I did not support Mr. Petersen's handling of the [Maryland] investigation, he would have been removed at this time."

The President added that he had been assured by Attorney General Elliot L. Richardson that Mr. Petersen had directed the inquiry "without prejudice in advance, and without, of course, engaging in what, in my view, is the totally inexcusable and inappropriate conduct of leaking information on a grand jury investigation."

Mr. Agnew nonetheless continued to pursue his public criticism of Mr. Petersen, a central element in the efforts by the Vice President's attorneys to win a court order barring continuation of the grand jury inquiry.

In an unusual letter to The Washington Post, copies of which were made available to other publications, Mr. Agnew took issue with an article retracing the history of news reports that quoted Mr. Petersen as saying of the Agnew inquiry, "We've got the evidence. We've got it cold."

Fred P. Graham of C.B.S.

News, who originally reported the quotation, attributed it to "a source close to" the investigation. The article in The Post yesterday suggested that articles in The New York Times, written by James Reston and William Safire, subsequently made it appear as though the quotation had been leaked by Mr. Petersen.

"Now, it doesn't make a great deal of difference who in the Justice Department dropped this little morsel in the hands of Mr. Graham," the Vice President's letter said.

It said "the fact remains" that The Post, The Times and other newspapers initially "left the distinct impression with their readers that Mr. Petersen made this improper, unprofessional and highly prejudicial

comment."

Mr. Agnew also charged in the letter that "the Justice Department is now making the assertion," presumably in private, "that the leak of Petersen's comment came from my attorneys." Some news accounts have speculated to that effect, although there has been no official statement by the Justice Department to support it.

'Cover-Up' Is Alleged

The Vice President's letter said that the suggestion was "nothing more than a pitiful attempt at a cover-up," that his attorneys were prepared to sign affidavits attesting that they had not leaked the information, and that Mr. Graham "should be decent enough to confirm that his source was not my attorneys."

Mr. Graham, who was out of the city today, could not be reached for comment. He said earlier that the quotation had not come to him directly from Mr. Petersen.

The bulk of Mr. Nixon's 30-

minute session with newsmen today was taken up with questions about the Vice President.

Mr. Nixon said that he never asked for Mr. Agnew's resignation, that he had not taken the "highly inappropriate" step of making contingency plans for nomination of a new Vice President and that he repeatedly told Mr. Agnew the matter of his continuation in the Administration was "one for him to decide." [Questions 3 and 7.]

Exemption for Agnew

The President, noting that he had stated that any member of his Administration who was indicted in the Watergate case would have to resign pending the outcome of the criminal

charges, said that Mr. Agnew would not be subject to the same requirement.

Unlike appointed Cabinet officials or White House aides, Mr. Nixon said, the Vice President is elected by "all the people" and "holds that office in his own right."

Mr. Nixon asserted, for the second time in a week, that the Vice President should be presumed innocent until proved otherwise.

He urged that the "rather white hot atmosphere" surrounding Mr. Agnew's legal situation not lead to the Vice President's being "tried and convicted in the press and on television by leaks and innuendos and the rest."

Asked whether there was any substance to the Vice President's charge that the investigation was part of an attempt to smear him politically, Mr. Nixon responded that he has been briefed by the Justice Department only on what "it is believed the witnesses might testify to."