

James Reston Reports

The Confusion on Agnew

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The controversy within the Nixon administration over Vice President Spiro Agnew is getting sillier by the day, and the courts, which are supposed to impose reason on silliness, seem to be compounding the confusion.

Consider the facts: President Nixon is in charge of the executive branch of the government. His principal assistant, Vice President Agnew, is informed by the President's own attorney general that Agnew is being investigated on charges of extortion, conspiracy, tax evasion and other felonies, and these charges are being presented to a federal grand jury in Baltimore.

Analysis
and
Opinion

LEAKS
All this is made public—the source of the information is still obscure — but the vice president announces that he is innocent, that he will not resign even if indicted, that he is the victim of a “malicious, immoral, and illegal” attack against him by prosecutors of his own administration, and he puts the finger on Henry Petersen, head of the Criminal Division at Justice, as the source of the leaks.

So what does the President do about this public row within his own official family? He doesn't settle it but confuses it. He supports the vice president's right to the presumption of innocence. He says it is “altogether right” for the vice president to stay on his job, even if indicted, but he adds that he has no “clear evidence” that Assistant Attorney General Peterson was responsible for the leaks

or the “malicious, immoral, and illegal” anti-Agnew attacks

COURTS

Enter now the courts.

Either the vice president's charges against Petersen were inaccurate and unfair, or Petersen's denials, backed by Attorney General Elliot Richardson, were false. But in either event, this was a controversy within the administration which the President had the power to resolve — unless you assume that both the vice president and the Justice Department are now beyond his control.

Not being resolved within the executive branch, however, the issue was left to the judiciary, and U.S. District Judge Walter E. Hoffman now has ruled that Agnew's attorneys, with the full power of subpoena, may command testimony under oath about who within the Nixon administration is responsible for leaking information detrimental to their own colleague, Agnew.

This raises some questions for an administration that is trying to get all these Watergate and constitutional questions behind them so that it can concentrate on the “public's business.”

Are we therefore now going to move from the Ervin committee's interrogation of the Watergate and the “dirty tricks” of the 1972 presidential election to an interrogation by Agnew or his lawyers of his own colleagues in the Justice Department?

Is Petersen or even Richardson to be put on the stand under oath to swear that they didn't try to destroy their own vice president? And what about members of the White House staff, some of whom have also been suspected of leaking the charges against Agnew?

There is also in this thick-
et of suspicion the awkward
question of summoning the
newspaper, magazine and
television reporters who
publish the leaks. Are they
also to be commanded under
oath to disclose the sources
of their information, under
threat of imprisonment for
contempt of court?

There must be some better way to resolve the vice president's suspicions that he is being shafted by his own buddies. After all, this is not a conflict between political enemies. The president says he accepts the vice president's proclamation of innocence to the charges of political corruption, and has appealed to the nation to do the same.

Meanwhile, he has stated that he has never asked the vice president to resign, and has not even thought about

any plan to replace him.

The latter seems a little odd under the circumstances, but the family feud goes on, and perpetuates the doubts about the integrity of the American political system, which the President proclaims he is trying to remove.

Already, the nation is involved in more than a dozen investigations, court cases, grand jury investigations and interparty squabbles, all of them unavoidable on the evidence, so who needs new avoidable rows within the administration?

PROBLEM

The problem for the moment seems to be that everybody is looking out for his own hide, and seems willing to leave the country in a scrape rather than to risk any chance of being in a scrape himself.

There are many problems the President cannot relieve these days merely by getting a few people together in a room and talking sense, but the present family argument would not seem to be one of them, and so far there is no evidence that he has even asked Agnew, Richardson and Petersen over to the White House for a quiet talk together about their common dilemma.