

F. Y. I.

"... a source close to the negotiation has disclosed that in a plea-bargaining session last Wednesday morning in the Justice Department, [Assistant Attorney General Henry] Petersen insisted that he had the evidence to win a conviction on the bribery and kickback charges and that he would insist that Agnew plead guilty, at least to a reduced charge. Petersen was quoted as saying, 'We've got the evidence; we've got it cold.'—an excerpt from a broadcast by Fred Graham, on CBS, Sept. 22, 1973.

It was right after this broadcast, and apparently as a direct consequence of it, that Vice President Agnew abandoned his confidence in the criminal justice system and decided "to appeal to the House to hear his case," according to a news story in The New York Times by James Reston which was quite obviously based on a conversation with the Vice President. It also seems fair to say that this broadcast formed the basis of Mr. Agnew's extraordinary assault against Mr. Petersen, whose conduct of the case he subsequently described in his address to the National Federation of Republican Women in Los Angeles as "unprofessional and malicious and outrageous." This is a heavy charge against a public official, especially when coupled with an implicit suggestion that Mr. Petersen and other high Justice Department officials had bungled the Watergate case and were trying to recoup their reputations at Mr. Agnew's expense. Since this charge of malice and ulterior motive appears to be the centerpiece in the Vice President's cross-country campaign to discredit the prosecution, block a court trial, and win vindication in the House, with the help of whatever public support he can whip up, it is worth examining with some care not only what Mr. Graham actually said about Mr. Petersen, but what Mr. Agnew apparently believes—and would have us believe—was said and, finally, what Mr. Agnew would have us conclude about Mr. Petersen's conduct. Not the least interesting aspect of this episode is what it tells us about the workings of the news business, a subject which we have been in the habit of discussing, strictly For Your Information, in this space from time to time.

We would begin with a letter to The Post from the Vice President which, although it was plainly addressed to us, appeared curiously in yesterday's New York Times. We are somewhat at a loss to know how this could have happened unless the Vice President handed The Times a copy before we had an opportunity to publish it ourselves, but never mind; we are pleased to publish it elsewhere on this page because it bears—tenuously—on the matter at hand. In essence what the Vice President is complaining about is a story in The Post last Tuesday which suggested that Mr. Agnew

misread the context of Mr. Graham's quotation of Mr. Petersen and misused it in a way which made it far more damaging to the Assistant Attorney General than it actually was—and far more useful to Mr. Agnew's argument. Mr. Agnew's answer, in effect, was that if anybody misreported Mr. Graham's broadcast it was—you guessed it—the press.

The matter can be quickly cleared up, simply by re-reading the relevant excerpt from Mr. Graham's broadcast. It is perfectly obvious that Mr. Graham was not attributing the controversial quotation ("... we've got it cold") to Mr. Petersen, but to a "source close to the negotiation." This "source," in turn, was quoting Mr. Petersen as having made the remark at a private meeting with Mr. Agnew's attorneys where the question of the strength of the government's case was central to the subject under discussion: would the Vice President plead guilty to a reduced charge? Now it is undeniable that it is not proper for the substance of such sensitive private discussions to be disclosed; the Vice President is entitled to be sorely grieved about that. But there is nothing improper or unprofessional about Mr. Petersen making the remark in that setting and there is no evidence we know of that he had anything to do with its disclosure to CBS; in fact, he has denied to this newspaper that he made the remark even privately. So there would seem to be very little basis for a man as sensitive to innuendo and unsubstantiated charges as Mr. Agnew to make the Graham broadcast the basis for his public attack upon Mr. Petersen.

Now, a case can be made that the crucial quotation did get wedged somewhat out of context in repeated retelling, although it seems clear enough to us that most of the accounts, including this newspaper's, made it clear enough that Mr. Graham was attributing the quote indirectly to Mr. Petersen through an unnamed source; that the remark was made in private; and that therefore it could not be regarded, on the available evidence, as part of a plot by Mr. Petersen to prosecute Mr. Agnew in the press by publicly advertising the strength of the government's case. Indeed, the one instance in which the contrary impression was given was in the Agnew interview with Mr. Reston and he has said that he relied on the Vice President's version of Mr. Graham's broadcast. Which leaves us with a tangled tale, perhaps of no enduring significance, but illuminating nonetheless for what it tells us about the relative degree of reverence for fairness and accuracy and precision which was exhibited in this matter by the press, on the one hand, and on the other, by its most vociferous critic—the Vice President.