

How Agnew's

Plea Was Arranged

By Christopher Lydon
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Washington

As early as September 13 — and despite vehement later denials — Spiro T. Agnew informed the Justice Department through his lawyers that he was prepared to resign the office of vice president in exchange for an end of the government's criminal prosecution of him, sources close to Agnew said yesterday.

Before that, he had vowed to keep his office and vindicate himself. After that, when stories were published that Agnew's lawyers were negotiating — or "plea bargaining" — for lenient treatment, Agnew broke off the talks and declared in an emotional speech in Los Angeles, "I will not resign if indicted."

UNDERSTANDING

But for the last four weeks Agnew's lawyers have been talking to the Justice Department with the explicit understanding that a vice presidential resignation would be a key element in any settlement of the criminal case against Agnew.

The sticking point in the negotiations apparently came on questions of how much of the evidence against Agnew would be published, and how much wrongdoing Agnew would have to admit.

In addition, it was not clear until Tuesday morning that Attorney General Elliot L. Richardson would support

Agnew's campaign to stay out of jail — or that Judge Walter E. Hoffman would concur and let Agnew go free.

For Agnew and his lawyers, one of the principal virtues of the settlement was that fact that he was not forced to plead guilty and remains at least technically free to continue proclaiming his innocence of the corruption charges that the Justice Department was prepared to bring against him.

After admitting tax evasion and making no resistance to a criminal conviction for that crime, Agnew's "innocent" claim is perhaps just a point of pride.

Throughout the talks with the Justice Department, Agnew's lawyers represented that they were speaking for an innocent man. Again yesterday, some of his lawyers were saying that the government had a thin case against him — based not on documents but on the testimony of barely credible witnesses. If the case had gone to trial, Agnew's lawyers claimed, he would have been acquitted.

WORTH

Yet, before the middle of September, members of the Agnew legal team indicated yesterday, the beleaguered vice president decided that a long fight would not be worth it.

"He couldn't tolerate the spectacle of a divisive fight over his office," one Agnew intimate said. "He began to see the convulsions that

were going to be involved."

This is a very different picture from the one Agnew himself was painting at the time.

Further, it does not account for developments that were apparently strengthening the government's case — and weakening Agnew's position — about the same time.

The Justice Department first told the vice president in mid-September, for example, that I. H. Hammerman,

Agnew's close friend and fund-raiser, had begun to cooperate with the prosecution and would testify that he gave Agnew kickbacks.

SURPRISED

Friends say Agnew was surprised and saddened by Hammerman's turning against him. Yet the former vice president's lawyers insisted yesterday that the Hammerman evidence did not change the case fundamentally. And it was not a crucial element they said, in

Agnew's decision to bargain for his freedom.

According to the lawyers around him, Agnew's declaration that he would not resign, and his shortlived appeal to the Congress to test the case for impeachment against him, were simply tactical maneuvers to strengthen his bargaining position with the Justice Department.

The original negotiations, starting on September 13, dragged on for several days

without an agreement on the wording of Agnew's public statement, or on the scope of the government's release of evidence, these attorneys said.

As the lawyers talked, stories began to leak out — first on September 18 that Mr. Agnew was considering resignation, and then on September 22 that his lawyers were "plea bargaining" with federal prosecutors.

Agnew's lawyers denied the bargaining sessions — a flat misstatement of the facts. And then when the negotiations were to be resumed on Monday, September 24, Agnew ordered his lawyers not to show up.

By that point, Agnew apparently felt, his public support and his bargaining strength were being severely eroded by the spreading reports that after vowing to fight he was in fact preparing to abandon his post

5 OCT 1973
READY
Last Friday, Agnew summoned Judah Best, one of three lawyers working on his case, and said he was ready to negotiate.

But the key negotiations, Best said yesterday, took place not with the Justice Department but with J. Fred Buzhardt, special White House counsel.

Buzhardt was in Key Biscayne, Fla., with the presidential party when Agnew gave the signal to resume talks. Best flew to Miami Friday night, and he and Buzhardt did their crucial bargaining between midnight and 3 a.m. Saturday in a Miami hotel room. 6 OCT



AP Wirephoto

The Agnew family in 1968. Standing, (from left), Pamela, Agnew, Susan; seated (from left) Kimberly, Mrs. Agnew holding granddaughter, Michelle, and Michelle's mother, Mrs. Ann Agnew.

From the Agnew lawyers' standpoint, the core of the Buzhardt-Best agreement was that Agnew would remain free in his public statement about the case to deny the government's corruption charges.

One source close to the Agnew lawyers said that the 40-page document outlining an Agnew kickback system

and made part of the official record of the case was "about 10 per cent" of the story the government investigators had developed.

The other main elements of the settlement — the plea of nolo contendere in response to the tax charge, and Agnew's resignation — had been part of the bargain from the beginning.