



Spiro Agnew was under fire at this news conference in August of 1973

Nixon's Dilemma

Memos on Agnew Emerge

Washington

Even before the 1973 corruption investigation of Spiro Agnew became public knowledge, the scandal-plagued Nixon White House appeared to be pressuring Agnew into resigning the vice presidency, according to documents made public yesterday.

According to those documents, the prosecutors in the Agnew case believed that Nixon wanted Agnew to resign and would put pressure on him to step down by demonstrating that the government had a

strong case.

But the White House seemed to back down in the face of protests from government prosecutors investigating Agnew's past. The prosecutors feared that the pressure tactics would damage not only their case, but also the reputation of the Justice Department.

This hitherto undisclosed evidence of a conflict between the White House and the U.S. attorney's office in Baltimore, which launched the investigation of Agnew, was part of about 2300 pages of material from Justice Department files and

federal court records on the case released in response to a Freedom of Information suit.

Former President Nixon's attitude toward his beleaguered vice president has been a source of considerable speculation ever since the inquiry into charges of payoffs and corruption involving Agnew was disclosed.

Publicly, Nixon continued to offer at least nominal support for Agnew and to express belief in his innocence until Agnew resigned on Oct. 10, 1973, and

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pleaded no contest to a tax evasion charge.

At the time of the investigation, some speculated that Nixon wanted Agnew to stay on in office, because the charges against him might divert public attention from Watergate. But others believed Nixon ultimately wanted Agnew to quit so his administration could cleanse itself at least partially and make a fresh start with a new vice president.

But the material released yesterday provided the first explicit evidence that the President, or at least his chief of staff, Alexander M. Haig, wanted Agnew out of office very early in the burgeoning scandal.

That information is contained in a memo written for the files by Russell T. Baker Jr., then an assistant to George Beall, the U.S. attorney for Baltimore who headed the investigation into Agnew's affairs.

Baker's memos reported on a phone conversation with Beall about a meeting between then Attorney General Elliot L. Richardson and Agnew and his attorneys on Aug. 5, 1973. That was the day before the investigation of Agnew became a matter of public knowledge.

"There the attorney general had to some extent disclosed to the vice president the nature of the allegations against him," Baker wrote. "This meeting was held as a result of pressure from the White House (apparently General Haig) that was designed to force a confrontation that would result in the vice president's resignation.

"When the meeting did not produce the desired result, the White House suggested that more detailed disclosures be made to the vice president in the hopes that he would become convinced that the case against him was so strong he should resign."

In addition, Baker wrote, Nixon had requested "a full prosecution memorandum" on the case.

The White House proposals brought objections from Henry E. Petersen, then head of the Justice Department's criminal division, from Beall and particularly from Baker and other members of Beall's staff.

They were alarmed that if such information was provided it might leak to the press, and they were also worried about appearing to grant special privileges to the vice president. "According to Beall," Baker wrote, "Petersen had complained about the White House's involvement in this investigation

and had suggested that the White House was again damaging the Justice Department."

Baker, now acting U.S. Attorney in Baltimore, recalled the memo yesterday and explained: "We were enormously suspicious of Nixon. We bitched like hell, and in the end our thoughts were honored."

Nixon's attitude toward the Agnew investigation remains unclear, even after release of the additional material.

On August 7, the day after the meeting between Richardson and Agnew, when the White House was evidently pushing for Agnew to quit, the President called Petersen to discuss the probe.

A Petersen memo released yesterday reads as follows:

"He (Nixon) was certain I would do a very careful job on it, that all he wanted was the truth, but that I knew his views on immunity, and he was very concerned that persons who were receiving or making payments would be immunized in order to make a case against the vice president."

Petersen quoted Nixon as saying: "Of course, when you are dealing with the vice president, you are not dealing with a Boston politician."

On its face this conversation sounds as if Nixon was trying to protect Agnew, since the granting of immunity was an essential part of the investigation of the vice president.

But it may have been that the President was mainly trying to discourage the use of immunity in such investigations.

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