

The Agnew Precedent for Removal Of Vice President Dick Cheney

by William F. Wertz, Jr.

As rumors fly that Vice President Dick Cheney may resign following the indictment of his chief of staff Lewis Libby, and the continuing investigation of President Bush's political advisor Karl Rove in connection with the leaking of the identity of covert CIA operative Valerie Plame, it is useful to look back to the process which led to the resignation of Vice President Spiro Agnew on Oct. 10, 1973. At the time, Agnew was compelled to resign because it was necessary to remove Agnew before Nixon, so that he did not succeed Nixon.

As even Agnew wrote in his book, *Go Quietly . . . or Else*: "They would have gained nothing by kicking out Nixon only to have me come into power. . . . They had to get rid of me first."

There are two immediate differences between the Agnew-Nixon and Cheney-Bush cases.

First, Spiro Agnew was not in the President's inner circle and was therefore not implicated in the Watergate scandal. In the present case, Cheney is the controller of Bush and the person most directly implicated in Plamegate, in which the President himself is entangled.

And second, the Democrats controlled both the House and the Senate in 1973-74, whereas today the Republicans control both houses.

The fact that Agnew was not in the inner Nixon circle, merely meant that he would have to be removed through another means than Watergate. Such a means was therefore created, apparently through an anonymous tip.

In 1973, even though the Democrats controlled the Senate and House, it was the Republicans who took the lead in removing first Agnew, and then Nixon. Today, that must also be the case, even more so, given the Republican majorities. The indictment of House Majority Leader Tom Delay and the threat of further Jack Abramoff-connected indictments are necessary preconditions for such Republican action.

The final difference between the two cases has to do with the required replacement. In 1973-74, the replacements for Nixon and Agnew, Ford and Rockefeller, did not bring about a reversal of the economic and other policies launched under Nixon, most important, his abandonment of Roosevelt's Bretton Woods system. Today, faced with a financial and economic collapse, and the danger of an expanding war, if the nation is to survive, a qualitative change in policy is required, not just a change in personnel.

No Exit from Vietnam with Agnew

Today there is no possibility either of addressing the financial collapse or of extricating the United States from Iraq to prevent an extension of that war to other countries, such as Syria and Iran, without the removal of Vice President Cheney from office. Although Agnew may not have been as dangerous as Cheney, in that he was not an ideological advocate of a doctrine of pre-emptive nuclear warfare, nonetheless had Agnew succeeded Nixon as President, there was very little likelihood of extricating the United States from the Vietnam quagmire.

In his book, *Go Quietly . . . or Else*, Agnew makes it clear that he was for a policy of all-out non-nuclear saturation bombing in Indo-China. He cites favorably the saturation bombing of German cities at the end of World War II, and Harry Truman's decision to drop nuclear bombs on Japan. He attacks Secretary of State Bill Rogers as a "genuine ideological dove" with "longtime friends in the eastern liberal establishment." And he attacks the then Secretary of Defense Melvin Laird as a pragmatist, who "feared that the aggressive action needed to win the war would enrage the Congress and split the country."

Today, since Cheney is the prime mover of the Bush Administration policy of permanent war and torture, his removal from office is even more necessary than Agnew's forced resignation was in 1973. Moreover, opposition to the Cheney policy has reached the point that not only must Cheney be removed from office, but his replacement must be prepared to repudiate Cheney's policies.

The Drama Begins

Despite the landslide victory achieved by Nixon-Agnew in the Nov. 7, 1972 elections, Nixon's Presidency had been effectively doomed since the June 17, 1972 Watergate break-in. Because Agnew was not a party to Watergate, his removal from office required separate action. Therefore, on Dec. 5, 1972, less than one month after the Nixon-Agnew re-election, a grand jury was impaneled in Baltimore, Md., that would force Agnew's resignation within less than a year.

On Jan. 15, 1973, Bernard Barker, Virgilio Gonzalez, Eugenio Martinez, and Frank Sturgis pleaded guilty to conspiracy to break into the Watergate Hotel. Four days earlier, on Jan. 11, 1973, the first subpoena was issued to Lester Matz,

an Agnew associate, who among others would eventually testify against Agnew.

In his book, Agnew, who claims that he was innocent, reports that the investigation of him began with an anonymous tip to the Internal Revenue Service. Although according to the prosecution, Agnew accepted payments beginning in the early 1960s and continuing into December 1972, the crime he would be charged with was accepting payments from developers while he was Baltimore County Executive in 1967, and not reporting those payments for income tax purposes.

Agnew attributes various motives to those who prosecuted him, but the individual personalities who played a role in removing him from office were not the authors of the action. They played the parts assigned to them at the time and place they appeared on the stage. The investigation of Agnew was conducted by a bipartisan team of prosecutors in Baltimore led by U.S. Attorney George Beall. Other members of the team included Barnet Skolnik, Russell T. Baker, Jr., and Ronald Liebman. Skolnik was regarded as the old hand in the prosecutor's office.

In order to prevent Nixon, and thereby Agnew, from learning about the investigation and killing it, the FBI was never officially involved in the Agnew investigation. Moreover, the Baltimore prosecutors kept totally silent about the case until after Elliot Richardson replaced Richard Kleindienst as U.S. Attorney General on April 30, 1973.

The first attorney Agnew retained, Judd Best, was recommended by Chuck Colson, Nixon's former special counsel, who was himself indicted in the Watergate case in March 1974. While Agnew hoped that Nixon would intervene to stop the investigation, Nixon himself wanted to be on the inside of Agnew's law team in order to steer it away from himself. Later, Agnew would also retain Jay Topkis and Martin London of the law firm Paul, Weiss, Rifkind, Wharton, and Garrison.

Whatever their intentions, as we are now seeing once again in the unfolding of Cheneygate, the loyalties of these circles are primarily to their own careers. In these circles everyone betrays everyone else all the time.

As Watergate Escalates, Nixon Turns on Agnew

In June and July, the Watergate investigation began to escalate. On June 3, John Dean told Watergate investigators that he discussed the Watergate cover-up with Nixon at least



Vice President Spiro Agnew and President Nixon. Agnew was forced to resign on Oct. 10, 1973, making the way for Nixon's resignation ten months later. It was Alexander Haig who delivered the threat that convinced Agnew to step down.

35 times. On June 13, Watergate prosecutors found a memo addressed to John Ehrlichman describing detailed plans to burglarize the office of Daniel Ellsberg's psychiatrist. On July 13, Alexander Butterfield revealed that since 1971, Nixon had recorded all conversations and telephone calls in his office.

It was in this context that the removal of Agnew from office became an urgent matter. Thus, on June 12, George Beall had his first meeting with Elliot Richardson to discuss the Agnew investigation. This meeting was followed up on July 3 with a meeting with the full Baltimore prosecution team. It was during this meeting that Richardson authorized Beall to press forward, and he proposed that Agnew be confronted with the allegations against him and that his resignation be demanded.

After follow-up meetings between Richardson and the Baltimore team on July 11 and July 27, Beall informed Agnew's attorney on July 31 that he was the target of an investigation, and Richardson requested a meeting with Nixon.

Prior to meeting with Nixon, Richardson met with Nixon's attorneys, Fred Buzhardt and Leonard Garment, on Aug. 5. Both concluded that Agnew should resign. Garment, who is currently Lewis Libby's legal advisor, wrote a briefing document for Nixon's meeting with Richardson the next day, in which he recommended that Agnew resign.

After the meeting with Richardson on Aug. 6, Nixon refused to meet with Agnew. Instead, he had Al Haig, his

chief of staff, and Bryce Harlow visit Agnew on Aug. 7. It was Al Haig who first told Agnew that Nixon wanted him to resign.

By this time, Nixon was under increased pressure from the Watergate investigation. On July 23, he had refused to turn over the Presidential tape recordings to the Senate Watergate Committee or the Special Prosecutor. Fighting for his own political survival, Nixon was prepared to give up Agnew. He was already planning to fire Special Prosecutor Archibald Cox and abolish the Office of the Special Prosecutor, and by turning on Agnew he hoped that Richardson would not object.

Agnew himself was considering bringing his case to the House of Representatives for an impeachment inquiry, in order to pre-empt an indictment. On Sept. 10, Haig and Buzhardt visited Agnew once again to discourage him from doing so, and to urge him to resign instead. Agnew refused.

Agnew argued that a Vice President could not be indicted. Nixon, on the other hand, had instructed the Solicitor General, Robert Bork, to prepare an opinion for the Administration, which concluded that the President could not be indicted, but that the Vice President could. This was also the position of Richardson, who on Aug. 5 had asked Robert Dixon, the Justice Department's legal counsel, to prepare a paper on the indictability of a sitting Vice President. Dixon's paper, which was available on Aug. 6, the day Richardson met with Nixon, concluded that the President could direct his own prosecution prior to removal from office and exercise his pardon power on himself, whereas the Vice President could do neither, and hence could be indicted.

Obviously, if the Vice President can be indicted, as was the case with Agnew, then the precedent has already been established that Cheney can be indicted, or forced to resign under threat of indictment. His removal would not require an impeachment inquiry in the House, although the current weakening of the Tom Delay machine in the House would certainly deter him from trying to exercise that option, as Agnew was considering.

During September, Agnew did try to mobilize support in the House for the launching of an impeachment inquiry against himself. But this flank was closed down for Agnew by members of his own party. Melvin Laird was assigned to undermine support for Agnew's initiative within the Republican Party in Congress. Laird had told Rep. John B. Anderson, chairman of the House Republican Conference, that the case against Agnew was substantial.

Also, Elliot Richardson himself placed a call to Democratic House Speaker Carl Albert, to tell him that Agnew was going to be indicted, in order to cut off a House inquiry. Albert himself announced on Sept. 26, one day after meeting with Agnew, that it would be improper for the House to conduct an inquiry of a matter before the court. Nevertheless, Agnew would continue to organize for such an inquiry up to the day of his resignation.

Kissinger's Haig Delivers the Final Blow

On Oct. 4, Haig met with Agnew's military aide, Gen. Mike Dunn. After this visit, Agnew concluded that Nixon "had turned against me and become my mortal enemy. Haig insinuated that if I went against the President's wishes, and refused to resign, there would be no more help from the White House to prevent a jail sentence, and no assistance with the IRS." W. Clement Stone, the co-chairman of the Agnew Defense Fund, would withdraw from the Fund. He was told that his wife was involved in their joint tax return and could be found criminally liable.

Haig warned Agnew that "anything may be in the offing" and that this will "get nasty and dirty." Agnew says that he interpreted Haig's remarks as a threat on his life. "Anything could happen to me; I might have a convenient 'accident.' . . . Since the revelations have come out about the CIA's attempts to assassinate Fidel Castro and other foreign leaders, I realize even more than before that I might have been in great danger. . . . I feared for my life. If a decision had been made to eliminate me—through an automobile accident, a fake suicide, or whatever—the order would not have been traced back to the White House any more than the 'get Castro' orders were ever traced to their source."

Agnew then goes on to depict Haig, operating effectively with the support of Henry Kissinger, as "the de facto President. Haig had the power of the bureaucracy at his command, and the Washington insiders knew he was standing there behind Nixon, pulling the strings. Haig had direct connections with the CIA and the FBI and every other agency. For four years he had been Henry Kissinger's chief deputy with clear access to all the government; his power extended into any agency he chose. The very survival of the Nixon presidency was threatened."

After that, Agnew folded. On Oct. 10, he cancelled a breakfast which was scheduled for 100 Congressmen to consider a House inquiry. He arranged to submit his resignation to Secretary of State Henry Kissinger, moments before pleading no contest to the charges, so that he would not be the first Vice President in history convicted of a felony while in office.

Gerald Ford, the Republican House Minority leader, was appointed Vice President.

On Oct. 20, Nixon ordered the firing of Archibald Cox. Elliot Richardson refused, and resigned on the spot, as did Deputy Attorney General William Ruckelshaus.

From that point on, it was only a matter of time before Nixon himself was finally forced to resign. On July 27, 1974, the House Judiciary Committee passed the first of three articles of impeachment, charging obstruction of justice. On Aug. 8, Richard Nixon resigned, and Gerald Ford became President of the United States. Soon afterward, Ford appointed Nelson Rockefeller as Vice President.

The only remaining question today is: Who will be Dick Cheney's Al Haig?