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Letters: Agnew and Kerner vs. the courts

If there were any validity to Vice President Agnew's contention that the courts have no jurisdiction over his case, then the conviction of U.S. Appellate Court Judge Otto Kerner could not be permitted to stand. The impeachment clauses in the Constitution that apply to a President and vice president apply equally to all "civil officers" of the federal government — meaning judges, Cabinet members and the like.

In a nutshell, Agnew's argument is that the Constitution "bars a criminal proceeding of any kind . . . against a President or vice president while he holds office." In other words, what Agnew is saying is that he must first be removed from office by impeachment proceedings before he can be legally indicted by a grand jury or tried in court.

If that is so, then the Nixon administration erred in prosecuting Kerner before he was removed from his judicial office through impeachment by the House and conviction by the Senate. For the Constitution makes no distinction between the treatment of a President and vice president, on the one hand, and civil officers of the government such as a judge, in cases of impeachment.

Though Kerner's lawyers never advanced the Agnew constitutional argument before Kerner was convicted, they were quick to do so recently when they became aware that Agnew was preparing such a strategy in a desperate effort to save his skin. Kerner's appeal on this issue is now pending in the courts, and its disposition will have a direct bearing on the Agnew case — if the latter is not settled first.

What's good for Agnew is good for Kerner, or vice versa. But when men in such high offices resort to every possible legal ruse or loophole to escape punishment, it ill behooves the public to complain about lesser criminals who go the same route to save their own necks.

Evanston

G.A.R.

*Finally,
some of
"other side"
being printed*