

# Agnew can be tried:

A spokesman of the U. S. attorney's office in Chicago says Vice President Spiro T. Agnew will be tried if the Maryland grand jury finds sufficient evidence to warrant indictment.

Samuel K. Skinner, chief of special investigations, told an audience of 90 persons attending the Zion, Winthrop Harbor and Beach Park Chamber of Commerce dinner Tuesday night that no one should be "immune from prosecution" because he holds a high governmental office.

Skinner said this is one of the points which the prosecution will make in its brief in the Otto Kerner-Theodore Isaacs racetrack stock bribery case now pending before the U. S. Court of Appeals for the Seventh Circuit in Chicago.

Kerner, now an appellate judge, and Isaacs, his one-time political adviser, are attempting to win a new trial through this appeal.

Skinner said Kerner never asserted his right of immunity from prosecution during the trial. And, the Senate refusal to begin impeachment proceedings against Agnew, he said, is an indication that there is recognition of separation of powers.

In the brief filed by Kerner's attorney, Paul Connolly, it is argued that the court did not have the authority to try a federal judge on criminal charges because he had not been impeached first.

Connolly alleged there is a constitutional provision which states that a president, vice

president, or other civil official must be impeached before he can be tried for criminal activities.

Skinner said the prosecution's view of the law is that no one should be able to use the cloak of his office as a shield from being prosecuted for commission of a crime.

Skinner would not elaborate further on the brief which will be filed with the appellate court within the next several weeks.

Skinner was guest speaker for the installation of new officers of the chamber of commerce who are Jerry Taplin, president; Bob McCulloch, first vice president; Don Owen, second vice president; and Harry Dolan, treasurer. Virginia Cook, Doyle Weathers

## prosecutor

and Alice O' Shea were installed as new directors for the coming year.

Skinner, who spoke about the activities of the administration of U.S. Atty. James R. Thompson, said "plea bargaining" was a good tool for the prosecution because it allowed convictions in cases where the evidence might not convince a jury beyond a reasonable doubt.

"Plea bargaining is a good practice," he said adding that he would "rather have a guy plead to three years than wait five years to try him while he committed other crimes to pay his lawyer's fees."

And he pointed out that sometimes the prosecution "can't prove its case without a plea, especially in conspiracy cases."

Skinner said often the prosecution cannot build its case without making a "deal." And he said this was what was done in the Kerner case, where William Miller, a former Illinois racing official was granted immunity in return for testifying against the former governor and his associate.

Skinner said the "framers of the Constituion never intended to allow a public official to be immune from prosecution until impeachment where there was an indictment for a crime.