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# Burr Murder Indictment Found

TRENTON, N.J. (AP) — The State Archives Office announced Wednesday it has found the 1804 New Jersey murder indictment of Vice President Aaron Burr, a 169-year-old document that could set a crucial legal precedent in Vice President Spiro T. Agnew's battle against a possible federal indictment.

The document was requested last Friday by the Library of Congress acting on behalf of a congressman it has not identified. David C. Munn, the state historical editor, said the indictment was located within an hour after the request was re-

ceived.

It charges Burr with murder in the death of Alexander Hamilton after the two founding fathers of the nation dueled on the palisades of Weehawken, N.J. on July 11, 1804. Hamilton missed, possibly by choice, but Burr fired straight and true and the bullet from his pistol struck Hamilton in the stomach "under the short ribs." Hamilton died the next day.

The Burr indictment, and a New York indictment against him deriving from the duel, could become vital evidence in determining the legal precedents for the indictment of a serving vice president. The New York indictment has not been located.

Agnew's attorneys have gone to federal court to challenge the authority of any legal jurisdiction outside Congress to indict or otherwise charge a serving vice president with a criminal act.

Agnew has argued that the impeachment clause of the Constitution reserves such authority solely to the House of Representatives.

He has based his case largely on a precedent involving John C. Calhoun, of South Carolina, who was cleared by a congressional committee of charges that he accepted bribes while serving as Secretary of War. The charges had been leveled against Calhoun while he served as vice president.

The indictment against Burr was returned by a Bergen County grand jury in the October 1804 court term, some six months before Burr left office as vice president on March 5, 1805.

Earlier, in August 1804, a New York City grand jury had indicted Burr and his two dueling seconds on a charge of challenging to duel.