

Md. High Court Unanimous Vote Disbars Agnew

Dishonesty, Fraud Cited In Decision

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ANNAPOLIS, May 2 — Maryland's highest court barred former Vice President Spiro T. Agnew today from the practice of law, saying in a unanimous decision that Agnew was guilty of a crime "infested with fraud, deceit and dishonesty."

"It is difficult to feel compassion for an attorney who is so morally obtuse that he consciously cheats for his own pecuniary gain that government he has sworn to serve, completely disregards the words of the oath he uttered when first admitted to the bar, and absolutely fails to perceive his professional duty to act honestly in all matters," the decision of the seven-member Maryland Court of Appeals said.

Though the decision applied directly only to Agnew practicing law in Maryland, the practical effect is almost certain to make it impossible for him to practice law anywhere in the country. Most states generally refuse to admit to the bar lawyers who have been stripped of their right to practice law elsewhere. Agnew had not been a member of the bar of any state other than Maryland.

Agnew refused to answer questions on the disbarment.



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Spiro T. Agnew: called "morally obtuse" by court.

When Washington Post staff writer Martha M. Hamilton attempted to interview him at his home in Kenwood in Montgomery County, Agnew came to the door and told her, "I don't want anybody who has anything to do with The Washington Post on my property."

"Will you please get off my property," the former vice president ordered, his voice rising slightly, "Right away." Leon H. A. Pierson, one of Agnew's lawyers, said the Court of Appeals action was "essentially a final decision" and he does not expect it will be challenged.

In its 13-page decision, the Court of Appeals said that be-

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cause of Agnew's Oct. 10 "no contest" plea to a charge of tax evasion, "to do other than disbar" Agnew "would constitute a travesty of our responsibility."

The Court concluded, "accordingly, the name of the respondent, Spiro T. Agnew, will be stricken from the rolls of those authorized to practice law in this state."

Attempting to avoid disbarment, Agnew appeared in Annapolis on Dec. 18 and pleaded with a special three-judge panel "not to strip me of my means of livelihood."

On Jan. 14 the panel unanimously recommended to the Court of Appeals that Agnew be barred from practicing law, saying that the former Vice President's "deceitful and dishonest" conduct makes him "unfit to continue as a member of the bar."

Agnew recently sold his 14-room home in Kenwood for \$300,000, \$110,000 more than he paid for it last year, and bought a less expensive home under construction in the Indian Hills subdivision near Annapolis. He has not yet moved from Kenwood.

Agnew, who no longer has Secret Service protection, reportedly has rented office space in a small building in the Village Green Shopping Center in Crofton, Md. Agnew has not said how he intends to use the office.

The former Vice President has sold a novel he wrote

since leaving office, entitled "A Very Special Relationship," to Playboy Press, which expects to publish the book late this year or early next year.

Disciplinary action against Agnew was sought by the Maryland State Bar Association, whose board of governors and grievance committee unanimously voted last fall to urge that Agnew be disbarred, rather than merely suspended or reprimanded.

Agnew and his lawyers had never contended that the former Vice President should not be disciplined. They urged that he be temporarily suspended from legal practices and maintained that disbarment would unfairly punish Agnew because of his former high position.

The Court of Appeals said, however, that the income tax evasion to which Agnew pleaded "no contest" is a "crime which involves moral turpitude and is infested with fraud, deceit, and dishonesty."

The Court said such a crime "clearly comes within that category we have previously discussed that will result in automatic disbarment when the respondent fails to demonstrate by clear and convincing evidence a compelling reason to the contrary."

The Court added, "On the record before us, we perceive no mitigating circumstances—in fact, all that appears tends to aggravate the gravity of the offense."

Agnew and his lawyers had argued that the "no contest" plea to evading paying nearly \$30,000 in federal taxes while Agnew was governor of Maryland in 1967 was a private matter and his former public positions should not be considered by the Court.

The court said today "A willful and serious malefaction committed by a lawyer-public servant brings dishonor to both the bar and the democratic institutions of our nation, and its destructive effect is hereby magnified."

Agnew and his lawyers had contended that the court should accept as a mitigating factor the fact that Agnew was not convicted of cheating a client.

The Court of Appeals said, "Cheating one's client and de-

frauding the government are reprehensible in equal degree."

Today's decision was written by Associate Judge J. Dudley Digges of La Plata. Joining in it were Chief Judge Robert C. Murphy, Associate Judges Irving A. Levine and John C. Eldridge and three Court of Special Appeals judges—Charles E. Orth Jr., James C. Morton Jr. and C. Audry Thompson.

The three lower court judges were asked to sit with Court of Appeals on April 2 when it heard arguments on the appeal of Agnew's recommended disbarment because there then was one vacancy on the state's highest court and two judges—Frederick J. Singley Jr. and Marvin H. Smith disqualified themselves because they were appointed to the court by Agnew when he was governor of Maryland.

Pierson, Agnew's lawyer, said that he was disappointed with the decision and that he did not expect to talk with Agnew until Friday, after he had an opportunity to read the ruling.

Pierson said that, theoretically, Agnew could ask for a reargument before the Court of Appeals or could ask the U.S. Supreme Court to reverse the decision.

However, since the Maryland court's decision was unanimous, there would appear to be little hope for changing its mind.

A spokesman for the Supreme Court said that each year it agrees to consider only 200 of 4,000 appeals to it and rarely hears disbarment cases, which generally are considered state matters.

Under Maryland law, a disbarred lawyer can at any time apply to the court for reinstatement, but this is rarely granted, according to a court official.

Maurice L. Braverman, 57, of Baltimore, was reinstated this winter when it was held that he had undergone a personal "reformation" and the attitude of the nation had changed since he was disbarred in 1955. Braverman was disbarred after serving a prison sentence for advocating the violent overthrow of the American government through his membership in the Communist

Party.

Since 1970 when the Court of Appeals assumed authority to discipline lawyers—a matter formerly left with local Maryland courts—seven of the state's 5,500 members of the bar had been disbarred.

The Court of Appeals today also disbarred another lawyer, Robert J. Callanan, who was convicted in 1970 of not paying \$31,000 in income taxes.

Callanan served six months in prison. Following his plea bargaining, Agnew was not sentenced to prison on Oct. 10, but was fined \$10,000 and placed on three years' unsupervised probation.

Agnew's disbarment comes one day after his successor as Baltimore County executive, Dale Anderson was sentenced by U.S. District Judge Joseph H. Young to five years in prison for extortion and tax evasion.

Anderson, a Democrat and also a lawyer, was found guilty of coercing kickbacks from engineers and architects seeking county work and not paying taxes on the illegal income.

The U.S. Justice Department charged in a 40-page summary of evidence released Oct. 10 that Agnew had also collected bribes while county executive, governor and Vice President. However, Agnew only pleaded "no contest" to one count of tax evasion.

Agnew also must pay whatever taxes the Internal Revenue Service has found he owes, plus a 50 per cent civil

fraud penalty and 6 per cent annual interest.

The IRS was not necessarily limited to seeking the nearly \$30,000 that Agnew pleaded "no contest" to not having paid in taxes, but could have found that he owed much more. An IRS spokesman citing the agency's rules of confidentiality, declined today to say whether or not Agnew has paid taxes, interest and penalties owed IRS.

Agnew's disbarment eliminates the legal profession as a future source of income. In November the former Vice President was hired as a \$1,000-a-year consultant by J.-W. Industries, a Los Angeles firm headed by Frank Jamison,

husband of actress Eva Gabor. However, in January he was dropped as a consultant.

When Agnew appeared before the special three-judge panel in December, he looked thinner and paler than he had as Vice President.

"The practice of law means quite a bit to me. If it didn't, I wouldn't be here," Agnew said at that hearing.

A 1947 graduate of the University of Baltimore's law school, Agnew later taught there part-time.

The three-judge panel said in its January decision, "This is not the case in which a busy lawyer has carelessly or inadvertently failed to obey the law." It said Agnew "participated in a contrived scheme to cheat the federal government of taxes . . ."

In urging Agnew's disbarment, the Maryland Bar Association's lawyers, Alfred L. Seanlan and Daniel W. Moylan, argued before the Court of

Appeals April 2, that "serious criminal acts committed, or alleged to have been committed, by attorneys occupying high places within the federal government and in those of a number of states . . . has brought the whole legal profession into current disrepute."

E. Date Adkins, Agnew's other lawyer, contended on the other hand that disbarring Agnew would set "a dangerous precedent."

"There is no public demand for disbarment. There is a newspaper demand for disbarment," Pierson said.

In today's decision, the

court said it was not particularly impressed by statistics submitted by Agnew's lawyers that between 1946 and 1973 only eight of 23 lawyers across the nation who had been convicted of filing fraudulent tax returns were disbarred, with the other 15 lawyers merely being suspended.

The court stressed a lawyer's responsibility as "a fiduciary, a confidant, an adviser and an advocate. However, the great privilege of serving in all of these capacities does not come without the concomitant responsibilities of truth, candor and honesty."