

NYTimes Agnew Asks Suspension, Not Disbarring

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ANNAPOLIS, Md., Dec. 18—

Spiro T. Agnew asked Maryland's judiciary today to suspend rather than disbar him, giving him a second chance at the practice of law—a chance, he said, to “resume a useful place” and, perhaps, “attempt to bring credit” on his state and his profession.

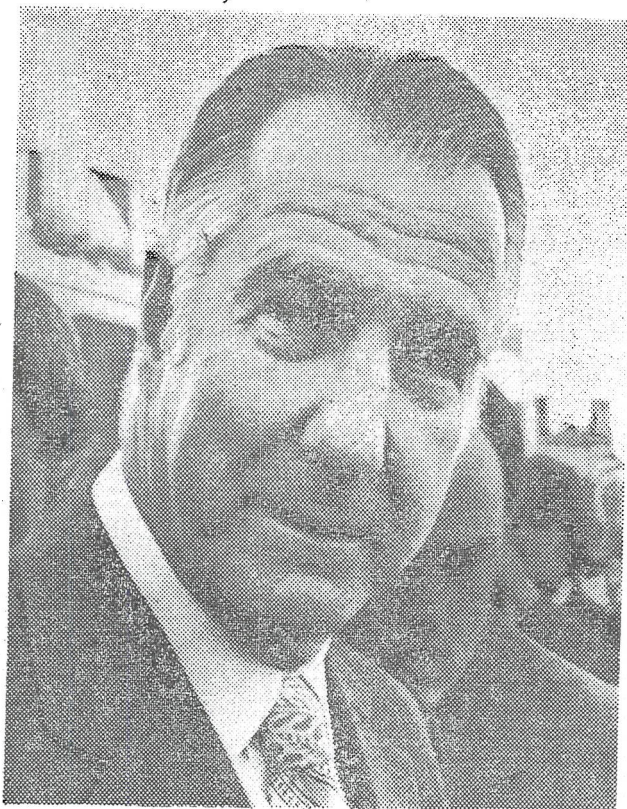
He made his plea before a panel of three judges in the county court house here, shortly after lawyers from the Maryland State Bar Association had told the panel that the former Vice President should be disbarred because of his conviction last October for tax evasion.

His voice cracking, his face lined and looking tired, Mr. Agnew told the judges that a temporary suspension from practice would be sanction enough.

“I would conduct myself in a way that would not bring discredit upon the bar, or the legal profession or the courts,” he promised.

The panel of judges, appointed by the Maryland Court of Appeals to hold a disciplinary hearing and to recommend a disposition to the court, recessed the hearing after Mr. Agnew spoke and promised a ruling as “expeditiously” as possible.

It gave no indication of what



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Spiro T. Agnew leaving court in Annapolis yesterday

it would recommend. But during the hearing, it overruled Mr. Agnew's lawyers on one key point: It decided to admit into the record the full transcript of the proceedings in which Mr. Agnew entered a plea of no contest last Oct. 10 in the Federal District Court in Baltimore to a single Federal charge of tax evasion.

That transcript includes the summary of evidence presented by Elliot L. Richardson, then the Attorney General, chronicling the illegal payments that the former Vice President allegedly accepted during his

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years in public office. It was made public as part of the agreement under which Mr. Agnew was charged with only one count and allowed to plead no contest rather than guilty.

Mr. Agnew's lawyers argued that the summary—which is in great demand by schools and libraries, according to the clerk of the Baltimore court—was irrelevant in that it concerned matters for which Mr. Agnew was formally charged.

A plea of no contest results in a “conviction,” and under state law, conviction of a felony is grounds for disbarment. Today's hearing was scheduled after the Maryland State Bar Association petitioned the Maryland Court of Appeals to take “disciplinary” action against Mr. Agnew because of that conviction.

The court could dismiss the case, reprimand Mr. Agnew, suspend him or disbar him. And until today, the bar association had not suggested which option the court should take.

Indeed, the lawyer representing the bar association, Alfred Scanlan, did not make that recommendation until after he had finished his argument in favor of the association's request for a disciplinary proceeding. And he made the recommendation, he said, only because he had been told in a pre-trial conference that the judges wanted to know what the bar association wanted done about Mr. Agnew.

But his argument had made clear, even before he called for disbarment, that the association wanted a stiff sanction.

Mr. Agnew, in evading taxes, had committed a crime of “moral turpitude,” Mr. Scanlan said. The income that the former Vice President had failed to report was “suspicious,” the lawyer went on. On top of that, he said, Mr. Agnew was not just a lawyer but also a public official. And the public, he said, was coming to distrust the legal profession.

Mr. Agnew's lawyers did not ask the panel to recommend that the bar association charges be dismissed. “There's no use being silly,” Leon H. A. Pierson Jr., one of Mr. Agnew's lawyers, told the court. Nor did they ask for a simple reprimand.

Nor did they contest the description of Mr. Agnew's tax evasion as a crime of moral turpitude.

But they rejected the bar association's call for disbarment, arguing that the usual sanction in such cases was suspension and that the bar association, in seeking disbarment, was “going a little far” and acting prosecutorial.

They also argued that the only misbehavior before the judges was the single count of tax evasion, and that Mr. Agnew's conviction on this count did not indicate that he could not be a proper lawyer. This crime was committed while Mr. Agnew was working as a Government official rather than a lawyer, said Mr. Pierson; the former Vice President, he went on, was thus “a man who has done nothing wrong insofar as his clients are concerned.”

Mr. Agnew's appearance attracted a crowd that filled the two-story courtroom. Among the spectators were lawyers, former court clerks and a contingent of midshipmen from the Naval Academy, who came to court as part of their work for a course called “Introduction to the Judiciary System.”

“I have mixed feelings,” said one of them, Midshipman Scott Anderson, when it was over. “I sort of feel sorry for him.”