

Agnew Disbarment Is Fought

By Karlyn Barker

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ANNAPOLIS, Feb. 11—Attorneys for Spiro T. Agnew argued today that "tax violations have not justified disbarment" of the former Vice President and that to prohibit him from the practice of law would be inappropriate punishment imposed because of "public outcry or demands for excessive sanction."

Challenging a recommendation for disbarment made by a three-judge panel last month, Agnew's lawyers filed an exception to the opinion here today with the Maryland Court of Appeals, which will make a final decision on what disciplinary action to take.

Disciplinary proceedings against Agnew were brought by the Maryland State Bar Association, whose board of governors and grievance committee voted without dissent in November to urge that Agnew be disbarred, rather than merely be suspended or reprimanded.

When the special panel was considering its recommendation to the court, Agnew appeared before the judges and pleaded with them "not to strip me of my means of livelihood . . . The practice of law means quite a bit to me."

A decision to disbar Agnew would prohibit him from practicing law in Maryland or any

other state in the nation because bar associations in other states customarily abide by another state's disbarment of a lawyer. The former Vice President resigned his office Oct. 10 and moments later pleaded "no contest" to a federal income tax evasion charge.

Maryland court rules say that some disciplinary action—either a reprimand, suspension or disbarment—must be taken against a lawyer who pleads "no contest" to a felony.

The charge against Agnew came as the result of a federal investigation into allegations that he received kickbacks from contractors while he served as county executive of Baltimore County, governor of Maryland and later as Vice President.

In arguing for suspension rather than disbarment, Agnew's attorneys, E. Dale Adkins Jr. and Leon H. A. Pierson, said that in the majority of cases involving income tax offenses "courts are reluctant to impose the ultimate sanction unless required to do so by the introduction of proof of

other offenses which themselves give rise to serious ethical violations.

At the time of Agnew's plea, the Justice Department had compiled a 40-page exposition of bribery and extortion allegations against him which were dropped from indictment consideration when Agnew resigned from the vice presidency and pleaded no contest to the lesser charge.

Agnew's lawyers complained today that "surrounding encrustation of rumor, innuendo and perhaps the most intense media attention in history," has hampered the determination of a fair punishment for their client by the Court of Appeals.

"The sole charge leveled was . . . for filing a false and fraudulent income tax return," according to the brief filed with the court. "No other misconduct has been alleged and no other proof of misconduct has been adduced."

James H. Norris Jr., clerk for the Court of Appeals, said late today that the court has not yet scheduled a hearing on the exceptions filed by Ag-

new's attorneys. A final decision on all the arguments is not expected before Maren.

Since his December appearance in Annapolis before the three-judge panel, Agnew has busied himself by organizing his vice presidential papers and deciding on his options for the future. His house has been put up for sale and there is speculation that he might move to California where he would like to resume his law practice.

The former Vice President is still being given a government car for his use and Secret Service protection, a federally financed courtesy that was recently criticized by the Government Accounting Office, which said Agnew is not legally entitled to the service.

Agnew is also trying his hand at fiction. The first 12 pages and an outline of a suspense novel written by the former vice president recently made the rounds of publishing houses in New York. It was turned down by one firm but has since become a "hot property," expected to bring Agnew an advance of \$250,000.