

Agnew Seen Retaining Civil Rights

But the IRS and Maryland Are Expected to File Tax Actions

By Douglas Watson

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Attorney General Elliot L. Richardson said yesterday that Spiro T. Agnew is not likely to lose any of his civil rights—including the right to vote and hold state office—because of the former Vice President's "no contest" plea to a Federal tax evasion charge.

But Agnew is expected to face civil actions by both the Internal Revenue Service and the state of Maryland to recover uncounted thousands of dollars in alleged unpaid income taxes. "If taxes are owed, we go after them," said an IRS spokesman on the agency's general policy.

These were just two of the prospects facing Agnew as a private citizen who Wednesday surrendered the second highest office in the nation, was fined \$10,000 and placed on probation for three years.

Agnew also faces a probable move in Maryland to disbar him as a lawyer, according to bar association leaders.

He could be subject to state criminal prosecution there, but Richardson and Maryland Attorney General Francis B. Burch yesterday recommended against state prosecution and it is not likely.

Richardson flatly ruled out further federal prosecution of Agnew.

For the time being Agnew continues to be protected by Secret Service agents. Employees in the Vice President's office continued at

work yesterday, wondering how long their jobs last.

Agnew will not receive a federal pension—not because of his courtroom plea, but because he did not work as a federal employee for the required five-year minimum period. He will receive refunds on any pension payments he made as Vice President, a Civil Service Commission spokesman said.

Richardson told a press conference at the Justice Department yesterday that because Agnew pleaded "nolo contendere," which means no contest, rather than guilty to the tax evasion charge, he will not lose the rights normally denied convicted felons.

Richardson further said that Maryland's Constitution does not bar Agnew from holding office there because of his plea.

When asked whether Agnew would be free to travel abroad, Richardson said, "Since the judge made clear that the probation would be unsupervised . . . I suppose that Mr. Agnew would be free to live where he chooses."

Asked whether Agnew could be prosecuted in Maryland on state charges involving similar allegations to those made by the Justice Department, Richardson said, "There is nothing in the agreement (with Agnew) that would prevent action by state prosecutors."

But, Richardson continued, "My own hope would be that it would be considered by state prosecutors as it is by the federal prosecution: that the public

interest is now best served by considering the matter to have been dealt with on a basis of fairness and justice and the public interest."

Maryland Attorney General Burch seconded Richardson's statements, saying it would be unwise "to drag this thing (the Agnew allegations) over the coals again and again." Burch pointed out, though, that any decision on state prosecution will by law be made by local state's attorneys and not his office.

Baltimore County State's Attorney Samuel A. Green Jr., himself presently under indictment on bribery charges, said, "The Vice president has suffered enough" and that he was more interested in pursuing Agnew's associates.

In regard to Agnew's tax problems, IRS officials declined to say specifically whether civil action will be taken against the former vice president to recover taxes he conceded in court he did not pay. They noted IRS's rules on confidentiality.

But an IRS official said that, in general, after the federal government prosecutes for criminal violation of tax laws, IRS then initiates civil action to recoup the money that is allegedly owed. The civil fine for not paying federal taxes can be up to 50 per cent of the total owed, plus 6 per cent annual interest. The IRS official also said that the amount recouped by IRS in its civil actions often can be more than that alleged in the criminal actions, where a stricter legal standard must

be met. So, Agnew could be held to owe far more than the \$87,500 in unreported income the Justice Department says he received over a 10-year period.

Burch said he was "sure" the Maryland comptroller's office also will move to collect taxes owed by Agnew to Maryland. "Whatever the appropriate delinquent tax penalties are, will be imposed," Burch said.

Agnew, a member of the County bar association, also faces the likelihood that disciplinary action leading to disbarment will be brought against him soon, several bar association leaders said.

Any such action would be first considered by the county or state bar's grievance committees, then their governing boards, either of which could recommend disciplinary action to the Maryland Court of Appeals, the state's highest court.

The Court of Appeals would then appoint a three-judge panel to hear the allegations against Agnew and make recommendations, with the Court of Appeals having the final decision on whether to take any action. The Court could decide to disbar, suspend or reprimand Agnew.

The Court's rules say that for such proceedings, a previous nolo contendere plea followed by a fine or sentence is conclusive proof of guilt.

Bar leaders, while declining to prejudge Agnew's case, predicted that disciplinary action would be instituted against Agnew, even though . . . as one lawyer put it, "it will be a very distasteful duty."