

Agnew Asks Judges to Leave Him a 'Means of Livelihood'

AGNEW, From A1

By Douglas Watson
Washington Post Staff Writer

ANNAPOLIS, Dec. 18—Spiro T. Agnew pleaded with a three-judge panel here today to permit him to practice law and "not to strip me of my means of livelihood."

Lawyers for the Maryland Bar Association said that because of the former Vice President's "no contest" plea to a tax evasion charge, the association's board of governors and grievance committee unanimously recommended that Agnew be disbarred. This action would prohibit him from practicing law in Maryland and any other state in the nation.

Agnew, looking thinner and paler than he did as Vice President, read from notes jotted on an envelope as he spoke on his own behalf for 13 minutes at the close of the 2½-hour hearing.

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

The three circuit-level judges took the question of disciplinary action against Agnew under advisement. They indicated after the hearing that it will be at least a week before they make a recommendation on Agnew to the Maryland Court of Appeals, which will make the final decision.

Agnew acknowledged that Maryland court rules require that some disciplinary action—either a reprimand, suspension or disbarment—must be taken against a lawyer who pleads "no contest" to a felony, as he did on Oct. 10 in Baltimore's U.S. District Court, moments after



By Bob Burchette—The Washington Post

Former Vice President Agnew enters courthouse.

resignation as Vice President.

But Agnew calmly asked the judges "not to impose the ultimate sanction of disbarment." Instead, Agnew and his two lawyers asked that he be given a moderate suspension, which would enable Agnew to practice law afterwards.

E. Dale Adkins Jr., one of Agnew's lawyers, conceded that a mere reprimand would be an unrealistic expectation, and that the choice is actually between suspension and disbarment.

"In other states they may take a less serious view of cheating on Uncle Sam. But in this state the courts take a severe view and I think they are right," said Alfred L. Soanlan, one of the bar's two lawyers, in urging that Agnew be disbarred.

Agnew's lawyers contended that the judges should treat Agnew like any lawyer who has pleaded "no contest" to tax evasion. They said that of 81 lawyers convicted of tax violations in the country since 1946, only 11 were disbarred.

But Daniel W. Moylan, the bar's other lawyer, said many of the 81 cases involved only failure to file an income return, which is a misdemeanor, and not tax evasion, a felony involving "moral turpitude."

Moylan said that in many of the cases mentioned by Agnew's lawyers in which attorneys were not disbarred, there were mitigating circumstances.

"In mitigation of Mr. Agnew's conduct nothing can be said and, indeed, nothing has been said," added Moylan.

Agnew said he wanted to tell the judges "what the practice of law means to me," and he recalled how he had gone to night law school while working full time to get his degree, how his studies had been interrupted by World War II and how he had taught law at the University of Baltimore for seven years.

Agnew said he had been active in bar association affairs, had followed bar recommendations in appointing judges as Maryland governor and had spoken to lawyers' groups as Vice President.

If permitted to resume

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the practice of law after suspension, Agnew said, "I would conduct myself in a manner that would not bring discredit to the bar ... and attempt to bring credit on my state and on the legal profession."

Agnew gave no details of his plans during his court appearance and did not say that he would reestablish a law practice if permitted to do so. The former Vice President was hired recently to be a consultant to a California firm.

The former Vice President graduated from the University of Baltimore Law School in 1947. He practiced law intermittently until he was elected Baltimore County executive in 1962. He has not practiced law since then.

At 9:50 a.m. Agnew arrived at the Anne Arundel County Courthouse, which is only a block from the Governor's Mansion where he lived in 1967 and 1968 when he was governor.

He got out of a brown Mercury hardtop, escorted by two Secret Service agents, and walked into the courtroom without any comment. Agnew waited alone

in a room for 50 minutes until the hearing began.

The capacity audience of 125 people, including a gallery full of Naval Academy midshipmen, was screened with a metal detector before being admitted.

After the hearing ended at 1:10 p.m., a small crowd gathered outside the courthouse and stared at the former Vice President as he got into his car.

Presiding Judge Shirley B. Jones of Baltimore Superior Court had warned against any disturbance in the courtroom and said no one would be allowed to leave or enter after the hearing started. Seated on either side of her were Prince George's County Circuit Judge William H. McCullough and Anne Arundel County Circuit Judge Ridgely P. Melvin, the other members of the panel.

Agnew, wearing a gray suit and light blue shirt, never smiled throughout the 2½-hour hearing. He spoke only with his two lawyers and briefly, during a recess, with the court stenographer. He declined to answer reporters' questions after the hearing. Other members of the family were not present.

The arguments at today's hearing were not over Agnew's no contest plea to tax evasion in 1967 or the 40-page exposition of bribery and extortion allegations compiled against him by the Justice Department, but over what disciplinary action is proper in view of Agnew's pleas.

Scanlan said that disbar-

ment is essential, "Out of respect for the courts, out of respect for the legal profession, out of the need to protect the public and for the administration of justice." He said that anything less would only add to public cynicism about lawyers.

Leon H. A. Pierson, Agnew's other lawyer, stressed that the tax evasion charge for which Agnew pleaded no contest, was not connected in any way with his function as a lawyer, and does not mean he could not represent future clients with integrity.

Scanlan said that lawyers who are public officials have "a double obligation" to obey the law. Adkins, however, argued that the fact that Agnew was governor when, according to his plea, he failed to pay about \$19,000 in federal and state taxes, should have no bearing on the hearing.

"We ask no special consideration for Mr. Agnew because of his former high position. He obviously is entitled to none. But just as his former high position should give him no benefit, likewise, it should impose no burden," said Adkins.

Moyley, representing the State bar, said court should disbar Agnew to make clear, "That this type of conduct cannot be condoned and the legal profession must stand free of suspicion."

Agnew's lawyers said the court's task is not to further punish Agnew, but only to take what action it feels is necessary to protect the state's legal system.

Pierson said the bar's lawyers were being too prosecutorial, acting like the press, which, he charged, "has hounded him (Agnew) to death."

Repeating previous contentions, Agnew said, "Unconscionable leaks of information" had "made my treatment very unfair, in fact, prejudicial."