

Agnew's Lawyers Say Precedent Ignored

ANNAPOLIS, Md. (AP)—Lawyers for Spiro T. Agnew said Monday a special judicial panel ignored national precedent in recommending that Agnew be disbarred.

In a formal request for reduction of the recommended penalty, the former vice president's lawyers said that suspension instead of disbarment was handed out in 70 of 81 cases involving income tax offenses reported in the nation since 1946.

The petition filed with the state Court of Appeals said Ag-

new, "like John Doe, should be disciplined promptly, fairly and in a manner consistent with treatment accorded his fellows."

"If such treatment is accorded, we submit the lower court's recommendation should be modified to provide suspension for such period of time as seems reasonable," E. Dale Adkins and Leon H. A. Pierson said in their 11-page petition.

Disbarment was recommended by three Circuit Court judges after a Dec. 18 hearing

in which Agnew asked that the court not strip him of the means of earning a living.

The Court of Appeals has the final say on whether he should be prohibited from practicing law in Maryland. Disbarment in Maryland would prohibit Agnew from practicing law elsewhere.

A court aide said the appellate judges will schedule a hearing, probably in March, on Agnew's objections to the disbarment recommendations.

Disbarment proceedings were begun by the Maryland Bar Association after the former vice president and Maryland governor pleaded no contest to and was convicted on a charge of failing to report \$29,500 in income on his federal tax returns.

The disciplinary action was based solely on the income tax charge and did not mention any of the allegations concerning payoffs and kickbacks contained in a document filed by federal prosecutors in U.S. District Court the day Agnew resigned as vice president.

His lawyers repeatedly argued in their petition to the Court of Appeals that only the tax charge could be considered.

"No other misconduct has been alleged and no other proof of misconduct has been adduced," they said.

"The principal difficulty here is the problem of isolating for

the purposes of this case the actual facts established from the surrounding encrustation of rumor, innuendo and perhaps the most intense media attention in recent history," the petition said.

To back up their claim that similar cases have generally resulted in suspension and not disbarment, Pierson and Adkins said that of the 81 income tax matters they could find on record since 1946, disbarment was given in only 11 cases.

A further breakdown showed that only 23 of those 81 instances involved filing of false and fraudulent returns as did the Agnew case.

Of those 23 cases, eight lawyers were disbarred and 15 were given suspension or a lesser penalty.

Turning to Maryland cases, they said in only two instances were lawyers disbarred because of income tax violations.

The petition said one case dated back to 1947 and the other involved additional, more serious infractions.

It said the lower court judges found it impossible to discover a pattern from other disciplinary cases.

Adkins and Pierson argued, however, that the pattern was easy to discover and that it showed that in a vast majority of cases, courts have imposed suspension in lieu of disbarment."