

Mr. Agnew's Livelihood Post 5/1/44

IN BARRING former Vice President Spiro T. Agnew from the future practice of law, the Maryland Court of Appeals has taken an important and necessary step to bolster the integrity of the bench and bar. Mr. Agnew had sought the lesser discipline of suspension, and had beseeched a lower court last December "not to strip me of my means of livelihood." Mr. Agnew's attorneys had argued that the former Governor and Vice President should not receive harsher treatment than the ordinary lawyer convicted of tax evasion might expect. Disbarment, they suggested, would be an unfair and perhaps vindictive penalty to impose upon a man who had held such high station in the government, and who they said—had not enriched himself at the expense of the public trust.

To its great credit, Maryland's highest court took a very different view of lawyers' obligations and the public trust. Income tax evasion, the court declared, "is a crime which involves moral turpitude and is infested with fraud, deceit and dishonesty." In such cases disbarment is automatic unless compelling reason to the contrary can be shown. Far from finding any mitigating circumstances in Mr. Agnew's case, the court concluded that "all that appears tends to aggravate the gravity of the offense." Thus the court properly rejected the insidious notion that lawyers who have enjoyed high offices should receive extra sympathy if they misbehave. Associate Judge J. Dudley Digges, writing for the court, stated the correct principle very well:

A lawyer who enters public life does not leave behind the canons of legal ethics. A willful and serious malefaction by a lawyer-public servant brings dishonor to both the bar and the democratic

institutions of our nation, and its destructive effect is thereby magnified.

At another point the court declared, "It is difficult to feel compassion for any attorney who is so morally obtuse." "Compassion" may not have been the best term to use, since it is normal and human to retain some sympathy or regard for anyone who has fallen from a very high place. But that does not dictate tolerance of the acts which caused the fall. Indeed, it is hard to argue that Mr. Agnew has been roughly handled in the courts at all. A common citizen who had so enriched himself might well have been taken to trial on the whole panoply of charges which the government was prepared to present. At least, the ordinary tax evader might well have spent some time in jail, rather than paying a \$10,000 fine and remaining on unsupervised probation to write a lucratively promising novel and acknowledge public applause at the Capital Centre.

The resolution of the federal case against Mr. Agnew served the national interest by avoiding prolonged, agonizing proceedings against the man next in line for the presidency. Similarly, disbarment of Mr. Agnew—whatever its impact on his livelihood—serves a large public interest by asserting the integrity of the legal profession, at a time when the misconduct of so many lawyers in high places has brought the profession into disrepute. The decision was surely not an easy or happy one for the Maryland Bar Association, the three-judge lower court or the court of appeals. But it is heartening that these leaders of Maryland's bench and bar recognized their own obligations to uphold the honor and the standards of the bar—obligations which Mr. Agnew, in his concern for his livelihood, evidently forgot.