

Fuller column,
WXP 11 Sep,
filed W/gate



Agnew--Court Trial Or Impeachment?

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SHOULD the bribery charges against Vice President Spiro Agnew be heard first in an ordinary trial or by an impeachment proceeding? Unless the charges are dropped altogether, which is almost unthinkable, that question is bound to surface as the Baltimore grand jury resumes hearings in the case this week.

As usual, the Constitution offers only ambiguous answers. But common sense argues powerfully that the Vice President should face the music in the court system, not an impeachment proceeding.

The Constitution, in section 4 of article II, clearly states that the President, the Vice President and other civil officers can be removed by impeachment proceedings in Congress. It stipulates "bribery" as one cause for such proceedings. It further asserts, in section 3 of article I, that a party removed from office by impeachment, shall be "liable and subject to indictment, trial, judgment and punishment according to law."

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ONE READING of all this is that Congress has the right to impeach civil officials, and that impeachment shall not give rise to a claim of double jeopardy against further prosecution. But another reading, asserted by the White House lawyers in the Watergate case, is that the President, at least, has to be impeached and removed before he can be made subject to grand jury proceedings.

Speculation suggests that Agnew's lawyers now see a promising line of defense in the impeachment-first argument. For one thing, there is the matter of time.

Congress is not organized for an impeachment proceeding and it would probably take months, and maybe even years. Rather than face such an ordeal, the instinct of many congressmen would be to forget the whole matter.

The issue is not one which excites the furious indignation of Agnew's fellow politicians. Almost all of them would be receptive to the argument that let him who has not done a few favors for campaign contributions cast the first vote for impeachment.

In contrast, the general public, from which juries are drawn, is highly sensitive to the corruption issue.

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AGNEW'S lawyers, in these circumstances, would be positively remiss if they did not seek to use the impeachment process to head off a grand jury indictment. The best guess is that they will be moving soon before the Justice Department and, if that fails, in the courts.

But what favors the Vice President's defense works the other way for the public interest. Even on the worst reading, the charges so far aired against Agnew involve petty stuff, not historic wrongs. It would be absurd to tie up Congress for months to deal with some relatively small fixes when there is another, more traditional way to handle the matter.

So whatever the constitutional obscurities, the common sense of the issue is clear. If there is a bribery case against the Vice President, the right forum is a court proceeding, not an impeachment.