

Maryland Disbars Agnew; Court Deplores His Ethics

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ANNAPOLIS, Md., May 2—The Maryland Court of Appeals ordered the disbarment of former Vice President Spiro T. Agnew today in the wake of his no contest plea to a tax-evasion charge last October.

The state's highest court, in a sharply worded 13-page opinion, held unanimously that disbarment follows automatically from a lawyer's conviction on a charge involving moral turpitude unless he makes a "compelling exculpatory explanation."

Mr. Agnew's lawyers, the court held, made no such explanation during the proceedings, which were initiated by the Maryland Bar Association Nov. 12. Instead, they confined their arguments, both before a lower court three-judge panel and before the Court of Appeals, to the severity of the discipline. They contended that Mr. Agnew should be suspended from the practice of law rather than disbarred.

In the most scathing language contained in the opinion, which was written by Associate Judge J. Dudley Digges, the court maintained, "It is difficult to feel compassion for an attorney who is so morally obtuse that he consciously cheats for his own pecuniary gain that government he has sworn to serve, completely disregards the words of the oath he uttered when first admitted to the bar,

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an absolutely fails to perceive his professional duty to act honestly in all matters."

Mr. Agnew was not a member of the Federal bar, and his disbarment in Maryland prevents him from practicing law elsewhere.

Last Oct. 10 Mr. Agnew pleaded no contest to a single charge that while he was Governor he had accepted payments during 1967 from consulting engineers doing business with the State of Maryland and had not reported the taxable income.

The plea, which was entered in United States District Court moments after he resigned the Vice Presidency, came at the end of months of public controversy and private negotiations with a team of prosecutors working under George



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Spiro T. Agnew

Beall, the United States Attorney in Baltimore.

At the same time, Mr. Agnew agreed to the publication of a

40-page statement of the Government's case against him, which had been developed during an eight-month period in a massive investigation of political corruption in suburban Baltimore County.

Decision on the Court

The statement of evidence had no bearing on the disbarment decision, which hinged solely on the one charge to which Mr. Agnew pleaded no contest.

"That crime, which involves moral turpitude, and is infested with fraud, deceit, and dishonesty, clearly comes within that category that will result in automatic disbarment when the respondent fails to demonstrate a clear and convincing evidence a compelling reason to the contrary," the appeals court said.

The court rejected the argument by Mr. Agnew's lawyers that both in Maryland and

throughout the United States disciplinary proceedings against lawyers convicted on tax charges have more often resulted in suspension than disbarment.

The court cited seven Maryland cases, including a companion case also decided yesterday, in which it held to the rule of "compelling extenuating circumstances."

"To do other than disbar the respondent in this case," the court went on, "would constitute a travesty of our responsibility."

Appeal from such a disbarment decision is possible in two forms, the first an appeal on grounds of procedural error and the other a request for re-argument of the case before the court. One of Mr. Agnew's lawyers, Leon H. A. Pierson, said, however, that he doubted that Mr. Agnew would seek such an appeal. Mr. Agnew was unavailable for comment.