

Attorneys say 24-count indictment 'insufficient'

Mandel, 5 others ask dropping of all charges

BALTIMORE (AP)—On the final day for filing pretrial motions, attorneys for Gov. Marvin Mandel and five others indicted by a federal grand jury last November asked that the charges be dropped against their clients because prosecutors failed to draft a "legally sufficient" indictment.

The 24-count indictment based on federal mail fraud and anti-racketeering statutes alleges that Mandel and several

close associates defrauded the citizens of Maryland by concealing information from the state legislature and regulatory agencies.

The governor is charged with allegedly accepting part interest in a race track and a building complex owned by his five codefendants in exchange for favorable action on government businesses affecting their enterprises.

The other defendants in the

case are William A. Rodgers, Harry W. Rodgers III, W. Dale Hess, Ernest Cory and Irvin Kovens.

The six motions for dismissal varied somewhat, but the central point in all of them was that federal prosecutors misinterpreted state laws concerning what information must be disclosed to legislators, state officials and the public.

The dismissal requests were filed on the final day for

pretrial motions set earlier by U.S. District Court Judge Herbert F. Murray.

Mandel's attorney claimed that the governor had no legal duty to make disclosures under existing state laws. The motion also asks that Judge Murray allow the state Court of Appeals to decide whether Mandel was required to make the disclosures.

Lawyers for Hess, and William and Harry Rodgers

also asked that the trial of their clients be moved to another state to avoid what they termed as "prejudice from massive publicity" surrounding the 20 month investigation preceding the indictment.

The change of venue motion said that the trial should be relocated because Maryland citizens, who would sit on the jury panel, are also the victims of the alleged scheme to defraud the public.

"The pretrial publicity in this case was intriguing and enormous. It has involved the most public figures in the state, providing a grubby and sordid scandal for the man on the street," the motion said.

In a separate motion filed Thursday on behalf of Kovens, attorney Norman P. Ramsey asked the judge to dismiss the 21 counts against his client because alleged misconduct by the prosecutors violated his rights.

"These proceedings have been so infected with prosecutorial misconduct that the defendant has been deprived of his constitutional rights to an unbiased, unprejudiced, independent and informed grand jury, to due process and to a fair trial."

Although the motion did not

detail the alleged misconduct, Ramsey said in an accompanying motion that his client should be tried separately.

He claimed that Assistant U.S. Atty. Barnett D. Skolnik deliberately attempted to "injure the various defendants and to create undue prejudice" when he declared in the arraignment hearing that Mandel would not have been indicted if he were not guilty.

Cory's attorney, Joseph A. DePaul, moved that all charges against his client be dropped because the indictment is "legally insufficient and vague."

Judge Murray has given the U.S. attorney's office 30 days to respond to the defendants' motions and will schedule hearings after receiving the government's responses. The trial is currently scheduled to begin May 3.

Panel debates shelf pricing

The friendly folks who sell you your milk, meat and vegetables were attacked on two legislative fronts Thursday.

First it was in the Senate Economic Affairs Committee, where Sen. Newton I. Steers has a bill to require supermarkets to mark some perishable items with a clearly readable date so shoppers will know how fresh they are.

The retailers challenged the need for that bill by arguing that, for the most part, they are already dating the foods which would be covered.

From there it was on to the House Economic Matters Committee and a hearing on a bill to require chain stores to mark the price of foods on each individual item.

That bill is aimed at coded pricing used in computer checkout systems being pioneered in Maryland by Giant Food.

Joseph B. Danzansky, president of Giant, argued that his chain will save money—which will help it to hold down prices—through the use of computer checkouts and by not having to mark prices on each

individual item.

"You are being asked to act in case we 'pull a fast one' on the people of this state," he told members of the House committee. "With our record for good citizenship and enlightened concern for the consumers of Maryland, I think we deserve better than that from legislators who know us better than that."

Under the system used by Giant, the only price readable by the shopper is marked on the shelf. Individual items carry only a code, consisting of black lines of varying widths, which can be read by a computer-operated register at the checkout stand.

He estimated that codes are used in no more than about 10 per cent of the cases and that "in the vast majority of cases where dates are used at all, they are open, intelligible

supermarket shelves.

"It isn't a panacea, it doesn't tell you everything, but it's better than nothing," Steers testified. "The shopper should at least know whether the food he may buy has gone stale."

James Goldberg, speaking for the Mid-Atlantic Food Council, challenged Steers' argument that many items are marked in a code which can't be read by the shopper.

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dates.

The Steers' bill also drew opposition from the Maryland Farm Bureau.



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