

# One year later: Mandel stoically does his time

By Nick Yengich

A year ago this weekend Marvin Mandel went to prison, his final appeals and delays finally evaporated. It is unlikely that the former governor—or his friends and foes—believed that he would serve a full year of his three-year sentence, and the cases of other Maryland public officials convicted of political corruption were reason enough to so believe.

Spiro T. Agnew, of course, traded the vice presidency for a \$10,000 fine and probation; Dale Anderson eventually resigned as Baltimore county executive after his conviction, then served 13 months of a 5-year sentence; Joseph W. Alton, Jr., managed to escape jail until after his term as Anne Arundel county executive expired, then did 7 months of an 18-month sentence.

Only Mr. Mandel, at Eglin Air Force Base Prison Camp in Florida's panhandle, W. Dale Hess (in Alabama) and Harry W. Rodgers III (with Mr. Mandel at Eglin's minimum-security facility) remain in prison and will continue to for at least several months. Defendant Irvin Kovens was released from Eglin early because of deteriorating health; Ernest N. Cory, Jr., was not jailed; William A. Rodgers is free, having served about eight months, not in prison, but in a vocational rehabilitation halfway house in Southeast Baltimore.

In the past year, the former governor has frequently been in the news. Up until recent months, with a frequency that to some seemed to border on the boring, reporters called him to the phone or even rushed to Eglin to get his reaction to any fringe element that touched on his case.

The most recent attempt by Mr. Mandel to leave prison came in February and involved a plan in which he would serve as an unpaid job broker for ex-convicts and would be allowed to live in Anne Arundel county. Mr. Mandel reportedly did not initiate the plan, but he and his family did embrace it.

One element has remained consistent in the oft-tortuous Mandel case. He has

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adamantly denied his guilt, cried that he has been wronged, since his conviction August 23, 1977. The only thing he has always admitted is that he did not and does not have any money. This was also his justification for accepting gifts from his friends, friends who in turn benefited while Mr. Mandel he was governor.

Federal prosecutors called the gifts part of a secret scheme to defraud the citizens of Maryland and charged Mr. Mandel with engineering the cover-up of the scheme. The jury, with its verdict of guilty, agreed.

The plan to have Mr. Mandel act as an intermediary for former prison inmates while living in freedom was strongly supported by, among others, Anne Arundel county executive Robert A. Pascal. When the federal Bureau of Prisons turned down Mr. Mandel, Mr. Pascal thumped the tub about Mr. Mandel's unfair treatment by bureau officials.

Before this final rebuff by the bureau of prisons, a lawyer for the ex-governor noted, perhaps in passing, perhaps to make a point, that the plan was not designed to shorten Mr. Mandel's sentence or contest his guilt or innocence.

This fits in with a pattern of ignoring whether Mr. Mandel committed any wrongful acts or violated the public trust as governor.

Meanwhile, Mr. Mandel's loyal legion still believes he was railroaded by a convoluted conspiracy involving:

A) A WASP Republican U.S. attorney, Jervis S. Finney, who pressed for conviction with the complicity of the Nixon administration. (Indictments in the case were issued under the previous U.S. attorney, George Beall, also a Republican.)

B) Out-of-control prosecutors bent on stretching every boundary of legal fair play.

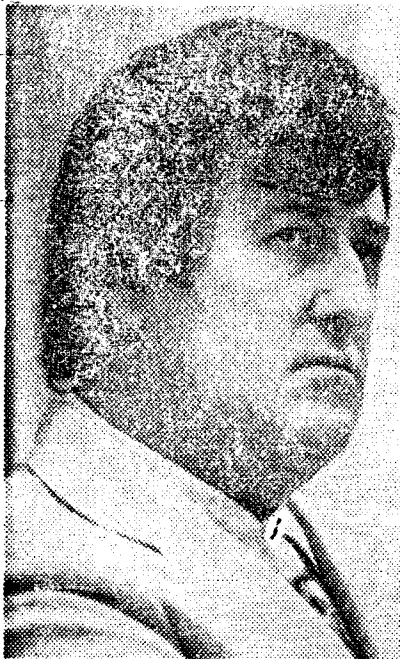
C) A Southern Democrat, Jimmy Carter, who kept Mr. Mandel in prison because the two never got along as governors and because Mr. Mandel supported a Carter opponent in the 1976 Maryland Democratic presidential primary.

This, however, ignores Mr. Mandel's almost embarrassing effort to explain his innocence. His conviction in the mail

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Marvin Mandel

Sun files



*W. Dale Hess*



*Harry W. Rodgers III*



*Irvin Kovens*



*William A. Rodgers*

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fraud/racketeering trial finally rested, according to jurors at the time, on the half-truths in his own testimony.

It reached the point of absurdity when Mr. Mandel refused to acknowledge his own telephone number—saying it was that of his secretary or maybe that of an aide—during interrogation about a crucial series of calls that were at the foundation of the government's case.

With such testimony, his defense crumbled.

The bottom line was that jurors found the \$350,000 in gifts funneled to Mr. Mandel from his friends over the years was lubricant to ease the friends' secret business deals.

One other element of the ever-running Mandel corruption case has also become lost in the murky relationship between fact and alleged conspiracy:

Although Mr. Mandel and his loyalists contend that President Carter called the shots behind the federal parole board's decision to keep Maryland's ex-governor in prison until May, 1982, the fact is that Mr. Mandel never sought the one avenue of release that President Carter controlled.

"Frankly, I'm surprised" that Mr. Mandel "has not filed anything for commutation, in any form," said David C. Stephenson, acting pardon attorney for the Justice Department.

The ex-governor never applied for a reduction in his sentence through the process of executive clemency or commutation (often confused with the presidential pardon).

Following routine screening by the Justice Department, requests for sentence reduction through clemency are routed to the president's desk. But Mr. Mandel has never walked into the office at Eglin Air Force Base Prison Camp to pick up the form and start the process.

Maybe the 60-year-old governor knew that any step toward clemency would require some acknowledgment of wrongdoing, some form of admitting violation of his public trust.

Asked whether an admission of guilt is necessary to obtain clemency/commutation, Mr. Stephenson, a member of the pardon office for more than 10 years, said:

"This a factor we take into consideration. . . . [It's] not a categorical . . . requirement. . . . Nothing says [reduction would be denied without it] but it is one of the many factors we take in consideration."

The record should not be misunderstood about presidential clemency. A shorter stay at the minimum-security prison would not automatically have been granted for Mr. Mandel by President Carter, had Maryland's ex-governor actually applied.

Some 1,046 prisoners sought clemency during the Carter years, according to Mr. Stephenson, and about 700 of these applications were forwarded to Mr. Carter. Of that 700 or so, only 32 resulted in reduced sentences.

We'll never know in Mr. Mandel's case. He never asked. He never took the risk of apologizing.