

What if Mandel conviction had never taken place?

By C. Fraser Smith

Gov. William Donald Schaefer might still be the mayor of Baltimore.

The people of Maryland might have been spared yet another embarrassing scandal.

U.S. Sen. Paul S. Sarbanes might still be in the House of Representatives.

The late Blair Lee III or Representative Steny H. Hoyer, D-Md-5th —

or both — might be former governors.

Harry Hughes might still be a ball lost in tall grass.

If someone had decided 10 years ago that Marvin Mandel's conduct did not constitute mail fraud, perhaps, he might not have spent 19 months in federal prison — and the political landscape of Maryland might be far different.

All mights and maybes, of course, but all possibilities to conjure with after yesterday's back-to-the-future

ruling that exonerates Mr. Mandel on the charges that forced him and his friends out of public life.

Mr. Mandel's conviction for political corruption in 1977 blended well 10 years ago with the shroud of embarrassment draped over the state by several Maryland politicians, including Spiro T. Agnew, the disgraced former governor who was forced to leave the vice presidency or face bribery charges.

Others, including former Baltimore County Executive Dale Ander-

son, had gone to jail.

And then came the doughty, pipe-smoking governor who helped his friends boost the value of a race track in Prince George's County.

Even then, people were confused about what the former governor had done.

"He may have done something crooked," a Pikesville woman told *The Sun* at the time, "but he did it with the people in mind."

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What if Mandel hadn't been convicted?

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Mr. Mandel ran a tightly controlled political organization reaching from Annapolis to Baltimore and Upper Marlboro and other parts of the state. When he went to jail, a veteran political worker from Baltimore said yesterday, "the political thing came loose."

Harry Hughes, a relatively unknown former transportation secretary, was lifted into office on a wave of anti-corruption, anti-machine sentiment. The courts and the legal system had thrown the rascals out and the people replaced them with a man who made integrity his platform.

An apostle of the laid-back, Mr. Hughes re-introduced Maryland to the wonders of the General Assembly, which regained its charter to participate in governmental decisions. Had Mr. Mandel given way to a governor chosen by the old-line organizations, the two houses might not have had so much breathing room.

Also, Maryland might still be laboring under the old patronage system, the one the former governor cultivated carefully. Mr. Hughes changed it.

"Harry almost strained to appoint people who couldn't help him politically," says Blair Lee IV, son of the former acting governor and a sharp critic of Mr. Mandel. "Harry appointed blacks and women and, most shockingly, people of competence."

The landscape changed in other — not so predictable, quite ironic — ways.

Under Mr. Hughes, the state granted lavish tax concessions to

Frank J. De Francis, the state's currently reigning track baron. Without these concessions, he and Mr. Hughes argued, Maryland's \$1 billion racing industry could be undermined by swank new racing emporiums in New Jersey.

There had been change, to be sure, but yesterday Mr. Mandel said he is dubious about it.

"I'm not sure it changed for the better, but I'm not going to comment on that," he said.

At a press conference, he said he would not have run for the U.S. Senate, but his former press secretary, Frank DeFillippo, now a political commentator, says he probably would have. Everything had been calculated, he recalled.

"If he hadn't been convicted, the plan in the early 1970s was to do the second term as governor and run for the U.S. Senate in 1976," Mr. DeFillippo said. That well-planned step might have pre-empted entry into the race by Mr. Sarbanes, then a member of the House.

If Mr. Mandel had gone on to Washington — as a senator or Cabinet secretary — Lieutenant Governor Lee, an affable aristocrat from Montgomery County, might have collected the political debts due for his loyal service. A lifelong advocate of public education, he might have made improving the state schools a major priority of his administration.

Or, perhaps, Mr. Mandel and his associates would have preferred then-Senate President Hoyer.

Blair Lee IV doubts that his father would have succeeded Mr. Mandel had the governor run for Senate or retired from politics. He would not have been acceptable to Mandel-alikes still in the game, he said. Mr.

Hoyer, then president of the state Senate, might have won the confidence of the inside political players — and might have become governor of Maryland, if . . .

With the Mandel conviction, Mr. Lee became acting governor and Mr. Hoyer joined his ticket as a candidate for lieutenant governor. But, tarnished by their association with a convicted governor, the Lee-Hoyer ticket went down to defeat. The surging Hughes juggernaut became a political powerhouse borne on by its promise of a clean break with the past — giving the lie to a prediction that Mr. Hughes was a lost ball.

A young former U.S. attorney, Stephen H. Sachs, also drew momentum for a political career from the fall of Mr. Mandel. He promised to remove the office from its tooth-chummy relationship with the governor. Mr. Sachs burned his view of Mr. Mandel into the public consciousness by prosecuting the former governor for unauthorized removal of household goods and furniture from Government House, the gubernatorial mansion in Annapolis. An assortment of things had been removed, including fire wood, packets of Tidy Bowl and other essentials.

The wounds did not heal.

And, in 1986, William Donald Schaefer settled the score for his old friend and ally, Marvin Mandel. Mr. Schaefer left his beloved Baltimore, in part, to prevent Mr. Sachs from winning the governorship. Had there been no conviction, had the regular Democrats continued to hold the office by turns, perhaps Mr. Schaefer would have stayed in Baltimore.

All ifs and maybes, of course.