



The Appeals Court Passes

The inability of the Fourth Circuit Court of Appeals to reach a decision on the appeal of Marvin Mandel and his five co-defendants adds another bizarre twist to a legal and political saga without parallel in this state's history. It has been nearly four years since the Mandel indictment, nearly two since the conviction. The wheels of justice have been a long time turning, in part because this is a complex and difficult case, in part because of external factors, including a Mandel illness and jury tampering that aborted the first trial.

It is difficult to imagine a more unsatisfactory conclusion to the Appeals Court's deliberations than a 3-3 deadlock. The earlier 2-1 decision of a three-man appeals court panel to overturn the conviction had raised serious questions about the trial judge's instructions to the jury and his admission of hearsay testimony. After the decision, three other appeals judges joined the lone dissenter in agreeing to a rehearing before the full court. That unusual decision automatically reinstated the conviction and raised questions about the three-man panel's reversal. Yesterday's 3-3 deadlock and the absence of a written opinion left the conviction intact and the legal waters muddied. No wonder an appeal is

certain, though its exact form is still unclear.

As the case has dragged on, it has been drained of both drama and political significance. There is no drama left because Marvin Mandel's misdeeds have been exposed for all Marylanders to see. The lengthy trial revealed the intriguing generosity of the former Governor's friends, who showered him with some \$350,000 in gifts, the gubernatorial favors that the Mandel friends received and the cover-up and deception foisted upon the state's people. Whatever turns this case takes on legal technicalities, it already has exposed a large stain upon the Mandel record that no court can erase.

At the same time, there is little political significance left to the case. Mandel is no longer governor, having been barred by constitutional limitation from seeking another term. Whether the conviction is finally upheld and Mandel ever goes to prison may be important to those who dream of his return to elective office someday. But, Marylanders rendered their own political judgment last fall with their repudiation of his chosen successor and the resounding and surprising election of the one man who had resigned from the Mandel cabinet on principle.