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No harm, no time may explain Bereano sentence

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Lobbyist Bruce C. Bereano escaped a prison sentence for fraud last week because theft, false billing, perjury and illegal campaign contributions may have been beneficial to his clients, the alleged victims.

No harm, no prison.

The very political purpose of Mr. Bereano's crimes seems somehow to have immunized him: He hid illegal campaign contributions in requests to his clients for reimbursement of expenses for legislative entertaining -- golf balls, office equipment, Cokes and the like.

Fraud, said the U.S. attorney.

Lobbying, said U.S. District Judge William N. Nickerson.

"The victims here were essentially getting what they bargained for, close association with legislators in a different form, in campaign contributions rather than entertainment."

To be sure, the uninformed public was "aggrieved" to learn of an "under-the-table system," the judge said. But that system had the effect of creating a virtually victimless crime. What Mr. Bereano did with his clients' money -- albeit in violation of the campaign contribution laws -- had been in pursuit of their "mutual best interests." Hardly fraud, he said.

Assistant U.S. Attorney Dale P. Kelberman said the judge's assessment made Mr. Bereano look like a front for complicitous businesses, making the crimes alleged worse rather than better.

Before these matters were discussed in U.S. District Court on Friday, 15 establishment figures came forward to vouch for Maryland's most famous lobbyist and most enthusiastic political fund-raiser. He was, they insisted, the best the political system had to offer: honest, industrious and decent.

His only offense, they said, was overzealously representing his clients. He was honest, they contended, "to a fault."

All of this praise from inside the system ran counter to a jury's finding of guilt last November. To the jurors, Mr. Bereano's scheme clearly was designed to defraud. Based on that, Mr.

Kelberman, the prosecutor, urged Judge Nickerson to rule that confidence in the election system and in the legislative process had been damaged.

A probation officer wrote to the judge with the same plea: "A citizenry already distrustful of wheelings and dealings in government is further shaken when activities come to light such as those in the Bereano case."

But, despite the public concern cited by the probation officer, the judge said he could not see any such disruption of an important state institution. The judge's insistence on that view pushed Mr. Kelberman to the point of frustration: "We have a crime that becomes no crime at all. That's not what the jury found. I don't mean to say you're undermining the jury. I know that's not your intention."

The crime for which Mr. Bereano was convicted merited a sentence of at least a year in prison, the prosecutor said. And it also was important to make certain the public would not conclude that Mr. Bereano, based on his position and on the pleas of powerful friends, got special treatment.

Though he could have been sentenced to as many as 37 months in prison and fined \$60,000, the 50-year-old lawyer and one-time power figure in Maryland politics was sentenced to six months of community confinement, a \$20,000 fine and five years of supervised probation. Unless he wins the appeal he filed Friday, Mr. Bereano almost certainly will lose his license to practice law. His earning power already has been damaged, though he may still lobby.

The judge predicted that his sentence would generate grumbling from some.

"They're entitled to grumble because they're concerned citizens concerned about under-the-table dealings of lobbyists," he said.

A lawyer representing Mr. Bereano, M. Albert Figinski, attempted to rehabilitate the profession, suggesting that it had been demonized.

"You are one of those people who goes to Annapolis to lobby," he said to Fran Tracy, a vice president of Blue Cross and Blue Shield of Maryland. She nodded, then described Mr. Bereano as the essence of the Puritan ethic.

He even lobbied lobbyists, she said later, attending to their needs as if they were clients: A colleague who took only cream in his coffee was never disappointed at a meeting organized by Mr. Bereano.

The character witnesses testified glowingly about his honesty. Anne Arundel County District Judge Martha F. Rasin, who started her legal career as a secretary in Mr. Bereano's law office, was asked if he had ever been dishonest. "No, except for saying 'that letter went out this morning' when it hadn't really gone out." A low murmuring laughter rippled through the roomful of lawyers even before she finished, "something I would never do."

Mr. Bereano's friends described a legislative system in which having a lobbyist is essential.

Former state Sen. Catherine I. Riley of Harford County recalled that members of the County Council there were indignant two decades ago when they paid Mr. Bereano \$5,000 to represent them. Ms. Riley, a consultant herself now, thought it was modest as lobbying fees go.

Dominic Finelli, a vending company executive, said: "He helped us find someone who would listen to us."

Mr. Bereano had started as a Capitol Hill "gofer" in the office of former U.S. Sen. Joseph D. Tydings. From the beginning, he brought what one of his clients called a sometimes "unbearable"

joy to his work. It helped him turn going for coffee into a \$1 million-a-year lobbying and lawyering enterprise.

Though he had relished the annual dollars-earned competition with fellow lobbyists, he was presented in court as a man who would have represented his clients for nothing.

"Is it fair to say," Mr. Figinski asked one of them, "that he was taking your account not just for the bucks but for the ideals?" The client, Dr. Allen Silver, nodded.

He had been naive when he first went to Annapolis, the ophthalmologist said. He thought he could win on the basis of argument. "We're right. They'll believe us," he said he had thought. Then, "after I got my head handed to me over and over," Dr. Silver said, he hired Mr. Bereano.

Prosecutor Kelberman had a different view of Mr. Bereano: "He was motivated by the desire to gain power and influence even if he was helping his clients in the process."

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