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SENATOR TO GET NEW BRIBERY TRIAL
FEDERAL JUDGE SAYS HIS 'OVERSIGHT'
FLAWED LONG'S 'LOST TRUST' CASE
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Scoppe contributed to this report.

U.S. District Judge Falcon B. Hawkins blamed his own "sheer oversight" in ordering a new trial for Horry Democrat Bud Long, who was convicted last November of selling his vote in the Senate.

Jurors who convicted the 65-year-old senator should have been told to ignore secretly taped comments that Long might be willing to take a bribe, Hawkins said.

The comments were meant to support a conspiracy charge against Long, one of 17 lawmakers accused of corruption crimes in an FBI State House sting, dubbed Operation Lost Trust, but Hawkins threw that charge out during the trial. But the tapes were not thrown out. They were in the room while the jury deliberated, and nobody knows if they influenced the guilty verdict. Hawkins said he forgot to tell jurors not to be swayed by those tapes, which they never would have heard if Long hadn't been charged with conspiracy.

"The court cannot determine beyond a reasonable doubt that the disputed evidence did not contribute to the jury's final determination," the judge wrote in a 17-page order filed Thursday.

But Hawkins fell short of what the convicted senator really wanted. He refused to throw out the conviction altogether, and he rejected a claim that the indictment against Long was flawed.

U.S. Attorney John Simmons said federal prosecutors might ask a higher court to let Long's conviction stand. Appealing the order for a new trial would take clearance from the U.S. Justice Department in Washington, Simmons said, and he'll ask today whether that's an option.

Elated but cautious, Long declined formal comment on the development, which might mean a chance to convince a new jury that he did nothing wrong when he accepted \$2,800 from a lobbyist, then discussed strategies for promoting legislation.

But Long told his attorney that he still thinks he'll be cleared.

If he is, he'd be only the second of 28 government figures to escape conviction on sting charges.

"I feel wonderful," Columbia attorney **Jack B. Swerling** said. "I can say that in all the cases I've handled in the past 18 years, this is the best news I've gotten. Bud Long is a dear friend, and I have strongly felt (all) along that he would never have been convicted if those tapes had not been introduced."

A new trial would cover only the charge that Long violated the Hobbs Act, which says public officials can't take money or gifts for performing official acts. And the disputed tapes could not be used, **Swerling** said.

Technically, they're what's called hearsay -- other people saying things about Long. They were included in the first trial under a narrow legal rule that allows hearsay evidence as background to help the jury understand what's going on.

But, in hindsight, Hawkins said there was plenty of other background available on the Legislature and the sting without risking a tainted trial.

In Charleston, former U.S. Attorney **Bart Daniel** said he was surprised and disappointed. Daniel has returned to private law practice since his staff prosecuted Long.

And in Greenville, ex-lobbyist **Ron Cobb** declined comment, saying it looks like he'll have to testify again.

"All I can say is that my testimony speaks for itself," Cobb said.

In six other sting trials, Cobb testified that he paid bribes and lawmakers knew it was intended to buy their votes. But Cobb testified at Long's trial that he never believed the senator knew he was being paid for legislative favors.

"I don't think Sen. Long should be here, and I don't think I should be testifying against him," Cobb testified in court.

In other reaction, Sen. **John Land**, D-Clarendon and one of Long's most faithful defenders in the Senate, urged the government to drop charges against Long rather than retry him.

"I think everyone in South Carolina knew that Bud Long was not guilty . . . but no one ever told the jury," Land said.

Other senators said Hawkins' decision took pressure off the Senate to expel Long in the wake of his criminal conviction.

"Somewhat of a vindication of Senate rules, wouldn't you say," said Sen. **Sam Stilwell**, R-Greenville. "On reflection, wouldn't it have been somewhat unfair to have forced him to give up his seat?"

Lt. Gov. **Nick Theodore**, who supports changing the Senate rules, said the judge's order "would substantiate the Senate's position at this time."

Long