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BRIBERY WASN'T LONG'S INTENT, COBB SAYS
Author: MARGARET N O'SHEA, Senior Writer

Article Text

The lobbyist who bribed lawmakers for the FBI in a State House sting said Tuesday that Honry Democrat J.M. "Bud" Long never should have been charged with taking an illegal payoff.

Over frenzied objections of prosecutors, who didn't want a federal jury to hear that claim, Ron Cobb testified that he'd told the government lawyers and the FBI that the senator's indictment was ill-conceived. "I didn't think what we were doing was right," he said.

Cobb said he'd known Long for years and was convinced that bribery never crossed Long's mind, even when the senator stuffed \$2,800 cash into his breast pocket and vowed to work for a gambling bill.

Over the past 16 months, Cobb has been the star witness against 26 other government figures who've been convicted or pleaded guilty to corruption or drug charges stemming from the sting. A 27th was acquitted despite his testimony.

But Cobb said he didn't feel right testifying against Long, whom he'd tried to bribe at the FBI's direction after the senator, deeply in debt, came to him with a tale of financial woe.

"I have strong concerns about this case," Cobb testified in a Columbia courtroom charged with tension. "I don't think Sen. Long should be here, and I don't think I should be here testifying against him."

Cobb had already dealt a serious blow to the federal case against Long when he testified Monday that he'd tried to follow the FBI's directions, but didn't make it clear that the cash he gave Long was an under-the-table payment for his legislative influence on a gambling bill.

Long was such an avid supporter of the bill that he wouldn't stop talking about it long

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enough for Cobb to lay the legal groundwork for a bribe, according to a secretly made videotape of the transaction.

Cobb, who cooperated with the sting to avoid state and federal cocaine charges, visibly shook with anger at times on the witness stand. And he told defense lawyer **Jack Swerling**. "Ever since this whole thing started, I have prided myself on telling the truth in this courtroom -- sometimes to my own disadvantage -- and that's what I did. That's what I said.

"I did my job as best I could, like the FBI told me. But that's my impression. I have real problems with why the senator is here and why I am here testifying against him."

Tuesday's events were a body slam to the flagging trial.

Unable to convince the judge to keep Cobb's revelation from the jury, government prosecutors delayed the testimony until their boss, U.S. Attorney Bart Daniel, could come to Columbia from Charleston to help them.

"If we lose this one, we'll lose it together," Daniel told reporters.

His impassioned courtroom style revitalized the prosecution, but not even Daniel could shake Cobb's latest testimony.

And his entry into the troubled trial intensified the bitter battle between prosecutors and defense lawyers.

Swerling accused Daniel of skirting court rules to salvage the trial. Daniel said the defense was trying to "tie the government's hands."

For the first time since the sting, dubbed Operation Lost Trust, began, Chief U.S. District Judge Falcon B. Hawkins pounded his gavel to silence the attorneys. "There will be no more screaming at me," Hawkins said with a stony glare. "I'm not hard of hearing. If there is any more shouting, I'll have the marshals take care of it."

Shouting erupted over the legal implications of Cobb's testimony. In previous trials, prosecutors have asked him to interpret liberally what accused conspirators understood about the cash he gave them and the promises he elicited. In Long's trial, they have avoided those questions to keep him from saying that he thinks Long is getting a raw deal.

But the judge said that government lawyers are now choking on their own words, which earlier convinced him that Cobb's interpretations should be heard in court.

In another dramatic move Tuesday, **Swerling** asked Hawkins to declare Long not guilty because prosecutors did not tell the defense about Cobb's reservations. Federal court rules require the prosecution to share any information that reflects favorably on the accused.

Hawkins denied that motion.

He delayed a decision on whether to dismiss the charges against Long, who is accused of conspiracy and extortion. **Swerling** said the government hadn't proved either charge and has no prayer of proof after Cobb's testimony.

Legally, there must be a "meeting of the minds" for a conspiracy to occur. Another federal court rule allows a judge to throw out a case if it's obvious the prosecution can't win.

Hawkins said that motion was premature.

Jurors did not hear those legal arguments, or the judge's response.

In other testimony Tuesday, FBI Agent Larry Bruns testified that Long lied when asked if he knew any lawmakers who'd received cash payments from lobbyists. Bruns said Long gave untruthful answers to every question asked him on July 18, 1990, when pairs of FBI agents fanned across the state to interview lawmakers who were unwitting targets in the sting.

Bruns said he and agent Don Myers visited Long together, telling him they were conducting a survey about "improprieties" that might have occurred in the legislative session just ended. He said that Long told them he had never received any cash payments from a lobbyist, and specifically had never received any over \$100.

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After Long answered the questions, Bruns said, he was handed a subpoena for his campaign records.

Under cross-examination, Bruns resisted defense efforts to characterize his approach to Long as a dishonest and deceptive ruse, since the senator did not know he was the target of an investigation. The agent said he saw nothing wrong with telling Long the FBI was conducting a survey, since "a survey can be part of an investigation."

"Everybody knows the FBI conducts investigations," he said.

Bruns said there was no effort to trick Long. "We asked him the questions we needed to ask," he said. "They weren't trick questions."

Swerling suggested that the word "payment" could have thrown Long off track, but Bruns insisted the senator had lied.

He admitted, however, that the other agent was the same Don Myers who had tried to run for solicitor in the judicial district that includes Horry County, but could not, because of a bill that Long introduced requiring solicitors to have law degrees.

Caption:
Ron Cobb, right, and attorney Stephen Schmutz leave court after testimony. Pam Royal / The State
Photo, color

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