

Maryland-U.S. 'Race' to Try Wallace Shooting Suspect Hit

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Arthur H. Bremer's attorney yesterday asked Prince George's County to give up in "a race to the courtroom" with federal authorities to be first in prosecuting the blond, 21-year-old Milwaukee busboy in the shooting of Alabama Gov. George C. Wallace.

"Such a contest between federal and state authorities will . . . harass severely the defendant," said appointed attorney Benjamin Lipsitz in papers filed yesterday in the county's Circuit Court.

He asked the county to put off its July 12 trial of Bremer because a state trial at that time will "foster and encourage a race to the courtroom . . . with the defendant as the stake or prize."

The papers clearly suggested that county authorities will have difficulty wresting custody of Bremer from the Federal Bureau of Investigation, which is holding him under close guard in the Baltimore under close guard in the Baltimore County jail in suburban Towson.

"He (Bremer) is not now in the custody or control of any officer or agency of . . . Prince George's County," the papers said.

County prosecutor Arthur A. Marshall Jr., however, said yesterday that Lipsitz' legal analysis is "completely wrong" and that all he has to do to get custody of Bremer is obtain a writ of habeas corpus.

26 Charges

Lipsitz said Bremer would have to be extradited from federal control by request of Maryland Gov. Marvin Mandel to U.S. Attorney General Richard Kleindienst.

On Md. Soil

Marshall contended this was not true because the suspect is already on Maryland soil. Extradition is reserved for getting a prisoner from one state to another, and there was no indication yesterday that Bremer would be moved out of Maryland.

"I don't care who tries him first," said Marshall. "We're not in a race."

However, Marshall is known to have been angered when FBI agents confronted him and seized custody of Bremer on May 15, the night he was

arrested and charged with shooting Wallace and three others in a Laurel, Md. shopping center.

It was learned from informed sources that the FBI acted that night on direct instructions from high federal authorities, possibly in the White House. The White House had had no comment on the matter, although federal authorities are known to want to demonstrate they can move quickly against assassins.

Marshall said yesterday he is moving ahead rapidly in the case by sending out summonses to witnesses this week. He said he had already obtained a key piece of evidence — television films of the shooting taken by a Columbia Broadcasting System crew.

Marshall also said he hopes Wallace himself will testify in the trial but that he would not issue a subpoena for the severely wounded governor, who lies paralyzed from the waist down in Holy Cross Hospital in Silver Spring.

"We'll give him an opportunity to appear, certainly," said Marshall. He added, "One thing we don't want (at the trial) is some sort of carnival."

Bremer is charged with 24 state crimes in the shooting of Wallace and three others, including attempted murder.

In federal court in Baltimore, he was charged with violating the civil rights of a presidential candidate, assaulting a federal officer, and illegally using and carrying a handgun in interstate commerce.

Marshall has worked closely with Chief Judge Ralph Powers of the Circuit Court in the county seat of Upper Marlboro in preparing for the Bremer trial.

Powers will decide June 21 the motions filed yesterday by Lipsitz. The motions ask that:

- The state trial be held after the federal trial.
- All the state charges against Bremer be dropped.
- The state prosecutor supply full and detailed information on the evidence against Bremer and the nature of the charges.

• Bremer be tried by a jury. Meanwhile, in Baltimore, a court-appointed psychiatrist had his first interview with

Bremer Tuesday and a federal judge set the trial date there for July 17.

Even though the July 17 date is after the July 12 date set in Prince George's, it was still unclear yesterday which trial would be first.

Insanity Plea

One factor that may delay the state trial is a possible plea of insanity by Bremer there. Such a plea would string out court proceedings by requiring psychiatric examinations.

Lipsitz indicated to U.S. Attorney George Beall in Baltimore that Bremer may use an insanity defense in the federal case, according to Beall. Lipsitz declined to comment.