

Judge Ignored Suspects' Rights In Bribery Case

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U.S. District Court Judge John H. Pratt ignored normal procedures designed to protect criminal suspects in ordering the arrests of two men in connection with alleged jury tampering attempts in the political corruption trial of Maryland Gov. Marvin Mandel.

It was learned yesterday that Charles Edward Neiswender was arrested by federal postal authorities in New Jersey last month and taken to Baltimore without being offered a hearing normally required to remove a suspect from one state to another.

Once Neiswender arrived in Baltimore, he was ordered to jail by Pratt under a \$1 million bond without a record being kept of the hearing as is customary and without a defense attorney present.

A source close to the incident said that in a secret hearing, attended only by federal agents, prosecutors and the judge, Neiswender waived his right to be represented by an attorney, and spent seven days in the Harford County Detention Center in Bel Air, Md. Later, his relatives convinced him that he was in serious trouble and got him to ask for a court-appointed lawyer.

A second man arrested in another alleged attempt to tamper with the jury in the Mandel trial also was taken before Judge Pratt, where, after a secret, off-the-record hearing, he was taken to jail before his attorney could get to the courthouse.

The attorney for Walter Weikers, Harold I. Glaser, reportedly arrived at the new federal courthouse last Monday night just as Pratt was leaving the building. Weikers, 67, of suburban Pikesville, is still being held in the Harford County Detention Center, under \$400,000 bail.

The normal process that occurs upon the arrest of a federal prisoner begins with an immediate hearing before the nearest U.S. magistrate. If the suspect is to be taken out-of-state, the magistrate conducts a release

hearing, at which the suspect can protest his transfer. An official record of all of the proceedings is made, and then placed in the files of the clerk of court, where the public may examine them. Apparently none of these safeguards occurred with the arrests of Neiswender and Weikers.

Several lawyers familiar with federal criminal procedures yesterday expressed outrage and disbelief at Pratt's actions. Two said the judge's actions were outright violations of the two suspects' constitutional rights, while two others said that Pratt had at best stretched the authority of a federal judge to the extreme limits.

The secret arrests and off-the-record hearings reportedly were ordered by Judge Pratt in the hope that the incidents could remain secret so that

See TRIAL, A15, Col. 1

Rights of Suspects In Jury Bribe Case Ignored by Judge

TRIAL, From A1

the jury would not have to be sequestered.

By 5:30 p.m. Wednesday, however, radio station WMAL reported that juror Oscar L. Sisen had been replaced because of a bribe offer allegedly made to him by Weikers, and by mid-evening, Pratt had ordered U.S. marshals to round up the 12 jurors and four remaining alternates and take them to the Lord Baltimore Hotel.

It was the first time since Pratt became a federal judge in 1968 that he had ordered a jury sequestered.

On Thursday, amidst vigorous appeals by lawyers for each of the five defendants that Pratt declare a mistrial, the judge questioned each of the remaining 16 jurors and alternates separately in efforts to determine if any of them had heard news reports of the attempted jury tampering.

During the secret, individualized questioning, Pratt learned that one of the alternates, Robert E. King, had been told by his wife about news reports of the jury tampering allegations when he arrived at his home in Silver Spring Wednesday night.

Before Pratt could question King, the alternate told another alternate, Sidney A. Bledsoe, so the judge dismissed both men.

It was learned that Pratt angrily denounced alternate juror King, who also had been involved in an earlier incident in which King admitted that he accidentally heard a news report about the trial on his car radio.

During Thursday's questioning, a source said Pratt told King he had "a big mouth," and called him "Typhoid Mary. You contaminate everything you touch."

Judge Pratt would not comment yesterday on any of the reports.

One source said Pratt justified the absence of an official court reporter at the two hearings by saying that his regular reporter was not available, and that it was necessary to proceed quickly with the hearings to preserve their secrecy.

After Neiswender requested it, he got a court-appointed lawyer, J. Frederick Motz of Baltimore. Motz declined last night to comment on the incident.

Neiswender was released from custody on Nov. 15 after assistant U.S. attorney Barnet D. Skolnik asked that the charge against Neiswender—obstruction of justice—be dropped.

It was understood that Neiswender was released because the government was unable to comply with the constitutional provision that guarantees defendants a speedy trial.

Upon his release, according to a source, Neiswender was told to go home to New Jersey and "keep your mouth shut."

Skolnik said Friday that Neiswender is "absolutely" under investigation.

Sources said Neiswender had been under investigation since Sept. 24. Using the alias Lee Anderson, Neiswender allegedly telephoned Mandel's lawyer, Arnold M. Weiner, and told him that for about \$15,000, he could arrange that the outcome of the trial could be favorable to the governor.

Weiner immediately alerted federal authorities, who initiated an undercover investigation. After watching Neiswender for more than a month, in attempts to learn if he were acting as a go-between for someone connected with the trial, postal inspectors arrested Neiswender on Nov. 5.

When Skolnik released the first official acknowledgement of the arrests of Neiswender and Weikers on Friday, he emphasized that investigators had found no evidence to connect either of the two alleged attempted obstructions of justice to any of the five defendants.

With the jury now sequestered under the watchful eyes of federal marshals, testimony in the trial will resume tomorrow.

Mandel and his codefendants, W. Dale Hess, brothers William A. and Harry W. Rodgers III and Ernest N. Cory Jr., are charged with the mail fraud and racketeering.