

# Tampering Suspect Cites 'Abuse' of His Rights, Asks Dismissal of Charge

1-25-77  
By Donald P. Baker  
Washington Post Staff Writer

BALTIMORE, Jan. 24—The attorney for Charles Edward Neiswender, one of two men charged with obstructing justice in the mistrial of political corruption charges against Maryland Gov. Marvin Mandel, asked today for dismissal of the charge against him because of "a pattern of calculated lawlessness" by the prosecution.

J. Frederick Motz, Neiswender's court-appointed attorney, said that "short of physical violence, it is difficult to imagine a more coercive abuse" of a defendant's rights than that which he claims accompanied Neiswender's secret arrest and imprisonment last November.

Motz said the rights of his client, a self-styled con man from Cinnaminson, N. J., "were intentionally violated" from the time of his arrest to his indictment.

The prosecutors "had bigger fish to fry," Motz said in papers filed in U.S. District Court here today. The prosecutors' "sole focus was on the trial of Gov. Marvin Mandel . . . They wanted to know if there in fact was a 'bad' juror whom Neiswender allegedly stated he could influence. They were prepared to obtain this information at any cost, including depriving Neiswender of the rights and procedural safeguards to which he was entitled. The prosecutors became myopic, and they lost vision of what is fundamental to our system of criminal justice," Motz wrote.

The arrest of Neiswender, 54, "does not even bear a faint resemblance" to proper procedures, Motz said.

The attorney said there was a "foreboding atmosphere" around the arrest of Neiswender outside of his home at 7:30 a.m. last Nov. 5. The three postal inspectors who arrested him did not tell Neiswender what he was charged with and did not permit him to talk to his wife, his attorney said.

Motz said Neiswender was driven 107 miles to Baltimore where he was taken before U.S. District Court Judge John H. Pratt. Neiswender was denied the right to make a phone call, does not recall being advised of his rights and was not allowed to contact a lawyer during five hours of questioning, Motz said.

Federal prosecutor Barnet D. Skolnik "made a vague, unsubstantiated allegation that Neiswender had access to substantial funds," and as a result Judge Pratt set bond at \$1 million, Motz said.

Skolnik said later in an affidavit that Neiswender had "direct Mafia" connections.

Neiswender was released after spending 10 days in the Harford County Detention Center but was re-arrested late last year after his indictment by a federal grand jury. He is scheduled to go on trial here Feb. 22.

The other person arrested in connection with the mistrial, Walter Weikers, a 67-year-old Pikesville furniture salesman, is scheduled to go to trial here next Monday.

The trial of Mandel and four of his codefendants, all of whom are charged with mail fraud and racketeering, was aborted Dec. 7 when several jurors learned of the alleged tampering attempts. The retrial is scheduled to begin here April 13.