



ARTHUR H. BREMER
... shot four people



JUDGE RALPH W. POWERS
... sentenced suspect

Md. Court Upholds Bremer Conviction

By Philip A. McCombs
Washington Post Staff Writer

The Maryland Court of Special Appeals yesterday upheld Arthur H. Bremer's conviction for shooting Alabama Gov. George C. Wallace and three others in a Laurel shopping center last year.

The Court denied Bremer a new trial and rejected his attorneys' arguments that Bremer's constitutional rights were violated by pretrial publicity and improper procedures during his week-long trial last summer.

Bremer's attorneys said yesterday they would study the 71-page Court opinion before deciding whether or not to take the case to the Court of Appeals, the state's highest tribunal.

A Prince George's County Circuit Court jury last summer found the former Milwaukee busboy guilty of shooting Wallace, Secret Service agent Nick Zarvos, Alabama trooper E. C. Dothard, and campaign worker Dora Thompson at a rally on May 15, 1972. Wallace was campaigning for the Democratic presidential nomination.

The shooting paralyzed Wallace from the waist down and restricted the active role he had planned for himself in the 1972 presidential campaign. He is still paralyzed and undergoing physical therapy. He will not be able to walk unassisted again, authorities say.

The jury found Bremer was sane when he shot Wallace. He had pleaded insanity and a series of psychiatrists testified that he was a schizophrenic and was in a mad frenzy at the time of the shooting.

In Bremer's now-famous diary, which was read at the trial, Bremer described his dreams of rising from obscurity to worldwide fame by assassinating the President. He

See BREMER, E2, Col. 1

BREMER, From E1
described how he stalked President Nixon, nearly missed killing him, and then turned to following Wallace.

Judge Ralph W. Powers sentenced Bremer to 33 years in prison. The sentence was later reduced to 23 years by a three-judge panel that called the original sentence "distortedly severe and harsh."

A spokesman for the Maryland State Penitentiary in Baltimore said yesterday that Bremer has been working in the prison printing shop for \$1 a day.

"He's a wrapper," said spokesman Bob Graham. "He wraps packages and things of the nature." Graham said Bremer reads all the newspapers to get his hands on.

He said Bremer was placed in protective custody for a time when there was a threat to his life inside the prison, but that he is now back among the general prison population.

During the evidence was taken in 1972 to establish that he (Bremer) carried a handgun on his person, and that he used it in the commis-

sion of crimes of violence," wrote Chief Judge Charles E. Orth in yesterday's opinion.

While affirming Bremer's right to appeal on 11 "technicalities" in the law and emphasizing the importance of such technicalities to a system of constitutional justice, the judges ruled against Bremer on every point:

- **Prejudicial pretrial publicity:** "Although the individual accused of crime has the right to a fair and impartial trial, the people have the right to know the facts concerning matters which affect them, and neither widespread and diverse methods of communicating such facts nor public knowledge of them necessarily derogates from a fair and impartial trial."

- **"For a trial to be precluded or long delayed because of the sheer enormity of the offense would result in anarchy or anarchy. The right to a fair trial and the right of a free press must be balanced, but with the realization that there is no war between the Constitution and common sense."**

- **Self-incrimination:** the court rejected arguments by Bremer's attorney, Benjamin Lipsitz, that the conviction should be overturned because it was unconstitutional for psychiatric evidence on Bremer's mental state to be used by the state to prove his guilt.

During the trial, prosecutors pressed one of Bremer's psychiatrists, Dr. Sheila H. Gray, to recount on the witness stand that Bremer told her that he fired his gun at Gov. Wallace.

"We believe that if the admission of (this testimony) was error it was harmless," wrote Orth.

- **Double jeopardy:** the Court rejected defense arguments that Bremer had been exposed to unconstitutional double jeopardy by being tried twice for the same crime. The defense argued in effect that this occurred because Bremer had been tried on traditional assault charges and also for assault under the handgun control law on the basis of the same set of facts.

The Court said that the legislature intended assault under the gun control statute to be different from other assault statutes.

Bremer has no automatic right to a second appeal hearing under Maryland law. He may appeal yesterday's opinion to the Court of Appeals, but that Court may choose not to consider the case.

In that instance, Bremer could attempt to appeal to the U.S. Supreme Court, which also may choose not to consider the case.