

Secret data dictated solitary

By SUE EMMONS

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NEW BRUNSWICK — Middlesex County Sheriff Joseph DeMarino was the lone witness yesterday at an administrative hearing designed to determine if JoAnne Chesimard's right to due process is violated by her solitary confinement status.

DeMarino defended the elaborate security precautions which surround Mrs. Chesimard, a reputed member of the Black Liberation Army who is accused of murdering one state trooper and wounding another in 1973.

Her lawyers contend she is denied her constitutional right to due process and should be returned to the general female population of the Middlesex County Workhouse, a minimum security institution where an inmate strike is now underway.

She is now the only woman confined to the Middlesex County Jail.

DeMarino said he relied on super secret intelligence data in making security arrangements. The data was compiled by the Federal Bureau of Investigation and the N.J. State Police, the sheriff said.

He refused to disclose the contents of the intelligence reports to David L. Ploshnick, a New Brunswick attorney who conducted the five-hour hearing yesterday.

"I won't even tell my own attorney," DeMarino said, gesturing toward Assistant Middlesex County Counsel James Convery. Mrs. Chesimard was represented by attorney Lewis Myers of the Black Lawyers Conference with both Lennox Hinds, executive director of the BLC, and her aunt, Evelyn Williams, who is also an attorney, present.

Ploshnick said his findings will be filed

with U.S. District Court Judge George Barlow by the Aug. 4 deadline imposed in the federal court. Judge Barlow had ordered the administrative hearing while determining that Mrs. Chesimard was not ill treated as the only woman confined to the Middlesex County Jail.

Under questioning — the bulk of it by Ploshnick — DeMarino conceded that the intelligence reports centering on the BLA may not be accurate. "... But if they're dreams I want to be a live dreamer; and she's going to be kept innocent and alive," the sheriff said. "Maybe we're wrong, but I'm going to take the risk."

Although claiming that she has railed against him on several occasions, DeMarino conceded, "JoAnne is not the same today as she was when she first came" into police custody.

He said no disciplinary complaints have

cell for Mrs. Chesimard

been filed against Mrs. Chesimard during her confinement in Middlesex County, which has been sporadic because of trials in other jurisdictions, because his officers "are instructed to take her abuse. We aren't going to allow any more hearings ... there have been enough."

DeMarino said Mrs. Chesimard may have mingled with other female prisoners when she was confined to Rikers Island in New York, but he pointed out that that facility "is just that ... an island. There's one way in and one way out."

In his opening remarks, Myers stressed that Mrs. Chesimard "is a pre-trial detainee. We are not talking about a prisoner convicted of a crime."

He said the decision to maintain Mrs. Chesimard in solitary confinement at the jail "must be justified by compelling necessity. There is a distinction between her rights and those of a convicted person."

Convery submitted a statement containing six reasons for her status as the sole woman in the county jail — all of which drew Myers' objections.

Convery cited the strike at the workhouse, which poses its own security problems, the frequent number of court appearances at which Mrs. Chesimard's attendance is required, including her trial which is slated to begin on Sept. 27, and the heavily-trafficked access routes between the workhouse and the courthouse.

He also stressed that the workhouse is a minimum security facility, numerous threats have been made against Mrs. Chesimard's life, and he cited her alleged status as a BLA leader.

Myers countered the last argument by commenting that his client is entitled to free speech under the U.S. Constitution. "The state may find that obnoxious and offensive but it is not a sufficient reason to keep her isolated," he said.



JOSEPH DEMARINO
Relied on 'secret' data

Ploshnick will also consider a transcript of a radio broadcast smuggled out of the workhouse when Mrs. Chesimard was confined there in the summer of 1973 in which she advocated violence against the government; and a N.Y. Supreme Court decision which adjudged her a high security risk and was upheld in an appeal proceeding.

DeMarino said a background check on Mrs. Chesimard immediately after the shoot-out on the N.J. Turnpike in East Brunswick on May 2, 1973, revealed her BLA connections. "They called her the queen of the Black Liberation Army," he said.

The sheriff said there had been threats from among the inmates against Mrs. Chesimard, but he was unable to enumerate how recent any of the threats were. Myers contended the remoteness of the



JOANNE CHESIMARD
Smoked and smiled

DeMarino also attributed an increase in bomb threats and false fire alarms at the county complex to Mrs. Chesimard's presence in the jail. He said she precipitated an incident at the workhouse when she was confined there in the summer of 1973.

DeMarino agreed, however, that her attorney's request to permit conferences, which included Clark Squire, was instrumental in her being moved to the specially constructed cell at the jail. Squire is serving a term of life plus 24-to-30 years in state prison for the killing of Trooper Werner Foerster and the wounding of Trooper James Harper in the turnpike incident.

Throughout the hearing yesterday, Mrs. Chesimard smoked, giggled and smiled as DeMarino enumerated his reasons for keeping her at the jail. The smoking was curtailed midway in the proceeding when a sheriff's officer ordered that it cease.