

Mrs. Chesimard drops plan to testify in

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Rebuffed in her attempt to avoid cross-examination, Jo-Anne D. Chesimard decided yesterday against testifying in a federal court action attempting to remove her from a solitary cell at the Middlesex County Jail.

The upshot of the 28-year-old black militant's decision was

that U.S. District Court Judge George Barlow took no testimony in the case.

Instead, Barlow inspected Mrs. Chesimard's oversized cell in the basement of the jail and then went to the Middlesex County Workhouse in North Brunswick where Mrs. Chesimard wants to be confined.

Barlow, who had driven to New Brunswick so that he could listen to Mrs. Chesimard at the Middlesex County Courthouse

instead of having her transported to the federal courthouse in Trenton, set no date for the next session.

The National Committee of Black Lawyers (NCBL), which filed the civil rights suit, is charging Mrs. Chesimard's constitutional rights are being violated because she is being held in a solitary cell and denied such privileges as exercise, recreation and television.

Earlier in the month, Barlow

indicated he wanted to hear from Mrs. Chesimard since claims by the NCBL had been disputed by Sheriff Joseph DeMarino, a defendant in the suit with Middlesex County.

Jury selection in Mrs. Chesimard's trial on multiple charges, including murder, is scheduled to begin Monday. But veteran courthouse observers doubt seriously the trial will start then.

Mrs. Chesimard is charged

with the killing of Trooper Werner Foerster and with the attempted murder and wounding of Trooper James Harper during a gun battle on the East Brunswick section of the N.J. Turnpike on May 2, 1973.

Legal arguments on Mrs. Chesimard's attempt to limit cross-examination were made before Barlow in his temporary chambers — actually those of Superior Court Judge Charles M. Morris Jr.

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cell-shift bid

Lennox S. Hinds and Lewis Myers, NCBL attorneys, argued that Assistant County Counsel James Convery should not be allowed to interrogate Mrs. Chesimard on any matters related to the charges pending against her.

Convery disagreed, contending the county should not be precluded from any area of interrogation once Mrs. Chesimard took the witness stand.

The judge agreed, noting

Mrs. Chesimard was the plaintiff in a civil proceeding and could not avoid answering questions by claiming the privileges of the Fifth Amendment.

Barlow said if Mrs. Chesimard did try to invoke such constitutional privileges, he would strike all testimony she gave on direct examination.

Mrs. Chesimard's lawyers indicated they might appeal Barlow's ruling to the Third Circuit of the U.S. Court of Appeals.