

Chesimard case

Hearing date scheduled

By SUE EMMONS

News Tribune staff writer

NEW BRUNSWICK — An administrative hearing on the solitary confinement status of Joanne Chesimard has been scheduled for July 27 before David L. Ploshnick, a New Brunswick attorney.

Superior Court Judge Herman Breikopf, acting assignment judge for Middlesex County, recommended the appointment of Ploshnick as an impartial hearing officer. Under terms of a decision last week by U.S. District Court Judge George Barlow, an administrative hearing was to be held within 20 days on Mrs. Chesimard's claim that her right to due process is being violated by her solitary status in the county jail.

James B. Convery, assistant Middlesex County counsel, said it would be determined on Tuesday whether the hearing will be an open or closed session. It will be held in a courtroom at the Middlesex County Court House.

Attorney Lewis Myers Jr., one of Mrs. Chesimard's defense lawyers, was critical of the selection of Ploshnick yesterday because no one from the defense side had been consulted about the qualifications of a hearing officer. Myers said no immediate objection was being raised to Ploshnick's selection, but it was possible some protest could be made when the hearing actually convenes.

Myers, who is on the staff of the National Conference of Black Lawyers, said it is extremely important that Mrs. Chesimard be returned to the general jail popula-

tion.

"Our psychiatrist testified at the federal court hearing that she is not now suffering from severe mental disorders as a result of her confinement, but did say that a continuation could lead to such disorders," Myers said.

He revealed that the present prevailing opinion among the four defense lawyers is that Mrs. Chesimard will testify in her own behalf at her trial that begins on Sept. 27. She is accused of the murder of State Trooper Werner Foerster, of Old Bridge, the wounding of Trooper James Harper of Freehold, and multiple other related offenses on the N.J. Turnpike in East Brunswick on May 2, 1973.

"It is of extraordinary importance that she be able to intelligently explain the circumstances surrounding the incident on the turnpike," Myers said.

He also said that an appeal of Judge Barlow's federal court ruling has not been ruled out, but said no immediate decision has been reached. Although ordering an administrative hearing on Mrs. Chesimard's solitary confinement status, Judge Barlow found she was not ill treated.

Myers said it was his personal opinion, as an attorney involved in civil rights cases for the past five years, that Mrs. Chesimard should have been returned to the general female population at the Middlesex County Workhouse pending the outcome of the hearing.

The lawyer said that representatives of the state, in particular Sheriff Joseph DeMarino, have "used her past association

with the Black Liberation Army . . . as an excuse . . . but the fact is there have been no threats against her life for the past 18 months.

"She has been a model prisoner and there has been no disciplinary action against her since January when she was returned to the jail here," Myers said.

"New Jersey continually relies upon incidents of mass hysteria at the time of her arrest to justify confinement today," he added.

Myers also revealed that the defense will file motions seeking meetings between Mrs. Chesimard and members of the press and will again request a change of venue from Middlesex County.

"We contend refusal of officials to permit Mrs. Chesimard to be interviewed is a denial of her First Amendment rights," Myers said. "It is important that she be permitted to address members of the press . . . she is not a convicted felon; she is a pretrial confinee."

The new effort to change the venue of Mrs. Chesimard's trial will be based on a survey of the Middlesex County community by college students, the New Brunswick Defense Committee for Joanne Chesimard, and the National Jury Project in New York City.

"Preliminary findings seem to support our position for a change of venue," Myers said, but did not elaborate. He said the defense preference was for a switch to Essex County where "she would have a greater opportunity for a jury of her peers."

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