

RUFUS COUNCIL: Residence, 1 Prince Street. Gun shot wound. Investigation pending.

ROBERT LEE MARTIN: Residence, 24 W. Market Street. Gun shot wound. Investigation pending.

RALPH HAWK: Residence, 103 Spruce Street. Age 24. Gun shot wound. Investigation pending.

ROSE ABRAHAM: Residence, 42 Blum Street. Age 45. Gun shot wound. Investigation pending.

ELIZABETH ARTIS: Age 65. Investigation pending. Heart Attack.

HATTIE GAINOR: Residence, 302 Hunterdon Street. Age 53. Gun shot wound.

ELOISE SPELLMAN: Residence, 322 Hunterdon Street. Gun shot wound. Investigation pending.

OSCAR CURTIS: Residence, 497 Belmont Avenue. Identified by wife, Agnes, of 876 S. 19th Street. Gun shot wound. Investigation pending.

**Panel to Get
SEP 28 1967
Riot Plea**

**3 U.S. Judges Will
Rule on ACLU Bid
to End Prosecution**

Chief Judge Austin Staley of the Third Circuit Court of Appeals yesterday named a three-judge panel to rule on a petition seeking to halt prosecution of the Newark riot cases.

Presiding at the hearing Oct. 6 in the Newark Federal Court-house will be Judge Gerald McLaughlin of the Third Circuit Court of Appeals and District Court Judges Anthony T. Augelli and Reynier J. Wortendyke.

Trials started Monday in Essex County Court on criminal charges stemming from five days of rioting in Newark last July. An estimated 300 defendants charged mainly with looting and weapons violations are expected to stand trial in the county courts. Charges against approximately 500 more defendants have been or will be reduced to disorderly persons violations for hearings in Municipal Court.

Discrimination Claimed

The charges have been challenged as discriminatory against Negroes and unconstitutional, in a civil suit filed last Friday in U.S. District Court.

The American Civil Liberties Union said in a publicity release that the suit, listing 13 Negroes as plaintiffs, was filed in behalf of Negroes as a class by its New Jersey Branch, the National Association for the Advancement of Colored People, the Law Center for Constitutional Rights and the Roger Baldwin Foundation of the CLU.

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Group Suing Police Is Asked for Facts

AUG 29 1967

Newark took legal steps yesterday to call in 17 Negroes who have filed suit against the Police Department and ask them to produce facts to substantiate their charges.

Corporation Counsel Norman N. Schiff served notice in Federal Court that he will take oral depositions from the 17 plaintiffs in his City Hall office on Sept. 11.

At the same time, Schiff filed with the court a general denial in answer to the suit filed last week asking the Federal Court to appoint a receiver to operate the department. The suit charged the department was responsible for keeping Negroes in "second class status."

Schiff had indicated last week

that he might move to have the court dismiss the suit on technical grounds that it did not constitute proper "class action" by the Negroes of Newark.

However, Schiff asserted yesterday that the case should be decided on the facts, not a technicality.

As a result, Schiff filed the depositions notice with the court and served notice on the attorneys to produce the 17 plaintiffs in his office to take depositions.

"We are moving quickly to pursue the discovery procedure permitted by Federal Court rules to inquire into what facts—if any—are the basis for the allegations," Schiff declared.

Under deposition procedures,

the plaintiffs are compelled to appear and testify under oath to questions put by opposing lawyers.

Schiff has said he wants the plaintiffs to back their charges with events, places, persons and dates.

The 17 plaintiffs include nine clergymen, local CORE leaders and indigent persons.

They are represented by 22 attorneys for the American Civil Liberties Union, the National Association for the Advancement of Colored People, the Newark Legal Services Project (an antipoverty agency), the Law Center for Constitutional Rights and the Scholarship, Education and Defense Fund for Racial Equality.

The Newark local of the Patrolmen's Benevolent Association in a statement labeled the suit "disgraceful." Terming the action one of "legal maneuvering," the association called it an attempt to discredit law enforcement and an "insult" to Newark's 1,400 police officers.

The statement issued by Anthony Giuliano, president of the local, said the organization expects to file criminal and civil charges against all groups and individuals involved in the suit. The PBA has received hundreds of phone calls and letters condemning the suit, Giuliano said.

"TO THE EDITOR"—Don't miss the letters from readers on the editorial page!