

# Riot Trials Opening in Face of Appeals

Trials for 800 defendants arrested during Newark's riot are scheduled to begin tomorrow in Essex County Court, but Prosecutor Brendan T. Byrne faces a hearing Oct. 6 to show cause why he shouldn't be restrained from prosecuting the cases.

At the hearing, a three-judge panel will sit on a case resulting from a petition filed in behalf of 13 Negro plaintiffs urging the court to halt the prosecution of the criminal cases because of alleged racial discrimination against Negroes and violations of their constitutional rights.

U. S. District Court Judge Reynier J. Wortendyke Jr. Friday granted an order in behalf of the plaintiffs in the suit directing Byrne to show cause. An application made at the same time for a temporary injunction to prevent the trials pending the hearing was denied.

## Filed by Several

The suit was filed for Negroes as a class by the New Jersey branch of the American Civil Liberties Union, the National Association for the Advancement of Colored People, the Law Center for Constitutional Rights and the Roger Baldwin Foundation of the ACLU.

The suit seeks a permanent injunction to bar prosecution of indictments returned by two Essex grand juries between July 12 and July 27. The suit also seeks to bar re-indictments by any other county grand juries

unless those panels are "truly representative of the entire adult population of Essex County."

The suit charged that two grand juries which handed up more than 500 riot indictments did not have a representative number of Negroes.

The complaint also charged that because of the great number of indictments returned by the grand juries, defense lawyers assigned to the cases have not had sufficient time to provide all the necessary legal assistance. Byrne, the com-

plaint alleged, nevertheless is "insisting upon immediate trials."

## To Ask Delays

It is expected that many of the defense attorneys will ask for postponement of trials for their clients tomorrow pending an outcome of the show-cause hearing.

Other major allegations in the suit contend that:

Grand jurors were required to take an allegedly unconstitutional oath disavowing the violent overthrow of the government.

Massive pretrial publicity and statements by public officials prejudiced the rights of those arrested to a fair grand jury hearing and to a fair trial.

There has been discriminatory and hasty enforcement of the law against Negroes.