

## CONVICTED SLAYER GETS A NEW TRIAL

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### Judge Rules Man Jailed in '65 Had Rights Violated

By ARNOLD H. LUBASCH

A Federal judge has ruled that a Bronx man in prison almost 10 years for murder must be released or given a new trial within 60 days on the ground that the police obtained his confession with severe beatings and "a pattern of lawlessness which shocks the conscience."

This decision was issued yesterday by Judge Constance Baker Motley in Federal District Court here in the case of 34-year-old Arthur Barber, who is serving a life sentence for the murder of Elijah Williams, a neighborhood numbers runner, in 1965.

Mr. Barber, whose conviction was affirmed by the state's highest courts in a lengthy appeals process, petitioned the Federal court for his release contending that the police had violated his constitutional rights in coercing him to confess.

In her 20-page decision, Judge Motley granted the petition, ruling that the police actions had been "so offensive as to constitute violations of Barber's constitutional right of due process."

Judge Motley declared that the police had seized Mr. Barber on Dec. 19, 1965, without probable cause for a legal arrest, questioned him for an extended period before arraignment, refused to allow him to call a lawyer, failed to advise him of his right to remain silent and searched an apartment for the murder gun without a warrant, in addition to beating Mr. Barber.

The judge said that she would stay her order for the release of Mr. Barber, however, if the state authorities filed a prompt appeal of her decision.

Spokesmen for the State Attorney General, the Bronx District Attorney and the city Police Department said that they could not comment on the decision because they had not yet received it.

The judge said that the police had denied beating Mr. Barber, but the "brutal treatment" was supported by medical reports, court documents and witnesses.