



1 Million Asked for Plainfield Searches Red Light Sought for Busing Law

The raid of Negro homes in Plainfield, N. J. in search of 46 semi-automatic rifles allegedly stolen from the Plainfield Machine Company on July 16 is being contested by the ACLU.

In a suit filed in Federal District Court on behalf of 66 Negroes, the CLU asked the court to enjoin further searches without lawful warrants. The suit also seeks \$1 million damages. Named as defendants are Gov. Richard Hughes, Colonel David B. Kelley of the State Police, James F. Cantwell of the National Guard and Plainfield Police Chief Milford Payne.

The searches were conducted after the Governor declared a state of emergency. The Union maintains that the searchers destroyed property and abused and embarrassed the Negro residents. After the state of emergency was suspended, the searches were continued but with defective warrants.

The suit will challenge the right of the Governor and his subordinates ever to suspend the guarantees of the Fourth Amendment of the United States Constitution as well as the necessity for these particular searches and the manner in which they were carried out.

The Fourth Amendment to the United States Constitution protects citizens homes "against unreasonable searches and seizures" and provides that "no warrants shall issue but upon probable cause . . . particularly describing the place to be searched and the things to be seized."

The ACLU contends that both the warrantless searches of July 17th and 19th and the subsequent searches with warrants are

(continued on page 3)

"Under Precedent Established by King George III We Are Hereby Granted The Right to Forcible Search and Seizure..."



1967 Washington Post

The American Civil Liberties Union has filed a suit challenging the constitutionality of the New Jersey busing law which provides transportation for parochial school students.

Plaintiffs in the suit are the Teaneck Board of Education in Bergen County, five Teaneck board members, Henry A. McCanna, Dorothy Belle Pollack, A. Milton Bell, Lamar Jones and Boris S. Bierstein, and three taxpayers, Mrs. Shirley Yost of Closter, Dr. Peter E. Stokes and Mrs. Marjorie A. Stokes of River Vale. The suit was filed in the Superior Court in Bergen County.

The complaint names as defendants State Attorney General Arthur J. Sills, Commissioner of Education Carl L. Marburger, the New Jersey State Board of Education, Budget Director Abram A. Vermeulen, State Treasurer John A. Kervick, Bergen School Superintendent Archie F. Hay, Jr., and the Boards of Education for Closter, River Vale, and Pascack Valley Regional School District.

The busing law, enacted in the 1967 legislature over the protest of numerous public education groups requires public school boards at an estimated cost of \$8 million dollars per year to bus students attending non-public schools for distances up to 20 miles.

The school board in the lawsuit asks for

(continued on page 6)

Theatre Party to Benefit ACLU

The ACLU of N. J. will hold its first theatre party on *Friday, Nov. 3*. The smash London hit "Rosencrantz and Guildenstern Are Dead" which will open at the Alvin Theatre on Oct. 11 has been selected.

The N. Y. Times calls this play "undoubtedly the most significant dramatic discovery of the London season." Harold Clurman of the Nation terms it "London's sensational play. A comedy, it is gratifyingly literate, frequently witty and altogether intelligent." *There will be no mailing. Tickets should be ordered through newsletter.*

TICKET ORDER

Please fill out this form and send to
AMERICAN CIVIL LIBERTIES UNION
45 Academy Street, Newark, N. J. 07102

Name

Address

Please send me the following tickets for "Rosencrantz and Guildenstern":

Here is my check for \$..... made out to ACLU.

- | | | | |
|-----------------|-------|---------------------|-------|
| Orchestra | 13.00 | Front Balcony | 10.00 |
| Mezzanine | 12.00 | Balcony | 9.00 |
| | | Balcony | 7.50 |

Dissent During Wartime

by Sheldon Hackney
Assistant Professor of History
Princeton University

"Once lead this people to war," said Woodrow Wilson in 1917, "and they'll forget there ever was such a thing as tolerance. To fight you must be brutal and ruthless, and the spirit of ruthless brutality will enter into the very fibre of our national life, infecting Congress, the courts, the policeman on the beat, the man in the street."

Dissent during war has always been a hazardous occupation. During the American Revolution, many Tories were physically harassed and socially ostracized. Some were actually driven into exile, their property confiscated. During the War of 1812, dissent was massive, but because it was massive and because it was concentrated in one section of the country (New England), critics suffered relatively little harassment. During the Mexican War, dissent was fairly widespread. Everyone knows, of course, that Henry David Thoreau went to jail for refusing to pay his taxes, but Thoreau was by no means alone in his protest.

The Civil War was attended by the inevitable surge of patriotism. "There can be no neutrals in this war," said Stephen Douglas, "only patriots — or traitors." By his definition, traitors existed in great profusion: there were draft riots in New York and in the Midwest; federal troops were assaulted by mobs in Baltimore and St. Louis; pro-Southern legislatures were elected in Indiana and Illinois; and constant Congressional criticism bombarded the President. In 1864 the Democrats won 45% of the vote on a platform that hinted at appeasing the South.

Lincoln reacted more mildly than he might have, but he did stray considerably from libertarian standards. Among other things, he suspended the right of habeas corpus and tried civilians in military courts where the civilian courts were still functioning. Fortunately, the Civil War statutes punishing conspiracies to obstruct the war effort were ineffective and the federal courts eventually corrected the lingering effects of Lincoln's suppression of civil liberties.

The Spanish-American War happened too fast for dissent to become vocal, but anti-imperialist, pacifist, and isolationist sentiment was mobilized on a massive scale against President McKinley's and President Roosevelt's policy of suppressing the Philippine Insurrection. The names of prominent Americans who protested against this brutal episode in counterinsurgency would look very peculiar on a list of disloyal or subversive Americans: Mark Twain, William James, Carl Schurz, Samuel Gompers, E. L. Godkin, Felix Adler, Jane Addams, David Starr Jordan, Andrew Carnegie, and William Jennings Bryan.

During World War I, there were approximately 4,000 conscientious objectors. Of these, some 1,300 accepted noncombatant military duty, 1,200 received furloughs to do farm work, 100 were allowed to do Quaker

(continued on page 4)

Three Test Law on Military Views

Two Bergen County ministers and a housewife have asked the Federal Court to prevent County Prosecutor Guy W. Calissi from enforcing a state law which makes it a crime to advocate that citizens should not serve in the armed forces or assist the United States in a war against its enemies.

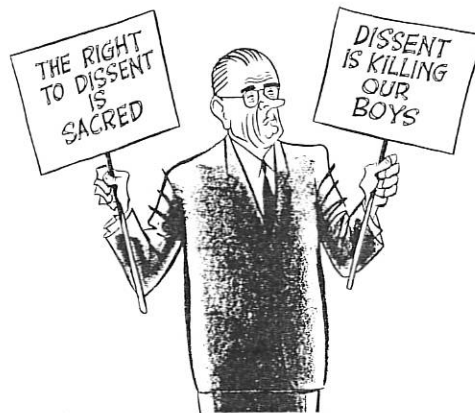
On May 25, Calissi made a speech to the Bergen County Grand Jurors Association in which he pointed out the existence of the statute and threatened to invoke it against persons who advocate opposition to the draft and military service. Anyone found guilty under this state statute which was adopted in 1918 can be sent to jail for seven years.

The Reverends Charles Straut and Ivan Backer, both of East Rutherford, and Mrs. Dorothy Mock of Ho-Ho-Kus ask the court to decide the statute's constitutionality.

In papers filed in Federal Court, the ACLU said that the existence of such a law has a "chilling effect" on the rights of free speech guaranteed by the U. S. Constitution.

Since the suit seeks an injunction against the enforcement of a state statute, the plaintiffs ask that a three-judge court be convened to hear the case pursuant to federal law. Either side may appeal directly to the U. S. Supreme Court from the decision of such a three-judge court. According to the complaint, the Rev. Straut and Mrs. Mock actively advocate ideas violative of the statute and they state that they have a federally protected right to engage in such advocacy without fear of prosecution. The Rev. Backer states that he is morally opposed to civil disobedience and therefore as long as the New Jersey law remains on the books he is deterred from exercising rights under the First Amendment.

Frank Askin, a Rutgers Law School Professor is handling the suit for the ACLU.



UNDER TWO FLAGS

by Pierotti, N. Y. Post

Police Shutterbugs Hit by Federal Suit

NJACLU filed a suit in Federal Court to prohibit police from photographing anti-war demonstrators. The suit was filed on behalf of the Rev. Robert Oberkehr, a Lutheran minister and a leader in the South Jersey Peace Movement.

It names as defendants Camden Director of Public Safety Keith Kauffman and Camden Police Chief Harry Melleby.

The complaint alleges that the Camden police photographed Rev. Oberkehr and eight others as they were boarding a bus destined for New York for the Spring Mobilization on April 15. It also claims police took photographs of five students picketing a speech by a U. S. Army spokesman at Rutgers University in Camden on April 19. The suit intends to establish as a constitutional right, the freedom of peaceful demonstrators not to be harassed by being photographed by police departments throughout the country. ACLU will urge the court to decide that police photographing makes it appear that demonstrating is a criminal activity and thus deters persons from exercising First Amendment rights.

(continued on page 3)

Vol. 3, No. 3

October, 1967

Published by the
AMERICAN CIVIL LIBERTIES UNION
OF NEW JERSEY

45 Academy Street, Newark
Telephone: 201 — 642-2084

Subscription by membership; \$6, \$10, \$25 and up, of which 25¢ is for one year's subscription.

Ramona Ripston, Editor

Teacher's Loyalty Oath Scuttled

A threatened ACLU lawsuit precipitated Attorney General Arthur J. Sills into issuing a press release on July 14, announcing he would render an advisory opinion declaring the state teacher's disclaimer loyalty oath unconstitutional.

ACLU volunteer attorney Frank Askin and Board Member Emerson Darnell advised the Attorney General's office at 9:30 a.m. they would move in Federal Court the next morning to seek the appointment of Ronald G. Mosier, a mathematics professor, to a teaching post at Glassboro State College. Mosier had first been "appointed" and then had been advised by Glassboro President Thomas Robinson that the "offer" has been withdrawn because he had failed to execute the oath. At 4:00 p.m. Sills' office issued a press statement promising the advisory opinion the following week. No opinion has yet been issued, but ACLU has learned that teachers who decline to sign the disclaimer oath are now being hired.

The positive portion of the oath, affirming support of the state and federal constitutions, will remain, and because ACLU could not promise Mosier early court relief on this issue, the professor accepted an alternative post at a Canadian university.

Shutterbugs Hit

(continued from page 2)

Rutgers Law Professors Arthur Frakt, Arthur Spector and Gerald Abrams are representing the plaintiffs for ACLU.

Ramona Ripston resigned on July 1 as Assistant Director of the NJACLU to take up full time duties as Director of Press Relations for the national office of ACLU.

CLU Seeks Reform of Newark P. D.

The American Civil Liberties Union on behalf of 16 Negroes has asked the Federal Courts to take over the Newark Police Department until it can be reformed.

In this novel suit filed in the United States District Court in Newark the ACLU charged there is a long and continuing pattern of police brutality in Newark which the defendants "either ratify" or "have so lost control over the conduct, practices and policies of their employees and agents, the Newark Police Department and its individual members, as to make effective law enforcement impossible." Defendants are Hugh Addonizio, Mayor of Newark, Dominick Spina, Director of the Department of Law and Public Safety and Oliver Kelly, Newark's Chief of Police.

The complaint also charges that the Newark Police Department is responsible for a systematic pattern of intimidation and humiliation of Negroes and that during the five days of violence in July the police in concert with some members of the National Guard and State Police intensified the violence and intimidation.

The 16 plaintiffs ask that the Department be placed in receivership and that a special

"master" be appointed with full administrative power over its affairs. In addition they ask that the defendants be enjoined from allowing such alleged acts of brutality as beatings, intimidation, use of racial epithets and derogatory language, compiling dossiers on civil rights leaders, and refusal to arrest policemen who commit crimes against Negroes.

The resort to the Federal Courts is based on Reconstruction legislation passed after the Civil War. That law provides for civil action at the Federal level where local officials violate the civil rights of an individual or class. ACLU State Director, Henry di Suvero, in announcing the suit said, "The Federal remedy was sought because there is no legitimate machinery for police brutality complaints in Newark, and state courts have been hostile to actions against policemen."

In addition to the NJACLU cooperating attorneys Irvin Booker, Irvin L. Solondz, Frank Askin, Robert A. Carter and Barney McHenry, plaintiffs are being represented by attorneys for the NAACP, the Newark Legal Services Project, the Law Center for Constitutional Rights and the Scholarship, Education, and Defense Fund for Racial Equality.

Plainfield Searches

(continued from page 1)

unconstitutional invasions of the plaintiffs' rights.

"While there are a limited number of emergency situations in which searches without warrants are permitted," the ACLU contends, "they involve situations where there is not time to secure a valid search warrant."

"Furthermore," continued the ACLU, "we can think of no situation which would justify the mass searches which were carried out on July 19. Police just can't invade the homes of hundreds of innocent people in the belief that one of them might have stolen goods. This was precisely why our forefathers adopted the Fourth Amendment in the first place. It was just such mass searches by the British crown prior to the American Revolution that made our forebears wary of unlimited police searches."

The suit also alleges that the searches, directed at and limited to the Negro section of Plainfield, constituted a denial of equal protection of the laws to the plaintiffs' class. Henry di Suvero, Executive Director said: "it's as if police were to search the homes of every Italian family in Newark because they

suspected that the Mafia had stored stolen goods in one of them."

Just this last June, the United States Supreme Court handed down a decision which said: "Public interest would hardly justify a sweeping search of an entire city conducted in the hope that (stolen) goods might be found. A search for these goods, even with a warrant is 'reasonable' only when there is 'probable cause' to believe that they will be uncovered 'in a particular dwelling.'"

The ACLU will also argue that the subsequent searches with warrants were invalid because the warrants were too broad and vague and were not restricted to the search of one particular place where there was probable cause to believe contraband might be found.

In addition to the ACLU, the suit is being sponsored by the Plainfield branch of the NAACP, the American Jewish Congress, the Scholarship, Education and Defense Fund for Racial Equality and the Law Center for Constitutional Rights. Attorneys for the Union are William Wright, Robert Knowlton, George Mutnik, Alan McPherson, Frank Askin, Emerson Darnell, John de J. Pember-ton, Leonard I. Weinglass, and Melvin Wulf.

ACLU PICKET LINE SUPPORTS

In Service C. O.

The ACLU at press time is defending Pvt. David Brown who is being court-martialed for failure to obey a commanding officer's order to don his uniform. Brown's failure to comply with the order is based on the Army's refusal to grant his discharge as a conscientious objector.



NJACLU picket line at Ft. Dix in support of Pvt. David Brown drew counter demonstrators.

David Brown, a life long devout Methodist, became convinced after two weeks of basic training that he was a conscientious objector. He applied for separation from the service on those grounds and was denied. When he refused to pick up a weapon he was sent to the Ft. Dix stockade. The ACLU commenced an action in his behalf in Federal District Court and that case is now pending before the U. S. Court of Appeals for the Third Circuit. Although the C.O. petition failed, Brown's superior officers advised him to reapply for C.O. status. When his second application was turned down, Brown was ordered into uniform. When he refused he was sent to solitary confinement where he fasted for more than 3 weeks. He was then hospitalized where he stayed until the court martial proceedings began.

The Army by its own regulations recognizes the right of individuals to become C.O.'s after induction.

The ACLU contends the denial of the C.O. claim was arbitrary. Brown met all the C.O. criteria, the brief says, and the Army presented no evidence to dispute his claim. Rather the Army based its decision on suspicion.

Despite Brown's "copious and uncontroverted evidence . . . that his beliefs were rooted in religious training and belief," the Army held that "his beliefs, though sincere are based on contacts he has had with pacifistic organizations and individuals rather than on religious convictions."

Emerson Darnell, South Jersey ACLU co-operating attorney and Melvin Wulf and Eleanor Norton of the ACLU legal staff are representing Pvt. Brown.

Dissent During Wartime (continued from page 2)

war relief work in France, and 500 were court-martialed and convicted. In view of the fact that 24,000,000 young men submitted to registration, it can scarcely be said that opposition to conscription posed a serious threat to the government's war efforts. Among the conscientious objectors in 1917 was Roger Baldwin who later became the first president of the American Civil Liberties Union.

The government's reaction to dissent in the first World War was as harsh as Wilson had predicted. The Committee on Public Information not only secured an effective policy of voluntary censorship from the news media, but distributed propaganda that made every work stoppage seem treasonous and every dissenter unpatriotic. The Postmaster General denied the use of the mails to twenty-two socialist papers as well as to German-American and Irish-American periodicals. In addition to the private acts of coercion perpetrated by local vigilante groups, the federal government added four significant pieces of dissent-control legislation: the Espionage Act, the Trading-with-the-Enemy Act, the Sabotage Act, and the Sedition Act. The government was equipped with more statutory authority to punish dissent than ever before or since. Fortunately, the Sedition Act and the Sabotage Act were neither used nor tested in court.

The other two acts were heavily used, however. The Justice Department arrested 1,532 persons for disloyal language. The most famous of these cases was the arrest, conviction, and imprisonment of Eugene Debs for a seditious anti-war speech which violated the Espionage Act. He was pardoned in 1921 by President Harding. The Department of Justice pursued a policy of harassment against organizations like the Socialist Party and the International Workers of the World. Perhaps the most significant case to arise under the Espionage Act was the Schenk case in which Justice Oliver Wendell Holmes argued that the government could suppress utterances only if there was a "clear and present danger" that they would lead to acts that Congress had the power to control.

World War II was a calmer time for dissenters. There were not so many of them, and most were religious pacifists. The conscription law provided for an alternative to military service in Civilian Public Service Camps, and German-Americans and Italian

Americans were not subjected to severe persecution.

The great and tragic exception to this atmosphere of tolerance was the uprooting and internment of 100,000 Japanese-Americans, an act that can be justified neither by law nor necessity. A few native Americans suspected of fascist sympathies were denied access to the mails and late in the war an unsuccessful attempt was made to convict some domestic fascists of sedition, but civil liberties were much more respected than during World War I.

Today, the war in Vietnam boasts the most distinguished array of critics — both qualitatively and quantitatively — since the Philippine Insurrection, and governmental incursions upon individual civil liberties have so far been relatively mild. But increasing evidence points to the possibility that as America's role in the war grows, less tolerance will be shown toward dissenters. Though President Johnson has continued to insist on the one hand that dissenters have a right to free expression, he has also encouraged the suppression of dissent by implying that dissenters are cowards and by authorizing F.B.I. investigations of peace groups. Legislation is now pending in Congress (it has already passed the House) which would penalize disrespect for national symbols such as the flag, and Congress will probably attempt to circumvent court restrictions on penalties for burning draft cards. Recently, General Westmoreland told a New York audience that the enemy gained support from the doves and that criticism of the war cost American lives.

As the frustrations of an unresolved war continue to grow, tremendous public pressure will without doubt be brought to bear on the government to silence dissent. It is this that we must guard against.

When repression of dissent has occurred it has usually appeared in retrospect to have been unnecessary. Free speech *is* necessary, not only to protect individual liberty, but also because it is the best way to detect error and discover truth. We can always expect that men in authority will object to criticism of their policies, but we will never find out if the critics are right by silencing them. The central faith that must be protected is that a free society works best — even in wartime — when ideas are unfettered.

Camden Leaflet Ban Attacked

A South Jersey legal effort failed by a hair's breadth from protecting anti-war leafleteers from arrest.

The chapter swung into action on Aug. 17 upon learning that the Camden County Park Commission intended to arrest anti-war demonstrators who planned to distribute leaflets at the Camden County Music Fair that evening.

A preliminary order restrained the Commission and Park Police from interfering with the leaflet distribution was signed by Superior Court Judge R. Cooper Brown at 8:18 p.m.

Board Members William Eisenberg, Ira Rabkin and Emerson Darnell then rushed to the Fair Grounds only to find that seven leafleteers had just been arrested. These cases are now being stayed pending the outcome of the Superior Court suit. The County Park Commission permit requirement for handbill distribution is being challenged as unconstitutional prior restraint on speech.

The Monmouth County Grand Jury failed to return any indictments for fornication. The submission of cases of welfare mothers had been criticized by the Monmouth Chapter.

Morris Libel Suit Defended

The Legal and Educational Defense Fund of the NAACP and the American Civil Liberties Union are seeking to vindicate the right of the Morris County Fair Housing Council to inform real estate brokers of their removal from equal opportunity broker lists.

The two civil rights organizations have joined forces in filing a motion for summary judgment in a libel suit brought by the real estate firm of Marinaro-Zimmer Inc., of Morris Plains. The suit was instituted on April 24, against the Fair Housing Council, Mrs. Ruth Vogler as President and a Negro couple, Mr. and Mrs. Robert F. Covington of Flagler Street, Morristown.

The complaint, filed in the Morris County Court, charged that a letter written by Mrs.

General Sills' Witch Hunt of ACLU Blasted

An ACLU leaflet distributed in the aftermath of the Newark riots precipitated an unprecedented criminal investigation of the ACLU by Attorney General Arthur J. Sills. On Thursday, Aug. 4, State Executive Director Henry di Suvero was questioned at the Newark office concerning the printing and distribution of a leaflet, 10,000 copies of which were distributed in the Newark ghetto.

The entire leaflet read as follows: "Newark Legal Services Project and the American Civil Liberties Union ask all residents to preserve physical evidence of police destruction: 1. Photograph all broken windows before replacing. 2. Save all bullet shells. 3. Telephone Newark Legal Services Project 623-6877 or ACLU 642-2085 and give your name if you have witnessed police brutality."

National Executive Director John de J. Pemberton called for the termination of the investigation and said: "There is no doubt that the flyer is fully protected under the First Amendment's guarantees of freedom of speech and of press. The ACLU asked nothing more than what Thomas Paine had asked — that citizens step forward so that grievances against their government might be heard. ACLU affiliates all over the country engage in this activity. It is the first time it has ever been questioned. I am deeply shocked and dismayed that the chief law enforcement officer of New Jersey could attempt to use his office for such patently unconstitutional ends."

Vogler to the brokerage firm informing them of their de-listing because of their evasatory tactics in the rental of an apartment unit to the Covingtons in Clearview Gardens, was libelous.

The ACLU called the suit "a spurious legal tactic designed to intimidate and deter people of high integrity from the protection and vindication of constitutional rights. The Housing Council's action was designed to further a legally protected right in New Jersey to open housing. The right to de-list a broker and inform him of his violation not only was privileged, but was well within the limits of protected speech under the First Amendment. What the brokers have refused to accept," they said "is the fact that the Division of Civil Rights sustained a finding of probable cause of discrimination

"Perhaps" Pemberton added, "the Attorney General should read the Supreme Court's *Button* case which makes clear that an organization with our purposes can seek out and advise people that it will handle cases for them without offending state barratry laws. Indeed, the Court's opinion specifically cites ACLU legal work as an example of activity exempt from anti-solicitation laws."

Sills then publicly denounced the ACLU chief for using "extreme leftist cliches" and justified the criminal investigation on the ground that the leaflet constituted "an incitement to riot" and "ambulance chasing".

Emil Oxfeld, State ACLU President called Sills' charges "unjustifiedly insulting". Oxfeld also said: "The ACLU's work is carried on by a large corps of volunteer attorneys who at the request of the Union donate their legal services to the clients they represent. Hundreds of thousands of dollars of legal services are volunteered each year. To call such persons 'ambulance chasers' is a libel hardly worthy of response. Asking persons to exercise their constitutional rights is a historic function of the ACLU. We fail to find any basis for General Sills' characterization of the leaflet as an 'incitement to riot'. It was designed to induce persons to seek a legal redress for their grievances. Use of the courts is the precise opposite of rioting."

As of press time, no ACLU officials have been arrested by the Attorney General.

against the firm, secured a court order restraining the further rental of apartments at Clearview Gardens pending a hearing, and that the court proceeding was terminated only when the Covington's were rented an apartment in the suburban development."

Local NAACP and ACLU attorneys representing the parties are: Leonard Etz of Trenton and Lewis Stein of Netcong.

Reflecting NJACLU's recent expanded program and rapid membership growth, Henry di Suvero was elected to the Steering Committee of the ACLU's National Development Council. The Council is charged with the overall planning of the national development program.

Hare Brained Rule Clipped

The State Board of Education has ruled unanimously that local school boards cannot tell students how long they can wear their hair.

The New Milford High School has been ordered to permit Francis J. Pelletreau, who had been expelled last November for refusing to cut his Beatle-length hair, to return to classes. The order reverses a decision of former Acting Education Commissioner Joseph Clayton who had upheld the expulsion.

Pelletreau was represented by R. Michael Gross who handled the case for the ACLU. This represents the second victory NJACLU has had in representing long-haired male students. Last June Jack Wysocker succeeded in having Micah Bertin, an Edison High School honor student, graduate with his class. He had been suspended from school because he refused to trim sideburns which local school authorities considered "extreme".

The State Board of Education in the Pelletreau decision found that long haired males do not present a significant threat to orderly discipline in the schools nor does the short hair rule have a substantial relationship to a legitimate purpose. In addition, "A school regulation forbidding long hair, in effect, regulates outside of school conduct. It is not possible to have short hair in school and revert to longer hair at home."

The decision went on to say, "Historically, students have been innovators. So long as it does not interfere with the process of education, it is healthy and heartening that they now and again test the mores of their elders. While most of the rule promulgators and decision writers of 1967 wear their hair cropped comparatively close to the scalp, history has seen the day when the legislators and judges habitually adorned them-

selves with natural or artificial locks of near shoulder length. Who is to say that this day is not to be returned?"

Busing Law Challenged

(continued from page 1)

instructions as to whether compliance with the new law would "constitute a breach of their public trust" since they "believe that the utilization of public funds to transport students to non-public religious schools constitutes an establishment of religion in violation of the provisions of the First and Fourteenth Amendments to the Constitution of the United States".

The complaint asks the court to declare unconstitutional the busing law and to enjoin its implementation. The individual taxpayers seek the same relief as the Teaneck Board. The attorney for all the plaintiffs is Robert D. Gruen, ACLU Board member from Hackensack.

"This lawsuit" said Emil Oxfeld, State ACLU President, "will constitute a major test of the validity of indirect state support for religious education. In this litigation we will seek to overturn the 'child-benefit' theory which was used by the Supreme Court in a 5-4 decision in 1947 to uphold the earlier, more limited busing law. The theory is now being used by religious groups to justify demands for textbooks, school construction and tuition. There is no end to the series of demands that will be made in the name of 'child-benefit'.

"Our forebears recognized the divisive role which state support of religious education can wreck on a society. It is most unfortunate that neither the administration nor the legislature was blessed with the same foresight".

Hughes: ACLU "Un-American"

Governor Hughes called the ACLU "Un-American" because of the following statement issued on Friday, July 14, the second day of the Newark riot.

Newark, N. J., July 14 — The American Civil Liberties Union today criticized the handling of those arrested in the Newark riots. It called the uniform imposition of excessive bail by magistrates a gross distortion of justice.

Bail is being set at \$2,500 without regard to the accused's likelihood of appearance at trial, the ACLU said.

According to Henry di Suvero, executive director of the New Jersey Civil Liberties Union, "the imposition of excessive bail is being used to punish those arrested who are poor and before a finding of guilt. It will only serve to increase the hostility of the Negro community to the white power structure."

di Suvero also called for immediate medical treatment for those being held who were injured.

The ACLU spokesman criticized Newark's Mayor Addonizio's public statement today for "speedy justice and quick trials for those arrested."

di Suvero said, "the Mayor is responding to the hysteria of the moment and calling for quick vengeance. What is needed now is the assurance that equal justice will be administered and that the rioters will not become the victims of a white man's judicial system."

CIVIL LIBERTIES REPORTER

American Civil Liberties Union of New Jersey
45 Academy Street
Newark, New Jersey 07102



11

October, 1967

Bulk Rate
U. S. Postage
PAID
Newark, N. J.
Permit No. 4828