



January, 1968

Vol. 4, No. 1

**Law Emasculated****Birth Control Decision Reversed**

The New Jersey Supreme Court refused to rule on the A.C.L.U.'s challenge to the constitutionality of a New Jersey statute prohibiting the exhibition of birth control devices "without just cause". The Court however reversed the conviction of William Baird, a birth control advocate, finding nothing "unlawful" in his display of devices.

Baird had been arrested in Freehold in Sept. 1966 after he had exhibited birth control devices to Mrs. Elizabeth Dean. The exhibition of devices occurred in Baird's van which contained display materials. His Magistrate Court conviction and fine of \$100 was upheld by the County Court.

The N. J. Supreme Court reversal was unanimous. Four members voted for reversal on the ground "the display or exposure was made in inoffensive circumstances and was incidental to the good faith explanation of birth control to a woman who had made specific inquiry on the subject." These members inferentially affirmed an earlier case which had prohibited the "promiscuous and indiscriminate" sale of devices through vending machines as "patently offensive to the community"; they also said if Baird "had engaged in the promiscuous and indiscriminate display or exposure of contraceptives at a street corner or at a children's playground" his conduct would be punishable. Baird's conduct was not however "suggestive of obscenity, or suggestive of obtrusiveness, pandering or the like."

The opinion also gave recognition to Baird's First Amendment right to disseminate information and the receiver's right of access to it. However, these rights, the Court said, are subject to obscenity restrictions.

Chief Judge Joseph Weintraub and Associate Judges John J. Francis and Sidney Goldmann voted for reversal on the ground

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**Draft Punishment Contested**

The draft reclassifications of twelve New Jersey war protestors are being challenged in a suit in Federal District Court. The twelve were reclassified by six local draft boards following National Selective Service Director Lewis B. Hershey's October 26 memorandum advising all local draft boards to review all classifications of persons involved in activities construed as not being in the national interest. A hearing for a preliminary injunction will be heard in Camden on February 2, 1968.

All twelve had turned in their draft cards in several war protest demonstrations. They include a minister, a Cornell Assistant Professor, husbands with children and students.

The suit attacks the Hershey directive and seeks a declaration that it is unconstitutional because it "chills" the free exercise of protected speech and association activity. The delinquency regulation is attacked on grounds of vagueness and the requirement to carry draft cards at all times is attacked because of its selective enforcement against war protestors. Also challenged is the use of reclassification to punish dissidents on the ground that the draft is a system for the fair and equitable raising of an army and not a system for punishment. Basic to this contention is the claim that if there is any violation of law it should be punished in the courts and not within the draft system.

**Middlesex County Court Acquits Socialists**

Five members of the "Fourth International" who distributed socialist literature in front of an Edison Township labor union were acquitted of trespass charges by Middlesex County District Court Judge Herman Breitkopf. The five had appealed Edison Township Municipal Court convictions which had initially resulted in fines totaling \$1,450 plus \$50 costs.

John Martin, Chairman of the Board of Trustees of Local 980 of the United Automobile Workers signed the complaints. He testified "I was told they were passing out Communist literature. With that type of literature, naturally we were upset."

The prosecutor contended that "No Trespassing" signs were posted on the premises, but Judge Breitkopf said the signs were on display in the parking lot and not in front of the UAW hall, where the dispute took

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Henry M. di Suvero, Executive Director NJACLU; John de J. Pemberton, Executive Director ACLU; Rev. Dean Kelley, National Council of Churches; Rev. Henry Bucher at press conference held to announce filing of suits against local draft boards.

The suit relies heavily on the *Wolf* case decided by the Federal Circuit Court of Appeals in New York last year. In *Wolf* the Court declared the reclassification of two Michigan students for sitting-in at a Selective Service Board was improper. However, after the *Wolf* case Congress in re-enacting the draft law withdrew from the federal courts the power to decide cases of wrongful reclassification prior to induction. The threshold question in the present case will be whether Congress can strip the Federal Courts of this power. What is in the offing is a major confrontation between the Congressional and Judicial branches of government — a confrontation which may be as significant as the decision of *Marbury v. Madison* which announced the doctrine of judicial supremacy in the early days of our republic.

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**ACLU Plans February 3 Legal Conference**  
for details see page 2

## Christmas Used To Prosecute Cleric

In the City of Elizabeth, on Dec. 22, a 1933 anti-canvassing ordinance was dusted off to stop Father Elmer Sullivan of St. Augustine's Episcopal Church from passing out pamphlets explaining legal alternatives to draft induction provided under the selective service law.

Father Sullivan was arrested three days before Christmas in a park near the Thomas Jefferson High School as he handed a leaflet to a student. He had been denied a permit because the Mayor of Elizabeth did not want "to see any loss of tranquility in the Christmas season because of hostilities between two different schools of thought." Newton J. Burkett, Vice Chairman of the Union County Chapter protested the denial of the permit and attacked the prosecution of Father Sullivan as "totalitarian as well as insulting to our intelligence."

The right to distribute non commercial handbills without a permit has been upheld by the U. S. Supreme Court in a long line of unbroken and consistent decisions. In a case originating in N. J., *Hague vs. C.I.O.*, the court recognized that "from time immemorial" public parks have been used for public discussion. In another case the court held that leafleteers in public places could not be required to secure permits from village.

Volunteer attorney Howard Popper is representing Father Sullivan.

### MAYOR SEES RED

A LETTER FROM A SANE OFFICIAL PROTESTING THE ARREST DREW THE FOLLOWING RESPONSE FROM THOMAS G. DUNN, MAYOR OF ELIZABETH.

... "I am much too polite to tell you and all members of your committee "to drop dead", so I will not do so! But I would suggest that, if your clique is so concerned about humanity, you protest before the United Nations, or any place else, the barbarous action of the Viet Cong in the torture and annihilation of entire villages in Viet Nam. I would further suggest that if, in your eyes, the United States is such a horrible country, you give serious consideration to moving to North Viet Nam or some other communist-dominated country.

As long as I am Mayor, the laws and ordinances of the City of Elizabeth will be upheld to the fullest, until and unless the courts find them unjust or unconstitutional.

## Feb. 3 Lawyers' Conference

*The Practice of Civil Liberties Law* will be the subject of the first ACLU - Roger Baldwin Foundation legal conference in New Jersey. The conference will be held at the Rutgers Law School, 180 University Ave., in Newark on Saturday, February 3.

The conference schedule includes the following program:

9:00 — Registration

9:20

*Welcoming remarks.* Emil Oxfeld, President, ACLU of N. J.

9:30 - 10:30

*Police Lawlessness and Judicial Remedies,* Morton Stavis, Director, Law Center for Constitutional Rights.

10:30 - 11:00 — *Coffee*

11:00 - 12:00

*The First Amendment and Affirmative Litigation,* Professor Arthur Kinoy, Rutgers Law School; Assistant Professor Frank Askin, Rutgers Law School.

12:00 - 1:00 — *Free*

1:00 - 2:00

*Frontier Issues in the Criminal Law,* William Hellerstein, Senior Appellate Counsel, Legal Aid Society, New York City.

*Housing Discrimination in New Jersey,* Assistant Professor Arthur Frakt, Rutgers Law School (Camden).

2:15 - 3:30

*The Litigation of Church State Issues,* Professor Leo Pfeffer, Long Island University, formerly Visiting Professor of Constitutional Law, Rutgers Law School.

*Civil Liberties, the Military and Selective Service,* Marvin M. Karpatkin, National ACLU Board Member; Emerson Darnell, New Jersey ACLU Board Member.

All volunteer attorneys are encouraged to attend. There is no registration fee. Reservations can be made at the state office: 201 — 642-2084.

## Pemberton Speaks In Montclair Feb. 15

John de J. Pemberton Jr., executive director of the American Civil Liberties Union will address one Meeting of a three part series entitled Decisions '68 sponsored by the Essex County Chapter. He will talk about THE RIGHT TO DISSENT at 8:00 p.m. at the Unitarian Church, 7 Church St.

The following meeting on March 14, Dean M. Kelley and Emil Oxfeld will talk about church/state separation.

## Study Condemns Newark Street Jail

Years of public apathy and disinterest lie behind the dreadful conditions at the Newark Street Jail which are described in a report by the police and courts committee of the Essex County ACLU Chapter.

"A visit to the jail reveals a warren of cell blocks which more closely resemble a laboratory caging experimental animals than a place where people might be expected to live. The cell cubicles, some stacked four tiers high, usually measure no more than three and one half feet by eight feet. Many of the cells have no electricity so that even in daylight reading is difficult if not impossible. A bed consisting of a narrow metal bracket along one wall covered by a very thin horsehair mattress, an open toilet bowl and a minute wash basin are the major furnishings. Here the men spend eighteen hours a day. The summer heat is fantastic and the stench of people who are allowed to shower only twice a week and confined in poorly ventilated cells is unbearable."

The committee emphasized that the great majority incarcerated in this jail are not being punished for a crime but are awaiting trial. Others are serving out short-term sentences of under six months for non-supervised drunkenness or other civil violations. These people who are presumed innocent under our legal system would be free until trial if they were wealthy or well-connected enough to raise bail. Since it is not unusual for it to take six months to a year for a case to come to trial, these persons are forced to endure conditions for extended periods that are below the par of most New Jersey prisons in which convicted men are held.

The committee report reveals that mail is censored, visiting hours are severely restricted and congested and there are no telephones.

The ACLU has called for prompt correction of these deplorable conditions and asserted that "persons presumed innocent deserve treatment at least as good as, if not better than, that of convicted prisoners in other state institutions."

A new jail is planned. Meanwhile the committee suggests immediate changes such as more comfortable cells, better recreational opportunities, public telephones, more visiting hours made available, censorship eliminated, accessibility to a physician on a daily basis, and more legal aid provided.

The report was a result of Committee visits to the Newark Street Jail and interviews with Warden Troy, the Deputy War-

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## HAYDEN CHARGES

### Black Deaths Whitewashed

Thomas Hayden, author of "Newark in Rebellion" answered a subpoena and appeared before an all white Essex County Grand Jury investigating twenty-four Negro homicides during the July riots.

Hayden was subpoenaed to testify about his book's account of the deaths and was ordered to produce all his "notes and memoranda".

Previously the subpoena had been unsuccessfully challenged by ACLU volunteer attorney Leonard Weinglass on the ground that a New Jersey statute as well as the First Amendment's free press guarantee protected journalists from divulging their sources of information. Weinglass had argued that "news gathering and news dissemination are inseparable aspects of a single process . . . When assurances of confidentiality to informants are unavailable, precarious, or subject to retaliation or intimidation, the flow of news to the public is pinched off at its source and the public's right to know is thereby diminished." The subpoena was quashed also on the ground that the grand jury, being all white, was unconstitutionally composed and that the whole investigation was conducted in bad faith, as evidenced by the prosecutor's conduct in rushing property violation cases arising out of the riot while delaying four months before proceeding to present homicide cases to the grand jury.

After the unsuccessful move to quash the subpoena, Hayden decided to testify because it had been learned that all the affidavits he had relied on had been turned over by other parties to the prosecutor's office and because his remaining sources consisted of information trades with reporter teams from the Washington Post and New York Times (who ACLU understands have not been subpoenaed).

After three hours of testifying and answering all questions, Hayden, at a press conference at the ACLU office, charged that the grand jury as presently composed and staffed could not conduct a proper investigation. He called on the grand jury to have itself reconstituted to include a proportionate number of Negroes and to discharge the prosecutor and hire its independent staff. Only in this way he contended, could the jury protect itself from the charge of "whitewashing" the causes of the twenty-four Negro homicides.

# Galloping Ghosts Ride Again

The American Civil Liberties Union has warned that there are gathering storm clouds which indicate that we could be in for a new era of "Congressional Inquisition."

Three congressional committees appear to be headed along the discredited path once followed by Joe McCarthy. Instead of looking into the profound social problems reflected in urban unrest and political protest, these committees are searching for political influences from Peking or Moscow.

"One Side, Lady — We're Looking For A Conspiracy"



copyright 1967 Herblock in *The Washington Post*.

## Religious Segregation Scored

The Bergen Chapter recently condemned "the growing practice of segregation of students by religious affiliation in public schools."

Nathan Tamarin, Bergen Chairman called on State Education Commissioner Carl L. Marburger to order the Norwood Board not to conduct segregated field trips and the Rochelle Board not to provide segregated instruction to eighty parochial school students enrolled part time in home economics, industrial arts and physical education classes. Marburger refused to issue an ex parte order, but the Norwood Board has advised ACLU that there will be a "legal" implementation of a field trip program when it is adopted. The Chapter is prepared to litigate in Rochelle Park.

"Segregation by religious affiliation", said Tamarin, "violates the State Constitution, the Federal Civil Rights Act and the Federal Elementary and Secondary Education Act. The Attorney General's 1965 opinion on dual enrollment does not sanction segregated instruction. The part time enrollment of private school students in public school systems is constitutionally permissible and the ACLU has no objection to such practices. What we object to is segregation by religious affiliation of these part time students. Once a religious school student enters a public school program, he enters it as do all other

The Senate Internal Security Subcommittee, headed by Senator Eastland, has begun an investigation of the National Conference for New Politics and the organizations which were represented at the September New Politics convention in Chicago. One of SISS's chief targets is the Mississippi Freedom Democratic Party which had its files seized by the investigators for the Committee during the convention. This investigation serves a singular political purpose since it focuses on Sen. Eastland's own back yard. Two-hundred thousand Negroes have been registered in Mississippi since 1963. Many are from Eastland's own Sunflower County.

The House Un-American Activities Committee is busily holding hearings in closed executive sessions on the alleged role of Communists in last summer's urban rioting and into the activities of the Students for a Democratic Society. Public hearings can be expected at any time. The past and present history of this Committee is replete with examples of trial-by-publicity where the power of congressional investigation is used to punish citizens who hold dissident political beliefs.

The Senate Permanent Subcommittee on Investigations, headed by Senator John McClellan, has begun to move into the sacrosanct First Amendment areas by linking the protected political activities of the New Left groups to the urban disturbances.

Sen. McClellan opened the committee hearings into the causes of riots by announcing, "We will undertake to determine whether the outbreaks were spontaneous or if they were instigated and precipitated by the calculated design of agitators, militant activists or lawless elements."

This Subcommittee has subpoenaed and received political tracts, books, posters, letters and other records seized by Kentucky officials in a raid last summer on the homes of three anti-poverty workers, Joseph Mulloy and Alan and Margaret McSurley, field workers for the Southern Conference Edu-

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students: without regard to race, national origin or religious belief.

It is unthinkable that any school system should segregate its full time students by religious belief. It is no less shocking for religious segregation to be practiced for part time students.'

# ACLU Chief Views Police

Henry M. diSverno, Executive Director, recently testified before the Commission to Study the Causes and Prevention of Crime in New Jersey. He was asked to testify on the role of the police in our society and to comment on the Report issued by the President's Commission on Law Enforcement and Administration of Justice. Excerpts from his testimony follow.

## I. COMMUNITY RELATIONS WITH MINORITY GROUPS

We feel the Report does not correctly evaluate the extent of distrust between police and ghetto neighborhoods. The Report (R.99) states there is "much distrust". We feel it is more accurate and more descriptive to call it smouldering, constant warfare.

In every ghetto community I have visited I have found overwhelming hostility to the police by ghetto residents. The depth and extent of it cannot be measured by the riots which have occurred. It is difficult as a white man to comprehend it.

The ACLU strongly believes that until this state of undeclared war between police officials and ghetto residents is ended, crime prevention and crime detection, largely inside, but also outside the ghetto, will never succeed.

We concur wholeheartedly with the Report when it states the improvement of community relations is an "urgent duty" (R.100) and that the initiative in this endeavor lies with the police.

We believe that too much of community relations program activity has been, in the words of the Report a "public-relations" program. In this category I place the hastily contrived police engineered Halloween parties for ghetto children in Newark. No ghetto resident felt the gesture was genuine. It was as specious as could be.

## II. REVIEW OF POLICE MISCONDUCT

The review of police lawlessness must begin with devising means for its detection. To this end the ACLU strongly urges that each police officer be required to wear a name badge. Names are remembered and shield numbers are not. It may seem a little thing but I suspect such identification will be fought bitterly by the police. It is nevertheless a public function to seek out evil doers in uniform or not — and the police should assist in this task and not hinder it. The wearing of these tags will, we anticipate, also encourage better community relations. It will be a gesture of trust, indicating to the communities that the police are willing to relinquish their shield of anonymity. It will also encourage a certain degree of friendliness. It is easier to speak to someone who has a name than to someone who for all practical purposes is nameless.

The ACLU rejects wholeheartedly the Report's (R.103) dismissal of independent boards to review police misconduct. The Commission found it was "unreasonable" to single out the police as the only agency subject to outside review. We disagree. It is reasonable first because no other public personnel are vested with the awesome power that the police have, and second, no other agency has been so uniformly hostile, negative and absolutely opposed to the determination of grievances directed at its personnel.

The ACLU hopefully awaits the day when a statewide office of ombudsman is created to review conduct of all administrative personnel, including the police. But until that day arrives, for the very special reasons we have advanced, we urge the creation of spe-

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## Renewal Time

Start the New Year off right! If you haven't done so yet, please renew your membership today.

## Draft Suits Filed

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According to General Hershey 618 individuals have turned in or illegally disposed of their draft cards, 34 of whom were New Jerseyans. Only 12 of the 34 have thus far been reclassified. The first one reclassified, Reverend Henry Hale Bucher, Jr., the Field Director for the University Christian Movement, had his minister's classification returned to him after appearing at his local board for a hearing.

ACLU is involved in other reclassification cases in the District of Columbia, New York, Utah, Rhode Island, Oklahoma and Massachusetts.

The suit is cosponsored by the Law Center for Constitutional Rights and the National Council of Churches. Volunteer attorneys are Robert A. Carter, Emerson Darnell, Henry di Suvero, George Logan, Marvin Karpatkin, Arthur Kinoy, Carol Krauthamer, William Kunstler, Robert Layton and Morton Stavis.

## Study Condemns Jail

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den, a Captain on the Staff and Essex County Freeholder Quinn.

Charles Rosenthal of Short Hills was chairman of the Committee making the report. Other members were Mrs. Muriel Finch, Mrs. Elizabeth O'Hara, Mrs. Miriam Rosenthal, Miss Nadine Vanna, Mr. Allan Gould and Mr. Irvin Solondz. Chairman of the Essex County Chapter is Robert Tessler of Orange.

## Equal Time Ordered For Peace Groups

A Vietnam war debate has been granted a forum in a public school auditorium by order of State Commissioner Carl L. Marburger. The order overruled the Woodbridge Board of Education's denial of the meeting hall to the Rev. Theodore Seamens of the Middlesex County Clergy and Laymen Concerned About Vietnam.

The school board had said its denial was "in the best interest of the community." Dr. Alex Rosen, Middlesex ACLU chairman termed the decision "the act of small minded men who fear the market place of ideas." The Board's reaction to veterans and other "patriotic" groups who had opposed the auditorium use by a Princeton debate panel was termed "an incredible caveing in to the people who in the name of a free America, would deny us our most cherished liberties."

Volunteer attorney Jack Wysoker in arguing before the Commissioner contended that once the board had made available after school facilities to one group (for a United States Day Celebration) then its facilities had to be made equally available to all groups Marburger said the board's refusal was "wholly without valid reason and must be deemed arbitrary."

## Church State Conference

ACLU will jointly sponsor an all day statewide conference on church state issues on Sunday, March 3 at the Rutgers Labor Center, New Brunswick. Phone the office 201 — 642-2084 for further information.

## CIVIL LIBERTIES REPORTER

Vol. 4, No. 1

January, 1968

Published monthly, except during June, July and August, by the American Civil Liberties Union of New Jersey, 45 Academy Street, Newark, New Jersey 07102. (Telephone 201 — 642-2084). Subscription by membership at \$6.00, \$10.00, \$25.00, and up, of which \$1.00 is for one year's subscription. Application for second class permit pending at Newark, New Jersey.

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## Police Testimony

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Independent review boards. Not only should the decision making personnel be independent, but its staff should be answerable to the Board and should not be employed by the police departments.

A basic element of fairness in our society is that adjudicatory decisions are made by bodies that not only are not biased, but also beyond suspicion of bias. Not only must justice be fair, but it must have the appearance of fairness. No police department internal procedure can meet these tests.

The internal review procedure of the Newark Police Department is a joke. The Inspection Office, under Deputy Chief O'Neil, is in the Police Headquarters and there is no easy way for the public to know how to file complaints or how to have them processed. There has been for instance no police encouragement for the filing of complaints — no concerted

educational campaign to make known the procedures available. Yet certainly with a total force of 1443 some complaints should be expected to be filed.

I think the lack of civilian review is based on two factors. One, the ignorance of the public and law makers of the depth and extent of citizen grievances, and two, the tacit approval by these groups of police misconduct. The police after all don't do what the power wielders don't want them to do and until this tacit approval is withdrawn police misconduct and the lack of independent review will be with us.

In compensation for the lack of independent review and to supplement it if it should come to pass, ACLU advocates the following further steps:

- (1) Creation within the Division of Civil Rights a corps of special prosecutors whose sole function would be to prosecute police officers who have engaged in assaults.
- (2) The funding through OEO of Police Complaint Centers throughout the State whose job and function would be to bring civil suits against offending officers.
- (3) The passage of legislation creating a minimum statutory damage of \$3,000 for assault by a police officer, recoverable against the officer or municipality.

These suggestions are made because in our experience no County Prosecutor has diligently prosecuted criminal assaults perpetrated by police officers and because recourse to the FBI and United States Attorney's Office is meaningless either because of official indifference or lack of jurisdiction.

### III. DETECTION OF CRIME IN THE GHETTO

Although we receive many reports of "over policing" from ghetto residents — such as arrests for loitering, stop and frisks, and searches incident to stops of automobiles — major grievance of ghetto residents is the "under policing" of real crime in the ghetto. A consistent complaint in Newark is the lack of police response to emergency calls. If the Commission finding is correct, and we have no reason to doubt it, that there is a strong relationship between speed of response and certainty of apprehension (R. VI), then the lack of response is certainly a significant factor in the high rate of crime in Newark's ghetto.

### IV. POLICE USE OF LETHAL WEAPONS

The ACLU endorses in part the Report's recommendations on firearms policy. (R.119). We believe firearms should be used only when the officer reasonably believes it is necessary to prevent the use of deadly physical force upon himself or a third person. We feel no other circumstances justifies the use of deadly force.

Not only is our recommendation based on our evaluation of the competing interests in the preservation of life as opposed to society's interest in apprehension of suspects; it is also based on our evaluation of ghetto neighborhoods to police use of weapons. These communities feel that police officers are generally too "trigger happy". They feel victimized by on the spot apprehension, judgment and execution. The free use of firearms is we feel, rightfully viewed, as the police arrogation of judicial powers which they have no right to assume. Moreover there is nothing so inflammatory in black communities as a report that "another brother" has been killed by the police. Until the police demonstrate that they do not denigrate the value of black lives by exercising appropriate restraint, no program of police-community relations will ever succeed.

## ACLU Supports Its Local Police

ACLU was also represented by Irwin Solondz at a Newark City Council Budget Hearing. Excerpts from his testimony follow.

ACLU supports the Patrolmen's Benevolent Association's request before the Newark City Council for a police starting salary of \$10,000. Refusal to raise pay schedules would be a reflection of society's and Newark's judgment that the need to recruit and keep able personnel is not very important to the community. The development of hostility to the police by large segments of our community is a direct reflection of the caliber of personnel recruited and promoted within the Department. It is no secret that the Department has become one of the most insensitive in the country to community criticism of its conduct.

We also recommend that the Department provide for lateral entry into the police force rather than requiring promotion from the bottom. We further suggest advancement tied to educational achievement and the purchase of a recruitment trailer.

(As we go to press the Administration's budget request now includes \$2,500 for a recruitment trailer.)

## Baird Decision - Reversed

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the 1877 statute was unconstitutional. In an opinion written by Chief Justice Weintraub these judges found the term "without just cause" excessively vague and in violation of the due process requirement of specificity which clearly demarcates criminal from non-criminal conduct. "If the Legislature did not intend to prohibit all sales of contraceptives, and no one wants to say it did, then the unanswered questions are perfectly obvious . . . Other questions are perfectly apparent.

Suppose the druggist knows the purchaser is unmarried, or separated from his spouse, or makes no inquiry at all? (We would be

give to suppose any druggist would inquire, and I would not want him to.) Or suppose the druggist has a display of contraceptives, packaged or unpackaged, or a placard advertising the availability of the product? Suppose the operator of a tavern, or gas station, or candy store, sells contraceptives across the counter, with or without visual display? In the present case the defendant exhibited the articles to a married woman. Suppose she was single? In what places, and to what gatherings could defendant do so? Suppose a father lectures his son upon this subject, and while strongly advocating abstinence, nonetheless urges that if the young man does err, he should guard against disease and pregnancy, and tells him where to obtain the preventive. We can answer these and other questions as they arise, but, I submit, not on the basis of what the Legislature has said but on the basis only of what we think the criminal law should be. The end product would be ours and not the Legislature's." These questions, the opinion states, can be answered as they arise. "But meanwhile the citizen will be restrained by a statute so obscure in its penal interdiction that he cannot act without coming first to us to be assured of the safety of his course." They said they would declare the law unconstitutional to get "a definitive legislative judgment" as to when and where birth control devices could be exhibited or sold.

Monmouth County General Counsel Robert I. Ansell represented Baird for the A.C.L.U.

### Galloping Ghosts Ride Again

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ational Fund and the National Conference for New Politics. The arrest of the three under a state sedition law was voided by a Federal District Court in September.

In November, both Prof. William M. Phillips, Jr., lecturer in Sociology at Douglass College, Rutgers — the State University of New Jersey, and Robert Curvin, Instructor of Community Organizations at Rutgers University Action Training Program, were visited by investigators from the Committee and asked about a film, "The Troublemakers," which deals with the Students for A Democratic Society's Project in Newark. Prof. Phillips had shown the film in his class.

Investigations like this not only violate all the cherished principles of free speech and association on which America is based but are also a disgraceful and irresponsible response to serious social problems. How long will we continue to react to tensions that threaten to tear our society apart by ignoring those tensions and expending our energies in a futile search for ghosts?

The First Amendment was precisely designed to prevent the Government from restricting or intruding upon the political beliefs of individuals and the groups with whom they associate. The specter of Congressional committees flagrantly violating the laws of this country raises serious question as to who is really breaking the law.

The time has come for the leadership of Congress to restrain these investigations which veer from avenues of legitimate Congressional concern.

### April Theatre Party Planned

Everyone attending the first ACLU theatre benefit agreed that it was a perfect evening — fine play and good company. Mercer County rented a bus and members arrived on the theatre scene in such fine spirits that the evening would have been successful even if the play had not been one of the season's smash hits. Other chapters closer to N. Y. arranged small dinner and after theatre parties.

Now ACLU plans to do it again but this time hopes to deliver a COMEDY hit. Neil Simon's quartet of plays *PLAZA SUITE* starring Maurine Stapleton and George C. Scott and directed by Mike Nichols has been selected for Friday, April 5, 1968. Tickets should be ordered through the newsletter by returning the ticket order form.

### Criminal Registration Ordinance Attacked

The Monmouth County Chapter's attack on criminal registration ordinances shifted to the court room after a Belmar man, John Ulesky, was arrested for failing to comply with the ordinance requirement that persons convicted within the last 10 years of misdemeanors, high misdemeanors or felonies must register with police within 24 hours after entering the community.

Ulesky, who had been convicted of a misdemeanor in Jersey City in 1964 was tried before Judge Stephen D. Maguire who refused to hear the constitutional arguments which volunteer attorney Paul Feldman tried to make. Feldman had requested the Attorney General, Arthur Sills, to intervene but Sills refused.

ACLU maintains that criminal registration ordinances are a violation of the individual's right to privacy and constitute cruel and inhuman punishment because they inflict further punishment on a man who has already paid his debt to society. Furthermore, says ACLU, it's absurd to put a man in a position where he might conceivably have to register and be fingerprinted in each of

more than 500 state municipalities. About 20 Monmouth County towns have similar ordinances.

Criminal registration reached the U. S. Supreme Court via the Lambert case in 1957 but the decision went off on a technicality. Lambert won his case, but on the ground that there had been no proper notice of the existence of such an ordinance.

ACLU will appeal the conviction of John Ulesky.

### Socialists Acquitted

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place. Edison Township Patrolman John J. Barry testified the group complied when, at the request of the union, he asked them to leave.

In acquitting, Judge Breikopf said "The primary right of the people must be protected." He added: "What these people were doing was perhaps distasteful to the union leadership, but it was an exercise of their right of free speech without trespass until they were asked to leave. When they were asked to leave, they did leave."

Middlesex General Counsel Jack Wysoker represented the defendants.

### TICKET ORDER FORM

Please fill out this form and send to American Civil Liberties Union, 45 Academy Street, Newark, New Jersey 07102.

NAME .....

ADDRESS .....

Please send me the following tickets for "Plaza Suite":

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

..... Orchestra \$13.00 ..... Front Mezzanine \$10.00

..... Rear Mezzanine \$ 7.50

### CIVIL LIBERTIES REPORTER

American Civil Liberties Union of New Jersey  
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