



**March 3**

**Church/State Conference**

New Jersey American Civil Liberties Union along with other organizations including the New Jersey Education Association, New Jersey Federation of Teachers, New Jersey C.O.R.E., New Jersey Division of American Jewish Congress and the Ethical Culture Society of New Jersey will co-sponsor a conference on *Church-State Practices in Education* on March 3, 1968.

The conference which will begin at 12:30 will be held at the Rutgers Labor Education Center in New Brunswick, New Jersey. *No advance reservations are necessary.*

**CONFERENCE AGENDA**

12:30 p.m. - *Registration* - Fee \$1.00

1:00 - 1:30

*Church-State: Crisis and Challenge — An Overview*, Professor Leo Pfeffer, distinguished author and attorney.

1:30 - 2:00

*Questions and Discussion.*

2:00 - 3:00

*New Jersey Busing Law: Repeal, Modification or the Status Quo?* Senator Milton A. Waldor, Republican - Essex, sponsor of New Jersey busing repeal bill.

*Comments:* Dr. William Nunan, Superintendent of Schools, Hopewell Valley Regional High School.

*Moderator:* Henry M. di Suvero, Executive Director, New Jersey ACLU.

3:00 - 3:30 — *Coffee*

3:30 - 4:30

*Church-State Problems in the Implementation of the Elementary and Secondary Education Act in New Jersey.* Report of survey findings in New Jersey by Professor George La Noue, Columbia Teachers College.

4:30 - 5:30

*The Impact of Religious Practices in Public Schools:* Sanford Hollander, Vice-chairman, New Jersey Regional Advisory Board, Anti-Defamation League of B'Nai B'Rith.



The Plainfield Search — UPI Photo

the riot be enjoined; the third, *Adam v. Hughes*, declared that the search of homes in a Negro section of Plainfield for rifles was a violation of the Fourth Amendment guarantee against unreasonable "searches and seizures" and asked one million damages against Governor Hughes and other state officials.

(continued on page 5)

**Judgment Day**

In the aftermath of the summer's civil disorders in New Jersey, the ACLU filed three controversial suits. The first, *Kidd v. Addonizio*, asked that a special "master" be appointed with full administrative power to take over the running of the Newark Police Department; the second, *Wynn v. Byrne*, asked that the prosecutions stemming from

**Doves Fly in Morris —  
Shot Down in Elizabeth**

As the war escalates so do feelings pro and con. Advocates of peace in increasing number are taking to the streets to pass out their literature and officials in increasing numbers are pulling out anti-leafleting ordinances to harass them.

Last month the Civil Liberties Reporter reported on Father Elmer Sullivan, an Elizabeth Episcopalian minister, arrested on December 22 for violating a local ordinance requiring a permit to distribute literature. On January 10, Father Sullivan was convicted and fined \$10.00. His case is being appealed to the County Court.

Two hours after Father Sullivan's conviction, Mrs. Jean Keelan was arrested for handing out a copy of the Advocate, a Catholic newspaper, to a student at Thomas Jefferson High School in Elizabeth. On February 9 her case was dismissed on the ground that it was religious literature.

Henry di Suvero, State ACLU Director, called the prosecutions "an abridgement of a fundamental right of free speech . . . If Thomas Paine could distribute his leaflets without a permit from the King, we don't see why American citizens can't do the same today in Elizabeth."

On Sunday morning, January 28, two Drew University students, Peter Salvi and Berian Picod, stood near St. Vincent's Roman Catholic Church in Madison and distributed handbills announcing a rally in support of Dr. Benjamin Spock. Not long after be-

ing verbally threatened by a parishioner, police ordered Salvi and Picod to stop distributing the leaflets. Stopping at once, the boys returned to campus where a policeman accosted them and ordered their return to the police station where a summons demanding their appearance before the local magistrate was issued.

Although the ACLU was not directly involved with the defense of the two students, volunteer attorney Lewis Stein of Netcong immediately filed a show-cause action on behalf of Ronald C. Eisle of Madison who wanted to pass out anti-war handbills. Eisle charged that the ordinance violated his right of free speech and press and asked the Court to declare the ordinance invalid and enjoin municipal officials from enforcing the ordinance or interfering with the distribution of handbills.

As a result of this action, the municipality has agreed to construe the ordinance so as not to inhibit the distribution of political or religious literature and has issued a letter to all parties assuring them such distribution was recognized as constitutionally protected. Both the ACLU suit and the pending complaint against Peter Salvi and Berian Picod were subsequently withdrawn, having been considered moot on the basis of the municipalities' concession.

Still winding its way along in the courts is a legal effort by the South Jersey Chapter challenging a similar Camden leaflet ban.

## New Board Members Named

Seven new members have joined the Board of Trustees of the New Jersey ACLU. Although all seven men have widely diversified backgrounds, they share a common concern for the protection of civil liberties. The short biographical not which follows may provide an indication of the particular interests of each new trustee:

FRANK ASKIN is now an Assistant Professor of Law at Rutgers Law School. A former newspaperman, Professor Askin has worked on the *Bergen Record*, *Newark Star Ledger*, *New York Post* and was Managing Editor of *Sun Newspapers*, a chain of weeklies in Bergen County. Professor Askin has done a considerable amount of work on New Jersey ACLU's litigation including *Adams v. Hughes*, the suit challenging the Plainfield searches and *Straut v. Calissi*, a suit asking the Federal Court to prevent the enforcement of 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 enemy.

A native Newarker, FRANCIS C. BELLO was formerly an editor of *Fortune*, and is now an associate editor of *Scientific American*. Strongly against President Johnson's Viet Nam policy, Mr. Bello is a member of SANE, Fellowship of Reconciliation, and Negotiations Now! In addition, Mr. Bello belongs to the Society for Social Responsibility in Science and is a Visiting Alumni Member of Drew University's Board of Trustees.

A graduate of Rutgers with a Masters degree in Social Work, ROBERT CURVIN is currently Project Director of Rutgers University's Community Action Intern Program. Formerly a Treasurer and Chairman for the Newark-Essex Chapter of CORE, Mr. Curvin also served a two year term as CORE's National Vice Chairman from the Northeast. Robert Curvin is now on the Board of Trustees of the United Community Corporation (the anti-poverty agency of Newark) and on the Board of Directors of the Scholarship, Education, and Defense Fund for Racial Equality.

Another graduate of Rutgers, ARTHUR

### Plaza Suite Benefit

Neil Simon's new play opened on Feb. 14 to rave reviews. While it is virtually impossible to get tickets at the box office, ACLU still has tickets for its benefit performance on Fri., April 5. See page 6 for ticket order form.

## Essex Forum to Hear Oxfeld and Kelley

Emil Oxfeld, President of the American Civil Liberties Union of New Jersey, long known as Mr. ACLU of New Jersey, and Dean M. Kelley, Director of the Commission on Religious Liberty of the National Council of Churches will share the platform on March 14 at the last of a lecture series sponsored by the Essex County Chapter of New Jersey ACLU.

Their topic will be Church-State Separation and they will discuss school busing, shared time, government loans, establishment and free exercise and theistic and non-theistic beliefs.

Republican State Senator James H. Wallwork will moderate the meeting which will begin at 8:00 p.m., at the Unitarian Church, 67 Church Street, Montclair, New Jersey.

N. FRAKT teaches law at the State University School of Law at Camden. Particularly active in combating housing discrimination, Mr. Frakt was Deputy Attorney General, Civil Rights Division, in 1965. Professor Frakt is also a volunteer attorney for the New Jersey ACLU.

Administrator of the Newark Legal Services Project, OLIVER LOFTON holds both a Masters degree in Psychology and a Bachelor of Law degree from Howard University. Mr. Lofton presently serves as Vice-President of the United Community Corporation, is Co-Chairman of the Committee of Concern, and is a member of Governor Hughes' "Blue Ribbon Commission" to study the Newark racial disturbances.

DR. JOHN PINDERHUGHES is a staff physician in the Division of Medical Affairs at Hoffman-La Roche. Always active in civil rights, Dr. Pinderhughes was a freedom rider and marched in Selma. He was also a member of the Youth Council of the NAACP. A member of the Committee of Concern, he is on the Health and Welfare Subcommittee. Dr. Pinderhughes is also Vice-President of the National Council of Alcoholism in New Jersey.

A teacher since 1940, SIDNEY ROSENFELD teaches Biology in Newark's Weequahic High School. Most notably, Mr. Rosenfeld has been president of the Newark Teacher's Union since 1965. A member of SANE, he is active in the peace movement as well.

Together with the election of new Board members, the Board of Trustees elected Dr. Richard Schlatter, Joel Jacobson, Rev. E. G. Thomas, Benjamin De Leon and Ira Rabkin, all former Board members, to the Advisory Board.

## Editorial

# The Defense of Civil Liberties

On February 2 wide publicity was given to a so called split within the ACLU. While the word split is hardly accurate, differences do exist between National ACLU and some of the affiliates, New Jersey ACLU included.

At its meeting on January 25, the National Board of Directors voted to publicize a year old policy statement on civil disobedience. The statement was intended to clarify the ACLU's position on civil disobedience and set policy for National in determining what cases it will take.

In the statement ACLU said it could not see extending civil liberties protection to "the willful, non-violent and public violation of valid laws because the violator deems them to be unjust or because their violation will focus public attention on other injustices in society to which such laws may or may not be related." Several examples of deliberate violation of laws because they are regarded as unjust or an offense to conscience even though constitutional were included in the statement. Some of these examples ran counter to positions and cases taken by at least three affiliates.

At the National Board meeting on January 25, the NJACLU requested that if the Board insisted on publicizing the statement, references to activity which might be used against defendants be deleted. NJACLU sought to protect a client it is representing. This suggestion was summarily defeated.

NJACLU felt that the statement should not have been released. The Union is not the Supreme Court and should never publicize what is not a civil liberties issue. We do not handle every civil liberties case and we should not prejudice the case of any defendant anywhere by saying something is not protected by the Constitution. We also

(continued on page 6)

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## Notice of Annual Meeting and Proposed Constitutional Revision

Pursuant to Section XIII of the Constitution of the ACLU of New Jersey, notice is hereby given that the Annual Meeting shall take place on April 20, 1968, at the Military Park Hotel, Newark, New Jersey and that the following amendments to the Constitution proposed by the Board of Trustees shall be acted on:

### Section I — Name

The name of this association shall be the American Civil Liberties Union of New Jersey. It shall be an independent voluntary association organized for non-profit.

*Proposed Revision:* The name of this association shall be the American Civil Liberties Union of New Jersey. It shall be an independent, voluntary, non-profit corporation.

### Section II — Purpose

The purpose of the association shall be to further the objectives of the national American Civil Liberties Union and to advance the cause of civil liberties in the State of New Jersey with particular emphasis on the rights of free speech, free press, free assemblage, due process of law, equal protection of the law, and to take all legitimate action in the furtherance and defense of such purposes. These objectives shall be sought without political partisanship.

*Proposed Revision:* The purpose of the association shall be to further the objectives of the national American Civil Liberties Union and to advance the cause of civil liberties in the State of New Jersey and to take action in the furtherance and defense of such purposes. These objectives shall be sought without political partisanship.

### Section III — Headquarters

The Union's headquarters shall be located as determined by its Board of Trustees.

*Proposed Revision:* None

### Section IV — Membership

The membership of the American Civil Liberties Union of New Jersey shall consist of all members of the American Civil Liberties Union residing within the State of New Jersey.

*Proposed Revision:* The membership of the American Civil Liberties Union of New Jersey shall consist of all members of the American Civil Liberties Union residing or working within the State of New Jersey.

### Section V — Meetings

A general membership meeting shall be held annually. The time and place shall be determined by the Board of Trustees and two months notice by mail shall be given of the approximate date and place of said meeting. The membership shall, in addition, be given at least two weeks notice of the final details of the meeting.

*Proposed Revision:* None

### Section VI — Officers

The officers of the organization shall consist of a President, Vice President, Secretary and Treasurer. Each shall exercise duties relevant to his office and shall serve until his successor is elected.

The officers of the organization shall be elected by the Board of Trustees from among its own members at its second meeting following the annual election of new members to the Board of Trustees. The offi-

cers shall be elected by a majority of those voting for a one-year term and the election of such officers shall be held by secret ballot unless there shall be no contest.

The Board of Trustees shall fill any office which becomes vacant from among its own members.

### *Proposed Revision: Officers and Representatives to the National Board of Directors*

The officers of the organization shall consist of a President, three (3) Vice Presidents, a Secretary and a Treasurer. There shall also be a representative to the National Board of Directors who may or may not be an officer. Each shall exercise duties relevant to his office and shall serve for one (1) year term or until his successor is elected.

The president shall appoint three (3) Trustees to serve on an Election Committee at the first meeting following the annual meeting. The Election Committee shall canvass the Board of Trustees seeking candidates for all offices to be filled. The names of all candidates who indicate a willingness to run for office will be submitted to the Trustees. Additional nominations may be made at the election meeting if the candidates are present or have indicated a desire to serve if elected.

The officers of the organization and the representative to the National Board shall be elected by the Board of Trustees from among its own members at its second meeting following the annual election of new members to the Board of Trustees. The officers shall be elected by a majority of those voting and the election of such officers shall be held by secret ballot unless there be no contest.

The Board of Trustees shall fill any office which becomes vacant from among its own members by a majority vote of those present at a regularly scheduled meeting. The special election shall be announced in the meeting notice.

### Section VII — Board of Trustees

The direction and administration of the organization shall be under the control of a Board of Trustees consisting of thirty-six (36) members of this organization. Each year twelve members of the Board of Trustees shall be elected by the membership for three year terms.

The officers of the organization are also the equivalent officers of the Board of Trustees.

The Board of Trustees shall meet monthly; additional meetings may be called by the Chairman. The Chairman shall call a meeting within a reasonable period upon the written request of any five members of the Board of Trustees or any twenty members of the organization. A quorum for the Board of Trustees shall consist of eight of its members. All meetings of the Board of Trustees shall be open to the members of the organ-

ization for participation but not for voting. Members must be notified, except in the case of an emergency, of meetings called as the result of a proper written request.

Members of the Board of Trustees shall receive a written two weeks notice of each meeting. Members of the Board of Trustees who fail to attend three consecutive meetings without advance explanation to the Executive Director may be dropped from membership on the Board of Trustees by a majority vote of the Board of Trustees.

A vacancy on the Board of Trustees shall be filled by the remaining members of the Board until the succeeding annual election of Board members when such vacancy shall be filled for the unexpired term by the membership.

*Proposed Revision:* The direction and administration of the organization shall be under the control of a Board of Trustees consisting of 30 members at large plus one Chapter Designated Trustee from each chapter.

The officers of the organization are also the equivalent officers of the Board of Trustees.

The Board of Trustees shall meet monthly; additional meetings may be called by the Chairman or upon the written request of any five members of the Board of Trustees or any twenty members of the organization. A quorum for the Board of Trustees shall consist of 25% of its members. All meetings of the Board of Trustees shall be open to the members of the organization for participation but not for voting.

Members of the Board of Trustees shall receive a written notice of each meeting. Members of the Board of Trustees who fail to attend three consecutive meetings without proper cause may be dropped from membership on the Board of Trustees by a majority vote of the Board of Trustees.

A vacancy on the Board of Trustees may be filled by the remaining members of the Board until the succeeding annual election of Board members when such vacancy shall be filled for the unexpired term by the membership.

### Section VIII — Nominations and Election of Board of Trustees.

The Board of Trustees shall constitute themselves a nominating committee which shall present at the annual meeting, a list of nominees to fill vacancies on the Board. Additional nominations may be made by any member in good standing either before or at the annual meeting. The nominees must be present or indicate in writing a willingness to serve if elected.

Elections at the annual meeting shall be decided by a majority of those voting and shall be by voice vote unless there is a contest, in which event, the same shall be by secret ballot. Provisions shall be made for

making ballots available in the event of such contest.

All members in good standing are eligible to vote. All new members must be members at least thirty (30) days prior to the date of election to be eligible to vote.

*Proposed Revision:*

*A — Trustees-at-Large* Ten Trustees-at-Large shall be elected each year to serve for three year terms.

The President shall appoint a Nominating Committee of six members which will present a list of nominees to fill vacancies on the Board of Trustees at the annual meeting. The Nominating Committee shall consist of two Trustees-at-Large, two Chapter-Designated Trustees, and two members of the affiliate who are not Trustees selected from names suggested by Chapter Presidents. No more than two members shall come from any one chapter.

Additional nominations may be made by any member in good standing either before or at the annual meeting. All nominees must be present or have indicated, in writing, a willingness to serve if elected.

Trustees-at-Large will be elected at the annual meeting. The election shall be decided by a majority of those voting and shall be by voice vote unless there is a contest, in which event, the election shall be by secret ballot.

All members must be members in good standing for at least thirty (30) days prior to the date of the election to be eligible to vote. The records of the state shall be conclusive with respect to such eligibility.

A vacancy may be filled by the remaining members of the Board until the succeeding annual election of Board members when such vacancy shall be filled for the unexpired term by the membership.

*B — Chapter-Designated Trustees* Each chapter shall elect one of its members to serve as a Trustee for a one year term and shall send the name of this Trustee to the Board of Trustees before the date set for the annual meeting. Each chapter shall designate a successor upon failure of the Chapter-Designated Trustee to fulfill a term.

*Section IX — Advisory Board*

The Board of Trustees shall provide for the fullest participation by members on an Advisory Board. The number of those serving, the exact functions and other duties of the Advisory Board shall be specified by the Board of Trustees.

*Proposed Revision:* The Board of Trustees may provide for the fullest participation by members on an Advisory Board. The number of those serving, the exact functions and other duties of the Advisory Board shall be specified by the Board of Trustees.

*Section X — Recall*

Any officer or member of the Board of Trustees may be recalled by a majority of the Board of Trustees, subject to ratification by a majority of the members voting by mail ballot.

Members of the Advisory Board shall be subject to removal by majority action of the

Board of Trustees.

*Proposed Revision:* Any officer or member of the Board of Trustees may be recalled by a majority of the body electing or designating same, subject to ratification by a majority of the members of that body voting by mail ballot.

Members of the Advisory Board shall be subject to removal by majority action of the Board of Trustees.

*Section XI — Committees*

The Board of Trustees shall establish such committees as in its judgment will promote the work of this organization and its cooperation with the American Civil Liberties Union, Inc.

*Proposed Revision:* The Board of Trustees shall establish such committees as in its judgment will best promote the work of this organization and its cooperation with the American Civil Liberties Union, Inc. The officers and the representative to the National Board shall constitute an executive committee. The president or the executive director shall consult with or convene a meeting of the executive committee when necessary between regular meetings of the Board. The executive committee shall be empowered to act on behalf of the Board of Trustees and shall report actions taken at the next subsequent meeting of the Board.

*Section XII — Chapters*

*Present:* None

*Proposed:* The Board of Trustees may charter chapters after being duly petitioned by twenty-five (25) members. Chapters shall seek to further the purpose of the ACLU-NJ, and shall bear primary responsibility for the protection of civil liberties in their areas, within the framework of operation of the ACLU-NJ.

No chapter shall take action in regard to state issues except in accordance with positions taken by the state. Where the state has not made clear its position on an issue, chapters must consult the state before acting.

Chapters may act on state issues upon which the state has not acted only with the permission of the state. The state may act on any local matter regardless of chapter action.

Financial support for chapter activities approved by the state shall be provided for in the state budget.

Chapter affiliation may be revoked for cause by a majority vote of the Board of Trustees after reasonable notice and hearing.

*Section XIII — Personnel*

*Present:* None

*Proposed:* The Board may employ sufficient personnel as is necessary to effectuate its programs.

*Section XIV — Procedure*

*Present:* None

*Proposed:* Robert's Rules of Order shall govern the parliamentary procedure of this organization.

*Section XV (formerly Sec. XIII) Amendment of the By-Laws*

The by-laws may be amended by a majority of the members voting at the annual

meeting. Members shall be notified of such proposed changes at the same time that they are given final notice of the time and place of the annual meeting. Proposed changes may be suggested by any member in good standing to the Board of Trustees. Such changes shall be given to the Board in sufficient time for consideration by the Board and inclusion in the notice of the annual meeting. Minority reports will be submitted at the annual meeting if one third (1/3) of the Board members voting support such a move.

*Proposed Revision: Amendment of the Constitution* The Constitution may be amended by a majority of the members voting at the annual meeting. Members shall be notified of such proposed changes at the same time that they are given final notice of the time and place of the annual meeting. Proposed changes may be suggested by any member in good standing to the Board of Trustees. Such changes shall be given to the Board in sufficient time for consideration by the Board and inclusion in the notice of the annual meeting. Minority reports will be submitted at the annual meeting if one third (1/3) of the Board members voting support such a move.

*(Formerly Sec. XIII) Qualifications for Governing Personnel*

All officers and members of the Board of Trustees and the Advisory Board shall agree to the 1940 resolution of the American Civil Liberties Union, Inc., relating to governing personnel as follows:

While the American Civil Liberties Union does not make any test of opinion on political or economic questions a condition of membership, and makes no distinction in defending the right to hold and utter any opinions, the personnel of its governing committees and staff is properly subject to the test of consistency in the defense of civil liberties in all aspects and all places.

That consistency is inevitably compromised by persons who champion civil liberties in the United States and yet who justify or tolerate the denial of civil liberties by dictatorships abroad. Such a dual position in these days, when issues are far sharper and more profound, makes it desirable that the Civil Liberties Union makkes its position unmistakably clear.

The Board of Directors and the National Committee of the American Civil Liberties Union therefore hold it inappropriate for any person to serve on the governing committees of the Union or on its staff, who is a member of any political organization which supports totalitarian dictatorship in any country, or by his public declarations indicates his support of such a principle.

Within this category we include organizations in the United States supporting the totalitarian governments of the Soviet Union and of the Fascist and Nazi countries, (such as the Communist Party, the German-American Bund and others); as well as native organizations with obvious anti-democratic objectives or practices.

*Proposed Revision:* Entire Section deleted.



## Two Hundred Lawyers Attend N. J. Baldwin Conference

On February 3, 1968, the first ACLU-Roger Baldwin Foundation Legal Conference successfully provoked frank discussion on the problems confronting the civil liberties attorney. Armed with a prepared packet of materials, two hundred New Jersey lawyers attended energetic talks focused on the practical litigation problems of the civil liberties advocate.

Morton Stavis, Director of the Law Center for Constitutional Rights, candidly dealt with "Police Lawlessness and Judicial Remedies." He said that "he was through with filing criminal complaints of police brutality in Magistrates Courts," because that Court was merely an extension of the police department and because such courts invariably considered the credibility of police testimony beyond reproach.

Later, the Senior Appellate Counsel for the New York City Legal Aid Society, William Hellerstein, corroborated Stavis' opinion on the credibility of police testimony to criminal cases in his talk "Frontier Issues in the Criminal Law." Hellerstein also stressed the importance of recent rulings in criminal law, particularly in regard to juvenile offenders, and referred to a new "Miranda-Gault" decision which requires either a parent or counsel present when a juvenile waives his rights.

In still another significant area, Frank Askin of Rutgers Law School provided a careful interpretation of the *Dombrowski* decision of 1965, explaining how it offers an opportunity for civil liberties lawyers to take affirmative action when state statutes operate to inhibit or create a "chilling effect" on First Amendment rights. Askin then related the *Dombrowski* decision to recent Supreme Court decisions and suggested the potential importance of bringing possible affirmative action in other than First Amendment cases.

Martin Garbus, Director-Counsel of the Roger Baldwin Foundation in his talk "Civil Liberties of the Poor," and Arthur Frakt, Rutgers Law School (Camden) in "Housing Discrimination in New Jersey," discussed the special legal problems of minority groups and the poor, while Professor Leo Pfeffer of Long Island University examined "The Litigation of Church-State Issues." Professor Pfeffer confidently predicted that possibly within five years church-owned property would no longer be tax exempt.

The most popular discussion of the Conference was undoubtedly Marvin M. Karpatkin's and Emerson Darnell's views of "Civil Liberties, the Military and Selective

## Judgment Day (continued from page 1)

As we go to press, the report of the New Jersey Governor's Commission on Civil Disorder has just been made public. The committee of ten, made up of men with impeccable credentials, has corroborated many of the charges ACLU set forth in its suits.

ACLU has also from time to time made charges against the police and has advocated various reforms in the police department.

A list of findings or recommendations made by the Commission (prepared from newspaper accounts since a copy of the report could not be gotten by press time) contrasted with ACLU charges or recommendations follows:

### RIOT REPORT

1. Newark is so bankrupt that the only way to deal with such a basic service as police protection is county consolidation. (New York Times 2/11).

2. There was virtually a complete breakdown in the relations between the police and the Negro Community prior to the disorders and there is no evidence that there has been any improvement since July (Star Ledger 3/11).

3. Under the circumstance that prevailed in Plainfield the methods used to conduct the search in the West End Garden Apartments reflected poor judgment that was widely viewed to be a violation of civil rights. The evidence leads to the finding that there was little if any justification for this search which only added to the already high tension in the community. (Star Ledger 2/11).

4. Report condemned "assembly-line" brand of justice in the Municipal Courts with their lack of dignity and speed of proceedings. The actual time spent on each hearing ranged from two to twelve minutes. (New York Times 2/11).

5. The Commission recommended a five man Board, independent of the police department to receive and review all citizen complaints. (Star Ledger 2/11).

6. The salaries of Newark patrolmen should be raised to a \$7,800 - \$10,000 range and lateral entry of police personnel at all levels. (Star Ledger 2/11).

7. Every uniformed policeman should be required to wear a name tag — to be displayed at all times and under all circumstances. (Star Ledger 2/11).

8. Release on recognizance should be the usual disposition of a case pending trial. (Star Ledger 2/11).

Service." Mr. Darnall, NJACLU Board member, concentrated on "in service" problems, such as the conscientious objector in the armed forces and the practice of law before a court martial. Marvin Karpatkin, a National ACLU Board member who recently argued the *O'Brien* draft-card burning case before the Supreme Court, dealt with the problem of the conscientious objector in general.

### ACLU

1. "Defendants (Hugh Addonizio, Dominick Spina and Oliver Kelly) have so lost control over the conduct, practices and policies of the Newark Police Department, as to make effective law enforcement impossible." (*Kidd v. Addonizio*).

2. "The defendants have taken no step or effort whatever to order a halt to (a) course of conduct . . . which subjects plaintiffs and members of their class to a pattern of conduct consisting of violence, intimidation and humiliation directed against (Negroes) solely on account of race". (*Kidd v. Addonizio*).

"Smouldering, constant warfare exists between the police and the Negro community" (Henry di Suvero before the Commission to Study the Causes and Prevention of Crime in New Jersey).

3. "We can think of no justification for 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". (Henry di Suvero upon filing of *Adams v. Hughes*).

4. "The design of the prosecutions, particularly in their massiveness and haste . . . has subjected the plaintiffs to the deprivation of rights, privileges and immunities secured to them by the Constitution and laws of the United States". (*Wynn v. Byrne*).

5. "ACLU awaits the day of the ombudsman but until then we urge the creation of a special independent review board." (Henry di Suvero testifying before the Crime Commission).

6. "ACLU supports the PBA's request for a police starting salary of \$10,000 and lateral entry of personnel in the Police Department." (Irvin Solondz before Newark City Council Budget Hearings).

7. "ACLU strongly urges that each police officer be required to wear a name badge." (Henry di Suvero before the Crime Commission).

8. ACLU "called the uniform imposition of excessive bail by magistrates a gross distortion of justice." (ACLU statement issued on Friday, July 14, the second day of the Newark riot.).

Editorial

(continued from page 2)

feel it is unnecessary for National to aggressively publish policy positions which conflict with affiliate policy positions. There is nothing in the ACLU constitution which makes all affiliates conform in policy.

Civil liberties do change. Five years ago capital punishment was not an issue for the Union and today we are engaged in a national campaign to repeal all such laws.

Totally unrelated to the issuance of this civil disobedience statement was the action of the National Board on January 12 which voted not to offer direct representation to Dr. Spock, Rev. Coffin et al. While the Board recognized that the chief basis for the defense revolved around the constitutional issue of free speech and the due process issues raised by the criminal sanctions of the draft law, the defense arguments would in all probability have to go beyond these traditional concerns to include the legality of the draft law, or the legality of the war itself or to the Nuremberg principle. The ACLU Board deems these — at least for the time being — not to be civil liberties issues and did not want to be part of a defense raising these political issues.

NJACLU feels that the Union's determination whether or not to take a case should never be influenced by the content of the speech we are protecting. The critical importance of the free speech issues should have been the determining factor.

While the position on civil disobedience was reached before the Spock indictments were handed down, it was a natural consequence that the press tied the two unrelated items together. We cannot help but feel that the National organization by its decision to publicize this statement engaged in an action destructive to the cause of civil liberties and to affiliates who are engaged in activity opposed to the statement.

In the case of the Spock indictments we have strongly urged the National Board when it meets on March 2 to reconsider its position and to reverse itself.

Nevertheless, whatever the position, we in New Jersey will continue to extend our resources to provide full protection in this time of war crisis to those who are advocates of draft resistance or who are otherwise engaged in constitutionally protected activities. We will continue to adhere to the fundamental ACLU principle that the content of speech is irrelevant to our decision in the handling of a case.

We are confident that this position will ultimately prevail, even at the National level. EMIL OXFELD, President, Board of Trustees

Roadblock Challenge Encounters Roadblock

"Do police have the right to stop a motor vehicle and demand that the operator show his license and registration without a reason to believe that the motorist has broken the law?" This is the question New Jersey ACLU will be asking the New Jersey Supreme Court this spring.

Abraham Kabayama of Chester, New Jersey has been found guilty of failing to have his driver's license on his person when stopped by a police roadblock in Mendham Township in 1966. When the conviction was appealed to the Appellate Division of the New Jersey Superior Court, ACLU volunteer attorney Lewis Stein of Netcong pointed to the guarantees of privacy provided by the Fourth Amendment and maintained that "only where there exists probable cause for arrest, a reasonable grounds for investigation, may police demand that the

motorist exhibit his license credentials and vehicle registration."

Avoiding the issue of "probable cause," often said to be the *sine qua non* of the Fourth Amendment, the Court declared that "not every intrusion by government on the privacy of the individual is protected by the Fourth Amendment." Moreover, the State, in the interest of safety, has a right to regulate travel on public highways, and these random roadblocks represent "a valid exercise of the State's police power in the furtherance of (this) legitimate interest." After balancing the major interest of the State in regulating the use of public roads against the "minor inconvenience" and "the fleeting and minimal intrusion" on the privacy of the individual, the Court concluded that the spot-checking of motorists was just "accommodation of the right of the citizen . . . to the needs of society."

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