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THE PROGRESS OF THE LAW

HIGH COURT VOIDS OBSCENE BOOK ACT

THE Supreme Court has ruled that the general public cannot be deprived of the right to read certain books solely because they might be harmful to youthful readers. In a unanimous decision it reversed the conviction of Alfred E. Butler, a Detroit book dealer, for selling a book called "The Devil Rides Outside," written by John Howard Griffin.

The effect of its ruling was to strike down a section of the Michigan Penal Code that made it a misdemeanor to sell any book, magazine, pamphlet or similar publication "containing obscene, immoral, lewd or lascivious" material "tending to incite minors to violent or depraved or immoral acts, manifestly tending to the corruption of the morals of youth."

In the words of Mr. Justice Frankfurter, who wrote the Court's opinion, "By thus quarantining the general reading public against books not too rugged for grown men and women in order to shield juvenile innocence, it is exercising its power to promote the general welfare. Surely, this is to burn the house to roast the pig."

PROFESSIONAL FOOTBALL HELD TO BE INTERSTATE COMMERCE

IN a 6 to 3 decision, the Supreme Court recently placed professional football under the anti-trust laws. The crux of its holding was that the volume of interstate business involved in organized football brought it within the purview of the Sherman Act. The decision leaves organized baseball as the only sport exempt from the operation of the anti-trust laws. Mr. Justice Clark, who wrote the opinion for the majority, distinguished football from baseball by indicating that in the baseball cases the Court had "intended to isolate" them by "limiting them to baseball." His opinion stressed the fact that Congress' refusal to change the Court's original decision with reference to baseball indicated its desire to shield it from the operation of the anti-trust laws. Clark admitted that the majority's ruling might be "inconsistent, unrealistic or illogical", but left it up to Congress to lead the way to a change of attitude with reference to baseball.

The dissenting judges saw no difference between baseball and football, and Mr. Justice Harlan stated that he "could find no basis for attributing to Congress a purpose to put baseball in a class by itself."

LANDLUBBER HELD ENTITLED TO SEAMAN'S RIGHTS

JAMES J. BOLGER, who was injured when he fell from a scaffold on an oil tanker at the Bethlehem Steel Company Yards, recently won $110,000 in damages from the tanker's owner and the manufacturer of the scaffold. Mr. Bolger sued under the Jones Act, which provides that seamen be insured safe working conditions, on the ground that a person working aboard ship is entitled to the same rights as sailors.

The case was settled after four days of trial before Supreme Court Justice Lloyd Herzka. This seems to be the first time that a landlubber has successfully invoked the Jones Act.

SCHOOL DISCIPLINE

A MOUNT VERNON judge recently decided that a teacher can use a reasonable amount of force in punishing a misbehaving pupil. Paul Baldini, a music teacher in Mt. Vernon, New York, was charged with third degree assault because he punished Arthur Ebert, a twelve-year-old pupil who, according to one of his teachers, is sometimes given to tossing spitballs, roughhousing with fellow students, and tapping out tunes during class with the cleats of his shoes.

When he threw spitballs in Mr. Baldini's class, the teacher allegedly pushed him around and gave him a bloody nose. The court dismissed the criminal charge on the ground that a teacher has the right to use a certain amount of force in keeping order in his classroom.

Arthur's mother is suing the Board of Education in a civil suit for $125,000.

UNIFORM SUPPORT STATUTE UPHELD

LAST September, the United States Supreme Court refused to hear a challenge to New York's Uniform Support of Dependent's law. The effect of the Court's refusal is to leave standing a judgment in the Court of Appeals that this Act does not violate the federal Constitution.

The case was brought by Philip Landes, a New Yorker, who was ordered by the Domestic Relations Court of New York City to contribute $20.00 a week to the support of a daughter born to him and his estranged wife. The couple separated in 1951 and Mrs. Landes went to California with the child where she obtained a divorce and remarried.

Subsequently, Mrs. Landes instituted support proceedings in California in 1952 and the Court found that Mr. Landes had to pay $125.00 a month for the support of his child. Since the Court had no jurisdiction over Mr. Landes, it certified its record to the New York Domestic Relations Court under the reciprocity provisions of the California and New

York statutes. The latter court entered the $20.00 a week order. Mr. Landes' appeal in which he contended that the reciprocity provisions of both statutes contravened Article 1, Section 10 of the United States Constitution, which provides that "No State shall, without the consent of Congress, enter into any agreement or compact with another State", was of no avail.

PENALTY ESSAYS ATTACKED

Two attorneys have attacked as "harmful and unfair" a program of essay writing developed by New York City Magistrate J. Randall Creel. The lawyers refused to permit their clients to read the essays that the magistrate had ordered them to prepare, holding that to do so attached to their clients "a presumption of guilt and not a presumption of innocence to which they were entitled."

Magistrate Creel began his program about a year ago and called it "Operation Birthright and Heritage." In many cases of disorderly conduct or unlawful assembly that have come before him, he has ordered defendants to write essays or songs about various phases of American history, on subjects dealing with their racial or national backgrounds.

The two attorneys, who were representing adolescents, informed Magistrate Creel that they would not permit their clients to read such essays. One of the attorneys stated "I am convinced of my client's innocence. And, after speaking with his friends, family and clergyman, we have decided that permitting him to read his composition would cause him to lose his respect for the dignity of the law. He would be punished if he read his essay before he has a hearing and if he is 'truly' innocent. I ask a hearing in the case."

In sixteen other cases where defendants agreed to read their essays, the magistrate ordered their cases dismissed. In the case of the clients represented by the balking attorneys, he ordered that hearings be held and then dismissed the charges against both defendants when the prosecution failed to establish a prima facie case.

CONTESTANT SUES QUIZ PROGRAM

A $103,000 suit has been filed by a nightclub dancer in the United States District Court for the Southern District of New York against the producers and sponsors of the television program "The Big Surprise." Miss Dale Logue claimed that she was deliberately asked a question which the producers knew she could not answer and thereby was cheated out of a chance to win a $100,000 jackpot.

Miss Logue contended that she first appeared on the program October 9, 1956, and correctly answered questions about astronomy, reaching the $3,000 level, $2,000 of which was insured against loss by answering an "insurance" question. Three weeks later, she said, she appeared at the

studio to try for the $10,000 question, but she was not permitted to do so. A week later she did appear and was eliminated when she failed to answer a question which had been asked as one of several at a warmup session. She claimed that the warmup sessions are designed to give the producers a device by which contestants can be eliminated and she asked the Court to restore her as a contestant on the program as an alternative to the $103,000 damages.

SUMMER COURTS OPPOSED

AT A hearing held by the Judicial Conference of the State of New York to assess reaction to sessions held last July and August in trial courts in New York City and Westchester County, sixteen of nineteen speakers expressed disapproval of summer trials. Most of the opposition centered on the fact that litigants, lawyers, witnesses and jurors were so hard to get together in one place during the summer, that often judges had nothing to do. Furthermore, it was pointed out that lawyers and judges work so hard during the regular term that they need a vacation in summer.

Harrison Tweed, the chairman of the State Temporary Commission on the Courts, urged another year's experiment on summer trials before a final decision was made on whether to abolish them. His opinion was shared by the Appellate Divisions of the First and Second Departments which has just ordered a second summer session of jury trials in personal injury cases provided all parties have indicated by April 15th that they are ready for trial.

SIXTEEN MONTHS IN ALIMONY ROW

RECENTLY Supreme Court Justice Owen McGivern ordered the release of William Singer who had spent sixteen months in the Tombs for failure to pay alimony to his ex-wife. Justice McGivern, in ordering Singer's release, described what had happened to him as "cruel and inhuman."

It is believed that Singer's sixteen-month stay in Alimony Row sets a record for civil imprisonment.

CONGRESSIONAL COMMITTEES

THE American Bar Association recently filed an amicus curiae brief with the Supreme Court of the United States, urging it to compel witnesses before Congressional committees to identify persons who may have been Communists in the past.

The brief was submitted in the pending case of John T. Watkins, an organizer of the United Auto Workers Union, who is asking the high court to reverse his conviction for contempt of Congress. He was convicted for refusing to answer ques-

tions about persons he believed may have been Communists because he felt that they had disassociated themselves from the Communist movement long before his testimony. For this refusal he received a one-year suspended jail sentence and a $500 fine, from which he appealed on the ground that Congress had no power to "engage in exposure for exposure's sake."

The brief, which was signed by former U. S. Senator Herbert R. O'Conor, stressed that Congress has the right "to identify the individuals who believe in Communism and those who belong to the party."