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Judge Clark Fighting To Regain Judgeship

THE PRINCETON HERALD received the following telegram signed "A Friend," from Washington Sunday morning and is given here in full. It concerns the case of Federal Judge William Clark which was opened in the United States Court of Claims Monday. Judge and Mrs. Clark are residents of Princeton, having lived for a number of years at 117 Library Place.

Perhaps the most amazing and fantastic story ever to involve a Federal Judge and certainly a story unique in news history will be unfolded at ten a.m. Monday, October 7th, in the United States Court of Claims, northeast corner Pacific Avenue and Seventeenth, Northwest, Washington, D. C. At that time Judge William Clark who has spent three-fourths of his adult life on the Bench will be fighting to get back his post of Judge of the United States Circuit Court of Appeals for the Third Circuit, a lifelong assignment to which he was appointed by President Roosevelt on July 5th, 1938. Judge Clark is without his life's work today because at the age of fifty-one he volunteered to go to war, served overseas for three and one-half years, was wounded and decorated, thus becoming a purple heart veteran of both World War One and Two. While away at war and despite Roosevelt's assurance his job would be waiting for him upon his return, a solemn government pledge to all veterans alike that they wouldn't forfeit their means of livelihood and thus be penalized for serving their country in time of war.

Judge Clark's post was given to Judge McLaughlin. Judge Clark who served as Captain in the Light Field Artillery during World War I was wounded and decorated, was the only Federal Judge in the United States out of the approximately two hundred and ten Federal Judges to serve his country in active military service on the field of battle during World War II, and the penalty for such patriotism the government's contends as of today is to deny Judge Clark his post in order to fight for his country. This is not the contention held by the gov-

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JUDGE CLARK FIGHTING TO REGAIN JUDGESHIP

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ernment toward the other five Federal Judges who also left their benches during the war to serve their country in chairborne capacities but not in active military service. All five of these Federal Judges have either returned to their posts or their positions are being held open for them. They are Mr. Justice Murphy, a commissioned officer in the Army; Mr. Justice Jackson, prosecutor at the Nuremberg trials; Judge Parker, of North Carolina, alternate Judge at Nuremberg; Judge Samuel Rifkind, of New York, adviser to General Eisenhower on Jewish Affairs; Judge Collett, of Missouri, Assistant on Economic Stabilization to the Secretary of the Treasury; and most ironically enough, the fifth and last is Judge Marvin Jones who will be one of the five colleagues of the Bench sitting in judgment on Judge Clark. Also, ironically enough, Judge Jones took off from the Bench to serve the war effort at a desk in Washington the same length of time as did Judge Clark, three and a half years. While Judge Jones was patriotically serving his country in time of war as Food Administrator and Economic Stabilizer, Judge Clark was serving as a Colonel, first on the staff of General MacArthur in Australia, then on the staffs of General Eisenhower and General Montgomery, taking part in the invasions of North Africa, Sicily and then Normandy.

Wounded in Foggia, Italy, Judge Clark convalesced and then returned to his post of Colonel. Decorated, he came out of the Army on May 17, 1945, to return to his Federal post and found his job filled. All other Federal Judges, including Marvin Jones, who had served their country in a second war at the age of fifty-one not only had the word of his government that his job would be waiting for him but he had the personal assurance of the man who had appointed him to the Federal Bench, President Roosevelt.

What price patriotism? What price does the one Federal Judge, the only one out of more than two hundred who went to war overseas, pay not only for serving his country in one war but two, have to pay? What price the Constitution of the United States and the statutes which affirm over and over again that no Federal Judge can be replaced unless impeached for high crimes, misdemeanors or bad behavior. No such charges have ever been made and surely Judge Clark's military career during the three and a half years he was away at war would hardly come within such a category when this matter comes before the Court of Claims on Monday morning, October 7th. Judge Clark would be seeking sal-

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Six Federal Judges?

PROPOSALS to give New Jersey a sixth Federal District judge have been advanced on for several years. A bill in effect, introduced by Representative Hart of Jersey City, is before House judiciary committee. Supporting it are Senior Circuit Judge Biggs, Senior District Judge Fake, the New Jersey Bar Association and the Administrator of United States Courts. Reported opposition of state Republican leaders to any proposal which would permit Mayor Hague to name another federal judge failed to develop at a subcommittee hearing. If another judge actually is needed, it is up to the Senate judiciary committee to see that the appointee is qualified.

Part of the demand for a sixth judge arises from the critical circumstance that the judiciary in its present state cannot carry its present burden. Judge Smith is ill, Judge Fake is largely unavailable for trials and Judge Meaney can sit in only one court room at a time. He has been Newark's only full-time trial judge for nearly three years. Judge Forman conducts the court's business in Trenton. The administrator, compiling figures to show that a sixth judgeship is necessary, based his statistical report on the assumption that all three judges sitting here have been operating regularly.

Statistics on court activity at best are of questionable value. They fail to reflect the difference in calendar weight between a one-count indictment for an OPA violation and a multiple indictment alleging an intricate conspiracy by numerous de-

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