



NUNC PRO TUNC

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JOSEPH RODRIGUEZ—An American Story

By: The Honorable Jose L. Linares, U.S.D.J.

The year was 1971. Camden was burning. A state of emergency had been declared. Camden Mayor Joseph Nardi was facing the worst political crisis of his career. The city was in the grips of the worst riots in its history. Fires raged everywhere, looting and violence reigned, and hundreds were being arrested. The Puerto Rican community was in turmoil and demanded action, upset over the police beating of one of their own, a man named Horacio Jimenez. Mayor Nardi's indecisiveness in dealing with Jimenez's beating was blamed as the cause for the riots. Gualberto Medina, a Rutgers University student, was calling for the Mayor to resign. He organized hundreds of demonstrators and made fiery speeches that seemed to spiral an already explosive situation out of control. Police began using tear gas on the demonstrators and violence raged. No one seemed to be in control. The city of Camden desperately needed a leader that could build consensus and mutual respect, someone who could bring the sides to a middle ground and reign-in the fiery Medina. It was then that Camden got its first real glimpse of someone who was to become one of its most accomplished sons: Joseph Rodriguez. Rodriguez, then a young man, was

already a well-respected community leader and attorney. Throughout Camden's political turmoil, he was able to use the type of political acumen, diplomacy, and leadership that had served him well throughout his long and illustrious career. Rodriguez's career culminated in his appointment to the Federal Bench by President Ronald Reagan in 1985. The young community leader, with a cool head and a sense of fairness and diplomacy, was able to bring politicians and community leaders to the table and work out a sensible solution that eventually brought an end to Camden's worst nightmare.

Joseph Rodriguez's professional success came to cast a large shadow throughout New Jersey. However, he calls himself basically a "Camden kid." He was born in Camden and lived for years a mere few blocks from where he now sits as a Federal District Court Judge. His brother Mario was Camden's first Hispanic Councilman. His mother Carmen established the first Hispanic church



PARADE MARSHAL Joseph H. Rodriguez is flanked by flag girls Blanca and Linda Malave.



By Al Schell, Courier-Post

Showing: A portrait of U.S. District Court Judge and Camden native Joseph Rodriguez is unveiled (right) at Woodrow Wilson High School, where paintings of 12 Hispanics were unveiled.

in Camden (Our Lady of Fatima). He attended Camden Catholic High School and Rutgers University School of Law in Camden. To this day, he resides in Camden County with his lovely wife Barbara. He is unquestionably one of Camden’s favorite sons. His professional accomplishments are well known and documented. A Certified Trial Attorney, State of New Jersey Public Advocate, law professor, New Jersey State Bar President, recipient of the

William J. Brennan, Jr., Award, Chairman of the State Commission of Investigations, Chairman of the State Board of Higher Education, and of course, Senior Federal District Court Judge are just a few of the professional contributions of this son of immigrant parents. However, what is not well known is how this Camden native—who became the first Hispanic to sit on the New Jersey Federal Bench—came to be born in America and the harrowing story of his father’s voyage. His story is a great example of the circuitous route that history sometimes takes.

Joseph Rodriguez’s mother, Carmen Martinez Chapel, was born in Puerto Rico where her family was well known and where her father was the editor of the El Mundo Newspaper. She eventually immigrated to New York and married Joseph’s father, Mario Rodriguez, a native of Cuba. The story of Mario’s voyage to the United States and its historical twists make Joseph Rodriguez’s past and present truly “an American Story.”

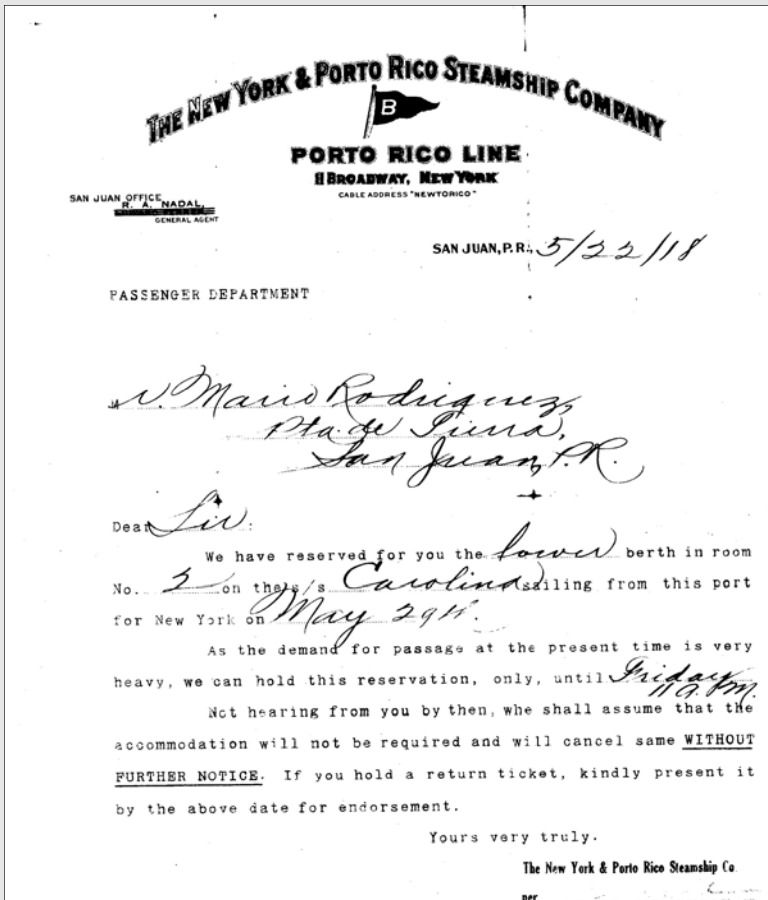
When he was eight years old, Mario Rodriguez and his family moved to Puerto Rico from Cuba. In Puerto Rico, they worked in the tobacco industry. At age 21, Mario decided that he would join his brothers, Joe and Oscar, who were living in America and working in the jewelry and tobacco industry respectively. Toward that end, on May 22, 1918 he purchased a berth in room No. 2 on the SS Carolina, which was due to sail from San Juan, Puerto Rico for New York on May 29, 1918.

In May of 1918, the world was at war. World War I was raging in Europe but the winds of war were beginning to blow closer to America. Germany was being subjected to a naval blockade by the British. But Germany’s naval ingenuity was at full throttle, bent on finding ways to defeat the blockade and showing America its vulnerability to Germany’s naval prowess. Germany designed and manufactured huge cargo submarines capable of defeating the blockade and carrying freight back to Germany. So too came the feared U-boat submarines capable of crossing the Atlantic to reach American shores. This was of utmost importance to Germany, which was witnessing the U.S. Navy transporting hundreds of fresh American troops to replace exhausted troops in Europe. This was a very dangerous proposition to Germany.

EL MUNDO Jueves, 27 de Abril de 1967 Pág. 29



El señor Mario Rodríguez — uno de los sobrevivientes del hundimiento del Carolina — se encuentra de vacaciones en la Isla con su esposa, Carmen, después de una ausencia de más de 42 años. — Foto por Mandín Rodríguez.



Therefore, a plan was hatched: attack the Americans near their own shores. This, the Germans reasoned, would create a public outcry by the American public to bring the American Navy back to its own shores for its own protection and in turn would stop or slow the arrival of new and fresh American troops in Europe. This would give Germany a much needed edge. It was upon these choppy waters of war that the SS Carolina set sail from San Juan, Puerto Rico on May 29, 1918. Aboard were 113 crew members and 217 passengers.

It was early evening June 2, 1918. The SS Carolina was in its fourth day of uneventful sailing toward New York. It was approximately 50 miles off the coast of Atlantic City. Many of its passengers, Mario Rodriguez included, relaxed on deck awaiting dinner. Suddenly, the seas seemed to rise beneath them and the ship's gentle roll became an ominous tremble. The passengers watched in awe as the periscope of a German U-boat rose among the waves like a gigantic evil eye. As the submarine continued to rise so did the panic among the passengers which reached its zenith when shots were fired across the bow of the SS

Carolina by the German vessel. The SS Carolina, under the command of T.R.D. Barbour, heaved to. The submarine then approached within 150 feet. The German Navy did not care that it was seizing a civilian ship, it intended to make a statement. U-boat 151, was one of a pack of German U-boats roaming just off the American coast. They had mined the Chesapeake Bay, cut telegraph cables and, that day, sunk six American ships.

German officers boarded the SS Carolina and told the astonished passengers and crew that they had ten minutes to abandon ship or be sunk with it. Pandemonium erupted. The passengers and crew hurried onto ten lifeboats. Mario Rodriguez was in Lifeboat No. 5. As the lifeboats set adrift, U-boat 151 opened fire and the SS Carolina exploded. As the SS Carolina sank, a mesmerized Mario Rodriguez watched from Lifeboat No. 5, never dreaming that one day

**STEAMSHIP CAROLINA
 OCCUPANTS OF LIFEBOAT #5
 (CAME ASHORE AT ATLANTIC CITY, NJ)**

F. ANDERSON, New York	SAMUEL JOHNSON, Long Island, NY
J. J. BARBER, San Juan, PR	A. KRUPPENBACK, New Orleans, LA
C. BLANK, San Juan, PR	LOUIS LEVY, San Juan, PR
BENJAMIN A. CHENEY, New York	STACY E. LEWIS, Camden, NJ
ANITA E. CHENEY, New York	GERTRUDE LUCIENE, San Juan, PR
J. P. CONNOLLY, New Orleans, LA	LT. J. J. McLAREN, Brooklyn, NY (In Command of Lifeboat)
FELIX COPDEVILLE, Baton Rouge, LA	T. A. MERTZ, Jamaica, Long Island, NY (Second in Command)
LILLIAN DICKINSON, Arlington, MA	CHARLOTTE A. PERKINS, Boston, MA
R. FERNANDES, San Juan, PR	F. QUARINO, Brooklyn, NY
JUAN GARCIA, Brooklyn, NY	D. RODRIGUEZ, Puerto Rico
P. GOULPAS, San Juan, PR	MARIO RODRIGUEZ, San Juan, PR
CARLOTTA HAMILTON, San Juan, PR	J. P. TOREN, San Juan, PR
RACHEL B. HAMILTON, San Juan, PR	MRS. C. S. WESTBROOK, New York, NY
C. HASETH, New York	
CAROLINE E. HIGGINS, Cambridge, MA	

"All the News That's Fit to Print."

The New York Times.

THE WEATHER
Fair, warmer today; Thursday fair; gentle south winds.
For full weather report see Page 21.

NEW YORK, WEDNESDAY, JUNE 5, 1918.—TWENTY-TWO PAGES
TWO CENTS

STROYER STOPS ATTACK ON FRENCH SHIP; NAVAL FORCES SPREAD NET FOR RAIDERS; CAROLINA, SUNK BY U-BOAT, HAS 31 MISSING

Zone of the German Submarine Operations

SIXTEEN KNOWN TO BE DEAD
Carolina Survivors at Lewes Tell of Fight for Life in Storm.

29 LAND AT ATLANTIC CITY
Crowds Rush Into Water to Meet Their Launch—Bark Brings Eight Here.

SCHOONER HAS 244 ABOARD
Bringing In Liner's Captain and Many Passengers—Survivors Describe U-Boat Attack.

The fears that the 5,000-ton passenger steamship Carolina of the New York and Porto Rico Steamship Line, from San Juan to New York, had been one of the

not only would he have a son that would become a United States Federal Judge but that son would play a role regarding the sunken SS Carolina.

As darkness fell, the lifeboats drifted away from the shipping lanes. A storm came, and one of the lifeboats was overturned. More than a dozen lost their lives. Other lifeboats were rescued by merchant ships. Lifeboat No. 5 continued to drift unseen and unheard by steamships.

Forty-four hours after Lifeboat No. 5 was set adrift, lifeguards at Atlantic City spotted it heading toward the beach. The people on the beach cheered, and a Shriner band on the boardwalk began playing the Star Spangled Banner. Everyone rushed to the water to aid the survivors. Mario Rodriguez, Judge Joseph Rodriguez's father, had finally arrived in America.

The SS Carolina was the only passenger liner sunk on America's side of the ocean. This was the first World War I incident where America had suffered civilian casualties.

The SS Carolina and the lives that were lost with it awoke America to our vulnerability to war in our backyard, the necessity of victory in Europe, and the reality of war at home. Because of the role that the SS Carolina had played in history, it became an item of interest and research by professional Diver John Chatterton from Springfield, New Jersey. After years of research and study, including information obtained from U-boat 151's logbook, Chatterton believed he had found the wreck site located approximately sixty miles off the coast of Atlantic City. Chatterton was right. In 1995 the wreck of the SS Carolina was indeed found laying 240 feet down. Here is where history takes one of those circuitous and unexplainable turns.

John Chatterton and his partner, Dan Crowell, were ecstatic with their find. However, claiming the wreck and its salvage required a legal process. A federal judicial order was necessary to establish jurisdiction and grant the Chatterton group salvage rights to the SS Carolina. This order, in turn, would be placed in a waterproof tube and attached to the SS Carolina wreck. This process is sometimes referred to as an “admiralty arrest,” and it would grant the Chatterton group salvage rights. So off to Camden Federal Court they went with their lawyer, Peter Hess. As proof for the judge that they had indeed found the SS Carolina, they brought with them the brass “C” taken from the stern of the ship as well as some other artifacts bearing traces of the SS Carolina’s logo. The judge assigned to the case was none other than the Honorable Joseph Rodriguez, son of Mario Rodriguez, survivor of the SS Carolina and passenger of Lifeboat No. 5. You can imagine Judge Rodriguez’s shock when he realized that a document bearing his official signature would be attached to the wreck of the ship that sank that fateful day on June 2, 1918, as his father sailed to America.

Much of the information contained in this article was gathered from El Mundo, April 27, 1967; The Trentonian, May 5, 2001; an article by Robert Gordon on the sinking of the SS Carolina; “Shipwrecks off Ocean City” by David J. Seibold and Charles J. Adams, III; and the New York Times, June 5, 1918.

Replicas of Lost Public Art Restored to Rightful Place in Courtroom 4

By: Caroline F. Bartlett, Esq.

On May 14, 2008, two murals, replicas of long-lost public art, were finally installed in their rightful places in Courtroom #4 of the Frank R. Lautenberg U.S. Post Office and Courthouse in Newark, New Jersey. The Historical Society for the U.S. District Court for the District of New Jersey commissioned artist Mark Romanoski, an adjunct professor at Kean University and the duCret School of Art, to recreate the murals which had long since been destroyed.

The odyssey of the murals began in 1935 with a competition announced by the United States Treasury Department’s Section of Painting and Sculpture. In December 1935, after reviewing the submissions, it was determined that the mural designs were not of sufficiently high quality to make a selection. The Section decided instead to use a design by a local artist, Tanner Clark, of New Brunswick, who had submitted a design in the National Department of Justice Competition that had been selected as one of five outstanding designs. On November 16, 1936, the federal government formally commissioned Clark to proceed with the work.

Approximately two years later, Clark completed two 8’ by 12’ murals with contrasting subject matter. One mural portrayed the problem of child labor by showing a young girl whose sleeve was caught in a factory machine. Next to this scene, Clark juxtaposed a





depiction of children happily at play in a schoolyard. Clark chose these themes to “show the great humanitarian purpose of the courts” and the “role of courts in protecting children.” But, despite Clark’s depiction of contemporary social realities and the advantages enjoyed by children because of the passage of protective child labor laws, controversy over the subject matter prevented the murals from ever being installed. The Attorney General’s Office stated in a letter dated September 30, 1938, that “[t]he theme, while interesting, does not appear to be apropos of the work of the courts. It is felt that the subject of court room murals should depict an event of judicial significance, such as the trial of Socrates, the adoption of the Constitution, or some like occurrence.” Senior United States District Judge Guy L. Fake, sitting in Newark, echoed the Attorney General’s sentiment. Judge Fake also believed that the child labor scene might unfairly influence jurors, and he adamantly refused to grant permission to place the murals in the courtroom. As the Judge explained, “jurors should not have their minds affected by exhibits not legally admitted in evidence. . . . The murals depicting the injury . . . would be referred to by counsel [in accident cases] . . . as

depicting pain, anguish and sorrow.”

Judge Fake’s objection to the artwork as inflammatory or unduly influential is interesting, because, at the time, Courtroom #4 was not intended for use with jury trials. Indeed, Courtroom #4 was originally intended to be used for bench trials and as a conference room for judges and counsel and did not even contain a jury box. This fact was not lost on Tanner Clark, who reported the same the *Newark Evening News*, in January 1939. *TIME* Magazine also ran a short piece on the Judge’s rejection of the murals. Sadly, no matter of public interest or outcry could sway Judge Fake. The murals were placed in storage and were eventually destroyed.

Flash forward:

In 2007, the Historical Society for the U.S. District Court for the District of New Jersey commissioned artist Mark Romanoski to recreate the murals. Motivated by the desire to “right a wrong,” members of the Historical Society, including James Waldron, Clerk of the U.S. Bankruptcy Court, former Magistrate Judge Ronald Hedges, and Michael Weinstein, Esq., were instrumental in successfully implementing this project.

From the artist’s perspective, Romanoski was



intrigued by the idea of replicating the stylized realism characteristic of artwork of the 1930s. His challenge, he explained, was to identify with the original artist, “to get into his head.” Romanoski researched various artists of the period for inspiration, focusing closely on the work of Thomas Hart Benton. But, out of respect for Clark and true to the spirit of the project, Romanoski was also keenly aware of the need to question at each step in the creative process whether what he was doing on the canvas was what Tanner Clark had intended. Although it was artistically challenging to reproduce another artist’s style, Romanoski succeeded in coaxing modern materials and colors into nearly exact replicas of the original 1936 murals.

On February 4, 2008, Romanoski gathered up the murals from the duCret School of Art and transported them to the U.S. Post Office and Courthouse, where he was met by John Raite and John Yochum, representatives from the Post Office, among others. Raite and Yochum were facilitated the installation of the murals in Courtroom #4. Indeed, Raite commented that he takes great pride in the condition of the building and was delighted to assist in such an important undertaking.

In all, the creation, re-creation, and installation of the murals represent an artistic journey spanning seventy years – one that we can now all be proud of. With the murals restored to the Courtroom #4, Clark’s vision of the role of courts in protecting not only children, but more broadly, all persons suffering from injustice is fulfilled. The achievement of this goal would not have been possible without the tireless dedication, effort, and assistance from so many people, and certainly not without the talent and commitment of artist Mark Romanoski.

Celebrating Historical Works of WPA Art in the District Court: A Dedication to Lady Justice and the Tanner Clark Murals

By: Jessica Stein Allen, Esq.

On Wednesday, May 14, 2008, the Historical Society for the United States District Court for the District of New Jersey sponsored a presentation and exhibition celebrating two historical Works Progress Administration (WPA) works of art that were created for the opening of the new Newark Post Office and Federal Courthouse in 1936. The event highlighted the recreation of two murals by local artist Tanner Clark of New Brunswick that had been destroyed before they were ever installed in the Newark Courthouse. The program also celebrated the repositioning and relighting of a sculpture known as “Lady Justice” by WPA artist Romuald Kraus.



The inspiration for the May 14 dedication ceremony began years earlier when former Magistrate Judge Ronald J. Hedges and James Waldron, Clerk of the United States Bankruptcy Court, were researching the making of a movie on the history of the Newark Federal Courthouses. At that time, Judge Hedges was an advisor to the Historical Society while James Waldron served as a co-director of the Society – a role in which he still currently serves. While researching the film project, Judge Hedges and James Waldron discovered



articles in local papers, including the Newark Ledger, and Time magazine detailing then District Judge Guy Fake's rejection of a display of Lady Justice and the Clark murals in the new Newark Federal Courthouse in the 1930's. Judge Fake disallowed these WPA works of art because he believed that the sculpture and the murals did not depict proper traditional images of justice in the courts. The murals were placed in storage and then eventually destroyed.

Upon learning about the destruction of the murals, Judge Hedges and James Waldron began to investigate the possibility of recreating the Tanner murals. With this goal in mind and the help of Professor Mark Lender of Kean University, they contacted individuals at Kean University to discuss the likelihood of the recreation process. Judge Hedges participated in several meetings at Kean University with the hope of making this possibility a reality. Michael Weinstein, Esq., a co-director of the Historical Society, also became intimately involved with the recreation project.

At the dedication ceremony, following the opening remarks of Historical Society President Douglas Arpert, Esq., Michael Weinstein described Tanner Clark's original creation of the murals in 1935 before they were ultimately lost and destroyed. Michael Weinstein explained that, fortunately, with the assistance of many valued individuals, the Historical Society discovered high quality photo images of the murals at the National Archive and worked with Kean University to have the murals recreated using modern technology.

The Historical Society commissioned Mark Romanoski, an Adjunct Professor at Kean University and duCret School of Art in North Plainfield, to create the new depiction. At the dedication ceremony, Professor Romanoski expressed his hope that he did "Tanner's memory and image justice."

Through his research, Brendan Barrett, a former intern with the United States Bankruptcy Court, located Tanner Clark's son. Upon learning about the project to recreate his father's



murals, Tanner Clark's son sent a note to James Waldron expressing his delight in seeing his father's artwork finally on display in the District Court and his gratitude for making what appeared to be a lost dream a reality. The murals now hang in District Judge Dennis Cavanaugh's courtroom located in the Newark Courthouse (which was recently designated the Frank R. Lautenberg U.S. Post Office and Courthouse).

After Professor Romanoski's comments at the dedication ceremony, District Judge Katherine S. Hayden introduced author and Professor Judith Resnick of Yale University School of Law, who provided a multimedia presentation and lecture entitled, "Representing Justice: Newark's Romuald Kraus's Justice in Context." Judge Hayden had the opportunity to meet Professor





Resnick during a program on Science for Judges. Following their conversation covering topics including courthouse iconography, Judge Hayden realized that she had met an individual who had an interest in the historical background and imagery of the Lady Justice statue. Professor Resnick subsequently agreed to give a presentation at the then upcoming May 14 dedication ceremony.

Professor Resnick gave an insightful historical presentation on the iconography of justice within

public buildings. She highlighted the importance of the installation of art throughout federal courthouses, including the Newark Courthouse. She further examined the creation of Lady Justice in the context of how justice has been depicted in its various forms.

The dedication ceremony concluded with a reception in the Great Hall where Lady Justice now stands.

The Historical Society and the Newark Courthouse Lady Justice Committee would like to extend special thanks to the following individuals, who without their limitless assistance, the extraordinary May 14 program would not have taken place: Judge Hedges and James Waldron for their tireless efforts that began with a vision to restore two historically significant works of art to their respected positions within the Frank R. Lautenberg U.S. Post Office and Courthouse; Michael Weinstein who picked up the baton and carried the completion of the Clark murals recreation project to the finish line; Ann Marie Michael, David Anthone, and Charlotte Cohen of the General Services Administration as well as Frank Benincasa, John Raite, Dennis Statue, Peter Taylor, and John Yochum of the United States Postal Service for their role in repositioning and relighting Lady Justice and installing the Clark murals; Eddie McAveney and United States Bankruptcy Court personnel Karen Kinahan, Kathy Weinstein, Melissa Hughes and Mohung Wong for their involvement with the planning of the dedication ceremony, including the historical research of photographs of the Clark murals; and Professor Mark Lender of Kean University, who authored the history of the District Court of New Jersey.





Letter to the Editor:*

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

CHAMBERS OF
LEONARD I. GARTH
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October 3, 2007

Frances C. Bajada, Esq.
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The United States District Court
for the District of New Jersey
Historical Society
5027 Martin Luther King, Jr. Federal Bldg.
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50 Walnut Street
Newark, NJ 07102

Dear Ms. Bajada:

I received the September 2007 issue of "Nunc Pro Tunc" and appreciated the article written by Gale Raffield about Judge Nealon. My purpose in writing is to commend the author and the "Nunc Pro Tunc" staff for publicizing Judge Nealon's contribution to the Camden vicinage. I might point out however that Judge Thomas Madden was not sitting at the time that Judge Kitchen died. Following is the historical sequence of events:

I had been nominated by President Nixon to replace Judge Thomas Madden. Judge Madden had been ill for a number of years and, hence, I had replaced him as an active judge. Accordingly, my nominating certificate reads, "Vice" Judge Thomas Madden.

Due to Judge Madden's illness, Judge Mitchell Cohen and I were the only active judges in the Camden vicinage until Judge Kitchen was nominated and confirmed.

To: Frances C. Bajada, Esq.
Editor, Nunc Pro Tunc

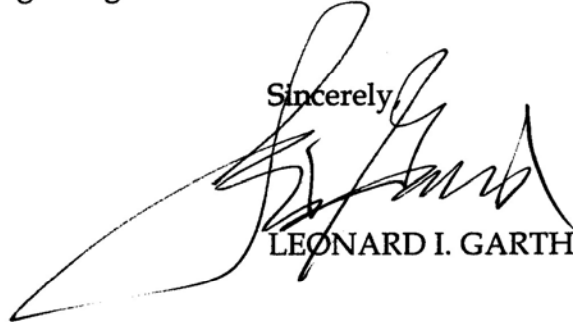
October 3, 2007
Page Two

The author was correct in stating that the case load in Camden was very heavy. In large part, it was due to Judge Madden's illness. When I moved into his chambers I found an enormous backlog of cases. I am pleased to report that when I left Camden, after some 10 or 11 months to resume my tenure in Newark, the case load was much more manageable.

The article understandably recognizes the contributions of Judge Fisher, Circuit Judge Gerry McLaughlin and the other district court judges from the various districts of Pennsylvania as well it should. They were an invaluable force in the management of the Camden vicinage case load.

Thank you for recognizing their efforts and their work.

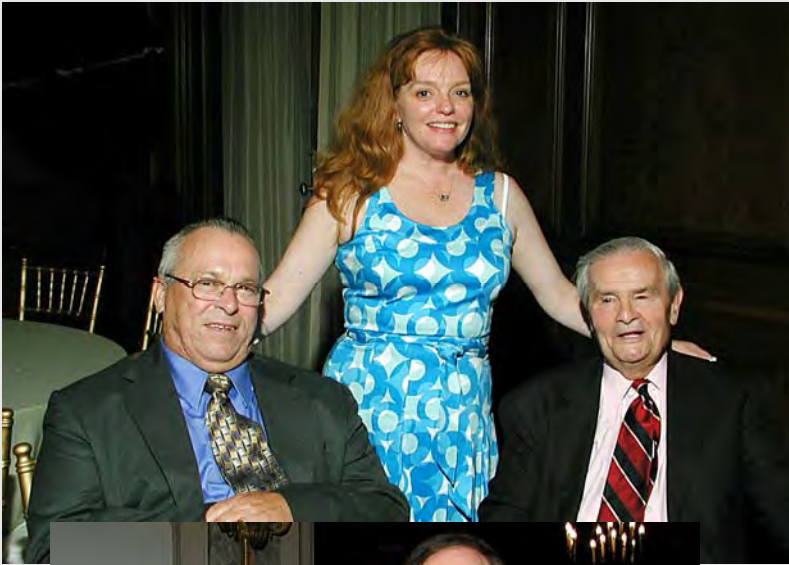
Sincerely,



LEONARD I. GARTH

LIG:ccc

**This letter did not appear in the February 2008 edition of Nunc Pro Tunc because that edition was dedicated exclusively to commemorating our Magistrate Judges.*



**Second Annual Chairman's Ball
June 13, 2008**







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Frances C. Bajada, Esq.

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