

of the net, any other such as injunctive relief or reimbursement for removal costs, by the rule of expressio unius in iure, applying section 15 in light of United States v. Republic Steel Corporation (362 U. S. 190), held that such a narrow interpretation of the Rivers and Harbors Act would be inconsistent with the purpose of that statute. The purpose is to enable the government to fulfill its obligation to prevent obstruction of the inland waterways. The government may always sue to protect its interests, even when the public interest to be protected is expressed in a statute carrying criminal penalties.

Criminal Penalties
 The court has often concluded, as where the plaintiff fell in the class the statute intended to protect, that criminal penalties are inadequate to insure effectiveness of the statute. (Continued on page 4, column 5)

Legal Events

44, 40 Washington Square
 Those interested in testifying contact the Citizen's Union, 510 11th Street.

TRAINING LAW INSTITUTE
 Day program on "Estate Planning and the Close Corporation" Friday and Saturday, October 18 and 19, Statler Hilton Hotel.

Today
ASSOCIATION OF NASSAU COUNTY—"Judiciary Night" honoring the judges of the County of Nassau County, 6:30 p.m., 15th and West Streets, New York. Speaker is Judge Kenneth C. Caroll, tel. 931-2300.

Tomorrow
NEW YORK UNIVERSITY SCHOOL OF LAW—First of three-day centennial of the Ratification of the fourteenth Amendment to the Constitution, 2 P.M., New York University School of Law, 111th Street, 4th Floor, 40 Washington Square South. Participants are William J. Brennan, Solicitor General of the United States; Eric Commager, historian; Professor Bernard Schwartz, New York University Law School. Open to the public.

ALUMNI LAW ALUMNI ASSOCIATION—Luncheon meeting Monday Dean William H. Mulvaney, Whyte's Restaurant, 111th Street. Tickets \$3.00, 111th Street.

Organization Formed By Hearing Officers

Formation of an organization known as the New York State Hearing Officers Association has been announced by administrative referees in various state departments.

Theodore Weinstein, president, said in a statement that the purpose of the group "is to bring to the attention of the public and information media the nature and importance of the functions of the administrative hearing officers and to co-operate with Bar associations and other interested parties for the improvement of the administrative hearing process and in substantive fields of law within the hearing officer's concern.

The association's office is at 500 Eighth Avenue.

Disciplinary

COURT OF APPEALS
 State of New York
 IN THE MATTER OF SIDNEY R. WARREN (ADMITTED AS SIDNEY R. WOLGEL), AN ATTORNEY.

The Association of the Bar of the City of New York, respondent.

Motion for a stay denied.
 Motion for leave to appeal denied.

Motion to dismiss the appeal taken as of right granted and the appeal dismissed, without costs, upon the ground that no substantial constitutional question is presented.

IN THE MATTER OF WALTER W. PEGALIS (ADMITTED AS WILLIAM W. PEGALIS), AN ATTORNEY.

The Association of the Bar of the City of New York, respondent.

Motion for leave to appeal granted.

IN THE MATTER OF STANLEY STURMAN, AN ATTORNEY.

The Co-ordinating Committee on Discipline, &c., respondent.

Motion for leave to appeal and for a stay denied.

Motion to dismiss the appeal taken as of right granted and the appeal dismissed, without costs, upon the ground that no substantial constitutional question is presented.

IN THE MATTER OF MANLIO S. SEVERINO, AN ATTORNEY.

Westchester County Bar Association, respondent.

Motion to dismiss the appeal herein withdrawn.

...of our decision are not in dispute. After previous service in the Navy, in part at least looking toward a commission in the Medical Corps, appellant on June 16, 1945, received a commission as Lieutenant (j.g.) in that Corps of the United States Naval Reserve. From June 16, 1945 to July 9, 1946, he was in inactive status. From July 10, 1946 to June 8, 1948, he was on active duty. He was then released from active duty under honorable conditions, receiving a "Certificate of Satisfactory Service," which recited on behalf of the President appreciation of his loyal services in the Medical Corps. On June 1, 1950, at his request appellant was transferred to the Naval Reserve Officer Inactive Status List. In that status he was not immediately available but could be called to active duty in the event of national emergency.

In proceedings which need not be detailed, appellant on July 31, 1952, was discharged from the Naval Reserve under conditions "other than honorable for the good of the service." The communication of discharge stated that this action was "taken by reason of doubt cast upon your loyalty to the United States of America as indicated by your membership in, attendance at meetings of, and financial contributions

The Government was favorably associated with any individual who had to advocate. He affirmed his loyalty to the Constitution of the United States and said he could not accept resignation "for the good of the service" but was willing to resign his commission if the Navy felt it necessary that he be separated. The Secretary believed he was without power to terminate appellant's services other than by the discharge here in question.

The matter went through various procedural phases before, and in one respect after, the case reached the court. These need not be reviewed since our decision does not turn upon their legal adequacy. And there is now no contention by the Secretary of failure of appellant to exhaust administrative procedures or timely to resort to them.

Factually the case differs from *Harmon v. Brucker* in that the activities which led to Harmon's discharge were prior to his induction into the Army whereas in appellant's case the activities which resulted in the Secretary's doubt as to his loyalty were during the time appellant was an officer in the Naval Reserve. However, these activities were not reflected in the record of his naval service and there is no finding that they af-

Copyright-Infringement Suit

'Fair Use' Doctrine Is Applied In Ruling on Assassination Book

The "fair use" doctrine has been applied in a decision in United States District Court for the Southern District of New York, holding that the publishers of a book about the assassination of President Kennedy did not infringe the copyright of Time, Inc., by printing "copies" of the "Zapruder film" of the assassination.

Time, Inc., bought the film from Abraham Zapruder, a Dallas dress manufacturer, for \$150,000 and published sequences in Life magazine. Sketches of the film appear in the book "Six Seconds in Dallas," by Josiah Thompson, which was published by Bernard Geld Associates and distributed by Random House.

Judge Inzer B. Wyatt upheld Time's contentions that the Zapruder film could be copyrighted and that Life magazine has a valid copyright on the film. Also, that Time, Inc., had not given its consent to the reproduction, and that the reproductions are not "sketches" but copies of the film.

But Judge Wyatt ruled that the "fair use" doctrine precluded the defendants' liability. The doctrine is that "copying or other appropriation of a copyrighted work will

not entail liability if it is reasonable or fair."

Noting that "there is a public interest in having the fullest information available on the murder of President Kennedy," he said the book "is not bought because of the Zapruder pictures" but because of the author's theories on the assassination, and that there is "little, if any, injury to plaintiff, the copyright owner," as the plaintiff and defendant are not in competition.

Robert Blum Is Named Counsel to the Mayor

Robert M. Blum, Mayor Lindsay's liaison man with the City Council and head of the Neighborhood City Halls program, has been sworn in as counsel to the Mayor. Mr. Blum, who is thirty-nine years old, fills a post that was left vacant when Donald H. Elliott became chairman of the City Planning Commission in November, 1966.

As counsel, Mr. Blum, a 1953 graduate of Columbia Law School, will continue to serve as City Council liaison and to head the Neighborhood City Halls program. His salary will continue at \$25,000 a year.