

# Locust Club

## Loses Appeal

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The U.S. Supreme Court today refused to hear Rochester policemen's arguments that the city's Police Advisory Board violates their rights under the U.S. Constitution.

The high court granted the city's motion to dismiss the appeal "for want of a substantial federal question.

Associate Justices Hugo Black and Byron R. White both disagreed and contended that the court should have heard the case.

Today's action leaves standing a decision by the state's highest tribunal, the Court of Appeals, which 6-1 upheld the city law establishing the police Review Board.

Originally, State Supreme Court Justice Jacob Ark ruled for the policemen and threw out City Code 17, which authorized the board. But his decision was overturned by the State Supreme Court's Appellate Division. That ruling, in turn, was upheld by the Court of Appeals.

There was no written opinion with today's rejection of the case, as is customary.

The appeal was brought by the Locust Club, the Rochester policemen's organization, with policemen John Hunt, Bennie Jaskot, George Signor, Richard Sterling, Anthony D'Angelo, Nelson Evans, and Joseph Favata.

The board, authorized in 1963, has jurisdiction to consider citizen complaints that policemen have used excessive or unnecessary physical force." It advises the police chief of its findings.

The policemen had contended the board violated at least 10 of their rights under the U.S. Constitution.

The core of their argument was that the City Code 17 was, in effect, a bill of attainder, forbidden by the first article of the Constitution. A bill of attainder is a law specifically passed to punish someone without the court trial or other due processes of law required in the Constitution.