

Honoring Our Own

The WWII Veteran Judges of the Eastern District of New York

On Dec. 5, 2012, the Eastern District of New York Chapter of the Federal Bar Association held a program at the American Airpower Museum to honor the district's distinguished World War II veteran judges. It has often been said that the World War II brothers-in-arms are members of the "greatest generation." Assuredly, it is not an overstatement to say that our World War II veteran judges and their brothers-in-arms walk among the greatest men of any generation.

Each of the honorees are briefly biographed in the pages that follow, describing how service to our country has affected their lives and careers.

Hon. I. Leo Glasser

Born in New York City in 1924, Judge Glasser graduated from the City College of New York in 1943 and then served in the U.S. Army in Europe during World War II.

During the war, Judge Glasser served as a U.S. Army infantry technician landing in Europe a few weeks after D-Day at the small French town of St. Mere Eglise. His unit pushed east, eventually crossing into Germany in Spring 1945. The horror of battle was constant. Judge Glasser was wounded while moving ammunition crates and was awarded the Bronze Star for bravery during his service in the European theater.

In an article published by *Newsday*, May 27, 2012, Judge Glasser was quoted as saying: "I hope there will come a day when we have no more war and the lion will lie down with the lamb and we can have universal peace."

Upon returning from the war, Judge Glasser obtained a law degree magna cum laude from Brooklyn Law School in 1948, and then immediately began teaching at Brooklyn Law School. He served on the faculty until 1969, when he was appointed a judge of the New York Family Court. For years, Judge Glasser lectured to thousands of law students preparing for the New York Bar Exam on virtually all subjects covered on the exam. He returned to Brooklyn Law School in 1977 to serve as dean, a position he held until 1981 when he was nominated for the federal bench.

Judge Glasser was nominated by President Ronald Reagan on Nov. 23, 1981, to a seat vacated by Hon. Jacob Mishler. He was confirmed by the U.S. Senate on Dec. 9, 1981, received his commission on Dec. 10, 1981 and assumed senior status on July 1, 1993.

Judge Glasser has presided over several high-profile trials during his tenure, the most notable of which was the trial of reputed mobster John Gotti. Judge Glasser also presided over an early terrorism trial involving an organization dubbed "The Ohio Five" and a number of other significant organized crime trials and proceedings, including the conviction of Vincent Gigante, the head of the Genovese crime family.



Hon. Thomas C. Platt

A descendant of the former U.S. Senator Thomas Collier Platt, Judge Platt was born in New York, N.Y. He served in the U.S. Navy from 1943 to 1946.

World War II had a significant impact on the Platt family as his father and brother also served during the war. Judge Platt's experience in the war included preparing for the Pacific invasion, which was ultimately averted by President Truman's decision to drop the atomic bomb.

Judge Platt recalls his father, who was a high-ranking Naval Officer, relating personal experiences surrounding the decision to deploy the atomic bomb. Judge Platt tells of his father's close and personal friend, U.S. Secretary of War Henry Lewis Stimson. Judge Platt vividly relates how Secretary Stimson struggled with the gravity of his responsibility to inform President Truman that the Manhattan Project had progressed to the point where the atomic bomb was ready. President Truman also asked Secretary Stimson to provide him with estimates for loss of life that would be sustained by all sides through the Pacific invasion as compared to losses resulting from dropping "the bomb."

After the war, Judge Platt received a B.A. from Yale University in 1947, and an LL.B. from Yale Law School in 1950. While in law school, Judge Platt married Anne Byrd Symington in 1948. After private practice in New York City from 1950 to 1953, Judge Platt became an assistant U.S. attorney of the Eastern District of New York, serving from 1953 to 1956. He then returned to private practice as a partner at the law firm of Bleakley, Platt, Schmidt, Hart & Fritz in New York City. He also served as an attorney for the Village of Laurel Hollow, N.Y., from 1958 to 1974, and was acting police justice in the Village of Lloyd Harbor, N.Y., from 1958 to 1963.

Judge Platt was also an alternate to the Republican National Convention in 1964, 1968 and 1972 and a committeeman, Suffolk County Republican Committee, from 1957 to 1974.

Judge Platt was nominated by President Richard M. Nixon on Jan. 31, 1974, to a seat vacated by Hon. George Rosling. He was confirmed by the U.S. Senate on March 1, 1974, and received his commission on March 8, 1974. At the time of his nomination, he was the first federal district court judge from Suffolk County, N.Y. He served as chief judge of the Eastern District from 1988 to 1995. After more than 25 years of active service, Judge Platt assumed senior status on Feb. 1, 2001.



Hon. Arthur D. Spatt

A native of Brooklyn, N.Y., Judge Spatt served as a navigation petty officer in the U.S. Navy from 1944 to 1946 on an amphibious transport ship, the *USS Sherburne*.

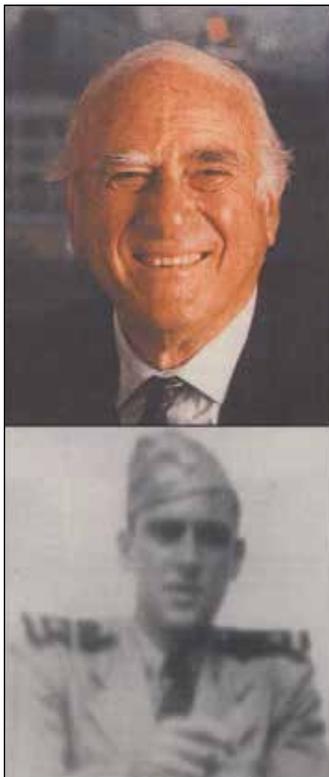
During our interview, Judge Spatt shared his observation that, during World War II, the country unified in a way unlike any time before or after the war. This unity of purpose instilled a patriotic passion in all Americans of that era which he continues to carry to this day. Judge Spatt added that he considers World War II to be the most extraordinary event, not only in his life, but in his opinion, other than religious and family events, the most extraordinary event in the history of the world.

Citing unexpected benefits from wartime, Judge Spatt tells how his service in the U.S. Navy opened up the world beyond DeKalb Avenue to a middle-class kid from Brooklyn. He proudly tells how a shipmate of his from Cicero, Ill.—Vincent Urbanek, a "tough guy" with a high IQ who dropped out of high school—was helped by Judge Spatt and others to complete his studies and attain his high school diploma. Urbanek eventually became a professor of oral surgery at Duke University.

After the war, Judge Spatt received an LL.B. from Brooklyn Law School in 1949 and entered private practice in New York City from 1949 to 1978. Judge Spatt became a state court judge in the Supreme Court of the State of New York, Tenth Judicial District, and served from 1978 to 1982 before becoming an administrative judge for Nassau County, N.Y., from 1982 to 1986. He moved on to become an associate justice of the New York Appellate Division, Second Judicial Department, from 1986 to 1989.

On Oct. 25, 1989, Judge Spatt was nominated by President George H.W. Bush to a seat on the U.S. District Court for the Eastern District of New York vacated by Hon. Henry Bramwell. Judge Spatt was confirmed by the U.S. Senate on Nov. 21, 1989, and received commission on Nov. 27, 1989. He assumed senior status on Dec. 1, 2004.





Hon. Jack B. Weinstein

Judge Weinstein was born in 1921 in Wichita, Kansas. He attended Brooklyn College at night while working for a trucking firm during the day, receiving a bachelor's degree in 1943.

Judge Weinstein served in the U.S. Navy during World War II as a lieutenant commander on the submarine *USS Jallao*. In his *Newsday* interview, Judge Weinstein said "there was no moral ambiguity or doubt in the mission the nation faced to defeat Nazi Germany and imperial Japan. We were on the side of the angels. I was always aware that, in a sense, I was the tip of a sword that was being fashioned by the entire country."

His submarine sank a Japanese cruiser in the Battle of Leyte Gulf in October 1944 and a merchant marine vessel in August 1945, days before Japan's surrender.

After the war, Judge Weinstein earned a law degree from Columbia University in 1948 and became a law clerk to Hon. Stanley H. Fuld of the New York Court of Appeals. He then opened his own law office, through which he advised various state legislative committees and conducted a litigation practice. Judge Weinstein assisted in writing briefs for the NAACP in the *Brown v. Board of Education* case of the 1950s and in the "one man, one vote" litigation of the 1960s. For many years he was a faculty member of Columbia Law School and lectured at other law schools.

In 1967, President Lyndon B. Johnson nominated Judge Weinstein to the bench in the Eastern District of New York on the recommendation of Sen. Robert F. Kennedy. Formerly chief judge of the district, Judge Weinstein maintains a full docket as a senior judge.

Managing each case with equality and efficiency in mind, Judge Weinstein appears in business suits instead of judicial robes and often meets with parties and litigants around a conference table in open court. A pioneer in the area of mass torts, he has handled and streamlined complex class actions and multi-district litigations related to Agent Orange, asbestos, DES, and Zyprexa. Judge Weinstein has presided over numerous organized crime trials, including the prosecutions of Vincent Gigante, Louis Eppolito, and Stephen Caraccappa (known as the "mafia cops"), and the recent trial of Charles Carneglia.

Judge Weinstein is the author and editor of a number of books including the multi-volume *Weinstein's Evidence* (Weinstein and Berger Editors, 1975) and Weinstein, Korn, and Miller on New York Civil Practice.



Hon. Leonard D. Wexler

Judge Wexler is also a native New York born in Brooklyn. During the war, he served in Company C Tank Destroyer Battalion, U.S. Army. He distinguished himself by receiving the Purple Heart and two Bronze Battle Stars for the European Operation.

During our interview, Judge Wexler referred to himself as a lucky man. His military career is punctuated with near-misses. Upon being drafted, he and two close friends applied for paratrooper training. Judge Wexler was rejected for paratrooper duty as he was assigned to the Tank Destroyer Battalion instead. Unfortunately, his two friends were accepted as paratroopers and killed in action. During preparation for what became known as the "Battle of the Bulge," Judge Wexler was wounded by shrapnel three days prior to the battle, forcing him to miss action during which his unit suffered heavy casualties.

Judge Wexler also feels lucky because he was able to take advantage of his Veteran benefits to attend college and law school—something which he never dreamed that a kid who grew up poor like he did would be able to realize.

Judge Wexler received a B.S. from Indiana University in 1947 and a J.D. from New York University School of Law in 1950. He was founder and incorporator of the Suffolk Police Benevolent Association in 1960, and its attorney for 17 years; founder and incorporator of the Suffolk County Detective's Association in 1963 and the Suffolk County Sheriff's Association. He was founder of the Suffolk County Criminal Bar Association in 1955 and Director from 1956 to 1960.

Judge Wexler prepared the first Assigned Council Plan under Section 18B of the County Law in 1966, providing for representation of persons charged with a crime. The plan was adopted by the Appellate Division, and he was appointed first administrator in the state to represent Suffolk County from 1966 to 1983. He tried the first death penalty case under the new death penalty law in 1963 and was the first civilian attorney to travel to Vietnam to defend a soldier charged with murder in 1970. He argued constitutional rights before the U.S. Supreme Court in 1975.

Judge Wexler was nominated to the court by Ronald Reagan on May 11, 1983, to a seat vacated by Hon. George C. Pratt, and was appointed to the federal bench on June 22, 1983. He as-

sumed senior status on June 30, 1994. Judge Wexler brought the first federal court to Happaug, Suffolk County in 1987; chaired the construction of the first permanent federal courthouse in Central Islip, Long Island, in 1992. Judge Wexler has also lectured to judges in Czechoslovakia in 1991 and in Hungary in 1996.

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²⁵INA § 101 (a)(22)(B)

²⁶WILLIAM BLACKSTONE, “Commentaries on the Laws of England,” Book I, Chapter 10, p. 354 (Univ. of Chicago Press, 1979) (facsimile of the first edition of 1765).

²⁷*Id.*

²⁸In *Lee v. Ashcroft*, 216 F. Supp. 2d 51 (E.D.N.Y., 2002); (a U.S. district court granted a writ of habeas corpus seeking Lee’s clarification of his status as a national of the United States and prohibiting him from being deported as an aggravated felon because he registered for the draft.); *United States v. Morin*, 80 F.3d 124 (4th Cir. 1996). *Shittu v. Elwood*, 204 F. Supp. 2d 876 (E.D. Pa 2002) (a district court conceded the possibility of one becoming a national by an objective demonstration of allegiance, but declined to so find on the facts of that case).

²⁹*Matter of Navas-Acosta*, 23 I & N Dec. 586 (BIA 2003)

³⁰8 U.S.C. § 1101(a)(29); INA 101 (a) (29).

³¹*Reyes-Alcaraz v. Ashcroft*, 363 F.3d 937, (9th Cir. 2004),

³²8 U.S.C. § 1101(a)(43)(L); INA § 101(a)(43)(L).

³³18 U.S.C. § 2381 (emphasis added).

³⁴See Jonathan Shay, *ACHILLES IN VIETNAM: COMBAT TRAUMA AND THE UNDOING OF CHARACTER* (New York: Anthem 1994). See e.g., “Economically, unhealed combat trauma costs, and costs, and costs. Recall that more than 40 percent of Vietnam combat veterans sampled in the National Vietnam Veterans Readjustment Study reported engaging in violent acts three or more times in the preceding year. When violence against others results in injury, society incurs the costs of medical care and lost productivity of the victims of this violence. Between a tenth and a quarter of all males in prison are veterans, and it costs an average of about \$25,000 per year to incarcerate each of them. When combat trauma results in domestic violence and pathologic family life, there is an intergenerational transmission of trauma. A number of men in our program have children who are currently in prison. *Id.* at 195. See also *The Psychological Needs of U.S. Military Service Members and Their Families: A Preliminary Report by the American Psychological Association Presidential Task Force on Military Deployment Services for Youth, Families and Service Members*, Feb. 2007 at 9, available at www.apa.org/releases/MilitaryDeploymentTaskForceReport.pdf.

³⁵INA § 349(a) provides:

A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—(3) entering, or serving in, the armed forces of a foreign state if (A) such armed forces are engaged in hostilities against the United States, or (B) such persons serve as a commissioned or non-commissioned officer. *Id.*

³⁶*Jama v. I.C.E.*, 543 U.S. 335 (2005).

³⁷The United States, for instance, provides that “Any citizen of the United States who, within the jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, against any prince, state, colony, district, or people, with whom the United States is at peace, shall be fined under this title or imprisoned not more than three years, or both.” 18 U.S.C. 958. Further it provides criminal sanctions for anyone “within the United States, enlists or enters himself, or hires or retains another to enlist or enter himself, or to go beyond the jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a servicemember or as a marine or seaman on board any vessel of war, letter of marque, or privateer,” and then excludes from those subject to the criminal sanctions “any subject or citizen of any foreign prince, state, colony, district, or people who is *transiently* within the United States and enlists or enters himself on board any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people.

³⁸Rome Statute of the International Criminal Court, July 17, 1998, UN Doc. A/conf.183/9*, corrected through July 1999 by UN Doc. PCNICC/1999/INF/3*, available at un.org/law/icc/ (accessed Sept. 9, 2007).

³⁹See John R. Bolton, Under Secretary for Arms Control and International Security, *Remarks to the Federalist Society*, Washington, D.C., Nov. 14, 2002, available at www.state.gov/t/us/rm/15158.htm (accessed 9/11/2007).

⁴⁰The ICC “may exercise its jurisdiction if one or more of the following states are Parties to this Statute or have accepted the jurisdiction of the Court ... (a) The state or the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the state of registration of that vessel or aircraft; or (b) the state of which the person accused of the crime is a national.” *Id.* art. 12 (2).