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Protestors from the law school met military recruiters on the front steps last month. They heard faculty and student speakers lambast Army and Navy discrimination against homosexuals.

Students take to streets to protest Army, Navy recruiting bias

By Nicholas Pappas

Some 80 students who oppose military recruiting at the law school took their message to the streets while the Rutgers University administration reconsidered its position on the issue.

For almost an hour on Oct. 25, students demonstrated their opposition to the interviews which a Navy recruiter conducted that morning in the law school placement office. Students were interviewed by the recruiter about possible employment with the Judge Advocate General Corps, the Navy's legal wing. A recruiter for the Army interviewed the following day.

Protesters wore black arm bands as a sign of solidarity. They carried placards and shouted slogans as they marched in front of the school's steps. One placard read, "Discrimination against one is discrimination against all." Lead by one student with a loudspeaker, the protesters chanted, "2-4-6-8 Simmons won't control our fate," and "Ho-ho the Army's gotta go." Two Rutgers policemen and two Newark policemen stood by and moved traffic along from time to time. The group quieted as it gathered to hear speakers.

Ted Bohn, a member of the Lesbian and Gay Men's Caucus, said he hoped this would be the last protest. He expected the Board of Governors to change its policy before coming year.

Prof. Annamay Sheppard said the demonstration was the same as many others in the continuing drive to secure human rights. "If you rely on the agencies of government, you'll get very old before you see any action," she said. "This notion that Rutgers has to wait for someone to announce it's okay not to discriminate is the issue I'm against."

"There are a lot of reasons for not being in the Army," said Prof. Nadine Taub. "One shouldn't be that you're not wanted there."

Prof. Frank Askin found Rutgers' present policy inconsistent with Rutgers' tradition in which students, faculty and administration had been together on civil rights issues.

Representatives of other student organizations also addressed the group and showed their support.

Policy debate

Demonstrations against JAG have become an annual event at the law school. Those seeking to bar JAG take the position that discrimination on the basis of sexual orientation is morally wrong. On this basis they attack the university's policy which requires that discriminatory employers simply give a statement explaining their reasons for discrimination. Supporters of this view accept no justification for discrimination on the basis of sexual orientation, and find the Army's reasons bogus. Furthermore, they say Rutgers has an obligation to protect its students from discriminatory employers.

The Board of Governors, the group which sets university policy, has refused to bar JAG for those reasons despite numerous faculty requests to do so. One possible explanation for this policy was the Department of Defense's threat to cut off funds to institutions which barred military recruiters. A more recent DOD regulation, however, nullifies that argument by permitting cutoffs only to the particular unit of an institution that bars the

military. Since the law school does not receive any no DOD funds, the bar would not have any financial impact.

The faculty with SBA support recently authorized Professors Willard Heckel and Sheppard to address the board in support of this viewpoint. An opposing view is set forth by Dean Peter Simmons. Simmons will bring this viewpoint before the board alongside Heckel and Sheppard this month, representing what he acknowledges to be a minority position in the faculty.

Simmons sees a distinction between Rutgers' non-discrimination policy in hiring and its policy towards employers who interview on campus. "It is one thing for the university to establish a non-discrimination policy with respect to its own conduct when it acts in its capacity as an employer and quite another for it to attempt to restrict the conduct of others who are behaving in what is at present a lawful manner," Simmons said in a memorandum to the board during the fall of 1981. He criticizes the faculty's initiative as one which threatens academic freedom and involves a political question.

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Conference on Civil Rights Act set Nov. 16 for kick-off of new journal

By Daniel Gulino

Rutgers Law School will sponsor a conference on the Twentieth Anniversary of the Civil Rights Act at the law school on Nov. 16 and Nov. 17. It is supported by the Ford and Rockefeller Foundations and is organized by students in conjunction with Professors Alfred Blumrosen and Jerome Culp.

The conference will examine the history of the Civil Rights Act and consider new goals for civil rights in the future. Discussion will focus upon defining the civil rights goals for the 1980s, how they are to be reached and what role the government and courts will play in reaching them. "Basically, the conference will attempt to set an agenda for civil rights in the 1980s and beyond," said Gary Klein, student conference coordinator.

There are still many problems that need to be solved in order for the Civil Rights Act to realize its full potential, according to Klein. One area of concern that will be discussed at the conference is the apparent split in the alliance of groups which formed to fight for the passage of the Act in 1964. "Many of the groups that fought for the Civil Rights Act in 1964 have become more self-centered, concerned more with their individual interests as one group rather than as one of a whole," said Klein. "We must bring these groups back together once again", he said, "because large groups of people still remain under represented in society".

Barbara Bergmann of the University of Maryland, and Peter Robertson of the Organization Resource Councilors, will directly confront this issue at the conference. Bergmann will question whether a conflict exists between racial justice and women's liberation, while Robertson will consider how an effective alliance can once again be created for civil rights goals in the 1980s.

Conspiracy case...

Rutgers grad among 'NY 8'

By Ed Nathan

A Rutgers Law School graduate is one of eight defendants involved in the first challenge to the Bail Reform Act of 1984, a challenge considered likely to reach the U.S. Supreme Court.

James Silver, an attorney for the "New York Eight" warned in a Nov. 5 talk at the law school of a "return to the McCarthyism of the '50s" brought about by an abuse of the newly passed act. Silver characterized the real issues as the reversal of an accused's presumption of innocence and the "chilling effect" of other constitutional protections, during the speech sponsored by the Rutgers Student Lawyers Guild and Association of Black Law Students.

The New York Eight, following a widely publicized government raid, has been indicted for conspiring to commit armored car and bank robberies and for planning to stage the escape from prison of a man convicted in the "Brinks" armored car case. The group admits to membership in the New Afrikan Freedom Fighters, which advocates the establishment of a separate black nation in the southern United States. Silver conceded that the Freedom Fighters are willing to use force if necessary to achieve their goal, but questioned newspaper descriptions of the Fighters as the "military arm of the Republic of New Afrika." The indictment alleges that shotguns, automatic weapons, and diagrams of banks were found in Yvette Kelley's

The full text of Yvette Kelley's statement is reprinted on page 3.

apartment at the time of her arrest. Kelley, is a 1979 graduate of Rutgers Law School.

In a statement written especially for the Rutgers Law School community, Kelley asserted that the new bail statute is a "fascistic preventive detention law" that allowed the government to "detain one person in jail without bail and the rest under 'house arrest.'" Kelley described the arrests by "500 heavily armed SWAT police" as the terrorizing of entire communities, during which guns were twice held by police to children's heads. She described the charges against her as "vague and nebulous allegations of conspiracy."

Silver, who's wife is a second-year student at this law school, told his listeners that the reason guns were put to children's heads was to coerce adults into revealing the whereabouts of other suspects. He asserted that Kelley was initially investigated solely because of her politics and suggested that she was being prosecuted more for her beliefs than for any act she committed.

The Bail Reform Act of 1984 is the target of the defense team's initial efforts. Under the law, the government can seek a (continued on page 3)

Another person scheduled to speak at the conference is Thomas Pettigrew of the University of California. Pettigrew was responsible for much of the sociological research behind the Civil Rights Act. His paper, *New Patterns of Racism: Different Worlds of 1984 and 1964*, will examine the changes underlying the sociological relationships between blacks and whites. Also scheduled to speak is Eleanor Holmes Norton, former chairperson of the U.S. Equal Employment Opportunity Commission, who will address the economic questions facing civil rights in the 1980s. Rutgers will also be well represented at the conference with Prof. Alfred Slocum speaking about political equality and Culp speaking about employment and civil rights goals.

Student interest in the conference is strong. "After all, Rutgers has a reputation for being a progressive law school, concerned with civil rights and the equality of people," Klein said. Admission to the conference is free for law students and everyone is urged to attend what will prove to be an exciting and educational event.

The papers and proceeding of the conference will be published in the first volume of the *Civil Rights Law Development Journal*. This journal will be published annually and will be comprised of articles from scholars practicing a variety of fields, such as law, economics and government administration. "The *Civil Rights Journal* provides legal scholars, litigators, law students, administrators and legislators with new perspectives and initiatives for civil rights law", said Klein, editor of the journal.

Interested students should see Klein for further information. It is expected that one credit per semester will be received for participation on the journal.

Statement of Yvette Kelley to the law school

Editor's note: The following is the full text of the letter written to the Rutgers Law School community by Yvette Kelley, a law school alumna and one of the New York Eight defendants.

Greetings and solidarity to all of you who have expressed concern about the eight women and men who were arrested in New York and held without bail for more than 15 days under the new Bail Reform Act. At this time, seven of us have been granted bail and one of us is being detained—none of us have criminal records and all of us clearly established in the hearing our roots in the community. The nature of the fascistic preventative detention law allowed the magistrate to ignore the question of "dangerousness," because she found the provision not applicable to any of the defendants, but relied on the catch-all phrase of "risk of flight." Under this phrase the government has effectively used the law to detain one person in jail without bail and detain the rest under "house arrest" bail conditions.

We are calling ourselves the New York Eight Against Fascist Terrosim because we feel that the name sharply depicts who we are and what the new "preventative detention" law and our arrests are all about.

On Oct. 17 more than 500 heavily armed SWAT police of the Joint Terrorist Task Force (JTTF) stormed through the Black neighborhoods of Brooklyn and Queens and in one hour swept through six residences. In the home of Viola Plummer, in Queens, the door was knocked down and in the course of the arrest a 1-year-old baby was held in the crib with a shotgun to his head while the mother of the baby was handcuffed outside.

Coltrane Chimurenga was arrested in a restaurant in Manhattan while his wife and two children were terrorized at home in Queens. Robert Taylor was at home in Queens with his wife and two children when suddenly there was a knock at the door, an announcement by the police, and the door broken down. Yvette Kelley and Colette Pean were getting ready for bed in their apartment in Brooklyn when the door was knocked down and more than 20 police rushed in with rifles drawn, knocking down and pointing a shotgun to the head of the 15-year-old daughter of Ruth Carter, who was not home at the time but was arrested later in Manhattan.

Roger Wareham and Omowale Clay both were at home, but were arrested later when the police stormed their home in Brooklyn and forced three women and four children out into the street. A sixth home in Brooklyn was terrorized, but no arrests were made.

We were taken to the headquarters of the JTTF, at 26 Federal Plaza, interrogated until the early morning hours and denied the right to any phone calls, then brought before the magistrate. While incarcerated at the Metropolitan Correctional Center, we were held under a 23 hour lock-up for five days without any toiletries or other necessities and without contact of family and friends, before being released to the general population of the prison. The men are still under 21 hour lock-down. The charges against us are vague and nebulous allegations of conspiracy.

This course of events closely resembles a scene from Nazi Germany with Hitler's stormtroopers marching off the Jews to concentration camps. The first stage of fascism, which paves the way for the stormtroopers, is the stripping away of basic constitutional and human rights. It is no surprise to the New York Eight that we have been the target of a 10 month (or longer) investigation or surveillance by approximately 100 government agents per day. It is precisely because we have vigorously exercised our First Amendment right to dissent against government policies and because we have been active, politically organizing Black communities of Brooklyn, Manhattan and Queens, that we have been singled out. The degeneration of the Fourth Amendment right against illegal search and seizures makes it possible for the police to round up targeted groups; the Bail Reform Act allows the court to order preventative detention, blatantly denying the Eighth Amendment right to bail and the presumption of innocence; and the Grand Jury follows up with a list of additional targets, names and phone numbers seized from the personal belongings of those detained, from which they attempt to extract the necessary information for permanent incarceration. This is creeping fascism and it is not difficult to put the pieces together from present economic conditions that exist in this country.

It is sufficient that more than 500 agents were engaged to arrest eight political activists. If that number of agents were put on the streets of New York City to deal with the drug traffic the streets would be clear tomorrow. It is significant that the state has the ability to seize upon an entire community and immobilize it for one hour, in this case, for days during the recent rebellions in Miami, Fla. and permanently in South Africa. It is significant that a group or race of people can be targeted and seized and others passively look on in relief that it is not them.

We look to the legal community to challenge this degenerating state of civil liberties and constitutional rights. Not only is it to the benefit of this particular case, but is also to the benefit of each and every person of this society.

Grad indicted...

(Continued from page 1)

refusal of bail if they can show that the defendants are either dangerous or pose a risk of flight. Because the normal rules of evidence do not apply to bail hearings, mere innuendo by the prosecution is sufficient to switch the burden onto the defendants to show that they are not dangerous or likely to flee, according to Silver. He called the statement in the Act that nothing within it affects the presumption of innocence a "bald faced lie."

One defendant was found by the Magistrate to pose a risk of flight and was refused bail. The other seven have resolved to stay in jail until all are released together, said Silver. An emergency appeal is now before Judge Carter of the Southern District of New York. Silver expects the appeal to quickly reach the Supreme Court since this is the first challenge to the 1984 legislation.

A ninth person was incorrectly reported to have been arrested with the New York Eight in the initial newspaper coverage. That person is in the federal witness protection program and is expected to be a witness for the prosecution, Silver said. The New York Eight are remaining together in detention, in part, to prevent any of them from being co-opted into becoming prosecution witnesses, Silver revealed.

Prof. Arthur Kinoy spoke briefly at the meeting, calling for a student taskforce to aid the defense team. He decried the "atmosphere of a strong fist that is moving in, regardless of written law." Kinoy said the new act represented the "abandonment of the most elementary form of constitutional democracy."

Kelley, who was active within the ABLS and the Urban Legal Studies Clinic while a student at the law school, has been employed for the last three years as a legal assistant for the Public Defender's appellate section in East Orange.

Law student selected in ASCAP contest

David Izakowitz, a third-year student at Rutgers Law School, won the \$500 First Prize in the intraschool Nathan Burkan Memorial Competition, it was announced by Hal David, president of the American Society of Composers, Authors and Publishers (ASCAP). His winning essay is entitled "Fair Use of the Guidelines for Classroom Copying: An Examination of the Addison-Wesley Settlement."

The copyright competition is a national event sponsored annually by ASCAP in memory of its first General Counsel, who died in 1936. Designed to stimulate interest in the field of copyright law, the award has been given since 1938.

Izakowitz will be considered for the National Burkan Awards later this year. The recipients of the national prizes will be selected by a panel of distinguished judges. Each winner will receive a prize ranging from \$500 to \$3,000.

The Rutgers law student earned a bachelor's degree in comparative literature at Wesleyan University in 1976, and a master's degree in theater arts at Cornell University in 1979. He is the current managing articles editor for the *Computer and Technology Law Journal*.

Coalition nails 5 first-year seats

By Nicholas Pappas

The coalition secured five of seven seats in recent Student Bar Association elections for first-year representatives after a campaign of some controversy and in one allegation of misconduct by an election committee official.

The coalition ticket, composed of representatives from its member organizations, urged students to support it in its "effort to maintain Rutgers' unique reputation as a leader in progressive education." Interviews with two of the candidates provides two opposing views of the coalition.

Adrienne Martin, a coalition candidate of the Association of Black Law Students who won a seat in a runoff election against Jean Bennett said, "the coalition representatives can discuss issues of concern to minority groups, in addition to, but not to the exclusion of the basic student issues of parking, safety, shuttle service, and inconvenient lockers."

William Dalzell took strong and vocal exception to this viewpoint during the campaign. His leaflets described the coalition as a "political machine" that encouraged "separatism" and "divisiveness" in the student body. In his speech at the candidates' forum, Dalzell called the coalition a special interest group and one that does not represent the views of all students.

"The coalition purports to represent blacks, Latinos, gays and lesbians, and the Lawyers Guild which are very liberal views,"

Dalzell said. "To someone who does not fit into those categories, how can the coalition say they also represent them?"

Martin disagrees with that argument. "As a black woman, I have concerns that others could not possibly know anything about," she said. "Such concerns do not conflict with the interests of the entire student body." For example, the claim that some professors practice racism in the classroom and in grading, whether conscious or unconscious, would be more apparent to her than to a white male, she said.

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The politics of football, or 'How come nobody plays with lawyers?'

By John Grele

On Nov. 3, 16 law students gathered for a game of touch football. Rumors of the game had spread the week before. At one point, the organizers worried aloud that too many people might show up. The weather had been lousy the whole week, but by Saturday morning it was clear and crisp.

The idea of a football game began weeks before when one school politico suggested that the right wing faction play the left wing. That thought was short-lived though because of the general lack of any significant number of students willing to identify with the right wing. This was probably due to our president's showing in the first debate. After the second round of debates with Walter, the football notion seemed to have a new life. But the left was wavering; one such student claimed that any other game, basketball or softball, was better because football was a right wing game. Next the left pulled what is thought to be a fast move and insisted that the game be coeducational. To its surprise, the right quickly agreed and the game was on.

In the end though, the moderates prevailed and actually set a time and date where all those interested in playing would meet and then proceed to the field. The game lost both its ideological flavor and coeducational appearance. The mix was not entirely balanced, with mostly moderates, some leftists and few, if any from the right. The actual politics surfaced in the huddles where differing philosophies of the game clashed for group approval. One team seemed to develop quick consensus; anyone with a thought-out play would give it to the team which would then try hard to forget it. The other team appeared to operate under a more democratic model, with a number of plays being offered in each huddle and each proponent vying with the rest of the team for media time.

The students and their friends from outside law school met at the school. After waiting for nearly one-half hour, it was decided that there were finally enough people. The debate over the playing field began. No one knew of a place to go. Kearny was nixed because no one knew of a guaranteed open space. Branchbrook Park quickly disappeared as a possibility because some didn't know it existed and others weren't sure of how to get there (the rest didn't know where we could play in the park). Someone then offered the field next to the Student (dis)Services Building and a few ran off to check and report on the legality and feasibility

of the idea. They quickly returned and the whole body left the school for the field.

A warm-up soon revealed that more than a few students had not touched a football in years. Equally obvious was the fact that some people could throw the ball and others could not. Captains were chosen and team selections were made. The teams reflected an even mix of size, weight, agility and ideology, and consequently none of these was a factor in the outcome of the game. Then the inevitable period of disorganization followed; everyone had a football or was ready to catch one, no one was

Viewpoint

listening to the few voices wanting to start, only a couple of the players actually knew which team they were on, and two or three measured off the boundaries.

From the opening kickoff to the winning touchdown, the game was physical. At doubt was whether this was due to the nature of the game or to the awkward collisions of those moving certain muscles for the first time since basketball season. The players can now be identified by their slow and deliberate movements down the halls and their reluctance to sit in the cafeteria's chairs. All of the touchdowns were by passes. In fact, no more than five running plays were attempted.

One team used only two quarterbacks the entire game. The other tried at least half their team at the position. The first team offered all of its players the chance to be a receiver, while the second kept certain people on the line. The second team was the one that spent time weighing the attributes of a number of plays before deciding on the one to execute.

As the afternoon faded, a winning team had to emerge. The score was 4-3 when the teams agreed that the first team to score its fifth touchdown would be the winner. The final touchdown broke a 4-4 tie with a pass to the corner on single coverage. No one knew if another game would get off the ground the following week and no such plans were made. The right/left idea was shelved after election fever died. It looks like volleyball and basketball will have to take the place of football for at least a semester.

SBA Election Results:

87D:	
Michelle Schiffman	69
Anthony Vierra	63
Iris Guardarramas	60
Suzanne Vine	60
Margaret Brady	59
Angel Lahera	58
Adrienne Martin	57*

Jean Bennett	57*
William Dalzell	56
Lisa McCauley	54
Alex IlGrande	52
Dansby White	52
Joy Krystofiak	49
Victor Batista	39
Maryann Gallagher	39
Pamela Bankert	29
Philip Wu	26

88E:	
Keith Guerrant	30
Kit Ellenbogen	26
Richard Mattoon	20
Jonathan Sontz	19
Judith Stein	18
Deidra Hunter	13

* Martin won the runoff on Oct. 30

Martin	28
Bennett	22



Speaking their minds about military recruiting, at the law school are Diane Correa of the ALAS (left) and Prof. Annamay Sheppard.



Dorm and upgrading are set

By Zareh Beylerian

Plans are well under way for graduate housing to be built on Bleeker Street, between the Robeson Campus Center and Saint Michael's Medical Center.

On Oct. 19, the university's Board of Governors approved the plans for the dormitory designed by the architectural firm of Beckhard, Richlan & Associates. The board selected the plans from among those submitted by five bidders, according to Gene Vincenti, associate provost for the Newark campus.

The plan calls for a building eight stories high, accommodating 350 graduate and nursing students. No contract for the construction of the building has been awarded, but the lowest bid for the project is \$7.7 million by the Iris Construction Co., according to Vincenti.

The project will include parking facilities and landscaping. Within the building, there will be common areas, a lounge on the first floor, and two apartments for guests. Security will be provided through guards posted at the main entrance around the clock, seven days a week. The entire project will occupy approximately one-third of the block on Bleeker Street.

Rutgers has already acquired most of the land for the project. With the help of the Newark Housing Authority, the university acquired the site of the old Regent Hotel and several adjoining lots during the past summer, and it is moving quickly to acquire the remaining parcels. Vincenti expects the university to break ground by Christmas, and foresees completion of the project by the fall of 1986.

Land is also currently being acquired to provide for the building of a second housing facility after the completion of this project. Although this second phase is still in its early stages, Vincenti expects that there will eventually be two dormitory buildings standing side by side on Bleeker Street.

Athletic Fields

The Board of Governors also considered the status of the athletic field that is planned for the vacant lot next to the Student Services building on Warren Street. The land has been already acquired, and a budget of \$750,000 has been allocated for the development of a football field, a jogging track, and a storage building for equipment. According to Vincenti, only one bid was submitted for this project, and it was significantly more than the budget. Despite the initial disappointment, however, Vincenti said he expects the overall project will stay as is, and the cost reduction will come from structural changes rather than from deleting parts of the project. Alternatives include a different drainage system and a modified retaining wall. In addition, the proposal for the installation of an Astroturf surface instead of natural grass on the field was put aside because it was found that such a surface would practically double the cost of the project without offering any significant reductions in maintenance expenses. New bids for the modified design are expected in December.

Law school improvements

On matters closer to home, the law school will be the beneficiary of several improvements that are slated for the current year. According to Phillip A. Steinfeld, associate dean of administrative services, the two major efforts for this year will be the installation of a new comprehensive fire alarm system and the painting of the entire law school interior.

The fire alarm system, the installation of which began in August, is scheduled to be operational by December. This \$250,000 system will replace the one currently in use and will allow better communications and control should an emergency arise. The new features will include zoning—evacuating certain floors instead of the entire building, and directing people to safer areas instead of requiring them to exit the building; a public address system; and the ability for firemen to operate elevators independently of other controls.

Room 114 has been remodeled to accommodate a judge's bench to serve as a second moot court room. Save for new carpeting, the room has been completed, and these additional facilities will allow more flexible scheduling of moot court competition and classes.

The Weintraub room (room 412) and rooms 615D and 928 are all being refurbished. They are all contemplated for use as seminar rooms, and the new furniture, scheduled to arrive in January, will consist of five-legged, tilt and swivel chairs along with curtains and carpeting.

The video equipment currently owned by the school will be upgraded to include capacity for the use of half-inch video tape. This is the tape that is used in portable machines. The current equipment can only handle three-quarter-inch tapes.

The library will be receiving additional computers. The equipment was slated to arrive in June, but was actually delivered in late August. The major purpose of these new machines will be to allow students access to interactive teaching tapes.

Ten answering machines will be ordered and made available for use by selected faculty members. These machines will relieve the overcrowded switchboard and will allow faculty to better respond to messages and inquiries.

The word-processing equipment is being upgraded. The machines have already arrived, and it is expected that the new system will be fully operational by November. A new staff person was hired to bring the total number of employees in the word-processing pool to three. Although nine faculty members now own their individual computer equipment, it is expected that the new state-of-the-art facilities will be extensively taken advantage of. Remodeling the sixth floor, and moving all the word-processing equipment and the staff into a new secretarial room next to the admissions office is also being contemplated.

Peoples' tribunal finds violations

By David Paige

Numerous domestic and international laws are being violated by the United States through its conduct in Central America and the Caribbean, according to a war crimes tribunal convened at Rutgers University in Newark.

A panel of 15 judges, including Professors Frank Askin, Arthur Kinoy and Willard Heckel of the law school, considered nine hours of sworn testimony, films, videotapes, photographs and documents before reaching its conclusion. Other judges were community activists, lawyers and scholars, while testimony was given by experts, professors, refugees and Americans who recently visited the countries involved. The United States government was not represented during the tribunal, although invited to attend.

The tribunal was one of 13 convened at major cities from New York City to San Francisco from Oct. 8 to Oct. 20, according to Joseph Fortunato of the New Jersey Chapter of the national Lawyers Guild, one of the sponsors of the event. The purpose of these "people's tribunals" was to have "the maximum impact on the United States' policy in Central America," Fortunato said. The tribunals were intended to make the public aware of violations, he added during a press conference held one week before the presidential election.

The tribunal consulted 22 laws, treaties and resolutions to determine if any were violated by the United States. The most violations by the United States occurred in El Salvador, according to the tribunal. Nine laws were cited as being violated, including the War Powers Resolution (50 U.S.C. 1541 et seq.); Foreign Assistance Act of 1961 (22 U.S.C. 2304); United Nations Charter; Geneva Convention; and Nuremberg Principles.

The United States' conduct in Nicaragua had the second highest number of violations with seven, according to the tribunal. Six laws were found to be violated by the United States' action in Grenada, five in Guatemala, two in Cuba, and in Honduras, the tribunal reported.

Government disinformation

Ida Castro, a graduate of Rutgers Law School and one of the judges, said she had some idea that violations were occurring, but 80 percent of the information reviewed by the tribunal she didn't know about. Her strongest impression was the "dichotomy between what the government says and what is occur-

Army bias...

(Continued from page 1)

Simmons supports his contention that the issue is political by pointing out that the state legislature is now debating whether to enact legislation to make discrimination on the basis of sexual orientation illegal. He also says that literature distributed by student organizations and student speakers link discrimination on the basis of sexual preference to objections about United States foreign policy. "They want the military off campus for several reasons, all of which are part of the political agenda," Simmons said.

"A proposal to exclude employers from the placement office tells citizens that they cannot use facilities because it is behavior that offends our personal morality," Simmons said. "Many of the same people who call for the faculty proposal oppose another attempt to impose personal morality on others: I'm speaking of the abortion issue."

Simmons said the statement of justification that the university requires, serves to do nothing more than to put students "on notice in advance and not be embarrassed or waste time in an interview process" with an employer who discriminates. Simmons bases this explanation on a discussion of the Educational Planning and Policy Committee of the board in 1982.

Organizers of the demonstration acknowledge Simmons' observation that the issue is a political one. "Whatever the faculty does is political," said John Grele, a member of the Student Lawyers Guild. "To let the Army come here is a political decision. There is no distinction between academic and political issues." Grele cites the search of student offices by faculty, acts the faculty justifies for the academic purpose of recovering lost library books.

"The fact is that the Placement Office is allowing boldface discrimination to continue," said Mordecai Garelick, another Guild member. "They don't take discrimination against gays and lesbians as seriously as they would if it were other types of discrimination."

Decision expected

The Board of Governors is expected to hear arguments from the faculty this month, however, their consideration of the new DOD development may be delayed by the change of university attorneys.

Simmons suggested that the University Attorney review the board's position about a year ago when the DOD gave notice of its proposed change in the *Federal Register*. At the time of the attorney's resignation, no action had been taken. David Scott, the new attorney was appointed late this summer, about the same time the federal regulations changed. Because of a busy agenda and a small staff the matter had yet to be decided at the time of the faculty's resolution, Simmons said. The University Attorney is reviewing the matter and will probably be ready to refer the matter to the board's ED&P committee in November, Simmons said.

In related disputes, the law schools of UCLA and Boalt Hall at Berkeley reinstated the military's interviewing privileges after having barred them for several years, according to the *National Law Journal*. Dean Jesse H. Chopper of Boalt Hall said no recruiter would be excluded unless he violated federal or state law. "We don't engage in civil disobedience," he said. "This is a law school. We play by the rules."

curring," she said. For example, the Reagan administration takes the position that since Pres. Duarte's election in El Salvador, things have been better, she said. "The testimony showed that the amount of assignments by death squads increased this year," she explained. "The only difference is that they are not called death squads, but are government squads."

Jeffrey Fogel, executive director of the New Jersey American Civil Liberties Union and another judge, echoed Castro's comments. If it were not for the "the flow of disinformation" by the Reagan administration, there would be a far greater outcry among United States citizens, Fogel said. "People believe that they have a system of government that has restraints on it," he said. "What hasn't been learned is that there are restraints on what the United States does abroad."

American people do not support wholesale violations of civil rights, Askin said. Congress has required that aid be cut-off to countries violating civil rights, "but the administration is falsely certifying that violations are not occurring," he said.

Future Action

"When the facts become known by the American people, I have confidence that action will be taken," Kinoy said. Kinoy pointed out that the people of the United States are a sovereign branch of the government, the fourth branch of government. "People have to exercise their rights, express their opinion and take action to enforce the laws," he said.

The results and record of all the tribunals will be forwarded to Congressional committees, the United Nations, the International Court of Justice and other international bodies. Kinoy expressed the hope that "members of Congress who are already deeply concerned would take these findings, call Congressional hearings, and take action including calling for the impeachment of any officials responsible." The testimony may also be used in a host of law suits against the Reagan administration instituted by the Center for Constitutional Rights, Kinoy said.

Similar tribunals were held during the 1971 and 1972 calling for the impeachment of Pres. Richard Nixon because of the United States' involvement in Vietnam, Kinoy said. Kinoy claimed these tribunals were partially responsible for Nixon's resignation. The possible re-election of Pres. Reagan would not signal a mandate that the American people approve of the violations, Kinoy said, who pointed out that Nixon was re-elected by a landslide then forced to resign.