By Nicholas Peggs

Some 80 students who oppose military recruitment 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 New York recruiter conducted that morning in the law school placement office. Students were interviewed by the recruiter about possible employment with the Judge Advocate General Corpo, the Navy's legal arm. A recruiter for the Army interviewed the following day.

Protestors 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 protestors chanted, "2-4-6-8 Simmons won't contribute, and 1-2-3-4-5, the Army's gotta go." Two Rutgers policemen and two Newark policemen stood by and moved traffic along from time to time. The group quizzed as it gathered from the speakers.

Ted Bein, 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. Annanay Sheppard said the demonstration was as much a protest against the continuing drive to secure human rights. "If you rely on the agencies of government, you've got 12 years 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 Astin found Rutgers' present policy inconsistent with Rutgers' tradition in which students, faculty, and administration have 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 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. Further, 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 bar military recruiters. A more recent DOD regulation, however, nullifies that argument by permitting outlaws only to the particular unit or institution that bars the military. Since the law school does not receive any DOD funds, the bar would not have any financial threat.

The Faculty with 1984 student and staff petitions acceded to Rutgers faculty members and the law school staff, for the faculty to address the board in support of the viewpoint. An opposing view was set forth by Dean Peter Simon. Simmons will bring this viewpoint before the board alongside Hecker and Sheppard this month, representing himself as 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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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 by the faculty to reach the U.S. Supreme Court. James Silver, an attorney for the New York Eight" warned a New York Eight" warned a New York Eight" warned a

Nov. 5 talk at the law school of a "return to the McCarthyism of the 50's" brought about by an abuse of the newly enacted law. Silver characterized the real issues as the reversal of an accused's presumption of innocence and the "shilling effect" of other constitutional protections during the bail process. The eight defendants are Rutgers Students Lawyer Guild and Association of Black Students.

The New York Eight, following a widely publicized government raid, has been indicted for conspiring to commit armed car and bank robberies and for planning to stage an escape from prison of a man convicted in the "Birges" armored car case. The group admits to membership in the New African Freedom Fighters, which advocates the establishment of a separate black nation in the northeastern 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 a "military arm of New Afrika." The indictment alleges that shock guns, automatic weapons, and diagrams of banks were found in Yvette Kelley's apartment at the time of her arrest. Kelley, a 1978 Rutgers Law School graduate, is a student in a stable relationship of the Rutgers law school community. Kelley asserted the "new law is a "fascist propaganda and distraction law" that allowed the government to "deny one person in jail without bail and the rest under house arrest."

Kelley described the arrests by "300 heavily armed SWAT police" as the terrorism of an entire community, during which gun-wielding children were arrested. She described the charges against her as "vague and nebulous allegations of conspiracy."

Silver, who's wife is a second-year student at the law school, told his listeners that the reason guns were put to children's heads was to coerce adults into violating the warrant of other suspects.

As Kelley was initially investigated solely because of her politics and suggested that she was being prosecuted for her ideas and beliefs. Kelley's trial is scheduled for early in 1986. The Bail Reform Act of 1984 is the target of the defense team's initial efforts. Under the law, the government must convince a

(continued on page 3)

Conference on Civil Rights Act set

Nov. 16 for kick-off of new journal

By Daniel Quinlan

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 Blumrose and Jerome Culp. The conference will examine the history of the Civil Rights Act of 1964 and consider new goals for civil rights in the future. Discussion will focus upon defining the civil rights goals for the 1980's, 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 1980's 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 hard 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 unrepresented in society."

Barbara Bergmann of the University of Maryland, and Peter Robertson of the Organization Resource Counselors, 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 1980's.

Another person scheduled to speak at the conference is Thomas Pettigrew of the University of California. Pettigrew is responsible for much of the sociological research behind the Civil Rights Act. His paper, "New Patterns of Racism: Different Worlds of 1984," will examine the changes underlying the sociological relationship 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 future.

The Bail Reform Act of 1984 is the target of the defense team's initial efforts. Under the law, the government must convince a
Statement of Yvette Kelley to the law school

Editor's note: The following is the full text of the letter written to the editors of the Rutgers Law Record by Yvette Kelley, a law school alumni and one of the New York Eight defenders.

Greetings and solidarity to all of you who have expressed concern about the eight women and men who were arrested in New York City without bail for more than 15 days under the new Ball Reform Act. At this time, seven of us have been granted bail and one of us is being detained—none of us have committed any crime and none of us have ever been convicted. We have been harasses, harassed and hounded like criminals. The nature of the fascist preventive detention law allowed the magistrate to ignore the basic issue of due process, the Fourteenth Amendment. Our lawyer, Fred Holloway, is fighting tooth and nail to have us set free. We have been branded as criminals and not given a fair trial. We are all arrested for "hearsay". If we have not been sentenced to life in prison, it is because the law only provides for that. We are all in jail without trial. We are all being treated like criminals.

On Oct. 17, more than 500 heavily armed SWAT police of the New York Joint Task Force (JTTF) stormed through the hypocritical neighborhoods of Brooklyn and Queens and in one hour swept through six residences. In the home of Vista Plummer, in Queens, the door was knocked down and in the course of the arrest a young child was held in the crib with a shotgun to his head while the mother of the baby was handcuffed outside. Dorothy Conlin, a lawyer who was not on the list, was arrested and had her car impounded. She was interviewed by a police officer at the door, an announcement by the police, and the door broken down. Yvette Kelley and Coleen Pepe were getting ready to leave for an appointment in Brooklyn when the door was knocked down and more than 20 police rushed in with rifles drawn, knocked down robbed, and pointed a shotgun to the head of the 15-year-old daughter of Carla Pellegrini, who had been set free a short time ago but was later arrested in Harlem. These actions continued at six different homes, where arrests were made, but were arrested after the police stormed their home in Brooklyn and forced three women and four children out into the street. A police home in Brooklyn was taro, but no arrests were made.

We were taken to the headquarters of the JTTF, 20 Federal Plaza, interrogated until the early morning hours and denied the right of any phone call to contact our family or our attorneys. While incarcerated at the Metropolitan Correctional Center, we were kept locked in solitary confinement without a pillow, without any toiletries or other necessities and without contact of family and friends, before being released to the general population of the prison where we are in solitary confinement. The charges against us are vague and nebulous allegations of conspiracy. This course of events closely resembles what came 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 civil and constitutional rights. It is not surprising to see the New York Eight that we will not be released for 10 or more days. I may leave for investigation or surveillance by approximately 100 government agents per day. It is precisely because we have vigorously exercised our right to speak out against the government policies and because we have been active, politically organizing Black communities of Brooklyn, Manhattan and the outlying towns, that the Department of the Fourth Amendment Right against illegal search and seizure more in place for the police to round up targeted groups; the Ball Reform Act allows the court to order preventive detention, blantly denying the Eighth Amendment Right to a fair trial. The average life time of 30 days in jail. In 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 creating fascist In a time that is not difficult to see the pieces together from the present economic conditions that exist in this country.

It is all too familiar 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 traffickers, the police, we would have to ask the question 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 incident in Louisiana, and that the biggest message is that a group of people can be targeted and seized and possibly live to tell the tale.

We look to the legal community to challenge this dehumanizing state of civil liberties and constitutional rights. Not only to the belief that we are criminals, but also to the benefit of each and every person of this society.

Grad indicted...

(Continued from page 1)

rebuttal of bail if they can show that the defendants are either dangerous or likely to flee. The district judge's evidence do not apply to bail hearings, mere innuendo by the prosecution is not enough to justify the defendants to show that they are not dangerous or likely to flee, according to Silver. He called the statement in the Act that in nothing with the chilling effect of imposition of innocence a "cold blanket." One defendant was found by the Magistrate to pose a risk of flight and was refused bail. The other plaintiff has resolved to stay jail until all parties said, said Silvers. An emergency appeal is now before Judge Carter of the Southern District of New York. Silver expects the appeal to reach the Supreme Court since this is the first challenge to the 1984 legislation.

With the Michigan's is supposedly and the New York Eight Against Fascist Terrorism because we feel that the main sharply deplores the crimes and that the new "preventive detention" law for the arrest of six people for expressing views is abysmal.

Law student selected in ASCAP contest

David Jakobitz, a third-year student at Rutgers Law School, won the $500 First Prize in the intraschool Nathan Burkman Memorial Composition. It was announced by Hal David, president of the American Society of Composers, Authors and Publishers (ASCAP). His winning entry is entitled "Fair Use of the Guidelines for Classroom Copying: An Examination of the Addis-Levy-Bestley Settlement Judgment." The copyright competition is a national events sponsored annuarl prizes by ASCAP in memory of Nathan Burkman, who died in 1936. Determined to stimulate interest in the legal aspect of copyright law, ASCAP, in consultation with the American Library Association, will announce the winner of the competition in 1986 and the award will be presented to a distinguished judge. Each winner will receive a plaque ranging from $300 to $2,000. The work will be included in ASCAP's annual legal status, in the current managing articles editor for the Constitutional Technology Law Journal.
Army bias...
(Continued from page 1)
Simmons' eulogy was in blunt language: "The issue is political, not just legal; it is about the power that the federal government has to make decisions on the basis of foreign policy. The nation is at war with Germany for several reasons, all of which are part of the political agenda," Simmons said.

"A proposal to evacuate employees from the embassy office in Berlin is that the embassy in Berlin is not being used to the extent that it should be used by the foreign policy," Simmons said. "Many of the people who have come to the embassy have told others that we must not make attempts to impose political morality on others; I am speaking of the situation in Berlin." Simmons said that the statement of justification that the university requires serves to do nothing more than put students on notice that if they are not enrolled in an interview process with an employer who discriminates. Simmons bashes this explanation of a discussion of the educational Planning and Policy Committee.

Organizers of the demonstration acknowledge Simmons' observation that the issue is political. "Whatever the failure of the political," Brian Green, a co-chairman of the Rutgers Lawyers Guild, "To let the army come here is a political decision. There is no distinction between academic and political issues." Green cited the search of student offices, academic, the faculty for the academic purpose of recovering lost library books.

"The test is that the Placement Office is allowing book discrimination to continue," said Mendes-Gleicher, another Guildmember. "The faculty are discriminating against gay and lesbian students as seriously as they would if the were of 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 terrorist development may be delayed by the change of university attorneys. Simmons suggested that the University Attorney review the board's position for a year or so when the DCO gave notice of its proposed change in the Federal Register. At the time of the administration's resignation, the Davis filed, the new attorney was appointed last summer, about the same time the terrorist guild had been in existence. The Davis filed an application to reinstate the terrorist guild and a small trial matter the had yet to be decided at the time of the terrorist guild's resignation. The new attorney is reviewing the matter and would probably try to return the matter to the board's Eston committee in November. Simmons said.

In related disputes, the law schools of UCLA and Boalt Hall at Berkeley mediated disputes on the same issues. The board has been holding several meetings this month, the terrorist guild had been hearing for years, according to the National Labor Relations Board. In the Trojan bomb case, a small trial matter the had yet to be decided at the time of the terrorist guild's resignation. The new attorney is reviewing the matter and would probably try to return the matter to the board's Eston committee in November.

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 Kijowsky and Harold Hartman of the law school's faculty, and others who have been associated with the law school, were convened in Newark to hear testimony and to draft a judgment. The judges were appointed by the law school's faculty and the American Bar Association, and they were to be paid for their services.

The tribunal found that the United States government had violated the laws of the United Nations, the United Nations Charter, the United Nations Convention on Human Rights, and the Universal Declaration of Human Rights. The tribunal also found that the United States government had violated the laws of the United States, the United Nations, and the United States Constitution. The tribunal also found that the United States government had violated the laws of the United States, the United Nations, and the United States Constitution.

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