Rutgers Team Eighth In Moot Court Finals

By DANIEL FRIEDLAND

The Rutgers Moot Court team advanced to the quarterfinal round of the National Moot Court Competition last December before bowing to Columbia, who went on to take the prize. This was the second time that a Rutgers team had made it to the national competition.

Arguing before a distinguished panel of judges and attorneys at the House of the American Bar, the team, composed of Peter Ernest, Bernard Perl, and Anthony G. Wahl, finished in the top four in the competition, which also included teams from various other schools. Twenty-three teams participated in the finals. They were chosen from about 100 schools that participated in various regional competitions leading up to the national competition.

On their way to the first round, the regional competition last November, the Rutgers team defeated Duquesne and Saint Mary's law schools. Rutgers also won the best brief award in the 16-team regional competition held in Philadelphia. The case was throughout the year's competition, VanDusen v. The People of the State of Liberty. The briefs are wonderful.

D.A., Reporter, Professor Clash on Pre-Trial Publicity

By RAYMOND G. CARRION

"News coverage in a criminal trial is a part of the drama and the story of the crime," Essex County Prosecutor Brendan Byrne said Dec. 19 in a three-day discussion on "Free Press vs. Fair Trial." He defended his legal reports and stated that he had instructed reporters who had written about several criminal cases and they could not remember what they had written. He wondered how an individual juror could be expected to remember or re-examine his role in a trial. Rutgers Law Prof. Robert Knowlton, who had read the three day's news, commented that there was no evidence that pre-trial publicity prejudiced the jury because of the dangers of the publicity. Byrne argued an opinion as to the accused innocence or guilt.

Byrne said there should be no conflict with the state's evidence and rights that the real question is how to accommodate the drama in the societal value structure. He indicated that there may be a conflict with the law. (Continued on Page 5)

Prof's Meet To Consider SBA Report

Rutgers Prevails In Suit Charging Law Review Bias

By JOHN L. SCHUMPF JR.

The law school faculty will meet today to consider reviving the University's Honor System recommended by a Student Bar Association committee.

Key provisions in the Honor Code Committee's report issued Nov. 28 would compel students to take two-year-students to the committee of their choice, forbidding violations of the honor system, presently the faculty's Committee on Scholastic Standing

Dean C. William Heckel, chairman of the Committee on Scholastic Standing, proposed his full support to the Student Bar Association on the recommendation of the one-year suspension as the minimum penalty. He said the minimum penalty on the grounds that any penalty would cut part of this committee the discretion the committee presently has.

An exercise of that discretion occurred last December when the Scholastic Standing rejected a student on disciplinary probation, a decision that was made by the Appellate Moot Court. The committee found that there was an adequate basis for the 20-year faculty members during the last two years on whether or not a student has voted on the question of replacing the present LL.B. degree.

C. William Heckel, dean of the law school, has indicated an intention to bring up the topic for discussion at the next faculty meeting. A faculty member has a right to vote. He added, however, that the faculty is not presently considering adopting a J.D. degree.

The Student Bar Association, according to its president, William C. Greenberg '71, will consider a recommendation on the J.D., at its next meeting Jan. 14. Greenberg feels that a more favorable recommendation by the SBA would favorably influence the faculty. The SBA has had a memorandum on the subject since the J.D. for the past two years. No report was ever received.

The day before practically the entire student body of Rutgers University, Rutgers Law Review called for a general discussion of the significance of the law school's decision to award the J.D. degree. (Continued on Page 5)

Kinoy Describes HUAC Bou

Calls Court Action Most Important

By ELLIOTT COLLINS

The real importance of what happened in Washington last November, which was the day before the hearing of the House Committee on Un-American Activities, Rutgers Law Prof. Arthur Kinoy told a large student audience Nov. 90 at a Student Bar Association program. A picture of the "small but vigorous" Kinoy being forcibly ejected from the hearing by a burly marsh and another that appeared in the front page of almost every newspaper in the country has drawn attention and disapproval to the procedures of the committee.

Prof. Kinoy was subsequently convicted in District of Col- umbia Municipal Court of disorderly conduct during the hearing in the course of representing his client. The decision is under appeal.

But the day before a federal judge had certified the question of whether the 1951 Un-American Activities is a violation of the First Amendment as worthy of consideration by a three-judge panel, which would determine an eventual disposition.

A question to the judge — "the most conservative judge on the D.C. bench" — issued an unprecedented order temporarily restraining the HUAC from meeting. (Continued on Page 4)
Making the Grade

In order to earn tryouts for a scholarship and for a longer-term position, a student should be aware of the expectations of the institution and the requirements for each position. To make it easier to understand the expectations of the institution, the following are clear:

- A student must be a member of the institution and must have a minimum GPA of 3.0
- A student must be able to attend all practices and games on time
- A student must be available for all tryouts, both at home and away
- A student must be able to participate in all team activities

The expectations for each position are clear and straightforward. However, it is important to note that these expectations are subject to change and that the institution reserves the right to modify them at any time.

The transcript is a document that contains the student's academic history, including grades, courses taken, and any honors or awards received. The transcript is an important tool for students and their families, as it provides a record of the student's academic achievements and progress. It is used by colleges and universities to evaluate a student's academic background and to determine whether the student is a good fit for their institution.

The transcript is also important for students who are planning to attend college or who are seeking employment. Employers often request transcripts to evaluate a candidate's academic qualifications and to determine whether they are a good fit for a particular position. Transcripts are also used by many schools and universities to evaluate a student's academic eligibility for various programs and opportunities.

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Rejected Author Loses Suits Charging Law Review Biased

(Continued from Page 3)"Readers of the Review..."...of law review editors and other legal scholars," the lawyer said, "are of the view that..."" The lawyer acknowledged...""the Review has a history..."" The lawyer said...""the Review was..."" The lawyer argued...""the Review could not be...""

Revised schedule for Law Review's spring 2003 articles, J.D.s

(Continued from Page 1) "I am not going to vote on..." The lawyer said...""the Review is..."" The lawyer said...""the Review is..."" The lawyer pointed out...""the Review could..."" The lawyer noted...""the Review should..."" The lawyer stated...""the Review is...""

Law Review Review

(Continued from Page 1) "The Review has a long..." The lawyer explained...""the Review has..."" The lawyer said...""the Review is..."" The lawyer pointed out...""the Review could..."" The lawyer noted...""the Review should..."" The lawyer stated...""the Review is..."

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Prosecutor, Reporter, Professor Clash On Harm Caused by Pre-Trial Publicity

(Continued from Page 1) be no conflict if the newspaper be- Newsworthy behavior responsibly. Quoting from a recent American Bar Association report, he pointed out that 501 crime stories reported in the Newark Evening News over a six-month period, 501 were found "bur- btly" or "clipped" two a bannerhead and one was not one, all found prejudicial to an accused.

Byrne also criticized former Attorney General Nicholas Kat- xenbach's rules governing the release of information to news- paper officials by federal agents and attorneys. He explained that the rules prohibit the release of expressions of opinion but allow statements of fact. He felt the prosecutor's version of the facts might be more pre- judicial to an accused.

Zion attacked the ABA re- port, which concluded that there was no problem with pre- trial publicity and recom- mended that coverage be with- held until after the trial. He said that the committee did "very little statistical eva- luation and what it did was faulty." He added that "the committee does not try to find out how far the story goes already has; it does not know anything about criminal law." None of those being crim- inal lawyers. "And for obvi- ous reasons there was no "questionnaire" on the com- mittee," he said.

"The report was the result of a preconceived notion," Zion said.

Zion, a graduate of Yale Law School and at- tinent United States attorney for New Jersey, also objected to the ABA committee's proposal that attorneys who violate the proposed rules be subject to discipline by the ABA Ethics Committee.

He claimed that the pro- posed sanctions were compared to those of the ALA of cooperate with the press was out of the question; this was a sig- nificance of the problem.

He added that this would re- sult in harassment of defense counseL While the proposal was under considera- tion, the New York supreme court was considering disciplinary actions against prosecutors from disciplinary action because of the political advantages they enjoy and because a leak from a large pro- secution office could not be traced.

"There’s only one defense at-

ter by the Supreme Court, he said.

"Zion suggested that the legal profession should instead con- centrate its attention on some of the existing evils in the le- gal system which are actually dangerous to individual rights, such as the suppression of evi- dence by prosecutors.

In spite of the many times prosecutors have been charac- terized by appellate courts be- cause of this, nobody ever gets into trouble, he charged. "We’re not talking about the average judge who is held for atrocity or assault and battery for hitting his wife, but rather about the exceptional cases where there are substantial penalties involved," Zion said.

A strong opinion as to guilt, by the judge held in the case of Irving v. Dunn, was not affected, he said.

In Irving, v. Dunn, 165 U.S. 171, 17 L. Ed. 701 (1897), the Supreme Court vacated a murder con- quisition because a widespread newspaper publicity had im- paired a fair trial. The trial court re- solved that eight of the jurors impaneled were accused. "He was guilty and were familiar with the material facts the jurors," Zion said.

"Why should the Econavas and the Coopforpes with some examples of situations of which the public is very much aware. "In not willing to concede that there aren’t many cases where there is a problem," Knowlton said.

Knowlton, who teaches crim- inal law and constitutional law, suggested that there should be no comment, on evidence because the evidence may be held inadmissible at trial.

"What is the utility in printing those five per cent of the cases where the problem arises?" he asked. "How can

PROF. ROBERT KNOWLTON, mining expert, makes point on the effect of pre-trial publicity. Here, he is being interviewed by New York Times reporter Sidney Zion and Assistant Dean John Graham look on.

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Although the restraining or- ders were dissolved only the following day, the next morning in time to avoid a showdown between the jo- mical ties of the federal government, Zion said that the fact that the order was issued at all was enough to instill fear in the defense attorney because the committee might be further subject to judicial sanction in the future.

Knowlton said he agreed to go before the HCAC on the assur- ance that it would be a small, one-day affair, but subsequent information revealed that the HCAC had worked out a nation- wide schedule of hearings de- signed to place a stamp of dis- loyalty, a stamp of treason, a stamp of Un-Americanism upon the active critics of the war in Viet Nam.

During the anticipate wave of hysteria following the hear- ings, Knowlton, said the committee expected to obtain passage of the Pod Bill, which was des- igne to make it a crime to pro- test America’s war in Viet Nam. The bill would effective- ly silence protesters for a time even if later declared unconsti- tutional.

Knowlton described the meeting in New York a week before the hearings at which he and other volunteer attorneys for the American Civil Liberties Union det- ermined the strategy to be used to defend their clients, some of the most ardent and outspoken of the anti-Viet Nam demonstra- ties. "We were frightened. We were worried," Knowlton said. "It was the nightmare experience.

Some counsel favored playing down the anti-war spirit of the advocates while others dis- cussed a "different route, a dif- ferent way of reading cases in- noci recalled. This approach was the one that scores of the courts to secure an injunction against activities which create “a chilling effect” on the exercise of First Amendment rights by all citizens.

Knowlton then said, the lawyers decided that "in- affirmative" response to the suit itself which is creating the chilling effect.

But for injunction began with Knowlton’s motion for certifi- cation of a three-judge panel, the bill that federal judge was then to be selected to hear the mo- tion and, out of it came, said Knowlton, an expression of gloom on the face of the local lawyer who has he would have an "up-hill argument.”

"Mr. Knowlton, what are you mean at all?” the judge asked.

Knowlton said that, after a few hours of conference, a few more hours of reading cases in his chambers, the judge cer- tified the panel and "in a sense of ‘much other relief as the court deems proper,’ also

sioned an order temporarily straining HCAC from meeting until the arguments by other attorneys on the merits of the hearing before the Court of Appeals for the Dist- rict of Columbia. The pro- fessor’s reasoning on the afternoon’s decision before the HCAC would meet in defiance of the opinion.

But they could not appeal until the three-judge panel of HCAC, Knowlton said, and he did not think such a panel could appeal in time.

Even so the Court of Appeals said it would hear arguments on appeal in the case, and his associates, assisted a handful of law students who have been in the courtroom, argued in a court library in the evening.

In the morning, howev- er, said the clerk of the Court of Appeals, he was told them that a three-judge panel from the Court of Appeals and the required first hearing of the motion—had just been con- vened and had dissolved itself.

The petition of the committee’s existence under attack.

The rest is history,” Zion said.