

Televised trial focus of debate

By Frank Davies
Knight Ridder Newspapers

WASHINGTON (KRT) — The federal judge presiding over the first trial in the Sept. 11 terrorist attacks will hear arguments today over an old issue with urgent relevance: Should this trial, with the whole world watching, be televised?

Court TV, which has broadcast more than 700 trials in 10 years, is asking U.S. District Judge Leonie Brinkema to allow TV coverage of the trial of Zacarias Moussaoui, charged with conspiring to commit the attacks on the World Trade Center and the Pentagon.

The request has the support of Moussaoui's attorneys.

"Televising the trial will ensure that the entire world is able to watch the proceedings and will add an additional layer of protection to see that these proceedings are fairly conducted," the attorneys wrote.

It also has reignited a debate over whether cameras affect the behavior of courtroom participants or the outcome.

The arguments will play out in federal court, the last bastion of a ban on TV coverage. In the last 25 years, all states have allowed cameras in some proceedings; 37 states allow broadcasting criminal trials.

"If ever there was a case for allowing TV in a federal trial, this is it, given this attack on U.S. soil," said Karen Kammer, a Miami attorney who has represented TV stations seeking greater access. "This is the perfect opportunity to re-examine the federal policy."

But many veterans of federal courts don't agree.

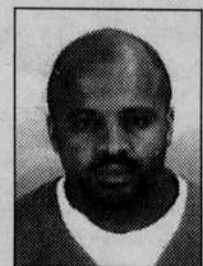
Gregory Wallace, a former federal prosecutor in private practice in New York, said that TV has "a distorting influence in high-profile, emotionally charged cases."

"With the stakes in this case, you need the utmost decorum, and with the security concerns, you know jurors and witnesses don't want their faces shown," said Wallace.

The Justice Department warned that coverage would make it more difficult to persuade witnesses to testify against Moussaoui.

"A worldwide broadcast might assist (terrorists) in retaliating against witnesses," wrote federal prosecutors.

Edward Davis, a former chief U.S. district judge in South Florida,



MOUSSAOUI

has wrestled with the issue for years, and comes down somewhere in the middle.

He believes federal appellate court proceedings, with lawyers arguing directly to judges, should be televised and would "help educate" the public — as live coverage did of the Florida courts' litigation in the Bush vs. Gore election battle.

"But I'm not real comfortable with televising criminal trials" in federal court, said Davis, now in private practice in Miami.

"I think cameras have an effect on lawyers and judges, even though they often say it doesn't," Davis said.

Many critics of televised coverage cite the O.J. Simpson murder trial as a case of the cameras distorting the outcome. But defenders say the Simpson case was an aberration, and that every day viewers learn a lot by seeing their local courts in action.

"In most courtrooms, cameras have become an inconspicuous part of the landscape," said David Dow,

co-author with Marjorie Cohn of "Cameras in the Courtroom," a study of the practice.

"A defendant or witness can try to use it for propaganda, but a judge with a strong hand can handle that," said Dow, a retired CBS correspondent.

The Judicial Conference, a powerful group of 27 senior federal judges that administers the federal court system, has adamantly resisted cameras. Chief Justice William Rehnquist of the Supreme Court, who heads the conference, has been a leading opponent.

In her Alexandria, Va., courtroom, Judge Brinkema may not be able to allow TV coverage even if she supported it, given the opposition of the conference.

"That policy is not going to change as long as Justice Rehnquist is there," predicted Davis, who served on a committee of judges that debated the issue in the early 1990s.

In rare cases, federal judges have permitted TV coverage of civil proceedings in their courtrooms, but there is no federal precedent for televising a criminal trial.

Congress did authorize closed-circuit coverage of the Oklahoma City bombing trial for families of the victims. The Senate has done the same for the Moussaoui trial and the House is expected to act soon.

The unprecedented nature of the Sept. 11 attacks prompts advocates of coverage to argue that the entire nation was victimized, and television allows "all Americans to exercise their constitutional right to observe this trial," as Court TV put it.

Dow said that global TV coverage "would be a great opportunity to show the world how the U.S. justice system works."

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Enron will supply UC's energy despite lawsuit

By Kelly Rayburn
Daily Bruin (U. California-Los Angeles)

(U-WIRE) LOS ANGELES — In a unique situation, the University of California is hoping Enron can keep supplying its campuses with energy, while at the same time seeking money that, the UC claims, it unfairly lost to the former giant.

The UC entered into a lawsuit Dec. 21 against senior members of bankrupt Enron, claiming top-level employees released false financial statements and engaged in massive, illegal "insider trading" at the expense of its stockholders.

The UC was one of many groups to take legal action against the Texas-based energy-supplying firm. A U.S. District Court in Houston is currently "consolidating all of these lawsuits," said UC spokesman Charles McFadden.

The total loss for all UC portfolios from Enron's collapse measures \$145 million, or 0.3 percent of the university's investment funds, according to the UC Office of the President.

Despite the loss, UC officials say the UC's pension plan recipients will not be hurt significantly.

"The alleged financial fraud losses from the (UC) retirement plan's Enron position in no way affects the ability of the retirement plan ... to meet its obligation to its beneficiaries," said David Russ, treasurer to the UC Board of Regents.

The market value of the UC's portfolios was \$54 billion as of Nov. 30, according to UCOP.

But the lawsuit isn't the UC's only worry concerning Enron. Some believe the energy contract between the UC and Enron — which filed for

bankruptcy, but is still operational — is on shaky ground after the company made massive cutbacks.

As of now, seven UC schools are still receiving energy from the company under a contract that requires Enron to supply the UC and California State University systems with energy through March 2004. UCLA and UC Riverside receive energy from local companies such as the Los Angeles Department of Water and Power.

Neither McFadden nor University Counsel Lloyd Lee were sure how long Enron would be able to supply the UC, but both said that right now, the contract benefits the UC greatly.

The UC is receiving energy at the rate of about 6.9 cents per hour — well below the ever-fluctuating market price — and a new contract could cost the university millions of dollars.

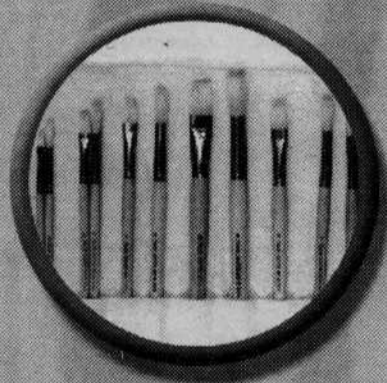
"Currently it's a very advantageous contract," Lee said.

After Enron filed for bankruptcy Dec. 2, a number of individuals and groups filed lawsuits. By Dec. 6, 60 complaints had been registered.

The lawsuit claims that people who purchased Enron securities between October 1998 and Nov. 27, 2001 were cheated out of their money, as Enron executives released false financial statements, artificially inflating the price of Enron securities. With inflated stocks, Enron executives sold their shares, yielding proceeds of \$1.1 billion, before watching their company collapse, plaintiffs allege.

Enron spokespersons were unavailable for comment after calls to its Houston press office Friday, but Enron has repeatedly denied allegations.

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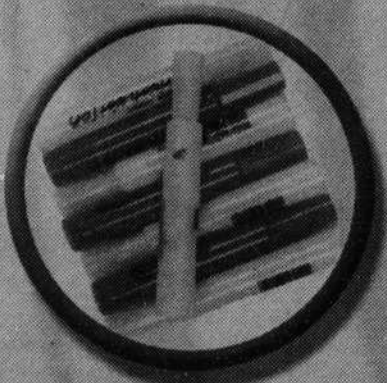
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