



Scottsboro, Ammons, Stokes and the civil rights movement.
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Calm, cool & collected amid control room chaos
4L Kristen Schneiderler took the *Gavel* behind-the-scenes of news production.
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THE GAVEL

VOLUME 50, ISSUE 1 ■ OCTOBER 2001

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

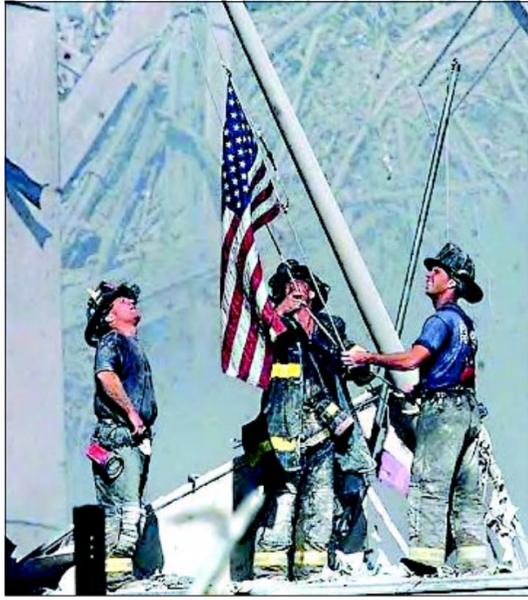
The *Gavel* marks 50 at #1

By Kevin Butler
CONTRIBUTING WRITER

While most students were busy forgetting everything law school had taught them over the summer months, the staff of the *Gavel* passed two mile markers. After the final edition of the 2000-2001 school year, the newspaper turned 50 years old. And we rang in our second half-century in style, having been selected by the American Bar Association as the nation's No. 1 law school newspaper in August.

In an annual competition sponsored and judged by the ABA's law student division, the *Gavel* outperformed entrants from more than 100 schools nationwide, including the runner-up *Law School News* published by Columbia University. It was the first time in the *Gavel*'s history the paper earned the distinction and the third time in a row the *Gavel* has placed among the top three newspapers nationally.

Returning columnist Michael Cheselka also received top honors in the contest, winning first see *GAVEL*, page 5



New York firefighters hoist Old Glory amidst the rubble of the former World Trade Center as hundreds of their brothers and sisters are missing and feared dead at "Ground Zero" in lower Manhattan.

Freedom under siege as America enters the "war against terrorism"

GAVEL STAFF

The *Gavel* columnist team chose to exclusively address the impact of "9/11" this issue, examining military options, American pain and compassion, freedom and duty.

Turn to pages 8-9 for opinions by Bundy, Cwiklinski, Petrus, Reiger, Zifferblatt and the nation's #1 law school humor columnist, the irrepressible Michael Cheselka.

C-M scholar shapes White House rhetoric

Forte says bin Laden's perversion of the peaceful teachings of Islam follows the path to totalitarianism

By Tricia Hurst and Ed Pekarek
GAVEL STAFF

The scholarly work of Cleveland-Marshall Professor David Forte has formed "the moral and rhetorical basis" for U.S. policy in response to the terrorist attacks of the World Trade Center and Pentagon, according to a recent *Washington Post* report.

The White House and national security infrastructure received the C-M professor's writings the day after the Sept. 11 assaults. Forte observed that Osama bin Laden and the al Qaida faction bin Laden oversees are a "new form of tyranny" that has not reserved its enmity for



David Forte

only the U.S., but intends "to hijack Islam itself."

Days later in the Presidential address to Congress and a global television audience, Forte's influence became readily apparent when Bush declared, "the terrorists are traitors to their own faith, trying, in effect to hijack Islam itself." Forte told the *Washington Post*, "what they [al Qaida] represent is a tradition that Islam early on rejected as a perversion of the universal message of its Prophet."

Similarly, Bush told the world, "the terrorists practice a fringe form of Islamic extremism

See FORTE, page 4

You Should Know

By CLARE TAFT

1Ls by the Numbers

The 1L class entering Cleveland-Marshall in 2001 is the largest since 1997, with 292 students, according to the C-M office of admissions. The increase owes itself partly to an increase in the numbers of full-time day students.

This year's class includes 195 full-time and 97 part-time students.

Applications to C-M were also up this year, along with offers to enroll going to the highest number of applicants since 1997.

1999-2001 Admissions Data

	1999	2000	2001
offers	617	636	649
enrolled	254	278	292
applicants	1220	1158	1205

C-M alum brings mayoral forum to CSU

Jenny Warner
STAFF WRITER

Six of the 10 candidates running for Cleveland Mayor in 2001 gathered at Cleveland State University in a Mayoral Forum, Sept. 21, including Jane Campbell, Bill Denihan, Tim McCormack, Raymond Pierce, Ricky Pittman and Kent Whitley. Mary Rose Oakar was a no-show.

Tijuan Dow, a 2001 Cleveland-Marshall graduate, pulled the event together with the aid of members of CSU's Student Government Association.

The issues debated ranged from providing a diverse workforce to improving safety. Candidates expressed similar thoughts on the need for improved safety and education in the city, and opposition about the responsibilities and power of City Hall. It was a

friendly debate where Campbell on her way back to her seat, stopped behind McCormack, a 1972 graduate of C-M, leaned in, and chatted and chuckled briefly before returning to her seat.

Improving city schools was a common goal. Standing firmly on the subject, Pittman said he feels that a "good sound education" is needed "immediately." Campbell said that keeping schools open after hours would give kids a place to go "for help with their homework and to be safe." Tim McCormack, cited "two out of three children in Cleveland public schools do not graduate high school." He promised "all good students, regardless of income, will have higher education guaranteed." Whitley promised to bring "more discipline, responsibility, and respect for the Cleveland public schools."

Another priority is the efficiency and effectiveness of the Cleveland police department. Both Pierce and Campbell stressed the need for the police to know what is going on within the communities. McCormack said he would add 300 police officers and move probation officers to the streets. Denihan said he would keep policing out of the hands of City Hall, empowering the chief of police.

Another issue is the future of Cleveland's workforce and its need for enhanced technology and increased job opportunities. Whitley feels that improved computer literacy is necessary. To compete internationally, Pierce feels that the manufacturing workforce, "designed towards mass production," should be improved to "get our products to market faster." Denihan

See DOW, page 2

Welcoming words of wisdom

By Steven H. Steinglass

To those of you who are returning to law school and to those of you who are at the onset of your law school careers: Welcome to Cleveland-Marshall College of Law. We're glad you're here. I greet you during one of our country's saddest hours, a time that should have been filled with the excitement of a new beginning or the excitement of nearing the attainment of a goal.

I wish these opening days had been otherwise for you. Be assured you are not studying law alone but in a community of faculty, staff and students who will help you.

Our community is an old one steeped in traditions that begin with orientation and close with graduation; in between are hours and years of study. All your learning will not be in classrooms, however. Each month brings opportunities to expand your education through several special events.

In the Faculty Speaker Series, organized by Associate Dean and Law Library Director Michael J. Slinger, your teachers will give you an idea of their research interests. In October you will be able to attend the Employment Law Clinic's "Women in Firefighting" conference as well as our Forrest B. Weinberg Memorial Lecture, this year presented by the Honorable William T. Bodoh, Chief Judge of the United States Bankruptcy Court for the Northern District of Ohio. In November the first of our visiting scholars, Cornell Professor of Feminist Jurisprudence Martha A. L. Fineman, will be here to teach and to lecture. In December you are invited to attend a timely conference on genetic discrimination in employment and in health insurance: "Is There a Pink Slip in Your Genes?" In between, there are Cleveland-Marshall Law Alumni Association programs, career counseling programs, student-organized programs, and all the opportunities that our student organizations, law journals, *Gavel*, Moot Court Program, Clinics and Pro Bono Program present.

It is an honor to write for a 50-year-old publication, which, according to the American Bar Association, is the best law student newspaper in the country! Congratulations to our *Gavel* editors.

I wish you all the best year possible.



The Dean's Column

The women who would be mayor

Tubbs Jones' controversial call could be the decisive factor in race

By Colin Moeller
STAFF WRITER

Mary Rose Oakar and Jane Campbell are campaigning to become Cleveland's first woman mayor.

"I think that there is an excitement on the public's part about breaking barriers," said Campbell. "People like the idea that there should be a woman mayor."

Should either candidate succeed, they would join an elite group of women mayors who occupy approximately 20 percent of city halls in the United States in cities whose population exceed 30,000, according to the Center for American Women in Politics.

Both Oakar and Campbell boast extensive political resumes, strong support bases in Cleveland and have landed key political endorsements. Additionally, both are interested in improving Cleveland schools, resurrecting Cleveland's economy and in seeing Cleveland's neighborhoods stabilize and develop.

What Oakar and Campbell do not share is a common style, a common approach to the issues, or a base on a common side of the Cuyahoga River.

Oakar, a familiar name in Ohio politics, held a seat on Cleveland's City Council from 1973 to 1976 in addition to serving as a U.S. Representative from 1977 to 1993. Amid allegations of personal involvement in the 1992 House bank scandal, Oakar lost her seat to Martin Hoke. Though faced with a seven-count felony indictment, Oakar ultimately pleaded guilty to two misdemeanor violations of federal election laws. "I don't think that anyone should be held for having a misdemeanor," said Oakar. Oakar returned to politics and currently serves as an Ohio state representative for the 13th District.

Oakar said she prides herself on efforts during her Congressional tenure to obtain federal funding for Cleveland. David Bennet of *Crain's Cleveland*

Business reported Oakar helped bring \$700 million in federal and leveraged money to the city during her 16 years in Congress. Oakar claims she can do it again, and is campaigning on her ability to obtain federal funds.

Oakar denounced her critics



Oakar plans to dip into the federal well to cure our ills.

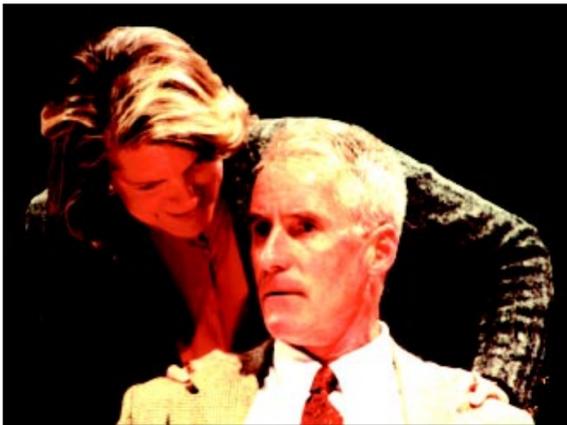


Despite Campbell's obtaining most of the high-visibility endorsements, the one she was denied might decide who is the next to call City Hall their home.

Jane Campbell's well-funded campaign is no sleight of hand act.

who say her access to political resources in Washington no longer exists. "Oh I've got the access," said Oakar. "The problem is that the city does not apply for the funds." When asked if her ability to secure federal

Conversely, Campbell lives on Cleveland's East side where she gained favor in many of the city's black neighborhoods. Unlike the Mary Rose "grass-roots" approach to campaigning, Jane Campbell's successful



Mayoral race is no longer a man's world - polls show a virtual tie between front-runners Campbell (L) and fellow Commissioner, Tim McCormack '72.

funding, outside of appropriated grant money, would be hampered if and when the country turns its attention to war, Oakar said, "Absolutely. There's no question."

Oakar has lived her entire life on Cleveland's near West side. Working from limited campaign financial resources, she relies on name recognition and personal

fund-raising enabled her to reach both East and West sides of the city through the media. The *Plain Dealer* reported that Campbell spent about \$180,000 on airtime alone.

Campbell's political career began in the Ohio House where she served as a representative from 1984 to 1996. She currently serves as Cuyahoga

County Commissioner, a position she has held since 1997. If elected mayor, Campbell's Commissioner seat would become vacant. Campbell said that she has not made a commitment to

support anyone to replace her should the seat open up. "The only commitment I have made is to Congresswoman Stephanie Tubbs Jones that I would support and African-American for that job in order to make sure that we have African-American participation in the key leadership in the community."

Ironically, Tubbs Jones failed to lend her support to Campbell, instead endorsing former Clinton staffer Raymond Pierce. Despite the blow to her campaign, Campbell landed endorsements from the AFL-CIO and the *Plain Dealer*, while Oakar secured endorsements from the Cleveland Police and Firefighter Unions.

Campbell said she wants to use many of the resources Cleveland already has to work towards new industries. "We've got great colleges, great medical schools; all the intellectual capacity. But we have to focus it on people working together, to try to create commercial opportunities as well as technology generally."

Oakar's remedy for the sluggish local economy would be to improve downtown business districts such as Euclid Avenue to entice commerce to Cleveland. Oakar said she would get help from the federal government to fund such projects. Jane Campbell differs stating, "We are going to have to work on solving issues locally. We need to recognize that there is no federal pot of gold."

The mayoral primary is upon us and polls seem to indicate that both candidates are in position to potentially fill a spot on the November ballot. Campbell and County Commissioner Tim McCormack were leading in the most recent *Plain Dealer* poll, but Oakar and Pierce remain close enough to challenge.

Contributing Reporters —
Tracy Turoff and Jenny Warner

Dow: Established CSU as a Cleveland candidates campaign stop

Continued from Page 1-

stated that information technology, biomedical, equipment and controls are important in enhancing job opportunities and competition. He added that he would "pull the resources out of this school," referring to CSU's talent to produce outstanding ur-

ban managers. McCormack claimed that more for-profit companies are needed. "I think we need to be aggressive in looking for incentives to draw in assemblers and manufacturers as if this were the northern rim of Mexico," McCormack said.

"I am the mayor of the fu-

ture," exclaimed the unendorsed Pittman in his closing. Pittman promised to return 25 percent of his salary to the city. Pierce "believe[s] in a vibrant Cleveland, Ohio." Campbell stated that she has the "leadership ability" and "experience working with people across communi-

ties" to do the job. Whitley's goal is to "provide 30,000 people who can't afford homes with homes." An ironic promise considering Whitley's outstanding July 2000 arrest warrant for housing violations as a landlord.

Contributing Reporter —
Colin Moeller

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al Qaida and the enigmatic Osama bin Laden

By Ed Pekarek
GAVEL EDITOR

Born in 1957 to an immensely wealthy Yemeni family who built their fortune in real estate development in Saudi Arabia, Osama bin Laden ("Osama, son of Laden") left Saudi Arabia in 1979 to resist the Soviet Union's invasion of Afghanistan. The Afghan resistance was backed with American dollars and approved by the Saudi and Pakistani governments.

While in Afghanistan, bin Laden founded the Maktab al-Khidmat (MAK), recruiting Muslim fighters worldwide to further the CIA-backed Afghan resistance of Soviet forces. The MAK later evolved into the furtive terror network now known as al Qaida, drawing from approximately 50,000 Afghan veterans and other radical Muslims. Small, independent al Qaida subgroups, or "cells," are suspected to operate in dozens of Western countries, including France, Germany, United Kingdom, Canada, and the U.S.

"In common with many Islamic radicals, bin Laden believes that the Islamic world has fallen into perfidy and apostasy," said Cleveland-Marshall Professor David Forte. "He makes civil war on Islam as much as he makes international

conflict with the United States."

U.S. law enforcement officials fingered bin Laden as the prime suspect in the September suicide airliner attacks and linked al Qaida to the 1993 World Trade Center bombing, the 1996 killing of hundreds at U.S. embassies in Kenya and Nairobi, and an attack on the USS Cole in 2000 that took 17 American lives.

Bin Laden is also suspected of ordering the bombing assassination of Ahmed Masoud, leader of the Northern Alliance, the Afghanistan Taliban regime's chief rival, just two days before the U.S. airliner attacks. Masoud survived the attempt, but succumbed to the injuries days later. Reportedly bin Laden received security training from the CIA and is believed to be capable of rallying a fighting force of approximately 3,000.

The Taliban is a fervent supporter of bin Laden, having vocally decried his innocence in the immediate aftermath of the

New York and Washington attacks.

Until recently the Taliban was only recognized as a legitimate government by Pakistan, United Arab Emirates and Saudi Arabia. According to an ABC News report, bin Laden reportedly "bankrolled the Taliban's capture of Kabul."

Pakistan and Saudi Arabia each denounced the regime and its affiliation with the rogue al Qaida, and the Saudis had previously revoked bin

Laden's citizenship. Forte attributed the turnaround to "an entirely new policy. President Bush has combined a respect for religious traditions of the non-Western world with an absolute enmity towards terrorists who victimize innocent people."

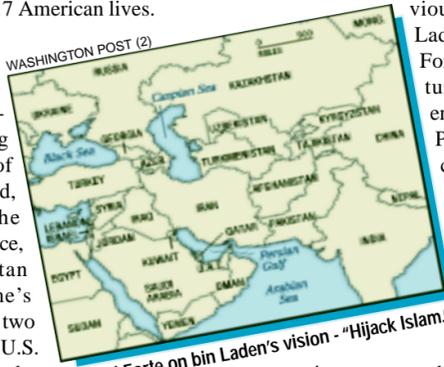
Forte was also quick to clarify the difference between discontinued relations and "de-recognizing" a sovereign state in accordance with international law principles. "The Saudis and the U.A.E. may have broken their dialogue with the Taliban, but that is not synonymous with 'de-recognizing,' as they would first have to officially recognize another government

of Afghanistan," he said. To illustrate the distinction Forte pointed to the U.S. having no official relations with Cuba, yet it still recognizes the Castro regime for international law purposes.

Despite the Taliban's insistence of his lack of culpability, the elusive bin Laden openly called for a holy war ("jihad") against the U.S. and urged his followers in a video-taped religious declaration or edict ("fatwa") to murder Americans and Jews whenever and wherever possible. Forte drew the analogy to the extremist Kharjites sect who maintained that any leader who did not hold true to the sect's version of the principles of Islam should be removed from power and executed.

According to Forte, bin Laden also "targets moderate Islamic leaders like Egyptian President Hosni Mubarak, former Pakistani President Benizir Bhutto and Jordan's King Abdullah. He has no respect for the Saudi government because it permits stationing of Western troops, contrary to his view of the ancient Shari'a's prohibition of non-Muslims on the holy soil of Arabia."

Forte also wrote that the Kharajites sect on which he said bin Laden models his al Qaida pedagogy, "held that any person who strayed from the perfect practice of Islam was ipso facto an apostate and could be killed."



David Forte on bin Laden's vision - "Hijack Islam."

Some C-M joint degree students get tuition refunds

GAVEL STAFF

In an letter obtained by the *Gavel*, Cleveland State University Bursar Jack B. Ganz confirms that promises made last spring by senior Cleveland-Marshall administrators to correct past tuition over billing of joint degree students did not go unfulfilled.

When questioned in April 2001 about official C-M efforts to obtain refunds for over billed students, Dean Jack Guttenberg told the

Gavel that "we remain optimistic that overpayments within fiscal year 2001 will be fully refunded to affected students."

That forecast came to fruition as joint degree student accounts were credited.

The Ganz letter did not admit or deny fault, but stated that "the credit is the result of a change in the way CSU calculates tuition for students in the joint JD/MBA and JD/MPA programs effective fall term 2000, and covers the period Fall 2000 through Summer 2001."

One faculty member who championed the student cause, JD/MPA program advisor Alan Weinstein, said he was "pleased that it ended this way. My experience with bureaucracies has been a reluctance to admit making an error. In a perfect world this would not have happened, or would have at least been fixed sooner. However, the new CSU leadership seems genuinely concerned about the student issues."

Newly appointed JD/MBA advisor Patricia McCoy said, "the successful resolution shows the high value CSU places on the joint degree program and reflects very well on the new Cleveland State administration."

The letter also advised that "student accounts will be reviewed each semester, during the sixth week of the term and if a credit is due it will be applied to the student account."

Forte: White House takes notice

Continued from page 1 — that has been rejected by Muslim scholars... a fringe movement that perverts the peaceful teachings of Islam."

The day after the attacks, a number of Forte's writings on the subject were quickly forwarded to senior Bush administration officials by former Reagan staffer and Hudson Institute conservative thinker, Michael Horowitz.

Horowitz learned of Forte's expertise during his 1996 testimony before a U.S. House Committee on International Relations.

According to the *Washington Post*, Horowitz wrote to White House aides, "the president needs to know that he is on the side of Islam when he takes on radical Islamist thugs, and Forte is the man who can best arm the administration with the intellectual tools it needs to achieve its coming missions."

Forte told the *Gavel* that on the day following the attack he was summoned to testify to a closed-door briefing session of the House International Relations Committee on Islamic Issues. He also confirmed having a discussion with at least one White House aide regarding the future steps of U.S. policy after the briefing.

While juggling interview requests with CNN's "Inside Politics," the *Los Angeles Times*, and Fox News, Forte characterized himself as "just a soldier doing my bit," adding, "there should be something that we each could do to gain a sense of

Forte characterized himself as "just a soldier doing my bit," adding, "there should be something that we each could do to gain a sense of participation in this very important mission."

participation in this very important mission."

When asked about Horowitz's role in disseminating his works to the White House, National Security Council and the departments of State and Defense, "he's the most incredible dynamo I've ever met. Michael is a Jew who has probably done as much or more to save Christians than any other man in this country," said Forte.

Forte's own sense of duty was visible as he artfully negotiated with a *Wall Street Journal* editor regarding the appropriate language to use in an essay published in the "Weekend Journal" section "Houses of Worship." It was clear that Forte recognized the wide audience his analysis now receives, having been elevated "from unknown to obscure." He was deliberate and cautious to ensure that the wording was as precise as it was diplomatic.

Forte studied under President Carter's National Security Adviser, Zbigniew Brzezinski, as well as former Secretary of State Henry Kissinger as an undergraduate at Harvard in the early '60s. After earning his J.D. at Columbia, he served as

chief counsel to Ambassador Jeane Kirkpatrick in 1985 during her post as the U.S. Representative to the U.N.

Forte is a Catholic and currently serves as Consultant to the Pontifical Council for the Family at the Vatican while teaching Constitutional Law, First Amendment and Islamic Law at C-M.

When asked about the official position of the Vatican regarding the conflict, he said, "The Pope has been consistent in deprecating the use of force. My guess is that he understands that even a 'just' war is hard to keep confined within the lines."

Bin Laden's organization is a "threat to all of mankind," according to Forte, who believes its doctrine compares to the Kharajites, a long since defeated extremist faction.

The thrust of the Kharajite's religious and philosophical schism revolved around the premise of violent opposition to all other forms of Islam as being impure, according to a Forte position paper, "*Radical Islam v. Islam.*"

"While there have always been legalistic threats to Islam, it has never been the dominant one by which the vast majority of Muslims lead their daily lives," said Forte.

According to Forte the radicals the United States are confronting have politicized Islam. "They have a program to change Islam to serve their agenda and it's a good sign that Muslims everywhere have recoiled from this."

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Errant e-mail creates 1L grade privacy problem

By Peter Roche
STAFF WRITER

Several weeks after final exams, all Cleveland-Marshall students were sent a spreadsheet of Professor Heidi Robertson's Spring 2001 Property grades, containing test scores and exam numbers alongside student names.

"A breach of confidentiality of that magnitude was completely inexcusable," said Rebecca Horst, one of 63 students in the affected class. "I was appalled something like that could happen at C-M."

The e-mail was sent by Kay Benjamin, former C-M director of student records. It included an attachment file listing students' grades on each of two final exam questions. One spreadsheet listed the marks by exam number only. Another file, which could be opened only by clicking on it, displayed results according to exam number and student name. Twenty students received A's and B's. The average score fell in the C+ range. Two students failed.

"People were upset," said Robertson. "We work so hard all year long to ensure anonymity, then some horrible thing like this happens."

Robertson confirmed e-mailing the grades to Benjamin, but said she told the registrar to post the results, without names, on the basement bulletin board. Robertson learned of Benjamin's errant e-mail when a student called to complain.

"I had a pit in my stomach over it. Kay's been a very careful registrar for as long as I've been here," Robertson said.

"Professor Robertson would never intend to harm her students in any way," said Brian Stano, 2L. "I personally did not feel harmed by the e-mail."

"To accidentally have our grades posted was a direct breach of the confidentiality we were assured from day one," said 2L Anthony Baucio. "People have a right to be upset."

Dean Steven Steinglass issued a follow-up memo asking students to respect their peers' privacy and not open the spreadsheets. Steinglass also requested that Benjamin's e-mail be deleted immediately.

"It was an accident," said Baucio. "I believe the administration took the appropriate steps to remedy the situation."

Benjamin has since accepted a teaching position with Cleveland State University.

GAVEL: Fifty never looked so good

Continued from page 1 — place in the humorous article category for his take on our personification of animals.

Dan Markey, president of the Student Bar Association, accepted the award on behalf of the *Gavel* at the ABA's annual meeting, which was held in Chicago in early August.

It was purely drama that the paper's 50th anniversary and the national award coincided. The *Gavel*, which began in the 1951-52 school year as the *Alumni Advocate*, was originally designed to keep alumni current on the happenings in what was then the Cleveland-Marshall Law School. It became the *Gavel* shortly thereafter and has progressed under that name since, despite format changes from newspaper to magazine to newspaper again.

This year the *Gavel* editors are promising a series of retrospective pieces on the paper's history. Stay tuned. For now, at the current editors' request, I offer a glimpse at what may have led to the *Gavel's* success.

In press releases issued by the school, Dean Steinglass and his staff drew a parallel between the *Gavel's* success in the ABA competition and the writing cur-

riculum at C-M, pointing out that a school replete with several former-media faculty has turned out notable journalists for years.

Among our alumni are Tim Russert, moderator of NBC's "Meet the Press"; Brent Larkin, editorial page director of the

saw the *Gavel* to be a very gray lady, presented in a way that belied the needs of students at C-M, who generally have little time to read lengthy articles and are eager to see images of the people and places about whom they read. The first edition of the 1998-99 school year contained just two half-page articles on the front cover and one photo.

Fast forward to the March 2001 edition, one of the newspapers we sent to the ABA for judging. From beginning to end, that issue contained more than 65 graphic elements. The front cover alone presented five articles, three blurbs directing students to stories inside and nine graphics, making the newspaper more visually interesting and easier for harried law students to read.

Taken together, an attractive design, stronger news writing and more interactive entertainment may have made the *Gavel* an all-around better paper in its editors' quest to serve C-M students well. What we didn't understand as editors is how far those improvements would take us. If it is only fleeting to be at the top of the heap, it's nevertheless a thrill besting the likes of Columbia and Harvard. We hope the readers will join us in celebrating the distinction.



CM ARCHIVES

Plain Dealer; Gary Hengstler, former editor and publisher of the *ABA Journal*; and Ken Myers, founding editor of Cleveland's *Free Times*. Myers joins Susan Becker, Linda Ammons, Frederic White and other faculty members with news careers.

When I entered the co-editorship in December 1998, I

2L Crook clears close call to arms

Ground-based conflict would force student to withdraw from C-M

By Tricia Hurst
STAFF WRITER

It is the question of a generation: Where were you Sept. 11?

For 2L Jay Crook, he was at work and found out when a friend e-mailed him. He got to a television just in time to see the second plane strike the south tower.

Some people can say they know someone in New York or Washington D.C. but few can say what Crook can say. Sept. 11 he had friends in New York, the Pentagon and Uzbekistan, a former Soviet Republic that borders Afghanistan.

Crook is a first lieutenant in the U.S. Army Reserves. He graduated from West Point in 1993 and served for another three years. He attended Ranger School and was on alert for missions in Korea, Kuwait, Saudi Arabia and Iraq. He later trained as a desert warfare specialist in the First Cavalry Division.

The possibility of leaving law school and being sent into a war was an immediate concern for Crook a couple of weeks ago. He had even discussed the possibility with friends in the mili-

tary. "We pretty much decided that if it goes to a ground war we're not even going to wait to get called back up. But right now it looks like it's going to be long term, but smaller strikes."

His initial speculation was

nates with Crook, especially what are called the lessons of Vietnam.

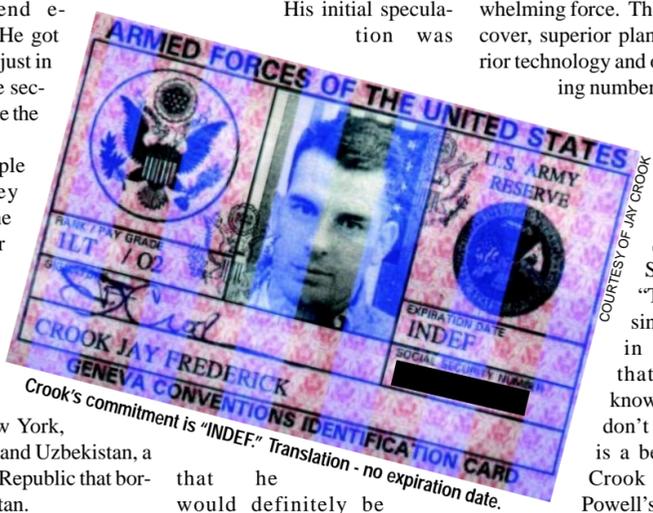
"For strategy you need success and minimum loss of life and for that you need overwhelming force. That means air cover, superior planning, superior technology and overwhelming numbers."

He also has confidence in Colin Powell as Secretary of State.

"There's not a single country in the world that doesn't know his face. I don't think there is a better man."

Crook thinks that Powell's experience in the Gulf War, balancing the disparate needs and interests of European and Arab nations and holding together the coalition will only help him in his current job.

Even though he is not immediately going off to war there is one thing that Crook misses while in law school today. "I hate sitting on the sidelines after being in the loop for so many years," said Crook. "I almost feel better not knowing what's happening because it means there are probably few leaks."



COURTESY OF JAY CROOK

that he would definitely be called up based on the sheer numbers that he believed would be needed in the military. "I even dragged out my uniforms and gear. Started cleaning them up."

The last time the United States became involved in a full-scale military war was a decade ago and was led by now retired General Norman Schwarzkopf and current Secretary of State, Colin Powell.

While at West Point and shortly after the Gulf War, Crook heard Schwarzkopf speak. What the general said still reso-

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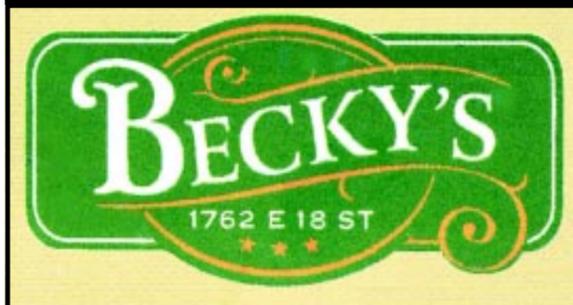
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O'Neillapalooza, Bodohsattva & Moot Pointe Blank

Prof. Kevin O'Neill negotiated a settlement with the State of Ohio on behalf of the American Civil Liberties Union that affords death row inmates the opportunity to uncensored last words and prohibits any "unreasonable" restraint on the duration of any such statement.

The settlement brings an end to a suit filed in July 1999 by O'Neill, who is currently a candidate for tenured professor this year.

O'Neill was also interviewed by the *ABA Journal* regarding the upcoming First Amendment cases on the U.S. Supreme Court docket. The ABA reporter located O'Neill from an article he published in the *Southwestern University Law Review*: "A First Amendment Compass."

Forte in Free Times — Prof. David Forte appeared in a recent *Free Times* article reporting on the racial inequities for minority attorneys in the Ohio legal system. Forte was consulted as a critic of the report by the Ohio Judicial Conference and provided a more detailed analysis to Ohio Supreme Court Chief Justice Thomas J. Moyer.

M-I-C-K-E-Y appears on ABC — Prof. Michael Davis was interviewed by Peter Jennings for an ABC News special on prescription drug price-fixing. The program is scheduled to air later this fall.

White on Mayfield Heights — Prof. Frederic White was interviewed in a recent issue of *Scene Magazine* regarding alleged billing and nepotism-related ethical violations surrounding the Law Director of the City of Mayfield Heights.

Faculty attrition — Dean Steven Steinglass recently reported that C-M lost three full-time faculty positions as a result of the ongoing CSU budget belt tightening.

Assistant Tech Czar named — David Genzen '97, assistant director, academic computing.

Gavel downloads — The *Gavel* has been downloaded approximately 4,000 times since "going digital" last November, according to C-M's law library director, Dean Michael Slinger.



By JENNIFER M. GRIVEAS



TV-8 called O'Neill for action to stop unsolicited porn.

Benjamin accepts teaching post — Kay Benjamin stepped down from her role as C-M director of student records to accept a position in the CSU Education Department. Rosalyn Perry assumes the post Oct. 1. Perry was previously with the CSU Bursar Office.

Dempsey receives ABA award — Dean Louise Dempsey received the ABA Section on Business Law award for "her many contributions and achievements in the field of Nonprofit Law."

Alumni notes — Bill Flannigan '93, recently attended the Scriptwriters Network Carl M. Sautter Memorial Awards where his feature-length screenplay "*Tiananmen*" was presented the "Judges' Choice Drama."

Flannigan's short film, "*Jimmy Ritz*," was nominated for four awards in the California Film Festival (Best Short, Director, Actor and Editor).

Baker and Hostetler partner Jose Feliciano '75, was recently appointed to the American Bar Association's Board of Governors as well as serving as the honorary chairman for the *Beverly Corrigan Memorial Fund*, which provides funds for children at the West Side Community House.

Moot points — Prof. Karin Mika succeeds Prof. Stephen Werber as the Moot Court adviser. Professors Stephen Gard, Sandra Kerber, Deborah Klein and Steve Lazarus are serving this year as team advisers.

3L Jason Kellhofer, 2L Doug Smith and 3L Ildiko Szucs will represent C-M at the John Marshall Law School International Moot Court Competition in Chicago.

The Oct. 11-13 competition covers appellate advocacy. Kellhofer and Szucs are repeat team members.

Eight 3Ls were invited to join the C-M Moot Court Board of Governors based on their performance in last year's annual 2L Intramural competition - Kim Borchert, Dave Brown, Tricia Hurst, Christine LaSalvia, Denise Salerno, Erin Sheenan, Peter Traska and John Yirga. Borchert and Traska shared "Best Brief" honors while "Best Advocate" and "Best Oralist" went to Sheenan.

Six Associate Members were invited from the 1L competition - Renee Davis, Donald Herbe, Benjamin Hoen, Robert Roberto, Matthew Romano and Douglas Smith.

Trial team named — 3L Amy Baughman, 3L Jennifer Brown, 4L Michael Cochran, 3L Kristi Hilbish, 2L Martin O'Connell, 2L Thomas Stringer, 3L Bob Yallech and 4L Brian Zaber advanced to the C-M team. Brown, Hilbish, Yallech and Zaber are returning members.

SBA President amends the first family's constitution — SBA President Dan Markey and his wife, Mary, are expecting their first child. When asked, Markey informed the *Gavel* that the child is due on Christmas Eve and quipped, "we're quite aware of the favorable tax implications."

C-M front entrance project again delayed — While Steinglass wondered aloud at the forum if the entrance "will actually get done before winter," he said that upon completion C-M will have a fresh new exterior look that will include "twenty-three different species of plants and shrubs." CSU Chief Architect Ed Schmittgen said, "despite some problems, we expect the project to be completed in November."

C-M administration delivers on first phase of wireless library — The much anticipated wireless library project is on course to be implemented for Fall 2001 exams. Slinger confirmed that twenty Dell wireless notebook PCs and a docking station are on site and being integrated into the C-M library network to be utilized in lecture room

A059. Steinglass assured attendees at a recent dean's forum that "smart podia will be installed in the next couple of months."

Even more O'Neill — The multiple "SBA Professor of the Year" award-winner published, *The First Amendment's Petition Clause as an Alternative Basis for Challenging Voter Initiatives that Burden the Enactment*

of *Anti-Discrimination Protection for Gays, Lesbians, and Bisexuals* in the CLEVELAND STATE LAW REVIEW.

Magnanimous Maynard — C-M Unix administrator Dan Maynard stayed late on Friday after work to wake the *Gavel* from a tech-wreck nightmare. Dan's efforts saved Vol. 50, Issue 1... literally.

Marshall's mayoral entry — Tim McCormack '72, is a candidate for Mayor of the City of Cleveland.

Two candidates from a field of ten will advance from the primary to the general election Nov. 6.

STILL PENDING ON THE DOCKET:

PRO BONO bits — "The Role of the Gun Industry in Gun Violence and *White v. Smith and Wesson*" - Moot Court, Oct. 1, 3:30-5:30 p.m.

Habitat for Humanity - Cleveland, Oct. 6, 9 a.m.-1 p.m.

Homeless Legal Assistance - Moot Court Room, Oct. 18, 12-2 p.m.

COOL Cleveland Summit on Public Service, CSU - Oct. 20, all day.

NAPIL Career Day/Awards Program - Washington, D.C., Oct. 26-27, all day.

Make-A-Difference-Day, Collecting clothing and other items - Oct. 27, participating sites throughout Cleveland.

SBA funding application Deadline — The student organizations fund request application deadline is Mon., Oct. 1. All applications for funding must be submitted to Renee Zaidenras, SBA budgeting vice president.

1L SBA senate slate — The SBA will hold elections Wed., Oct. 3, 4:30-7 p.m. Food & beverages will be served. 1L William McClain is registered as a candidate but was called to active duty by the U.S. Army.

Blue Book review — Spring and Summer exam review continues through Oct. 5, at the Student Services Center. Photo ID is required.

Law Review inductions — Moot Court Room, Oct. 5, 5:30 p.m., with a cocktail reception thereafter.

Female firefighting forum — "Women in Firefighting: Walking the Legal Tightrope" - C-M applied to the Supreme Court for 7.5 CLE hours for attending both days. Moot Court Room, Oct. 11-12, 8:30 a.m.-4 p.m.

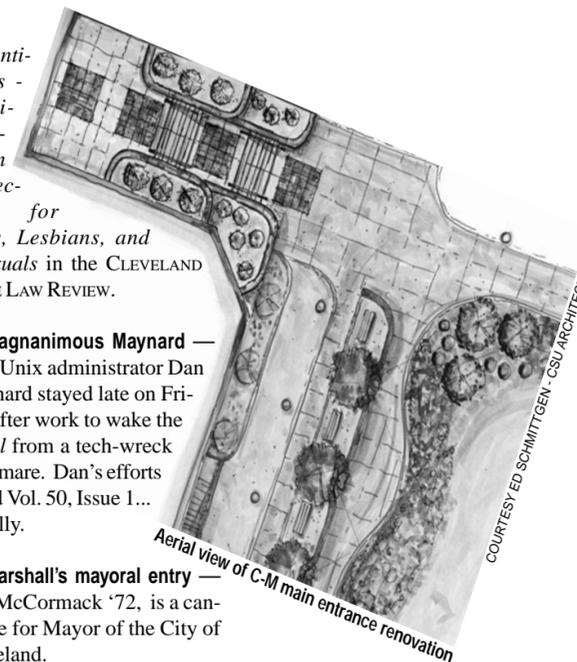
Bodoh on bankruptcy — The Hon. William Thomas Bodah delivers the Forrest B. Weinberg Memorial Lecture, "Bankruptcy Reform: An Orderly Development of Public Policy," Moot Court Room, Oct., 23, 5 p.m.

February 2002 Bar Exam deadline — Feb. 2002 supplemental Bar Exam applications are available in Room 142. The deadline is Nov. 1.

More bar tabs — Attorney Mary Cibella discusses the successful completion of Bar Applications - OCP, Oct. 24, 5p.m.

Moot Court brew & chew — The Board of Governors will welcome new members and C-M students with a social on Oct. 25, 4-7 p.m.

Predatory lending lecture — Prof. Kathleen Engel discusses, "Borrowing Trouble: Causes of and Cure for Predatory Lending," Student Service Center, Oct. 30, 5 p.m.



Aerial view of C-M main entrance renovation

Have an event or news tip? e-mail Jennifer Griveas c/o "Notes in Brief," gavel@law.csuohio.edu

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Strange Bedfellows

By Frank Cwiklinski
STAFF WRITER

The President has spoken; Congress has almost unanimously passed a resolution of war and provided funding. Public opinion is mobilized. The United States also enjoys broad international support from allies new and old. For now, half of the equation for a successful war against terrorism is in place. What could possibly go wrong?

Any ground troops engaged overseas will undoubtedly involve special operations forces. The Army Special Forces, Rangers and Delta Force along with U.S. Navy SEALs are uniquely trained to provide stealth insertions and quick, decisive strikes.

I have little doubt that initially the United States will enjoy decisive victories. Those even remotely responsible will get the fight they longed for. I hope their surprise is not too crushing when they realize support is not forthcoming. Osama bin Laden and his organization have crossed a line of violence that to distance yourself from is paramount to toleration. Nobody in the enlightened international community will ever debate that the perpetrators did not get their just desserts.

When al Qaida is gone America's campaign will get much more tenuous. Crisis makes for strange bedfellows. Who would have thought prior to Desert Storm that the Syrians would ever be allied on the same battlefield? To that same effect, many of the same people we will fight in the upcoming months once enjoyed U.S. support as they faced the Soviets in the late 1980s. Every country, every religious or political faction has a different definition of victory here. There will be no ceremony of unconditional surrender. Short-term successes will be measured by how much pain and devastation is brought on the enemy. In the long run, support will wane when individual and international interests are threatened by the resolve of the United States and its allies.

Today the mission is clear. Those responsible for the Sept. 11 attack and others who support terrorism around the world must be dealt a resounding military message that will echo for decades to come. The United States military has been most effective when the mission is clear, the public embraces that mission, and victory is clearly defined. One great challenge to our leaders in the upcoming months will be to explain who these individuals and groups are and why our forces are engaging them in remote places known only to a few. Finally, a time will come when victory must be readily understood by our soldiers, public, and the international community.

Cwiklinski is a 3L



Attention: this is not a drill

On behalf of those of us who were able to do the math: We told you that 2001 A.D. marked the new millennium. Even after Sept.

Michael
Cheselka

*The Weak
in Review*

11, the consequences of our past and the promise of our future continue. That cannot be changed by any single act of terror or courage. That said, it has been heart warming and heart wrenching to watch Americans show and wave their true colors.

We have been inspired by scores of individual and collective acts of bravery. The best of what makes up America was displayed on board an ill-fated airplane. The best of America is still being evidenced by our continuing efforts to give blood, raise money, say prayers, offer support, counsel friends, make donations and answer our children's questions. Perhaps most importantly, it is embodied by our vulnerability. Our exposure to the incident and subsequent new times may be teach-

ing us that while our diversity is something that we should continue to celebrate, it is all that we have in common and it holds the key to our survival.

We have also been insulted by some self-aggrandizing accounts. These have not been "the best of times" for certain telemarketers and televangelists. Part of what was destroyed in Washington and New York was the illusion that there can be a difference between what we do and who we claim to be.

In this new millennium our

president has challenged us to join the cause of ridding the world of evil. If that call is initially confined to attaining justice, we are going to be busy. We will be busy as Americans and busy as lawyers. The fabric of society that must remain intact is woven with thread of an idea that we are a nation of laws, not a nation of individuals. That fabric may be tested, but must remain true.

The direct hit on the Pentagon did not result in some insolent general pushing buttons or rushing to seize power. We did not riot. As a whole we did not organize posses to search for scapegoats. We realize that there are many prices to be paid as a result of this crime, yet our sense of justice still demands that those who owe be the ones who pay.

Law is an honorable profession with the potential of becoming a noble one. Terrorism provided our country with a whole new fact pattern and our collective response uncovered a brand new hypothetical.

If we cannot tolerate evil and injustice from across the seas, we must not tolerate it in our own backyard.

If we can respond so magnificently to the needs of these victims, then we must start to respond to the victims of need. The most trustworthy arguments for defending freedom and liberty and bringing order to our brave new world will be made in courts of law. That is where we'll keep this America, America.

Cheselka is a 4L

Fixing the cracks in our foundation

Apparently, the lesson that violent attacks upon innocent civilians are egregious does not resonate with all Americans in light of the

Mat
Reiger

*The staff
infection*

tragic events of the all-too-recent past. While so many Americans

responded to this tragedy with generosity and heroism, some opted to make the situation worse.

Since the attacks on the Pentagon and the World Trade Center buildings, a relatively small group of America's less enlightened citizens have sought revenge for these crimes on, yet again, innocent civilians. Right here in Cleveland, a man chose to dissuade his country by driving a car into a Mosque in Parma. And for what?

Reports of intra-national terrorism have amassed during the past week. Individuals who have nothing to do with this tragedy have been harassed, threatened, and their places of worship have been fire bombed. Worst of all, innocent people have been murdered for looking like they were of Middle-Eastern decent, lengthening the list of innocent lives lost.

It's unfortunate that it needs to be said, but this is no time to exploit petty prejudices. The United States has been attacked on its mainland for the first time in nearly two hundred years and we should hope that none of its citizens would commit further acts of terrorism against other Americans.

If it is going to be our mentality to start a race



war in our own country to deal with this crisis, then someone should phone the real terrorists and tell them not to waste their time, we'll crumble from within.

No one sought revenge on Irish-Americans after it was discovered that a man named McVeigh bombed the Oklahoma City Federal Building. Likewise, no one

should attack innocent Arab-Americans now.

Unfortunately, some have learned little from history. The vile imprisonment of Japanese-Americans in California following Pearl Harbor stands out as a low point for human rights in this country. A few misguided bigots are trying to repeat that cycle.

Just as the victims of the suicide hijackings died innocent of any crime, so did a man of Indian Sikh decent in Arizona. Arab-Americans are part of our citizenry. Those being attacked on a daily basis are our friends, our neighbors, our teachers and students, our co-workers and our business partners. Like all of us they are trying to make a living, to live well, to send their children to college, etc.

America cannot bear to lose more innocent lives. This is a time to pull together, not wage a race war against our own people.

The most recognizable Muslim in the world, Muhammad Ali, offered a sentiment that is perhaps more poignant now than ever before. After being urged by a captive audience some years ago to recite a poem, The Greatest looked out at the crowd, smiled, and said, "Me... We."

Rieger is a 3L

Celebrating
50

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Another generation must defend our freedom

Disbelief. Horror. Fear. Shock. Sadness. Grief. Anger. Pride. Such have been the emotions of countless people at home and abroad since Sept. 11.

Now, several days later, many of us have had time to reflect and ponder that day. Yet, an unbearable number of our fellow citizens remain missing and presumed dead, forcing each of us to walk a fine line between moving on and remembering that for the thousands of us who are missing family, friends and loved ones, time stopped on Sept. 11 and has yet to begin again.

Roger Bundy

our fellow citizens remain missing and presumed dead, forcing each of us to walk a fine line between moving on and remembering that for the thousands of us who are missing family, friends and loved ones, time stopped on Sept. 11 and has yet to begin again.

Citizens of the United States of America are now called upon to articulate, define and defend, to each other and the world, our most sacred beliefs of our free society; to articulate, define and defend the basic tenets of the great American experiment when colonial America declared itself an independent nation. By many human measures that experiment has been a resounding success, but it has not gone unchallenged.

Before Sept. 11 the most recent challenge to the fundamentals of the American way of life was the attack on Pearl Harbor. That attack galvanized the American citizenry to the cold reality that powerful fascists and dictators threatened our way of

life because they believed that capitalism, democracy and freedom, our great experiment, was a failure. Americans were then called upon to articulate, define and defend the virtues and values of democracy and freedom for the rest of the world. There can be no doubt that, despite the sacrifices, they did so with distinction and honor.

A great deal has been written recently about the men and women of the WWII generation who went off to defend that which we hold sacred. Thousands made the ultimate sacrifice for their country, and thousands more returned home heroes.

When asked directly, people of that "Greatest Generation" often demure, saying simply that they did what they had to do, without question or doubt. They, like us, were living their lives as best as they could when they were called upon to articulate, define and defend democracy and freedom. United, they answered the call.

On Sept. 11 the great American experiment was challenged



DANIEL HULSHIZER/AP

again. Almost sixty years after the attack on Pearl Harbor, our citizenry is once again galvanized by an attack on our country, by those in this world who condemn and abhor democracy and freedom. In the days that followed, we watched a nation unite and pull together in ways not known in recent memory.

No longer need we ponder and debate in writings the psychology of the motivating forces that so affected the "Greatest Generation." We know it in our hearts and minds, and now understand their response; they did what we had to do, without question or doubt.

Our leaders tell us that we are at war with terrorism, an elusive enemy to be sure. But let there be no doubt that freedom and terrorism cannot co-exist on this planet.

Our generation, long lamented for lack of patriotism and honor, is now called upon to articulate, define and defend democracy and freedom from tyranny. We will answer the call because we owe a debt to those who came before us.

We have been told there will be sacrifices. We will do what we have to do, without question or doubt. We must.

Bundy is a 4L

Into the Abyss

Renni Zifferblatt

STAFF WRITER

Once more humanity must contemplate maniacal, inexplicable acts of terror. This time we are unwitting witnesses before a faceless executioner whose wrath defies the boundaries of contemporary history. Accordingly, as "Infinite Justice" emerges as our semi-conscious mantra, we must acknowledge the magnitude of our compelled exit from Eden.

I fear however, that the desire to conceal our vulnerable psyches and nationhood will thwart healing and prevent us from meeting the mandates of this crisis here and abroad. In short, although our President would have us believe the terrorists did not succeed in "bringing us down," he is mistaken. Truth be told, we have been abruptly thrust into the ultimate concession, namely, the reality of our mortality. As the steadfast wade through the rubble, we must accept that we have been profoundly wounded. Encouraging the liberation of our anguish has never been more amplified or urgent.

Although the American flag's elegant dance in the winds of our sorrow has come to symbolize all that we hesitate to communicate, it serves only as a metaphoric scarlet letter through which we mask our pain. There are those among us, however, professors and students alike, who during these dark days have made tremendous breakthroughs by disclosing their despair. I applaud them. Our woe must continue to surface and find sanctuary in our common grief, or fester and lend us susceptible to disease.

As our troops collect on distant shores, we must ask who the enemy is. There is no one perpetrator here to record in our human archive. In fact, as disturbing as it may be, we too, are antagonists for many abroad. As nations unite to fight terrorism, however, it appears that a portal has opened for us, promoting an international discourse never before championed. Until now America has in large part evaded international treaty talks and obligations, prospering through our economically self-serving goals overseas, often to the detriment of indigenous populations. Our comfort zone lulled us into a disassociation from the sufferings of the outside world.

Now that we no longer exist in utopia, we must learn to listen in a way that previously we would have artfully dodged. In the coming weeks we need to look to the elasticity of our Constitution, which embodies a collective desire to transcend static ideals in the face of tyranny. We must employ that thinking as we come to terms with this calamity. We will survive it, but the quest for self-determination does not diminish at our borders. The eyes of the world are upon us, let rise up without arrogance, and embrace our humility.

Zifferblatt is a 3L

What can we expect to spring from the ashes?

"Man is free, but not if he does not believe it."

- Giacomo Girlando Cassanova de Seingalt

Law students are taught to argue everything, but not even a resurrected Cicero could convincingly argue that the catastrophic events of Sept. 11 have not changed American life forever.

Paul Petrus

that the catastrophic events of Sept. 11 have not changed American life forever.

We have not studied much these past few weeks for good reason. Even a Supreme Court decision can't possibly explain the perhaps inexplicable. Suddenly, tort law, agency and partnership, property and everything else seem less important. No legal career, no Lexus, no Caribbean cruise, no amount of haute cuisine can sedate us from this destruction, let alone bring us to satisfaction. There are philosophical questions that need to be answered. Many questions are simple. For example: why? The events, however, are complex. Though the President's explanation—one that most Americans need to hear—that we were attacked because we are the greatest democracy of the world, the beacon of light and freedom, is a needed start, we all continue struggling to articulate and understand why these horrors have happened.

No serious thinker has provided me with adequate answers;



USA TODAY

I don't purport to have any myself. But we continue to live in America and live the American way. More flags wave proudly now, and more sadly, than perhaps any other time in our history save the days following the Pearl Harbor attack. We young Americans, who were not born during WW II now experience what so many seniors have—an America at its most undivided best.

Even now, as flags wave and my fingers strike this keyboard, part of me worries as part of you does—how will we die? And when? My eyes locked in tears when a friend told me that his 6-year-old son was now afraid to sleep alone because the big tree in the back yard might get hit by

an airplane and fall on the house. This boy fears, and is not the only one doing so.

I have airline tickets to New York City in October, which I bought weeks prior to the attack. "Are you still coming?" one of my New Yorker friends asked. I told her I was.

"Are you going to fly?" she asked.

"Yes."

A flight to New York with few inconveniences—our ability to travel without the government's permission or harassment—is one of the many liberties that we take less for granted now but still makes our country great.

My column has reflected my beliefs as a civil-libertarian-lean-

dinner, to bed, always with the unrelenting glare of CNN behind us, newspapers speaking to us, our loved ones worrying as we clutch law books and pens, or the hands of others, or our own hands, in love, patriotism and prayer. On and on we wait for things to return to the way they were. We know they won't, but we hope they will. And so we live.

American life has been inextricably changed forever. I also believe that American life will somehow be better and that we will begin to enjoy a freedom we have yet to taste, a sweet freedom we will certainly savor and work with one another to protect. We are already well on our way.

Petrus is a 4L

The call to action

The cowardly acts of terrorism that perpetrated on the American people on September 11, 2001 have not ceased. The erroneous aim of these murderous terrorists animals is to tear apart at the very core of our society's core of freedom and liberty.

This is our enemies' fatal error. The Nation will not succumb to the crippling fear that they hope for. But there are those among us who have allowed this fear to blind them to freedom and liberty. America's is a melting pot of people from every ethnic background—including European, Asian, African, Middle Eastern and Indian descendants.

These very people are the backbone of this great society, yet, there are those among us who want to lay blame on these our fellow Americans of Middle Eastern and Indian descent. This can not be tolerated!

Terrorism equals intolerance. This country continues to fight to be color blind. And we cannot allow this tragedy and the acts of terrorism to set this country backwards on a destructive path. This would then achieve the goals of the terrorists.

This is our call to action. However, do not allow the retaliation against Middle Eastern Americans, or Arab Americans or Indian Americans that has surfaced in your cities, communities and neighborhoods due to these acts committed by foreign terrorists.

Remember, we are all Americans and most of us are all descendants from all other countries, but weand share one com-

mon goal—life, liberty and the pursuit of happiness—and have one loyalty is to the United States of America.

God Bless the victims, their families and friends left behind.

God Bless the United States of America.

Joseph M.
Saponaro '99

Mail Pail



"It doesn't matter if you are black, white or of some other race or ethnic background. If you are a true American, you feel the same pain..."

Diversity is an important tool

During a time when the country I love is in the mist of gathering its thoughts, one would think it is not a time to speak on diversity. If you are thinking that, you could not be further from the truth. This is a time when having diversity would and has benefited the citizens of America.

We all feel as though some crime has been committed against us personally. It doesn't matter if you are black, white or of some other race or ethnic background. If you are a true American, you feel the same pain others are feeling.

Diversity is a tool.

In a time when we could all use a lesson in diversity, it is very important to get to know the minority students coming to law school. We can all learn something from each other. In order for this to happen, there has to be a minority presence.

Out of 292 incoming students, there are 33 non-caucasians enrolled. The number of minority students is not increasing as a whole, although, some may say that it is about the same. This year's incoming class has 15 black students enrolled compared to 17 last year. Hispanics, Asian and others make up the other 18 students.

The questions must be asked, "why isn't the number of minorities at this university rising and what must we do to attract more qualified minorities?" What we must do is press forward and fight for diversity as a University. The lessons we learn now will be with us for the rest of our lives and as attorneys fighting for justice, we need all the tools we can get.

Michael Hudson
2L

ConGavelations

I read the article in the Sept. 10, 2001 issue of *Ohio Lawyers Weekly* reporting that the *Gavel* was selected as the best student newspaper in the country.

When you consider the competition, the award is most impressive. My congratulations to all the members of the staff for a job well done. Your accomplishments in making

"The *Gavel* - the best student newspa-

per" speaks highly of your qualifications.

Alan H. Weinberg, Esq.
Weltman, Weinberg & Reis, Co., L.P.A

Congratualtions on being named the best law school newspaper in the United States by the American Bar Association's law student division! This is a wonderful honor and obviously one that is well deserved.

I very much enjoyed reading the article in the *Cleveland Plain Dealer*. Michael Cheselka's award for his humor column is refreshing to see.

You as a staff are to be commended for your continuing investigative efforts as well as last year's editor Kevin Butler.

Dean Steinglass' comments reflect the respect in which the newspaper is held.

Again, congratulations on a job well done and keep up the good work.

Evelyn Lundberg Stratton
Justice, *The Supreme Court of Ohio*

Concur? Dissent?

Do you take issue with an opinion in this edition? Do you have a special perspective that would help shed light on the subject?

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Wilton S. Sogg, Attorney at Law

SBA changes direction to help victims

By Dan Markey

My fellow officers and I worked hard over the summer to forge our direction for 2001-2002. Our plans were well thought out, but not immutable. In light of the New York and DC terrorist attacks of Sept. 11, some change in direction is appropriate.

Every social event will feature a collection box for the American Red Cross. We are placing a renewed emphasis on

our annual blood drive. As a result of national outpouring, there will probably not be a great need for blood in New York City. This however, does not mean that the blood supplies are ample throughout the country. It is imperative that our domestic blood supply is kept up with demand. It is our hope these efforts will serve as stimuli for students to direct energy toward helping our fellow Americans.

We are anticipating a strong turnout for our elections in early October. In addition, we are planning a Halloween social for C-M students and friends. If anyone has any thoughts or ideas about this, please contact the SBA.



SBA
Briefings

We say goodbye to our friend and three-time *Gavel* Editor, Kevin Butler. During Kevin's esteemed tenure with the *Gavel* we were honored by the ABA as the nation's second (1999), third (2000) and first place law school newspaper. Kevin's leadership and journalistic ethos set a high bar for this publication, and his commitment to informing and entertaining the Cleveland-Marshall community never wavered.

Kevin was the "Lou Grant" of this newspaper who left our staff with enormous shoes that we look forward to filling. We thank him for his advice and counsel. Kevin's talents will lead him to a very rewarding career, and the *Gavel* wishes him the very best in everything. Lou — this one's for you.



ED PEKAREK - GAVEL

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OSBA

Everything you always wanted to know about Moot Court

**but were afraid to ask*

By Karen Mika

Q: What is Moot Court?

A: Moot Court is an extracurricular activity, which awards credits, that affords students the opportunity to compete in mock-appellate situations.

Legal Writing

In terms of previous experiences, it is similar to a high school or college debate team. The entire "team," which is comprised of approximately 17-20 students, is broken down into smaller teams and each is assigned a competition. Competitions are either sponsored by a law school or by another legal organization. Each competition has a single "theme" or area of law that is consistent from year to year.

Q: How does one participate on Moot Court?

A: There are two ways to participate in Moot Court, one after first year, and another chance for second and third year students to join. The first opportunity occurs at the end of the first year of law school. During an announced time frame, interested first year students will submit from their first year second semester one unmarked motion to be considered. I, in conjunction with the existing members, will rank all of the motions submitted and invite the top 12 to 16 students to participate in oral argument.

After instruction and practice rounds, the finalists will present two arguments before two separate panels of judges. The arguments will be ranked, and four to six students will be invited to join Moot Court based on both their brief and argument rankings.

Those selected for the Moot Court team must register for and participate in a brief writing class during the summer semester.

The second method for competing for a spot on Moot Court occurs during the second semester of a student's second or third evening year of law school. At this time a student who has taken or is currently enrolled in Advanced Brief Writing may enroll for a one credit pass/fail course in which the student will complete a moot court competition problem. The student will be required to write a brief and to present oral arguments. Similar to first year competitors, the top five to seven competitors will be invited to be join Moot Court team during their final year of law school.

Part one of a two-part series on the ins and outs of Moot Court from adviser Karen Mika

Rocking and rolling with the law

Establishing an entertainment law practice in a secondary market like Cleveland, Ohio can be done, but you had better know the music industry cold, and you must establish and maintain connections to artists, publishers, labels and other industry sectors.

Alumni Advice

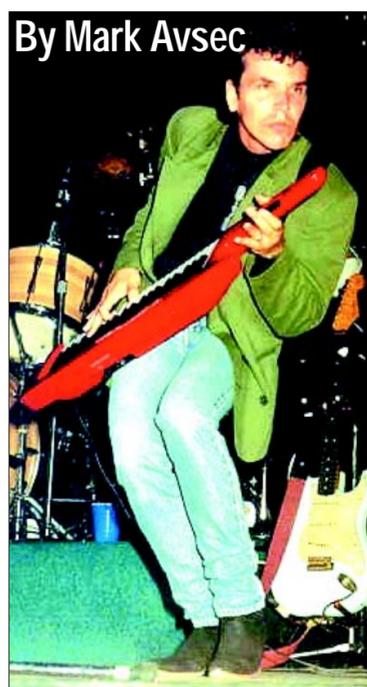
I went to college and law school late in life (I started college at the age of 33 and graduated from law school at the age of 40). Before I went to college, I made a living as a professional musician and songwriter. I spent years in recording studios and on tour buses. I still make music (regularly with Donnie Iris and the Cruisers and in February with Joe Walsh and The James Gang at their Rock Hall and Allen Theatre concerts), in addition to co-managing SINOMATIC, a band signed to Atlantic Records and I run a small record label. After about five years of practicing law, my practice morphed into an Internet and interactive media practice, which permits me to more effectively create synergies with the rest of the attorneys in my firm.

The first suggestion I offer to new lawyers embarking on any career path is to have some kind of passion for what you do. Whether you listen to mythologist Joseph Campbell's exhortation to "follow your bliss" or to business guru Stephen Covey's mantra to do "what matters most" in your life, every lawyer has to figure out what kind of practice will best serve his or her *life's objectives*. Of course, that is not just good advice for lawyers, it is good advice for people generally trying to live their lives.

The second suggestion I offer to new lawyers embarking on a career path is to develop synergies with other practice areas in your firm. I realized from the start that I could not devote all of my billable time to music industry issues in Cleveland. Since it is important to me to live in Cleveland, I had to adjust. My practice has had to extend beyond my core entertainment roots. Now it includes a wide range of Internet and new media companies, as well as their investors and partners. Recent engagements included interactive streaming companies, radio and television enterprises, strategic capital investments and joint ventures and acquisitions.

The home bases of major record companies and publishing companies are New York, Los Angeles and Nashville. The obvious advantages of practicing entertainment law in one of these primary markets include

Every lawyer has to figure out what kind of practice will best serve his or her *life's objectives*



By Mark Avsec

DUANE SZYC

seem to be doing a fair amount of work in the music industry. Because of increased interest and practice opportunities, music industry law school curriculum and entertainment law sections have also increased within secondary and tertiary market law schools and bar associations, including The Cleveland Bar Association, The Ohio State Bar Association, C-M and Case Western University School of Law. Keep in mind, however, that an entertainment law practice in a secondary market will probably need to be supported with other practice expertise (business law, real estate, personal injury, etc).

I could not imagine practicing entertainment law in Cleveland without the benefit of the 20 years I put in as a recording artist and songwriter. I do not know how I would have learned about the business without the benefit of learning from other entertainment attorneys if I did not already have a firm grasp of the business. I also do not know how I would have had the credibility to get clients without my history. Nevertheless, I admit that I know at least one attorney in Ohio who does a significant amount of entertainment law work though he never so much as picked up an instrument. He had a passion for music, however, did his homework, immersed himself in the industry, and successfully obtained and served clients. He now has a growing entertainment law practice and recently opened up a Los Angeles satellite office.

■ About Mark Avsec

Mark Avsec is an associate with Benesch, Friedlander, Coplan & Aronoff LLP.

Prior to joining the bar, Avsec earned a living as a studio musician, producer and songwriter, writing over 300 songs and producing more than 25 sound recordings for, among other artists, Bon Jovi ("She Don't Know Me"), Donnie Iris ("Ah! Leah!" and "Love Is Like A Rock"), and Wild Cherry ("Play That Funky Music, White Boy").

He is an American Music Award winner and has been nominated for two Grammy Awards. Mr. Avsec earned his B.A. *summa cum laude* in 1992 and his J.D. *magna cum laude* in 1994 CSU



Judicial clerkships help get a foot in the door

Paul Petrus
COPY EDITOR

The Judicial Clerkship Committee and the Cleveland-Marshall Office of Career Planning will present a Judicial Clerkship Panel Oct. 3, 2001 at 5:00 p.m. in the Moot Court Room, according to materials released by the OCP.

U.S. District Judge Donald Nugent of the 6th Circuit along with three present or former clerks will speak on why clerkships present an excellent career opportunity and what judicial clerks do in both the trial and appellate courts. The OCP requests that students who plan to attend sign up in their of-

fice. Information on the application procedures will also be made available at the presentation, and a reception will follow.

According to Jayne Geneva, OCP director, in the C-M Class of 2000 there were 12 clerkships at the February time of reporting for the class. These include five common pleas clerkships, three state positions, three federal positions and one in the Virgin Islands (Territorial Court). In the Class of 1999 there were at least five clerks, including three in the common pleas, one in federal court, and one in state court for Chief Justice Thomas Moyer of the Supreme Court of Ohio. Statistics for the

Class of 2001 are not available, according to Geneva.

On the benefits of becoming a clerk, a former clerk and current Director of Legal Writing Barbara Tyler mentioned a few. "You will become an expert in evidence, civil procedure, and criminal procedure, because you have to be," said Tyler. "The pay is not bad, around fifty grand."

Tyler spoke fondly of her clerkship experiences in the 8th District Court of Appeals, and even downplayed potential clerks' concerns that the job may be too political. "I know it is for some judges, but it wasn't for me," she said.

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Film explores Scottsboro travesty

Robert Caldwell
CONTRIBUTING WRITER

Filmmaker Daniel Anker was recently in Cleveland at Cuyahoga Community College for a screening of his award-winning film, *Scottsboro: An American Tragedy*. The film he produced and co-directed won a 2001 Emmy Award for Best Non-fiction Program and was also nominated for an Academy Award for Best Documentary Feature. Anker and a panel of distinguished scholars and academics discussed the significance of the Scottsboro affair after the screening.

According to Anker, "only one or two of the boys regained a sense of normal life, which is why it remains a tragedy. The fact that they were free could not make up for their whole youth lost in jail."

Former U.S. Congressman Louis Stokes '54, served as moderator for the discussion.

The film documents the trial of nine black boys arrested in Scottsboro, Ala., for the rape of two white women. The monumental cases rekindled friction between the North and the South and pro-

duced two significant Supreme Court decisions affecting criminal procedure. The trial was a catalyst to give momentum to the NAACP and civil rights movement.

The nine black youths had little money, but collected \$60 dollars from relatives for an lawyer. The boys were defended by an alcoholic white attorney who arrived at court unprepared, encouraged the boys to plead guilty, and offered no closing statements.

Although the alleged victims gave contradictory testimony, one woman recanted her story a year later, saying that no rape had occurred, and physical examinations did not support the allegations; an all-white jury nevertheless found the nine defendants guilty. Eight of the boys received the death penalty and the ninth boy who was only 9 years old received life in prison.

The International Labor Defense (ILD), hired the renowned New York law-

yer Samuel Leibowitz, who had won 78 of 79 previous murder trials, to appeal the conviction of the defendants.

Anker's film examines the tribulations a gregarious and flamboyant Jewish lawyer from New York experienced when he encountered 12 jurors from rural Alabama who saw him as an abolitionist attempting to revive the Reconstruction.

Ozie Powell was one of the nine boys convicted of rape. Powell's appeal came before the Supreme Court in *Powell v. Alabama* (1932). The justices reversed the rape convictions in a 7-2 decision. The Court held that indigent defendants had a constitutional right to an appointed lawyer in cases involving capital crimes in state courts.

The nine Scottsboro boys were retried after the *Powell* decision and again convicted by an all-white jury. The presiding trial court judge set aside the verdict. A third round of trials resulted in yet another guilty verdict by an all-white jury.

Defense lawyers led by Leibowitz again appealed to the Supreme Court in *Norris v. Alabama* (1935). In a unanimous decision, the Supreme Court agreed that the 14th Amendment's equal protection clause was violated because blacks were excluded from grand juries and trial ju-

ries in several Alabama counties.

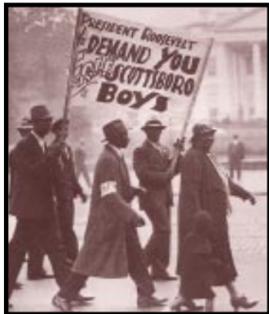
After plea bargains, demonstrations, motions, appeals and 16 trials by the Scottsboro Defense Committee, the NAACP and the ACLU among others, the cases were finally brought to an end.

In 1937, after six years in prison, the charges were dropped against four of the boys. The remaining five languished in Alabama prisons. Eventually, all of the boys were released, paroled or pardoned.

Anker skillfully weaves the testimony of surviving eyewitnesses with dialogue from some of the defendants themselves.

Professor Linda Ammons was a news reporter for NBC affiliate WAAY in neighboring Huntsville, Ala., that covered the Scottsboro incident. Ammons and author William Bradford Henry, who wrote on the plight of accused, discussed the case on a talk show Ammons hosted.

Ammons told the *Gavel* that when the topic turned to one of the accused, Clarence Norris, Ammons said, "I was unsure whether or not he would get the pardon. Then the national momentum began to build which influenced the decision to give the pardon." Eventually, Norris was pardoned by Governor George Wallace four decades after their arrests.



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Focus On: Kristen Schneider

Keeps up on behind the scenes news

Note: "Focus On," a regular feature of the *Gavel*, profiles some of Cleveland-Marshall's more interesting people.

What is your role with WOIO/WUAB?

I am a promotions writer/producer, in the marketing department. I produce the promos (commercials for 19 & 43) that you see for our news and our station image.

How long have you been working in media?

Almost five years now. I started by interning in the Promotion/Marketing Department at WEWS TV-5 in 1997, and was hired there in 1998. Later that same year, I left WEWS to come to WOIO-WUAB.

How did your career in media begin?

Basically, it was just a fluke! I've always been interested in journalism and the media. Then, one summer, I was bored with the thought of my usual summer job, so I applied for an internship at Channel 5 to experience something new.

What is your weekly work/school/social Schedule?

I work full-time for WOIO-WUAB, 9am to 5:30 or 6pm daily, plus extra hours when major news

is happening, or when we're the sponsor of big community events. I usually take 3 or 4 classes each semester, between 6:00 and 10:00pm, Monday through Thursday.

Social life? What social life? Just kidding.

What do you hope to do after law school?

I hope to find a career path that combines my interests in both the law and the media. Someday I'd really love to be an agent, or somehow work in entertainment law.

Describe your typical weekend.

Sleep, sleep, sleep! There's not much time for that during the week. I do also read for classes when possible, and unwind a bit by going out with friends and family, or, by going shopping.

Has your view of law school evolved over 4 years?

Actually, I don't think it really has changed much. I've tried not to be too concerned with my

GPA, or with getting that one best firm to hire me. There are just so many different things that can be accomplished with a law degree. **Why did you decide to attend law school?**

I always hoped to go to law school to help people in some way, and work directly with other people to accomplish good things.



ED PEKAREK/GAVEL

4L Schneider juggles law school and television production at TV-19/43.



Soulcracker's Beastie (L) and Sutton (R) ran through a stop in Cleveland on their national tour.

ED PEKAREK—GAVEL

Almost famous

By Ed Pekarek
GAVEL EDITOR

The "punk-power-pop" quintet from Ocean Beach, Calif., best known as the hardest-working runners-up on VH1's "Bands on the Run," sprinted through a blistering set



Great Seats

laden with hard guitars, up-tempo harmonies, humor and symbolism after the Tool concert at the CSU Convocation Center. Despite being in its seventh year and having three recordings released, the material was drawn exclusively from Soulcracker's recent "In Music We Trust" label release, "At Last, For You."

"This release is a little schizo because we were already recording when picked for the program and we came back to finish the second half after the show ended on Christmas eve," said Sutton, the band's lead singer.

The "show," a prime-time rock 'n' roll reality soap opera, focused on four unsigned bands touring the country competing for fame and \$100,000 worth of equipment. The contest initially centered on ticket and "merch" sales, whittling down the tour by periodically dropping the act with the lowest earnings.

Sutton jumped onstage donning an "ARMY" t-shirt as a bank of monitors at the bar flickered CNN images of the terrorist attacks. He pulled off the shirt as the band segued from its opening number, "Two Little Boys" into "Devil Does." Sutton pointed out backstage that they removed "The Star Spangled Banner" from the set list, after playing it for months on tour. The band had performed a well-received crunchy-chord version of the anthem before a Miami Heat game televised on VH1. "We don't want to come off cheapening it - tonight is about our music and we're here to help people think about something other than

the tragedy for a while."

The 90-minute, 15-song set also included, "Twenty-One Gun Salute," "Bones in the Ground" and "Greatest Generation." The metaphors were hard to miss and equally obvious was the band's high energy, especially singer Beastie's wild antics.

Soulcracker didn't seem to take its fifteen minutes of fame too seriously, building audience rapport from the moment Sutton asked the crowd of close to 200, "so, is there anybody here who still hates us?" Following, the fast-paced "I Never Did This," he rhetorically posed, "does anyone think there were too many choruses in that one?" The drummer, Bob, sporting sunglasses to cover his recently broken nose suffered from "a rabid Philly cheesesteak vendor attack," said, "as the only band member with A.D.D., I say no."

"We lost a shitty little game show," Sutton said before the gig,

"We lost a shitty little game show."

acknowledging that the band knew VH1 could change the rules at any time, and firmly believes they did. "Their [VH1's] job was to make a good show and we were ruining it with our punk-rock work ethic," he said.

Soulcracker was well ahead in tour earnings and appeared to be certain winners, "then 'bam!' out of nowhere they included a five thousand dollar prize for the last 'battle of the bands' and at that point we knew VH1 didn't want to let us win with the rules we got," said Beastie.

Beastie even suggested that the "reality" show was preordained - "they edited it after the tour was done to create sympathy for the winners and foster animosity for the losers... every band on the show was taken out of context except for the absolute, pure perfect package."

That "package," the one Beastie said will "someday end up on a Wheaties box," is the Texas act, Flickerstick, the drunken comic relief of the se-

ries that prevailed as the recipient of thousands in equipment, a big budget video and a major label recording contract. If the contest rules hadn't been altered mid-stream, "Flickerstick would not have done anything except party even harder," said Sutton.

VH1's docu-drama also swirled around Sutton's alcohol problems. "I've been in jail a bunch of times from drinking and went on a serious binge after I got divorced and decided to take six months off to figure myself out. It just happened to be recorded by camera crews every day," he said.

The tour's sponsor, Jim Beam, is "convenient" as Sutton explained because, "after the gigs I usually hook up a whiskey I.V." While he didn't drink during the majority of the series, he admitted to being "stoned a lot" and eventually imbibed as the competitive pressure mounted. "We knew we couldn't be cool on such an un-cool show and made it clear from the beginning that we were only there for the hundred thousand in gear."

The band contends the rivalry was the result of the network's steering of the show. According to Sutton, "we didn't even know we hated Flickerstick until we saw it on TV."

The docu-drama animosity that festered on the show later resulted in death threat postings on the band's website. Sutton said, "the FBI even had undercover agents following us around on tour." Beastie, one of the more outspoken personalities on the series and a subject of the threats, no longer participates on the band's website message boards. "The show really slanted people's perceptions, besides, it's the fans' forum, not mine," he said. Sutton took the threats in stride, "probably some twelve year old."

Sutton also said he gained a sense of obligation as a result of being a cable TV celebrity. "It's a huge responsibility and we have to be very careful now when people are listening and try to put our best foot forward," he acknowledged. He also believes the exposure allowed the band to take a "huge shortcut" beyond its traditional touring territory. The front man said, "it took us six years to be able to play any night in the Southwest for hundreds, after two months of TV, we can play in any town in the country."

While they received no prizes for their run, Sutton said, "the band has been having serious talks with Atlantic." Beastie theorized that they must, "pull, not push, to play for big crowds," adding, "I'd jump into the corporate machine in a heartbeat if it meant I'd be hearing Soulcracker on the radio."

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Monday Night Madness October 1st, 8pm, (Metal)
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Tuesday, October 2, 8:30pm, semi finals
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Wednesday, October 3, 7pm, (Rock)
ZAO
In Cold Blood, Franklin, Narcissist

Friday, October 5th, 7pm, (Alt Rock)
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Project 9, Eden (cd release), 2nd Half, Sandist, Stab O'Matic
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Saturday, October 6, 8pm
Unified Culture
Dog Fashion Disco, Cold Hand of Christ, Vandals Against Alliteracy, Tadpole

Wednesday, October 10, 8pm, (Alt Pop)
American Hi-Fi

Friday, October 12, (Jam & Electronic)
Umphrey's McGee and The New Deal

Sunday, October 21
Pre-Halloween Show
25th Anniversary show with special guests
Marky Ramone, Robo & Dez from Black Flag
MISFITS

Wednesday, October 31, Halloween Party!
(Alt Rock)
Good Charlotte

Wednesday, November 7, 8pm, (Alt Rock)
The Verve Pipe

UPCOMING EVENTS

9/26	Ulama (Rock)
9/27	Yoga Party (No 43 Music, College ID Night, Free Advice W/College ID)
10/8	JJ Paradise Club
10/9	DJ Battle Finals with 7up
10/11	Family Values Tour Pre/Post Party
10/13	25th Anniversary Peabody's Reunion Show
10/14	Punkfest 2pm with Rabid Dyslexic Boy Scouts, None of the Above, Brazen Rouge, Igono
10/15	Brnhaha
10/16	Dave Ralph Cd Release
10/17	Beres Hammond
10/19	Zachery Walker Band CD Release, Colorwheel
10/20	Red Wanting Blue CD Release, Halston
10/23	DJ Dan
10/26	Sinomatic
10/27	Gregory Isaac
10/30	Bad Boy Bill
11/8	Jackets Live Performance (College ID Night)
11/9	Big Youth and the Blue Ribband Band
11/10	Coinmaster
11/11	Employees of Cleveland Museum of Art Exhibition
11/18	Buju Banton
11/20	Detroit Grand Poa Bas Live Performance
11/24	Roy Ayers - 2 shows each night 8pm & 11pm!

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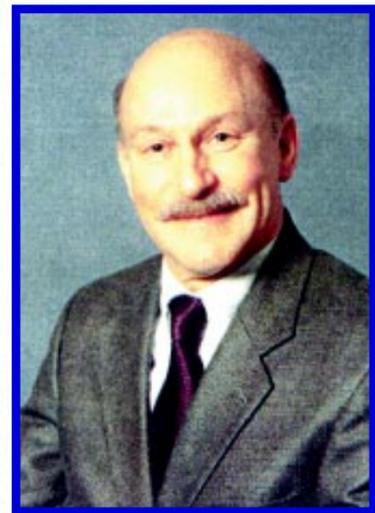
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