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## 2001 Vol. 49 No. 6

Cleveland-Marshall College of Law

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### Senator Jerry?

Politics got its hooks into TV's most famous talk show host at an early age. In a conversation with the *Gavel*, Jerry Springer hints at a return to public office.

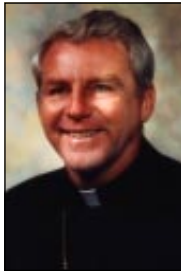
LAW, PAGE 3



### Casey Martin battles with the Ninesome

As the Supreme Court decides the fate of the handicapped golfer's cart case, 2L Tom Green predicts the parade of horrors if the cart's allowed in play.

OPINION, PAGE 6



### 'Twixt law and love

... is where we'll find balance as lawyers. C-M grad and Auxiliary Bishop A. James Quinn makes the case for practicing human compassion as we're arguing code.

CAREER, PAGE 4



# THE GAVEL

VOLUME 49, ISSUE 6 ■ MAY 2001

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Not a top-10 student? Plenty of options, says 'Job Goddess'

By Tricia Hurst  
STAFF WRITER

Kimm Walton, author of "Guerrilla Tactics for Getting the Legal Job of Your Dreams" and self-proclaimed "Job Goddess," stresses using creativity and ingenuity when looking for a job.

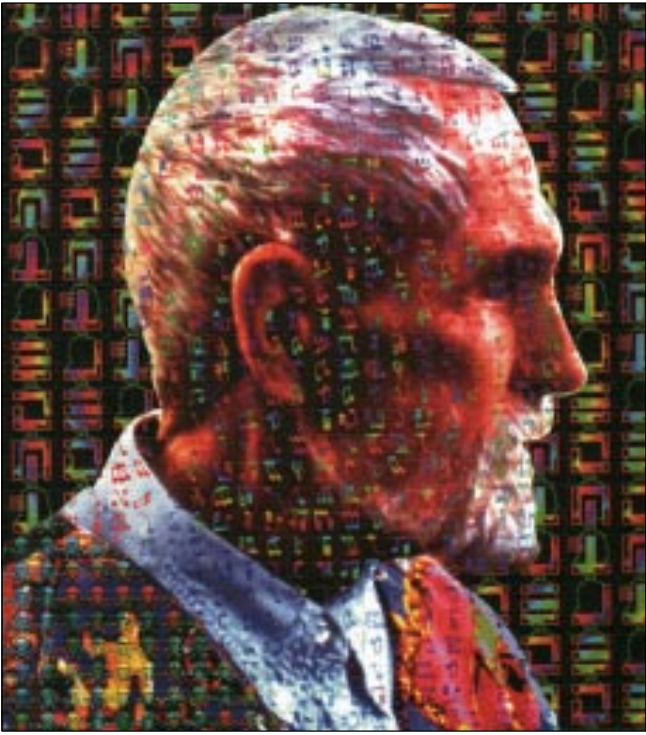
Walton, who spoke at Cleveland-Marshall this semester and talked with the *Gavel*, said she wants to help students likely to be frustrated when trying to find work.

"It's easy to get frustrated. You think your grades aren't good enough or you're looking for work in another city — but there's always a way to get the job you love."

None of these approaches come from her own experiences. The creator of Law in a Flash flashcards had never had a law-related job.

To write the book she went to law schools in search of ideas from people with different levels of confidence. "Some people can talk to anyone," she said. "Some people

See **JOBS**, page 4



EROWID.ORG

C-M professor Joel Finer discussed representing the late Timothy Leary (above), the Harvard professor who advocated using psychedelic drugs.

## Finer and the acid ambassador

GAVEL STAFF

Although veteran Cleveland-Marshall professor Joel Finer discourages using psychedelic drugs today, he didn't always feel that way.

In a speech at C-M on April 10, Finer said he agreed with notorious '60s acid advocate Timothy Leary, who

argued that using psychedelic drugs for religious purposes should have been protected under the Constitution.

Finer was so drawn to Leary that he defended the Harvard professor in a famed criminal case.

Turn to page 2 for more by staff writer Dave Steiner.

## Cancellations plague 1Ls

### Section 3 professors often absent; some avoid, others require makeups

By Frank Scialdone  
MANAGING EDITOR

A wave of cancellations and make-up classes has proved disruptive to students in one first-year section who have had more than 15 classes cancelled over the fall and spring semesters.

Professors who teach Section 3 students have cancelled classes for a variety of reasons including illness, a medical operation and professional responsibilities.

While generally understanding of the need for professors to cancel classes on occasion, students complain that it is not convenient when a class is cancelled or rescheduled with little advanced notice. Some also dread the prospect of rushing through material to make up for canceled classes.

"I understand that professors

have other things to do and at times have to cancel class, the problem comes in when classes are rescheduled during time we have set aside to study," said 1L Katie Cowen.

Associate Dean Jack A. Guttenberg has fielded several complaints this year from students about class cancellations and has talked individually with some professors about their cancellation practices. Guttenberg would not disclose the professors' names.

"We do expect faculty members to attend their classes and to make up classes that they miss," said Dean Steven H. Steinglass. "At the same time, we recognize that it is important for faculty members to be engaged in professional and academic activities outside the classroom."

See **CANCELED**, page 3

## You Should Know

By ED PEKAREK

### How SBA allocates its funds

According to the Student Bar Association, Cleveland State allocated \$68,380 to SBA from various sources for the 2000-2001 school year. In turn, SBA doled out approximately \$17,000 to law student groups in two funding sessions.

Here's how SBA split the dollars:

Organization	Amount
Black Law Students Association	\$3,089
Asian-Pacific Islanders LSA	2,190
Women's LSA	1,965
Delta Theta Phi	1,905
International LSA	1,840
Student Public Interest Law Org.	1,205
Federalist Society	945
Coalition for Equal Rights	910
Justinian Forum	775
Environmental Law Society	625
Criminal Law Society	525
ABA, Christian Legal Society	each 375

Groups use the funds for yearlong programming.

## 2L slate wins in controversial SBA election

By Ed Pekarek  
BUSINESS EDITOR

An e-mail endorsing certain candidates in last week's Student Bar Association election resulted in a dispute between 3L Roger Bundy, SBA's outgoing treasurer and a vice dean of Delta Theta Phi, and the author of the message, 2L Michelle Conrad, an SBA senator and Delta Theta Phi officer.

The controversial e-mail, which was apparently intended for law fraternity members but was forwarded to all students by Cleveland-Marshall secretary Rosa Delvecchio, favored 2L candidates Dan Markey, Bernie Hessley, Renee Zaidrenas and Chris Zirke. The four prevailed over a slate of 1Ls in the April 18 election. Markey was elected president.

Although Conrad asked Delvecchio to "forward this to Delta Theta Phi members," the e-mail made



Dan Markey

it to every law student during the elections.

Bundy, who was narrowly defeated in last year's hotly contested vice presidential race by Markey, expressed concern about "the complete honor and integrity of the elections process."

"I really don't think that the election was affected by this mail, but what happened was totally inappropriate," Bundy said.

In a contentious, closed-door meeting on election night between outgoing SBA president Matt Hite, defeated 1L vice presidential candidate Matt Selby, Markey and Bundy, Selby reportedly questioned the propriety of the tactic but did not officially contest the election.

The SBA constitution is silent on endorsements and generally permits campaign e-mails.

Markey, who won by 87 votes, said he was unaware the e-mail would be sent, but that it was a non-issue. "I doubt nearly 100 ballots were cast as a result," he said. "I see nothing wrong with encouraging members to vote for one of their own."

Conrad said that seven out of 12 current members of the executive committee were advised before she sent the e-mail. She also noted that Bundy sent her a written apology and that she has taken remedial steps to create a Delta Theta Phi listserv.

"What's really important is that the SBA and student body put this non-event behind them and work together to better the law school," observed the victorious Hessley. "Focusing on this small glitch does everyone at C-M a disservice."



## A backward glance at this successful year

By Steven H. Steinglass

It is hard to think that the 2000-2001 school year is drawing to a close. August, it seems, was only yesterday. For all of us — students, faculty, staff — it has been an



### The Dean's Column

eventful and successful nine months in which, to paraphrase our Strategic Plan, we have asked much of one another. We have asked much of one another in organizing and promoting an exceptionally large number of symposia, conferences, lectures, receptions and special events, all informative and all calling attention to the obligation this law school meets in serving the public, the bench and the bar. Throughout the year we have also asked much of our student organizations and the many students whom I see poring over books in the library, rushing between classes or stationed in the computer labs, who are striving to become the best lawyers they can become. All these hardworking students help us tell the world what we already know: that this is a wonderful law school with opportunities for all kinds of students with all kinds of interests.

I especially wish also to thank the 227 men and women whose student days are ending and whose alumni days are about to begin. The class of 2001, the fourth class I have seen graduate since I became dean in 1997, has been one of the most energetic and enterprising in my experience. Not only have they been exceptional in academics, they have also been exceptional in public service.

Many of them are already assuming the role of conscientious alumni, first by participating in the job-search process in a manner that does credit to Cleveland-Marshall and then by taking part in the Graduation Challenge, pledging to support the law school and the students of the future. I look forward to participating with them for many years to come, when, as accomplished lawyers, they bring to the law school the same energy and entrepreneurial spirit they have brought as students.

To all of you, those returning and those leaving for awhile, I wish the days ahead may be as productive as those you have spent this year at C-M. And, always, I look forward to our work together in the coming years.

*Steinglass is dean of C-M.*

**Correction:** From the last column, C-M's HLSA was regrettably omitted as a sponsor of the forum "Race: Does it Matter?"

# Wearing Leary's LSD mantle

By Dave Steiner

STAFF WRITER

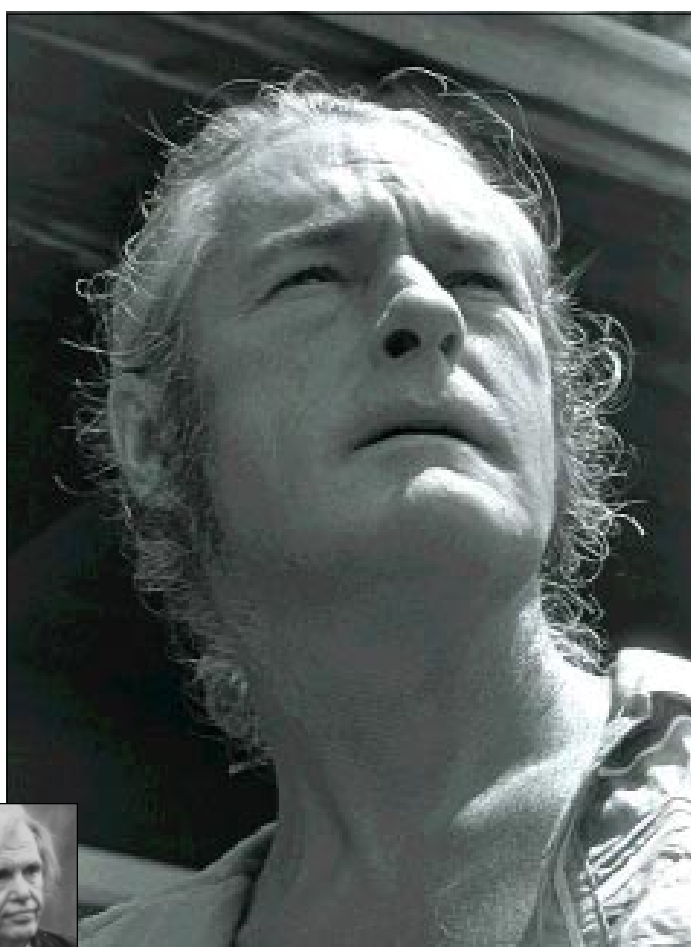
Students and faculty were invited to "tune in, turn on and drop out" when Cleveland-Marshall professor Joel Finer discussed his representation of drug guru Timothy Leary during the turbulent '60s, as part of the C-M Faculty Speaker Series.

Finer gave a two-part, multimedia presentation April 10 that focused on his representation of Leary. A former Harvard professor, Leary was internationally known for urging the use of certain drugs to help achieve greater spiritual and emotional enlightenment. Finer also discussed significant social and political changes of the era of the 1960s.

The presentation began with colorful, psychedelic computer graphics accompanied by the Moody Blues song "Legend of a Mind." The song's chorus proclaimed, "Timothy Leary's dead." Referring to the computer graphics, Finer jokingly commented, "My cats love this."

Finer discussed how his scholarship on religious freedom and psychedelic drug use led to a request to defend Leary from drug charges brought by the U.S. government. Finer, a law professor at the University of Texas at the time, said Leary refused to plea bargain because he wanted to raise the issue of drug use and religious freedom

Finer recalls the Harvard prof turned drug advocate turned criminal client



Finer (left): Never was a client like LSD guru Leary, shown in 1970.

in court. Leary was unsuccessful and was sentenced to prison time.

Finer discussed the use of hallucinogens in a religious setting to obtain a positive spiritual experience. He also discussed mysticism found in most reli-

gions. He added that the state cannot prohibit religious practices without a compelling state interest.

Finer acknowledged the problems of legal drug use for spiritual and religious purposes, including the potential for

people to claim all drug use is "religious." To rebut that argument, Finer proposed that juries could determine the sincerity of persons who claim drug use as religious. Finer likened the religious drug use issue to that of a conscientious war objector who is exempt from active duty.

Finer said there are certain conditions, which are difficult to satisfy today, that must exist for a positive religious experience with hallucinogens. These include a pre-psychotic screening, a background check, a trained guide and an appropriate setting. Finer sent a schoolwide e-mail before his presentation denouncing the use of hallucinogens.

The second half of the presentation consisted of an audiotape that contained recordings of important events of the 1960s. These recordings included Martin Luther King Jr.'s "I Have a Dream" speech from 1963, Robert Kennedy addressing a crowd after the assassination of Martin Luther King Jr., Ted Kennedy giving a eulogy for Robert Kennedy at St. Patrick's Cathedral, and Bob Dylan's song "The Times They Are A-Changin'."

Finer left the room for the second part of the presentation and allowed those in attendance to simply reflect on the recordings.

About 100 students and faculty members attended the hourlong event.

## 'Lie doggo' to Sydney and study law with the best

By Manju Gupta

CONTRIBUTING WRITER

At the end of my first year, I deliberated what I should do with my summer. Instead of clerking, which I had done the summer before, I decided I needed something a bit more adventurous after the tedium of the first year. What could be more rewarding than traveling to a country I had never been to before?

Studying overseas can be a tremendous asset to any legal education. It enables you to explore different cultures and the perspectives of students and faculty in foreign countries. As the world becomes truly international, an understanding of global business is essential for any modern lawyer.

Widener University School of Law's summer international program was conducted in Sydney, Australia. The program offered a unique educational experience that included taking courses from



Sydney Opera House and the famous Sydney Harbor Bridge.

1001 MEDIA GROUP



### THE GAVEL TRAVELS

Australian faculty and learning with foreign students. Australia's world-renowned constitutional law scholar, Anthony Blackshield, taught comparative constitutional law in conjunction with American professor Erin Daly.

During the program, we took a day trip to Canberra, the capital of Australia, and visited the High Court of Australia. During

the visit, Professor Blackshield took us into the chambers of the first and only female High court judge, Mary Gaudron — the Aussie equivalent of meeting Supreme Court Justice Sandra Day O'Connor. Coincidentally, the front page of Sydney's paper the next day was about a controversial speech the justice had given the day we met her.

Academics were not our only pursuit. Sydney boasts many attractions and events as well. From climbing the famous Sydney Bridge to taking in an opera at

Sydney's stunning Opera House to beautiful beaches for surfing or scuba diving, Sydney's activities make the city always vibrant. The only drawback was that Ohio's summer is Sydney's winter — moderate, however, with about 65-degree weather.

Australia's unique countryside of wonders is a mecca for travelers.

On the weekends, I traveled to the Great Barrier Reef and Ayers Rock. Prior to arriving in Australia, I used my free flight stop-over (usually made in Fiji, Hawaii or New Zealand) to backpack through New Zealand for two weeks.

Studying abroad is a great opportunity to explore a new country while earning academic credit, gaining an international perspective and meeting new friends from around the world. It was an experience I will never forget.



# Host of ‘stupidest’ show gets serious about politics

By **Tricia Hurst**  
STAFF WRITER

If you are like most people, the name Jerry Springer does not instantly spring to mind when it comes to serious intellectual discussions. Most likely, you think of what Springer has dubbed “the stupidest show on television.”

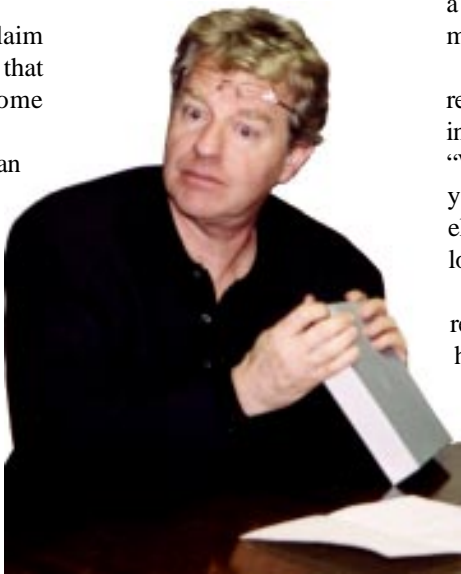
When you look past his claim to fame, you will discover that Springer has had a life some people can only wish for.

His interest in politics began during the Vietnam War and afterward he found himself working for Sen. Robert F. Kennedy. “No one had to give a speech about getting involved in politics in the 1960s,” Springer said. “This was not an interest or a hobby; this was your life.”

After Kennedy’s assassination, the Northwestern University law graduate took a job at Frost & Jacobs in Cincinnati. The young attorney soon entered politics and was elected mayor in 1977. After that, he became a TV news anchor, ending his 11 o’clock broadcasts with his now famous “final thought” that dealt with current events.

It was this experience that encouraged him to visit Cleveland-Marshall on March 30 to join a

In a talk with the *Gavel*, Springer reveals his passion for politics — and hints at an eventual return to public office



ED PEKAREK—GAVEL

panel at the school’s student-run legislative forum.

Springer said it is no surprise that most politicians start their careers in law. “The law deals with public interest and you spend three years discussing this in law school.”

Even before law school, he explained, people develop an in-

terest in public service. “Let’s face it. If you’re interested in serving the public, you aren’t going to be a biologist or something like that. You go to law school.”

For Springer, politics is a passion; everything else is just a job. “I hope you’re not going into it for a career but because you want to make a difference.”

He sees a danger in being a career politician. “It can make you intellectually dishonest,” he said. “When you have to feed your kids you’ll say anything to be re-elected. You have to be willing to lose an election.”

“See it as a passion. See it as a religion. Do not see it as a career,” he said.

Despite this view, Springer opposes term limits. He believes that it goes against the democratic process to tell the voters they cannot vote for someone. “The voters will tell you when to leave.”

He also has strong views on campaign financing. “You have to make the money irrelevant,” he said. He suggests free airtime when it gets close to the election. During the panel session, he joked, “My show two minutes shorter would actually be a public service.”

Springer said he thinks politics

is less of a passion and more a résumé-builder for those who spend millions of dollars of their own money on campaigning.

What makes him passionate about politics is race and economic opportunity. “Race is the greatest test of whether we believe in the American dream. It makes us have to be honest with ourselves.”

The rumors of “Springer for Senate” surprised him as much as anyone. He was traveling in Italy when he found out one of the Cleveland news outlets had taken

a hypothetical poll that said he would beat Sen. Mike DeWine for re-election. “After that, it took on a life of its own,” he said. “I don’t know. Someone was drinking.”

Contractual obligations prevent him from running any time soon. He is obligated to produce his show, which airs in 50 countries and 209 cities in the United States, for the next two to five years.

But he already has a campaign slogan: “Springer for Senate — No Really!”

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## CANCELED: First-year section affected by absentee professors

Continued from page 1 —

The C-M faculty manual provides that a professor should reschedule missed classes before reading week and, depending on the student’s schedules, may make up lost time by starting classes earlier or extending classes.

“Professors should only cancel when they absolutely have to,” said Guttenberg, who believes that cancellations for professional responsibilities are acceptable when they do not exceed two classes.

Notwithstanding the college’s policy, some professors do not make up actual class time in its entirety. For students like 1L Cowen, missing a few classes is preferable to frequently rescheduling classes.

Tayyab Mahmud, who teaches contracts to Section 3 students, said he had canceled six classes this year, five of which were to allow him to present scholarly papers at professional conferences. He said he rescheduled some of them and has added five minutes to the beginning and end of several of his classes to make up time.

“The curriculum has not suffered,” Mahmud said.

Mahmud views his professional responsibilities to bar associations and the legal community as part of his job as a professor. Time spent at conferences ultimately benefits students and the college, he said.

Heidi Robertson, who teaches property in Section 3, has canceled

four classes over the two semesters, two because of illness and two to teach in Russia as part of the Cleveland State University exchange program. She said she did not reschedule classes but did provide an extra written assignment for students.

“I try to avoid rescheduling classes at all costs because it is inconvenient to students,” said Robertson.

Robertson said that all professors build time into their syllabi to account for unexpected absences.

Susan J. Becker, who teaches first-year civil procedure in Section 3, canceled five classes because of a medical operation. All classes were rescheduled and not optional, which was stated in her class syllabus.

“I’m very sympathetic that any disturbances in the schedule interferes with time students may have carefully set aside for study, family or other obligations,” she said. “At the same time, situations do arise that requires students to be understanding. Law is a stressful career and being flexible is the hallmark of a successful practicing attorney.”

Stephen W. Gard, who teaches torts in Section 3, has canceled two classes over the fall and spring semesters, one of which was rescheduled as an optional class.

Associate Editor Clare Taft contributed to this article.

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## Avoid hurrying into clerkships after first year

By Karin Mika

*Q: When is the best time for a first-year student to look for a summer job? I'm starting to get nervous, but I would like to concentrate on finals.*

A: I think one of the primary mistakes first year students make

is trying to decide who they're ultimately going to be during the first week in school. Sometimes you lock yourself into people and situations that prove to be the worst of all decisions in the long run. The same goes for the first summer job.

I won't say don't keep your eyes open, but I will say don't jump too quickly at the first thing that you see for fear you won't get anything else. The economy's not that bad that every law clerk job will be taken by the end of the school year. Take your time and see what's out there, but if it's not something that you truly want to do, check back again a little later to see if there is something more suitable. Also, put all of that on hold if and when it impedes your studies.

While the placement director will kill me if I say establishing early employment is overrated, I will say that a poor decision as to where you will be employed could be as bad as not being employed at all. And sometimes the benefits of a non-legal situation outweigh the benefits you would derive from a clerking position. I was involved in two memorable situations where I believe my counter-grain advice worked out for the best. (Remember, this is my column, so I don't have to disclose where my advice didn't work out so well.)

The first situation involved a student who was torn between landing her first clerking job and attending a non-legal graduate class in London, England. I suggested England—who wouldn't?—and it turned out to be the best experience of her life. She is now happily employed in law. The second situation involved one of our active alumni, Susan Yarb-Peterson, who during her first year contemplated whether she should attempt to clerk rather than accept a job as a TV anchor. After spending all of law school working an anchor position, I think she is now happily employed in the legal field.

These choices are, of course, different than the choices most first year students have, but the bottom line is the same: Don't try to carve your destiny in stone too early, and don't think there won't be choices that might arrive after the time everyone else has seemingly already decided what they are going to do.

*Mika, the assistant director of legal writing at C-M, was recently named to succeed Stephen Werber as moot court adviser.*

# Somewhere between law, love

IT OCCURS TO ME THIS IS THE season of graduations, including law school graduations. Graduations effervesce speeches galore: some long, some short. We hope and we pray those speeches are laced with wisdom that inspires

## Alumni Advice

graduates, especially law school graduates, to be grateful for the educational opportunities they enjoyed and to aspire to do good things with the knowledge and tools they have assembled.

My own career as a priest who is also a lawyer follows a pathway that runs between love and law. For me, there is only one absolute, and that absolute is the will of God. I know that God wills me to respect and honor law and also to love my neighbor as myself.

Law and love!

May I introduce to my essay the name of Huckleberry Finn? Would you walk with me in the barefoot prints of "Huck" for just a short stretch of moral reflection?

Huckleberry Finn was far less educated than any of us, but what we can learn from Huckleberry Finn will make all of us better lawyers and me a better priest.

Huck was intuitively endowed with integrity. He was inherently incorruptible because that is the way he was created by his author, Mark Twain, who had a lesson to teach.

In a world of rivers and rafts, Huckleberry Finn faced a terrible dilemma. Huck befriended a runaway slave named Jim.

The law, if you recall, said Huck's new friend was someone's property. Jim belonged to Miss Watson. According to law, Huck, in treating Jim as an equal, was obstructing justice. Jim belonged to Miss Watson, and Huck was acting contrary to law and social convention.

Huck had deduced that slavery was wrong, and that conclusion prompted him to reject a law he, deep-down, felt was unjust.

"The more I studied the more my conscience went to grinding me. It made me shiver ... because I'd got to decide, forever,

Where the world needs justice, not mere adherence to law, we must seek a delicate balance.

By A. James Quinn

lic opinion judges us.

The Miss Watsons can be expected to frown when we dare to be conscionable. And materialists will regard us as foolish whenever we put ourselves second to the rights and needs of others.

Nothing I have written should be taken as disrespect for law. I am simply lamenting that law sometimes can be used as a substitute for irresponsible decision-making, or as a shield against moral accountability. We can be tempted to allow the letter of a law to stifle the life-giving qualities of principled love. Or, we can commit ourselves to employ law always in a manner that embodies more fully the principles of love and justice.

What about Huckleberry Finn? Whatever we find ourselves doing in life, we, too, will find that we are bound by conscience to live life between law and love, drawing on both, permitting one to discipline the other. May we, then, not allow love in our hearts to be crushed by the weight of legalism.

Who knows what moral dilemmas await each of us? May we work our way through challenges by selecting the pathway trod by the barefoot Huckleberry Finn.

John Milton wrote in *Areopagitica*:

"Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties."

May our lawyering faithfully follow a conscience that is true! Amen.

■ **About Bishop A. James Quinn:** Based in Lorain, Quinn is one of four auxiliary bishops in the Cleveland Catholic Diocese. A graduate of Cleveland's St. Ignatius High School and St. Mary Seminary, he was ordained a priest in 1958 and appointed auxiliary bishop in 1983. He received a doctor of canon law from Pontifical Lateran University in Rome in 1963 and graduated from Cleveland-Marshall in 1973.



"HUCK FINN AND TOM," NORMAN ROCKWELL, 1940

betwixt two things, and I knewed it. I studied a minute, sort of holding my breath, and then says to myself: 'All right then, I'll go to hell.'"

That conversation with himself marked a break for Huck from both law and religion insofar as they both, then, supported the institution of slavery which Huck concluded to be plain wrong.

What we can learn from Huck is courage to do our lawyering and our living in accord with the principles of law and love, no matter what the Miss Watsons of the world think, no matter how prevailing pub-

## JOBS: Author says persistence, creativity pay off

Continued from page 1 —

can't talk to a stranger if their clothes were on fire."

One approach she suggests is to make yourself an expert. "You are just as capable as anyone learning in a hurry and every publication is crying out for writers," Walton explained that you look like an expert the more you are published.

The most important thing for students to do, according to Walton, is to make themselves visible. When students rely on



Kimm Walton

mass mailings, she noted, "It is like closing your eyes and trying to hit a target." "People trust their guts about people so much more than what they see on paper," Walton explained. She also counsels against mass mailings because the number of rejections students are bound to get is demoralizing.

She suggests searching for

alumni. "Everybody likes to hear, 'What you do sounds fascinating,'" Walton said. Meet with the alum to discuss the job and how they got it. "People really are hardwired to be helpful.

She is quick to emphasize that you shouldn't ask for a job. "Just talk," she said.

Walton also suggests volunteering at conferences or even golf outings. Between holes or while you are passing out nametags, lawyers will talk to you. People who have used this approach in

the past have walked away from that day with stacks of business cards and the names of people to contact within the firm.

CLE lectures are also a golden opportunity. They provide an avenue for students to meet with area lawyers. These lectures provide potential contacts and could also lead to a part time clerkship during the school year.

The most important advice Walton wants job seekers to remember is simple. "Never, ever, ever, ever, ever, ever, ever give up."

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## Don't worry; Dubya doesn't

By Michele McKee  
STAFF WRITER

There is no doubt that we, as U.S. citizens, are members of a greater world community. AIDS, the West Nile virus, killer bees, mad cow disease and foot-and-mouth disease know no political boundaries. Our economies are inextricably intertwined as well. Electronics. Toys. Clothes. Shoes. Cars. Oil. Gas. Need I mention the Internet? Does anybody really think that we could thrive if cut off from the rest of the world? Apparently, "Dubya" does.

Why did Dubya declare the United States to be in "competition" with China in lieu of the previous administration's policy of "partnership" when there are so many U.S.-based, multinational companies like Goodyear and Eveready investing hundreds of millions of dollars expanding into Chinese markets to sell their products? It's not as if one of our spy planes will have an accident with one of China's fighters, have to land on its soil and thereby require China's cooperation. Way to go, Dubya.

And why did they throw out all the Russian spies? Is anybody surprised Russia is spying on us, and us on them? It has probably taken at least a decade to identify exactly who was spying and how. Don't worry. Now we can spend more time and resources to figure it all out again. After all, it's not as if we are partnering with Russia on a multi-billion dollar space station. Way to go, Dubya.

Why does Dubya think a worldwide agreement to reduce emissions and other pollutants is a bad idea? Reducing emissions like carbon dioxide over the long term would reduce the amount Dubya could appear to give as a tax cut, not to mention hurt those generous coal companies.

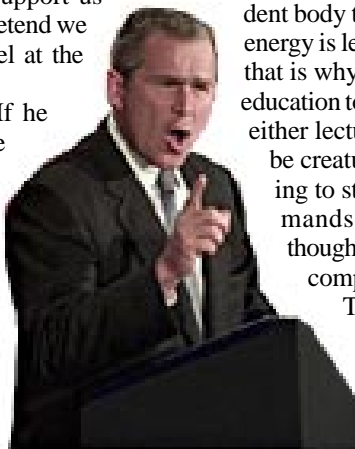
As other nations develop, pollution will become an ever increasing problem. Don't worry, though. The environment won't get that bad for a while, and by then a Democrat will be president and he or she will have to spend a lot more money to fix the problem. Way to go, Dubya.

And why does Dubya think he can avoid playing a role in the Middle East peace process? Isn't a lot of involvement in peace talks preferable to even a little involvement in a war? Is anyone surprised how the violence has escalated under Ariel Sharon and without U.S. moderation? How can Dubya expect Syria, Jordan, Egypt and Saudi Arabia to support us against Iraq and pretend we don't support Israel at the same time?

Don't worry. If he times another little Mideast war better than his father did, Dubya can assure his re-election. Way to go, Dubya!

*McKee is a 3L.*

Way to go, Dubya.



CNN.COM

By Thomas Green  
CONTRIBUTING WRITER

**W**HEN CASEY Martin's story hit the news, it was apparent that whatever resolution was reached, it would be met with controversy. Martin is a professional golfer in his 20s who is stricken by Klippel-Trenaunay Syndrome. This disease makes it medically impossible for him to play golf without the use of a cart. The pain and swelling that results from sustained periods of walking only slightly subsides when Martin elevates his leg. Using a cart provides only minimal relief from the pain Martin suffers while golfing. Indeed, he suffers pain even while he is at rest.

Martin successfully sued the Professional Golfers Association Tour, which does not allow carts in many events, after his request to use a cart was denied.

Other golfers, including Ford Olinger and Ja Ro Jones, have sued another governing body, the United States Golf Association. The *Jones* case is still pending in the Fifth Circuit. Olinger's request, however, was denied in the Seventh Circuit. Perhaps to rectify the split in circuits in light of *Martin* and *Olinger*, the Supreme Court heard oral arguments in *Martin* Jan. 17. A ruling is expected soon.

All three golfers brought claims under the Americans With Disabilities Act. Title III of the ADA prohibits eligibility criteria that "screen out or tend to screen out an individual with a disability ... from fully and equally enjoying any goods [and] services."

Professional athletics, however, isn't about "enjoyment

The  
Supremes  
should hold  
that even  
silly sports  
rules make  
good law

## Casey's last shot

and access. It is about competition and huge winnings. Furthermore, as the Seventh Circuit noted in *Olinger*, the "point of an athletic competition ... is to decide who, under conditions that are about the same for everyone, can perform an assigned set of tasks better than (not as well as) any other competitor." For these reasons and others, the court, after hearing the first ever request for a change in the substantive rules of a sport, should rule against Martin.

To illustrate the absurdity of what could re-



If Casey Martin beats the PGA on appeal, absurd results would ensue.

ANDY LYONS — ALLSPORT

sult if Martin is successful, consider the following exchange during oral arguments between the court and Martin's attorney. The court asked if a baseball player, who had a disability that caused an unusually long torso, could request a change in the strike zone — normally from the knees to the chest — making the zone smaller for him. Martin, who argues that the no-cart rule is not fundamental to golf, said that the strike zone is fundamental to baseball.

The court then noted that the strike zone is a "silly rule," and went on to say that "all sports rules are silly rules."

Clearly, the point the court was trying to make is that all sports are governed by rules that are arbitrarily created to put all competitors on a level playing field and test them — not to discriminate against disabled people.

Yes, a person born with unusually short arms would be discriminated against if he were to try out for quarterback of a football team. A dwarf would be discriminated against if he were to try out for center on a basketball team. That is the nature of athletics. That is also why the Supreme Court should decide in favor of the PGA, thus continuing to allow organizations like the PGA and the USGA — and not the courts — to make the rules that govern professional sports.

*Green is a 2L and the incoming editor in chief of Cleveland-Marshall's Journal of Law and Health.*

## Professors' research quotas hurt everyone

By Renni Zifferblatt  
CONTRIBUTING WRITER

It appears our legal educational system is flawed in that the American Bar Association and others present today's law professors with a difficult dilemma: namely, fulfill writing and publication quotas or relinquish competitive teaching positions. Even tenured professors are not immune from the pressure to contribute to legal scholarship, unless willing to accept stagnant earnings. I suggest this process runs afoul of the purpose of educating, which is after all to enlighten the scholar.

Although universities understandably depend upon their faculty to promote their reputations by authoring prestigious legal works, it is the student body that ultimately suffers because little energy is left to expend upon students. Perhaps that is why students often perceive their legal education to be a self-generated process. If true, either lecture or Socratic methodologies may be creatures of necessity for professors trying to strike a balance between writing demands and the endless questions that thoughtful students naturally have about the complexity of any given legal concept.

This seems plausible, given that either method chills a student's desire to ask questions, for fear of interrupting an instructor's flow.

The result is unfortunate because students often exit class frustrated, anxious and ill equipped to solve the riddles their own questions seem to generate. Inevitably, a rift develops between faculty and students, further exacerbating the communication gap.

This is, of course, not true of all professors. There are some that forsake raises to commit themselves exclusively to their students, others who are simply indifferent and those who try to remain composed and competent while balancing both writing and teaching responsibilities. Lastly, there is the stigmatized legal writing faculty, surely the most accessible for students, who receive neither credit for their efforts nor respect from colleagues, despite the emphasis the "authorities on high" place on legal writing.

In the end, students are alienated. And professors? Probably exhausted and dismayed.

Perhaps it is time for the rulemakers to recognize that those charged with the task of imparting knowledge can not vest energy where it is most needed under the current system. The import of teaching in the legal realm should neither be underestimated nor falter under an illusory ranking complex. For our teachers can truly be legal gurus if given the opportunity and students — tomorrow's heroes. Isn't that where true grandeur lies?

*Nicknamed "Z," Zifferblatt is a 2L.*



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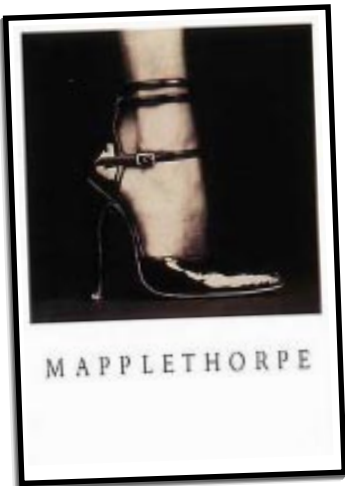


# A ‘moral’ city lets loose its demons

Cincinnati Mayor Charles Luken is torn between how to handle people who want redress for their grievances and having a “law and order city.”

“There’s no magic here,” he admitted to *Plain Dealer* reporters. “I don’t have the answer.” Part of the reason the mayor does not have the answer is because he’s not asking the right question. He asks how these riots could happen here. But the question that should be asked is this: “How come the riots don’t happen more often?”

The law and order zealots have been in power since Nixon rode this slogan to the presidency. But with serious crime on the decline for at least 10 years why such fanaticism now? Here we have a 19-year-old kid shot to death on the run from the cops over warrants issued for, among other misdemeanors, parking tickets. There was a time when warrants were issued almost strictly for robbers and murderers. Now, kids who parked too close to fire hydrants find themselves the targets of the same law and order mentality. That someone should so much as be arrested for a parking violation is ridiculous; that he should be shot over it is so absurd even Albert Camus couldn’t have thought up the story line.



**Cincinnati’s all-out push for law and order now haunts its prudish citizens. Minds, be opened.**

As any former resident of Cincinnati will tell you, it’s one of the most backward-ass cities on the map. During the Mapplethorpe exhibits, I argued with the self-righteous, moralistic majority *ad nauseum* that Mapplethorpe should be allowed to exhibit his photos. “If you don’t want to see them, then don’t buy a ticket. But don’t interfere with my God-given right to see a picture of a man with a whip up his ass.” Funny, yes, but their arguments were hypocritical to the core: “We object on

*moral* grounds. We have *moral values* in Cincinnati.” But where were these same moral, white right-wingers when the Ku Klux Klan erected a cross on Fountain Square during Christmas? They were nowhere to be found. The cross was protested by largely African-American activists.

Fourteen black men have been killed in confrontations with Cincinnati police since 1995, four since this past November. (Happy holidays.) And just now, only after days of protests, riots, looting and shooting is the city finally waking up to something other than soft-core consensual pornography.

“The environment here favors law and order at all costs, even when it violates human rights,” said Pastor Shawn McMullen of Harvest Faith Fellowship Ministries in Cincinnati. He points out a larger problem: It’s not just a few cowboy cops causing the trouble; it’s a societal mentality. And only when Cincinnati faces up to that and starts to question its ignorant obedience and enforcement of the law at all costs, no matter how innocuous the lawbreaking might be, will Cincinnati ever be taken seriously as a major city. Or, for that matter, as a *moral* place to live in.

*Petrus is a 3L.*

## China’s spy-plane power play fails to fool

By Francis S. Cwiklinski  
STAFF WRITER

After 11 days of detention on Hainan Island, the crew of the Navy EP-3E Aries II surveillance plane, “bumped” out of the sky over international waters near China, arrived in Honolulu. Why such a delay? Apparently Chinese leaders, especially military, wanted to use the incident to dent the superpower status of the United States and demonstrate to its citizens the international respect for its own military prominence.

Specifically, China wanted an apology for spying and bringing down its F-8 fighter jet. Wow. What bold strategic and diplomatic maneuvering, considering

for the instant that China held all the cards — I mean crewmen. Let me pose another scenario. Instead of 24 crewmen arriving in Washington state, 24 coffins are unloaded at Bolling Air Force Base outside Washington, D.C.

The sole reason this did not happen can be attributed to Lt. Shane Osborne. Immediately after the collision, the American plane rolled and fell nearly 8,000 feet before Osborne was

able to recover. Crewmen confessed that they were able to put on their parachutes, but the resulting G-forces rendered it impossible to exit the aircraft.

In all, China’s demand for an apology rested on its loss of an aircraft and pilot, not on principles of international law or basic tenets of negligence. Granted, I can most assuredly assert that none of China’s

**China can hardly bolster its global respect when it tries to sell the informed world on a position of power based on a laughable distortion of the facts.**



REUTERS

leaders had the benefit of professor Mickey Davis’ explanation on the difference between a “but for” and a “proximate cause.” Yes, our aircraft was over international waters off the coastline of China, but the two F-8s made three passes before the accident, approaching within *five feet* of the American plane. The situation was more ripe for disaster than a 1-year-old sucking down a

Big Gulp.

China can hardly bolster its global respect when it tries to sell the informed world on a position of power based on a laughable distortion of the facts. The rest of the international community develops a perception of national security founded in the adult world, and reads literature written by Clausewitz, Machiavelli and Marx, not Dr. Seuss.

In the short run, nothing has changed. The United States will continue surveillance flights in the near future in order to keep tabs on China’s recent developments in submarine technology — technology that could most likely pose an offensive threat to U.S. and allied aircraft carriers. I guess we should be thankful that our crew members are back on U.S. soil and were treated humanely during their captivity. Although I have one large complaint about how the crew of 24 was treated: I thought with eight you get an egg roll.

*Cwiklinski, a 2L, says his first column next fall will be in defense of the U.S. Army School of the Americas.*



FILE

Ray Ficca (left) and Lisa Ray star in the raucous “Tony n’ Tina’s Wedding,” an interactive comedy playing at the Hanna Theater since Sept. 7, 2000.

## Mama mia! It’s unholy matrimonial mayhem

By Ed Pekarek  
and Manju Gupta

“Tony n’ Tina’s Wedding,” the brainchild of former advertising executive and “Sopranos” actress Nancy Cassaro, has more staying power than the average American marriage, now running 14 years strong in New York and recently franchised nationally. The non-traditional nuptials that are Tony n’ Tina’s prank-laden union are filled with faux pas, garish dresses, big hair, extroverts, voyeurs and curious fun seekers.



### Great Seats

The official cast of 30 consists of 28 Clevelanders and features Lisa Ray as the gum-cracking, bawdy bride Valentina Vitale, and Ray Ficca as the smarmy, mousse-induced-pompadour-wearing groom, Anthony Angelo Nunzio, who always seems to be thinking, “Let’s get this thing over with and get to the honeymoon.”

Directed by Ross Young, this loosely scripted, in-your-face comedic soap opera promises to surprise, offend, taunt and tickle 280 guests nightly.

The festivities commence with a rather unholy ceremony held in the outrageously appointed “Sanctuary of Love,” followed by reception toasts of tepid bubbly and a mediocre meatball meal served “boofay style.” The host is a lounge lizard emcee, “the Cadillac of caterers” Vinnie Black, along with his highly incompetent offspring in his famed “Bologna Palace.”

Fine art this is not, but for anyone who has ever been to a really bad wedding (c’mon, hasn’t everybody?) this is about as good as a bad wedding can be without having to shop for a gift. The legendary level of interactive hilarity lives up to its lore and “guests” can never be quite sure whether or not a fellow reveler is in the cast.

A boozy Father Mark (Mark

Gates) could hit you up for another “donation” at the cash bar while Tina’s “ex” (Joseph Ruffner) tells stories about “the old days.” The 8-months-pregnant maid of honor Connie (Jennifer Raimondi) might slip you a strategic pinch. Timmy the videographer (Jason Mravec) may require a special close up, or you may stumble onto a semi-lurid stolen moment in the bathroom, hallway or coat room.

Sal, the perfectly rumpled and oafish photographer (Don Mitri), will assuredly find the most inopportune moment to trip his flash. You can “dollar dance” with members of the wedding party (all proceeds go to Harvest for Hunger),

**Fine art it is not, but for anyone who’s ever been to a really bad wedding, this is as good as a bad wedding can get without having to buy a gift.**

or the father of the bride’s stripper-girlfriend Madeline Monroe (Trishalana Kopaitch) might just pull you up on the wedding party’s table to perform a rowdy rendition of “YMCA.”

The action whirls around the audience like a dervish and may even fall onto a table or two in the form of the show-stealing, village-idiot usher Johnny Nunzio (Andy Weiland).

A Playhouse Square and Hey City production, “Tony n’ Tina’s Wedding” is now playing an open engagement at the historic Hanna theater. Just look for the Conga line spilling out onto East 14th Street near Euclid. “Invitations” range from \$38-\$52. Call (216) 241-6000.

*Pekarek is the business editor of the Gavel. Gupta is a contributing writer.*



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