

THE

# WARRIOR



SPECIAL ISSUE  
October 2001

**America  
On the Verge...**

JOURNAL OF THE TRIAL LAWYERS COLLEGE

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**WARRIOR**

SPECIAL ISSUE • October 2001

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# Have We Already Been Defeated?

G E R R Y S P E N C E

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I am terror stricken. I am awakening from a nightmare in which America has been defeated, her people enslaved, her freedoms confiscated, and her citizens imprisoned within their own borders. I awaken to discover that the dream could be true.

Beyond the pain of the already dead and dying, the unspeakable horror is that the enemy may have beaten us already. And the enemy laughs. And the enemy is insane.

That we may have been conquered is an unutterable secret. Our leaders will not tell us because they do not know. They, too, are part of this giant that has suffered such ungodly pain, such unremitting horror and sorrow. As we watch, the giant rises up preparing to crush its enemies it cannot see nor fully understand, and as we watch we learn that the giant, too, does not know that it may have been beaten already.

No one has told us that our enemy can never be defeated, not by the most powerful nation in the history of the world.

The enemy, of course, is *Hatred*. And *Power*, even absolute power, cannot destroy *Hatred*.

*Power* can only create *Hatred*.

*Power* can wipe out thousands, millions, nations, the world, but it cannot destroy *Hatred*. We can kill those who have killed us but each of their dead and ours will be replaced many fold by a new, more potent strain of hatred. *Hatred* killed thousands in New York, and instantly created two hundred-sixty million people filled with rage and a new

hatred of their own. The giant can kill their leaders and those who succor them. The giant can wipe out their villages, but *Hatred* will find ways to obliterate our freedoms, our institutions, to extinguish our moral beacons and at last to even destroy our cities, and our civilization. The enemy, *Hatred*, is instantly contagious. It destroys reason. It turns good men into killers. It infects all that it touches. It cannot be defeated except by love. But how can we love that which we hate?

When I say that already we may have been defeated I do not mean the body count will be in their favor. We will

always win the body count. If they wipe out great buildings, we can destroy whole cities. If they wipe out a city, we can destroy a whole nation. The giant has the power. We are *Power*. *Power* can win the body count but it cannot win this war. Because the enemy is not human. This is a war against a malicious spirit.

Only fools attempt to defeat a spirit with guns and rockets and bombs. It is like blowing up the air. It is like bombing graveyards. Destroying all that lives cannot destroy *Hatred*. It grows like a perpetual cancer. It breeds *Hatred* and infects all that it touches until nothing remains except the offspring of *Hatred* which is terror and pain and death. Some have said this is a war of good against evil. But *Power* that only begets *Hatred* is not good. In the end, *Hatred* becomes the most indomitable power of all.

In response to our demand for just and immediate reprisals we may be already committed to a broad kind of



indiscriminate killing. Already we have committed our children to kill and to be killed. And the enemy, *Hatred*, laughs, because it knows that killing on either side will bring on more hatred until, after decades, perhaps generations, the giant will have depleted itself, its coffers drained, its natural resources exhausted, its population drowned in fear and hatred and sorrow over the endless fields of dead. At last the giant, drained and gasping in its own poisoned air, may surely fall. There will be no victors in this war except *Hatred*. It can defeat all sides, all comers, all challengers, all weapons. All *Power*. It can defeat All.

I have spoken here of a simple proposition, one that men of *Power* find difficult to understand because men of power understand only power. Many politicians have spoken to a people who have suffered, who have lost their children and loved ones and who are afraid. But they play to an enflamed and suffering people often without careful questions, with expressions of hatred instead. Reason is out. Dissent is seen as unpatriotic. To ask a simple question, like, “Why are we hated so?” cannot be asked. Justice has become confused with killing so that the more we kill in retribution, and the sooner, the more justice we are said to receive, and the safer we shall become. But such justice delivers only *Hatred*—theirs and ours—and leaves us more vulnerable to those who will hate us still more.

Let us now go forward to that time when the body count is over. We can see their dead and ours lined in long rows, the parts of the bodies in terrible heaps, the mangled and limbless children, the weeping, the wounded and the wretched. The world is drowning in tears. But in this horrid conflagration we have not won, because freedom, which was once our life blood, has been drained from us as part of the price of the war.

No longer can we trust our neighbors. No longer can we wander safely from our own borders, nor move within them without fear. Our Constitution is only a memory on faded parchment. We can not speak freely for fear we will be hated. Our civil liberties, once guaranteed under that blessed document, have given way to the exigencies of this struggle. The police have demanded that they be given more power, that they be permitted to tap our phones and search our homes without warrants. We have become prisoners with electronic tattoos. Reacting to our fear we have embraced the police who have promised to keep us safe. But we are no longer safe from them. We have been stripped of our rights and stand naked and helpless before them. Our lawyers, once warriors for the people, can no longer speak out for us. Their tools of justice, our constitutional rights, have been confiscated so that they stand impotent and whining. And the courts turn their heads. We have become locked within our self-constructed prisons on the promise that we will be safe there. But we are no longer safe from the police in this new police state—a nation still called America.

That blessed ideal fundamental to any free nation—the *rule of law*—can no longer be heard through the racket of our

rage. America, once founded on the rule of law, has already committed to sacrifice the rule of law for its security. The terrible need of *Power* to grasp more power is never satiated. *Hatred* also hates freedom and despises the rule of law. And once the rule of law has been forfeited, like an arm severed, like a leg amputated, like a soul stripped of its sense of humanity, it can never again be called upon to protect a free people.

The goal of a free nation is to reveal by example the enlightened possibilities of the human race, not to wield its power of destruction and death over the helpless, the poor, the starving and the war torn masses. The goal of a free nation must be no different outside its borders than within them. In America we do not massacre whole towns because they may be the chosen domicile of a criminal or a conspiracy of criminals. Instead we carefully root out the felons and bring them to justice. In the same way, the goal of a free nation must be to first view all people as members of the human race, and, as such, to insist that they possess fundamental human rights. They are, as we, citizens of the world.

The rule of law shows us the way. Those who have committed these atrocities and those who aided and abetted them must be positively identified and brought to justice. Despite their crimes of horror they must be surrounded with all of the rights to which any citizen of the world is entitled. If we ask the rest of the world to join us in this war, our request must not be that they join us in the madness of killing, in the eternal seeding of hatred, but that they join us in our quest for justice under the rule of law. The venue for such trials must be a special international tribunal, for the crimes were not against us alone but against the entire world, against the human race.

If we are, indeed, to remain a free nation, the people, at last, must wield their final power over *Power*. We, the people, must ensure that unleashed *Power*, this enraged giant, does not, itself, become the most proficient, the most hideous, the most gargantuan terrorist in the history of mankind and thereby plant a crop that bears an eternal fruit of *Hatred*.

We cannot be asked to love those who have wrought such pain and death on so many innocent people. Such love is beyond the capacity of the human organism. But we are able to love our system based on the rational, just, rule of law. And, we are able, through the love of it, not to further nourish *Hatred*, but instead to accept the greatest of challenges, and, indeed, the greatest of opportunities that have ever been tendered a free nation—to teach the world by our example, to hold *Power* tightly to the rein, and at last to lead the world toward a day when we shall be free from fear and terrorism by embracing, yes, cherishing the rule of law. It is the majesty of the rule of law that underlies the Constitution of the United States. With it we can lead the world to freedom. Without it we are doomed to the endless pain and destruction that an unleashed *Hatred* will forever wage upon us. In a sane world, we can never surrender to *Hatred*.

# A Voice of Reason

T A M I M A N S A R Y

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*Editors note: As you know, the internet and world wide web have been bombarded with postings about what is going on in our country and how people feel about the "Attack on America." What follows is the perspective of a man who has lived in America for 35 years and is from Afghanistan. He speaks a truth many do not want to hear.*

I've been hearing a lot of talk about "bombing Afghanistan back to the Stone Age." Ron Owens, on KGO Talk Radio today, allowed that this would mean killing innocent people, people who had nothing to do with this atrocity, but "we're at war, we have to accept collateral damage. What else can we do?"

Minutes later I heard some TV pundit discussing whether we "have the belly to do what must be done." And I thought about the issues being raised especially hard because I am from Afghanistan, and even though I've lived here for 35 years I've never lost track of what's going on there. So I want to tell anyone who will listen how it all looks from where I'm standing.

I speak as one who deeply hates the Taliban and Osama bin Laden. My hatred comes from first hand experience. There is no doubt in my mind that these people were responsible for the atrocity in New York. I agree that something must be done about those monsters.

But the Taliban and bin Laden are not Afghanistan. They're not even the government of Afghanistan. The Taliban are a cult of ignorant psychotics who took over Afghanistan in 1997. bin Laden is a political criminal with a plan. When you think Taliban, think Nazis. When you think bin Laden, think Hitler. And when you think "the people of Afghanistan" think "the Jews in the concentration camps."

It's not only that the Afghan people had nothing to do with this atrocity. They were the first victims of the perpetra-

tors. They would exult if someone would come in there, take out the Taliban and clear out the rats nest of international thugs holed up in their country. Some say, why don't the Afghans rise up and overthrow the Taliban? The answer is, they're starved, exhausted, hurt, incapacitated, suffering.

A few years ago, the United Nations estimated that there are 500,000 disabled orphans in Afghanistan—a country with no economy, no food. There are millions of widows. And the

Taliban has been burying these widows alive in mass graves. The soil is littered with land mines; the farms were all destroyed by the Soviets. These are a few of the reasons why the Afghan people have not overthrown the Taliban.

We come now to the question of "bombing Afghanistan back to the Stone Age." Trouble is, that's been done. The Soviets took care of it already. Make the Afghans suffer? They're already suffering. Level their houses? Done. Turn

*It's not only that the Afghan people had nothing to do with this atrocity. They were the first victims of the perpetrators.*

their schools into piles of rubble? Done. Eradicate their hospitals? Done. Destroy their infrastructure? Cut them off from medicine and health care? Too late. Someone

already did all that. New bombs would only stir the rubble of earlier bombs. Would they at least get the Taliban? Not likely. In today's Afghanistan, only the Taliban eat, only they have the means to move around. They'd slip away and hide. Maybe the bombs would get some of those disabled orphans; they don't move too fast, they don't even have wheelchairs. But flying over Kabul and dropping bombs would not really be a strike against the criminals who did this horrific thing. Actually it would only be making common cause with the Taliban—by raping once again the people they've been raping all this time.

*When people speak of "having the belly to do what needs to be done" they're thinking in terms of having the belly to kill as many as needed. Having the belly to overcome any moral qualms about killing innocent people.*

So what else is there? What can be done, then? Let me now speak with true fear and trembling. The only way to get bin Laden is to go in there with ground troops. When people speak of "having the belly to do what needs to be done" they're thinking in terms of having the belly to kill as many as needed. Having the belly to overcome any moral qualms about killing innocent people. Let's pull our heads out of the sand. What's actually on the table is Americans dying. And not just because some Americans would die fighting their way through Afghanistan to bin Laden's hideout.

It's much bigger than that folks. Because to get any troops to Afghanistan, we'd have to go through Pakistan. Would they let us? Not likely. The conquest of Pakistan would have to be first. Will other Muslim nations just stand by? You see where I'm going. We're flirting with a world war between Islam and the West.

And guess what: that's bin Laden's program. That's exactly what he wants. That's why he did this. Read his speeches and statements. It's all right there. He really believes Islam would beat the west. It might seem ridiculous, but he figures if he can polarize the world into Islam and the West, he's got a billion soldiers. If the west wreaks a holocaust in those lands, that's a billion people with nothing left to lose, that's even better from bin Laden's point of view. He's probably wrong, in the end the West would win, whatever that would mean, but the war would last for years and millions would die, not just theirs but ours. Who has the belly for that? Unfortunately, bin Laden does. Anyone else?

In Peace, Tamim Ansary

## SILENT LADY

By Gary Wenkle Smith, TLC 00'

Silent Lady  
so tall are you.  
But I must wonder,  
what will you do?

Have you uncovered  
those unseen eyes?  
Made all of your promises  
turn to lies?

Your eyes have seen  
of what man ails.  
You have let the times  
tip the scales.

Removed the heart  
with your sword.  
Your children speak  
the broken word.

Your mouth speaks:  
"it is your turn."  
You turn your back.  
Your cities burn.

Behold, your son  
down in the street.  
Without you  
he takes the heat.

I call you, Lady:  
"come back to me."  
To be loved.  
To be free.

# Report From New York

R E B E C C A L E V I N E , T L C ' 0 1

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I am feeling incredibly lucky this week. Despite the turmoil going on in this city, I am safe. My family and friends are safe. My clients, as far as I know, are safe. Despite the devastation in other parts of the city, my home is unscathed.

Even in the last horrible week, I have not lost electric power, water or telephone service, and my access to cable tv and other sources of information has been uninterrupted.

Some of my friends have not been able to get into work, either due to transportation problems or because their lower Manhattan offices are closed. The inability to get back to work is making some of these people edgy. Some are handling the stress pretty well.

It seems to me that the latter are people who know themselves well and are in touch with what they need to get through this thing. One friend of mine, an attorney who works as deputy counsel to the New York City Comptroller, can't get back into the Municipal Building. So, one afternoon last week, she went to the Metropolitan Museum. She explained, "I just needed to look at something beautiful."

Others can't get back to their apartments in the Battery Park area that formerly housed the Trade Center, and they could be "homeless" indefinitely until power and other essential services are restored. It must be remembered, also, that these apartments are located within a designated "crime scene," so it could be quite some time before the area returns to anything resembling normal.

My cousin, who has been living in the Battery Park area for only a short time, has been staying with me since the disaster. Last Saturday, she was permitted back to her apartment building for the first time since the attack. She had to walk up 34 floors and was given only 10 minutes to assess the condition of the apartment and to throw some clothing into a suitcase. The apartment's condition was pretty good considering that she had left all of her windows open that morning and had stocked up her now non-functioning freezer a couple of days before. Just an extra layer of dust throughout and some spillage on the kitchen floor from the defrosted freezer.

Her building management personnel have been camped out in the building since the disaster with no electricity or water. In most New York City residential buildings, management must have a key to each apartment in the event of fire and other disasters. Earlier last week, her building management got all of the pets out of the apartments and the owners were allowed to go down and pick them up. One puppy remains unclaimed.

I work from my home in midtown Manhattan, so I have been able to keep my office open, and I feel good that I have been able to "be there" at the other end of the telephone line for the people who call me. My ability to provide some comfort to clients and prospective clients who have called in during the last week makes me feel I am making some small contribution during a period when we all feel pretty powerless to do enough to help.

One man called in to inquire about what he should do: his 17-year-old daughter was hit by a car while riding her bicycle last week. Happily, she was not badly injured, but her father was shook up and needed someone to talk to. He didn't necessarily want a lawsuit; he just needed reassurance and someone to acknowledge that something bad had happened in his family. A few people called in about relatively trivial disputes. Some of them just needed to vent.

Perhaps this was their way of handling the precarious emotions of the past week.

Others have not been so fortunate. To be reminded of that, all I have to do is walk one block to the west of my apartment to the armory at Lexington Avenue and 26th Street where the families of victims are congregating. I had occasion to walk over there Saturday, and despite large numbers of people, the street was absolutely silent. Every wall surface, mail box and shop window is covered with flyers containing the names and faces of victims. Some of them are pictured with their children. I stood next to a person taping up one of those flyers. I wanted to reach out to them and say something, but I just didn't know what to say.

I had another one of those moments yesterday. I was in line to buy a train ticket at Penn Station and was asked directions by a young Cincinnati firefighter who, with his buddies, came to New York to help out. The group was headed for Long Island to visit with someone's sister last evening. I wanted to hug them and say "thank you," but I couldn't get the words to come. That may be the New Yorker in me.

New Yorkers are not generally regarded as shy, but there is a very New York type of reticence. It is not aloofness or detachment. It is a reluctance to invade the privacy of a stranger or otherwise invade his/her space. [This attitude even (especially) applies to celebrities.] It is no doubt our accommodation to living in a very crowded city.

The Cincinnati fire-fighters had with them a young woman who had gone to purchase soft drinks while the young men waited on the ticket line. She came back with the soft drinks and with news that obviously stunned them—the soft drinks had cost \$2 apiece.

Welcome to New York, guys. I held my tongue.



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# "War on Terrorism" Is Really A War On Ourselves

N O R M P A T T I S , T L C ' 9 7

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*Editors Note: The following is reprinted with permission from the Connecticut Law Tribune and the American Lawyer Media.*

Let's assume for the moment a fact no one seems willing to attempt to prove: Osama bin Laden, the murky terrorist allegedly hiding somewhere in Afghanistan, was responsible for the terror of recent weeks. He must be the happiest man alive, for his victory over us has thus far been complete.

And his victories are compounding with each war hoop being whelped in Washington.

These are not seditious thoughts. This is realism.

Thousands dead and billions in property destroyed in New York, Washington, D.C., and rural Pennsylvania. Bold strokes of criminal intent designed to create fear and paralysis. Under our criminal code these are acts of murder; international law may well count these as crimes against humanity. We are angry, shocked and now recoiling in a sea of emotion, the very goal of those who attacked.

Washington's response? Smoke was still billowing from lower Manhattan when we were told that this is a battle of good versus evil, and then a new war declared: a "war on terrorism." Suddenly a bandwagon beating out God Bless America from every street corner. And daily the conviction grows: Let's get bin Laden, and Afghanistan, too. We must avenge ourselves and feel safe again.

Congress quickly meets and with all but one vote belches out something new: Power given to the White House to use deadly force almost at will against bin Laden, and against

anyone who aided, abetted or harbored him. It's an awfully broad net. Suddenly, the amorphous law of criminal conspiracy has been applied to international affairs.

I am reminded of another hysterical reaction decades ago that has yet to bear fruit and has cost us far more than we have gained. Remember the "war on drugs," and metaphors about cancer? We are still busy losing that conflict, and at great cost.

This Manichean puffery about good versus evil obstructs more than it reveals. And the use of metaphor as a means of mobilizing national senti-

ment is dangerous. Already, the polls reveal that the vast majority of Americans are willing to sacrifice freedom for the illusion of security. Bin Laden wins: We are giving up our culture and way of life without a fight.

Count me out of the "war on terrorism." It is a war we are foolish to declare, and that we cannot win without creating more terrorists and losing our way of life.

Consider the following: The Taliban in Afghanistan came close to considering whether to turn bin Laden over to the West. All it wanted was proof that he was responsible for the attacks. Did we make any effort to honor a request for what would in our courts be regarded as minimal process, or did we just pound our chest and demand our man dead or alive?

Thus far the administration has done little or nothing to makes its case against bin Laden to the American people; what it has done is irresponsibly ratchet up the rhetoric. Did you notice the subtle transformation of bin Laden from suspect to target? The press has swallowed it hook, line, sinker and then some. Even The New York Times

## “WAR ON TERRORISM” IS REALLY A WAR ON OURSELVES

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issued a front page apology for circulating a pre-printed Sunday Magazine that did not resonate with the new martial spirit: The magazine was printed before it could be dipped in patriotic gore.

Those who have served in the trenches of the war on drugs know the taste of failure. Our prisons swell, and a generation of young men still try to comprehend what part they play in the various “conspiracies” with which they have been charged.

Watch what happens throughout the third world, and in Moslem countries in years to come. Each bomb we drop will create an angry orphan, and each angry orphan is a potential recruit to those who view us evil. The war on terror is the perfect recruiting drive for bin Laden.

I am not saying we should sit back and do nothing. Prosecute, by all means, and rely on the resources of national and international law. Are we too proud to submit our woe to The Hague? Was not the attack a crime against humanity?

The war on terrorism is really a war we declare on ourselves. Dark times ahead; perhaps a new medievalism in the making.



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# Civil Liberties And Civility: The Aftermath

G A R Y W E N K L E S M I T H , T L C ' 0 0

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We have all seen with eyes filled with horror what happened in New York and Washington, D.C. There, terror struck us at home on a scale so vast that we will never be the same.

Now, we live in a country like most other countries in the world. We will have to fear for our safety in the streets and our homes, possibly forever.

Consideration of what America itself has done to bring about this horror will go unmentioned as the government prepares to wage "The New War" against terrorism. Osama bin Laden is the prime suspect in the engineering of the attack on our country. His fire was fueled by an alleged religious fervor and carried out by soldiers of his proclaimed holy war. In an interview with ABC NEWS, bin Laden said "God ordered us to carry out jihad [holy war]...If the instigation of jihad against Jews and the Americans,...is considered a crime, let history be a witness that I am a criminal."

As Americans, we have always believed that God backed our war efforts. We put our belief on our money. Now, we are righteously indignant and seek revenge. To the bin Laden crew, the Jews, the Christians, the Americans—all infidels—are the enemy and must be destroyed. To most Americans, bin Laden and his people must be destroyed.

How does this affect us, the Warriors For Justice?

What will this "New War" mean to the system of justice in America? Will our civil liberties suffer even more than they have throughout the life of our existence as a "free people?" Bearing in mind that we profess that all men are created

equal, yet we built a nation by enslaving an entire race, who were still slaves when those magnificent words were written. Perhaps we need to reflect upon who we really are and who we may become as the "New War" begins and rages into the future.

Revenge is a Way of Life Amongst All Peoples.

In America, we mete out revenge via punishment for crime, the death penalty being the ultimate revenge. Revenge is already being carried out in the streets. People are directing their hatred toward Arab-Americans. Only days ago I was in Court speaking with a Judge who had previously expressed his disdain for "rag heads."

The Bailiff's in the room began quoting slogans such as "a rag on your head, and you should be dead," and the like. There was laughter among the group. My client that day was a Palestinian-American of the Muslim faith. I feared for his well-being. I told the Judge that my client was a Palestinian-American. He retorted "What's all this African-American, Palestinian-American crap? If they were born here they are Americans. I suppose that I am British-American!" What could I say? Were there words that might have changed his mind? If I spoke out would he punish my client for my words?

The Religious Right, via the so-called "reverend" Falwell told America that God lifted his protection from America [thereby allowing the terrorist attacks] because we tolerate abortion, gay people, lesbians, and the American Civil Liberties Union. We must remember that for some reason he has a sizeable following. The right wing Christian population will undoubtedly follow his lead. Falwell has never believed in civil rights for all Americans. In fact, he wants to dictate who should have rights, if any, and all others are simply the servants of evil. His words are frighteningly similar to those of bin Laden. I am confident that if given the

reigns of power the good reverend would find cause to eliminate a large percentage of our population in the name of God—just like bin Laden.

### Our Petty Freedoms

People on the street are far too willing to give up their “petty freedoms” (as I heard one woman say on television) to fight the “New War.” One of the most intelligent men I know, and for whom I feel tremendous love and respect, believes that we must be willing to forego some of our civil liberties in order to deal with the issues at hand, to wit, destruction of the enemy. He does acknowledge that the loss of these liberties should be limited in time and degree, but he is unable to come up with a specific formula. Of course, there is no formula for such a loss, and I sincerely doubt that many will even consider the length or degree of those losses should we succumb to the emotional climate for war and fall prey to the rhetoric that will flow from the cause.

### Internet Privacy is Being Threatened

Recently on the Internet there was a post entitled “Carnivore dispatched to sniff out terrorists.” The article begins “Washington, D.C. – In response to Tuesday’s terrorist attacks, the Senate has approved the FBI’s use of the Carnivore e-mail surveillance system to investigate acts of terrorism and computer crimes.” The article advocates a broader “wiretapping” of the Internet by law enforcement and urges the government to “make better use of its considerable accomplishments in science and technology” to combat terrorism. This same “Carnivore” program came under attack as a clear violation of our civil liberties only months ago. A careful reading of the article shows that the Act is directed not only to terrorist activities, but also to computer crime. It grants the power to “all U.S. Attorneys” to order the installation of “Carnivore.” How many of us have had dealings with United States Attorneys? They have always wielded an awesome power. Now they will be granted the power to order wire tapping of the Internet. How long will it take to get a case involving this search issue before the United States Supreme Court? Will the Supreme Law of the Land find a national security exception to the Fourth Amendment? After all, we are at war. Is the right of privacy on the Internet so important that we must allow the enemies of freedom privacy in their evil dealings? Senator Orrin Hatch, the sponsor of the Bill suggested that we cannot afford to wait and that it will be a big mistake to not grant these powers to law enforcement now. Yet, without taking a breath he said “We must be careful that in our quest for vengeance we do not trample those very liberties which separate us as a society from those who want to destroy us.” And how does the Senator propose that we protect those “very liberties?” There will be a great deal of rhetoric about protecting our civil liberties, yet the obvious intent of the Carnivore program is to trample them with-

out concern in the name of “national security.” After all, we must stop the enemy. Dare any of us suggest that the higher cause must give way to “petty freedoms?” If we have nothing to hide, why should we be unwilling to give up our privacy at a time like this?

Will we, the Warriors for Justice, be able to intervene on behalf of a country that is so enraged that “pedestrian concerns” should not be of any moment in a time where unity is demanded and desperately needed? Will we be heard if we do raise our voices and remind our people that we cannot surrender that which makes us free? Can reason be heard over the cries for revenge? Will we all remain cool, calm and collected, and focused upon our duties as Warriors for Justice?

### America Does Not Have “Clean Hands”

These things I ponder while I also remind myself that America is not squeaky clean in all of this hatred. This Country, purportedly in the name of freedom, has funded and waged wars and toppled governments only to replace them with ones that will support it. In these efforts, America has caused the massacre of hundreds of thousands, if not millions of people all over the world. When we went after bin Laden following the first attempt on the World Trade Center and the bombing of our Embassies we sent seventy-five cruise missiles into Afghanistan. That is a pretty sizeable number of destructive devices used to get one man. He got away, but I feel certain that many other innocent people could not escape the devastation of those rockets. During the Gulf War, we bombed the City of Baghdad for days on end. That ancient city was left in ruins and we have no idea how many civilians died at our hands. I always wondered what justification we used to commit ourselves to that war. In my mind it always comes back to oil. Why is America in the Middle East? According to bin Laden, the infidels, America and Israel primarily, have occupied lands where the Muslim’s holiest places exist. Why would we even be in those lands, but for oil? The oil companies have long held a strangle-hold on the world, and our politicians, in the name of profit. No, we have our skeletons in the closet, so to speak. I say in the closet, because we have always been quick to sweep our dirt under the rug, and look elsewhere in the world for the sinister acts of others to justify our own. Now, we cry out for justice, and there shall be none. Is justice truly and only in the eye of the beholder? Is there justice in war? Are we just in our cause?

### Protecting Our Civil Liberties

Today, and into the future, we face the ominous task of attempting to protect those civil liberties that we profess keep us free. I have a civil rights case pending on behalf of a Palestinian-American family who was wrongfully accused and jailed for a significant period of time [due to the excessive bail imposed because of their alleged “ties with the

Middle East”], only to have the criminal charges dismissed at the preliminary hearing, exceptionally uncommon in California. The charges against them were the product of racist thinking. When their business burned, the arson investigator asked the father “what do you people do in your country when a business is failing?” The mother and father are naturalized citizens and have been in this Country for over twenty years. All of their eight children were born in America. Will the average American sitting on a jury care whether Palestinian-Americans—Muslims much less—have civil rights? After all, isn’t it the Muslims who committed these unforgivable acts against America? I wonder whether justice will be available to them? Am I good enough at my work to see to it that they have a fair trial? Perhaps it is not an insurmountable task. Perhaps all that we have learned is enough. Perhaps we must be willing to lose all that we have in order to demand justice. We may be put to that test. I wonder whether I am strong enough to endure that challenge.

How will the coverage of these events by the media effect our civil liberties? Reporters and talking heads now have something to discuss all day long to an almost full audience. They are not concerned about anything but touting the cause. It sells. Both Congress and the Senate voted for an enormous amount of money to support the effort to get the people responsible for the attack on America. There was only one dissenting vote in Congress and unanimity in the Senate. It is, in essence, a declaration of war. Of course, like Vietnam, none of their sons will see battle. No, the “fortunate ones” will not be subject to the duty of soldiering. Unlike any war before it, this “New War” will be fought at home as well. We have already been attacked. There may be more to come, God forbid. The headlines of my newspaper today read “Bush: Prepare for War,” with the lead line “Braces U.S. for fighting; sacrifices.” What shall we sacrifice in the name of this “New War?” In times of war the “just cause” has always demanded that we be willing to forego certain liberties, and some essential freedoms, in order to show our patriotism. Any one unwilling to make these sacrifices will undoubtedly be labeled a “sympathizer” with the enemy. The balance in the scales of justice is very tenuous, at best. The weight of vengeance is ready to tip those scales and we must try to find a counter balance.

The Life of the Warrior for Justice Will Not Be One of Glitter and Praise

America will be turning a deaf ear to those who demand civil rights for all concerned—especially if they are Arab and/or Muslim. Indirectly, they have been proclaimed the enemy of the people, by the people. What if the terrorists had been white? What would America do? What did we do when a white terrorist, Timothy McVeigh, attacked America and killed 168 innocent people? Did we wage a war of hatred against white people in America? No, racial hatred against non-white people in America is too deeply

entrenched to change things now. We quickly executed him, and then we went on with our daily routines. It won’t be so easy this time. It will be a war against a race and a religion. Those Americans who practice the same religion as the enemy, or who are of the same ancestry as the enemy will pay the price as well. We showed that we were more than willing to do so after Pearl Harbor, and nothing has changed. One of my favorite Judges will not leave his house on December 7th. His family was “interned” during WWII. He was born here, but that was of no moment at the time.

Perhaps we need to examine our own hearts. Are we willing to fall prey to the passions of the moment? Do we want revenge? I do! I want to hate bin Laden and all that he professes. I want him dead. I want to tear his heart out and watch it take its last beat while his eyes glaze over and his body falls. When my God-Brother said that he would pull the trigger, I told him that I would drive the getaway car. Thank God I wasn’t called to duty at that moment. I can be quick to boil. Probably all of us can at this time, except those who have the most to fear from our rage. Among us there are many brothers and sisters who have long known our capability for zealotry and blind rage—and of course, outright racial hatred. We have only professed to enforce civil rights for all Americans for a brief moment in our history as a country. In fact, we still do not recognize those rights for all of our citizens.

Where Will We Go From Here?

What shall we become? Can we continue to carry our cause for the people to the people? Will the “New War” mentality set us back a century or two? No doubt it will. Maybe we will need a new slogan. “If Freedom dies, so do we,” but that will probably be co-opted for the war. How about “Can we be Civil without Civil Liberties?”

As you have surmised by now, I am deeply distressed. I am afraid, not of attack by terrorists from some outside source, but from the effect that terror is having on our hearts at home. Don’t we all have some hatred in our hearts now? Can we purge ourselves of that hatred and grow in the love we have for our freedom and our desire to perpetuate it on behalf of all America—not on the battlefield of war, but in the Courtrooms where we seek justice? Of course we can! We will, and we must. If not, then who shall be left to that cause? The insurance companies? The corporations? Law enforcement? The military? The government?

My brothers and sisters, I say to you, with the utmost respect and love, that we are destined to fight a battle the likes of which we have never imagined. September 11, 2001 has changed it all. Never again will we find comfort. Perhaps we have become too comfortable anyway.

# Random Hollerings on Fear of the Truth

M A R E N   C H A L O U P K A   T L C   ' 9 9

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Midway through this awful week, one of our fellow warriors posted an essay on our listserve that was written by corporate gadfly Michael Moore. Moore is one of the few writers (along with Norm Pattis) who had the wherewithal to critically analyze this tragedy instead of penning hortatory but useless America will survive pabulum. In his essay, Moore asked tough questions about airline security; about an air transportation system that veritably invited attack; and about what we should expect when we are in the business of training terrorists.

This was a sharp and demanding piece of writing. I liked the Moore essay so much that I decided it needed to be disseminated further. The Nebraska Association of Trial Attorneys also operates a listserve, so I posted it there.

I suppose I should have predicted the general tenor of response. There were stern admonitions that now is the time to support our country, not tear it down. There were cautionary warnings that this organization is supposed to be apolitical, and controversial postings will only alienate its members. And there was scorn about how liberal whiners will take advantage of any tragedy to advance their hand-wringing liberal agenda. That's right: trial lawyers shouting down an opposing view with derogatory insults instead of debating its merits.

Yes, these lectures came from the ranks of an organization that holds itself out as representing people. No, I did not mistakenly post the Moore essay to the Defense Research Institute listserve. But these responses unquestionably came from lawyers, not warriors.

It wasn't the fact of getting scolded that made me want to reply. It was a rush of disgust. Courage in scary times is not closing our eyes and hoping that terrorists can't see us. It is pushing through the billows of smoke and steel and carnage with a purpose—that purpose being to make sure it cannot happen again. The principle in this mass catastrophe is the same simple principle we apply to a business that puts a bad delivery driver back on the road after a wreck, or to a police department who sends an abusive cop back onto the streets after he shoots an unarmed citizen. That is, figure out what caused the first loss so that there is not a second one tomorrow. Apparently, many members of our state trial lawyers organization make an exception to that principle when the deaths hit the five-thousand mark.

So I replied, and posted. This is what I wrote, and what I believe:

In defense of my decision to post the Moore essay, I'll say this.

His points are ones that we, ostensibly lawyers for the little guy, damn well ought to consider. This attack was undoubtedly a tragedy for our nation, but within that are thousands of individual tragedies—thousands of individual losses, broken bones and broken hearts and broken lives. Each man and woman who lost has every right to be indignant about how this might have been prevented, knowing—as we have known for years—that there are evil groups out there who will exploit the weaknesses we allow to grow within our systems.

Where airport security is concerned, we get what we pay for at \$5.75/hour. Most airlines (but not all) don't want to cowboy up for the kind of training and performance that could make a difference. What they will pay for is the same thing that corporate America always wants to pay for and is allowed to pay for: crap, plus an obligatory but meaningless apology when the worst-case scenario comes to fruition. If it is traitorous to suggest that the airlines owe us more than that, then call me Benedict Arnold.

Ironically, the suggestion being bandied around now is not to improve airport security in the manner used by a very few airlines, but rather to eliminate all carry-on items. In other words, make the consumer bear the cost instead of the airline. Hey, they have to do something to save their profit margin after this hit, don't they?

The fact is that our own failings may well be a contributing cause of the coming storm. Do we have the courage to admit that? If not, we should brace ourselves for more incomprehensible violence. Maybe next time, the terrorists can strike Los Angeles, or Houston, or Nebraska. Perhaps they can take out the Space Needle or Disney World. Flying flags and singing patriotic anthems are all well and good, but those activities are hardly a plan for preventing the next collective heartbreak.

It is one thing to say that we want to support our country and its leaders at a time like this. I'm all for that. It is quite another, however, to say that in holding our heads high, we can't think with them at the same time.

# My Right To Be Out Of Sync With America

L Y N N E J A B E N B R A T C H E R , T L C ' 9 4

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We're at WAR!!!!!! If I wasn't 50 years old, I would volunteer to go nuke them! Senator, don't you think that this means we, as citizens, may have to give up some of our civil liberties? These are some of the statements I have heard from friends, relatives, and the news media in the last few days. When I hear them, my response is different from that of most of the people we know.

What about our civil rights? What about the possibility of chemical, biological or nuclear war? What about my twenty-two year old son graduating from college this year whom I want to live and not be killed on a battlefield?

Don't get me wrong. The attack on Washington and New York is catastrophic. I think we are under a real threat from terrorists, all of us. I mourn those lost and am frightened for the rest of us. I believe we must retaliate. My heart goes out. My sister lives in New York City and a friend of hers was on the 82nd floor of tower number two. When the Port Authority announced, before the second attack, that those evacuating could now return to their offices because the building was secure, she went back to work. She has not been heard from since. The unimaginable courage of the police and firefighters, and the courage of the passengers on the plane downed in Pennsylvania, takes my breath away.

But, I feel angry and frustrated. I am angry that when millions of Africans were executed during their civil wars, Americans hardly noticed. Even though we were horrified about the mass graves in Bosnia, we did nothing. And when a large number of Jews who were released from Germany during World War II traveled across the ocean on a ship bound for the home of the free, our country turned them away and sent them back to death camps in Poland and Germany.

I expressed my concerns to my son at college in an e-mail. Here is my e-mail and his reply.

Dear Aaron:

I am really angry, but not like other people. It pains me to think of the victims, but I am angry that when millions of people were killed in Africa, we hardly noticed. I am angry about Sen. Kerry. I am angry about all of the people who hated Vietnam in my generation and now, when they are too old to serve, want a war. I am angry about Hiroshima and Nagasaki and Bosnia. I am

worried that you will have to go to war.

I respect the people in the plane that crashed in Pennsylvania, if they brought it down after learning about their fate. That is true courage. The rescue personnel were truly courageous. It takes my breath away. But, the news media keeps talking about us losing some of our civil liberties. What is this country about if it isn't freedom? This makes me angry.

I worry about you having to go to war. I worry about the Joint Chiefs of Staff and what influence warmongers will have on Bush. I don't have faith in his intelligence or strength of character. I worry about the first amendment freedom of religion. I wish tomorrow was just a day of remembrance. I resent the President asking me to go to a religious service. I want retaliation and terrorism to stop, but I can't work up the fervor that everyone else seems to work up.

Love, Mom

From Aaron:

Lets put this all in historical perspective. Every generation of Americans has that moment when they plug into the world and realize its more than what's going on around them. For your generation it was Vietnam and Watergate. For grandma and grandpa it was the Depression and the war. For my generation, it's this. It's an unfortunate fact of

## MY RIGHT TO BE OUT OF SYNC WITH AMERICA

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American history that we often get blinded by our own wealth and power. We had 10 years of peace and prosperity (like the '20s) and now we've been woken up. The buds of isolationism are dead now.

As far as the Vietnam thing, that shouldn't be surprising either. A lot of people forgot what the fighting was about and feel guilty for seeming to abandon our troops. Remember, a lot of those people got real conservative because they think they were selfish in the '60s, and many were. Their response thus is to forget the spirit behind it. You don't have to feel in sync with America, just understand it...

As for civil liberties, yes that could be a problem. But, everyone in power has said the right things so far. Plus, with 8000 "all news channels with lots of blowhard talking heads, it is now much more difficult to do what the government has done before in times of crises (like WW1 and WW2). One of the greatest successes of late 20th Century liberals is that no one is seriously thinking of major restrictions of liberties or rounding up all Arabs. The government would never do that these days.

I think, so far Bush has done well. He's being patient and all his advisors are stressing that it probably wasn't just bin Laden. They want to go after the whole network and they know it won't be a traditional war and this is a different situation than any before in history. The Joint Chiefs won't support something militarily unsound, neither will Cheney. The good thing is that Powell has emerged as a big figure. He finally has some influence, which he hadn't before this. He's by far the most liberal member of the administration, so that's good. Remember, Democrats, liberals, and the ACLU are still allowed to speak and they'll get forums thanks to CNN and Fox News needing to fill time. It's an extremely religious country. Bush did have a rabbi and a Muslim cleric at the national thing. It was probably cathartic for a lot of people and will help them move on. It's not like he's trying to convert people.

Your son, Aaron

Ironically, I have come to the point in my life where my son sometimes comforts me, instead of the reverse. I did feel comforted by his words, not only because he is my son, but also because his voice is the voice of the future. I have a trial in October about which I am very concerned. I worry that the jury will find the trial trivial in light of the recent attacks. But, my trial is about first amendment retaliation. My client was fired, allegedly for insubordination, because he repeatedly spoke up about major health risks in the water and sewer systems of a city. If we no longer have the right to speak openly and with candor about our government, we are no longer a free country. Perhaps this is the perfect case for me to try right now.



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# What Sept 11, 2001 Meant To Me

J U L E S   C H E R I E ,   T L C   ' 9 5

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I left downtown Chicago at 10:00 A.M. on September 11th. At that time the full scope of the horror was only starting to unveil. I knew that both towers of the World Trade Center had been destroyed.

I knew that the Pentagon had also been hit—which meant that the terrorists were targeting more than one city. I also knew that the tallest building in America was only a few blocks away from my office, and that therefore, the prudent thing to do was to go home.

In the hours that followed, I learned that the attack had been accomplished by the simultaneous hijacking of four planes. That seemed just unbelievable to me. I had been living under the impression that America's airports were safe. Indeed, the United States has frequently criticized foreign countries for the lax security that existed at their airports.

Then like everybody else, I spent the rest of the day in front of my television. President Bush, frequently inarticulate, looked like he was in over his head. Feigning confidence, he actually looked nervous and unsure. I took comfort, however, from the fact that he seemed to be surrounded by more competent people.

I went to bed Tuesday night, feeling certain that I would wake up in the morning, to find that all of this was some kind of absurd nightmare. But Wednesday morning I awoke, only to remember that the nightmare was real.

On Wednesday I debated whether I should go to work. Ultimately I decided to go. I had court calls and the courts were scheduled to reopen. Anyway, I am the kind of person who finds comfort in routine.

Before boarding the train to go downtown, I stopped at a coffee shop. The conversation there, not surprisingly, centered upon the terrorist events. One man who worked at the coffee shop volunteered that he would be willing to give up some of his freedom to have security from these terrorists. It was a comment I would hear repeated by others in the next few days.

On Thursday, I received E-mail from ATLA. ATLA was asking attorneys not to file lawsuits that stemmed from the crisis. I could not have agreed more with ATLA's position. To file lawsuits immediately after these tragic events could only put our troubled profession in the worst kind of light.

Also by Thursday, our local media was reporting incidents of harassment directed against Arab-Americans. On Thursday afternoon I called a friend, who is also a referring attorney. He is Muslim and very active in the Arab-American community. He told me that indeed things were difficult. But he also assured me that he was holding up okay. He thanked me for my concern and told me that he considered me to be his brother.

At the office, we kept televisions running so that we could keep up to date on the latest news. The threat of a suspension of civil liberties seemed to diminish. The media remained uncensored. Courts remained open. Jury trials continued. There was no attempt to impose martial law.

Then, on Sunday, John Ashcroft appeared on television to announce that he would be seeking broader authorization from Congress with respect to surveillance and wiretaps. Since I am not a criminal lawyer, I really didn't know if this was a big deal. But it seemed that nobody was complaining and that that Ashcroft would likely get whatever he wanted.

There can be little doubt that our fight against terrorism

will be very difficult. Just think about it. Many individuals own technology today that was not even available to nations just a generation ago. For example, I am typing these words, on a train, using a laptop computer powered by a battery. Yet this tiny computer is more sophisticated than the computers that took men to the moon. Anybody want to learn to fly a Boeing 757 aircraft? You can pick up a program at Best Buy for less than \$40.00. You can even practice crashing into national landmarks. The genie is out of the bottle.

So we can declare war on terrorism, but can we win it? We scream for retaliation, but retaliate against whom? The enemy will not identify himself. We also know that a military attack against the wrong target would only succeed in driving more people, maybe even nations, into the terrorist camp.

Still, the American people want to see blood—and God help me, so do I. But we have to be so very, very careful. Whatever step our nation takes next is going to have to be done diplomatically and almost surgically. This war cannot have innocent casualties. We cannot have World War III: the Muslim nations against the west. But one wrong step and that is where we may be headed.

It now seems likely that the United States will invade Afghanistan with hopes of either capturing or killing bin Laden. Will it work? I don't know. The former Soviet Union was in there for ten years. In the end, all the Soviets took out of Afghanistan were the bodies of its own soldiers. And the capture or death of bin Laden would not in and of itself eliminate terrorism. It might even provoke his followers.

So it will be difficult for us to win this war. Perhaps this war will be more akin to the war on AIDS or cancer than the military wars of the past. It would seem that the best we can do is to reduce the numbers and incidents of recurrence, while accepting that an army of terrorists can be as small as an army of one. But what I regret the most is that there seems to be so little that I can personally do to help our nation's cause.

I have never seen our country united the way that it is right now. Some say that this unity will fade as time goes by. Maybe. But maybe not. Last night I saw the New York Mets on television. Instead of wearing their usual baseball caps, they were wearing caps of the New York City Fire Department. Some of the players cried during the national anthem. And there are thousands of events like this happening every day.

My family went to church last Sunday, but I did not. I truly wish that I had the comfort of religious faith that so many other people seem able to embrace during times like this. Instead I think of John Lennon's song *Imagine*, wondering if the world would be better off without religion. So many people have died because of it.

This past week I have found myself envying my dog. He doesn't have a worry in the world. The destruction of the World Trade Center doesn't mean a thing to him. He goes to sleep when he wants and he wakes up when he wants. His food is delivered regularly and often. He goes for walks. Money is a concept that is foreign to him. Put a thousand dollars in one bowl and food in another—he will take the food every time. His capacity to love and to be loved is boundless. He has no idea that someday he will die.

My dog is perfect.

Man, on the other hand, is a mess.

*In its understandable rage for justice, America may be tempted to overlook one uncomfortable fact. Its own policies in Afghanistan a decade and more ago helped to create both Osama bin Laden and the fundamentalist Taliban regime that shelters him.*

*The notion of 'jihad', or holy war, had almost ceased to exist in the Muslim world after the tenth century until it was revived, with American encouragement, to fire an international pan-Islamic movement after the Soviet invasion of Afghanistan...*

**The Economist, Sept. 15-21, 2001**

# Voir Dire In The Aftermath

J I M N U G E N T   a n d   N O R M P A T T I S

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*Jim Nugent and I began jury selection in a criminal case last Monday. The lead charges are attempted murder of a police officer. Connecticut has individual sequestered voir dire, and the very first juror who walked in to be interviewed was in New York City and watched the World Trade Center fall. She was rattled, and angry. The judge was set to excuse her without any voir dire. We argued that we had a right to question her. The judge reversed himself, and the juror was eventually excused: she was still in shock over what she had seen. We send this along as a sad reminder of what was lost, at least for a time, on September 11, 2001, and as an example of argument that persuaded a judge to reconsider what is at stake in the weeks and months to come.*

THE COURT: I know everybody is angry. The question is, is that anger going to somehow spill over and be taken out on Akov Ortiz? Essentially he's not a terrorist. He's accused of crimes, and, you know, we haven't changed at all as far as people's rights on trial and what the State's burden of proof is. But, I mean, that's why I ask you this. So if you really feel that because of what recently happened and the effect on you that you personally feel that somehow this has changed you in a way that will be very difficult to give this defendant a fair trial then, fine, I want to know that.

MS. COOK: Yes, I mean—and as my example, if I am to look at bin Laden as innocent until proven guilty, in my heart of hearts he's guilty as hell, and since last week I believe in capital punishment. I believe in this circumstance that it is very difficult for me to look at somebody and say, okay, the gun was—is unpermitted, there are several officers involved. My initial feeling is this guy is guilty. And you're asking me to put all of that aside, and it's very difficult for me. You could have done this last week and I would have had a different attitude.

THE COURT: I know, but it sounds like what you're saying is, Boy, you'd hate to be somebody who had a case pending here that came up for trial even if it was you—

MS. COOK: I would.

THE COURT: —who feels you were totally innocent. You'd say, but, I guess, the jury is going to convict me because of what happened in New York. I don't take that very lightly.

MS. COOK: I'm not saying you're taking that lightly either, but I am saying that my attitude towards society right now is different, and I saw the very good in people in New York last week. I saw a lot of it, but it was very—I'm very angry to see some people who took advantage of that situation, and right now it's very difficult for me to say—gee, I would not want to have a case pending right now.

THE COURT: But if you're telling me that if you were selected to sit on this case that your opinion about—well, put it this way, I'll charge you as to what the law is and what the State's burden of proof is and what they have to do before somebody could be found guilty and the presumption of innocence, that you might have a difficult time following my instructions because of the recent tragic event in New York—

MS. COOK: To answer your question with one word, yes. But I'm an educated person. I know I'm supposed to put those things aside. I'm just having a very difficult time doing that emotionally.

THE COURT: I understand, but the question is could you assure me that you could put those aside and decide this case based on the facts as you find them to be and the law as I instruct you on?

MS. COOK: No.

THE COURT: Okay. I'm going to excuse you.

MR. PATTIS: Judge, I'm going to object. This woman is honest. This is the reaction that we're going to get. The Bill of Rights means more now than it ever has, and we want the opportunity to voir dire jurors. This is an honest response to a national tragedy, and I don't think she means to say that she's going to abandon the Bill of Rights. There will be a lot of Americans who view this as the only thing worth salvaging of what happened. So I object to this very dismissal.

THE COURT: I have a juror who is indicating to me that she doesn't think that she can necessarily be a fair and impartial juror to your client, is what she's telling me.

MR. PATTIS: I have heard jurors all the time come into this courtroom and say they've never done anything like

this and they don't know whether they can do it. That's part of what she has said, I think. I expect this to happen repeatedly in weeks to come. I would request then with further jurors that we have voir dire before the Court excuses.

THE COURT: I'm going to excuse this juror based on what—I do not believe that she can be a fair juror at this particular time on this case.

MR. PATTIS: I object because I believe that we have a right to select a jury, and if we're not moving, and we've not yet had the opportunity to question, I believe we've been deprived of a jury of our peers. Every American was touched by what happened last week. I don't think this is a woman who is going to abandon the Bill of Rights when she's had a chance to think about it, and I think we've been deprived of voir dire and deprived of an opportunity to get her to think about it.

THE COURT: Isn't it my job to decide after listening, even at this point, decide whether somebody is going to be a fair and impartial juror? You feel you have a right to have questions before I decide that?

MR. PATTIS: The bombing last week didn't waive our Seventh Amendment right to a jury of our peers. What happened in this country last week was unique in our history. I'm troubled by the Court's intervening in a way to deprive Mr. Ortiz the right to intelligently exercise his challenges. I like this potential voir dire person because she is honest. I'd be troubled by a juror who came in here and said it doesn't matter to me. It's just a different page in a new book. I think honest jurors are good jurors. We have a defense here that we are anxious to have honest jurors consider. You've deprived us of the right to defend.

THE COURT: I didn't deprive you yet. The juror is still sitting here. What I'm concerned about is—normally I don't want to go through a lengthy voir dire process, we brought in 100 people today, and just get to the same request to excuse the juror based on what she initially told the Court.

I will reverse my decision right now if you want to have the opportunity to ask questions. And I guess what I will do is see what happens. If it ends up that people who I think should be excused are going to be excused anyway by the Court, let's just basically not waste time spending a lot of time when it's unnecessary, and I may change my opinion. All right.



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# THE SOUND OF THUNDER

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So, what do you think God wants us to do now? Don't get me wrong, I'm all for the thought that we go out and "get 'em." Retribution, revenge, and retaliation—let's call them "murdering back"—is ultimately what the United States as a government will do to those "responsible" for the devastation. I'm on board, I just wonder what God wants here from the people, not the governments (and I don't mind if you believe God is a noun, verb, adverb or adjective, I'm just trying to make a reference to the metaphysical clockworks of how things work in this world).

We are understandably angry. Anger; well we all know it's a powerful emotion, but not a pure one. Anger masks our vulnerable emotions, those we hide in our scary places, and try to stay out of the best we can.

Of course, at this point in time we are collectively feeling pretty vulnerable. Everyone is an open target to hate and violence, be it a terrorist attack, getting shot in a robbery at the Common Cents, or getting punched in the nose down at The Boot by some cowboy who thinks you are looking at his girl wrong. I thought we all already knew that. And anger and hate are what we try to use to fill the painful places and protect us from the fear. Unfortunately—ultimately—the pain stays with us, and when hate and violence reacts to hate and violence the fear does not go away.

Now, in considering all of this I've been trying to identify the "them" in our collective "get 'em." Is it the Taliban? Hezbollah? Hamas? Iraq? Pakistan? Syria? Some or all of the above? No, none of these can hate. Hatred comes from humans, not governments, not countries, not ideologies, not religions. These are intangible things, words used to describe something, collective nouns. Somewhere within those structures, a human has to decide to hate.

So then what about Bin Laden, he's a person, right? What he is is a poster boy. While it is true that he is a person, and seems full of hate toward us, he is simply the most current poster boy for an ideology that is much larger than he. He's a rich kid without a single concern for his basic needs whatsoever – the only son born to a lowly Palestinian wife, which made him the black sheep of his huge family with dozens of other wives and children. He hates all right, but somewhere in time he had to choose to do so, just like we are now choosing to hate him, but it is larger than just him. This is much larger than just being about some, misguided Saudi Arabian millionaire a self-styled Islamic revolutionary soldier spewing hate dogma and spending his daddy's

money doing so. That part of the equation is unfortunate. You can send a SEAL team to kill a human, but not an ideology.

And of course we have to accept our share of the blame here; it was our CIA which taught him his terrorist skills when we were trying to get him to kill the Soviets. He helped to do that and that was O.K. with us, but unfortunately the equation of this kind of hatred has complexities way beyond simply Bin Laden and the Bin Laden's of the world. There was hate before him, and if we are not careful, there will be hate long after we have killed Bin Laden the man.

So, we can and likely will murder them back. Some of them will die, maybe even some that actually planned the hatred and killing last Tuesday, and probably some who did not. It doesn't really matter. If we are lucky, maybe those left – whether they be ones involved or not—will then be frightened into not doing anything like this ever again. But that is wishful thinking more than anything else. In our hearts we know better.

These are not a cowardly people. They believe that they have been fighting an ideological war against the United States for decades, it is just that—until now—they were generally so ineffective that we didn't really notice. They know only too well of our power, our might and the expanse of, and sheer terror our military can inflict anywhere in the world at a moment's notice. They have seen this in action many times, and yet they proceed. In the same vein, we see the horror they inflict and we proceed.

I keep thinking that if we ever once figured the amount of time and money we have spent killing the "em's" of this world—and they have spent killing us—and we all just decided to reach out with love for one another, and used our resources to buy food instead of the instruments of hate and violence, not one single man, woman or child would ever go to bed hungry as they do today in every city, in every country, on every continent in the world, even America. Unfortunately, things are not that simple. There is vengeance to be had, and killing to be done.

Or is there?

All of the "em's" out there involved did so fully expecting retaliation. It's like I said, they are fighting a war against what our corporations have done to them over the last century or so and the fact that we—as a people—have allowed

our government to consistently use our great military power to enforce these corporations lustful, sole desire: greed. We know they are not afraid to die themselves, they prove that time and time again with suicide missions. Understand the martyr. We can kill bin Laden the man, but if we do we will never get rid of bin Laden the martyred hero. He expects to die, and is probably talking about the sacrifice of his life for the cause today. Let us never be so egocentric that we forget that one man's terrorist is another's freedom fighter. Recall that we liked Bin Laden when he was killing Soviets.

No, if we murder them back, then they will murder us back because they think that they were murdering us back for murdering them, which, of course, we were doing because they had murdered us. Murdering back has its own complexities. Killing, Destruction, pain and lies. We have enough of all of these things in the world. In fact, we have more than enough.

So, we kill them and then they will kill us. We are both vulnerable, and—alas—we are all culpable. Somewhere deep in hell Satan sits back, smiles and lets out a booming laugh and will sleep soundly tonight with great satisfaction knowing that, in all reality, he is winning.

Why do they hate us? Why do we hate them? Well, there are answers to both questions, but they come with a price. Answers to these questions only lead to reasons, and reasons lead to rationalizations which would lead to eventual justification for the hatred we asked about in the first place and then lead to—sadly—justified hatred. We are all responsible for our thoughts and behaviors of hate and they cannot be justified.

No, asking why we hate does us no good. The question we need to be exploring is how can we love each other? You see, although obsessed with time, we waste most of it away as we travel along this journey of life and death. We scramble to live longer— anxiously following every latest fad diet trend and health study—because we have to; we put off life until the end. Sadly, we also put off into the future filling our hearts with love for everyone, every moment of every day. “I’ll spend more time with my spouse when I retire,” we say as we get up early and leave the house in the dark to get ready for an early court date. “I’ll love my children more on the weekend when I have time, and this trial is over,” we tell ourselves as we walk in the door at night, long after supper has been served and the kids have gone to bed. “I should meet the neighbor sometime,” we exclaim every week as we pass by in our hurry to do something not as important as we think. “Just one last air strike to teach them a lesson and make them stop and then I will learn to love the people with whom I share the world.”

No alarm goes off to tell us when to begin, a starting flag is never waived, the umpire never yells, “play ball.” We just watch time tick by and say to ourselves “tomorrow, when things are different—when things are easier and not so complex—then we will love.” But tomorrow never comes. So I woke up that fateful Tuesday morning to airplanes

crashing into buildings and I realized again that tomorrow is here today. And I thought to myself, what are we going to do? Do we lash out with hate? Do we extend an olive branch? If we don't murder them back have we lost? If we murder them back and they don't then murder us back for that have they lost? Does losing even matter if not losing means filling our hearts with hate, vengeance and killing? Who lost Tuesday? Who will lose tomorrow?

Oh, we can murder them back, and call it justice and probably all wake up the next morning and look at ourselves in the mirror without any problem. The Sun will rise in the east and the stock market will eventually rebound. We can invoke articles of war and call upon our treaties and alliances and all the international law we can dream up and our governments will wrap it all up in a nice little package using all of the rules, orders, regulations, decrees, edicts and directives those who hold the power can think of, but the truth will always remain the same: we let another tomorrow slip through our hands today.

So, my friends, know that my heart goes out to everyone everywhere. The rain drizzles down across the mountains in which I make my home today as I write this and I know that God is crying. So am I. If we decide we need to go murder back those who did this, I will stand tall, side by side with all of us. And when they come again to murder us back – as we know they will—know that I will likewise stand shoulder to shoulder with you, ready to die in the fight if that should be my fate.

I don't make the rules, and I am a nobody in this world. I follow what is given to me. All I can do is say what I feel in my heart, and today, more than many other days, we need to fill our hearts full of love for everyone. Because in the end it is easy to love those who love us and who are nice to us. We can do that without even trying. The real test comes from finding out whether or not we can love those who hate us because maybe—just maybe—as hatred and violence leads to hatred and violence, love may lead to love. And when all is done and over in our journey of life and death, and we pass to the place where the great spirit who created all things resides, and we see our Grandfather, the questions we have to answer about the people we loved will be the easy ones. The ones about the people we hated, and who we killed, and why we did those things, those will be the tough ones to answer, and I don't think that justifications are going to carry very far.

Tomorrow stands in front of you in the next moment of your life. The choice belongs to each and every one of us, and is a decision that must be made by people, not governments, religions or ideologies of any kind. Do we love or do we hate? Was the horror that was Tuesday the day you choose to put the ball in play and live every moment of your life with your heart filled with love, or does that get put off until tomorrow?

What do you think God wants us to do?

—Thunder

# September 1, 1939

W . H . A U D E N

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I sit in one of the dives  
On Fifty-second Street  
Uncertain and afraid  
As the clever hopes expire  
Of a low dishonest decade:  
Waves of anger and fear  
Circulate over the bright  
And darkened lands of the earth,  
Obsessing our private lives;  
The unmentionable odor of death  
Offends the September night.

Accurate scholarship can  
Unearth the whole offense  
From Luther until now  
That has driven a culture mad,  
Find what occurred at Linz,  
What huge imago made  
A psychopathic god:  
I and the public know  
What all schoolchildren learn,  
Those to whom evil is done  
Do evil in return.

Exiled Thucydides knew  
All that a speech can say  
About Democracy,  
And what dictators do,  
The elderly rubbish they talk  
To an apathetic grave;  
Analyzed all in his book,  
The enlightenment driven away,  
The habit-forming pain,  
Mismanagement and grief:  
We must suffer them all again.

Into this neutral air  
Where blind skyscrapers use  
Their full height to proclaim  
The strength of Collective Man,  
Each language pours its vain  
Competitive excuse:  
But who can live for long  
In a euphoric dream;  
Out of the mirror they stare,  
Imperialism's face  
And the international wrong.

Faces along the bar  
Cling to their average day:  
The lights must never go out,  
The music must always play,  
All the conventions conspire  
To make this fort assume  
The furniture of home;  
Lest we should see where we are,  
Lost in a haunted wood,  
Children afraid of the night  
Who have never been happy or good.

The windiest militant trash  
Important Persons shout  
Is not so crude as our wish:  
What mad Nijinsky wrote  
About Diaghilev  
Is true of the normal heart;  
For the error bred in the bone  
Of each woman and each man  
Craves what it cannot have,  
Not universal love  
But to be loved alone.

From the conservative dark  
Into the ethical life  
The dense commuters come,  
Repeating their morning vow;  
"I will be true to the wife,  
I'll concentrate more on my work,"  
And helpless governors wake  
To resume their compulsory game:  
Who can release them now,  
Who can reach the deaf,  
Who can speak for the dumb?

All I have is a voice  
To undo the folded lie,  
The romantic lie in the brain  
Of the sensual man-in-the-street  
And the lie of Authority  
Whose buildings grope the sky:  
There is no such thing as the State  
And no one exists alone;  
Hunger allows no choice  
To the citizen or the police;  
We must love one another or die.

Defenseless under the night  
Our world in stupor lies;  
Yet, dotted everywhere,  
Ironic points of light  
Flash out wherever the Just  
Exchange their messages:  
May I, composed like them  
Of Eros and of dust,  
Beleaguered by the same  
Negation and despair,  
Show an affirming flame.

# Do You Feel Safe Yet?

N O R M P A T T I S , T L C ' 9 7

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We now have our very own Office of Homeland Security. How very Germanic of our Fearmeister, Herr Bush. Don't feel safe? Call the government, they're here to help. In a speech the Administration promised would make its case against bin Laden and the Taliban, the politics of mass hysteria reached new heights. The rhetoric of fear led to impossible demands, and a virtual guarantee of war. Do you feel safe yet? The invitation to totalitarianism is seductive. The score in this new "war on terrorism:" fear, 2, the American people nothing, and losing fast.



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# On Justice, Military Restraint and Peace

J O N K A T Z , T L C ' 9 5

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The only just goal of battle and war—if there is any—is to achieve a just peace. There can be no just war if no side struggles for justice, restraint, peace and love within and without.

The September 11 terror attacks hit all the more home for me, because I have spent plenty of time living and working near the Pentagon and World Trade Center, my wife worked for one year just ten blocks from the Pentagon, and I have been inside both buildings. To the extent that these attacks involved an anti-Israel campaign, the attacks also strike at my strong support over the years for a secure and just peace for Israel and for a just Israeli government and military.

It is hard enough for me to have sufficient faith in the United States government and military in general, let alone when the United States is preparing for battles and war-making. The United States military has not shown that it can stop more My Lais and more military atrocities. The United States government and military executed the unjustified Grenada invasion, the unjustified Panama invasion, the premature invasion of Iraq, and the numerous premature post-war bombings of Iraq. The United States government and military also push for military solutions to drug trafficking, often empowering unjust foreign governments in the process.

Before the September 11 attacks, we already had a government that provided insufficient protection of civil liberties and civil rights, and a president who vocally supported the Texas death penalty machine and who can be expected to do the same at the federal level. In the weeks and months ahead, we can expect unjustified and unconstitutional gags

and obstacles on peaceful demonstrators and the press, further erosion of Fourth Amendment rights, increased harassment of immigrants, expanded use of the unconstitutional secret terrorism courts, and expanded enforcement of the statutes criminalizing financial donations to organizations that the State Department deems to be terroristic.

For those of us who oppose the death penalty and embrace full due process rights for criminal defendants and civil litigants, how do we jibe such sentiments with sending United States troops to battle where they will cause soldier and civilian deaths and wounds without any sufficient semblance of due process? How can death penalty abolitionists harmonize their total opposition to court-ordered killing, with the even wider-spread killing of soldiers and civilians that comes from going to war? For those, like myself, who are scared about putting a gun and power of arrest in a rookie police officer's hands, how do we feel about putting guns and bombs in the hands of inexperienced soldiers and unjust soldiers?

The power of love has been a big focus at the Trial Lawyers College. Wartime cannot suspend our struggle to continue to be loving—or at least just—even towards our most heinous enemies.

Through it all, I continue to be reminded of the message of so many pacifists that violence begets violence, and also of my intention to flee or fight when those I love or myself are threatened with immediate physical harm.

To sufficiently restrain themselves, United States warmakers must listen to the voices of the rational pacifists. One of them is Jun Yasuda of Grafton, New York, who is a long-time peace activist and nun with the Nipponzan Myohoji Buddhists. She once told me about the day she joined a

## ON JUSTICE, MILITARY RESTRAINT AND PEACE

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protest supporting the land rights of native people in Canada. At some point, an opponent of the protest rushed towards Jun-san and some other protesters swinging a metal pipe. Jun-san expected she would die.

Instead of protecting herself, Jun-san prayed for the attacker, because he and all human life are sacred to her. Jun-san did not flee or fight in fear, because she has resigned herself that she will die one day anyway, and she sees death as just another part of life. Somehow, the attacker's pipe never hurt anyone, and he was subdued (clearly not by Jun-san).

Rev. Ishi Bashi-san of Queens, New York, also with Nipponzan Myohoji, told me about being held up at gunpoint one summer evening in Central Park. Instead of fleeing or fighting or fearing, Ishi Bashi-san profusely apologized to the robber that he had no money on him, since he only had on shorts and a t-shirt without pockets. Ishi Bashi-san told the robber that the robber clearly needed money more than Ishi Bashi-san, so he invited the robber to come home with him, where he could give the robber money. The robber became scared, bowed, and ran away.

I asked Ishi Bashi-san whether he thinks it wrong for a person to defend against an immediate physical attack. He accepts this as an option, but says he would never do so himself.

Let us learn from past military injustices, atrocities and overkill. Let us learn from the rational pacifists. We are at a critical crossroads where we all must struggle to maintain and enhance justice and human rights during the heightened national security and military actions and hysteria that will take place. We will pay a high price if we do otherwise.



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# HOW WILL THINGS CHANGE? JUST LOOK AT ISRAEL

M I C H A E L D O L I C H , T L C ' 9 7

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What is it like to live in a society gripped with fear of terrorism?

Throughout the whole year of 1999, I lived in Jerusalem, Israel while on my extended break from the practice of law. My stay in Israel was during a relatively peaceful time, but I was constantly reminded of the looming threats of a terrorist attack that was around every corner.

My first encounter with "high" security was boarding the El Al (Israeli airline company) flight from New York to Tel Aviv. I was extensively interviewed by an El Al security official. She asked me where I was going, how long I would be there, the name, address and phone number for all the people I would be staying with, and detailed information about who I was and the nature of my travels to Israel. The interview lasted about 10 minutes and about one of every 10 passengers would be taken to a back room to be questioned further. During the interview, one official took notes while the other looked straight into my eyes with a piercing look exposing any hints of dishonesty. I had never experienced security like this just to get on an airplane.

On Israeli land, I was taken aback by the constant presence of the military, usually appearing in the form of 18 year old boys and girls garbed with t-shirts, blue jeans, and assault weapons (most military personnel are required to carry their weapons even if off duty). In Israel, all boys are required to serve at least 2 years after high school; women have the choice between actual service or civil duty service. I can't remember one time getting on a bus when there was not at least one soldier with a big gun tucked under her arm.

While feeling a bit strange surrounded by these armed kids, I soon got used to it and even felt safer. I reasoned that the

only difference between Israel and America is that the guns are out in the open in Israel while most are concealed in America by folks who are hardly trained how to use them safely.

My bags were searched upon entering most public buildings. Unattended bags resulted in swift police action and immediate quarantine of the area. And when I say swift, I mean authorities were there within minutes, if not seconds of the alarm going out.

Unattended bags were the constant cause of street closings and full evacuations of buildings. In the summer of 1999, I was taking a class at the Hebrew University in Jerusalem. During a break, an unattended backpack was discovered in the break area and the owner could not be found. The entire building was evacuated and the police were there within minutes with a bomb squad on the way. Twenty minutes later the negligent student claimed his backpack with a great deal of embarrassment.

Loud noises traveled without much effort to the far interiors of my bones. Sonic booms caused by fighter jets were a constant reminder of the proximity of an enemy attack. A simple motorcycle engine back firing caused everyone to pause, turn, and get prepared to run.

Everyday there were newspaper reports of dead or wounded soldiers from the Northern border between Israel and Lebanon. In a county of only six million people, names of the dead and wounded were often familiar, if not known by

## HOW WILL THINGS CHANGE? JUST LOOK AT ISRAEL

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many. Everyday, all citizens attend to their own business knowing, consciously or not, the next bullet could be theirs or a loved one who was out attending to their own daily tasks.

But life goes on. And, yes, Israeli's are human. They get used to it. They adapt their life around higher security and greater risks of attacks with no end to the terror in sight. Every social gathering is reduced to endless quarrels about how to deal with terrorists or with critiques or praise for the current leaders.

But we have to ask, is all the increased security effective? Does it stop terrorism? Does it actually make us safer?

Interestingly, just months before the September 11 terrorist attacks in America, our government was heavily criticizing the Israeli's government conduct in targeting and assassinating known leaders of terrorist groups. Not surprisingly, our official position on these matters flip flop depending on our interests.

If we can learn anything from Israel, we can see the more we offensively fight terrorism, the worse it gets and the more we become terrorists ourselves. It seems the effectiveness of the terrorist strike is measured in the retaliatory response itself. We all know that the Palestinian extremists use of terrorism has not declined but has escalated and, at least in the past, has resulted in extra bargaining power for the Palestinian positions in the negotiations. This is so despite the hard line Israel has taken in light of the terrorism. If we wage war on the "terrorists" we will one day be at the negotiating table with them or someone related to them.

But we certainly cannot ignore the inhumane, seemingly senseless violence that threatens the very foundations of life for us. So let us learn from this horrifying experience.

Maybe we should at least channel some of our resources not to fight terrorism but to target the conditions that foster entire communities to be attracted to terrorist cults. No longer can Americans feel safe when other communities are destitute. And not only will our state of the art technology, bombs and guns fail to protect us from this new threat, they are now convincingly the future weapons by the "enemy."

We can assassinate Bin Laden, but others will follow. We cannot feel safe until every child on this planet can grow up with a sense of purpose and meaning outside of the realm of hate and bigotry. Americans will one day have to confront the fact that some communities don't want McDonalds and Pizza Huts and will fight bitterly to protect their citizens from the lure of the American fascination with consumption. Our way of life is spreading throughout the world and communities, traditions, and all the earth's precious resources are being threatened at an alarming rate. Many will resist these changes.

In Israel, I encountered and learned with people who lived

in what I would have considered "poverty." But many of these people were happy, full of joy, and radiated an excitement for life just as we all experienced on the Ranch in Wyoming. I think what attracted me the most to Israel was that people there were really "alive" and I found entire communities "alive" as well. They knew that tomorrow is uncertain and, therefore, they must live for today.

Let us pause and think for a moment. If there are injustices in the world caused by American policies and actions, what would it take for the American people to hear those cries?

Terrorism is the only effective voice many of these people have. And just because it is wrong, immoral and evil to the core, does not mean we should not learn something from it.

I suspect we will have to feel it in our pocket books just as the polluting corporation won't listen unless the financial bottom line says it should. But as we know, most corporations just keep fighting without changing much. The corporations and those of us who fight them get stronger and so much energy is wasted in the fight instead of finding the solutions.

Soon, it will be time for a new bottom line. A bottom line based on love, compassion and understanding with all our worldly neighbors. For really we are all brothers and sisters and, one way or another, there will be peace on this planet.

I admit it. I am an idealist. I believe that we can all live peacefully together and love each other. I think the real problem with the world is that we have given up on our idealism. It is the feeling of pessimism and powerlessness that swipes away the joy and sense of awe from this wondrous and mysterious world we are all dependent on. If we all thought the world could be a safe and glorious place to be, then it would be. And if you forget, just go back to the ranch and take a morning walk to witness the miracle of the sunrise behind you as you reach the spectacular top of the mountain.

As we learned on the ranch, fear is either our greatest asset or our greatest roadblock to gaining credibility, depending on how we deal with it. If we acknowledge the fear we will transcend it. If we repress it instead with the illusion of hunting and convicting "terrorists" in the courtrooms of covert military operations, we will gain neither of our objectives and with excruciating costs.

In my tradition, there is a teaching that begins with a question: Why is it wrong to steal a loaf of bread from another person? A great sage goes on to answer this question by saying: Because each time a loaf of bread is stolen, a hundred other people put another lock on their door.

Let us do what we can to protect ourselves, but let us also take a hard, real look at ourselves in the mirror of life. Then some sort of utility can be found in this horrible tragedy.

# Letter to Our Alumni from Gerry Spence

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Dear Warrior,

Our country is in crisis. Our individual rights and civil liberties are at risk. Now, more than ever, we need to come together and continue our quest for justice for all people, especially the injured, the poor, the defenseless and downtrodden. At this time of national turmoil, we, the warriors for justice, have a unique opportunity to lead by example. We need to reach out to our allies and to those who should and can be our allies to ensure that the rule of law does not become a mockery controlled by fear. This may be our greatest challenge, but it is one I am confident we can face together.

I need each and every one of you to make a commitment to help us spread not only the TLC message but to work with us to continue the mission we began in 1999; to reach out and begin to work together with judges so as guarantee that the individual can obtain justice in America. Together, lawyers and judges can restore humanity to the legal system. Together, we can improve the practice of law and the image of our profession in the eyes of the people and of those who must, and often have no choice but to seek justice in our courts.

Many of you have given us the names of judges you would like us to invite to come to the New Judicial College and we have invited them. An invitation letter alone, however, is not enough to convince these judges that they should and need to come. Only through personal contact, one on one, and human connection can we reach the hearts of the judges we have nominated so that they want to come. Just like *voir dire*, it all begins with you. Go and talk to the judges you have nominated. Share with them your experience at the Trial Lawyers College and take a risk, be real, honest and open with them. Put into practice all you have learned. If you do this, I am confident that each and every one of you can recruit at least one judge to attend the New Judicial College. I am counting on you to do so.

I will contact you again soon to keep abreast of your success in this effort.

Love,

Gerry

# SOUTH CENTRAL REGIONAL MEETING

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As you are aware, there will be an organizational dinner meeting for all South Central Region Alumni on November 18, 2001 beginning at 5:30 p.m. at the Crowne Plaza Hotel near the airport in Atlanta, Georgia. Gerry will be attending this meeting! This dinner meeting will be the culmination of a reunion of South Central Alumni in Atlanta November 16–18, 2001. The Crowne Plaza is offering our alumni who attend the reunion a special rate of \$89 per night. If you are planning on attending you will need to make your reservations NO LATER THAN October 17, 2001 directly with the Crowne Plaza by calling (404)768-6660 and advising the agent you speak to that you are with the Trial Lawyers Organization. There are only a limited number of rooms available at the special rate on a first come first serve basis.

If you are planning on attending the dinner meeting on November 18, 2001, please call us with your credit card number or send your check made payable to the Trial Lawyers College in the amount of \$50 to Trial Lawyers College P.O. Box 548, Jackson, WY 83001 so that it arrives no later than November 1, 2001. Payments received for the dinner are non-refundable.

We hope to see many of you in Atlanta at the Reunion and the Regional meeting!





# SCHEDULE OF PROGRAMS

Clinical Law Professors Seminar ( MI)	October 11 – October 14, 2001
Regional Seminar-Toccoa, GA	November 15 – November 18, 2001
Regional Seminar-Occidental, CA	January 31 – February 3, 2002
Regional Seminar - Hunt, TX	March 7 – March 10, 2002
Regional Seminar - Waymart, PA	April 4 – April 7, 2002
Staff Training	May 14 – May 20, 2002
Advisory Committee/TLC Bd. Mtg.	May 20 – May 21, 2002
Death Penalty Seminar	June 1 – June 8, 2002
Trial Lawyers College	July 6 – July 28, 2002
Graduate Course (TLC Alumni)	August 13 – August 19, 2002
New Judicial College	September 10 – 15, 2002
Regional Seminar-Estes Park, CO	October 10 – October 13, 2002

*All programs (except for the Law Professors Seminar and the Regional Seminars) are presented at Thunderhead Ranch outside Dubois Wyoming, home of The Trial Lawyers College. (All dates and locations are tentative and subject to change).*

*For more information about the above programs and/or for applications, please visit our web site at [www.triallawyerscollege.com](http://www.triallawyerscollege.com).*



P.O. Box 548  
Jackson, Wyoming 83001  
ADDRESS SERVICE REQUESTED

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that. Hate multiplies hate, violence multiplies violence, and toughness multiplies toughness in a descending spiral of destruction....The chain reaction of evil—hate begetting hate, wars producing more wars—must be broken, or we shall be plunged into the dark abyss of annihilation."

Martin Luther King