



Top: Participants of the 2013 Youngstown Peace Race take their place at the starting line on Kirk Road. **Left:** Runners cross the finish line of the race, which ended in downtown Youngstown's Federal Plaza. 1,015 runners competed in the 10k, while the Peace Race drew over 2,000 competitors overall. **Photos by Steve Wilaj/The Jambar.**

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Runners from all over Ohio, other states and even other countries came out in abundance for Sunday's 2013 Youngstown Peace Race.

This year, 1,015 people participated in the main event 10k race, which began at the intersection of Kirk Road and Schenley Avenue in Youngstown, ran through Mill Creek Park and ended in downtown's Federal Plaza.

"It went really well," Kelli Johnston, a first-time participant and sophomore at Youngstown State University, said. "It was a really beautiful course, and it was nice to run through the park on such a nice day."

Elijah Muturi of Kenya won the 39th annual race, which featured many elite competitors from all over the world. The 31-year-old finished the

6.2-mile course — which required a 4.5-mile run through Mill Creek Park — in 29 minutes and 13 seconds.

"This course was very good to me," Muturi said. "Very nice weather. Good people cheering everywhere."

Spectators filled the downtown streets and cheered the runners all the way to the finish line.

"I think it's beautiful," Jenna Sliwinski, a junior at YSU, said. "It's different because it sponsors a lot of different things, so everybody comes together."

Major sponsors for the race included the Eastwood Mall and Dunkin Donuts. Meanwhile, the proceeds of the event were donated to numerous local charities, including the Diabetes Partnership of the Mahoning Valley and Akron Children's Hospital.

"We keep the money in the valley," Mark Sorrentino, Peace Race board member, said. "It stays here, which is

why it's so important to get the participation from our local people."

The Peace Race featured a 2-mile race prior to the 10k, which drew 619 competitors and was won by 17-year-old Patrick O'Brien of Youngstown. That was preceded by a free 400m kid's run.

In all, the event drew over 2,000 participants.

"The kids all had a great time and they walked away with a smile," Sorrentino said. "The 2-mile went off well, too. So, it's great just to come down, participate and be a part of this great tradition."

Jessica Odorcic, of Madison, Ohio, won the 10k Women's Open, finishing in 33 minutes and 35 seconds.

"I've run this race four or five times now, and it's a great race and good competition," she said. "It's a nice course, and I like the organization."

Canton's Ryan Kienzle was the first

American to finish, placing third with a time of 30 minutes and 31 seconds. He said being an Ohio native made the experience priceless.

"Coming out here and having such an elite field and knowing everybody here is real special," Kienzle said. "Just staying in your hometown and getting support — they do a good job of supporting. So it's definitely really special."

Johnston agreed, impressed by the wide age range that participated.

"It's incredible," she said. "There's people in their 70's running it, and it just makes you want to keep doing what you're doing."

As beneficial as the event is for everything it supports, Sliwinski said it's a great personal challenge as well.

"It's more like an accomplishment," she said. "You finish for you, not for anyone else. So it is all in your head — it's how bad you want it."

Creative writers beat budget cuts

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In an attempt to balance the budget, Youngstown State University administrators have implemented campus-wide spending cuts. While YSU's student-run literary magazine, "The Penguin Review," fell victim to these cuts, English professors and students said the magazine will still be published.

Tom Pugh, editor of "The Penguin Review," said he has high hopes for the future of the magazine.

"We had two choices: give up and let the magazine go or find some way to keep it going," he said. "The staff came to a mutual decision to not give up."

"The Penguin Review," no

longer supported by the YSU Department of English, will operate as a student group and will consider alternative funding initiatives. Activities in the works include a bake sale and an event partnering with Outback Steakhouse.

"The most important part is to not give up on 'The Penguin Review' because there's a lot of history there and we think that the university needs as many literary outlets as possible," Pugh said.

Pugh said the English department supports the staff's decision to operate as a student group.

"It's very important to note that although there were budget cuts everywhere we still very much have their support," he said. "They know that we're going to continue 'The Penguin Review' and are very excited."

Philip Brady, a professor of English who has historically served as adviser for "The Penguin Review," commented on the magazine's rich history. He joked that he thought the first entry in his 23 years was Homer.

"It has been a first publication for many people who have gone on to become writers and others who value literature," Brady said.

Pugh said that Julia Gergits, English department chair and professor, and Shearle Furnish, Dean of the College of Liberal Arts and Social Sciences, have been particularly supportive. Additionally, "The Penguin Review" will be under the faculty advisement of Dr. Tiffany Anderson, assistant professor of English.

"The best thing is that we are coming back," Pugh said.

University reaches out to Youngstown City Schools

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In September, a panel of experts gathered together as part of the Alumni Lecture Series to discuss what could be done to confront the growing woes of urban school districts. Among a series of other topics, panelists discussed the role that public universities have to play in assisting the ailing urban schools — more specifically, what role does Youngstown State University have to play?

Charles Howell, the Dean of the Beeghly College of Education, and Susan Mooror, the Coordinator of P-12 assessment at the Beeghly College of Education, mapped out exactly what that role is.

"It is a three pronged effort," Howell said. "One of

the things we do is these individual faculty outreach efforts, another of them is clinical placement, which is a cross college initiative, and another is recruiting, which really involves the whole university. It is about helping kids that may not otherwise consider attending college."

YSU, being a pillar of the larger Youngstown community, is involved in conversation with both the Youngstown and Warren city school districts. However, involvement does not stop there. It includes both direct outreach and attempting to understand and inevitably tackle the institutional problems that chip away at urban districts.

One of these cardinal efforts is YSU's partnership with the Youngstown Early

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College.
“I think our biggest initiative is Youngstown Early College. This is a YSU partnership. The College of Education plays the role of host, facilitating this relationship, but it’s a partnership between the university and the city schools,” Howell said. “It is for talented first generation high school students, who are willing to and interested in a rigorous curriculum. They have extensive supports built in and they are on our campus. They get dual credit for a number of their courses, and their tuition rate is adjusted to reflect the fiscal challenges facing the city schools.”

After meeting with Connie Hawthorne, the superintendent of Youngstown City Schools, Howell considered taking a new approach to clinical placement, commonly known as student teaching. Alongside sending an increasing number of students to urban school districts, Beeghly has tried extending, in several cases, the student-teaching period to a year.

“[Hawthorne’s] big priority was teachers who were prepared to teach kids in urban classrooms that have classroom management skills, the cultural understanding, the ability to reach out to parents and that type of thing. So one of our main vehicles for doing that, for developing those capacities in students, is a year long clinical placement,” Howell said. “These clinical placements are our absolute best pipelines to jobs, because you really know a kid after a year, and you know whether you want to hire him or not.”

Beeghly’s efforts are not limited to these direct and formal programs, however. A good portion of their involvement comes in working on joint ventures with urban school boards and superintendents.

“Dr. Hawthorne and I met with a group of donors to try to fund a program for graduate interns that would be placed in



Charles Howell, the Dean of the Beeghly College of Education, (left) and Susan Moorer, the coordinator of P-12 assessment at Beeghly, (right) converse. Photo by Liam Bouquet/The Jambar.

the city schools,” said Howell.

For Howell, assisting urban schools is about understanding urban schools. This is why Beeghly has hired on faculty members such as Regina Rees, Professor of Teacher Education, who worked in Warren Harding.

“Yes, I believe that working in an urban setting helped me with my job at YSU,” said Rees. “I will tell you this, I loved, absolutely loved, teaching in Warren. I loved those high school students so much, and it was a wonderful experience. Oh gosh, we had some brilliant kids.”

Howell also emphasized the importance of communications with officials and employees of the city schools themselves.

“One thing we have to be careful of is that university involvement has to be an equal partnership, not a situation where the university dominates. Because there is a sensitivity in public school districts about the universities thinking they know district needs better than the districts themselves,” Howell said. “So we have to be very careful that we consult with the district about what will be useful to them.”

The final aspect of involve-

ment is more individualistic. It is about encouraging the faculty and staff to go out and extensively participate in outreach, in an attempt to facilitate strong ties and familiarity to urban schools.

“The Youngstown City Schools is meeting with the local pastors in the area to try to formulate a connection between the churches, especially the black churches, and the school district. Because many times you can’t reach the children or their parents, but most of the children belong to a church,” Moorer said, detailing her involvement in a Youngstown City School program. “If you can reach them in their church, if you can establish a tutoring program inside those churches that is a really good way to try to help the children.”

Despite all of these programs listed, the university’s role in city schools is far from done evolving. As the difficulties facing city schools change, then so will the nature of YSU’s involvement. Part of this is determining what the root causes of urban school districts faltering are.

“It is multiple systems interacting to produce results that no one desires. I think there

has been a huge frustration at the state level at the result of these schools. I think nationally we are recognizing that we can not do business as usual in urban school districts,” Howell said. “To do something about the educational opportunities, it requires collective impact of all the community’s stakeholders: businesses, nonprofits, schools, universities, citizens, social organizations, churches.”

Determining a role in outreach also requires the university to understand where it is heading in a community that is still on the uphill battle to recovery. As this matter grows more lucid, then outreach will be reshaped.

“We face some fiscal challenges that limit what we could do,” Howell said. “We have to solve our enrollment problem to know where we are at, and then we have to determine what the role of outreach is in our operation. It is a very significant role especially for this college, but also for the university as a whole. I know Dr. Dunn is very committed to that, but, you know, our resources are limited. As a University, you have to live within your means.”

Senators ‘getting closer’ to budget deal, Reid says

Lisa Mascaro, Brian Bennett and Christi Parsons
Tribune Washington Bureau (MCT)

WASHINGTON — Senators edged closer to a budget deal Monday as the top four congressional leaders were called to an afternoon meeting at the White House.

“We’re getting closer. We’re working on it,” Senate Majority Leader Harry Reid, D-Nev., said after leaving a nearly half-hour meeting with Minority Leader Mitch McConnell, R-Ky.

With the government expected to hit its borrowing limit on Thursday, President Obama invited Reid, McConnell, House Speaker John A. Boehner, R-Ohio, and House Democratic leader Nancy Pelosi, D-Calif., to meet. But aides said Obama would repeat his past demands: that the congressional leaders raise the debt ceiling, pay the nation’s bills and reopen the government.

Obama intends to reiterate that he “will not pay a ransom” in exchange for those things, White House press secretary Jay Carney said in a statement.

But after Senate talks suffered a setback over the weekend, Reid suggested that Senate Republicans and Democrats may be starting to work something out.

Over the weekend, with Republicans in some disarray on the subject, Democrats pressed their advantage.

Democrats rejected a bipartisan proposal led by Sen. Susan Collins, R-Maine, in part because it would have kept the harsh budget cuts known as the sequester in place through March.

Collins kept working Monday to keep her compromise alive, meeting with McConnell and reaching out to Democratic colleagues. “We continue to discuss the parameters of an agreement,” she said.

The Collins proposal would raise the debt limit through January and extend funding to run the government through March. The latter provision would lock in a new round of sequester spending cuts coming early next year.

Collins also sought changes to the president’s health-care law, including a two-year delay of a tax on medical-device makers. The 2.3 percent excise tax is opposed by Republicans and some Democrats.

For his part, Obama has sent signals that he might be willing to delay the medical-device tax, though he has also warned that such a move would slow the current pace of deficit reduction. Otherwise, he hasn’t publicly budged much from the lines he has already drawn in the budget and debt talks.

Obama, in a visit to a food kitchen in the capital, said the afternoon meeting would show whether the progress on a deal is real. There’s a “good chance of default” if no compromise is reached, he said.

In announcing the meeting, Carney said the president would “reiterate our principles to the leaders” and “make clear the need for Congress to act to pay our bills and reopen the government.”

Sen. Max Baucus, D-Mont., chairman of the Finance Committee, took the long view Monday. “It’s not over until it’s over,” he said. “I’m quite confident it all be put together before the debt limit’s reached.”

YSUnity shows support for Coming Out Day

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October 11 marked the 25th anniversary of National Coming Out Day. To celebrate the occasion, YSUnity, a student run organization, hosted a Coming Out photo shoot. Any student who wanted to show their pride for National Coming Out Day was welcome to get their picture taken coming out of the closet door in Kilcawley Center’s Hub.

“This is the first year we’ve put it in the middle of Kilcawley. We’re going to be facing students this way. It’s a cool way to interact with people. Students were given signs that say ally on them and were able to walk through the door to show support for what they believe in,” Tim Bortner, vice president of YSUnity, said.

He explained that the door, known as

the Coming Out Door, was an opportunity for students to show their support for anyone in the lesbian, gay, bisexual and transgender community.

“The event is campus-wide, and anyone not on campus is welcome as well. You’re able to come out of the closet door as an ally for the LGBT community, even if you’re straight, transgendered or bisexual,” he said.

Mason Donahue, a nursing major, said that he believes the Coming Out Door gives students a good way to show their acceptance of others.

“It doesn’t bother me at all really. If someone believes in something and he or she is willing to fight for it, that’s great. No one should be ashamed of anything he or she believes in,” Donahue said.

National Coming Out Day’s photo shoot was just one event YSUnity hosted to celebrate their Coming Out Week. Other events included an HIV awareness

table, a bake sale, a Transgender and LGBTQIA discussion, an organizational fair and a diversity prom.

Bortner said that Coming Out Week has been on campus for 10 years, and the events change each year.

“The organizational fair was new this year. It’s a bunch of different organizations from the community like Parents, Families, Friends, and Allies United; Marriage Equality in Ohio; and Comprehensive Behavioral Care to discuss the different issues in the lesbian, gay, bisexual and transgender community,” Bortner said.

Bortner explained that Coming Out Week ended with a Diversity Prom, a new addition to the week as well.

“The prom is brand new. It’s a diversity prom which allows you to go back to prom with who you want to go to prom with — whether you’re gay or transgendered or bisexual, or race played an issue with who you went with,” Bortner said.



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NEWS BRIEFS

Photographer Chris Verene lectures at the Butler

Chris Verene — photographer, performing artist and educator — is presenting a lecture on Tuesday, Oct. 15 in the Zona Auditorium of the Butler Institute of American Art. The lecture begins at 5:30 p.m. and is free and open to the public. Verene's work has been exhibited in galleries and museums throughout the world. Some of them include: the Metropolitan Museum of Art, the Whitney Museum of American Art, the Museum of Contemporary Art in Los Angeles, the Walker Art Center and the Museum of Contemporary Photography.

WYSU to hold annual fall drive

WYSU FM, YSU's public radio station, is holding its annual fall fund drive during Oct.15-18 with a goal of \$115,000. Those who donate between now and the end of the drive will be entered into a drawing to win two tickets for the May 2014 WYSU-sponsored Go Ahead Tours 10-day excursion to Paris, Provence and the French Riviera. There will also be Daily Prize packages, a New Member Prize Package, a Pennsylvania Member Prize Package, and an Early Bird Prize Package. Certain guidelines apply to different packages. Contributions can be made by calling extension 1481 or at wysu.org.

YSU history professors to lecture and perform British rock

David Simonelli, associate professor of History at YSU, and Brian Bonhomme, assistant professor of History at YSU, will be discussing and performing British rock music on Thursday, Oct. 17. The event begins at 5 p.m. and will be held in the Historical Center of Industry and Labor at YSU. The YSU History club will sponsor the presentation. It is open to the public with free admission.

POLICE BRIEFS

Fire alarm in the Flats

At approximately 19:03 on Oct. 8, an officer was dispatched to the Flats at Wick housing complex on Madison Avenue in response to a fire alarm.

Property damage in M2

On Oct. 8, an officer was dispatched to the M2 parking deck on Lincoln Avenue at 4:52 p.m. in reference to property damage that occurred during a vehicle lockout with parking services. Though the cause of the damage was non-criminal, pictures were taken and evidence was collected.

Arrest on Wick Avenue

At 9:23 a.m. on Oct. 8, an officer conducted a traffic stop at Meshel Hall on Wick Avenue that concluded with the arrest of the driver.

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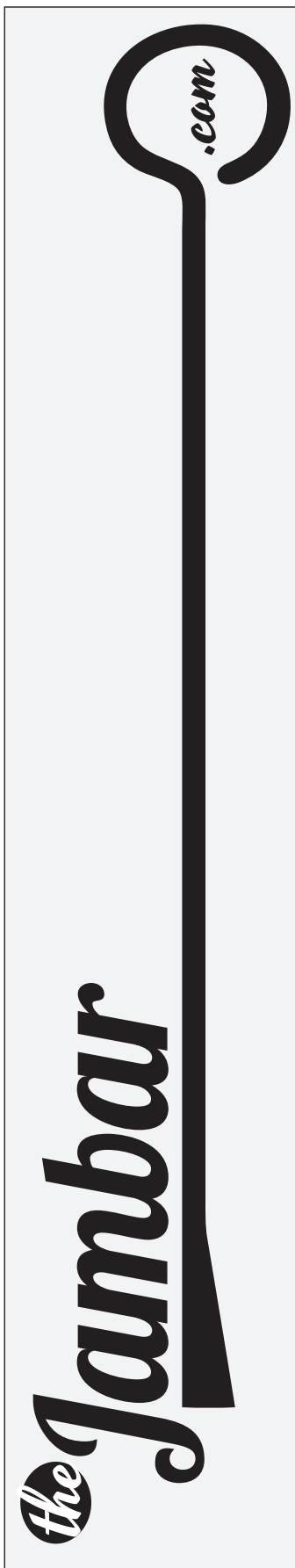
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2013 HOMECOMING WEEK



Top: Maria Frank and Josh Morabito look at the props provided for a photo booth on Monday during YSU's Homecoming Week. **Left:** Freshman Taralynn Williams attempts to stay on a mechanical bull. **Right:** Pizza eating champion Jamal Nasser eats two slices of pizza at a time during the first eating competition. Nasser finished an entire 14 inch pizza in just more than four minutes. **Photo by Dustin Livesay/The Jambar.**



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They Promised Escape: promising futures



Alternative Press magazine did a musical spotlight on Youngstown's band They Promised Escape. Photos courtesy of They Promised Escape.

GABRIELLE FELLOWS
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They Promised Escape has officially spread its wings and reached a new level of band success with its feature in this month's Alternative Press magazine and a CD on the way.

Pierce Aaron (guitar), Mason Edmonds (vocals), Mike Mazzoli (drums), Joe Fiedorczyk (guitar) and Shaun O'Neill (bass), said they have worked incredibly hard to be where they are today, despite each member having different schedules and priorities.

Aaron said that being featured in AP magazine is something he still can't comprehend.

"I woke up one morning to a voicemail from one of the big-wigs asking if they could use a song to be a demo on the online version [of AP]," Aaron said. "I didn't see this coming. We didn't reach out to them. I'm not sure how it happened, but I love it. I don't think any

of us thought it could get to this point when we first started out."

Mazzoli said the idea of starting a band came shortly after he moved to Boardman from New York in 2006.

"I lived a few streets down from Pierce, and we became fast friends," Mazzoli said. "He knew I played drums, and from that he decided to pick up the guitar. We just kind of played by ourselves for a while, and then wanted to take it a little bit further."

Edmonds said that becoming part of They Promised Escape wasn't necessarily part of his plans, but he is grateful that things played out the way they did.

"I had never talked to Pierce before," he said. "He just sat next to me in class once and asked if I could sing. I said, 'Maybe, I guess I'll try.' Fast forward a few years later and look where we are. I never could have pictured it being this big."

Aaron agrees that the for-

mation of They Promised Escape was a little different than the traditional way bands usually meet.

"I don't know why I got the vibe that Mason could sing, but I did," he said. "A few years later, Joe and Shaun came along on their own will, and that was when the band we have now was formed."

Since 2008, They Promised Escape has had an unexpected climb to the top of the local music scene.

O'Neill said that the success the band has had is an added perk.

"These guys are like my brothers, and we all love making music," he said. "We got together because we have a passion for music. It's an added bonus to go on tour and see people singing back the lyrics."

Edmonds said that the fans just add to this fantastic experience.

"When we go on tour and see the same people come to multiple shows, or to see the



fans singing back the words we wrote ... that's awesome," Edmonds said. "It's like, they feel what I feel when I sing. They know it. They sing it back. It's unreal."

The members agree, it's difficult to keep the band going with different school and

work schedules, but seeing the progress they have made as a group, they said it is well worth the effort.

"We love what we do. We all want to do this," Edmonds said. "No matter how hard it is to find time, we will find time."



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Celtic Thunder
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Covelli Centre

Open Mic
9 p.m., Tuesday
Up A Creek Tavern

Ultimate Karaoke
10 p.m., Tuesday
Utopia
21 and over

Wednesday

Two-buck Blowout
5:30 p.m., Wednesday
Skate Zone
\$2-\$10

DJ Dr. Jive
7 p.m., Wednesday
Kuzman's

Simply Ed Karaoke
10 p.m., Wednesday
Los Gallos - Struthers

SWEETEST DAY CONTEST



Sweetest Day is right around the corner and The Jambar is holding a contest! Send us a picture of you and your significant other saying why you are the cutest couple and why you deserve to win! Post a picture on our Facebook page or tweet us @TheJambar using the #SweetJambar. Three winning couples will be announced and will each receive a \$25 Ambiance gift card!

* Entries limited to YSU students only. Contest ends Friday, October 18, 2013. The Jambar Staff will select three winning couples. Please keep photos appropriate. Gift cards provided by Ambiance: The Store for Lovers, Boardman, OH location.



EDITORIAL

Get your holidays straight

EDITORIAL STAFF
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It's the most magical time of the year. The time when we gather 'round family and friends and enjoy each other's company. The time of year when the world seems a little more peaceful as it's blanketed in a white coat of frozen bliss. When we buy gifts for the ones that mean the most to us and reflect on the year that was. And that time of year is... Mid-October?

That's right, folks. Christmas is right around the corner, a measly two-and-a-half months away. Well, it is ac-

ording to department stores. It isn't a widespread pandemic quite yet, but some stores in the area are already loading up on Santas and stockings.

Is this really how important Christmas has gotten? We've already done away with Thanksgiving as anything more than a plethora of football games filled with commercials that "kick off" the Christmas season. And apparently Halloween is next in line to have its sanctity taken away.

We get it. There isn't a whole lot that can be marketed to Thanksgiving. Beyond food, what will huge store chains sell us that is Thanksgiving related? Does anyone decorate specifically for

Thanksgiving? They decorate for autumn in general, but for Thanksgiving alone there isn't much that can be done. It's sort of the marquis holiday for autumn.

But Halloween ... Halloween has so much going for it — costumes for kids and adults alike, candy for trick-or-treaters and pre-Halloween binging, skeleton decorations for making lawns scary or friendly pranks. It's all there, every marketing ploy and every product that can be Halloween-themed. So why destroy another holiday?

As with war, even one death is one too many. We've already lost Thanksgiving to the greed of Christmas. We

need to make sure no more innocent holidays are lost. If we let Halloween fall, what's next?

Where do we draw the line for Christmas' aggression that is, quite frankly, unwarranted? We say that line is Halloween, and even that's a line too far we think, and we will not yield our position.

So let's keep Christmas where it belongs: in its own little marshmallow world where treetops glisten and children listen, where Rudolph with his nose so bright guides Santa's sleigh on Christmas night and where Christmas paraphernalia isn't sold in mid-October.

LETTER — to the — EDITOR

Reality Check

Have we forgotten where we came from? Have we forgotten what the American dream is?

The current political events have raised questions that nobody seems to have answers to around campus. Researching the subject and talking to peers has allowed me to realize something I've never thought about before.

In fact, we have forgotten and our culture is changing with it. Whether it's good or bad isn't the point. The fact is we've evolved into new creatures once again.

Our standard of living along with technology has become the new opiate of the masses. Welcome to the 21st century.

Sorry, conservatives, Democrats aren't crazy or possessed by the devil; they are simply representing their constituents. They are doing their jobs.

The American dream and culture has transformed dramatically since 9/11 from the "land of the free" to the "land of the comfortable." Our government has provided us with the means to become ignorant about what's actually going on around us nationally and internationally, and to simply enjoy everyday life of pop culture, trending topics and any other type of multimedia you can access from your pocket.

It's the world we live in, the world we created and the world the majority wants.

It's hard for older generations to swallow that fact, but the details of this current economic crisis reveal the truth. Students are disinterested about what's going on because we have become individualized in nature.

We don't stand for much anymore or maybe this is a better way to explain it: Younger people don't care. "If it feels good, do it," or YOLO (you only live once) is truly generation Y's motto.

This article isn't supposed to determine whether or not this new transformation is good or bad, but to bring light to the truth that our culture has truly changed. Throughout our nation's history, the personality of the United States and its laws has transformed and bent given the time period.

Isn't that the beauty of our country and the Constitution? It's a living document allowing laws to develop over time and the current direction America is taking is legal under the Constitution, according to the Supreme Court, so this is it.

We are going to become a nation of individuals living in a society without majorities. In theory, a perfect balance between ethical, racial and religious differences.

So America isn't what it used to be; I get that. But the question is how far is too far, or better yet, when or should we start tightening up the reins? If we truly follow the path laid before us by our founding fathers, we are ruining their perfect democratic religious tolerant, but most Christian-based society.

Fact is, our history is opposite of what we stand for today. The flag today represents our overall safety and heighten level of comfortableness which is very much different from how it was perceived at the blood-soaked grass of Yorktown or the beaches at Normandy.

How could we make the connection between past and present when they are complete opposites of each other?

President Obama's advertising slogan for change was nothing but the truth. We are truly changing.

Nathaniel Whaley
YSU-Marketing Student

Whose tattoo is it anyway?

KAL RAUSTIALA & CHRISTOPHER SPRIGMAN
Los Angeles Times
(MCT)

Who owns a tattoo? The obvious answer is the wearer, who paid for the ink and is now permanently (more or less) attached to it. Yet recent disputes have called into question the easy idea that if you buy a tattoo, you also own it and can display it as you like. Tattoo artists are increasingly claiming that they, like other artists, own the copyright to the images they create. And when those images, attached to living people, appear on the silver screen — or a computer monitor — the artists want to get paid.

Late last year, for example, Stephen Allen, a tattoo artist, sued video game maker Electronic Arts and former Miami Dolphins running back Ricky Williams over a tattoo Allen put on Williams' bicep. The tattoo appeared on the cover of EA's "NFL Street" video game. Allen claimed that the reproduction and display of the tattoo violated his copyright.

That case was dismissed in April at the request of the plaintiff, but because so many NFL players have tattoos, it got the attention of the NFL Players Association. NFLPA officials began advising players to get copyright waivers from their tattoo artists. George Atallah, an NFLPA official, told Bloomberg Businessweek that the union recently cautioned its players: We know you love your tattoo artists, but regardless of whether you trust them, regardless of whether there are legal merits to the lawsuits that we've seen, just protect yourself.

Allen's was not the first lawsuit. Others include a 2011 case brought by tattoo artist Victor Whitmill against Warner Bros. The suit was filed just weeks before the release of the hit film "The Hangover: Part II." In the film, comedian Ed Helms wakes up with a copy of boxer Mike Tyson's famous Maori-inspired facial tattoo. Whitmill claimed that Warner Bros. owed him for re-creating the Tyson tattoo. The case was settled for an undisclosed sum.

At one level, the idea that one person owns an integral part of another person's body seems hard to fathom. But as tattoos move ever more into the mainstream — more than one-third of Americans younger than 40 now have one — the issue is hardly as arcane as it may first appear.

Yet there's little doubt that tattoos are copyrightable under American law. In our intellectual property system, all that's required is that they be minimally creative, "fixed in a tangible medium of expression" (which simply means written down in some way) and persist for more than a "transitory duration." Given how hard tattoos are to remove, and that ink on skin is little different than ink on paper, tattoos

clearly fit the bill.

But if there's little doubt that tattoo artists are entitled to copyright, it is far from clear what rights that should give them over their creations. Ordinarily, copyright owners have the exclusive right to authorize public displays of their work. This means that an artist can, for example, sell a painting to a collector, but for the artwork to appear in a film, the artist must either approve or have explicitly sold that right to the collector.

In the case of a tattoo, does that mean that the tattoo artist copyright owner has the right to order his client to stay indoors — or off the movie set? Surely not. That would be a denial of the client's personal freedom, and no court would or should allow it. But short of that, how much control should copyright law give a tattoo artist over the person whose skin bears the artist's work?

The best way to answer that question is for courts to establish a rule for what lawyers call an "implied license." This would mean that, in the absence of a written contract providing otherwise, the tattoo artist waives any right to control public display or commercialization of the tattoo as it appears on the client's body. Such a rule is fair for two reasons.

First, tattoos are the only form of art that is indelibly fixed on a human body. To give a tattoo artist control over how the tattoo may appear in a film or other work inevitably means giving that artist some control over the body that bears it. Copyright law was never meant to give anyone control over someone's freedom to move about in public, to have their picture taken or to commercialize their likeness.

Second, the law should reflect what both inker and inked reasonably expect when the tattoo is purchased. Copyright disputes over tattoos will almost always involve celebrities. When a tattoo artist works on a public figure, whether an athlete or actor, he knows that his art will be going public as well. And of course the artist is free to demand a higher price for a tattoo that will get wide notice. There's no guarantee, of course, that the artist will get it or even ask for it — having a tattoo displayed prominently on a popular athlete's or movie star's body is a great career-builder.

But the point is that when a tattoo artist works on a celebrity, everyone expects that the tattoo will be displayed publicly, and that the celebrity may profit from images that include the tattoo. The artist and his client can certainly agree otherwise in a written contract.

Absent such an explicit agreement, the legal rule should align with what everyone expects: that people with tattoos will move around, appear in public and maybe star in a video game. Copyright law should not provide a way for tattoo artists to restrain the freedom of their clients.



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JAMBAR-POLICY

Since being founded by Burke Lyden in 1931, The Jambar has won nine Associated Collegiate Press honors. The Jambar is published twice weekly during the fall and spring semesters and weekly during the first summer session. Mail subscriptions are \$25 per academic year. The first copy of The Jambar is free. Additional copies of The Jambar are \$1 each.

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The editorial board that writes Our Side editorials consists of the editor-in-chief, the managing editor, the copy editor and the news editor. These opinion pieces are written separately from news articles. They draw on the opinions of the entire writing staff and do not reflect the opinions of any individual staff member. The Jambar's business manager and non-writing staff do not contribute to editorials, and the adviser does not have final approval.

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A 3 COURSE MEAL

Men's basketball gets ready to make debut

JOE CATULLO JR.
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The Youngstown State University men's basketball team sparked the community by reaching the CollegeInsider.com Tournament (CIT) last year, the school's first postseason tournament appearance since the 1981-82 season.

Everybody on the roster loved the taste of postseason action and enjoyed every step of the way. The Penguins defeated Oakland University in the first round before falling to Canisius College in the second round.

Through all the excitement, the records broken, the game-winning shots and the fans packing the Beeghly Center, last season was only an appetizer. The main dish is a Horizon League Championship.

"I think [senior Kendrick Perry] put it well throughout the course of this fall — the CIT was nice, and it was a great community thing, but it's not our goal," head coach Jerry Slocum said. "He reminded this group probably about five or six times since summer time."

If the Penguins want a shot at taking a bite from the main meal, they'll have to do so without the program's all-time blocks and 3-point field goals record holders in Damian Eargle and Blake Allen, respectively.

Eargle led the conference with 3.2 blocks per game and third with 6.6 rebounds per game.

"We're not going to lead the country in blocked shots, so we better be better defensively than we've ever been because we don't have a guy back there to bail us out," Slocum said.

Sophomore Bobby Hain will be one of those guys replacing the void. Hain appeared in 33 games last year and started four times. He averaged 6.2 points and 3.4 rebounds per contest.

Hain is not as lengthy as Eargle, but he can beat opponents with his 235-lb. frame. Senior Kamren Belin said the Penguins are helping Hain become stronger and bigger.

On offense, YSU looks to overcome the absence of Allen, who holds the program's career 3-point record with 232.

"I think there's going to be situations offensively that we're not going to shoot as many threes," Slocum said. "We had a guy last year that led the league or was at least top of the league in 3-point shooting. But I think we've got guys that are capable of making shots."

Although the Penguins may not shoot as many 3-pointers as last year, Belin will take advantage of every opportunity he can. Belin, a 2012-13 Horizon League All-Newcomer member, made 57 3-pointers last year.

"I told Blake that I'm going for the record, so that should be enough said right there," Belin said laughing.

Overall, the Penguins made 245 3-pointers and averaged 7.2 per game last season. That's 735 of the team's 2,426 points scored overall (30.3 percent).

"We know that we can score. We're very confident in our offensive abilities, but at the end of the day, we're going to need to lock peo-



ple down in order to win games," Perry said.

The roster features four freshmen and two sophomores, which is 42.9 percent of the team. An early non-conference schedule could help the youngsters prepare for conference play beginning on Jan. 2. The matchups include contests with the University of Pittsburgh, Kent State University and the University of Massachusetts.

"We have to grow, and how do you grow? It's challenging your group," Slocum said. "Those are the kind of things that grow you up. We need to throw those guys in the fire and get them battle tested, but January's coming. If that's not going to get us tough right off the bat, nothing's going to."

YSU's first HL game is at the University of Wisconsin-Milwaukee on Jan. 2. Then the Penguins stay on the road for contests against the University of Wisconsin-Green Bay and the University of Illinois at Chicago before four straight home games.

Valparaiso University won the regular season crown a year ago while also reaching the NCAA Tournament. This year's favorite is Wright State University.

"I think Wright State deserves the number one choice," Slocum said. "I think Wright State is clearly the favorite this year. I think Green Bay is good. I would put us in there also at the top. I think Cleveland State's got some guys back and had some transfers, but when I handed in my ballot, I picked Wright State at the No. 1 spot."

Another challenge in the HL is facing the new team in Oakland. The Golden Grizzlies replace Loyola University Chicago. The Penguins defeated Oakland, 99-87, on March 19 in the first round of the CIT.

"I think the Horizon League is as balanced as it's ever been," Slocum said. "You get the last three or four years' perennial worst team out of the league, and you bring in a team that has been to the NCAA tournament in Oakland that is very, very talented."

"I think it's going to be a dogfight. Who plays best in February gets the chance to win it, and that'll be our goal."

Anything can happen from the beginning of the season to the end. The Penguins will have to slowly ease their way through the menu and

make sure to choose exactly what they want, something that will make them full and put a smile across their faces.

This year's appetizer will be participating in the conference championship game. With a Horizon League Championship will come the NCAA Tournament, or better known as March Madness. That can be the complimentary desert.

"I think it's going to be a tougher team than my past years here, and that just goes to our motto," Perry said. "We started this year with a motto 'no toughness, no championship.' I think with myself and the 13 guys, we're going to have a very tough attitude and a more team-defense focus."

• • Five for Five

Junior guard DJ Cole



It has been 902 days since the Youngstown State University men's basketball team signed junior guard DJ Cole on April 27, 2011.

"DJ is one of the best defensive players that I've seen in a long time, and he can change the game at both the defensive and offensive ends of the floor," head coach Jerry Slocum said at the time on ysusports.com.

With the 2013-14 season one month away, Cole is looked upon as a leader along with the four seniors. Cole appeared in all 34 games last year, starting 17 of them and averaging 6.9 points, 2.8 rebounds and 3.4 assists per game. He ranked ninth in the Horizon League in assists per game and was second on the team with 115 overall.



Obviously, you lose Blake Allen at 3-point shooting. Coach mentioned that maybe you'll be less of a 3-point shooting team this year. Can you just talk about that and what exactly does that mean? Are you going to go more in the perimeter and more in the paint?



Like coach said, we lost a great shooter with Blake — the school leader in threes — but we feel like now we have more range. We will get more layups, but at the same time, we have shooters outside of the perimeter that can knock down shots. Probably not knock them down as good or as consistently as Blake, but we can still knock down shots and get to the hole at the same time.



I think more towards the second half of last season is when you started to start in the lineup, and you established yourself to stay there. With Blake gone now, do you think you have to take more of a leadership role, especially now because you are a junior?



I feel like I'm on the last two years of my career here, so yes, I have to step up and be more of a leader. I can always lean on my teammates because they help me, and they pick me up when I'm down, as well — as much as I pick them up.



Talk about some of the new incoming freshmen and maybe some of the freshmen that turned into sophomores. What do you see out of them? Is there anybody special that sticks out in your mind?



We're excited about all the freshmen coming in. Marcus [Keene], coming in as a back-up point, he's going to be a great, fast point guard. He'll come in the game [and] pick the energy up. He can also shoot the ball very well. Jalon [Plummer], he's probably one of the best freshman shooters I've seen here. He's a great shooter. And then Kyle [Steward], he can bounce outside or bounce inside. He can knock down a jumper or two. And then our redshirt freshman, Ronnye [Beamon], he comes in, and he's a great defender. He can just come in and put pressure on the other team.



What did you personally work on in the offseason that was lost or was not as strong going into this season, whether it's shooting, defense or anything like that?



I'd say the main two things I worked on was shooting, having a more consistent shot and finishing when I get to the hole. I feel like I can get to the hole, but I have to finish when I'm there, too.



What's the progression of Bobby Hain been like? I know last year that Coach was saying that maybe his defense was slacking, but with a freshman he's going to learn that. How does Bobby look in practice so far?



Bobby, he's doing really well actually. He's hitting the boards more. We're talking to him everyday, telling him to get lower. I know he's tall, and it's hard for him to get low, but we talk to him everyday and having him get lower to the ground, making him box out because he's going to be guarding the biggest men on the floor. He's going to have to be able to take on that challenge. I feel like he'll be ready.

“I THINK IT'S GOING TO BE A DOGFIGHT.”

-Jerry Slocum

YSU head basketball coach