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## Conservative/Liberal Face Off



With an all-important presidential election drawing near, Gavel columnists explore both sides of a Supreme issue.

OPINION, PAGE 9

## Unlocking the Vote

Ohio is one of the few states that allows former felons to vote. Should felony disenfranchisement be abolished? The Gavel examines efforts being made in the area and around the country.

LAW, PAGE 3



## The Invisible Invader

Spyware programs enter computers as unsolicited guests, causing delays and allowing "Big Brother" to monitor your every move.

OPINION, PAGE 7



# THE GAVEL

VOLUME 53, ISSUE 2 NOVEMBER 2004

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Election fever reaches a new high

By Christopher Friedenberg  
STAFF WRITER

C-M has not been immune to "election fever" this year. In the weeks preceding Election Day 2004, partisan-minded law students, Democrats and Republicans, have both formed active student organizations.

On Oct. 14, the Democrats and Republicans both held their first public meetings in room 244. The Cleveland Marshall Law Republicans (CMLR) held their meeting at noon with the Democratic Law Organization (D-LO) meeting occurring immediately thereafter.

Politics aside, the clubs often expressed more similarities than differences. Leaders of the organizations both rallied their audiences to become active in the campaigns, including getting out to vote, serving on phone banks, going door-to-door and working as poll watchers.

Kearston Buchanan, president  
See **GROUPS**, page 2

# A gift beyond measure

Iris S. Wolstein gives largest donation in C-M history in honor of her late husband



The Gavel pays tribute to Bert L. Wolstein, '53

C-M alum, the late Bert L. Wolstein, a man of humble beginnings became one of the top

developers and philanthropists in the country.

Turn to page 2 for more.

By Eric W. Doeh  
MANAGING/NEWS EDITOR

On Oct. 27, Cleveland-Marshall College of Law received the largest gift in the school's 108 year history. Iris S. Wolstein, in memory of her late husband Bert Wolstein, the real estate developer and philanthropist, gifted C-M with \$5 million to support the law building upgrade project and a \$1.25 million challenge-pledge to support the creation of a scholarship fund.

The \$1.25 million endowment fund is the single largest endowment in the history of C-M. Mrs. Wolstein said she would match, dollar for dollar, up to a maximum of \$1.25 million in additional contributions made to the fund.

"The gift is from Bert," said Mrs. Wolstein. She went on to say, "I learned from Bert how to give and how to share."

Steinglass thanked Mrs. Wolstein for her generosity and said

that the gift will be used to provide new space for the legal writing and clinical programs, upgrade classrooms and improve the space that houses student organizations. Steinglass also said the Bert and Iris S. Wolstein Endowed Scholarship Fund "will remind our students that they hold the keys to their own success."

Cleveland State University President Michael Schwartz said the gift will allow C-M to upgrade the law building and offer scholarships to academically strong but financially challenged students.

"The community needs bright young and ambitious people," said Scott Wolstein, son of the Wolsteins. Wolstein said his father always spoke fondly of C-M and credited part of his success to C-M.

Mrs. Wolstein also acknowledged that her husband always said that C-M was "a catalyst to his success as an entrepreneur."



## C-M's July 2004 Bar Results

Overall: 66%  
First Time: 75%  
Repeat Takers: 37%

In the state of Ohio, 73 percent of overall test takers received passing scores while 82 percent of first time takers received passing scores.

The Ohio State University scored the overall highest pass rate at 90 percent and the highest first time pass rate at 91 percent. Case Western Reserve University's overall pass rate was 80 percent with an 85 percent first time pass rate.

Ranking below C-M were Capital University and Ohio Northern University, with overall passage rates of 59 and 63 percent, respectively.

## No pencils, no pens, just the keys

By Jason Smith  
CO-EDITOR-IN-CHIEF

The Fall 2004 semester will be the first time students will have the option of taking final exams on a large-scale basis.

Over the past three years, an "Exams of PC" pilot project was conducted by C-M to determine the feasibility of such an option. Based upon the success of the pilot program, both in terms of computer reliability and student and faculty satisfaction, the faculty approved an expansion of the laptop option, allowing students to use their personal laptop computers if the professor agreed to offer the option for specific courses.

If a student does not own a laptop, the law school does have a limited supply of 20 laptops available to students. However, if the number of students who request the use of school owned computers exceed the number available, the

laptops will be distributed through a random process. According to David Genzen, assistant director for academic technology, for this semester's final exam period, 69 students requested the use of law school-owned laptops, and all students who requested a law school-owned laptop will be covered, said Genzen.

Brian Ambrosia, 3L, who plans on using his laptop on various exams, said that laptop users have a distinct advantage for several reasons, including: (1) typing is generally faster than writing, allowing computer users to get their answers written quicker; (2) the ability to edit, insert, and move text within the word processing program; and (3) the answers will be more legible than their written counterparts. However, during the pilot program, professors noticed that, on the average, exams written on a computer did not score higher

than those written in a bluebook.

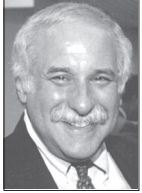
To ensure that laptop users have no other advantages over non-users, access to files or programs, such as email or instant messaging, will be restricted by a software package required of all students taking exams on laptops. This software, entitled "Exam4," acts as an "armored word processor" and is a no frills word processor; there is only one typeface and only basic editing functions exist. Furthermore, "Exam4" contains no spell-check function.

Furthermore, to ensure that the exam answers are protected, this software auto saves the material every ten seconds. When a student submits the answer, either by saving the answer on the wireless network or by turning in the answer on a floppy disk, "Exam4" is exited and the computer will operate normally with full access to all programs.

## Our kind of law student

By Steven H. Steinglass

As you all know, Wednesday, Oct. 27, was one of the most memorable days in our law school's history. On that day,



The Dean's Column

Iris S. Wolstein, widow of our 1953 graduate Bert L. Wolstein, announced a \$5 million gift for the renovation of the law school building and pledged a \$1.25 challenge grant for the Bert L. and Iris S. Scholarship Fund—the largest contribution to the law school in its 108-year-history and the university in its 40-year-history.

I thought you might like to know something about Bert L. Wolstein because he was our kind of student, the kind of student you can still find in your classes today.

Bert L. Wolstein, born Bertram L. Wolstein in 1927 and called "Bart" since childhood, was the son of emigrants from Eastern Europe who settled first in New York City and then permanently in Cleveland. His father, Joseph, was a cloth cutter; Sarah, his mother, held a variety of clerical jobs. Today we would call their family "the working poor." And on their behalf, their son worked throughout his boyhood and teenage years.

In grade school, he was a *Cleveland Press* paperboy and stocked shelves at his aunt's fruit market; in summer he pulled a wagon full of iced soda pop through the city to sell to construction workers.

As a teenager, he worked in drugstores, in a bakery and in his uncle's shoe store. And by the time he was 17, as his autobiography recalls, he was a "full-fledged working machine," earning money in a commercial display factory, as a disc jockey at local parties and as a hot dog vendor at the old Cleveland Stadium—a job this sports-loving man was later to describe as the "Cadillac of jobs for teenagers."

He enlisted in the U.S. Navy immediately following his graduation from Cleveland Heights High School and, for the next three years, served as a medical corpsman, primarily in the South Pacific.

When he was honorably discharged in 1946, he headed back to Cleveland—a First Class Petty Officer with new convictions about the course of a life in which failure was not an option.

In 1948, he married his teenage sweetheart, Iris Shur. Her father had emigrated to America from Lithuania, and she shared with Bart Wolstein not only the immigrant experience but also confidence that the American landscape was full of promise.

He attended the old Cleveland College (now part of CWRU) for two years, but his heart was not in it. When he

See DEAN, page 5

## Teach an older student new tricks

*The State has made it possible for seniors to take classes for free*

By Michael Luby

STAFF WRITER

*This is the first in a two part series examining the state-wide program which permits any person over the age of 60 to attend public universities tuition-free.*

Approximately 25 years ago, the Ohio Legislature enacted Ohio Revised Code Section 3345.27. Upon implementation, the legislature required all state universities to permit any person 60 years of age or older to attend school on a tuition-free basis.

Furthermore, it permitted the schools to make discretionary decisions regarding senior citizens, as needed, as to ensure a fair and balanced student body. Applying the statute, CSU created "Project 60," a program designed to encourage Ohio residents, aged 60 years or older and an Ohio resident for at least one year, to enroll in classes at CSU, on a tuition-free basis.

Specifically, Project 60 permits any qualifying student to attend classes at the main campus or either of the east or west satellite centers.

The program further gives students the right to obtain an official uni-

versity identification card granting use of the school library, computer labs, physical education facilities and the career services center. Moreover, the students become eligible for all the rights and

student must specifically obtain permission for any graduate or professional level, studio art or applied music classes.

If a class requires the use of books, lab fees or any other similar

applicant meets the general limitations, they are entitled to take any class offered by the university, including those of C-M and the graduate programs. Vincent said the classes may only be taken on an audit basis, however, and are not eligible for actual credit. Moreover, participation in each class is available on a space-available basis.

C-M Assistant Dean Jean Lifter said any student who seeks to enroll in a law class must obtain permission from the instructor prior to enrollment. She said that a lot of students are usually silent, but despite their enrollment status, they retain all the rights of any other student, including speaking to professors.

Currently, there are about 200 students participating in the program. Vincent said she believes there are numerous positive attributes about the program. These include the general public relations aspect, the varying perspectives the students give, diversity and an active way to keep seniors involved in the community. Moreover, she said that, although the students are not required, it is always a hope they will ultimately make some type of donation to the university.

John Orlando, 3L, said, "They don't bother me and I think it is good they are interested in keeping their minds sharp."

Melissa Greenwald, 3L, said, "I think it's an excellent opportunity for seniors but it does sometimes impede on other student's learning."



discounts guaranteed to a regular student.

In certain cases, there are limitations to Project 60 students' enrollments. Specifically, each

materials, the student is responsible for those items and fees.

According to Elaine Vincent, coordinator for the university outreach programs, so long as the

## GROUPS: Democratic and Republican groups form at C-M

Continued from page 1--

of the CMLR, said "I don't want Ohio to be the next Florida," expressing her concerns of voting irregularities to her audience of two dozen.

Keller Blackburn, president of the D-LO, also encouraged his gathering of three dozen C-M students to "actively work to ensure fair elections."

According to the officers of the respective organizations, the D-LO has 90 students on its mailing list, while the CMLR has 70 students on its mailing list. But, both groups seem to rely on a core group of

committed officers who are actively trying to get their message out. The D-LO hosted a social at Becky's on Oct. 21, 2004 that swayed the vote of at least one C-M student, Megan Hannproie. "They made me aware of issues I hadn't considered before," said Hannproie.

Michael Lazlo of the CMLR, who has a Bush/Cheney sticker adorning his laptop, put together a two page newsletter, entitled

"Yeah, That's Right," for distribution.

Beyond Election Day, leaders plan for their organizations to be active, relevant and as collegial as they are competitive. "We would like to work with D-LO in the future, providing a forum for discussion about the issues affecting the school, community and the world in which we live," said Buchanan.

"We are in discussions with the Republicans to co-sponsor panels and debates at C-M," said Blackburn.

According to both leaders, C-M Student

Public Interest Law Organization (SPILO) is also working with them on this project.

But there

have been some signs of difficulty. Several CMLR members alleges at least five instances of vandalism or theft of Republican endorsements in the form of stickers and signs affixed to individual students'

lockers in the law school, which they have characterized as a result of a "lack of maturity ... and ethical responsibility."

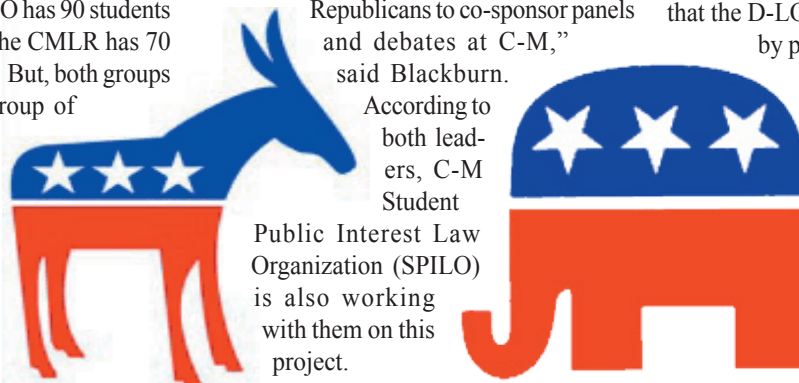
Blackburn, on hearing about the allegation, responded that "it's really sad if it happened."

Blackburn also said that flyers for the D-LO social had been taken down and that one of his Kerry/Edwards buttons was missing from his book-bag. "I like to think that the D-LO flyers and button were taken

by people who wanted to promote the Kerry campaign and not attempts at censorship," said Blackburn.

Buchanan, who identifies herself as "a Jewish, African-American woman," doesn't like how Republicans are stereotyped. A heated exchange with an "outspoken member of the Democratic Party was the

catalyst for forming the CMLR, in order to allow a place for a minority of students to feel comfortable voicing their beliefs and to let them know they were not the only ones in the law school," said Buchanan.



# Are there polls behind these bars?

By Paul Shipp

CONTRIBUTING WRITER

National polls have shown many people feel that felons should lose the right to vote as a part of their punishment. But others do not see any justification for a person to lose their right to vote forever, even after they have served their time. To date, no political party has touched the issue, even though it affects millions of Americans and possibly the upcoming election.

In Ohio, the only time a person loses the right to vote is while he or she is serving a felony sentence. As soon as their felony sentence is up, they can re-register and regain the right to vote. The Ohio Revised Code allows persons to vote who are on probation, parole or in jail serving a sentence for a misdemeanor or awaiting trial on any charge.

The same cannot be said in every state. Seven states disenfranchise felons completely. Thirty-five states do not allow felons to vote while they are on parole and 31 of those states prohibit felony probationers as well. Only two states, Maine and Vermont, allow felons to vote while incarcerated.

What is the impact of these laws? An estimated 4.7 million Americans, or one in forty-three adults, have been currently or permanently disenfranchised as a result of a felony conviction. The impact disproportionately affects minorities. About 1.4 million African American men, or 13 percent, are disenfranchised at a rate of seven times the national average. An es-

timated 676,730 women are also currently ineligible to vote.

One local group is working to educate the public about felony disenfranchisement

felony sentences.”

Wieser and “The Coalition,” along with an army of volunteers, spent the summer and fall going into the Cuyahoga County

the right to vote or don’t have access to the forms they need to vote.”

Wieser has worked to change all that. Her group has put up posters throughout the jail, informing inmates of their voting rights. Volunteers have also worked to help inmates register to vote and request absentee ballots so they can vote from jail this November.

As it turns out, Cuyahoga County is one of the leaders on this issue. Three years ago, Wieser began working with the Cuyahoga County Board of Elections and Warden Kevin McDonough to start the jail-based voter registration effort. At that time, the program was the first of its kind.

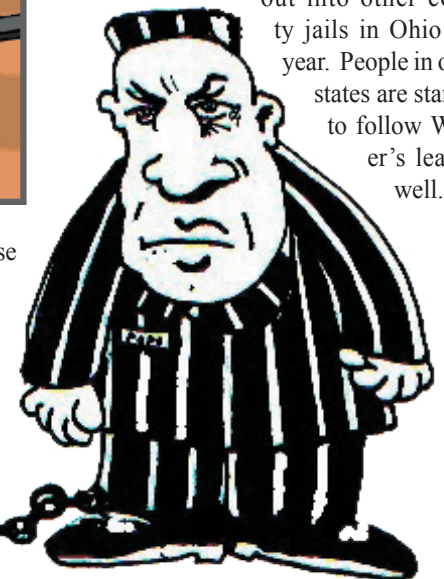
Due in part to greater publicity of the issue, Weiser’s group was able to branch out into other county jails in Ohio this year. People in other states are starting to follow Wieser’s lead as well.



and it’s impact. The Ohio Free The Vote Coalition, founded and run by a Cleveland non-profit, non-partisan group called “The Racial Fairness Project,” has been working around the clock this year to spread the word and register eligible voters in county jails. The group’s Executive Director, Molly Wieser, emphasized that there is a distinction between jail and prison, “Jail is where people wait for trial or serve a misdemeanor sentence. Prison is where people serve

Jail to educate inmates and to register those eligible to vote.

The Cuyahoga County Jail holds about 2,000 people and is nearly full on any given day. Wieser said that many are eligible voters. “There are hundreds of people here who by law have the right to vote, but don’t know they have



## A tribute to Bert L. Wolstein



they strongly consider attending the Cleveland-Marshall College of Law. It is a real treasure that we have right here in the city of Cleveland.”

✦ In 1965 Wolstein founded Developers Diversified Realty Corp.

for Cleveland sports was also apparent when he was a bidder for the Cleveland Browns expansion franchise after the team left Cleveland for Baltimore following the 1995 season.

✦ In 1997, Wolstein stepped down as chair for DDR and co-founded Heritage Development Co.

✦ In 2003, Wolstein donated \$25 million that established the

of Cleveland on the campus of Case Western Reserve University.

✦ Donated \$2.5 million to Case business school.

✦ Named among the 60 most generous donors by the Chronicle of Philanthropy.

✦ Received C-M’s Lifetime Achievement Award-Distinguished Alumni Award.

✦ May 17, 2004 Wolstein died. Besides his wife, Wolstein is survived by his son Scott, daughter Cheryl Fugus, six grandchildren and a sister.

✦ Bert Wolstein, born Bertram L. Wolstein in 1927, was a son of Jewish emigrants from Eastern Europe who settled in New York, then later moved to Cleveland.

✦ Wolstein started working at age 12 to help support his family.

✦ He had paper routes, took jobs at a fruit market and drugstores for \$2.00 a day.

✦ Sold hot dogs and sodas at Cleveland’s old League Park.

✦ Wolstein graduated from Cleveland Heights High School at age 16.

✦ He enlisted in the United States Navy immediately following graduation.

✦ Wolstein married his teenage sweetheart, Iris Shur in 1948.

✦ After returning home from the Navy, Wolstein studied accounting at Cleveland College of Western Reserve University.

✦ In 1953, Wolstein earned his J.D. from C-M while attending night school.

In regards to his attendance at C-M, Wolstein said, “I will never forget the four years that I attended night law school at Cleveland Marshall. To say the education has benefited me in my business throughout the years would be an understatement. The school provided me with tools that I have used every day of my business life, and because of that, I have recommended to young people that

✦ The company owns and operates 400 shopping centers in 44 states

✦ The company built Jack Nicklaus designed golf course communities including Glenmore Country Club in Canton, OH.

✦ Built the Renaissance office building on Euclid Avenue.

✦ In 1979, Wolstein brought the indoor soccer team Cleveland Force to Greater Cleveland.

✦ Wolstein’s affinity



## Reputation called into question

By Karin Mika

LEGAL WRITING PROFESSOR

*Q: On Orientation Night our class was told that we were some of the brightest students ever with great credentials. If that's true, then why do some of the 1L professors treat us as if we don't belong here, and why does the school emphasize that most should be prepared to get mostly "C's" as grades?*

*A: Maybe some of the professors treating you as if you don't belong here weren't here on Orientation Night to hear the speeches about how wonderful you are! Actually, I've always had a problem with the contradiction*

**Legal Writing** | between welcoming students with open arms and then telling them that they will likely get the worst grades of their lives as a matter of institutional policy.

I think we all have to be realistic that not everyone who is admitted has the capacity to successfully complete the curriculum and that some will not just excel at this type of stuff. However, I think that the speakers got it right on Orientation Night when they said that we've got some of the best and brightest here.

So if the class is filled with the best and the brightest, why are we talking "C's"? After all, imagine a Physics (or math type) class with Albert Einstein, Stephen Hawking, Galileo Galilei, Nicholas Copernicus, Robert Oppenheimer and maybe Carl Sagan. Under our system, three of those guys can expect to get C's no matter what, right? Well here, believe it or not, the idea of the grading guidelines is not really to prevent too many higher grades from being given, but to prevent too many lower grades from being given.

I guess I have no answer as to why "C's" are the standard, but I begrudgingly admit that the grading guidelines are necessary. One would think that in the most perfect of perfect worlds we would all look at something and agree whether it was good, bad or in-between. However, the reality of the matter is that some people look at things and see them mostly bad, while other people look at things and see them as mostly good. Translate these viewpoints to final exams and you kind of get the picture. It's only okay if you got the group of professors that thought all of the exams were great. If you got the other group, then you would be the first to sign a petition asking for some type of guidelines to be imposed.

So, the grading guidelines in and of themselves are a necessary evil in and of themselves, but the query raises other interesting questions. If the credentials of the student body keep going up, does that mean our "C" students of today are our "A" students of yesterday. If so, should we just chalk it up to "Life's not always fair?"

## Big victory for the little guy

*Housing advocates realize that hard work and perseverance is rewarded*

By Jennifer Hanes, Edward Kramer and Aaron Swedler

CONTRIBUTING WRITERS

*Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest wall of oppression and resistance.*

- Robert F. Kennedy

Public interest lawyers are motivated more by their conscience rather than their pocket books. A recent case litigated by the fair housing law clinic that is operated by The Housing Advocates, Inc. and C-M, is a good example of this litigation strategy.

The lawsuit involved two cases against tenants with mental disabilities. The first originated as a complaint in a forcible entry and detainer action against Willie Humphries, an individual diagnosed with paranoid schizophrenia residing in public housing.

The other case involved a tenant of the Cuyahoga Metropolitan Housing Authority (CMHA), Stephen Kaiser, who has been diagnosed with bipolar disorder.

In 1993, Prof. Edward Kramer, the clinic director, tried the original Humphries case before the Cleveland Municipal Housing Court.

The court found that: the CMHA failed to provide reasonable accommodations to Humphries to enable him to fully enjoy the premises prior to attempting to evict him; and the CMHA failed to provide training to CMHA's staff and security officers in dealing with mentally handicapped individuals, in violation of federal law.

After this successful defense in 1993, CMHA attempted to evict Humphries four more times. In none of these situations did CMHA follow the court's original order to provide for reasonable accommodations before filing the eviction action. The clinic attorneys and students successfully defended each of these evictions based on the Federal Rehabilitation Act of 1973, 29 U.S.C. Section 794 and 42 U.S.C. Section 3603(f) of the Federal Fair Housing Act. The clinic successfully argued that these statutes required CMHA to provide reasonable accommodations to its tenants with mental handicaps to permit them to enjoy the benefits of federally subsidized affordable housing.

The clinic also filed counterclaims

against CMHA to affirmatively challenge these violations. Kaiser became a client of the clinic in 1998 when CMHA threatened to evict him without providing any reasonable accommodations.

The clinic attorneys immediately filed a complaint under the same statutes preventing CMHA from filing a forcible entry and

lead counsel without the parties to try to settle the case. Witt proposed a settlement offer that CMHA found acceptable. In an unanticipated move, Judge Pianka called Humphries, Kaiser, the attorneys and students into his chambers to discuss the terms of the proposal. Also included was Dr. Joel Steinberg, Humphries's forensic psychiatrist



Top: (L to R) Judge Raymond Pianka, Willie Humphries and David Witt.



Left: (L to R) David Herman, Jennifer Hanes, Aaron Swedler, Megan Proie, Edward Kramer, Willie Humphries, Steven Kaiser, Jenna Metzger and David Oakley.

who was to be the first witness at trial.

Judge Pianka informed Humphries that if he agreed to the settlement he would be making history: the \$120,000 in damages and attorney fees paid by CMHA for wrongful attempted eviction would be a record settlement; and the written decision finding CMHA violating the law could be used by other tenants to protect their fair housing rights.

As part of the settlement agreement, Judge Pianka explained that Humphries would be allowed to discuss his experience with CMHA before a forum composed of various political and community members. After deliberating with Kramer and his clinicians, Humphries accepted CMHA's offer.

For the students, the end of this case led to the realization that fighting for a client's civil rights can be like a marathon race. In this case, endurance meant working 11 years with victims of housing discrimination, waiting around the Justice Center during prolonged hours of negotiations and ultimately getting a settlement only moments before opening statements.

Humphries and Kaiser won because they had skilled lawyers and committed clinic students advocating on their behalf. The law student interns learned that a lawyer can make a real difference.

As the quote from Bobbie Kennedy reminds us, no injustice is too little, and every victory brings us closer to a more just society.

detainer against Kaiser. This action was granted based on the Humphries decision.

After 11 and one half years, the clinic attorneys David Oakley, Lisa Gold-Scott, Edward Kramer and the fall semester clinic law student interns Jennifer Metzger, David Herman, Jennifer Hanes, Aaron Swedler and Megan Proie, prepared for trial on these counterclaims and complaint. The trial was scheduled for Sept. 12, 2004 before Judge Raymond Pianka, a graduate of C-M. This was a unique learning opportunity for the law students since most had never played a significant role in preparing for civil litigation.

From the moment the students stepped into the fair housing clinic, they were involved in the lawsuit. Kramer asked the students to organize exhibits, analyze reasonable attorney's fees case law, review pending motions and work on the various motions and trial briefs.

The students worked long hours and came to the clinic on their off days to meet the court's deadlines. When the landmark trial date arrived, the students were anxious and excited.

On Sept. 12, instead of proceeding with the long anticipated trial, Judge Pianka had David Witt, the court's alternative dispute resolution specialist, meet with only the

# “Make yourself at home” in the law library

By Tom Szendrey  
CONTRIBUTING WRITER

Occasionally, students complain about apparently homeless individuals in the library. While non-students, including homeless individuals, do have access to the library, according to Leslie Pardo, the circulation and faculty services librarian, “It hasn’t been something that isn’t very manageable.”

While that person may make a student uncomfortable, Pardo explained, “Just because someone appears to be homeless, it doesn’t mean we can ask them to leave.” In her 11 years as a library employee, Pardo has seen very few habitual problems.

Lt. Rock Cabot of the CSU Police Department stated that the most common problem with non-students is the “challenging patron,” who tries to monopolize the library staff. While this person may be an inconvenience to the staff, he or she is allowed to use the library.

According to C-M Prof. Michael Slinger, law library director, the law library is a United States Government Depository Library. Unlike the rest of the law building, the library must be open to all. Patrons must have a legitimate purpose, they must follow the code of conduct and they must obey legitimate instructions of the

library staff.

Joe (refused to give his last name) is a non-student who did not answer whether he was homeless. He said he likes coming to the library and tries not to bother the students. He was “looking up information about civil suits.” He has asked the librarians for help and appreciates being able to come into the library to do research.

Ian DeGalan, 4L, said he has noticed people that may be homeless in the library but has not “noticed that they have necessarily caused any trouble.”

Cabot said the CSU police

receives, at most, two to three calls to the library per month. Usually, the offending person is removed from the library.

If the situation warrants it, police may warn a person that they no longer have permission to use the library and that criminal trespass charges may be filed against them if they return. He cannot remember a situation that resulted in a library patron’s arrest.

Shadeed Rashid, who is not a law student, said he was recently doing research in the law library. He explained that he was looking for information on court cases,

because his ex-wife changed their daughter’s name without his permission. He could not afford to spend money on a lawyer, so he came to the library to research his options. He said he did not need help from the librarians, except for finding out where certain books were located.

According to Slinger, the librarians assist anyone that asks for help, with some limits. The librarian can help find materials, but may

not offer legal advice and cannot answer specific questions. Slinger emphasized that CSU is a public institution and wants to be a resource for the community. “The university wants to be open to the public.”

Cabot said, “Students should help us out as our eyes and ears.” If a student notices a person not using the library legitimately, the student should contact a library employee. Some examples of non-legitimate use include sleeping, eating and using materials inappropriately.

Damon Patton, 3L, said some law students assume that theft is done by the people that are in the library that look homeless. He said that he “doesn’t really have a problem with them in the library” as long as they are not disruptive.

Pardo explained that most thefts happen when things are left unattended. “People who leave stuff unattended are part of the problem.” She encouraged students to keep their property with them at all times.

The goal of the staff is to comply with federal regulations and help students achieve their goals. Pardo summed up that feeling: “I want this to be a nice place for students to come.”



## DEAN

Continued from page 2--

learned he could enter law school after only two-and-a-half years of college and that his service in the Navy could be counted as part of his education, he enrolled in the night school that was to become CSU’s C-M. The C-M Law School, as it was then called, became the door to opportunity for Bart Wolstein as it had been for generations of immigrants and their children since its founding in 1897.

In 1965, he founded his first realty company, Developers Diversified Realty Corp.. In 1997, Mr. Wolstein co-founded another commercial realty company, the Heritage Development Co.. At the time of his death, he was in negotiations to attract and fund a major league soccer team for Cleveland—a second chapter to a past love: the Cleveland Force, the indoor soccer team that he brought to Greater Cleveland in 1979 and closed nine years later.

The gift by Iris S. Wolstein will permit the law school to make significant improvements in the law building. Some of the funds will support architectural improvements such as the entrance to the building on the corner of East 18<sup>th</sup> Street and Euclid Avenue. Even more importantly, the gift will result in our strengthening our program of legal education by permitting us to renovate several classrooms, to create a “modern law office” for our legal clinics, to establish a legal writing and research center, to build a modern trial courtroom and to provide adequate space for our many student organizations.

The Bert L. and Iris S. Wolstein Scholarship Fund, when fully funded at \$2.5 million, will permit the law school to provide scholarships to academically promising and needy law students.

We look forward to the future in which the Wolstein vision for our law school will become reality and our classes will be filled with Wolstein Scholars. Their greatest gift to our law school, however, will always be the reminder that determination and hard work are the keys to success. That is the true Bart Wolstein legacy at C-M.

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or  
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# Join us.



# Exporting responsibility not a solution

By Eric W. Doeh

MANAGING/NEWS EDITOR

Conservatives often say that when it comes to the economy, the doctrine of laissez-faire must dictate. If this is true, perhaps it makes absolute no sense that a president should make such lofty promises as providing 2.6 million jobs or even vowing to stop outsourcing.

Textualists, some who even see themselves as conservatives, cannot dismiss the fact that the Preamble of the Constitution says certain duties of the government are non-delegable and cannot be left to the fate of the market. According to the Preamble:

*We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

As a seventh grader having to remember and recite these words—they were just that, mere words at the time. However, examining the text more closely, it is evident that a government, most especially the president, has a duty to set a tone and influence Congress to make fiscal policies that promote job growth, education and innovation.

This is not to suggest that the Federal Reserve and its king, Alan Greenspan, are mere pawns. But the American people look to the president for direction. The average American has no clue as to who Greenspan is.

Domestic tranquility is not only the responsibility to make sure that we are safe. It also involves creating an environment and setting strong fiscal policies in which it is possible for an individual to have the opportunity to obtain a job.

In order for government to promote the general welfare, government must be able to generate the maximum amount of tax dollars to fund social programs and build infrastructure. Hence, a government cannot have at its disposal a surplus of tax dollars when a significant number of its people is unemployed.

Additionally, it is impossible to secure the blessings of liberty to our posterity when government fails to provide for those in the present.

A colleague of mine asked whether it is the responsibility of the president to provide jobs.

The answer to this question is more complicated than it is simple. The president sets a tone that influences Congress to cut taxes and tariffs and eases the burdens of

regulation that cause investors to put up more capital, entrepreneurs to take more risks and consumers to spend more money.

However, when investor's confidence is down due to corporate fraud and scandals by the likes of Enron, Adelphia, Imclone, Global Crossing, Arthur Andersen, Tyco, Qwest and WorldCom, perhaps even the tone of the president is drowned by such piercing clamor of corporate irresponsibility.

Additionally, when a president endorses a policy that ensures job loss, it is evident that he has the power to influence the economy; perhaps here in a direction that is not beneficial to the American people.

Gregory Mankiw, chairman of the president's Council of Economic Advisors said the outsourcing of jobs by U.S. companies is something that is "probably a plus" for the economy in the long run.

America has lost 2.9 million private sector jobs since January 2001. Nearly every state in the nation, especially states in the Midwest, have lost manufacturing jobs. Since 2001, Ohio has lost 217,000 jobs, Michigan has lost

247,000 jobs and Pennsylvania has lost 81,000 jobs.

As Senate Democratic Leader Tom Daschle said, Mankiw's comment is "Alice in Wonderland economics."

Outsourcing is a threat to manufacturing and white collar jobs. Only a decade ago, writing computer code and software-application maintenance were considered complex and secure ways for aspiring Americans to make a living. Now, companies such as Microsoft and Netscape Communications have outsourced these jobs to India, China and even Ireland.

Sixty-one percent of Americans say they are concerned that they might lose a job because of outsourcing, according to a Gallup Poll.

The government is more willing to lend a helping hand to rescue businesses and industries than it is willing to invest within its people. In September 2001, the government provided a \$15 billion bailout of the airline industry. But the government has been unwilling to invest in education.

Lawrence Summers, president of Harvard University, said we can't place a variety of restrictions on where businesses choose to produce and not do enormous damage to the efficiency and effectiveness of our economy. Summers also acknowledged that people are going to lose jobs, but "we have to think about the needs of these people." Summers said, "I'm all for a dynamic global economy, but at the same time we have to look out for people here."

The reality is jobs are leaving the U.S. and there is nothing readily apparent to replace those exported jobs. Employees are being blindsided by companies in a hurry-up offense to move jobs. As it stands, companies are not required to disclose how many jobs are being shipped overseas, where they're going and why.

The helium-filled rhetoric that tax cuts will generate 2.6 million jobs in 2004 is just as silly as the half-baked notion that tax incentives to companies will create ten million jobs in four years.

The bottom line is a president is not going to stop outsourcing. In a progressive economy, change is inescapable. However, the president must take initiative to propose, influence and encourage Congress to take steps to adopt fiscal policies that strengthen the workforce through education and innovation.

## Turn off your cell phone

From childhood I was taught that a library is a place that requires people to be quiet. A library is a place to read, a place to concentrate, a place where we do not talk. We whisper, but at a bare minimum, if at all.

Apparently there are many students at this law school who were not taught these same rules, and apparently they were never taught about common respect for others either. Almost every day, I witness people having conversations like they are in their living room, not even attempting to whisper.

We are not talking about a "hey, how are you doing today." We are talking about five, ten, fifteen minutes of complete and utter disregard for others.

What is even more disturbing is that at least once a week some idiot will allow his or her cell phone to ring in the library. It

is always turned up to the loudest possible ringer volume, and it never rings just once.

It rings and rings, echoing through the library. Heads start popping up out of cubicles everywhere as to say where is this moron and what the hell could be so important as to disturb me in this place I came to for peace and quiet.

That ringing is enough lack of respect in and of itself. But every time, every single time, they answer it. These people then go on to have conversations, lengthy, loud conversations. Dirty looks start flying, and then you make eye contact with another student who is equally disgusted. You

are both thinking the same thing, you can tell, "shut up you stupid ..." I truly think these are the dumbest people on earth. These must be the same people that have normal conversations and use their cell phone when I am at the movies. I believe these people need to be removed from society until

someone teaches them how to behave properly in public.

Let's all try to remember that people go to the library to study, they go there for quiet. Let's also try and remember that we are adults, we are almost lawyers, real honest to goodness professionals.

Here are some new rules that I have drafted for the law school community: 1) If you want to use your cell phone, **stay out of the library**; 2) If you want to have a conversation with your friends, **stay out of the library**; 3) If you don't know how to behave in public, **stay out of the library**; and 4) When you come into the library, have some courtesy and turn off your cell phone.

I feel ridiculous even having to write this letter. I hope it strikes a nerve somewhere where it counts. Please, I am begging you – don't be an idiot. (If it is unclear – I'll simplify – NO TALKING IN THE LIBRARY AND NO CELL PHONES IN THE LIBRARY).

Peter Kirner, 2L



# Mail Pail



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# Spyware: the enemy within

There is a battle being waged as we speak. It is not the presidential race, and it is not the war in Iraq. This battle takes place behind closed doors and is ever so close to all that we hold dear. Spyware is upon us and is ravaging the virtual world like a hoard of killer ants on a fallen butterfly.

Whatever happened to spam and viruses? Nothing ... they are still out there wreaking havoc. But the new threat is spyware. Spyware dwells at the intersection of spam and viruses. Spyware is the annoying program that pops up advertising the elusive program that changes your homepage and the program that hijacks your web browser and sends you to a site that promises better endowment (and I am not talking about educational grants for the arts).

Spyware is one of the most menacing threats computer users face today. It is a tricky beast because it is not a virus and it runs without a noticeable trace, at least until you get enough of it on your computer. Spyware can cause your computer to "freeze," crash or just run slowly. It finds its way onto your computer in a variety of ways. Some programs are piggybacked onto other legitimate programs that one downloads (Kazaa for instance), some install when you open a web page and others install through email.

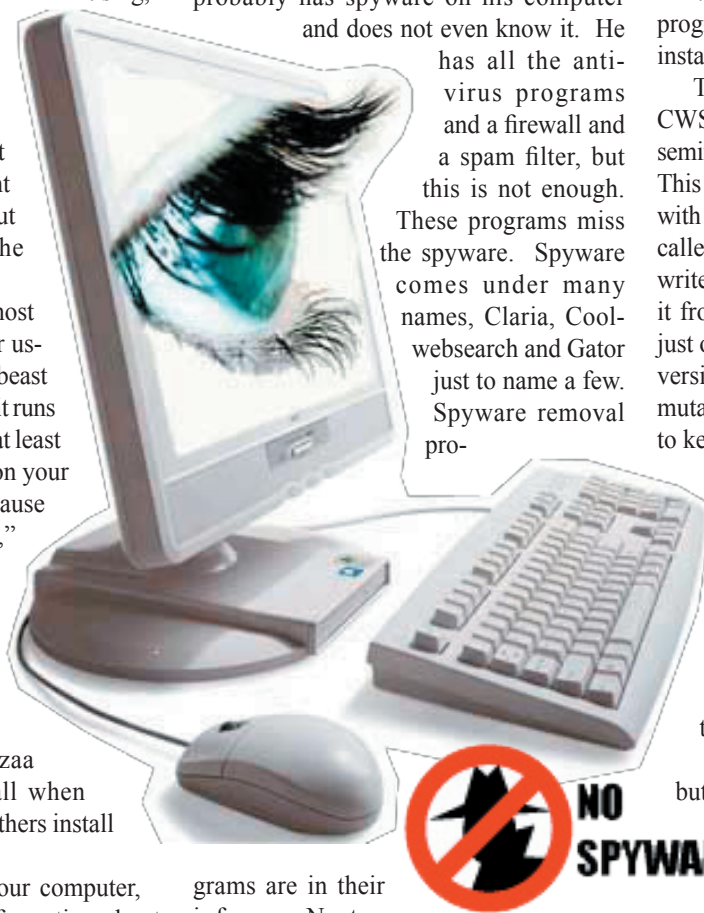
Once spyware is on your computer, it surreptitiously sends information about your computer habits back to the producer. Spyware can relay the configuration of your computer, any weaknesses it may have and your web surfing habits. In addition, spyware can monitor your mouse clicks and every key you press on your keyboard. Companies that make spyware sell your information for a pretty penny without your knowledge and without your consent. Our founding fathers would roll over in their graves if they knew of such a blatant invasion of privacy.

Spyware can make your life hell. It hijacks your browser and changes your computer settings, all while robbing your

computer of resources. Once you have the spyware, it is very difficult to get rid of it. Some spyware replicates itself throughout the registry making it very difficult to find and erase. Other programs replicate themselves and change their names while hiding themselves in legitimate programs. Then, when you delete the program it replicates itself under a new name. Some spyware even replicates into your computer's system restore creating yet another problem.

The computing public's average Joe probably has spyware on his computer and does not even know it. He

has all the anti-virus programs and a firewall and a spam filter, but this is not enough. These programs miss the spyware. Spyware comes under many names, Claria, Coolwebsearch and Gator just to name a few. Spyware removal pro-



grams are in their infancy. Norton, McAfee and several other large companies have launched their version of spyware detectors and removers but they do not catch everything.

Utah has attempted to pass legislation to prevent the use and dissemination of spyware and Congress has just passed a similar measure. One problem with this new legislation is that some people want spyware on their computer (for whatever insane reason) and programs that automatically detect and remove spyware might prevent "legitimate" companies from collecting valuable market data. You can see where the lawsuit ensues. But legislation prevent-

ing the use of spyware is mere lip service to the problem. Companies outside the U.S. are still free to disseminate spyware with impunity. Therefore, the individual computer user must take steps to prevent becoming a victim of spyware.

Free applications are available that will help one turn the tide in the battle against spyware. Adaware is a program that is free for individual users that scans your hard drive for known spyware and automatically removes it. Adaware is the gold standard right now for spyware detection and removal and is endorsed by many computer experts "in the know." Spyware Blaster is another free program that prevents known spyware from ever installing on your computer in the first place.

Two other programs are worth mentioning. CWSshredder is a free program designed and disseminated by a software designer known as Merjin. This designer saw that so many people were fed up with trying to manually remove a spyware program called CoolWebSearch (CWS) that he decided to write a program that would automatically remove it from your machine. Unfortunately, Merjin is just one man, and he has issued his latest and last version of CWSshredder stating that the speed of mutation of CWS has made it impossible for him to keep up. Still, CWSshredder is a useful tool.

Finally, I come to a program called Hijack This. Hijack This was created to give experts a universal tool that scans your registry and tells them where it has been changed. Hijack This creates a log that can be placed on several free troubleshooting websites where various people will help you figure out what is happening to your computer.

This program does not identify spyware, but it does identify all the areas that could be spyware based on the configuration of your registry. Thus, this program finds the good and the bad and with a little user research, it points to the problems.

Hijack This is a useful tool because it does not rely on a database of known spyware when scanning your system. Therefore, when spyware mutates, Hijack This can still catch it. Many of the above mentioned programs and other free downloads can be found at MajorGeeks.com.

The preceding is just the tip of the iceberg when it comes to spyware. Right now, the little guy is battling the corporate conglomerate that is spyware. Amazingly this battle has been raging unbeknownst to many. Do not allow spyware to stomp on your right to privacy. Get Adaware and run it. Look at what is going on with your computer, your rights, and your information; you will be surprised.

# Open Mike

## 3L sounds off on recent events

By Michael Luby

GAVEL COLUMNIST

Politics. That one staple in American society the people can always look to for support, retribution or, in the case of a presidential election, a reason to lie your ass off. How are these swift-boat vets still on television? Regardless of whether you like Kerry, hate him or like 65 percent of the population, don't care enough to vote, what gives these guys the right to attack a former soldier's service? Apparently that right is riding the Constitution bench waiting for its call up to the big show.



Michael Dutton Douglas. Who? I would have said the same thing up until a few weeks ago. A multitude of Internet blogs have noticed the Douglas name and allege Laura Bush, yes, the first lady, murdered Douglas, her alleged boyfriend at the time after blowing a stop sign. Although a variety of interesting theories of the event and Bush's motive have been raised by bloggers, Bush was neither charged with the killing nor with a traffic violation. Isn't LB on the moral tip? Oh wait, that only applies when you need the Christian Coalition's support.

In all seriousness though, I would like to send out a sincere thanks to the late Mr. Bert Wolstein, his wife and their entire family. Having spoken with Mr. Wolstein about a donation to C-M only a few weeks prior to his death, it sincerely means something that he thought of us in his passing.

I guess I had always envisioned the graduating class gave a damn about who gave the commencement speech but apparently most do not. Either way, my vote again goes to Jon Stewart. Come on, he was in "Half-Baked"!

Has anyone seen the snow out there? Well maybe not directly "out there" but Mammoth Mountain and nearby Colorado have already padded down as much as seven feet in some areas. Perhaps it's just an early season dump or perhaps an omen for the rest of the country. For the snow-freaks like me, we can only hope. For the rest of you, well all I can say is four hurricanes and St. Helens.

And finally. Oh my, the Red Sox won the World Series! Thank God! You know we wouldn't want the curse to eat at their fans any longer seeing as they have won the Superbowl two out of the last three years. Either way, besides Boston, I'm sure the rest of the world has already forgotten about it anyway, much like Texas did with LB's criminal indictment papers.

# Visions of torts and contracts dance in my head

The following is the second in a six-part series following a first year C-M student from orientation to spring exams.

It's amazing how all new things become old so quickly.

It's the beginning of November, and I'm already looking forward to the end of the semester. Check that - I'm already looking forward to the end of the year. Maybe it's just the stress of midterms finally catching up with me or the relative monotony of classes settling in, but the initial excitement of being in law school is long gone. Right now, just working an ordinary work-week and not feeling as if I'm being pulled in so many different directions seems so inviting, especially if I actually get to

interact with clients.

Of course, my view of midterms might be affected by the fact that I had three of them. At first, I thought that this was a really good thing - midterms would give me an opportunity to experience the infamous law school exams firsthand and force me to start on my class outlines. But after the past couple of weeks, I've definitely decided that midterms are something to be avoided if at all possible. Sure, actually taking some exams was helpful, but not compared to the tremendous amount of anxiety they caused and the huge amount of

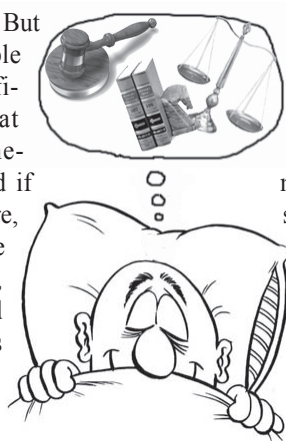
work I have to make up now.

One thing that really impressed me about midterms was how helpful everyone in my section became as midterms drew near; despite that fact that we're technically competing against each other for our grades. I was totally amazed with how freely people shared information. Maybe I shouldn't be so surprised considering how many smart people are in my section, but it's still always a good thing to find out that the people you're spending so much time with are actually nice.

That being said, I think that some peo-

ple are just obsessing about school way too much. Over the last couple of weeks, I've spoken with any number of people who claim to regularly have dreams (nightmares?) about classes. If you ask me, this is ridiculous. As if we didn't spend enough time actually at school. Couldn't we at least take a break from studying when we're unconscious?

I also find it amazingly ironic that one of the primary stated purposes of law school is to engender rational thought in future lawyers. I mean, after my experiences the last couple of weeks, I think that someone has to be at least a little unstable to voluntarily put himself or herself through all of this; and even moreso to pay for it!







*The Cleveland-Marshall  
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36th Annual

# Moot Court Night

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★  
 ★ Wednesday, November 3, 2004 ★  
 ★ 7:00 p.m. ★  
 ★ Moot Court Room ★  
 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

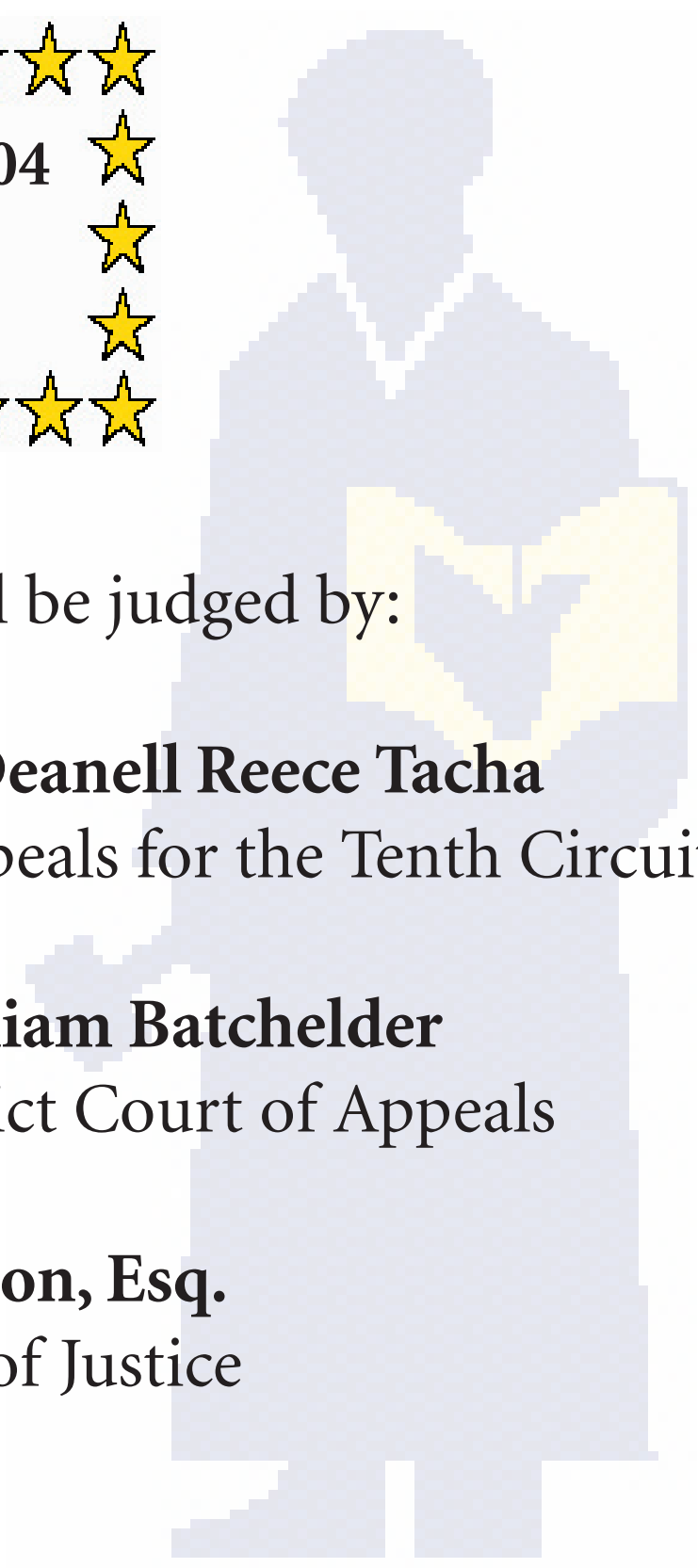
The arguments will be judged by:

**The Honorable Judge Deanell Reece Tacha**  
Chief Judge, U.S. Court of Appeals for the Tenth Circuit

**The Honorable William Batchelder**  
Judge, Ohio Ninth District Court of Appeals

**Benita Pearson, Esq.**  
Department of Justice

*A reception will follow the decision of the panel.*



# The face of a new Supreme Court

*The newly-elected president will have the authority to put America's future in the balance.*



*Question: With the presidential election soon to be decided, it is apparent that whoever is elected will have the opportunity to appoint at least one justice to the Supreme Court, if not two. With this in mind, the new appointee could tip the balance on the Supreme Court to either side. What impact do you think the justice appointed to the Supreme Court by your candidate will have on the nation, especially with regards to affirmative action, stem-cell research and women's rights?*



**By Monique McCarthy**

GAVEL COLUMNIST

Last year, at the Equal Justice Works Conference in Washington, D.C., I had the honor of visiting the United States Supreme Court. Being somewhat jaded and disillusioned by the study of law, especially constitutional law, I was unprepared for the overwhelming sense of awe that overcame me as I walked through the courtroom, the library and the hallowed halls where the supreme law of the land is decided. While Ohio, one of the all-important swing states in this presidential election, has been inundated with commercials about each candidate's stance on the war on terror, national security and other domestic issues, one topic has been conspicuously absent – that of the future of the Supreme Court.

It is no secret that the next president will have an opportunity to nominate at least two justices to the Supreme Court in the next four years. As most important constitutional issues in recent years have passed by the slimmest of margins, the tenuous balance that we have been able to achieve is now in jeopardy.

If George Bush wins the next election, his nominees to the Supreme Court will likely be the most conservative that he can get through Congress. One can only imagine what decisions would come from a court with two additional legal minds with ideologies similar to that of Antonin Scalia and Clarence Thomas. As major issues such as affirmative action, gay rights, stem cell research and abortion continue to be challenged in our court system, it will not be a surprise if the Supreme Court agrees to hear arguments on any of these issues. While we cannot predict the outcome based on a 'yet to be decided' Supreme Court, one need only look at President Bush's judicial nominees to determine what the outcome would likely be, if these issues will be heard.

Charles Pickering, nominated to the 5<sup>th</sup> Circuit Court of Appeals last year, was denied congressional confirmation, but was re-nominated this year, whose ultra conservative ideals shun abortion, Miranda rights and even interracial marriages.

Miguel Estrada, nominated to the influential District of Columbia Court of Appeals, whose Thomas-like approach in the confirmation hearings of failing to adequately respond to the Senate Judiciary Committee's questions led to his denial.

Carolyn Kuhl, nominated to the 9<sup>th</sup> Circuit Court of Appeals, vehemently opposes female reproductive rights, rights to privacy, environmental protections and civil rights.

William Pryor also opposes *Roe v. Wade*, the Violence Against Women Act, the Americans with Disabilities Act and sees gay pride parades as being morally dangerous to his daughters.

Even more alarming are those nominees that have been confirmed by the Senate, including Jeffrey Sutton and James Leon Holmes. Sutton, confirmed to our own 6<sup>th</sup> Circuit Court of Appeals, supports restricting anti-discrimination laws against minorities, women and even the disabled. Holmes, confirmed to the Federal District Court in Eastern Arkansas, advocates that a woman's role is "to place herself under the authority of the man" and who compares abortion rights supporters to Nazis. Others, such as Bret Kavanaugh, Jay Bybee, Timothy Tymkovich and Claude Allen have also been able to overcome the much-needed yet seemingly more ineffective Democratic filibusters.

If President Bush wins a second term in office, these extremely conservative nominations will most certainly continue. Unless the Democratic Party offers more than just a token opposition, they will continue to be confirmed. If the balance of the Supreme Court tips to the right, I am certain that some of the rights and privileges that we have so long taken for granted will continue to be eroded. We must make an effort to be an informed electorate so that the rights that our forefathers fought and died for will not become a mere memory. If all else fails, we can always move to Canada.

## Conservative rebuttal... Liberal rebuttal...

Wow, what demagoguery.

Instead of having an honest, intellectual debate about potential nominations, it's just scare, scare, scare with one-line, misinformed statements. The article reads like a stump speech for moveon.org and George Soros, not a debate to an informed law school body.

Example: she suggests Holmes is unfit because of his statement that "a woman's role is 'to place herself under the authority of the man.'" His comment is taken out of context and was made in interpreting Ephesians 5:24 in an article co-authored with his wife discussing the writings of the Apostle St. Paul. Read Ephesians 5:22-33, which equally talks about the man loving his wife as his own body. To suggest that his statement would lead to stifling women is not only disingenuous, but also closed-minded of others' religious beliefs.

But closed-minded is the way of the liberal. The fact each nominee mentioned has some principled argument for supporting what he or she does is irrelevant, and they are branded either a racist, chauvinist, right-wing religious nut, homophobe or the devil himself. And if Kerry wins, I'm going to stay in America and fight another day. That's what Americans do.



**By Steve Latkovic**

GAVEL COLUMNIST

The most important issue this election. No, not the War on Terrorism. It's the Supreme Court.

Let me begin by saying I think Bush would get through people like O'Connor and Kennedy, not a Scalia. One is kind of conservative and the other is kind of liberal. Kerry, on the other hand, will get through another Ginsburg. Why the difference? Honestly, the Democrats play the scare-card better, and the Republicans won't insist on a real filibuster.

The Republicans probably won't gain enough seats to overcome a filibuster but will retain control of the Senate. Thus, what needs to happen is the Republicans need to dispense with the postpone-

the-vote crap and make the Democrats have a good-old, read-the-phone-book filibuster on the Senate floor. I mean, Sen. Ted Kennedy could eventually read my name and address on C-SPAN.

So let's analyze the issues:

Federalism: I love federalism, and I think it's much more important to our country than other social issues, but often ignored. I think cases like *Lopez* and *Morrison*, and their progeny, are much more pertinent even if most people (and all you first years) have no idea what they actually stand for.

I'm a big 10th-11th Amendment, states's rights guy, as should be the Supreme Court. Unfortunately, to quote a recent San Francisco Chronicle article, "[t]he dissenters, from the Court's more liberal bloc, have made it clear that they would not hesitate to undo those rulings if a change in the court's membership gave them a majority."

So, if Bush has the opportunity to nominate, my hope is that a good federalist will be pushed through. If Kerry is nominating, let's just say that *Wickard v. Filburn*, the famous wheat-farmer case, would probably be a little restrictive for his justices.

Abortion: To dispense quickly with this, I don't think *Roe v. Wade* is going to be overturned any time soon. I believe this case will not be overturned even if Bush is nominating, regardless of the scare tactics of the ultra-pro-choice-abortion-at-any-cost groups like Planned Parenthood (remember the "I had an abortion" t-shirt? How proud women must be).

Bush says he won't have a litmus test for abortion. That's too bad. Kerry says he won't either, but then says he won't nominate anyone that would overturn *Roe v. Wade*. Wait, isn't that a "litmus test?" Well, he says that he only wants constitutional rights upheld, and thus there is no litmus test. Way to split that hair, Sen. Kerry.

The important issue here is upholding the partial-birth abortion ban. Similar bills have already been struck down at the state level and changing the Court can ensure the federal law will be upheld. Also important is upholding the Unborn Victims of Violence Act, which neither Kerry nor Sen. John Edwards voted for, and it's tough to believe a nominee by them would support it either.

Gay Marriage: Big issue. I think this will make it to the Court. First, there will be no federal amendment. Second, there will be no Massachusetts amendment (even if there were, there's going to be lawsuits about the gay marriages happening right now). Thus, some gay couples will move from Massachusetts to Ohio and sue the pants off the state to recognize the marriage. Kerry says he does not support gay marriage, but would his nominees? I'm betting yes.

Race: This is coming back as affirmative action and/or desegregation. Cases like *Grutter* and *Gratz* will play out and hopefully get much needed clarification. There was a First Circuit decision on Oct. 20 that restricted the use of race in shifting students around in a Massachusetts school district. Hopefully, cases like this are upheld and Kerry nominees won't do that.

My opponent's vision of the Supreme Court under a second Bush term is certainly much more optimistic than mine. Unlike him, I fear that *Roe v. Wade* will likely be challenged in the next few years, which will endanger a woman's right, not to have an abortion, but to make choices concerning her body and her future.

Furthermore, as more and more states continue to push for their own version of the Defense of Marriage Act such as Ohio's Issue 1, which not only bans gay marriages but stands the possibility of limiting non-traditional couples' abilities to enter into certain domestic relations arrangements, I wonder who will protect the minority from the majority.

Unlike my worthy opponent, I fear that the Senate Judiciary Committee and the Senate will become so incapacitated with trying to defeat the more obvious ultra-conservative judges that the more discreet ultra-conservative judges such as Clarence Thomas just might make confirmation.

However, like my worthy opponent, I acknowledge that at this stage, we can only assume what will happen. Despite the inherent dangers of making assumptions, I can only imagine that the next four years will be interesting indeed.



## Spotlight on the student

### Katrina Kenyon



Prior to attending law school, Katrina Kenyon was a masseuse for the "American Gladiators." Katrina, along with an acquaintance, wanted a job located somewhere other than a typical spa. The two tracked down the producers of "American Gladiators" and presented them with the idea of on-site sports massage therapists. The producers were excited about the idea and allowed Katrina and her acquaintance to spearhead the program.

The studio, Studio City, was located in southern California, a two-hour drive for Katrina, who lived uptown. A typical work day for Katrina began at 8:00 a.m. and ended around 7:00 or 8:00 p.m.

Katrina gave the gladiators pre-event massages and post-event massages in a large holding area in the back of the studio. Occasionally, she would give relaxation massages or help the gladiators stretch or work out a headache.

Katrina said the gladiators "were intelligent, hard-working, funny people." They were a great group of people to work with, said Katrina, "they were gracious to us and appreci-

ated the work we did." Katrina added that despite their unique appearance and skills, many of the gladiators had families and lead generally normal lives outside of work. She also said that many celebrities would drop by the studio "because even the famous people were fascinated by the gladiators."

Katrina worked with the gladiators for several months, the time it took to film one season. She said her favorite part about the experience was that "at 20 years old I discovered what is real on television and what isn't. My perception of the world was adjusted when I saw the real people before make-up and lighting and found that they were no different than regular people, with the exception that their job is more outrageous."

Public interest is what made Katrina decide to attend law school. Before her employment with American Gladiators, Katrina's focus was politics and policy. "I care very much about why the law is what it is and what it takes to create a good law that matches a quality policy goal," said Katrina. She added that instead of complaining about a problem and expecting others to solve it, she prefers to find a solution herself. "Law school is where I learn how to do the work," she said.

## Unmasking the Phantom

By Eric Doeh and Amanda Paar

CO-EDITORS

It seems unfortunate that sometimes people who have been ridiculed, taunted, teased and even stripped of their dignity, somehow find it acceptable to do the same to others when they themselves acquire power.

Take for example "The Phantom of the Opera." The Phantom is a man who dwells in the catacombs beneath the Grand Paris Opera House because he has a physical deformity which has left over half of his face maimed and disfigured.

If one looks past his contorted face, however, he or she finds a remarkable opera singer and teacher and a person with genuine feelings and emotions, not a monster.

It is hard, though, for many people to see past the distorted face. After years of facing a world of cruelty, the Phantom is driven underground. There, in a world of darkness and solitude, the Phantom becomes master of his own domain.

The Phantom gains power over the people in the opera house by masking his personality as either the "Opera Ghost" or the "Angel of Music." As the Opera Ghost, he terrorizes the managers and actors, demands a salary and requires that a specific box, Box 5, be left vacant for him to watch all of the operas in solitude.

As the "Angel of Music,"

he seduces Christine Daae with his powerful voice and becomes her "tutor" in hopes that she will eventually see the man behind the mask and love him for who he is. If she does not grow to love him, the Phantom intends to make her "pay" by becoming his bride.

Consumed by his thirst for power, the Phantom believes that he can gain Christine's love through manipulation and fear. While this tutor-student relationship works out for a while, the Phantom's

have been "clued in" when Christine made arrangements to go away with Raoul, her long lost childhood sweetheart.

The Phantom should have been "clued in" when Christine's enjoyment of the music lessons turned into apprehension and fear. Perhaps the Phantom is so engulfed by his desire to dominate that he is blinded to the obvious—that an unreciprocated love is nothing more than an obsession.

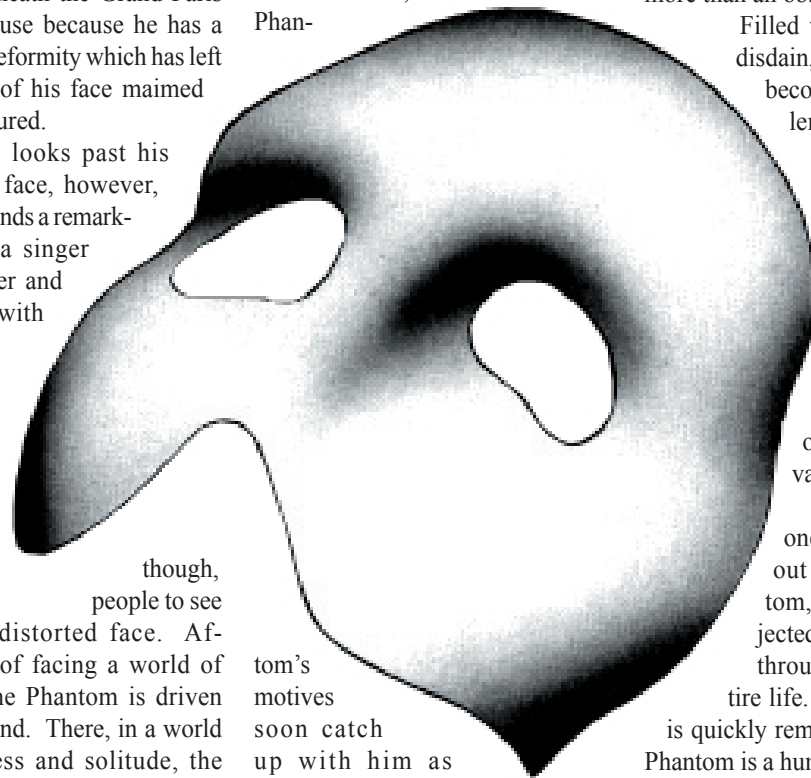
Filled with rage and disdain, the Phantom becomes more violent and irrational. He stops at nothing, even murder, in order to possess his bride.

As a member of the audience, one's emotions vacillate.

At times one's heart goes out to the Phantom, who was rejected by everyone throughout his entire life. But then one is quickly reminded that the Phantom is a human being, not a monster.

He is willing to use his power to control, manipulate and intimidate. This becomes the same *motif operandi* as that of his oppressors.

In the end, the Phantom is not a phantom or a ghost; he is a replica of human emotions. These emotions can become destructive if one allows them to cloud his or her judgment and define who he or she is.



tom's motives soon catch up with him as Christine realizes that the Phantom is seeking more than she is willing to give. The Phantom's love for Christine is unrequited. As a result, he believes that by scaring and intimidating Christine and everyone in the opera house he will attain her love by force and gain control of the opera house.

The Phantom should have been "clued in" when Christine takes off his mask and is horrified by his grotesque face. The Phantom should

Due to the failure of The Gavel editors and its editorial staff to come to a consensus as to which candidate the paper ought to endorse, we have decided to let the student body decide. Introducing, the candidates . . .

**President:**  
Nick DeSantis

**V.P. Programming:**  
Henry S. Geha III  
Stephanie Mercado  
Michelle Hyndman

**V.P. Budgeting:**  
Terry Billups  
Mike Laszlo

**Treasurer:**  
Damon Patton



These special elections will be held Nov. 3 and 4 in the cafeteria area of the student lounge.



# Strange but true . . . no monkey business

Women aren't allowed to wear patent leather shoes in Cleveland, Ohio, because a man might see the reflection of something "he oughtn't."

In Bay Village, Ohio, it is illegal to walk a cow down Lake Road.

In Oxford, Ohio, it's illegal for a woman to strip off her clothes while standing in front of a man's picture.

In Akron, Ohio, no person shall solicit sex from another of the same gender if it offends the second person.

A gentleman can be incarcerated for 1 to 10 years in an Arizona or Washington, D.C., prison for causing his wife to be a prostitute.

A United States federal law prohibits any person from appearing as a contestant in more than one game show a year.

It is illegal for any member of the Nevada legislature to conduct official business wearing a penis costume while the legislature is in session.

In Trout Creek, Utah, pharmacists may not sell gunpowder to cure headaches.

In Cali, Columbia, a woman may have sex only with her husband, and the first time this happens, her mother must be in

the room to witness the act.

In Chico, California, detonating a nuclear

In Egypt, a couple can legally divorce by writing, "I divorce you, I divorce you, I divorce you."



device within the city limits results in a \$500 fine.

The penalty for pleasuring oneself in Indonesia is decapitation.

moose out of a moving airplane.

In Connorsville, Wisconsin, it is illegal for a man to shoot off a gun when his female partner has

an orgasm.

In Tombstone, Arizona, it is illegal for men and women over the age of 18 to have less than one missing tooth visible when smiling.

In the state of Washington, there is a law against having sex with a virgin under any circumstances.

In Oblong, Illinois, it is against the law to make love while hunting or fishing on your wedding day.

If you are a single, divorced or widowed woman, you cannot parachute on Sunday afternoons in Florida.

In South Bend, Indiana, it is illegal to make a monkey smoke a cigarette.

In Memphis, Tennessee, it is illegal for a woman to drive a car unless there is a man either running or walking in front of it waving a red flag to warn approaching motorists and pedestrians.

In Maryland, it is illegal to sell condoms from vending machines, with one exception: Prophylactics may be dispensed from a vending machine only "in places where alcoholic beverages are sold for consumption of the premises."

In Kentucky, "No female shall appear in a bathing suit on any highway within this state unless she be escorted by at least two officers or unless she be armed with a club."

In Washington, D.C., the only acceptable sexual position is the missionary position; any other sexual position is illegal.

In Alaska, it is considered an offense to push a live



## In the neighborhood (and a little beyond)

**By Marie Rehmar**  
CONTRIBUTING WRITER

Obviously class preparation and papers are everyone's highest priority, but when a diversion is needed or when looking ahead toward break time, "The City Is Our Campus" is more than a phrase. Here are just a few suggestions, and the prices may be just right! Go with a friend, or not, or let a family member experience something new!

### Playhouse Square Center

\* The second largest performing arts center in the nation, beautifully restored, and just a block west on Euclid Ave.

\* Free 2-hour tours, generally the first weekend of each month, from the State Theatre lobby 10:00 am to 11:30 am. See [www.playhousesquare.com](http://www.playhousesquare.com).

\* Triple Espresso "A highly caffeinated comedy" opened 9/28 at the Hanna.

\* Find out about theatre discounts for CSU students at the Student-Life site [www.csuohio.edu/student-life/activities/theatre.html](http://www.csuohio.edu/student-life/activities/theatre.html).

\* Ctix - sometimes has same-day discount tickets, and other Cleveland info. It's the glass building at Star Plaza, E.

14th where Huron and Euclid Ave. meet. See [www.travelcleveland.com/Leisure/Travelers/Visitor\\_Services/discounts.asp](http://www.travelcleveland.com/Leisure/Travelers/Visitor_Services/discounts.asp).

### Tower City Cinemas

\* Movie discounts for CSU students. [www.csuohio.edu/student-life/activities/movies.html](http://www.csuohio.edu/student-life/activities/movies.html).

### Rock and Roll Hall of Fame and Museum

\* [www.rockhall.com](http://www.rockhall.com)  
\* East 9th at Lake Erie, 10 am – 5:30 pm daily (Wed. – 9 pm), closed Thanksgiving. (216) 515-1228

\* Don't miss the exquisite "Reflections: The Mary Wilson Supreme Legacy Collection," featuring nearly 25 sets of the Supremes' stage costumes. (through Dec.)

\* College ID gets \$2 off adult \$20 admission.

### CSU Basketball at the Convocation Center

\* <http://csuvikings.collegesports.com> for all of your CS sports information.

\* Men's Basketball Nov. home games:

Sat. 11/20 Hillsdale 5:30 pm  
Sat. 11/27 Norfolk State 1 pm  
Thurs. 12/2 Clarion 7 pm

\* Women's Basketball Nov.

Home Games:

Fri. 11/19 Virginia 7 pm

Tues. 11/23 Dayton 7 pm

\* Your CSU Student/Faculty/

Staff ID gets you in free.

### CSU Art Gallery

\* 16th People's Art Show, Nov. 5th – Dec. 10th.

\* Unjuried, uncensored, celebrating creativity, diversity, and imagination

\* Show hours: Mon – Fri 10 am – 5 pm, Sat. 12 – 4 pm, closed Thanksgiving and Fri. 11/26.

### Museum of Contemporary Art Cleveland

\* Free museum admission by showing your CSU student ID and signing in at the door.

\* "The Teacher and the Student: Charles Rosenthal and Ilya Kabakov"

\* Tues. – Sun. 11 am – 6 pm (Thurs. – 8 pm) [www.mocacleveland.org](http://www.mocacleveland.org).

### Cleveland Museum of Natural History

\* 1 Wade Oval Drive, [www.cmnh.org](http://www.cmnh.org).

\* New: Yangtze Remembered: The River Beneath the Lake (through Jan. 2)

\* Mon. – Sat. 10 am to 5 pm (Wed. – 10 pm), Sun. 12 to 5 pm, closed Thanksgiving

### Cleveland Botanical Garden

\* 11030 East Blvd., [www.cb-garden.org](http://www.cb-garden.org).

\* Open daily 10 am – 5 pm,

closed Thanksgiving. (216) 721-1600

### Cleveland Museum of Art

\* Free. (Fee for parking and some major exhibitions.)

\* [www.clevelandart.org](http://www.clevelandart.org).

\* Tues., Thurs., Sat., Sun. 10 am – 5 pm; Wed. & Fri 10 am – 9 pm; Closed Mondays & Thanksgiving.

\* In case of interest - the Spencer Tunick Cleveland nudes photograph is in gallery 102 through mid-December.

### The Cleveland Play House

\* E. 86th & Euclid Ave.

\* "Enchanted April," Drury Theatre, Nov. 2 – 28 (216) 795-7000

\* CSU Student/Faculty Discount

Tues. – Thurs. & all matinees. No Fri. or Sat. evenings.

\* Based on availability and tickets must be

purchased in person at the Cleveland Play House Ticket Office.

\* Students receive one \$6 ticket per production and must present their CSU ID for the current semester.

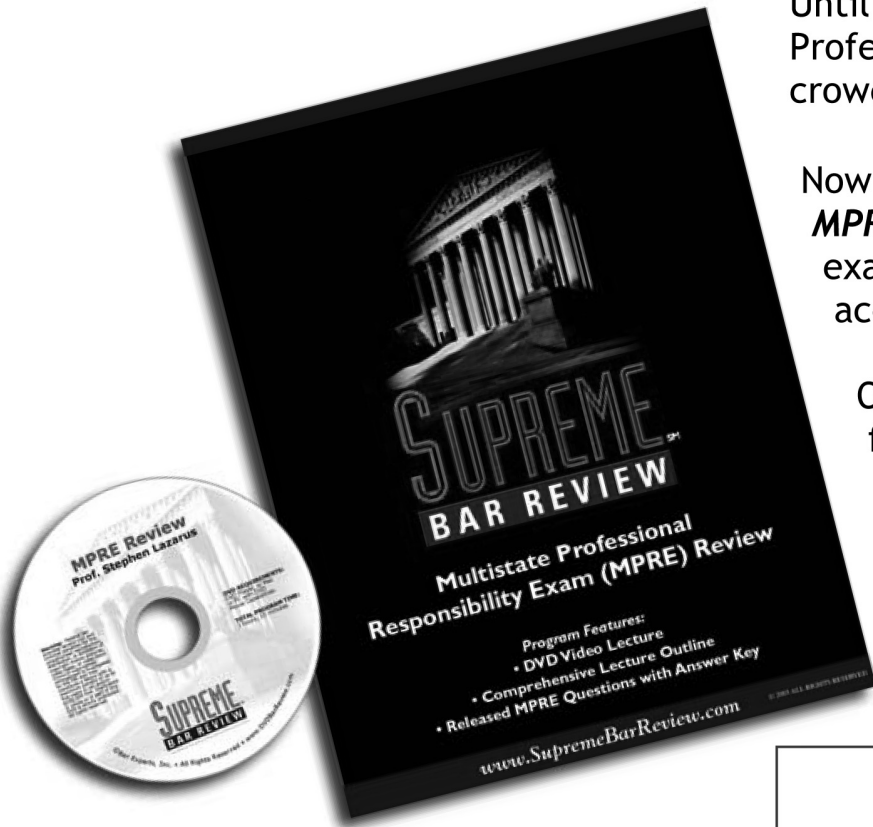
\* Faculty members receive one 1/2 price ticket per production and must present their CSU Faculty ID. Name, address, phone number of each ID is needed.

\* And don't forget, if you are a full-time student, your RTA U-Pass from the CSU VikingCard Office.



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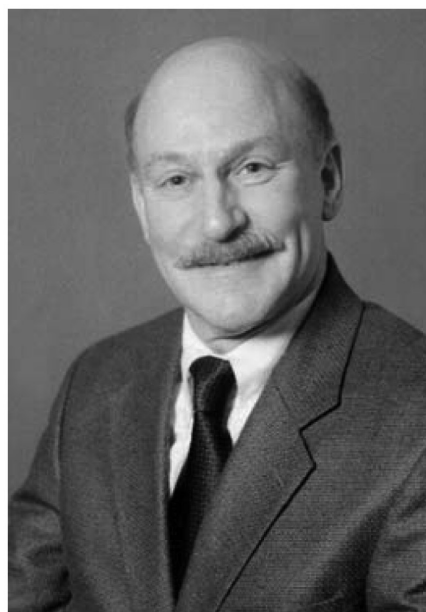
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