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**A gift beyond measure**

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

*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 $5.5 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 “cheered” C-M, and said, “It is totally his success as an entrepreneur.”

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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.

**Unlocking the Vote**

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

**The Invisible Invader**

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

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**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 Democrat 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.

Kerston Buchanan, president See GROUPS, page 2

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**C-M’s July 2004 Bar Results**

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 Dave 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 Ambrosio, 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.

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**The Gavel pays tribute to Bert L. Wolstein, ʻ53**

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.

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**THE GAVEL**

VOLUME 33, ISSUE 2

NOVEMBER 2004

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW
Our kind of law student

By Steven H. Steinlass

As you all know, last Monday, Oct. 27, was one of the most memorable days in our law school’s history. On that day, 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 million 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 of their merchandise 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-dressed 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 immediately following his graduation always wanted to try.

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. After his discharge 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 her love for the Cleveland Browns. Together, they had a son, Michael, who would eventually become the university’s first Dean.

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GROUPS: Democratic and Republican groups form at C-M

Continued from page 1--

The Students for the Democratic Party is also working with them on this Project.

But there have been some signs of difficulty. Several CMLR members alleged 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.”

Just two days after that, however, both groups were ready to let them know they were not the only ones.

By Michael Luby

The student body of the law school has been active in supporting the Republican party for some time. The Ohio Republican Student Organization (ORSO), for example, has been working on this issue for some time. The organization’s goal is to increase the number of Republican voters on campus and to elect more Republicans to office. The organization works closely with the Cleveland-McCain campaign, and has assisted in the election of many Republican candidates in the Cleveland area.

The organization’s members believe that the Republican party is the only party that can be trusted to protect the interests of students and homeowners. They believe that the Democratic party is too interested in the interests of special interest groups, and that the Republican party is better able to protect the interests of all students and homeowners.

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Zoologists 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 seven states prohibit felony probations 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 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 estimated 676,730 women are also currently ineligible to vote.

One local group is working to educate the public about felony disenfranchisement and its 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 time for a misdemeanor or awaiting trial on any charge.

Prison is where people serve felony sentences.”

Wieser and “The Coalition,” along with an army of volunteers, spent the summer and fall going into the Cuyahoga County 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 have the right to vote, but don’t know they have 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, Wieser’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.
Big victory for the little guy

Housing advocates realize that hard work and perseverance is rewarded

By Jennifer Hanes, Edward Kramer and Aaron Swedler

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), 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 Humphries decision.

As part of the settlement agreement, 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.

For the students, the end of this case led them to evict residents without legal training or experience. The students learned that a lawyer can make a real difference.

The students 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 a settlement meeting. The court’s alternative dispute resolution specialist, meet with only the 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 proposed settlement. Also included was Dr. Joel Steinberg, Humphries’s forensic psychiatrist who was to be the first witness at trial.

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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 clinic, 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 a marathon. 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 clients 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.
"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.

Li. Rock Cabot of the CSU Police Department stated that the most common problem with non-students is the “challanging 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.

Shaded 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.

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Come to our next staff meeting on either

Monday, November 8 at 4:00 p.m.

or

Tuesday, November 9 at 4:15 p.m.

Join us.
**Exporting responsibility not a solution**

By Eric W. Doehl
MANAGING/NEWS EDITOR

Conservatives often say that when it comes to the economy, the doctrine of laissez-faire must dictate. If this is true, it perhaps 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, they were something that I felt I had to remember and recite these words at the time. I felt I had to remember and recite these words for an individual to have the opportunity to obtain a job. In order for government to promote the common 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 Advisers 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 manufactur ing and white collar jobs. Only a decade ago, writing putter code and software maintenance were considered complex and secure ways for aspiring computer scientists to make a living. Now, companies such as Microsoft and Network 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 pro duce 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 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 blinded 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 are going and why. The helmet-filled rhetoric that tax cuts will create 2.6 million jobs in 2004 is just as silly as the half-baked notion that tax incen tives will create companies to compete with 247,000 jobs in four years. The bottom line is a president is not going to stop outsourcing. In a progressive economy, change is inexevitable. 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 an adult is there we do not talk. 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 actually 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. I feel ridiculous even having to write this out. We are talking about five, ten, fifteen minutes of complete and utter disregard for others. If you want to make eye contact with another student who is equally disgusted. You are both thinking the same thing, you can tell, “shut up and stay behind the books …” I try this with 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 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 and stay behind the books …” I try this with 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. 2) If you want to have conversations 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 writing 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 I am not ‘80s – I will simplify – NO TALKING IN THE LIBRARY AND NO CELL PHONES IN THE LIBRARY). Peter Kürner, 2L.
There is a battle waging as we speak. It is not a war of steel, nor is it 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 rapidly spreading in the virtual world like a horde of killer ants on a fallen butterfly. Whatever happened to spam and viruses? Spyware is the annoying program that keeps on adver- tising, the elusive program that changes your homepage and the program that hijacks your web browser and sends you to a site that promises better endurance (and usually educational grants for the arts).

Spyware is one of the most menacing threats computer users face today. It is a tricky beast that finds its way onto your computer, any weaknesses it may have. Once spyware is on your computer, it is very difficult to rid of. Some spyware replicates itself throughout the registry making it very difficult to find and erase. Other programs replicate them- selves 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, CWShredder just to name a few. Spyware removal programs do not work. Therefore, when spyware mutates, 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.

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The Cleveland-Marshall Moot Court Team Presents the
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 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 newly appointed justice to the Supreme Court to either support or impede the balance 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

The face of a new Supreme Court

Conservative 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 movement on the federal stage, 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.’” Her comment is taken out of context and was made in an article discussing the role of women in society, not a debate to an informed law school body.

By Steve Latkovic

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

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’Conner and Kennedy, but not 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 postone-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.

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So, if Bush has the opportunity to appoint three judges, my hope is that a good federalist will be pushed through. If Kerry is nominating, let’s just say that this isn’t a “litmus test?” Well, he says that he only wants constitutional rights upheld, and 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 the 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 use the pats off the state to recognize the marriage. Kerry says he doesn’t support gay marriage, but would his nominee? 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.

By Steve Latkovic

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 clarified 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 of what the majority will do. If Kerry is nominating, let’s just say that this isn’t a “litmus test?” Well, he says that he only wants constitutional rights upheld, and there is no litmus test. Way to split that hair, Sen. Kerry.

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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.

Public interest is what made Katrina decide to attend law school. Before her employment with Americans Gladiators, Katrina’s focus was spearheading 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 give relaxation massages or post-event massages in a large tors pre-event massages and disfigured.

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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 prison for causing his wife to be a prostitute.

The penalty for pleasuring oneself in Indonesia is decapitation.

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

In Maryland, it is illegal to seduce 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 moose out of a moving airplane.

Legislation

In the neighborhood (and a little beyond)

By Marie Rehmar

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
By free 3-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.

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.

Clix - 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.

Tower City Cinemas

Rock and Roll Hall of Fame and Museum

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. 11/17 Norfolk State 1 pm
Thurs. 11/22 Clarion 7 pm

Women’s Basketball Nov. Home Games:
Fri. 11/19 Virginia 7 pm
Mon. 11/21 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.

Cleveland Museum of Natural History
1 Wade Oval Drive, 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.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,
Tues., Thurs., Sat., Sun. 10 am – 5 pm; Wed. & Fri 10 am – 9 pm; Closed Mondays & Thanksgiving.

In case of interest - the Spen- ter Turck Cleveland noodles pho- tograph is in gallery 102 through mid-December.

The Cleveland Play House
E. 86th & Euclid Ave.
“Enchanted April,” Drary Theatre.

In Oblong, Illinois, it is against the law 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.

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In the case of interest - the Spen- ter Turck Cleveland noodles pho-
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