High Court Reconsiders *Roe v. Wade*

*Back to the mat!*
Editor's note

On March 1, 1989 the Honor Code Committee of Cleveland-Marshall distributed the proposed procedures to be followed when a violation of the proposed Honor Code Rules occurs. It was a noble gesture, but a futile effort. The procedures are simple enough. The rules are the difficulty.

The preface to the rules states, “the Honor Code establishes clear rules for any students who are unsure of what conduct is proper and what is outside the bounds of propriety for the law school community.” This statement itself should be a violation of the rules.

The rules do not paint a clear picture for those in the community. In fact, the third sentence of the Rules contradicts the preface by stating, “the specific examples are not intended to be exhaustive statements of the limits of the rule; they are meant to be descriptive of the purpose and intent of the rule.” The law student is left to determine the clear purpose and intent.

One of the simple examples given as a violation is; “Copying or retaining any examination questions except as expressly authorized by the instructor.” Does this mean when an instructor allows students to keep an exam it must be put into a secret file and never shown to another student, or can it be assumed that the student is authorized by the professor to do with the exam as he wishes? This seems like a clear rule of the proper conduct for anyone who is still unsure.

Another of the rules states, “an authorization by an instructor for students to discuss an assignment with others, shall not by itself be deemed to be authorization to prepare the written work jointly.” Does this mean students can talk but cannot remember any of the words they used? What a wonderful way to enhance the free flow of ideas.

The Rules also state the Uniform System of Citation shall be the reference for proper citation. How about that, removed from school for citing Lawyer’s Edition.

Providing unauthorized assistance to a student who is preparing written work or doing a class assignment is a violation of the rules. It seems that students will now have to learn to type their own papers. Also, a student submitting work to be graded anonymously will not take any action that suggests the identity of the student. It will be very hot taking exams wearing ski masks.

Seriously, the Honor Code Rules may not be a bad idea, but what is needed is a bright line test. Everyone in law is old enough to know right from wrong, but the proposed rules muddle the difference by dealing with semantics. What ever happened to “Thou shall not cheat?”
Pop cans raise $ for burned children’s fund

By Brian Cruse & Pat Corrigan

As many of you are aware, the Student Bar Association has been collecting pop cans all year to raise money for the Burned Children Fund sponsored by local fire departments. What many of you don’t know is that one person in particular has been responsible for this program.

Second-year student Ed Leonard came up with the idea early this year and placed boxes all around the school for collection points. On many mornings during the school year, Ed has been seen emptying the boxes and taking the cans to a recycling center to collect the money. The program was initiated by the S.B.A., and Leonard hopes that it will become a permanent fixture at Cleveland-Marshall. He noted that it is the only officially-sponsored charitable activity of the student body.

ALCOA and the Cleveland Fire Department work together to implement the collection of the cans. Only aluminum cans such as those manufactured by Coca-Cola companies are acceptable. Pepsi and Seven-Up cans are not aluminum. Leonard hopes to garner several plastic barrels from local hardware stores in order to better serve the process of collection. He foresees a permanent commitment on the part of Cleveland-Marshall students to this campaign.

Ed’s hard work has paid off. It appears that by the end of this year, the fund will be approaching $400.00. A presentation to the Cleveland Fire Department is being planned for sometime close to the end of the school year.

The Student Bar Association thanks Ed for his dedication to this very worthy cause. In addition, thanks to you, the pop drinkers, who have taken the extra effort to save the cans.

Ed Leonard's aluminium cans raise cash for burned children's fund

Delta Theta Phi seeks new members

Dear First Year Student,

Your first year is now almost over and you know what is it to be a law student. You also know that there is an organization at law school that is dedicated to education/information and camaraderie. I am referring to Delta Theta Phi Law Fraternity.

During this past year, Delta Theta Phi Law Fraternity held several events: The First Party of the Year at Bank Street Cafe, The Clambake at Great Lakes Brewing Company, The lecture by John Gill (chief defense attorney for the Nazi war criminal case in Israel), and the Tom & Jerry Party at Rocky River Lagoon in the Cleveland Yacht Club. We have many more events planned for this year as well as for next year.

Almost 10% of all students at Marshall are Delta Theta Phi members. Let me take this opportunity to invite you to apply for membership into our fraternity. We welcome everyone and hope you will become a new member of Delta Theta Phi Law Fraternity.

Sincerely,
David Bickoff, Dean
Delta Theta Phi

P.S. Visit our table in the lounge or our office in Room 24!
FBI banned from campus recruiting

By Philip Althouse

The CSU Career Services Department recently announced a ban against on-campus recruitment of students by the FBI. The action followed a formal written protest to CSU President John Flower and the Board of Trustees by the Cleveland-Marshall Chapter of the National Lawyers Guild. The Guild complained that the FBI violated a well-established University policy which prohibits individuals or organizations who discriminate on the basis of race or national origin from using campus placement services. Every employer who recruits on campus must sign a written pledge to comply with the policy.

The FBI has been accused of allowing too few blacks, Hispanics, and women to move up the career ladder, but the gravamen of the Guild's case against the Bureau is contained in two separate federal court decisions. In Rochon v. Federal Bureau of Investigation, 691 F. Supp. 1548 (W.D. Tex. 1988), a federal judge ruled that the FBI has discriminated against Hispanics in assignments and promotions. The case involved a class action suit by 311 filed agents. The trial court was forced to act again after its decision because superiors recriminated against several key plaintiffs. Both cases have stirred attention on Capitol Hill. FBI Director William Sessions told a congressional committee that he would attempt to establish a more firm departmental equal opportunity policy. Sessions has fallen into disfavor by Attorney General Richard Thornburg. The Attorney General told Sessions to avoid any more congressional briefings.

The FBI has historically demonstrated antipathy toward civil rights and civil liberties of U.S. citizens, those very rights it is supposed to protect. Howard Zinn, a noted historian, writes that Dr. Martin Luther King became a chief FBI target because of his civil rights and anti-war activities. The FBI "tapped his private phone conversations, sent him fake letters, threatened him, blackmailed him, and even suggested once in an anonymous letter that he commit suicide. As a Senate (Church Committee) report on the FBI said in 1976 the FBI tried to destroy Dr. Martin Luther King." Some research has, in fact, shown some FBI complicity in King's assassination. The same Senate investigation disclosed many years of illegal FBI actions to disrupt and destroy radical and progressive groups of all kinds. The FBI has forged letters, opened mail, and engaged in numerous belligerences. In recent years, the FBI has shared information about Salvadoran political exiles who are active in the U.S. with Salvadoran security forces. This has resulted in the torture and murder of those deported to El Salvador and acts of violence by Salvadoran death squads who operate in this country. Its own history casts doubt on the sincerity of the FBI to change its internal policy toward minorities. Moreover, it suggests that the FBI may not be easily controlled by external rules and regulations.

Ohio State University and the University of Michigan law schools have severed the Bureau's recruitment privileges. The FBI is also banned from recruitment activities at Syracuse University. In each instance, race discrimination was cited as the reason. Michigan law school administrators said the FBI's policy against hiring gays also violated that school's standards. The Lawyers Guild was instrumental in securing the bans at Michigan and Ohio State.

Scott Spero, SBA President, plans to bring the FBI matter before the SBA Senate at its next regular meeting. A spokesperson for the CSU Lawyers Guild will attend. Cleveland-Marshall subscribes to the policy of a law school placement consortium which includes a ban against discrimination on the basis of sexual orientation. CSU Placement Services policy does not contain that provision. The Guild plans to lobby the University to reconcile the differences between the two policies and hold all employers who recruit here accountable for compliance.
Transients left alone

By Tom Goodwin

Now that the cold weather is almost over, Cleveland's transient homeless are not seen as often in the law school. The cold weather brings more visible examples of transients in the law school as they sit in front of the student lounge TV, eating stale donuts left for the taking by the university food service.

The law school environment, designed to be open to facilitate contact and interaction, also is inviting to non-students. CSU Police Capt. David Moughan (an '87 C-M graduate) explained that while the law library is open to the public, other areas of the building are not open to others falling into non-student, non-faculty, or non-staff categories.

"The problem with restrictive policies is that there's always a tug of war going on," Moughan said. While a person may not have a right to be in a specific area, if the person is not causing any trouble or interfering with anyone, it is probably not in the best interests of the University to enforce a restrictive policy and kick the person out of the building.

Moughan said the present policy appears to be working. If a person is harmless, the law school community knows it and does not worry about it. However, the CSU Police should be notified immediately if a "suspicious" person is seen in the building. The police will investigate and determine if the person should be removed from the building.

Group sets elderly agenda, seeks members

Memberships in the National Academy of Elder Law Attorneys, Inc. are now available to attorneys who have an interest in improving the availability and quality of legal services to the elderly and who are willing to subscribe to the Academy's ethical and practice standards. The Academy organized during the past year.

Officers of the Academy were elected recently at the annual meeting held in Washington, D.C. Allan D. Bogutz was elected President.

"The practice of elder law encompasses many different areas," stated Bogutz, "including planning for major health care expenses, Medicare, Medicaid, Social Security, age discrimination, retirement planning, deci-

(Cont. to page 10)
The music was hot, the crowd was jumping.

Barrister's Bash is biggest, boffo, blowout

Even the Dean and faculty joined the party.

Photos by R.T. Reminger, Jr. and Melinda Annandale
High Court reconsiders landmark case

By Doug Davis

President Bush is hoping for a "kinder, gentler" nation, but through the help of the United States Supreme Court, a significant portion of the population may find life more cruel and unbearable. The Court agreed to hear Webster v. Reproductive Services early this year which is Missouri's attempt to limit the legalization of abortions flowing from the Court's 1973 decision, Roe v. Wade, 410 U.S. 113. Supporters of Roe feel the grant of certiorari is yet another attempt to strike down the controversial 1973 decision. Ruling on Webster will give the Court the opportunity to strike down the Roe decision; modify it (either expansively or narrowly); or uphold it. Even with the present makeup of the Court, most commentators predict the Court will not overrule Roe outright. However, the public debate has been spirited, if not fierce.

The preamble to the Missouri legislation defines the beginning of life at the moment of conception and seeks to regulate women's access to abortions. The Missouri legislation would prohibit abortions in publicly funded hospitals by publicly funded employees except under narrow circumstances. Women able to pay for an abortion in a private facility would not be affected by the restrictions. Should the Court agree with Missouri and find that life begins at conception, it would effectively overrule the Roe decision.

Women's rights, fetuses' rights and privacy rights are at the core of the debate. Prolifers back the fetuses' rights, the pro-choiceers back women's rights and both claim to defend privacy rights of all considered. Joining in the public debate at Cleveland-Marshall recently were Nancy Olson and Joseph Meisner, two local attorneys. Olson is a board member of the National Abortion Rights Action League and Meisner is secretary for Lawyers for Life. The debate was sponsored by the National Lawyers Guild.

Meisner's opening remarks included quotes from experts all claiming that Roe v. Wade was a poor decision from a constitutional law viewpoint. John Hart Ely and Sandra Day O'Connor have said, respectively, that the decision was bad constitutional law and unworkable. At least one constitutional law professor at C-M has said Roe was bad constitutional law. Meisner stressed that the choice the Court must make should be based on sound constitutional law, not on desires for social policy. "The decision was a lie and a fraud on constitutional law," Meisner said.

Before finishing his opening remarks, Meisner began his social policy arguments. He questioned abortion clinics determining where life begins; what it means to be human. Heartbeats and brain waves are detected at early stages of development, he said. When do rights guaranteed to American citizens attach to fetuses?

Olson defended simply by saying champions of fetuses' rights never mention the rights of the pregnant woman; she never mentioned the conception, carrying and delivery. She prefers a country where women can obtain an abortion where it is available and safe. Before Roe, women sought abortions in back-street clinics, operating illegally, or went to doctors in other countries. Many women died as a result of botched abortion attempts.

The Roe decision was based on a woman's right to privacy, Olson said. The Court said that in the first 12 weeks, the abortion decision is strictly between the woman and her physician. Meisner admitted that even if Roe is overturned, the right of privacy is still going to be an issue.

Neither attorney thought Roe would be overturned on the basis of this case. However, Meisner thinks that intrusions will be made on the decision. States probably will be permitted greater flexibility in regulating abortions.

If the Court should overturn Roe, Meisner thinks that other social mechanisms will fill the need. He suggested that the states may take place and that people may become more responsible for their sexual behavior. Olson did not think that states would outlaw abortions if Roe were overturned, but the regulations would become almost prohibitive. Legislatures will make it more difficult for women to obtain abortions by requiring parental consent for teenagers, mandating pro-life education, establishing waiting periods.

A question from the audience concerned the rights of males in an abortion decision. The pro-choice advocates clearly feel males have no rights in the decision for the first 12 weeks. Meisner expressed his hopes that males would participate in the total care of children, from conception through age of majority. However, he admitted that the law gives no rights to males concerning the abortion decision.

A paradox was raised over the rights of children in utero concerning property and tort actions, yet other legal protections are denied. Neither had a good answer for this paradox, but it seems that the Court has decided that women's rights are paramount to that of the unborn.

Abortion remains a troubling, emotionally charged issue, as reflected by the people attending the debate. One woman said a woman would become an "incubator" for the state if she were forced to continue an unwanted pregnancy. Another woman countered that a woman's body is more akin to a temple upon which God has bestowed a special gift.

Trying to handicap the Court's decision is more difficult than simply choosing one side and sticking with it. Former President Reagan's administration tried for eight years to try and convince Congress to enact legislation overruling Roe. The Court also heard Akron v. Akron Center, for Reproductive Health, Inc., 462 U.S. 416 (1983) and Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), during the Reagan years. In each case, the Court upheld Roe. In Akron the Court struck down provisions of an ordinance drafted by Akron's legislature because they unconstitutionally tried to influence a woman's decision not to have an abortion. The Court found the state did not have a compelling interest in pregnancy until after the first 12 weeks. Until then, a woman had the "fundamental right to make the highly personal choice whether or not to terminate her pregnancy."

The Court again rejected a state's attempts to chill women's rights to have abortions in Thornburgh. In this case, Pennsylvania passed a statute which attempted to regulate abortions by forcing physicians to use certain abortion techniques and explain in detail all of the possibilities of the abortion. The Court held, "The States are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies." However, of this 5 to 4 decision, Justices Powell and Burger are no longer on the bench. Justices Rehnquist, O'Connor and White sided (Cont. to page 11)
Faculty and students to meet informally

By Pat Corrigan

Students and faculty members will soon be given an opportunity to meet on a social basis at Cleveland-Marshall. Watch for the advertised gathering on the first Thursday in April in the student lounge. Coffee and donuts will be supplied by the school and all students and faculty will be invited to participate. There will be one meeting in the morning to concentrate on day students and another in the evening for the evening students.

The idea of meeting on a social basis arose from The Student-Faculty Interaction Committee and responses to a letter sent out by Bob Sidloski and Pat Corrigan. Likewise, the faculty was canvassed for its ideas and interests in meeting with students on a non-academic basis. The committee has met twice this year in order to discuss and implement creative methods of encouraging better involvement between students and teachers.

The responses to the committee's inquiries indicated a clear need for more healthy relationships between students and their teachers outside of the academic context. Most students indicated that the gap between the faculty and students was too broad. While acknowledging the need for a student-teacher distinction, the students unanimously described their relationships with faculty outside the context of the academic realm to be, with few exceptions, negligible.

Among the ideas mentioned to improve the situation included the initiation of a student-faculty breakfast meeting. It was agreed that such interaction should be inspired on a personal basis rather than by program or committee mandate. Several students suggested a voluntary mentor/advisor program with professors willing to serve such a role. Another recommendation was the resurrection of the law school follies night in which Cleveland-Marshall folks share their talents during an evening of fun. (Such follies have been known to provide students with an opportunity to parody the faculty!) Avid video game players have expressed a desire to square off with the faculty in a tournament on the video machines. Second-year Frank Rozanc declared a specific interest in challenging Professor David Forte, the reputed faculty denizen of the screens, to a serious match.

Faculty turnout at the Barrister's Bash was sparse, but those who did attend were warmly received. Some noted that it was great to meet the spouses and significant others of the students. Bob Sidloski even brought his dad along Many students hope for more faculty involvement in such contexts.

Should you have any ideas for furthering the goal of greater student-faculty interaction, contact Pat Corrigan, Bob Sidloski, or Professor Werber.

Hastings battle continues: round 2

By Christina Janice

On Wednesday, March 15 and Thursday, March 16 the United States Senate considered a motion filed by Impeached District Court Judge Alcee Hastings to dismiss the articles of impeachment entered against him by the U.S. House of Representatives on August 8, 1988. The Senate voted 93 - 0 to reject Judge Hastings' motion. The Senate then named a judicial committee for the upcoming impeachment trial.

The motion to dismiss and its near 100 page memorandum in support of the motion was yet another effort to prevent a second bribery trial for the judge who was acquitted on similar charges by a jury in 1983. The motion and memorandum were written by Hastings' defense team of lawyers from across the nation, including C-M Professor Robert S. Catz. On the floor of the Senate, Hastings was represented by himself and Professor Terence J. Anderson of the University of Miami.

The seventeen articles of impeachment alleged that Hastings conspired to take a bribe from William Borders, former president of the National Bar Association and advisor to the Carter Administration. The articles also charged Hastings with giving false testimony at his criminal trial and disclosing information about a wire tap ordered by his court.

In his defense, Hastings' motion and memorandum raised issues of double jeopardy and lapse of time.

The Senate heard the arguments by both counsel regarding the motion on Wednesday, March 15. Hastings opened the argument for his own defense by introducing himself and addressing the claims against him. He stated that one trial was enough, and that the jury's proclamation of his innocence should be sufficient. He explained that he originally called for impeachment proceedings when the bribery question was raised, but that the House determined that impeachment would be "too burdensome and cumbersome." Subsequently, the Department of Justice opted for a criminal trial.

Hastings stated that the government had chosen the forum and the evidence, and had eighteen months to prove his guilt. However, a unanimous jury acquitted him. He said that the prosecution was "seeking a second chance to establish their case," and that this second chance would be procedurally unfair.

Hastings' counsel Terry Anderson continued the presentation

(Cont. to page 11)
Law Review Editor-in-Chief is ready for challenges

By John Luecken

The generally recognized functions of a Law Review are to serve the legal profession by providing a forum for scholarly commentary, to supplement the training of law students, and to enhance the prestige of the sponsoring law school. The purpose of the Cleveland State Law Review thus finds its final expression between the covers of our publication, but each member of the Law Review staff carries a benefit independent of the printed page. Students participating in the Law Review program gain a unique opportunity to practice critical legal reading and writing skills. In addition to reviewing the work of contributing authors for accuracy and consistency, each student writes an analytical study of a recent court decision or body of law. Because of the depth of study and the frequently controversial nature of the note topics chosen, this writing assignment provides excellent experience in research, organization, and writing, all performed with the assistance and supervision of fellow students and faculty.

As the newly elected Editor-in-Chief, I am excited to have the opportunity to contribute to the tradition of the Cleveland State Law Review. I would like to encourage all interested first-year students and second-year night students to explore the benefits of Law Review, and to enter the Summer Writing Competition for participation in next year’s program. For more information, please stop by the Law Review office.

New scholarship for tax students

Twenty-five thousand dollars was committed to Cleveland-Marshall, recently, for a permanently endowed scholarship fund for outstanding students in the area of tax.

A $1,500 award will be made to an outstanding entering third-year student interested in tax law. Recipients must show an interest in pursuing a career in tax law and also must demonstrate financial need.

The fund was established by McCarthy, Lebit, Crystal and Haiman, L.P.A. in memory of former partner and C-M alumnus, Edward A. Lebit. The fund will be administered by a committee composed of the dean of the law school, one tax professor and one partner from the law firm. The committee will review applications for the award and make the final selection.

The award will be made at the end of the spring semester of the recipient’s second year of law school. If no student with an interest in tax is identified in a given year, C-M may award the scholarship to a student with other legal interests provided all other eligibility criteria have been satisfied.

Law students b-ball team takes trophy

The next time you are near the trophy case on the first floor of the law building, be sure and stop by and check out the latest addition. No, Professor Werber’s Moot Court has not won another competition; this accolade belongs to the UNKNOWNs—a group of law students who won the entire campus, intramural basketball championship.

The UNKNOWNs, led by 35 year-old, player-coach Bob “The Lima Flash” Robenalt, captured the tournament title after winning five straight games over the course of two weekends. Despite having an early morning game after Saturday’s spectacular Barrister’s Bash, the UNKNOWNs were able to muster a four-point, come from behind victory to clinch the championship.

Tim “Bingo” Riley, the team’s emotional leader, credited the victory to the team’s overall commitment to excellence—as well as an uncanny ability to play hang-over.

Riley, who played the entire tournament with a severely injured foot, was an inspiration to the entire team. As team-member John “The Python” Keshock noted, “whenever we started to fall behind in a game or I got tired, I just looked over at Bingo and I was able to reach deep down and tap into my inner strength.” Teammate Dave “Buzzsaw” Maistros concurred with Keshock’s assessment: “Bingo Riley is not only an inspirational basketball player, he is also a great human-being, the type of individual who is always willing to take time to go to the race-track with a friend no matter how busy he might be.”

Other members of the UNKNOWNs include Kevin “Lamebeer” Spellacy, team leader in technical fouls, and Pat “The Assassin” Gallagher, who averaged five personal fouls per game and led the entire league in fouling out of games.

The victory was also special for Tim “Mad Dog” Boyko who, having recently become a father, saw the victory as the establishment of a legacy for his young son, Cory, to someday aspire to. The UNKNOWNs were also the intramural Touch Football champions and have a trophy commemorating the Title adjacent to the Basketball award.

While the UNKNOWNs players were understandably ecstatic about the victory, team member Sean “Skeets” Allan was able to keep the true meaning of the victory in perspective. “Our victory was not just a personal triumph, it was a triumph for the entire law school. Before winning the championship, the majority of the C.S.U. community simply considered law students a bunch of dorks. Now, they know we are much more, we are a bunch of dorks who can play some damn good basketball.”

The UNKNOWNs plan to celebrate the Championship with a huge victory gala at the mansion home of Coach Robenalt in Lima, Ohio. The UNKNOWNs cordially invite the entire law school to attend. Coach Robenalt promises that a “Sweet” time will be had by all who may brave the journey to Ohio’s Spring-Break capital.

While team member Bingo Riley is expected to be presented the team’s most valuable player award at the victory celebration, the voting promises to be less than unanimous. As team member Brian “Downtown” Downey remarked, “I believe that, evaluating the season as a whole, I clearly deserve the M.V.P. honors. After all, without my great passing, floor leadership and clutch foul-shooting, the team never would have even made the playoffs.”

Controversy aside, the UNKNOWNs plan to attempt to turn a “hat trick” by going after the intramural softball championship this spring. Whether the incredible feat of winning three titles in one year can be accomplished remains to be seen. Keep your eyes on the trophy case!
C-M students join parade

By Pat Corrigan

An enthusiastic group of Cleveland-Marshall students represented the school in Cleveland’s St. Patrick’s Day Parade March 17th. About 105,000 people jammed the downtown area to watch the parade and cheer the Marshall students. One wag suggested that the students rent an ambulance to be chased through the parade by the law students next year.

Sue Sweeney and Dennis Maloney proudly led the C-M contingent with a banner designed by Maloney. The crowds consistently applauded the Marshall group, especially in front of the master of ceremonies stand where C-M students were hailed as future judges and honest attorneys. The crowd was humored when respect was paid to the federal courthouse via taking a bow.

Marshall involvement was organized in early March and was expected to be the initiation of a tradition at C-M. The St. Patrick’s Day Parade is a 122 year tradition in Cleveland and is anticipated by many with greater thrill than Christmas or New Year celebrations. To those not from the Cleveland area, such excitement might seem mystifying. However, as anyone of Irish decent will point out, the purpose of the celebration is to remember what St. Patrick did for Ireland and the Irish.

A history professor has compared St. Patrick to the greatness of Julius Caesar. When Caesar was a youth he was captured by pirates and forced into slavery. Caesar cursed the pirates and told them he was going to escape and return some day to kill them all. The pirates jeered at him. Eventually Caesar escaped and returned with his friends to kill all of his captors. A professor of Irish history argued that St. Patrick was greater than Caesar, for when he was a youth, he too was captured by pirates and forced into slavery. Likewise, Patrick escaped from his captors. He returned, however, not to slay his enemies, but to convert them to Christianity.

As the strict rules forbidding (encouraging?) drinking before or during the parade indicate, the celebration is not just an excuse to get drunk. In fact, many of the marchers attend mass complete with bag-pipes and Irish priests before the parade. C-M students were too busy studying to attend church, but proudly represented the school in keeping with the spirit of the day.

The C-M contingent followed John Carroll University and preceded the West 155th Street fire truck. Some concern was expressed when the fire truck, during the beginning of the parade, nudged ever closer to Frank (O’R)ozane who braved the long march. The walking was followed by a fine repast of beer and corned beef at the Irish Heritage Club party at the Statler. Perhaps next year the celebration will be joined by more C-M students. Mark your calendar, it is only 11 months to St. Patrick’s Day.

Elderly lawyers organize

(Cont. from page 5)

A new organization of lawyers and law students interested in helping the elderly is being formed. If this is something you would like to participate in, or would like more information about, please contact third-year student David Przeracki at 441-1592.
of the defense by discussing the historical ramifications of an impeachment trial. Anderson pointed out that never before has there been an impeachment trial for one acquitted by a jury.

He also stated that he feared this case reflected the 'Caesar's Wife' syndrome; that "the gown has been stained and the stain cannot be washed out." Hastings's career, he charged, has been damaged irreparably by the bribery charges and the length of the investigation, despite his acquittal.

The case for the prosecution was presented by each of five House Managers. Lead House Manager John Bryant argued that the allegation of double jeopardy was "premised on pure fiction" and that for the Senate to decline to impeach Judge Hastings would be an abandonment of the Senate's authority to impeach on high crimes and misdemeanors. Bryant stated that as it was proper for a jury to determine whether criminal sanctions against Hastings were appropriate, so too "the Senate is the only body which should determine if Judge Hastings should remain on the bench."

Bryant stated that a criminal trial is for the sole purpose of determining criminal liability, while an impeachment trial is an administrative, remedial proceeding for determining whether an official should remain in office. "One proceeding," he said, "is not a substitute for another."

In response to the defense claim of time lapse between the 1983 trial and the current impeachment, House Manager Mike Synar stated that there exists no statute of limitations regarding impeachment and, at best, Hastings's time lapse claim is an equitable defense of laches. Synar stated that, in order to prove laches, Hastings would need to prove prejudicial and unreasonable delay. This, he said, Hastings cannot do as much of the six year delay was caused by litigations instituted by Hastings in order to challenge the investigation and impeachment proceedings.

The arguments of the prosecution and defense boiled down to one major claim for each. The defense claimed an impeachment trial after a criminal acquittal would subject Hastings to double jeopardy. The prosecution claimed that, under law, both criminal and impeachment proceedings may be instituted against the same man for the same crimes, and that a denial of impeachment proceedings by the Senate based on a previous trial would be a relinquishment of some of the Senate's powers.

The Senate agreed with the prosecution. Biting questions came from the floor, notably from Senators Metzenbaum and Biden. Five Republican senators from the 100th Congress recused themselves from voting on or participating in any further proceedings due to potential claims of conflict of interest.

The Senate chamber was near a capacity showing of senators as Hastings presented his case. But the prosecution's argument for retention of Senatorial powers was more persuasive to this Senate, even though the chamber stood mostly empty as the prosecution delivered this argument.

The unanimous vote to reject Hastings's motion was cast late in the afternoon of Thursday, March 16, after an afternoon of floor debate on the motion. The Senate then named by unanimous consent the committee to try Judge Hastings. The Senate did not set a date for the commencement of the impeachment proceedings.

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**Roe v. Wade on the line**

with then-Chief Justice Burger in dissent. With the additions of Justices Scalia and Kennedy, both Reagan appointees, it seems the Court is set to change.

This does not account for two factors. One, Justice O'Connor was in the pro-choice camp before joining the Court. Although she has dissented in each abortion case, it has been on the technical grounds set forth in *Roe*. Justice O'Connor would allow states greater freedom in regulating abortions, but it is unlikely she would deny a right to some privacy exists between a woman and her doctor. Secondly, Justices Scalia and Kennedy have not actually been confronted with an abortion case. Although both are conservative Reagan appointees, they just may surprise the Court. Remember, Eisenhower thought former Chief Justice Earl Warren would be a conservative member of the bench.

A third consideration is the apparent moderation of Chief Justice Rehnquist. See Caplan, *Rehnquist: New and Improved?*, ABA Journal, Jan. 1989, at 40. Rehnquist seems to be drifting toward the center of the Court's ideological poles. Caplan argues that this may just be a political ruse to ensure the chief justice of assigning the opinion writing. However, it is possible that Chief Justice Rehnquist is softening his frequent right-wing stance.

The most important question remaining is what will the states do if *Roe* is overruled? Ohio was one among a majority of states that outlawed abortions when *Roe* was decided in 1973.
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  2. Instruction by hi-fidelity tape to groups in major Ohio cities.
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