

Race, law and free speech: Is Harvard Law too touchy-feely?

Students debate proposed ban on offensive speech

BY JENNIFER PETER
THE ASSOCIATED PRESS

BOSTON — Harvard Law School is considering a ban on offensive speech after a series of racially charged incidents, raising fears that the rules will inhibit the kind of sharp-edged intellectual combat so famously depicted in the movie "The Paper Chase."

In the meantime, the school is also offering first-year students a new course to help them "manage difficult conversations" and learn how to speak with sensitivity on touchy issues such as race and gender.

The speech-code proposal has stirred an intense internal debate about the commitment to freedom of expression at a school whose illustrious alumni have helped define the nation's free speech rights. Some are wondering whether a campus renowned for its bare-knuckled, confrontational style of teaching is getting a little touchy-feely.

"What I do find amazing is that it should be considered at a law school, any law school, because one thing that law schools do is study the constitution, and these codes are clearly in violation of the First Amendment," said Harvey Silverglate, a Harvard Law graduate and civil-liberties litigator.

Members of the Black Law Students Association, which called for the policy, say it is possible to curb chronically offensive behavior without infringing on the First Amendment.

"We've called for a discriminatory harassment policy that would basically punish or at least give the administration some way to review harassing behavior," said Joshua Bloodworth, a third-year student and president of the organization. "We're not trying to stop free speech."

The Committee on Healthy Diversity - made up of six faculty, six students and three law school staff members — will make its recommendations in the spring. Any code would be subject to approval by the full faculty.

There are about 1,800 students at Harvard Law, about 28 percent of whom are minorities.

Law school Dean Robert C. Clark created the committee last spring in the wake of an escalating series of race-related controversies over the past year, triggered by a student's use of the slur "nig" in a course outline posted online.

During the ensuing uproar, a second student sent an e-mail to one of his protesting peers, saying that "if you, as a race, want to prove that you do not deserve to be called by that word, work hard and you will be recognized."

That, in turn, led a professor to step down from teaching the class, a first-year course on tort law, and offer to defend the e-mailer in a mock trial. The mock trial was never held.

The Black Law Students Association also asked for a re-

primand of another professor, who was quoted as saying in class that "feminism, Marxism and the blacks have contributed nothing to tort law." (That professor, David Rosenberg, has said he was referring to a body of legal thought known as critical race theory.)

This past week, several students and professors, including Clark, expressed discomfort with the idea of a speech code.

"There are many on the faculty, including myself, who have grave reservations about heading in this direction," Clark said in a statement.

Law school spokesman Mike Armini characterized the speech-code discussions as very preliminary. It is not clear yet whether the speech code would apply just in the classroom, or outside it, too.

Harvard Law School alumni have frequently been at the forefront of efforts to expand constitutional protections on speech.

Supreme Court Justice Oliver Wendell Holmes coined the fundamental definition of free speech in a 1919 dissent when he created the "marketplace of ideas" metaphor.

Supreme Court Justice William Brennan broadened free-speech protections in a 1964 decision when he created the "actual

malice" standard for cases of libel against public figures.

Law professor Alan Dershowitz, who is a member of the diversity committee, said the perception that classroom debates have become less spirited at Harvard is on target.

"I think there are a lot of professors who are afraid to confront students," Dershowitz said. "A lot of professors are afraid to take controversial views on any hot-button issues."

Lacey Schwartz, a third-year student and member of the diversity committee, acknowledged that the school may no longer resemble its depiction in 1970s pop culture.

"But the idea that we should do everything like we did back then is a little bit ridiculous," Schwartz said. "We always have to be completely reevaluating and re-examining ourselves to make sure that we are approaching the study of law in the best, most effective and most representative manner."

On Tuesday, Harvard English professors re-invited an Irish poet to speak on campus, one week after his appearance was canceled because of his anti-Israeli comments. Tom Paulin has likened U.S.-born settlers in the West Bank to Nazis and said they "should be shot dead."

"Free speech was a principle that needed upholding here," professor Peter Sacks said. "This was a clear reaffirmation that the department stood strongly by the First Amendment."

Comments on this story? E-mail gamecockudesk@hotmail.com

"What I do find amazing is that it should be considered at a law school, any law school, because one thing that law schools do is study the Constitution, and these codes are clearly in violation of the First Amendment."

HARVEY SILVERGLATE
HARVARD LAW GRADUATE AND
CIVIL-LIBERTIES LITIGATOR

Documentary

CONTINUED FROM PAGE 1

attended Furman University, but grew up a lifelong Gamecocks fan in Columbia.

White said Sumerel, a native South Carolinian who went to film school in California, is more inclined to follow Clemson because of his Greenville roots.

"The rivalry amuses Jeff," White said.

White cited the history of the two schools as an origin of the rivalry. He said Clemson was founded as an alternative to USC's failing agriculture school during the late 19th century, causing interstate tensions to flare. In addition, Clemson was given university status at the same time USC was demoted to a state college, and Clemson's enrollment increased while USC's suffered.

"There's been so much real animosity between the two schools, and it manifests itself on the field," White said.

He said that the Gamecocks' victory in the first meeting on the football field was important for USC.

"Because they won that first game in 1896, USC regained its honor," White said.

White said he and Sumerel are making the film not only to document the history of Carolina and Clemson football, but also to explore the nature of human rivalry.

"Fans of both schools seem to get so much self-worth and affirmation from their schools' performance in that game," White said.

The producers are also interested in the possibility of making more films, depending on people's reactions to the documentary.

"We want to know if people want to learn more about USC sports history," White said.

White said the most important part of filmmaking, besides funding, is getting the movie to an audience.

"The hardest thing is always the money, and more importantly, getting the movie to people who want to see it," he said. "We had to put our whole package together and look at it as a business."

Though the filmmaking process can be arduous at times, White said the project has given him many memorable experiences, such as sitting on the field with a camera as the Gamecocks ran out at the Arkansas game, talking to Clemson head coach Tommy Bowden, and hanging out with players.

Student Gamecock Club President Chris Odom is excited about the filmmaking.

"The rivalry is unique in that South Carolina is not a very large state, and those are the two big schools," Odom said. "In this state, you're either a Gamecock or a Tiger."

Comments on this story? E-mail gamecockudesk@hotmail.com

Center

CONTINUED FROM PAGE 1

arenas to make the space feel smaller.

Inside the concourse, food vendors line the exterior walls. Beneath the interior lies a professional-event level with padded seating, where most of Wednesday night's events took place.

"In addition to basketball, we will host family shows and concerts," said Assistant Athletics Director Brad Edwards. Edwards said plans are under way for "Sesame Street," indoor motorcross, the rodeo, World Wrestling Entertainment and Jimmy Buffett.

Fans now can look at a hanging scoreboard with four massive LED screens. The stadium managers can pipe a live video feed to the screens, allowing the crowd to get a closer look at what's on center stage.

The garnet board looms over the center court, 20 feet by 27 feet, offering high-definition color to all seating sections.

Wednesday night, the crowd got a close-up of James Brown's face on the screens as he performed. Earlier, audience members had listened to speeches by Columbia Mayor Bob Coble, Gov. Jim Hodges and USC President Andrew Sorenson.

Senator-elect Lindsay Graham also made an appearance, noting



SURF YOURSELF

A schedule of upcoming events along with ticket information can be found at www.carolinacenter.net

that he will now represent the entire state of South Carolina in the U.S. Senate. He said for the past few years, he's "been representing the Tigers in Clemson."

"If everything goes as planned, for the next few years I'll finally be able to represent my alma mater, USC."

"Don't tell anyone from Clemson I said that," he said.

Edwards said the Carolina Center was a long-term plan of Athletics Director Mike McGee.

"Dr. McGee had a vision to build a new building," he said. "We needed a new facility — the Coliseum is 30 years old, and it's at the end of its useful life."

Edwards said the center, owned by the Athletics Department, will not bring in any money. "Our goal is to get it to carry its own weight," he said.

With the bells and whistles of a modern facility, the center was not cheap. After the Athletics Department raised \$44 million from private aid, it received another \$20 million from state and local government.

"The Carolina Center is a state-of-the-art facility that will serve the University of South Carolina, the Midlands and the entire state of South Carolina," McGee said.

Comments on this story? E-mail gamecockudesk@hotmail.com

Vaccine

CONTINUED FROM PAGE 2

& Co. and the University of Washington. Merck developed the vaccine and funded the research. The women were watched on average for almost a year and a half.

Of 768 women who got vaccine injections, none showed Type 16 infections or precancerous tissue. Of 765 who took dummy injections, 41 came down with persistent infections, and nine developed precancerous tissue.

Inoculated women built up almost 60 times the concentration of virus-fighting antibodies seen in naturally infected women. Some researchers had suspected that the mucous membrane on the cervix would pose a barrier to such antibodies.

"For us, this is proof of principle," said Merck researcher Kathrin Jansen. "There was a lot of doubt in the beginning — not by me, but by others — that said it would be very difficult to prevent infection."

In an accompanying editorial, Crum said the vaccines developed to fight diseases like smallpox and polio now serve as reference points in medical history. "You're looking at some very compelling evidence that this vaccine will prevent cervical cancer," he said.

However, in part because cervical cancer is caused by multiple strains, it is not clear

whether the disease can ever be wiped out.

Laura Koutsky, a disease specialist at the University of Washington, also cautioned: "Whether the antibodies persist for five years or more is not known at this point."

Dr. Douglas Lowy, a National Cancer Institute researcher, agreed that patients must be tested over longer times. But he and others agreed that a vaccine — probably one targeted at multiple viral strains encompassing the vast share of cases — might reach market fairly quickly.

Such a vaccine could also stop other harm done by the virus, including genital warts in both men and women and rare forms of penile, anal, vaginal and oral cancer. Researchers said the vaccine might also be taken by men to keep them from infecting their female partners.

In a separate study, the herpes vaccine, under development by GlaxoSmithKline, was about 75 percent effective in warding off genital herpes sores. It fails to protect men, and it won't work on women who previously had cold sores. They are caused by a different version of the same virus.

A vaccine is already used to combat the hepatitis B virus, a sexually transmitted agent blamed for some cases of liver cancer.



Veronica Adams, a fourth-year medical technology student, checks out additions to USC's World War I collection.

Collection

CONTINUED FROM PAGE 1

that Matthew Bruccoli and his wife, Arlyn Bruccoli, donated to the university in 1997. The Bruccolis have been adding "actively and seriously," ever since, Matthew Bruccoli said.

"My wife and I assembled the collection piece by piece in memory of my father," he said.

The Great War collection is composed of 2,000 items, which include more than 75 posters, as well as poetry from the trenches that the Bruccolis found in warehouses, flea markets, junk houses and pricey bookstores worldwide. In terms of extreme rarity, Bruccoli prides himself on a pamphlet of poetry by Isaac Rosenberg, who died fighting in World War I in 1918.

"Before August 2002, two libraries had them: Oxford and Yale. Now, three libraries have the pamphlets: Oxford, Yale and USC," Matthew Bruccoli said. "The point I'm trying to make is this is a collection of great distinction."

Other parts of the Great War collection are rotated through the library, and Matthew Bruccoli tries to introduce a new part every Armistice Day.

"Whatever I want to do, I do. The sheet music is up now," Matthew Bruccoli said.

According to Dorothy Payne, a professor in the School of Music, this collection of sheet music is irreplaceable.

"It was a constant reminder (of war) because there wasn't

television then. Music brought the feeling of American spirit, which constantly inspired composers," she said. Payne played the songs on display when the exhibit was unveiled Nov. 11.

Though Patrick Scott, who works in the rare-books section of the Thomas Cooper Library, know little about American war songs before he got involved with the display, he now finds them more upbeat than the British versions they influenced.

Scott said that the collection's value has not been determined.

"With sheet music, it depends on how well known it is," he said. "It's impossible to estimate, but it is getting much more hunted now than it was. It is constantly going up in value."

Scott and Payne agree that the World War I era was rich for music even without the war songs, and that lends further importance to the exhibit.

"It's an exhibit, not only of historical image, but of great visual image," Scott said.

For Matthew Bruccoli, the exhibit reflects a personal pride the entire university can share.

"It is another collection at the Thomas Cooper Library that gives worldwide recognition to the University of South Carolina," he said. "There are places that don't know where South Carolina is, but they know about the library."

Comments on this story? E-mail gamecockudesk@hotmail.com

Riverbend Apartments

Enjoy a campus atmosphere without the dorm!

Includes:

- State of the Art Fitness Center
- Multi Station Computer Lab
- Fax & Modem Station linked to USC Campus
- Study Area
- Two On-Site Laundry Facilities
- Swimming Pools
- Tennis Courts
- Catering to Students
- Lounge Area
- On-site 24 hour maintenance

100 Riverbend Dr. W. Columbia, SC 29169

794-2948 • Fax 794-0017

riverbend@bhmanagement.com

BECOME AN EGG DONOR AND FULFILL AN INFERTILE COUPLE'S DREAM

Giving an infertile couple a chance for parenthood is something you can't put a price on. Yet, because we consider donating eggs an act of generosity and compassion, donors will receive \$2,000 in compensation at completion of the cycle.

If you are a healthy woman between 21 and 32 years of age, please consider egg donation.

For more information call: Advanced Fertility & Reproductive Endocrinology Institute, LLC. today at (803) 939-1515 or toll free (866) 293-2273. You can email to flighttower@ivfweare.com