

U.S. Supreme Court to take up affirmative action

By James Vicini
Reuter

WASHINGTON -- Fresh from ruling on an array of historic cases in its 1996-97 term, the U.S. Supreme Court reconvenes Monday for a session highlighted mainly by a key affirmative action case.

Legal experts said the high court in its 1997-98 term will wade into the nationwide debate over affirmative action programs that benefit minorities and women, but it has few other high-profile cases

"This term is a meat-and-potatoes type term,"

-Prof. David O'Brien,
University of Virginia

on the docket.

The court's 1996-97 term, which ended in June, produced landmark rulings outlawing doctor-assisted suicide, striking down federal laws on gun control and regulating "indecent" material on the Internet computer network.

"Supreme Court terms tend to run in cycles," University of Virginia government professor David O'Brien said. "Last term was highly contentious. This term is a meat-and-potatoes type term, with routine cases...but not the blockbusters."

The most closely watched case would concern affirmative action and could determine whether racial diversity may be outlawed as a basis for workplace decisions. At issue in the case, to be argued in January, is whether a New Jersey school district could take racial diversity into account when laying off white teacher Sharon Taxman over an equally qualified black teacher.

O'Brien predicted the Supreme Court would rule by a 5-4 vote that employers may use affirmative action only as a remedy for past discrimination, not to foster diversity.

The Supreme Court in recent years has moved to restrict government affirmative action programs, which flourished in the 1960s and 1970s as a way to overcome the legacy of discrimination.

The case will present potential problems for President Clinton, who has supported affirmative action programs. He has called for a "national dialogue" to help ease

Glenn to teach at Ohio State

Reuters

COLUMBUS, Ohio--U.S. Sen. John Glenn, D-Ohio, has announced he and his papers will be going to Ohio State University at the end of next year.

The former astronaut made the announcement today following an OSU Board of Trustees meeting. He says the arrangement will send about 2,000 boxes of his personal papers and artifacts to OSU.

Glenn will also join OSU's faculty starting in 1999, "though I certainly am not going to be carrying a normal teaching load as a college professor."

Ohio's senior senator was, in 1959,

racial tensions.

The Clinton administration has switched its position in the case, most recently saying the school board was wrong in this particular instance, but adding that affirmative action programs that foster diversity still should be preserved.

Conservative legal expert Bruce Fein called the affirmative action dispute the most important of all the pending cases. "On the current docket, it is hard to find any other cases that arouse one from slumber," he said.

The Supreme Court so far has agreed to hear arguments in 58 cases. In recent years, the court has decided about 90 cases in its term, which begins in October and lasts through June.

Fein said the reduced number of rulings, down by half from the level in the early 1980s, partly reflected how appellate courts around the nation have followed the lead of the conservative-controlled high court.

On the court's far-right wing are Chief Justice William Rehnquist, who was elevated to his post by President Ronald Reagan in 1986; Justice Antonin Scalia, another Reagan appointee; and Justice Clarence Thomas, selected by President George Bush in 1991.

The court's moderate conservatives are Justices Anthony Kennedy and Sandra Day O'Connor, both Reagan appointees.

The court's most liberal members are Justices John Paul Stevens, named to the bench in 1975 by President Gerald Ford; David Souter, a Bush appointee; and Ruth Bader Ginsburg and Stephen Breyer, both of whom were named by President Clinton.

Among the other cases the justices will decide in the term are:

- a dispute between New York and New Jersey over ownership of Ellis Island, the landmark U.S. immigration processing center from 1892 to the mid-20th century.

- whether the federal civil rights law covers sexual harassment in the workplace by supervisors or other employees of the same sex.

The law already covers workplace harassment involving employees of the opposite sex.

- whether defendants in military courts have the right to introduce evidence from a polygraph test.

Prosecutors generally are barred from using lie detector evidence, but the high court will decide if defendants may use it at trial.

By Tony Mecia
Knight-Ridder/Ridder Newspapers

CHAPEL HILL, N.C.-- A UNC Chapel Hill sophomore slipped and fell four stories out of a dormitory window early Thursday after drinking beer with his friends, police said.

James Haskell Bumgardner, 18, of Laurinburg, N.C., was in fair condition at UNC Hospitals on Thursday evening with injuries to his back.

The incident follows two alcohol-related deaths on college campuses in the last two months. In the last year, UNC officials have stepped up efforts to educate students about the dangers of alcohol.

Last week, Vice Chancellor for Student Affairs Susan Kitchen told UNC's board of trustees that alcohol-related problems had dropped in the first six weeks of the semester and that the number of students sent to counseling for

underage drinking had dropped by half.

Last year, police began strictly enforcing open-container and underage-drinking laws, and administrators increased the number of alcohol-free events on campus. Fraternities instituted an alcohol-free rush policy for the first time this fall.

According to police reports, Bumgardner had been drinking beer with three friends -- Jonathan Dale, 19, of Lenoir; Patrick Mullis, 19, of Yaupon Beach; and Temple Lee, 19, of Greenville, N.C. -- inside Winston residence hall in the center of campus.

The four climbed out a bathroom window onto a fourth-floor ledge to smoke cigarettes.

About 3:35 a.m. when Bumgardner tried to climb inside, he slipped and fell onto a small tree and then to the ground, reports

state.

Elson Floyd, UNC's executive vice chancellor, said that he met with Bumgardner's family Thursday morning and that Bumgardner was expected to make a full recovery.

Bumgardner, whom friends call "Jase," was pledging Kappa Sigma fraternity this semester, according to UNC officials. But Floyd said he did not believe the incident resulted from hazing.

"The preliminary report indicates that his fraternity affiliation had nothing to do with it," Floyd said. He added that police and administrators were continuing to investigate the fall and that no disciplinary action had been taken.

The university prohibits underage students from possessing and consuming alcohol. Rules also prohibit climbing outside windows.

At the four-story redbrick

dormitory Thursday afternoon, many students said they didn't know of the incident until they woke up this morning to find police and news crews on the scene.

Junior Rich MacKelfresh of Charlotte, who lives three doors down from Bumgardner, said he went to bed about 2 a.m. and heard nothing until he woke up about 7 a.m.

"Hanging out, having a couple beers in the dorm is pretty typical behavior," he said. "I was surprised to hear they were out on the roof."

UNC official Floyd said, "What this really does underscore is the national magnitude of this problem. We'll continue to try to institute programs that address that problem."

Frat where teen died faces search

Reuter

BOSTON-- Boston police are planning to search the fraternity house where 18-year-old Massachusetts Institute of Technology freshman Scott Krueger apparently drank himself to death.

Police have applied for a warrant to search the Phi Gamma Delta house where up to 30 people were partying Friday night when Krueger fell into an alcohol-induced coma.

Most of those at the party reportedly have hired lawyers because criminal charges could be brought if it is found that Krueger was forced to chug lethal amounts of beer and rum during an illegal hazing ritual.

Krueger, a high school honor student and athlete from Orchard Park, N.Y., near Buffalo, had only been at MIT for a month when he died. His parents have reportedly told police their son did not drink.

A report today in the Boston Herald said investigators "will be looking for anything that can tell

them exactly what happened there."

Fraternity members have already cleared vomit and liquor bottles from the basement room where Krueger was found.

MIT officials, meanwhile, have admitted they failed to adequately respond to warnings of out-of-control drinking on campus.

President Charles M. Vest said he "will be the first to admit that the lesson of this tragedy is that...we've been inadequate."

Vest says the school intends to conduct a sweeping review of the use and abuse of alcohol on campus in the wake of Krueger's alcohol poisoning death this week.

One of the new policies Vest announced Wednesday includes a ban on school money used to purchase alcohol at functions where undergraduate students could be expected to attend. The school also plans to build more undergraduate housing, promote more "dry" parties and study and target binge drinking on campus.

Citadel cadet expelled for hazing nine others

Reuter

CHARLESTON, S.C.-- The Citadel has expelled a senior cadet accused of hazing nine male freshmen, the school announced Friday.

The expulsion resulted from a Sept. 25 on-campus alteration between the senior and the freshmen, but school officials would release few details about the incident.

"It was pretty physical," school spokeswoman Judith Fluck said.

Citadel president Major General John Grinalds signed the expulsion order Thursday, the school said in a statement.

The cadet, who was not named, has five days to appeal.

Hazing has been a sensitive issue at the formerly all-male military college since two of the school's first female cadets quit after their first semester, alleging they had been physically abused and sexually harassed by male

cadets.

The women, Jeanie Mentavlos and Kim Messer, said their clothes were set on fire and they were forced to drink tea until they vomited.

Mentavlos filed a lawsuit against the school in early September, alleging that it tolerated a hostile sexual environment.

The Citadel investigated the allegations and disciplined 14 male cadets earlier this year but state officials decided not to prosecute them.

The U.S. Justice Department and the State Law Enforcement Division of South Carolina conducted separate investigations into hazing at the school.

In May, school officials said they had punished a cadet for displaying what appeared to be a swastika on a piece of cardboard.

Philosophy professor rules Stones best rock band ever

Reuter

HARRISBURG, Pa.-- A philosophy professor known in academic circles as a pioneer in quantitative aesthetic theory has developed his own mathematical formula for judging rock bands and their music. And according to the calculations of Crispin Sartwell of Penn State University, the Rolling Stones are a better rock band than the Beatles.

"Mick Jagger never mistook himself for Pavarotti or T.S. Eliot. Keith Richards never tried to do anything but make great little riffs."

-Prof. Crispin Startwell

avant-garde artists. The very symbol of their downfall, he says, is the seminal "Sgt. Pepper's Lonely Hearts Club Band," an album Sartwell describes as "truly bad." "It has a very European tonality. It is Umpah-band stuff," the professor says.

By contrast, the Rolling Stones rarely presented themselves as anything but a straight blues band, Sartwell explains.

"Mick Jagger never mistook himself for Pavarotti or T.S. Eliot. Keith Richards never tried to do anything but make great little riffs." However irksome this may be to Beatle fans around the world, Sartwell says his conclusions are no simple matter of opinion. Rather they are distilled from an empirical analysis that turns on a pair of principles appropriately named, Sartwell's Laws.

Sartwell's First Law dictates that the quality of a rock band is inversely proportional to its pretentiousness, with pretentiousness expressed as a ratio

of artistic ambition to artistic accomplishment. The higher the rating, the professor says, the worse the band.

In this manner, the Ramones, with a ratio of 1:8, come out better than The Talking Heads, with a 7:7 ratio. Nirvana, at 3:9, is exactly as good as Pearl Jam is bad, at 9:3.

Sartwell also offers a specific warning about the quality of early U2 and early Bruce Springsteen, saying both were in the habit of taking simple ditties and mounting them with "an elaborateness usually reserved for Wagnerian opera."

But where the Beatles fell short was under Sartwell's Second Law. To wit, the quality of a rock song varies inversely as the square of its distance from the blues.

White pop music performers from Benny Goodman and Elvis Presley to the Stones and the Beatles have succeeded by taking African-American music and repackaging it for mass audiences, Sartwell says. And the closer they have remained to the real thing, the better their

music has been.

"'Twist and Shout' and other early Beatles songs sound like they were recorded yesterday. But 'For the Benefit of Mr. Kite!' sounds like the relic of an extinct, incomprehensible culture," he says.

The Rolling Stones do as well as the Ramones on the Sartwell system with a ratio of 1:8. "That's about as good as it gets," the professor says.

On the other hand, the Beatles of the Sgt. Pepper era wind up with a rating of 8:2. "In '64 or '65, the Beatles were one of the best R&B bands ever to play. The stuff was wonderful and I'd put it in the same category as the Stones. It was with 'Rubber Soul' that they really started to slip," he said.

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