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Justice Talking



Supreme Court Associate Justice Antonin Scalia discussed his philosophy of Constitutional interpretation at Ira Allen Chapel. (Photo: Sally McCay)

The Constitution, says United States Supreme Court Associate Justice Antonin Scalia, is dead.

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As autumn spreads its warm colors across the Northern Forest, nearly all eyes gaze upward. A team of university scientists studying how to improve the health of forests are looking in another direction due to their belief that soil calcium deficiencies exacerbate problems caused by acid rain.

Controversial Philosopher

Peter Singer, a professor at Princeton University and an internationally renowned moral philosopher whose challenging arguments about the nature of personhood and against human "speciesism" have over the years made him the object of death threats, intemperate insults and, once, a physical assault that broke his glasses, spoke on Oct. 7 in Ira Allen Chapel. His presence at UVM inspired ire, it's true – but mostly civil, thoughtful engagement.

THE WEEK IN VIEW

Oct. 14-15, 8 a.m. Event: 11th Annual Hispanic Forum: "Lorca in Vermont 75th Anniversary." Memorial Lounge, Waterman. Information: [Hispanic Forum](#) or call 656-3196.

Oct. 14, 5 p.m. Event: "Poems of a Mountain Recluse," with Vermont poet, playwright and author David Budbil. Fleming Museum. Information: [Fleming](#) or call 656-0750.

Oct. 15, 7:30 p.m. Lane Series concert: classical guitarist Paul Galbrath. UVM Recital Hall. Tickets \$25. Information: [Lane Series](#)

Oct. 18, 12:30 p.m. Lecture: "Slavery's Shadow, the Telling Lives of Harriet Jacobs and James Bryant," with Mary Lou Kete, associate professor of English. John Dewey Lounge, Old Mill. Information: 656-4282.

Oct. 20, 4:30 p.m. Lecture: "Shambhala: A Buddhist Utopia," with Lubo Belka, visiting Fulbright scholar. Lafayette, Room 207. Information: 656-3080.

Oct. 20, 10 a.m. Open House: A celebration of diversity in the sciences and an opportunity for undergraduates to explore the major. Marsh Life Science building, under the tent. Information:

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Full Slate Ahead in President's Lecture Series

The university's President's Distinguished Lecture Series presents a packed schedule over the next month hosting speakers from George Kuh, director of the National Survey of Student Engagement, to John Esposito, founder of the Center for Muslim-Christian Understanding.

Established by President Daniel Mark Fogel in October 2002, the series invites top researchers to campus to enhance the academic experience, showcase faculty, students and programs, and bring the campus community together regularly.

A schedule of upcoming lectures, which are free and open to the public, follows:

- "Searching for the Shortest Network," Ronald Graham, professor and chair of computer and information science, University of California, San Diego, Oct. 18, 4 p.m., Angell Lecture Center, Room B106.
- "Student Engagement and the University of Vermont: Seeking to Build a Stronger Campus Community," George Kuh, professor of higher education, Indiana University, Oct. 20, 3 p.m., Mann Hall Auditorium, Trinity Campus.
- "Roman Maps and Worldview: New Discoveries, Fresh Perspectives," Richard Talbert, professor of history, University of North Carolina, Chapel Hill, Oct. 25, 5 p.m., North Lounge, Billings Student Center.
- "Lost Prophet: The Life and Times of Bayard Rustin," John D'Emilio, professor of history and gender and women's studies, University of Illinois, Chicago, Oct. 28, 4 p.m., McCrorey Gallery, Bailey/Howe Library.
- "The Intellectual Origins of Modern Economic Growth," Joel Mokyr, professor of arts and sciences and economics and

Hispanic Forum to Celebrate 75th Anniversary of Visit by Celebrated Spanish Poet

The annual UVM Hispanic Forum, which is scheduled for Oct. 14-15, will celebrate the 75th anniversary of the visit to Vermont by celebrated Spanish poet and playwright, Federico García Lorca. Considered one of the most important Spanish writers of all time, Lorca produced works of extraordinary strength and lyricism, often displaying the profound influence of folk songs and traditions of his homeland. His life and career were cut short in 1936 when, at the age of 38, he was executed by Falangist forces during a military uprising. Despite Lorca's relatively short literary career his body of work is significant, and his poetry has been translated more frequently than that of any other 20th century European poet.

Lorca's writings tend to express an intense sense of place, usually his native region of Andalucía in southern Spain, or sometimes Spain itself. In 1929 Lorca had the opportunity to communicate his poetic impressions of a new place – the United States – in conjunction with an extended conference tour to the Americas. His poetry collection *Poet in New York* reflects the experiences of that journey.

Lorca's poetry and his visit to America will be commemorated with poetry readings, music and an excursion to Lake Eden, where the writer stayed with friends. For a complete list of activities, go to [UVM Hispanic Forum](#). Sponsors are the Department of Romance Languages, ALANA-U.S. Ethnic Studies, Area & International Studies, La Casa Hispánica, Department of German and Russian, Humanities Center, Latin American Studies, Office of Multicultural Affairs and Vermont Studies program. Information: 656-3571.

Visiting Fulbright Scholar to Speak on Buddhist Shambhala Myth

history, Northwestern University, Oct. 28, 4 p.m., John Dewey Lounge, Old Mill Building.

- "Solidarity, Courage and Heart: Lessons from a New Generation of Teachers," Sonia Nieto, professor of education, University of Massachusetts, Nov. 3, 4 p.m., Memorial Lounge, Waterman Building.
- "The War Against Terrorism, Violent Conflict and Poverty: The Case for Cooperation," Brian Atwood, dean of the Humphrey Institute of Public Affairs, University of Minnesota, Nov. 4, 5:15 p.m., North Lounge, Billings Student Center.
- "The United States, the Muslim World and the War on Global Terrorism," John Esposito, professor of religion, international affairs and Islamic studies, Georgetown University, Nov. 10, 5:30 p.m., North Lounge, Billings Student Center.

For more information, including background on the speakers, visit [President's Distinguished Lecture Series](#).

Open House to Focus on Undergraduate Opportunities in Science

Students wanting to learn more about undergraduate opportunities in the sciences will get the chance at an open house and celebration of diversity in the sciences on Oct. 20 from 10 a.m. to 2 p.m. under the tent at the Marsh Life Science building.

On hand will be staff from the Hughes Endeavor for Life Science Excellence (HELIX) program, Vermont's Experimental Program to Stimulate Competitive Research (EPSCoR), Undergraduate Mentoring in Environmental Biology Program (UMEB), and Vermont Genetics Network and the McNair Scholars Program.

Students will give poster presentations and program staff will answer questions. For more information call 656-5467.

Lubo Belka will give an illustrated lecture on "Shambhala: A Buddhist Utopia," on Oct. 20 at 4.30 p.m. in room 207 of Lafayette.

Shambhala utopia and its corresponding myth represent one of traditional forms of Buddhist eschatology, a branch of theology concerned with ultimate or last things such as death, judgement, heaven and hell. Besides textual and narrative aspects, there are numerous and varied visual art depiction of the myth. The lecture will focus on the description and analysis of a rare image of the last ruler of Shambhala, Rudra Cakrin.

Belka is visiting Fulbright scholar in the Department of Religion for the current academic year. He is professor of religious studies at Masaryk University, Brno, Czech Republic, an institution with which the UVM department has sustained a relationship over the past decade. Belka is an authority on Tibetan Buddhism in Mongolia, Buryatia and Tibetan Amdo. His new book, published in Czech, is *Buddhist Eschatology: The Shambhala Myth*.

Information: 656-3080

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Family Endows Professorship in Honor of Emeritus Psychologist's 100th Birthday

"They lived Adlerian psychology," says Professor Robert Lawson as he recalls coming to know Heinz and Rowena Ansbacher during his first years on campus some 40 years ago. "Social support, the priority of home life and individual responsibility were all very important to them."

Heinz Ansbacher, a veteran member of the psychology faculty, helped Lawson, then a young professor, settle into academic life in the mid-1960s and would continue to be a regular presence in the Department of Psychology long past his retirement in 1970, strolling over from his East Avenue home to check his mail daily, often putting in a good word for keeping the spirit and practice of individual psychology alive here.

Heinz Ansbacher is still going strong as he approaches his 100th birthday on Oct. 21. In recognition of that milestone, Heinz and the late Rowena Ansbacher's family has assured that the influence of their parents will continue in UVM psychology for years to come. The Ansbachers' four sons – Max, Ben, Ted, and Charles – have established a fund to support the Heinz and Rowena Ansbacher Endowed Green and Gold Professorship in Psychology.

"He has all the ties he needs," says Max Ansbacher, "we thought we'd do something a little more meaningful to celebrate his wonderful life." The family will celebrate Heinz Ansbacher's 100th birthday and the establishment of the professorship at a birthday party at the Sheraton on Oct. 16.

About half of Heinz Ansbacher's long life has been spent in Burlington, where he joined the UVM faculty in 1946. Heinz and Rowena both worked directly with Alfred Adler as scholars and editors and are considered among the leading early followers of the Adlerian school of thought. The Alfred Adler Institute Website summarizes the pillars of that philosophy: "the necessity of looking at man as a whole, as a functioning entity, reacting to his environment as well as to his physical endowment, rather than as a summation of instincts, drives and other psychological manifestations."

On the eve of his 100th birthday, Ansbacher considers what initially attracted him personally and professionally to Adler's way of thinking. "It was against Freud," he says. On another inevitable question, Ansbacher declines any credit for his impressive longevity, "I didn't do anything about it," he says. "I just have a good heart."

Gund Professor One of His Field's Most-Cited Scholars

According to a new analysis, Robert Costanza, director of UVM's Gund Institute for Ecological Economics, is one of the world's top scholars, based on the number of times his published work has been referenced by other scientists in their published works.

He has recently been added to the prestigious list of Thomson Institute for Scientific Information Highly Cited researchers, and one paper he co-authored, "The value of the world's ecosystem services and natural capital," which appeared in the May 1997 issue of *Nature*, has been ranked by Thomson ISI as the second most highly cited work published in the environment/ecology category in the last 10 years. According to the [ISI Web of Knowledge Database](#), Costanza's 368 published works, spanning several fields, have been cited more than 2,500 times to date.

The *Nature* paper had received a total of 530 citations as of August 2004 in articles published in scholarly journals like *Science*, *Nature* and *Ecological Economics*. This total does not include the many additional citations the paper has received in mainstream media like *Newsweek* and the *New York Times*, which are not included in the ISI database.

In an [interview](#) published on the Thomson ISI Web site, Costanza speculates that the paper was so highly referenced because it was "unique in that it not only asserted that ecosystems are important, but quantified how important they are in units (dollars) that were easy to compare with other things that support human welfare."

The estimate of the value of Earth's ecosystems Costanza and his co-authors arrived at was \$33 trillion per year, a number "greater than global GNP," Costanza says.

While the paper sparked criticism from some traditional economists, it also greatly enhanced the idea among researchers from many fields that the services provided by Earth's ecosystems – from the flood protection wetlands provide, for instance, to tropical rainforests' sequestration of carbon dioxide in biomass – have economic value. "The environment/ecology field has embraced the concept of ecosystem services as a way to effectively make the link between ecosystem functioning and human welfare."

One of the most valuable aspects of the paper, Costanza says, is in its demonstration of transdisciplinary synthesis as an approach to science. "Analysis and synthesis are two sides of

New Book Examines the Human Face of Natural Calamity

In their fury and caprice, disasters reveal often-hidden aspects of the natural world – and the social world.

Sociologist Alice Fothergill's new book *Heads Above Water: Gender, Class, and Family in the Grand Forks Flood* (State University of New York Press), a substantially revised version of her dissertation, tells the story of the 1997 flood in Grand Forks, N.D., through the perspectives of dozens of women who lived through it. The book, which melds academic analysis with the voices of the women Fothergill interviewed, is a compelling unpacking of an enormous event, a once-a-century flood that pushed 60,000 people out of their homes, and a intellectual corrective to past decades of male-dominated disaster study.

"I wanted to capture stories that hadn't been told before," says Fothergill, an assistant professor of sociology. "Disasters are understudied, generally. What struck me in graduate school was that this is one area of social life where we hadn't done the studies. We see disasters as these random acts of God, as indiscriminate. But they reveal social structures, social relationships. It's a great context to study all the classical sociological themes."

Many of the women Fothergill spoke with had epiphanies in the aftermath of the flood, changing and realizing new strengths. Some changed careers and left abusive relationships. But Fothergill found themes of continuity as well; much of the disaster work, in which members of the community found themselves filling sandbags or volunteering at relief centers, broke on gender lines, with women spending more time cooking and talking care of children than responding in the public sphere.

This is a particularly crucial point for Fothergill, who has also studied volunteerism in the context of the Sept. 11 terrorism strikes in New York. Pitching in, she says, is a major part of coping, so women who can't volunteer because of family responsibilities may be losing an opportunity to feel like they have given something back to the community. A sense of giving something back was particularly important in Grand Forks, Fothergill says, because her research again and again found that many flood victims felt violated by the event itself, which was so damaging to their private space, and deeply stigmatized by the charity they had received in the wake of the disaster.

"The stigma of welfare, the ideology that it is someone's own fault if they are poor, is so strong that you can be hit by disaster and feel ashamed about needing help," Fothergill says. "People told me again and again, 'I had to swallow my pride and go to Red Cross.'"

With her first book now in print, Fothergill is working on a variety of disaster-related projects. She'll soon follow up on her previous work with new Sept. 11 volunteers to see if they stayed engaged, and she's considering a project analyzing the public's perception of risks from the

the same coin, but science has underutilized synthesis as a way to convert data into usable knowledge."

Upcoming Events Highlight Community Partnerships, Service-Learning

Creating successful community-university partnerships will be the focus of an upcoming workshop sponsored by UVM's Office of Community-University Partnerships and Service-Learning. The collaborative workshop, which is open to faculty, staff, students and community partners, will be held Oct. 27 at 2 p.m. in the Grace Coolidge Room, Waterman Building. The organization is offering a variety of programs and events this month in recognition of its one-year anniversary.

Established by President Daniel Mark Fogel last September, the office supports UVM-community partnerships, service learning and community-based scholarship. In its inaugural year, the office helped create 15 new collaborative partnerships between UVM faculty and community organizations; hosted a semester-long training seminar for eight UVM faculty, who will teach a new service-learning course; and oversaw the Community Service Scholars Program, through which 80 Vermont students provided 9,205 hours of community service during the 2003-04 academic year.

Upcoming programs and events include:

- **Program Kickoff:** The new Service-Learning Teaching Assistant Program begins this month with student training for spring TA assignments taking place the week of Oct. 18. There are still openings for faculty who would like TAs for spring service-learning courses.
- **Workshop:** Oct. 27, 2 p.m., Grace Coolidge Room, Waterman. "Building Effective Community-University Partnerships." Explores the essence of partnerships, seeking to find ways to partner more effectively in service-learning, community service, internships and other independent partnerships.
- **Reception and Resource Fair:** Oct. 27, 4:30 p.m., Waterman Manor. Celebrate a year of programs and thank those who have made them a success. Guest speaker: President Daniel Mark Fogel. All UVM faculty, staff and students are invited to attend. RSVP to partnerships@uvm.edu or 656-0095. The event will also display information from the university's service-related offices.
- **Funding:** Faculty service-learning planning and implementation grants of up to \$1,000 are available this fall. The application deadline is Oct. 22.

For registration, information and online applications, visit www.uvm.edu/partnerships. The anniversary events are co-sponsored by the Department of Student Life and Career Services Office.

Vermont Yankee nuclear power plant.

Jill Tarule to Retire as Dean

Jill Mattuck Tarule, currently the university's longest-serving dean, recently announced her retirement as dean of the College of Education and Social Services. As a segue to leaving the position, she will work with the provost to create a leadership development program for UVM.

"Dean Tarule has served with distinction as dean of the college for more than a decade. Under her leadership the College of Education and Social Services has been recognized nationally for its contributions," says John Bramley, UVM provost and senior vice president. "While we will greatly miss Jill in the role she has played for more than a decade, I am delighted that she agreed to join my staff to tackle this special project. She is a nationally recognized authority in leadership development – I look forward to the expertise she brings to this important new program."

Tarule became dean in 1992, after holding various faculty and administrative positions, here and elsewhere. Under her leadership, the College for Education and Social Services developed innovative programs for professionals statewide, seen significant growth in graduate education, created new professional development schools and played a major role in education and social services policy.

Tarule is a champion for collaborative learning and social justice, a human-strengths perspective in the professional education of educators and social workers. Committed to the land-grant mission, she and the faculty have worked with the Vermont State Department of Education, Vermont State Colleges, and Agency of Human Services in a vast array of projects and research focused on serving the children, adults, families and communities of Vermont.

"Jill has been a leader in our ongoing effort to better prepare teachers for the task of helping all Vermont students achieve excellence. I thank her for all of her good work," says Vermont Commissioner of Education Richard Cate.

Tarule is a professor in human development and in leadership whose research led to the coauthored book, *Women's Ways of Knowing, The Development of Self, Voice, and Mind*. She also co-edited *Knowledge, Difference and Power: Essays Inspired by Women's Ways of Knowing* in 1996.

Her recent work focuses on leadership and women in leadership. She is former chair of the board of the American Association of Colleges for Teacher Education, current chair of the New Dean's Institute of that organization. She was honored with the Jackie M. Gribbions Leadership Award in 1999 and holds an honorary doctorate from University of New Hampshire for her work on adult learners. Tarule, a native of Vermont, attended Bennington College and earned degrees from Goddard College and the Harvard Graduate School of Education.

Tarule will remain in her position until her successor is hired – the university has begun a national search, hoping to fill the position by next fall. Upon completion of her work in the provost's office, Tarule will return to the faculty.

theview

University Communications
86 South Williams Street
Burlington, Vermont
05401-3404

pho 802.656.2005
fax 802.656.3203

theview@uvm.edu

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Awards and Honors

Russell Hovey, assistant professor of animal science, recently served on study sections for both the Susan G. Komen Breast Cancer Foundation and the California Breast Cancer Research Program.

In recognition of his teaching, **Douglas Johnson**, professor of microbiology and molecular genetics, received the Joseph E. Carrigan Award for Excellence in Undergraduate Education from the UVM College of Agriculture and Life Sciences.

Publications and Presentations

M. Ahmad Chaudhry, assistant professor in the department of biomedical technologies, has been invited to attend an international workshop on Radiation-Induced Bystander Effect at McMaster University, Hamilton in Ontario from Oct. 28-Nov. 1. Chaudhry will subsequently write an article for a special issue of *Mutation Research*, which will cover the proceedings of the workshop.

Declan Connolly associate professor of education, will speak on "Training Considerations for Young Athletes" at the U.S. Ski Federation and Vermont Alpine Racing Association Conference in Killington, Vt., on Oct. 16.

Dr. **Lewis First**, professor and chair of pediatrics and senior associate dean for educational and curricular affairs at the College of Medicine, co-edited the textbook *Pediatrics*, which was unveiled at the American Academy of Pediatrics annual meeting in San Francisco held Oct. 9-13. Leading educators from around the country and hundreds of international pediatric subspecialists contributed to the book, which was published by Elsevier in September 2004.

Appointments

Chris Francklyn, professor of biochemistry, has been appointed to chair the new Molecular Genetics "A" Study Section at the National Institutes of Health.

Karen Lounsbury, associate professor of pharmacology, was asked to serve on the Mary Kay Ash Charitable Foundation Cancer Research Review Board.

Dr. **Ted Marcy**, associate professor of medicine, has been selected by Gov. Jim Douglas to serve on the Vermont Tobacco Evaluation and Review Board.

J. Patrick O'Neill, research professor of medicine, was named to the review panel for the Superfund Basic Research and Training Program of the National Institute for Environmental Health Sciences.

Dr. **Donald Weaver**, professor of pathology, was elected to a second one-year term as chief medical officer for the American Cancer Society, New England Division, for which he also serves on the board of directors.

October 6, 2004

Awards and Honors

Chester Liebs, professor emeritus of history and founding director of UVM's

Historic Preservation Program, received the James Marston Fitch Preservation Education Lifetime Achievement Award given by the National Council on Preservation Education. The award recognizing Liebs' work on national and international cultural heritage conservation was presented Oct. 1 at the National Trust for Historic Preservation meeting in Louisville, Ky.

Dr. **Benjamin Littenberg**, professor of medicine, has received a grant from the National Institutes of Diabetes and Digestive and Kidney Diseases titled, "Barriers to Optimum Diabetes Care." The award provides support for five years of research as well mentoring of trainees and junior investigators. Littenberg has also been appointed to the National Quality Forum's Breast Cancer Technical Panel and will work on the project, Quality of Cancer Care Performance Measures, which develops standards for measuring and reporting the quality of medical care across the nation.

Vermont Medicine, the University of Vermont College of Medicine's magazine, has won an award of distinction in the 2004 Association of American Medical Colleges/Group on Institutional Advancement Awards for Excellence competition. The AAMC/GIA awards acknowledge the most creative and effective approaches used to promote academic medicine in the United States through alumni, development, public relations and marketing programs and products.

Publications and Presentations

Richard Vanden Bergh, assistant professor of business administration, published an article in the October issue of the journal *Law, Economics and Organization*. The article, "Influencing Agencies through Pivotal Political Institutions," examines how interest groups allocate influence activities, such as monetary donations and lobbying, across multiple government institutions when seeking more favorable agency policy decisions. The article was co-written with Guy Holburn, assistant professor at the University of Western Ontario.

Dr. **Jan Carney**, research professor of medicine, will discuss two abstracts on the role of UVM medical students in promoting public health projects at the American Public Health Association's annual meeting in Washington, D.C., this November. Carney will cite findings from UVM reports on "Community-academic Partnerships: Teaching Medical Students Public Health" and "Promoting Healthy and Active Communities: Medical Students and the Built Environment," co-authored by College of Medicine faculty Yvette Pigeon and Dana Walrath.

Dennis Clougherty, professor of physics, published an article titled, "Looking for Design in Materials Design," in the October issue of the journal *Nature Materials*. The article critiqued the state of computational materials science in designing new materials by computer.

Matthew Wilson, research assistant professor of business administration, co-authored a manuscript on "Rethinking the Scope Test as a Criterion for Validity in Contingent Valuation," which will be published by *The Journal of Environmental Economics and Management*. The article will appear in the journal's online publication in January and in the print edition in July or August of 2005.

Teaching Activities

Key Compton, a UVM alumnus and School of Business Administration Board of Advisors member, spoke on "Entrepreneurship and the Role of Technology," as a guest speaker for business administration classes on Sept. 27-28. Compton, a serial entrepreneur and co-founder of the on-line music business SoundSpectrum, Inc., discussed connecting IS with a career in business. He was invited to speak by **Matthew Bovee**, assistant professor of business administration.

Dr. **Charles Mercier**, associate professor of pediatrics, is leading an effort called "Great Beginnings," a national, Web-based educational series to help clinical teams across the country improve the quality of hospital care for newborn infants and their mothers through a series of seven live conferences led by a team of faculty from across the nation.

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Justice Talking

By Kevin Foley

Article published Oct 12, 2004



Supreme Court Associate Justice Antonin Scalia discussed his philosophy of Constitutional interpretation at Ira Allen Chapel. (Photo: Sally McCay)

The Constitution, says United States Supreme Court Associate Justice Antonin Scalia, is dead.

The conservative jurist, whom President Daniel Mark Fogel praised in introductory remarks for his "legal genius and rhetorical power," discussed Constitutional interpretation in an Oct. 8 talk at Ira Allen Chapel. But for most of his blunt and amusing talk, Scalia emphasized the Constitution and minimized the interpretation.

"I am a believer in the method called originalism," he said, "which, in a nutshell, says that you look at the text of the Constitution... and you give the text the meaning it had when it was adopted. Is the death penalty in the Constitution? Not a hard question for an originalist. The death penalty was the only punishment for felonies in 1791."

Scalia argued that the alternative to originalism is to treat the Constitution as a "living document," which he said amounts to having a Constitution that morphs from year to year, depending on the societal mood. This is fundamentally undemocratic, he argued – how can lawyers entombed in a "marble palace in Washington" determine a society's mood? Aren't representatives elected by the people better suited to this? And who or what checks the powers of judges, if they can forestall political discussion by "finding" new rights in the Constitution?

The justice cheerfully admitted that only a minority of lawyers and jurists currently share his philosophy. But for most of the nation's history, he argued, the opposite was true. The 19th Amendment, which gave women suffrage, is an example of the past's originalist assumption, Scalia argued. "Why did we adopt the amendment," he said. "We already had an equal-protection clause." Because Americans didn't think the clause could be expanded and reinterpreted to give women suffrage; instead, they created a new right through democratic, rather than legal, process, which is the way Scalia believes the system should work.

This, to Scalia, is flexibility. The alternative – his rhetorical device of an eternally up-for-grabs "living Constitution" is, ironically, rigidity. He said judges who find Constitutional rights the framers never intended take important issues out of the public space of democratic debate and suspend them in a sort of legal formaldehyde.

"My Constitution produces a very flexible system. You want the death penalty, the Constitution does not prevent you from having it; you don't want the death penalty, you persuade your fellow citizens and abolish it by statute. The Constitution doesn't prevent you." Scalia said. He went on, "...You create rights the way most rights are created in a democracy. You can change it if your first thought produces a result that you don't like. The living constitution... that's not

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As autumn spreads its warm colors across the Northern Forest, nearly all eyes gaze upward. A team of university scientists studying how to improve the health of forests are looking in another direction due to their belief that soil calcium deficiencies exacerbate problems caused by acid rain.

[Controversial Philosopher](#)

Peter Singer, a professor at Princeton University and an internationally renowned moral philosopher whose challenging arguments about the nature of personhood and against human "speciesism" have over the years made him the object of death threats, intemperate insults and, once, a physical assault that broke his glasses, spoke on Oct. 7 in Ira Allen Chapel. His presence at UVM inspired ire, it's true – but mostly civil, thoughtful engagement.

a flexible system. Every time the Supreme Court defines an aspect of the Constitution, it reduces debate. Every time we find some new right in the Constitution which was never put there by the framers, the debate ends.”

Unintended consequences

While conservatives like Scalia tend to favor “stricter” Constitutional interpretation at this historical moment, while liberals tend to favor application of Constitutional principles and language to dilemmas not anticipated by the framers, Scalia warned that this view carries some dangerous assumptions. He argued that societies don’t necessarily evolve toward more freedom, enlightenment and democracy.

“This idea that societies only mature, they never rot. That principle was not the attitude possessed for sure by the framers of the Bill of Rights. Why *have* a Bill of Rights if in every day and in every way we all get better and better?”

He argued that the risk of a system of laws whose basis is up for interpretation and reinterpretation cuts across political lines, and threatens the basis of the system itself. Scalia said “the end of the road is not happy.” He himself was confirmed 98-0 in 1986, a result that’s no longer possible, as the battles over other judicial nominees portends. Scalia said that is because people have “figured out what’s going on” and have decided to “put the kind of people on the court who will write the kind of Constitution we like.”

That result, Scalia said, is deeply ironic.

“The people will decide what the Bill of Rights means. Who do you think the Bill of Rights is meant to *protect*? The people. It’s meant to protect you against the tyranny of the majority,” he said.

The results of politicizing the process cut both ways. Scalia pointed to two decisions issued on the same day in 1996, *Romer v. Evans* and *BMW v. Gore* (we’ll get to *Bush v. Gore* below). In the *Romer* case, the court decided that a voter-approved amendment to Colorado’s state constitution that forbade adding sexual orientation to classes of people protected by anti-discrimination laws was a violation of the equal protection clause of the 14th Amendment (Scalia dissented). “The liberals cheered, the conservatives gnashed their teeth,” Scalia told the UVM audience.

But the same day, the *Gore* decision rejected a large punitive damages award, a result probably appealing to political conservatives concerned about lawsuit costs. Scalia also dissented in this case, finding the decision an unjustified incursion into issues appropriately decided by states.

“Conservatives are as willing to use the doctrine of the living Constitution to effect their goals the liberals are... why do [liberals] think this is a one-way street? Once you depart from the text, things could go either way,” Scalia said.

Given that, Scalia said in closing, “You may find that the dead constitution is to your liking.” He paused, deadpan. “I can package it better than that. Let’s call it the *enduring constitution*.”

Rehashing 2000

Although Scalia half-jokingly promised his UVM audience to “take” rather than “answer” questions, he entertained numerous queries. The inevitable question about *Bush v. Gore* – the Supreme Court’s narrow 2000 decision ending the Florida recount, a decision that Scalia supported – came from emeritus professor Howard Ball, an expert on the court’s history. Ball asked Scalia how, as an originalist, could he allow the Supreme Court to effectively make a final decision on a presidential election when the Constitution explicitly says that the House of Representatives shall make the final judgment in a dispute. Scalia replied that a substantive equal protection issue was raised by the recount because some votes were counted and others were not, but allowed that he found another Constitutional rationale, that state legislators shall determine Presidential electors, more convincing. Ball told *the view* later that he found

Scalia's general argument unconvincing but found the equal-protection portion telling. "He justified intercession by the court by arguing that equal protection was violated in that some votes were counted and some weren't," says Ball, who found this ironic since the court's action stopped recount efforts. "In doing that, he goofed, he slipped, he basically said the truth – that about 100,000 ballots were not counted because of the Supreme Court."

theview

University Communications
86 South Williams Street
Burlington, Vermont
05401-3404

pho 802.656.2005
fax 802.656.3203

theview@uvm.edu

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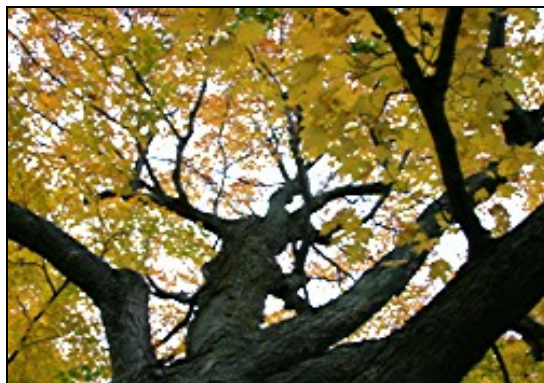
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UVM HOMEPAGE

Calcium May Supplement Maple Production

By Cheryl Dorschner
Article published Oct 13, 2004



Calcium promotes strong bones... and trunks? UVM researchers say amending calcium-poor soils may boost maple production. (Photo: Cheryl Dorschner)

As autumn spreads its warm colors across the Northern Forest, nearly all eyes gaze upward.

But scientists studying how to improve the health of the forest focus in the opposite direction, suspecting that soil calcium deficiencies are at the root of widespread problems caused by acid rain.

University scientists are tackling the issue in a new way and will discuss their findings at the International Maple

Producers Conference Oct. 17-19 in Lake George, N.Y. Timothy Perkins, a research associate professor of botany, will discuss and offer the first copies of his co-authored booklet, "Fertilizing A Sugarbush," which recommends that sugarmakers add calcium to their woodlands to increase maple production.

The publication, funded by UVM's Agricultural Research Station, is the culmination of Perkins and Timothy Wilmot's seven-year, \$285,000 study that ended in 2003 and was funded by the Freeman Foundation.

"If your site is deficient in some nutrient not just calcium – you may be able to fertilize your trees and increase production. However, calcium is the number one deficiency in soils throughout the Northeast," says Perkins, director of the university's Proctor Maple Research Center in Underhill.

Perkins recommends that forest owners perform a soil test or look at other plants at the site that indicate whether soil is alkaline or acidic before considering adding amendments. Sugarmaker Arthur Krueger took this advice and when the soil test on a ten-acre stand near the southern Vermont town of Cuttingsville showed an acidic pH of 4.5 (on a scale where 7 is neutral) he decided to experiment. A local business offered him free calcium carbonate, commonly known as lime, and he took 10 tons.

Fertilizing forest no small task

Although it may be a stretch to say that just as humans need calcium for strong bones, trees need calcium for strong trunks, UVM researchers say the effects of calcium deficiency in trees is something like a weakened immune system that makes them vulnerable to a host of stresses such as storms, insects and drought.

Stands of sugar maples, referred to as sugarbush, and forests in general, grow densely and often are without roads in areas where the terrain may be hilly. So the recommendation is not as easy as the more common practices of gardeners liming a lilac bed or farmers fertilizing a cornfield before planting.

Acting on preliminary findings of Perkins' and Wilmot's work, Krueger plans to add one ton per acre as time allows and at various times of year. Based on

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Scalia Speaks

The Constitution, says United States Supreme Court Associate Justice Antonin Scalia, is dead.

Controversial Philosopher

Peter Singer, a professor at Princeton University and an internationally renowned moral philosopher whose challenging arguments about the nature of personhood and against human "speciesism" have over the years made him the object of death threats, intemperate insults and, once, a physical assault that broke his glasses, spoke on Oct. 7 in Ira Allen Chapel. His presence at UVM inspired ire, it's true – but mostly civil, thoughtful engagement.

Krueger's description of this process, it will be no small task.

"In order to get the lime in where the trees are I use a pony, a cart, and a shovel for a couple reasons. One, you do a lot less damage to the roots than you do with a vehicle, and two, I guess I should've been born an Amish man," he says. "It takes three horse hours and five man hours to spread a ton of lime. Already it looks like I'm doing some good – trees are greener, there's more life and slower decline on the top. But I'm like the story of the little Dutch boy with his finger in the dyke," he adds. "I can lime a small portion of my woods but the problem is with all the forests."

Perkins emphasizes that "fertilizing and liming are not panaceas," adding that if the stand is not thinned or if the soil is already fertile, it won't help. While adding calcium is intended to aid maple production and not fall color, calcium is the link between the overall health of maple trees and the damage caused by acid rain. Acid rain leaches calcium out of soil and acidic particles and gases landing on leaves and increases the availability of aluminum, which further limits calcium uptake.

"There's not yet conclusive evidence that there's a link between acid rain damage and fall leaf coloration," says Paul Schaberg, a UVM adjunct faculty member and U.S. Forest Service scientist. "Data indicates that calcium is an important trigger in the production of the pigments (anthocyanins) that produce red color in leaves. "But how that plays out in the landscape, we don't know. We don't even have the data on it."

The acid rain link

Theoretically, by depleting calcium, acid rain could mute the production of red leaf pigments, according to Schaberg. However, by acting as a stress itself, acid rain could also temporarily trigger greater stress response, including red color production. "Whatever happens with leaf color, the more important issue is the influence of calcium depletion on the overall productivity and health of forests. We know that red spruce and sugar maples are especially sensitive to calcium loss, and if we lose them it affects the whole ecosystem."

Speaking as a member of the UVM research team of Don DeHayes and Gary Hawley, Schaberg says the team suspects that red spruce and sugar maples may be the "canaries in the coal mine," early indicators of problems that will affect many tree species.

Just as gardeners amend some soils with limestone to bring the pH closer to neutral, some wildlife managers add lime to stream water to reduce acidity and restore fish production. Likewise researchers experimented with adding calcium to soils in a section of forest at the Hubbard Brook Experimental Forest in Durham, N.H., in 2003 with positive results.

However Schaberg is quick to point out that this exercise "cost a million dollars for one watershed on one side of one mountain."

"Growing evidence indicates that at least some forests benefit from calcium addition to replace the calcium lost by acid rain. However, this raises an important question – what is the most cost effective method of combating acid rain-induced calcium loss?" he says. "It would be an extremely expensive, Herculean chore to add calcium back to all the forests that are being depleted by acid rain."

Or as sugarmaker Arthur Krueger aptly puts it, "an ounce of prevention is worth 10 tons of lime."

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UVM HOMEPAGE

Princeton Philosopher Sparks Protests, Dialogue

By Kevin Foley

Article published Oct 13, 2004

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Ethicist Peter Singer visited UVM to discuss "the sanctity of human life" on Oct. 7. (Photo: Bill DiLillo)

Peter Singer, a professor at Princeton University and an internationally renowned moral philosopher whose challenging arguments about the nature of personhood and against human "speciesism" have over the years made him the object of death threats, intemperate insults and, once, a physical assault that broke his glasses, spoke on Oct. 7 in Ira Allen Chapel. His presence at UVM inspired ire, it's true – but mostly civil, thoughtful engagement.

[Scalia Speaks](#)

The Constitution, says United States Supreme Court Associate Justice Antonin Scalia, is dead.

[Maple Dietary Supplements](#)

As autumn spreads its warm colors across the Northern Forest, nearly all eyes gaze upward. A team of university scientists studying how to improve the health of forests are looking in another direction due to their belief that soil calcium deficiencies exacerbate problems caused by acid rain.

About three-dozen disability rights protestors mounted an informational protest outside the chapel. Their purpose was not to deny Singer's right to speak, said one of the event's organizers, Michael Giangreco, a research professor at the UVM Center for Disability and Community Inclusion, but to challenge an ethicist with views they find reprehensible. "He espouses views that people in the disability-rights community feel threaten the civil rights and, sometimes, literally the existence of certain people with disabilities," Giangreco said.

Singer's talk was sponsored by the John Dewey Honors Society through its Michael Zeltzerman Visiting Lecture Fund. The series, which supports lectures concerning the interrelationships of science with other areas of knowledge concerning people as individuals or societies, honors Michael Zeltzerman '63, who died in an automobile accident in 1966. Singer's topic was "Ethics and the Sanctity of Human Life," but he began his discussion with arguments about death.

From Singer's perspective, a late-1960's change in the legal definition of death, motivated in part by the ethical challenge of organ-transplantation, marks a striking and underdiscussed change in our society's sense of the sanctity of life. We have redefined terms to call people who are alive, whose hearts beat and organs function, "dead." Singer disagrees with that change, as well as the process that brought it about. But while people with irreversible brain damage are indeed alive, these lives aren't fully viable. When the brain is irreversibly damaged (perhaps as indicated by new imaging technologies) in such a way as to make self-awareness, feeling and suffering impossible, it is justifiable to end a person's life.

"It's not human life as such that's worth preserving, it's human life only with certain characteristics, or qualities," Singer said, enumerating those qualities, which include awareness of the present and future and an ability to feel pleasure or suffering. Singer did not argue that people with disabilities generally were not alive, not people or not worthy of moral consideration.

Sparking conversation

Giangreco, his colleagues, and many of the protestors and questioners who attended the Oct. 7 event found that many of Singer's statements in the 90-minute talk and question and answer session treaded perilously close to a

personally threatening line of argument. Who determines the qualities that make human life worthwhile, they asked? Who says when a coma is irreversible? They also challenged some of Singer's science, specifically criticizing the philosopher's presentation of the prospects of infants born with spinal bifida, which they said was outdated. They also worried that students were required to attend.

Although many students enrolled in the Honors College's first-year course, "Making Ethical Choices," attended the lecture, and class sections had discussed and critiqued some of Singer's writing, as well as articles disagreeing with his positions, they were only encouraged (not required) to attend the lecture, said Don Loeb, an associate professor of philosophy and director of the John Dewey Honors Program. The students will also be encouraged to attend an Oct. 20 lecture by Norman Kunc, a disability rights advocate, at Mann Hall Auditorium, Trinity Campus. Some disability-rights advocates also objected to him speaking during [Deaf and Disability Awareness Month](#), which Zeltzman organizers said was accidental.

"I don't accept all the characterizations of Singer's views that I heard in the protest," Loeb said. "But to me, it's a triumph for the university that we were able to bring someone this controversial here and still spark a civil discussion. We're talking about disability rights on campus now, and that's important. We're learning from each other."

Giangreco said that he found his personal conversations with Loeb collegial and that he hoped the unfortunate confluence of Singer's talk and deaf- and disability-rights month would help raise the visibility of the issue on campus. He said that the scope and success of the informational protest, which was organized in less than a week, was a measure of the passion that advocates have for the issue. (To read more about the protest and the issues behind it, see [this Web page](#).) One such advocate is Anne Bakeman, who works part-time at UVM and is president of the Vermont Coalition for Disability Rights.

"In my work for the Vermont I-Team, I am in intimate contact with families of children whom Singer probably would claim to be 'non-persons,'" she said in a statement read at the event. "The point is not so much that he would argue to have them euthanized, as that he would see them as 'non-persons.' It is sometimes difficult for these families, who love their children, to be among only a small circle of people who recognize the subtle signs of personhood in their sons and daughters and to continue to convey the message of their value to them and others."

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