

The Chautauquan Daily

The Official Newspaper of Chautauqua Institution | Wednesday, August 25, 2010

VOLUME CXXXIV, ISSUE 52
CHAUTAUQUA, NEW YORK 50¢

MORNING LECTURE

Friedman to discuss court's relationship with public opinion

by Kathleen Chaykowski
Staff writer

The public has always been, to a certain degree, skeptical of the power and apparent unaccountability of the Supreme Court justices, according to lawyer and academic Barry Friedman.

In today's morning lecture at 10:45 p.m. in the Amphitheater,

Friedman will continue the Week Nine theme, "The Supreme Court," by examining the current state of the Supreme Court and whether or not it is accountable to public opinion.

Friedman is the Jacob D. Fuchsberg Professor of Law and former vice dean at New York University School of Law, and his lecture is inspired by his recent book

The Will of the People, which argues that the Supreme Court has always been subject to a "higher power: the American public."

Even on rulings related to issues such as abortion, gay and lesbian equality, campaign financing, school prayer, and the war on terror, the Court's decisions have never strayed "too far from public opinion," according

to his book's website. From a historical perspective, *The Will of the People* shows how the American public came to embrace judicial power.

Although the court does not always follow public opinion, Friedman said, on salient issues, the court's rulings typically align with popular persuasion.

"The argument I make, even though there are people

accepting it in media today, 15 years ago ... most people thought I was crazy," he said. "Most people are coming to think that the argument is right and even obvious."

"But just because it's true, doesn't mean it's good," he added, stating that it is important to question how one feels about judges' tendency to coincide with mainstream public opinion. For



Friedman

public attitudes.

See FRIEDMAN, Page 4

8:15 P.M. — AMPHITHEATER

MADAM JUSTICE

O'Connor takes center stage in special evening conversation

by Natalie DeBruin
Staff writer

Chautauquan and former Supreme Court Justice Sandra Day O'Connor is concerned about Americans' knowledge of their government — or, more specifically, their lack of knowledge.

O'Connor, who last lectured at Chautauqua in 2007, will speak at 8:15 p.m. tonight in the Amphitheater, in a special evening conversation with Craig Joyce, Andrews Kirth Professor of Law at the University of Houston Law Center.

The Supreme Court's first female justice, O'Connor was appointed by President Ronald Reagan in 1981 and served until 2006. Her latest project, iCivics, was launched in May. ICivics is a Web-based program aimed at helping students and teachers fill in that knowledge gap to create better citizens, and it can be found at <http://icivics.org>.

In her 2003 book *The Majesty of the Law*, which Joyce edited, O'Connor lamented the misinformed citizenry, noting that, at the time, nearly half of Americans didn't know that there are three branches of government. The bicentennial, she said in the book, placed renewed focus on learning about the Constitution, at least for a time.

"Such knowledge is not passed down from generation to generation through the gene pool; it must be learned anew by each generation," she wrote. "It is not enough simply to read or memorize the Constitution. Rather, we should try to understand the ideas that gave it life and that give it strength still today."



O'Connor

See O'CONNOR, Page 4



Daily file photo
Sandra Day O'Connor in her 2007 Amphitheater appearance

INTERFAITH LECTURE

Pildes presents issue of voting rights

by Laura McCrystal
Staff writer

Richard Pildes' experience with the Supreme Court dates back to law school, when he was Supreme Court note editor for the *Harvard Law Review*. He is now one of the nation's leading scholars on voting rights and related issues.

A professor at New York University School of Law, Pildes will lecture at 2 p.m. today in the Hall of Philosophy. As part of this week's Interfaith Lecture Series, "The Supreme Court: Issues of Justice and Personal



Pildes

Pildes wrote in a 2007 article in the *Virginia Law Review*.

As a top academic on the Voting Rights Act, alternative voting systems and the history of disenfranchisement, Pildes is frequently consulted in these areas, and his work has been cited in Supreme Court opinions.

Rights," he will address the right to vote.

"The right to vote is a deceptively complex legal and moral right,"

Along with the NBC News team, he was nominated for an Emmy Award for the network's coverage of the 2000 presidential election litigation. He has also written for *The New York Times*, *The Wall Street Journal*, *The New Republic* and other publications.

Pildes is co-editor of *The Future of the Voting Rights Act* and co-author of *The Law of Democracy: Legal Structure of the Political Press* and *When Elections Go Bad: The Law of Democracy and the 2000 Presidential Election*.

See PILDES, Page 4

SPECIAL P.M. LECTURE

Barrett to lecture on Justice Jackson

by Anthony Holloway
Staff writer

Through its rich history, Chautauqua Institution's notable guest list has included Franklin D. Roosevelt, Thurgood Marshall, Amelia Earhart and Alexander Graham Bell. For John Q. Barrett, professor of law at St. John's University, however, the most famous Chautauquan is former United States Supreme Court Justice Robert H. Jackson.

Barrett, during a special lecture at 4 p.m. today in the Hall of Philosophy, will delve into the deep connections of Jackson and the Institution.



Barrett

tending only one year of law school. Barrett said that when people heard of Jackson and Chautauqua, it was often mistakenly believed that Chautauqua Institution was the college he attended.

Jackson, who was close friends of the then-president of the Institution, was acquainted with Roosevelt.

Barrett said it was because of an invite from Jackson that Roosevelt came to Chautauqua and gave his famous 1936 "I Hate War" speech.

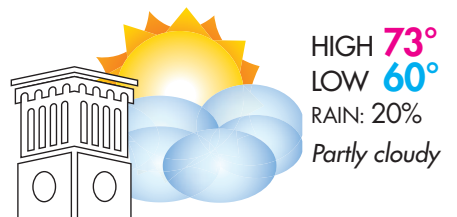
He said the reach of the Chautauquan was not only felt in the United States but also in Nuremberg, Germany, because Jackson was the lead prosecutor for the United States in the Nuremberg Trials, in which top Nazi officials were tried for war crimes. Barrett said it was because of Jackson that civility and due process' composure were kept, giving the Nazi leaders fair trials.

See BARRETT, Page 4

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TODAY'S WEATHER



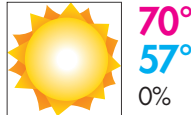
HIGH 73°
LOW 60°
RAIN: 20%
Partly cloudy

THURSDAY



66°
55°
10%

FRIDAY



70°
57°
0%



Young Readers celebrate un-birthday

Alice is final selection of 2010 Season
PAGE 3



10 Lessons

Supreme Court advocate Lisa Blatt gives Tuesday's morning lecture
PAGE 7



A bunch of gearheads

Daily photographer Rachel Kilroy shares images of the Bike Rent crew
PAGE 11

NEWS

Briefly

NEWS FROM AROUND THE GROUNDS

The **Briefly** column appears on Page 2 daily and is intended to provide space for announcements of Institution-related organizations. If a meeting or activity is featured that day in a story, it should not be repeated in **Briefly**. Submit information to Priscilla in the editorial office. Please provide name of organization, time and place of meeting and a contact person's name with phone number. Deadline is 5 p.m. four days before publication.

CLSC Alumni Association events today

- The CLSC Scientific Circle presents “**Science at Chautauqua**” at 9 a.m. today in the Hall of Christ. Today’s topic is “Left Handedness: Is Nature (God) Left Handed?” with Peter Diachun, chemist.
- The Week Nine CLSC **Brown Bag lunch and book review** will be held at 12:15 p.m. today on the porch of Alumni Hall. The CLSC book is *Grounded: A Down to Earth Journey Around the World* by Seth Stevenson. The book will be reviewed by Mary Lee Talbot.
- Take a **tour of Pioneer Hall** between 1 to 2 p.m. today. Come and see the first CLSC alumni class’ building and memorabilia from the Class of 1882. The hall is set up as it was, with diplomas, photographs and period furniture. Documents will be available to answer questions.
- The last Chautauqua Literary & Scientific Circle Alumni Association **Eventide presentation** of this season will be at 6:45 p.m. this evening in the Hall of Christ. See blue-footed boobies, giant tortoises and other wildlife up close, with photos from Norman and Nancy Karp’s recent trip to the Galapagos Islands. You will be out in time for the Amphitheater program.

Chautauqua Women’s Club events

- The Chautauqua Women’s Club sponsors **Artists at the Market** from 1 to 4 p.m. today at the Farmers Market, benefiting the Scholarship Fund.
- At 1:15 p.m. today the CWC offers Chautauquans its porch for **informal conversation in French and Spanish**, and other languages if interest is shown.
- The Chautauqua Women’s Club will be holding a silent auction during the summer of 2011 featuring 12-inch wooden bell towers decorated by many artists from Chautauqua and beyond. If you would like to be included, please contact Lynne Ballard to obtain your bell tower at (716) 357-3775 or (919) 280-6470, or by e-mail at Itsamathing@aol.com.

EJLCC hosts Brown Bag discussion

At 12:15 p.m. today, Shel Seligsohn leads a discussion on “The Jewish Supreme Court Judges of the U.S.” at the Everett Jewish Life Center at Chautauqua.

BTG sponsors Bat Chat today

Come to Smith Wilkes Hall at 4:15 p.m. to hear Caroline Van Kirk Bissell’s friendly bat presentation. Includes photos and a time for questions. An adult should accompany children under 12 years. Sponsored by the Bird, Tree & Garden Club.

Keyser sells guilt-free sweets at Farmers Market

Herb Keyser will be selling his famous (individually sized) lemon tarts and chocolate surprise cookies at the Farmers Market from 9 to 10 a.m. on Thursday. One hundred percent of the proceeds benefit the Chautauqua Fund.

Department of Religion presents Brown Bag lunch

Come at 12:15 every Thursday and Friday in the Hall of Christ for a Brown Bag conversation. This week discussion will address humanitarian needs. Strident minorities can dominate headlines and affect our view of entire nations. How do we avoid stereotyping while working to address evils such as illiteracy and human trafficking?

Short story group meeting moves to Hurlbut

A short story discussion will take place at 9:15 a.m. Saturday in the Truesdale Room of Hurlbut Memorial Community United Methodist Church.

Trunk Show to benefit opera Young Artists

Sandra D’Andrade’s last Trunk Show and Sale of the season to benefit the Chautauqua Opera Young Artists will be held at 8 a.m. to 4 p.m. today at the Athenaeum Hotel Blue Room.

BTG WIDENS THE TRAIL



Norman Karp, president of the Bird, Tree & Garden Club, and Joan A. Smith, chair of the Ravine Committee, stand at the new widened brick trail leading to Thunder Bridge.



Above, the Goldsmith girls, Kate, 7, and Jill, 5, play jump rope with their aunt Heidi Paige last Tuesday night. Below left, Sam Gore, a student in the Red Room at Children’s School, works to finish his hand-print project. Sam is from Los Angeles, Calif. Below middle, Hayden Heid (right) gets some frisbee pointers from his sisters Emma (green skirt) and Liv (blue dress) and his cousin, Annie Drouin. Bottom right, Elsa and her Children’s School classmates attend Story Time at Smith Memorial Library.



Shaw Fund supports Friedman’s morning lecture

The Donald Chace Shaw Fund of the Chautauqua Foundation provides funding for today’s 10:45 a.m. lecture given by Barry Friedman, Jacob D. Fuchsberg Professor of Law at New York University School of Law.

The Donald Chace Shaw Fund was established as an endowment fund within the Chautauqua Foundation by Donald Chace Shaw of Hamburg, N.Y. Distributions from this fund are designated for use in support of specific programs, including Chautauqua Symphony Orchestra concerts or lectureships in American history and Amer-

ican political science.

Shaw was a longtime participant and supporter of the numerous activities and programs offered by the Institution. Originally from Newfane, N.Y., he pursued undergraduate studies at the University of Buffalo and the State Teachers College at Buffalo. Upon graduation, Shaw taught in several school districts in Western New York. He then attended graduate school at the University of Michigan, where both he and his wife, Margaret C. Behringer of Ann Arbor, Mich., earned their master’s degrees.

The Shaws first visited Chautauqua in June 1942, on their honeymoon. Following his initial career in teaching, Shaw was employed by the Carborundum Company in Niagara Falls. In 1955, he and his wife both returned to teaching at Hamburg Senior High School, until their retirement in 1975. Shaw

taught American history and was responsible for development of the advanced placement program for the school district. During this period, both he and his family were frequent visitors to the Institution and participated in summer programs offered by Syracuse University.

Shaw was one of the founding owners in 1983 of Waugh Manor at the northwest corner of Waugh Avenue and Palestine Avenue. With an established residence within the grounds, he participated in the entire summer season, as well as other off-season activities offered at Chautauqua. Shaw was a life member of the Chautauqua Literary & Scientific Circle and the Guild of the Seven Seals. He served two terms as a district representative of the Chautauqua Property Owners Association and was a trustee and secretary of the Chautauqua Unitarian Uni-

versalist Fellowship.

In addition to his involvements at Chautauqua, he was a member and treasurer of the Sons of the American Revolution, member of the Order of the Founders and Patriots of America, registrar and librarian of the Western New York Genealogical Society, member of the Niagara County Historical Society and secretary of the Western New York Cribbage Club.

The establishment of this fund by Donald Chace Shaw is an affirmation of his longtime commitment to the Chautauqua Institution in recognition of the significant role it has played in his life.

If you would be interested in discussing the possibility of establishing an endowed lecture-ship or supporting another aspect of Chautauqua’s program, please contact Karen Blozie, director of gift planning, at (716) 357-6244 or e-mail her at kblozie@ciweb.org.

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Wednesday at the Movies

Cinema for Wed, Aug. 25

THE GIRL WITH THE DRAGON TATTOO (R) 2:45

152m Back by popular demand! Niels Arden Oplev brings Stieg Larsson’s bestselling crime novel to the screen starring Noomi Rapace and Michael Nyqvist. “A compelling thriller to begin with, but it adds the rare quality of having a heroine more fascinating than the story.” -Roger Ebert

NOW, VOYAGER Ⓢ Classic Film Series Ⓢ (NR) 6:00 117m

Bette Davis stars as Charlotte Vale in Irving Rapper’s 1942 classic romance. Claude Rains stars as her kind psychiatrist and Paul Henreid plays the architect with whom she falls in love. Film historian David Zinman will introduce the film and lead a post-screening discussion.

CAIRO TIME (PG) 9:30 90m

Patricia Clarkson and Alexander Siddig star in director Ruba Nadda’s atmospheric drama about a brief, unexpected love affair that catches two people completely off-guard. “It’s a haunting and hypnotic film. And Clarkson’s sublimely nuanced performance is in every way transporting.” -Peter Travers, *Rolling Stone*

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NEWS

The role of precedent in the individual mandate debate

As the Tea Party movement gains momentum across the United States, one of its favorite targets is health care reform — and in particular its “individual mandate.” Twenty state attorneys general agree, and they’ve sued to have it struck down as unconstitutional. When the case makes its way to the Supreme Court, as is likely, the popularity of the Tea Party’s constitutional arguments might have as much to do with its resolution as any of the legal issues.

The “individual mandate” requires that individuals have a minimum level of health insurance or otherwise pay a tax penalty. Tea Party activists and the attorneys general argue Congress lacked the power to enact the provision. A federal judge just issued a preliminary go-ahead to the Virginia attorney general’s challenge to the mandate.

The legal issues are a bit involved. The Constitution limits Congress to certain “enumerated” powers, the rest being reserved to state and local government. The question in the case is whether the individual mandate can be justified as part of Congress’s power to regulate commerce “among the several states,” or as a tax imposed in the general welfare.

The law’s opponents argue that ordering someone to participate in the private market is unprecedented. That ain’t necessarily so. The premise of the individual mandate is that most people at some point need health care; lacking insurance, they impose those costs — as much as \$42.7 billion annually — on the rest of us. There’s a famous case from 1942 called *Wickard v. Filburn*, in which the plaintiff argued that government could not prohibit him from using wheat he had grown in excess of a government-imposed limit to feed his livestock and for home use. He argued that commerce “among the several states” did not involve wheat grown only for personal use. The Supreme Court disagreed, saying even local economic activity can “be reached by Congress if it exerts a substantial economic effect on interstate commerce.” The analogy to *Filburn* is better than many imagine: The effect of the ruling was to require the farmer *Filburn* to buy the wheat he needed on the open market. That’s precisely why the Supreme Court OK’d the law: because increased demand would serve to prop up prices, which is what Congress intended.



From Today’s Lecturer

GUEST COLUMN BY BARRY FRIEDMAN

Besides, to succeed, the opponents are likely to need the vote of Justice Antonin Scalia, and it would be difficult for him to invalidate the individual mandate after his vote in *Gonzalez v. Raich*, the case involving California’s medical marijuana law. Federal law says you can’t possess or distribute marijuana; California authorized marijuana use for medicinal reasons. The Supreme Court held that federal law trumped California’s: that’s the usual rule, but it required Congress to have the power to ban marijuana distribution and possession in the first place, even though it occurred all in one state and so was not commerce “among the several states.” Justice Scalia, who often votes to limit federal power, wrote a concurring opinion to explain his vote for federal power in this case, saying “Congress may regulate even non-economic local activity if that regulation is a necessary part of a more general regulation of interstate commerce.” That seems to apply dead on to the individual mandate.

There’s wiggle room in the precedents, to be sure — there always is when a case gets to the Supreme Court. But even were the precedents ironclad, we would expect Tea Party activists to be arguing the individual mandate exceeds Congress’s powers. That is because they believe that the Constitution should be understood to give Congress only the limited powers it had at the time of the Constitution’s adoption. And the very point of their movement is to persuade the rest of us to believe their interpretation of the Constitution is correct.

When it comes to persuading the general public to accept their view of constitutional meaning, Tea Partiers have many precedents — suffragists, Prohibitionists, abolition-

ists, pro-choicers, gay rights activists, Know-Nothings, Progressives, Federalists, Populists, all of these and more have battled in the public sphere to establish constitutional meaning — many with dramatic success. Sometimes the Constitution actually is amended, like the 19th Amendment (women’s suffrage) or the 18th and 21st (Prohibition). But more often the Supreme Court ultimately adopts a view of the Constitution consistent with what people think it should mean. Women’s equality is the perfect example: The proposed Equal Rights Amendment was not ratified, but still the Supreme Court wrote much of what its proponents demanded — and the public believed was right — into the Constitution.

Indeed, the Tea Party’s firmest precedent is, ironically, one they’d like to overturn. When Franklin Roosevelt was president, the Supreme Court struck down key New Deal measures as exceeding Congress’s commerce power. But economic conditions and Roosevelt’s initiatives succeeded in convincing the public that “commerce among the several states” required a very broad meaning. Ultimately the Supreme Court capitulated. The government’s lawyer in one major Supreme Court case suggested the victory was won “either by Mr. Roosevelt or, if you prefer, by Mr. Zeitgeist.” (Of course, the justices may also have been persuaded by Roosevelt’s threat to pack the Supreme Court with additional justices if they did not back down.)

Finley Peter Dunne famously said the Supreme Court follows “th’ election returns.” Whether or not that is the case, it is clear that on the salient issues, over the run of time, the justices do tend to come into line with public opinion concerning the meaning of the Constitution. Whether this is a good or bad thing is an extremely important and perplexing question — something I’ll discuss at my lecture — but as a descriptive matter, it is true.

Polls prior to passage showed health care reform did not enjoy the support of a majority of the country. The legislation had some uptick in the aftermath. The Supreme Court does not lightly face down a popularly elected president and Congress, nor should it. But if the justices have the winds of public opinion at their back, that might prove an entirely different matter.

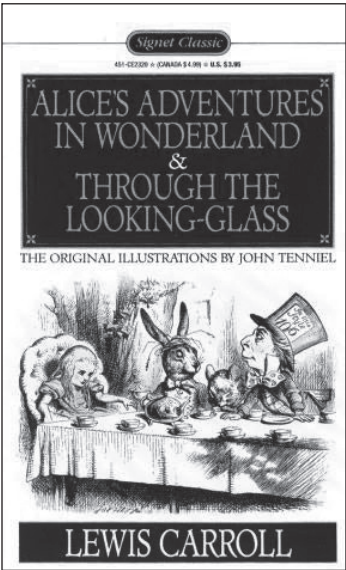
Young Readers Program celebrates another season of children’s literature

by Beth Ann Downey
Staff writer

Today’s CLSC Young Readers Program should be quite a celebration, even for an un-birthday party.

In accordance with the scene in the classic two-part story of *Alice’s Adventures in Wonderland* and *Through the Looking Glass* by Lewis Carroll, young readers will celebrate the end of the season with visual and edible treats. The program will take place at 4:15 p.m. today in the Garden Room of Alumni Hall.

Jack Voelker, director of the Department of Recreation and Youth Services, said finishing with a classic story, as well as a piece of un-birthday cake, should be a good way to close the season for the Young Readers Program. But instead of only presenting the book, Voelker also plans to show the un-birthday party scene from the Disney movie “Alice in Wonderland,” which he suspects some kids might



tions of “Alice in Wonderland” and Carroll’s original stories of *Alice’s Adventures in Wonderland* and *Through the Looking Glass*.

“The difference between any of the movies that were made is that they’re not exactly true to the book. Even if they were, reading is a different experience,” Voelker said. “In fact, it is a lot of fun to (read the book) before you see the movie, because what we all create when we read a book is a movie in our head. We’re constantly creating the image of the characters, what they look like, of the setting that they’re in, the street they’re walking on and the planet that they’re exploring.”

Voelker said he hopes that people will choose to read *Alice’s Adventures in Wonderland* simply because is a great story and a classic in the canon of young adult literature. He added that many quotes still used today came from this story, and it is one that both kids and adults will un-

doubtedly recognize.

“It’s important for us still to include works that have survived the test of time,” he said. “We would hope that this is a particular opportunity for parents, grandparents and young readers to be engaged around a book because there is common material.”

Classic novels, especially those the size of *Alice’s Adventures in Wonderland* and *Through the Looking Glass*, gen-

erally tend to be challenging books to get kids to explore, Voelker said. However, that’s all the more reason programs like Young Readers should work to do so.

“They’re classics for a reason,” Voelker said. “They still have a broad readership and can still be made into a movie in 2010 starring popular actors and fill the theater.”

Automated Teller Machines

An automated teller machines (ATM), are located in the Main Gate Welcome Center, Colonnade lobby and Athenaeum Hotel lobby during the summer season.

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Medical Services

The Westfield Hospital Chautauqua Health Care Clinic offers basic medical care for children and adults, similar to that provided in a doctor's office. The center offers treatment for minor medical emergencies and provides wellness services such as health checkups, allergy shots, prescriptions, etc., plus free blood pressure screening. The clinic is located at 21 Roberts Avenue, near the Amphitheater. The clinic is open Monday-Friday 8:30-11:30 a.m. and 12:30-4:30 p.m. (357-3209).

Defibrillators are located in the Colonnade (second floor), Amphitheater, Turner Community Center, Heinz Beach Fitness Center, Sports Club, Smith Memorial Library, Beeson Youth Center, Hall of Missions, Bellinger Hall and Athenaeum Hotel.

For emergency care call 911. Nearby hospitals are: Westfield Memorial Hospital, Route 20, Westfield (326-4921) and WCA Hospital, 207 Foote Avenue, Jamestown (487-0141).

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FROM PAGE ONE

O'CONNOR

FROM PAGE 1

Through interactive games, activities and other resources, iCivics attempts to foster that understanding. ICivics, however, has not been the only thing keeping O'Connor busy in her retirement. In addition to her continuing work as a federal circuit judge, O'Connor speaks around the country, sometimes making news by her comments on Supreme Court matters. One recent high-profile ruling receiving her condemnation — subtly but unmistakably — was *Citizens United v. Federal Election Commission*, in which the court extended First Amendment rights to corporations, allowing them to spend freely on political campaigns. As noted in a *New York Times* article in January, the decision large-



Joyce

ly overturned *McConnell v. Federal Election Commission*, a 2003 Supreme Court decision in which O'Connor had joined the majority. When a law student asked the former justice her opinion on the *Citizens United* ruling, O'Connor referred directly back to the court's opinion on *McConnell*. "Gosh," she was quoted as saying, "I step away for

a couple of years and there's no telling what's going to happen." The years since O'Connor retired have been ones of great change on the court — just in the past two, President Barack Obama has appointed two more female justices, Sonia Sotomayor and Elena Kagan. But the addition of two Democratic appointees does not necessarily mean the court has shifted leftward in its political ideology. In fact, quite the opposite might be true. A July analysis article by Adam Liptak, *New York Times* Supreme Court correspondent — and Chautauqua Week Nine Friday morning lecturer — explored the court's conservative migration. He noted the court's watershed as being O'Connor's replacement by Justice Samuel Alito, appointed by President George W. Bush.

"The point is not that Justice Alito has turned out to be exceptionally conservative, though he has. ... It is that he replaced the more liberal justice who was at the ideological center of the court," Liptak wrote, referring to O'Connor. O'Connor was often the swing vote during her tenure on the court, and she was involved in many landmark decisions, including the hotly contested ruling of *Bush v. Gore*, which determined the outcome of the 2000 presidential election. O'Connor's personal life has also often played out in the media, though scandal did not play the role it has with so many public figures of late. She was diagnosed and treated for breast cancer in 1988. Her husband, John O'Connor, had Alzheimer's disease and passed away in November of last year.

FRIEDMAN

FROM PAGE 1

Friedman admitted that accurately gauging public opinion is a challenging task, describing the process as one of the big questions in social science. "The great political question is how does that work? What is the mechanism?" he said. Although Friedman said he respects the Supreme Court justices for all being "extremely smart, and by and large, incorruptible," he said that one weakness of the court is that so few members "had lives in politics" before becoming justices. It is important that the public engages in matters related to the court, Friedman said, because the court represents their legal system and their rights. "I think for me the overwhelming lesson is that it's (the public's) Constitution," he said. "They own it. It's theirs to make what they will. They shouldn't think it's a sacred document that nine justices of the Supreme Court have access to, but not everyone else. It's important to understand what it means and how to interpret it." Friedman earned his law doctorate from Georgetown University Law Center in 1982 and

earned his Bachelor of Arts from the University of Chicago. For over 25 years, he has taught, written and litigated about the Constitution. He completed a clerkship with Judge Phyllis Kravitch on the Eleventh Circuit, and proceeded to teach at the University of Alabama. He practiced at Davis Polk & Wardwell in Washington, D.C., while he taught as an adjunct at Georgetown University Law Center and joined the faculty of Vanderbilt University Law School in 1986, where he taught until he moved to New York in 1999. He has represented pro bono and private clients at every level of the state and federal courts, and is one of the country's authorities on the federal courts and judicial behavior. His cases have involved issues such as abortion rights, free speech, interstate commerce and state authority. Friedman has published over 50 academic articles and contributes regularly to mainstream media with articles or opinion pieces appearing in *The New York Times*, *The American Lawyer* and *Forbes.com*, among others. He was the affiliate president of the American Civil Liberties Union of Tennessee, and has served on the board of the State and Local Legal Center.

PILDES

FROM PAGE 1

Earlier in his career, he clerked for Supreme Court Justice Thurgood Marshall and U.S. Court of Appeals Judge Abner Mikva. He also practiced law in Boston before beginning his career as a professor at University of Michigan Law School. In addition to his scholarly work, Pildes has served as counsel in election litigation to the Puerto Rico Electoral Commission, as counsel to the Puerto Rican government. He was also counsel to Supreme Court litigation challenging the operation of the United States Tax Court. In the area of voting rights litigation, Pildes has served

as a federal-court appointed independent expert on voting rights litigation. Today, Chautauquans can expect to hear about his thoughts on the Supreme Court's work regarding the right to vote. Pildes has described the topic of voting rights in his writing as a complicated issue; although it is widely recognized as an important right for American citizens, there are still disagreements surrounding it. "It is tempting to assume the right to vote has an essential core concept that is relatively obvious and widely shared," he wrote in the *Virginia Law Review* article. "Undoubtedly there will be disagreements about specific applications ... but all

LANDMARK VOTING RIGHTS CASES
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Guinn v. United States (1915): Declared that state-voting statutes that served no purpose other than to put African-Americans at a disadvantage, such as literacy tests that had been grandfathered in, violated the 15th Amendment.

Miller v. Johnson (1995): Prohibited congressional redistricting based on race, affirmative gerrymandering or racial gerrymandering, which creates a racial-minority majority in electoral districts in order to increase minority representation in Congress.

Bush v. Gore (2000): Deciding the 2000 presidential election, ruled that the manual recount of votes to meet the December 12 deadline would have been unconstitutional and violated the Equal Protection Clause of the 14th Amendment.

rights generate some range of disagreement in application. Such disagreements do

not undermine shared agreement on the core interests the right protects."

BARRETT

FROM PAGE 1

During the trials, Barrett said, Jackson was never recorded mentioning Chautauqua, but he murmured its name in conversation outside the courtroom. Upon Jackson's death in 1954, the eight remaining justices came to Jamestown, N.Y., for Jackson's funeral. During this trip, all of the justices came to Chautauqua to see the place of which Jackson was so fond. Barrett said this was likely the first and only time that the en-

tire United States Supreme Court would be in Chautauqua together. Barrett said he is currently working on writing a biography of Jackson, but he has published one book and a number of articles about him. He said his interest first developed while he studied constitutional law and read Jackson's judicial opinion papers. He found that the words jumped right off the page, as he was an extraordinary writer. Barrett edited and had published a biography that Jackson, up until his death, had been working on about

Roosevelt. The book is titled *That Man: An Insider's Portrait of Franklin D. Roosevelt*. Barrett, a board member at the Robert H. Jackson Center in Jamestown, said he speaks regularly on the Supreme Court, Jackson, Roosevelt and the Nuremberg Trials. Barrett has been named a "Professor of the Year" by St. John's law students and, in 2009, received a "Faculty Outstanding Achievement Medal" from the university. He is also a graduate of Georgetown University and Harvard Law School. He is a member of the Supreme Court Historical So-

ciety, serves on the advisory board of The Roosevelt Institution, and is a member of the New York City Bar Association and its Legal History Committee. Before coming to St. John's University, Barrett was counselor to U.S. Department of Justice Inspector General Michael R. Bromwich from 1994 to 1995. Barrett was an associate counsel in the Office of Independent Counsel Lawrence E. Walsh from 1988 to 1993. From 1986 to 1988, Barrett was a law clerk to Judge A. Leon Higginbotham Jr. of the United States Court of Appeals for the Third Circuit in Philadelphia.

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Mary Frances Bestor Cram is celebrating her 100th Birthday and you are invited to share this special day with her. Mary Frances is the author of *A Chautauqua Salute*, a Trustee Emeritus of the Chautauqua Institution, the CLSC "Heart of Chautauqua," and the daughter of Arthur E. Bestor and Jeanette L. Bestor. She was born November 15, 1910 at 1 Root Avenue, Chautauqua.

To join in the fun call 1-877-687-7845, between August 15 and September 15, 2010. When asked for an invitation number, enter 113460. Record a greeting, tell a story or share a remembrance, then press #. All of these messages will be collected to create a birthday "Voice Quilt" for Mary Frances.

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Published by Chautauqua Institution, P.O. Box 1095, Chautauqua, N.Y. 14722, daily, Monday through Saturday, for a period of nine weeks, June 26 through August 28, 2010. The Institution is a not-for-profit organization, incorporated and chartered under the laws of the state of New York.

Entered at periodical rate, July 11, 1907, at the post office at Chautauqua, N.Y., under the act of 1870: ISSN 0746-0414.

55 issues; home delivery by carrier, \$37.50; mail, \$59.50. Postal regulations require that mail subscriptions be paid in advance.

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MUSIC



Submitted photo

Earlier this season, Chautauqua Opera Young Artists presented two programs for the Westfield/Mayville Rotary Club in recognition of the club’s annual contribution to Chautauqua’s scholarship program. From left, Alex Gmeinder, Sarah Chasey, pianist Benedict Jourdois and Leela Subraminiam.

‘Three Sopranos and a Pianist’ bring varied program to Institution

by Alison Matas
Staff writer

As Luanne Crosby chatted with her former voice professor, Christine McMasters, over dinner in Pittsburgh, the two hatched an idea to perform a soprano recital together. After inviting mezzo-soprano Laurie Tramuta and pianist Adam Potter to join with them, they became Three Sopranos and a Pianist.

The group will perform at 4 p.m. today in Elizabeth S. Lenna Hall. This is the first of the foursome’s appearances. They’ll also be at Alfred University, the State University of New York Fredonia School of Music and Houghton College.

To open the program, the women will sing three trio pieces, including the a capella number Lift Thine Eyes from *Elijah* by Felix Mendelssohn and Suscepit Israel from *Magnificat* by Johann Sebastian Bach.

Next is Tramuta, who is singing Joaquín Rodrigo’s Cuatro Madrigales Amatorios, or Four Love Madrigals. The songs discuss the loss of innocence and looking for love.

I studied and performed (these pieces) many years ago and have been in love with them ever since. Rodrigo has taken four Spanish folksongs and skillfully arranged them for voice and a piano accompaniment that often sounds very much like the guitar. The dance-like rhythms and Spanish flavor are evident throughout this set, the best known of Rodrigo’s vocal works, Tramuta said in an e-mail sent by Potter.

Potter finds these pieces to be a difficult emotional journey as he plays them. “The first two movements are permeated by sorrow, loss, and hopelessness. Although (they are) not difficult to perform in terms of technical skill, I find maintaining composure and reserving the emotional stamina required for the bitter, sarcastic third movement and fast, light-hearted fourth movement to be a formidable challenge.

McMasters will be performing a set of Russian music, singing Mad Nights and It Was in Early Spring by Pyotr Tchaikovsky and Lilacs by Sergei Rachmaninoff.

My fascination with the

Russian vocal repertoire dates back to my high school days when I studied the Russian language, and I have sung it ever since, McMasters said.

In addition, I wrote my master’s degree thesis on Rachmaninoff, wrote a published Russian diction manual for singers, included eight Russian romances by Rachmaninoff and Tchaikovsky on a recital CD and have performed in Russia on five separate occasions. Although I enjoy singing a wide variety of vocal literature, the Russian repertoire continues to hold a special place in my heart.

Crosby is singing Three Browning Songs, Op. 44. Each song uses elements found in nature to describe the strength of a woman’s love for a man. I became interested in women composers during my doctoral studies and have chosen three lovely 19th century art songs by American composer Amy Beach, who was herself an accomplished pianist, created a tour-de-force for both singer and pianist in her settings of three Browning poems, Crosby said.

The sopranos will also sing a set of Johannes Brahms pieces, which Potter looks forward to presenting to the audience.

They are quintessential Brahms: vivid, pictorial piano accompaniments, sweeping phrases and musical gestures and a certain heart on your sleeve romanticism that is fun to play and a delight to hear. Although brief, each paints a dramatic picture and, like miniature operas, tells a complete story. They are perhaps the least often performed works on the program, so I am thrilled to introduce them, he said.

Whatever a person’s musical style, the performers expect everyone to find something he or she enjoys this afternoon. It features vocal music from the Baroque, Classical, Romantic, and 20th Century style periods in the form of art songs, arias and trios, representing eight languages and 12 composers with emotional content from solemn to amusing, from ecstatic to tormented, Potter said.

Despite the challenges of playing such varied and challenging repertoire on a single program, I am proud to offer a performance that offers so much to its audience.

ALL THAT JAZZ



Photos by Tim Harris

The Cleveland Jazz Orchestra performs in the Amphitheater Monday night.



Massey Organ to illustrate impressionist music

by Laura McCrystal
Staff writer

The final Massey Memorial Organ mini-concert of the 2010 Season is dedicated to the work of one composer: Maurice Duruflé.

In the concert at 12:15 p.m. today in the Amphitheater, titled “Duruflé The Last Impressionist?” organist Jared Jacobsen plans to highlight two pieces by this French composer.

Impressionist music was a product of the end of the Romantic era, which lasted from around 1850 until 1950. Jacobsen said Romantic music still remains very popular because it is pleasing to the listener’s ear.

A lot of us are frozen in the Romantic era because we love the colors and the harmonies and the feeling the music gives us, he said.

Similarly to impressionist visual art in France with painters like Claude

Monet, impressionist music fractured music into its component parts to paint a larger picture, Jacobsen said. He described impressionistic music as “watercolor music because it is a washing and blurring of the sounds.

And the titles of the pieces became more important than the form of the piece, he said. So you’re painting pictures in sound.

Duruflé, as one of the last impressionist composers, was not a prolific composer, as he focused more of his life on teaching and improvisation, Jacobsen said. His work is a mixture between the influence of Bach and that of impressionist music.

He also wrote pieces that were just designed to tickle the ear and to wash over the senses as a listener, he said.

Today Jacobsen will play Duruflé’s Suite, Op. 5. Chautauquans who attended the Halloween-themed Massey Organ concert earlier in the season will recognize the prelude of this piece, which Jacobsen played to illustrate a swamp monster. The second movement of the piece is a Sicilienne, which is an elegant and stately dance. The final movement of the piece is a wonderful and blazing toccata, Jacobsen said.

So those three together make an interesting picture of impressionism and the form tied inextricably to each other, he said.

He will also play a scherzo by Duruflé, which, he said, just treats the organ as a color machine.

I’ve always been fond of the music of Duruflé,” Jacobsen said. It works here in the Amphitheater because the acoustics of the building do the washing effect of the music and the colors that Duruflé asks for, based on the instrument that he played in Paris for most of his life, are present here on the Massey Organ.

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Morning Worship

COLUMN BY JOAN LIPSCOMB SOLOMON

‘It’s later than we think’

Can a word be dangerous? You bet. Chaplain Cynthia L. Hale identified one of the most dangerous words in the English language in Tuesday’s sermon, “Carpe Diem — Seize the Day!” Guess what it is? Tomorrow.

“Tomorrow is a thief,” Hale declared. “Tomorrow robs dreamers of dreams, talented people of their greatest achievements, and it keeps some folks from discovering the kind of life God longs for all of us to live.”

Truth is, tomorrow never comes, and when the next day does roll around, she said, you’re at a different place with a different agenda. When you deliberately postpone what needs to be done, you’re procrastinating. Some of us, she challenged, say we work best under pressure, but how do you know, if you’ve never started anything on time?

Hale cited the reaction of Pharaoh, king of Egypt, to the plague of frogs God had sent to force him to release the Israelites from bondage. The procrastinating monarch asked Moses to pray for relief — tomorrow.

“Life is too precious,” Hale observed, and too short to be miserable, unhealthy and unhappy. She paraphrased the late Benjamin E. Mays: “We only have a minute, only 60 seconds in it. Didn’t choose it, can’t refuse it, but it’s up to us to use it. We must suffer if we abuse it. Give account if we lose it. We only have a minute, but eternity is in it.”

Long before this assessment was written, the Psalmist sang: “For (God) knows how we are formed. He remembers we are dust — our days are like grass. We flourish like a flower of the field. The wind blows over it, and it is gone, and its place remembers it no more.”

“We were created,” Hale said, “with divine intentionality, unlimited possibility and everything we need to live a life of significance. There is nothing we cannot achieve within God’s plan and purpose for our lives. We just have to, as St. Paul warns, ‘Wake up, O sleeper. Rise from the dead, and Christ will shine upon you.’

“It’s later than we think,” Hale cautioned. “When we’re young, we think we have all the time in the world. When we reach middle age, we realize we have more time behind us than before us. The ‘golden years’ can be filled with regret — and fears that, for many opportunities, it’s now too late.”

St. Paul continues his counsel: “Be very careful, then, how you live — not as unwise, but as wise.” Hale defined wisdom as “living life the way God intended for life to be lived. You have a call on your life and you know it. Make the most of whatever time you have, even if you’re in your ‘golden years.’ Life isn’t over yet! Live your best life now!”

“God reveals his purpose for our lives moment by moment. If you want to understand God’s will for your life, start listening to God. Every decision we make has eternal implications. If we are to follow Jesus, we have to determine each day what we will do for God.

“Remember,” the chaplain concluded, “when you seek first the Kingdom of God and his righteousness, everything else will be added to you. Everything else will fall into place. Carpe diem — seize the moment! Make each one count.”

Hale is founding and senior pastor, Ray of Hope Christian Church, Decatur, Ga. The Rev. Rebecca Conrad Spanos, permanent deacon, Anglican Church in North America, was liturgist. Motet Choir singer Susan Laubach read Exodus 8:1-10 and Ephesians 5:15-16.

Worship coordinator Jared Jacobsen led the Motet choir in Milburn Price’s setting of Timothy Dudley-Smith’s “Here Within this House of Praise.”

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OUTSIDE LOOKING IN

Photo by Emily Fox
A packed Hall of Philosophy forced some to hang onto exterior walls for a glimpse of Elizabeth Magill’s Interfaith Lecture.

Chautauqua Fund enters final stretch

As the 2010 Chautauqua Season nears its close, the Chautauqua Fund is gearing up for the final four months of the year. Operating on a calendar year, the fund has traditionally raised one-third of its goal prior to the season, one-third during the season, and the final third after the season. This year is no exception as the fund hopes to reach the \$2.3 million mark by Aug. 31, leaving approximately \$1 million, or 30 percent of the goal, to be raised by Dec. 31.

While the 150 Chautauqua Fund volunteers do the bulk of their work during the season, many will follow up with their prospects during the fall. The foundation staff also goes into high gear, hitting the road after a little breather in September.

While a large part of our efforts will focus on bringing new donors into the fund, there are still over 1,500 prior (2009) donors who have not yet made their gift this year,” said David Williams, director of the Chautauqua Fund. “We must have their participation if the fund is to be successful. Naturally, the loyal donors who give year

after year make up our base, but without increased giving and new donors, the fund would never grow.”

A large number of donors wait until the very end of the year to designate their philanthropic dollars, making December the biggest giving month of the year. On average, more than \$400,000 is received each December, keeping the volunteers, staff, and administration on pins and needles waiting to see if the goal will be met.

“On behalf of all Chautauquans, I’d like to convey our heartfelt thanks to those individuals, organizations and businesses that support the annual fund, ensuring the Chautauqua program for yet another season,” Williams said. “Most folks realize the gate ticket covers little more than half of the cost of bringing Chautauqua to life every summer. If Chautauqua is an experience you treasure, there is no better way of showing your support than by making a gift to the Chautauqua Fund.”

Chautauqua Fund envelopes are available in the lobby of the Colonnade.

Photo by Tim Harris

The annual fund thermometer currently stands at \$2.1 million.





Letters to the Editor

CORRESPONDENCE FROM OUR READERS

Dear Editor:

In looking at admission pricing for the Chautauqua Institution, we noticed that children under 12 and seniors over 90 are admitted free. It seems to us (given that zero is the average age at birth, depending on how one calculates) that if 12 years is to be given at the beginning of one’s life, a similar 12 years should be given at the end of life. If the average age of death is, say, 82, then seniors should be admitted at age 70.

Chautauqua either offers a financial concession to seniors or it doesn’t. Age 90 could be interpreted as an idle gesture, (not of course, for those of us, like Bob, who are actually over 90).

Gary McCunn and Bob Frascatore
Buffalo, N.Y.

Dear Editor:

We were delighted to see photographs of the matriarchs of our seven-generation Chautauqua family in the *Daily* on Aug. 6 (Page 13, the last woman standing on OFN) and Aug. 7 and 8 (“marching” behind the 1983 wooden CLSC banner).

Several friends have commented that there was no identification. They are: Ramona Van Wie Weissbard, 94, and Rita Van Wie Finger, 87.

Judy Hanson
The Van Wie Cottage, 8 South Terrace

Dear Editor:

I would like to applaud one of the unsung organizations of Chautauqua: Chautauqua Christian Fellowship. CCF has brought to Chautauqua wonderful, inspirational speakers through the Monday evening speaker series during the season as well as other services to the Chautauqua community. I am most grateful for the presence and hope CCF will continue to be supported and sponsored by the Department of Religion. CCF gives Chautauqua “inspiring and informative programs dedicated to the Judeo-Christian tradition and supportive of the Chautauqua challenge.”

Thank you for the many years of dedication and effort.

Lois Raynow
Naples, Fla.

Letters Policy

The Chautauquan Daily welcomes letters to the editor. Letters should be typed or printed, double-spaced, no more than 350 words and are subject to editing. Letters must include writer’s signature and typed or printed name, address and telephone number for verification. Works containing demeaning, accusatory or libelous statements will not be published. Submit letters to:

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LECTURE

Blatt offers 10 tips for arguing before the Supreme Court

by Karen S. Kastner
Staff writer

The Washington, D.C., insider who delivered Tuesday's morning lecture offered a 10-pronged discourse advising Chautauquans poised to argue before the U.S. Supreme Court on how to be successful.

Lisa Blatt, who has prevailed in 27 out of the 28 cases she has argued before the justices, presented observations and admonitions about courtroom etiquette and, along the way, offered a lawyerly take on the behind-the-scenes.

Sherra Babcock, director of Chautauqua Institution's Department of Education, introduced Blatt, who heads the appellate and Supreme Court practice at the Washington, D.C., law firm Arnold & Porter. Blatt served as the second speaker in the ninth and final week of the season, focusing on the highest court in the nation.

Taking the stage, Blatt said that, when the Institution approached her about presenting a morning lecture, Babcock asked if Blatt could give a talk titled, in part, "Behind the Burgundy Curtain." However, Blatt explained, "I've never been behind the burgundy curtain — just in front of it," explaining that the justices, when they hear oral arguments, have a burgundy curtain as background.

And then Blatt proceeded with her advice.

No. 1

"Constitutional change is inevitable," Blatt said, citing several issues, including partial-birth abortion, sodomy, affirmative action and the free speech of corporations, on which the U.S. Supreme Court has established a long record of reversals. In the case of affirmative action, Blatt said, the high court changed its collective mind in two rulings on the same day.

"Although all of the justices have expressed the importance of judicial restraint, the court inevitably makes new law every time it interprets the Constitution," Blatt said.

She went on, "I've seen the court declare that Congress has the power under the Commerce Clause to ban the possession of marijuana solely for personal use," however, she observed, the court has also ruled that "Congress lacks the Commerce Clause power to ban the possession of a firearm within 1,000 feet of a school."

She called the court's 2008 decision in *District of Columbia v. Heller* "the most surprising revelation" when it "resurrect(s) what had previously understood to be the dormant Second Amendment to the Consitution." Blatt went on, "Our Constitution was already 219 years old when *Heller* held that I have a personal and fundamental right to bear arms. That was certainly big news to me at the time — and I am from Texas," she said.

No. 2

Blatt said, "It's not all the Supreme Court's fault." She quickly explained, "The Supreme Court does not make sweeping change in constitutional law by accident or by its own design; rather, the court is limited to deciding the cases that the parties ask the court to decide."

She called "brilliant" the National Association for the

Advancement of Colored People's campaign that led to the U.S. Supreme Court's decision on *Brown v. Board of Education*. Beginning in the 1930s, the organization "went about strategically picking the right cases to bring to the court," Blatt said. Among those earlier cases, she said, were *Sweatt v. Painter*, which outlawed segregated law schools in Texas.

"Similar coordinated and strategic movements are underway to press for judicial change in the areas of abortion, campaign finance, voting rights, affirmative action and gay rights — that's just to name a few of the hot-button issues," Blatt stated.

No. 3

"Facts matter," Blatt said, adding, "The justices are human beings, not wooden scholars who are myopically focused on the legal principle being advanced by the parties" in various suits.

As an example of "parties so invested in their legal position that they were blind to the bad facts in their case," Blatt cited a case involving an unnamed and unsuccessful board of education that wanted the U.S. Supreme Court to back its strip-search of a 13-year-old girl who, rumor had it, was concealing Advil at school.

Similarly, she said, *Tennessee v. Lane* unsuccessfully challenged Congress' ability to require compliance with the Americans with Disabilities Act at a courthouse. "Lesson learned? Don't expect the court to defer to your legal position when they can't trust you to exercise common sense and decency."

No. 4

"Timing is everything," Blatt observed, adding, "Change does not happen overnight but does so over many years or decades with precedent building on precedent."

She went on, "Because the court in recent years has been deeply divided, usually one justice is at the center of everyone's crystal ball," referring to Justice Anthony M. Kennedy. Previously, Justice Sandra Day O'Connor — who will speak at Chautauqua tonight — held that controversial slot, Blatt stated.

A lower court ruling that declared California's Proposition 8, banning same-sex marriage, to be unconstitutional is likely to be challenged in the U.S. Supreme Court, she said. "There is a raging debate ... whether the decision to bring the case now is visionary or foolhardy," Blatt said. She added, "All eyes are on Justice Kennedy," who has, she said, cast the deciding vote in two cases in striking down laws that discriminated against people based on their sexual orientation.

No. 5

"The Supreme Court wants to hear from the peanut gallery — that's you all," Blatt said. She pointed to a sharp increase in the filing of amicus briefs to the court by the likes of state attorneys general, special-interest groups, unions, academic organizations, congressmen and -women, former government officials, businesses and citizens.

Since the U.S. Supreme Court hears less than 1 percent of these cases a year, Blatt said, petitioners face a "tremendous challenge" in convincing the court that its

cause should be included in that rarified number.

Among Blatt's examples were the court's upholding affirmative action in the case of the University of Michigan's Law School. O'Connor's opinion cited extensively, Blatt observed, from a brief signed by 29 former military officials who embraced affirmative action. The court also relied, Blatt said, on briefs from educational experts as well as those representing Fortune 500 companies. Summarizing, Blatt said, "That diverse group of amici remarkably helped shape the law of the land on affirmative action."

Blatt pointed to the uniqueness of the experience: arguing before the court for the 30 minutes allotted between the time a white light on the lectern signals the start and a red light typifies the finish. Although Justice Clarence Thomas rarely asks questions of the attorneys, Blatt pointed out that eight justices remain. "Just like that TV show from the 1970s called 'Eight Is Enough,' answering questions from eight different justices is a truly brutal experience," Blatt said, adding that the justices are "exceedingly prepared" to "fire off questions in rapid succession."

Blatt gave examples: In 30 minutes, then-Solicitor General Elena Kagan answered more than 70 questions in a campaign-finance case and more than 60 in a case this term about the constitutionality of a statue criminalizing material support to terrorist organizations.

To prepare, attorneys typically undergo moot court sessions with colleagues "who pretend they are justices and pepper you with hostile questions," Blatt said, admitting that she cried after her first two moot-court sessions with lawyers trying to help her.

No. 6

"You must answer completely unrealistic hypothetical questions," routinely asked as a part of the process of arguing before the court, Blatt said, offering, "ironically, a hypothetical example to illustrate." Blatt said that, when arguing a case centered on gay rights, a justice might, for example, ask a question on polygamy.

Justices Antonin Scalia and Stephen Breyer have proven "legendary for asking absurd hypothetical questions that nonetheless really get to the heart of a case and expose the weakness in a party's position," Blatt opined. For example, she said, that was the case as oral arguments unfolded in the 1998 case *United States v. Bajakajian*, in which the government argued that it had legally seized \$350,000 from a man who had failed to report that he was taking the sum out of the country.

Blatt recalled that, in open court, Breyer asked if the Taj Mahal could be forfeited if it were once used as a place to sell "a teaspoonful of marijuana." Blatt also said, "Incidentally, the government lost that case in a decision with an unusual lineup: Justice (Clarence) Thomas authored the opinion, joined by the four liberal-leaning members, Justices (John Paul) Stevens, (David) Souter, (Ruth Bader) Ginsburg and Breyer."



Photo by Emily Fox
Leading Supreme Court advocate Lisa Blatt speaks Tuesday morning in the Amphitheater.

No. 7

"Whatever you do, don't say, 'The government can ban books,'" Blatt said. As her example, Blatt cited the First Amendment case of *Citizens United v. Federal Elections Commission* — a case argued twice, Blatt pointed out, calling this "highly unusual." Justices Samuel Alito Jr., Scalia and Kennedy asked questions about whether the government can ban from a public library a biography published by a corporation that ended the book with "so vote for Person X," Blatt reported.

When the government lawyer answered in the affirmative, Alito called it "pretty incredible," Blatt stated. The court "then did something extraordinary," ending its term without ruling on the issue and requesting supplemental briefs, she said.

When the case was reargued in September, Blatt pointed out that Kagan made her inaugural argument as solicitor general before the U.S. Supreme Court. After the red light went on, Ginsberg asked Kagan if the government's position was still affirmative to the question about the legality of banning a book. "The government's answer has changed," Blatt quoted Kagan as saying.

Kagan, Blatt said, went on to explain that the First Amendment protects a book containing political advocacy but the amendment does not protect against the censorship of pamphlets. When Alito asked where the government would draw the line as to what items could be banned — pamphlets, newspapers, DVDs, Internet clips — Kagan responded that "those were not the facts of the case," Blatt said, summarizing Kagan.

Blatt said, "So while there has been massive criticism of (the U.S. Supreme Court's decision on) *Citizens United*, perhaps one of those critics can step forward and offer a solution to the government's dilemma in *Citizens United*."

No. 8

"Never let them see you sweat," Blatt went on, saying the "best advocates are relaxed, clear, in control and confident." For example, Blatt recalled that while arguing a case about student loans before the high court, Breyer asked her a question about Social Security. "I said, 'I don't know,'" and the argument moved on.

It is important for a lawyer arguing before the Supreme Court not to guess or to "freeze up," she said. "Woody Allen could have

been advising advocates instead of (screenwriters) when he said, 'Eighty percent of success is just showing up.'"

No. 9

Referring to Georgetown University's Richard Lazarus, who, Blatt said, called those at the Supreme Court Bar an "elite private-sector group of attorneys who are dominating advocacy before the court," the speaker pointed out that this group consists mainly of men.

"Men unquestioningly dominate the lawyers representing corporations appearing before the court. With very limited exceptions, the women I see arguing before the court are public-interest lawyers, public defenders representing the criminally convicted, or government lawyers. Translation: Women are doing the same work but for less pay," Blatt said at first to laughter but then enthusiastic applause once the audience grasped the gravity of the situation.

Blatt then pointed to historical male dominance both among U.S. Supreme Court justices as well as those serving in the federal solicitor general's office.

Saying "litigation requires a warlike mentality," Blatt stated that arguing before the court "requires a fair amount of verbal jousting and sparring with the justices." Generally speaking, she said, "Male lawyers are more fearless in this type of battle, even though, from my experience, many of those men are obviously clueless that they have no talent."

She went on, "I've heard countless women — but not a single man — say to me, 'I could never stand up before the Supreme Court. It would be way too stressful.'"

No. 10

Joking that she had no more points to make, Blatt went on to make her final point: "When the justices are done, you should be done as well." In a self-deprecating moment, Blatt recalled the first time she presented an oral argument before the U.S. Supreme Court.

"Very early in my argument, the justices stopped asking me questions," Blatt recalled. "I looked down at my notes and realized I had said everything I had prepared to say." What she should have said to the justices, Blatt said she now knows, was, "Your honors, if there are no questions, we ask that the decision below (from a lower court) be affirmed."

Caught off guard, however, a younger Blatt blurted out, "I don't have any more points to make," to which Justice William Rehnquist retorted, "I don't believe my colleagues do, either," she said.

Blatt recalled, "The justices and the audience in the courtroom laughed, presumably at my expense, and I sat down." Later in the day, the speakers said that a colleague had told her, "If the justices did not know it was your first argument when you stood up, they certainly knew it by the time you sat down."

Saying that she now knows when and how to quit talking, Blatt did just that in the Amphitheater.

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LECTURE

Magill: Future of race in America intricately tied to the past

by Elizabeth Lundblad
Staff writer

Inclement weather delayed Michael Klarman's flights to Chautauqua, and the Harvard Law School professor was unable to make it to Monday's 2 p.m. Interfaith Lecture.

Fortunately for Chautauqua, Monday morning lecturer Elizabeth Magill, a professor at the University of Virginia School of Law and a former student of Klarman's, was willing to step in for her former teacher.

Despite only having about an hour to organize what she wanted to say, Magill gave a speech that took the audience through the landmark cases, both past and present, dealing with race and the Supreme Court.

Given that racism has a sordid history in the United States, when reflecting on the subject it is imperative to remember the context in which the basis of federal law, the Constitution, was created.

"At the founding, the Constitution was, in some ways, a pro-slavery document, Magill said. "It was not a political possibility at the founding of the Constitution to eradicate slavery."

During the Constitutional conference in 1791, it was impossible to come to an agreement on slavery because if any language that could potentially threaten slavery was introduced, the Southern states would walk, she said.

Although slavery was less popular and less prevalent in the North than in the South, slavery was tolerated in the North well into the 1780s, Magill said. New York, in fact, was one of the states that had the highest percentage of slave populations in the North, owing to the large plantations along the Delaware River Valley, she added.

In the original Constitution, there are three main provisions that protect slavery: Article 1, Section 2; Article 1, Section 9; and Article 4, Section 2, Magill said. An indirect protection of slavery was granted through Article 1, Section 4, of the Constitution, which gives Congress the power to suppress insurrections, in this case slave rebellions.

Article 1, Section 2 is the infamous three-fifths clause, which was created for the purposes of equally apportioning representation in the House of Representatives, she said.

"Article 9, Section 9 is, I think, a little lesser known but equally horrid. (It) says that Congress cannot prohibit the slave trade until 1808," Magill said. "This is, again, a North/South compromise; it's designed to allow the Southern states to continue the slave trade for 20 years."

The third provision, Article 4, Section 2, is the fugitive slave clause, which requires the states to return escaped slaves, she said.

One of the most recognized Supreme Court cases dealing with race is the *Dred Scott v. Sandford* in 1857, Magill said. Scott, a slave, traveled with his owner from a slave state to the Illinois and Wisconsin territories, which prohibited slavery.

"In 1846, on the principle that once in a free state, always free, *Dred Scott* instituted a suit to seek his freedom," she said. "He relied on some state law precedents, in Missouri in particular, that held that if a slave returned from Missouri after having resided in a free territory, that person was entitled to be free."

Sandford argued that Scott was not a citizen and therefore no federal court could hear his case, Magill said. It was also argued that Congress could not prohibit slavery in the territories — a direct attack on the Missouri Compromise.

"*Dred Scott* actually started out as a little-known case. Once it came to the attention of abolitionists, it became sort of a cause célèbre in the period, and the Supreme Court decided the case in 1857 ... widely regarded as one of the worst decisions the court has ever made," she said.

The Supreme Court held that slaves, in this case Scott, were not U.S. citizens because slaves had arrived in the U.S. in bondage and did not have the rights of citizens, Magill said. This meant that Scott could not claim federal jurisdiction, but the larger implication was that no African-American in the U.S., slave or free, could claim the rights of citizenship, she added.

The second holding of the decision was that the Missouri Compromise was unconstitutional, she said. At the time the Supreme Court probably thought it was solving a critical issue, but instead it inflamed the nation and added further fire to the movement toward the Civil War, she added.

Post-Civil War, one of the



Photo by Emily Fox

Elizabeth Magill delivers the 2 p.m. lecture in place of Michael Klarman Monday afternoon.

most recognized Supreme Court cases is the 1896 case of *Plessy v. Ferguson*. Plessy is about a Louisiana statute that allowed for separate but equal accommodation for white and black train cars, Magill said. Plessy challenged the statute, claiming it violated the Equal Protection Clause of the 14th Amendment.

At the time, the Supreme Court did not understand the claim of inequality, she said. The majority opinion said that separate but equal was constitutional and that the 14th Amendment was not intended to enforce social equality between the two races.

Justice John Marshall Harlan dissented from the majority opinion and thought the case was very easy, she added.

"(Harlan) said the Constitution tells us that the state cannot take account of race with respect to civil rights; this is a civil right," Magill said. "Louisiana claims that these are equal rail cars. ... (If) the law is symmetrical, (then) therefore it is equal. Justice Harlan says, Everyone knows what this law is intended to do. The social meaning of the segregation law is inferiority."

A series of cases spearheaded by the National Association for the Advancement of Colored People were argued to overturn the

Plessy doctrine of separate but equal, Magill said. The 1954 case of *Brown v. Board of Education* was the final case that argued that separate can never be equal.

"It's first argued in 1952, of course the great Thurgood Marshall is arguing — I think it's in that argument, not *Brown II*, in which he says, 'If we go any slower we'll be walking backwards,' when he's asked about incrementalism, which the defenders of segregation were saying we need to move incrementally," she said.

The court's vote is actually split in 1952, 4-4-1, when it came to the first conference of the Supreme Court. While the justices were still debating the case, Chief Justice Fred M. Vinson died, Magill said.

"Justice (Felix) Frankfurter, who was a supporter of reversing *Plessy* — and I hope this is allowed in a religion session — Justice Frankfurter says, and I quote, 'This is the first indication I have ever seen that there is a God,'" she said.

After Vinson, Earl Warren was appointed Chief Justice and he demanded that the decision be unanimous, Magill said. Although the final decision was incredibly short, there are ambiguities in it.

"There are two reasons, according to the court, why segregated schools are unconstitutional: one, is that they deprive kids of educational opportunity, and this flows from the segregation ... and two, it's simply unlawful for the state to take account of race in its public decision making, that that creates a

stigma that the state thinks a particular thing about a race of people," she said.

Brown I was decided in 1954, and *Brown II*, widely thought to be a cowardly decision, followed it in 1955, Magill said. *Brown II* basically suggests that the implementation of *Brown I* will take a long time to complete.

Contemporary race disputes in the Supreme Court deal largely with the concept of affirmative action, or reparations made to minorities because of past discrimination.

In order for a state to adopt affirmative-action programs and before *Grutter* and *Gratz*, the 2003 Supreme Court cases involving the University of Michigan, there were only two good reasons, Magill said.

One was the state institution itself discriminated based on race in the past and the affirmative-action program that it adopted was to remedy the discrimination that it itself had engaged in the past," she said. "The other rationale (is) ... that a school with an educational mission could seek to diversify the student body in part to enrich the educational experience."

Grutter v. Bollinger and *Gratz v. Bollinger* did not change those, but they potentially expanded the rationales for future affirmative action, Magill said.

In *Grutter*, the Supreme Court upheld that the affirmative-action process used by the University of Michigan Law School was constitutional because it did not quantify the applicants' race.

In *Gratz*, on the other hand, the Supreme Court held that the affirmative-action process used by the undergraduate admissions of the University of Michigan was not constitutional because it assigned a point value to an applicant's identified race.

The difference between the cases is the concept of narrow tailoring, Magill said. Narrow tailoring describes what the objective of the affirmative action can be and the means by which it is acquired.

By not assigning a point value to the race of an applicant, the University of Michigan Law School was deemed constitutional because it protects against the stigma of inferiority introduced by *Brown*, she added.

Parents Involved in Community Schools v. Seattle School District No. 1, a 2007 Supreme Case, involved two school districts that used race as a tie breaker in assigning students to particular elementary and secondary schools, Magill said.

"One of the school districts involved in *Parents Involved* was under a desegregation decree in the past and the other was not. That means that the school district that was not under a desegregation decree could not argue that it was remedying prior discrimination by itself," she said.

Despite having a five-justice majority, the court's decision was splintered, Magill said. The majority opinion written by Chief Justice John Roberts states that a state cannot take account of race in any way.

"(Justice Anthony Kennedy) refuses to join part of (the majority opinion). He says, 'If a state institution would like to do something about racial inequality and would like to do something about racial segregation, that is not an unconstitutional motive, that is not an unconstitutional action.'"

The opinion in the *Parents Involved* case is essentially the story of race in American law, Magill said, because the future of race in America is intricately tied to the past.

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OPEN YEAR 'ROUND
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Downtown Bemus Point
Mon-Sat 11am - 10 pm • Sundays 12pm - 10 pm

2010. BEMUS BAY POPS
The Floating Stage
Enjoy world-class performances from your boat in the bay or on the shore.
NEW THIS YEAR ... PREFERRED RESERVED SEATING!
LIVE IN BEMUS BAY
www.bemusbaypops.com

Friday September 3 6:30pm
TROMBONE SALUTE
John Marcellus & Friends of the Eastman School of Music presents the bionic bones trombone salute.

Saturday September 4 6:30pm
LABOR DAY FINALE WITH FIREWORKS
The full symphonic Bemus Bay Pops orchestra under the direction of Bruce Morton Wright along with John Marcellus and Steve Swanson brings the season to a close with an incredible musical finale that can only be described as magical and world-class. *Run date: September 6*

Sunday September 5 6:30pm
LIGHT THE LAKES
One of the Largest Fireworks Displays in North America-Actually Visible from Space! Lakewood, Midway State Park, check website for additional locations.
Special performance of *Boogie Woogie Band* on the Floating Stage.
www.ilovenylakes.com

Special Event
People's Choice Award

the Summer Fun Capital
"Where great food and fun bring friends and families back year after year!"
the Village CASINO
CASUAL WATERFRONT DINING
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Casual Waterfront Dining
Nightly Entertainment

Sunday • 9pm Duelling Pianos, Adult Comedy Show
Monday • 4pm Family Night BOGO - Kids 12 & Under, Buy One Get One FREE Kid's Meal

Monday • 9pm Chautauqua Lake Idol After Party Karaoke Contest
Tuesday • 8pm Who Knew? Trivia Night
Wednesday • 8pm Harbour Nights - Jimmy Buffet & Island Style Tribute Band

Thursday • 8pm KARAOKE with Jules 'R' Us
Fri. & Sat. • 10pm Best Live Music on the Lake

AUGUST EVENTS
ALWAYS THE BEST LIVE MUSIC

August 27 • 10-2 - DJ Drama
August 28 • 10-2 - Jack The Dog

Broad Menu including Gourmet Sandwiches, Homemade Pastas, Fresh, Locally Produced Strawberry Salads, and our **WORLD FAMOUS WINGS!**
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CLASSIFIEDS

NOTICE

Today is the last day to place a classified advertisement this season. Call (716) 357-6235 by 4 p.m. to place your ad.

ANNOUNCEMENTS

Are you worried about preserving and protecting the historical integrity and the ideal of Chautauqua? Visit [ReformChautauquaARB.com](#)

AA and Alanon. Sunday @ 12:30 pm, Wednesday @ noon at Hurlbut church.

ANTIQUES & COLLECTIBLES

ANTIQUES: Repair, Restore, or Refinish. Chautauqua Cabinetry does it best! Call Rick 716-753-5121. Pickup, Storage and Delivery

APARTMENTS FOR RENT

AVAILABLE WEEKS 7,8,9, ground level, new one bedroom, twin beds, w/d, cable, wi-fi, on plaza, steps from AMP, on tram route. \$1,200/week. 357-5557

1-2 BEDROOM APARTMENTS. Fernwood 29 Miller. A/C. Porch. Week 9 2010; Weeks 1-4, 8-9 2011. 602-206-8528

14 FOREST 1 Bd/1 Bath, W/D, A/C. \$1250 309-287-2367, [janellac@aol.com](#)

BOATS FOR SALE

Our Boat Rental Fleet is for sale at substantially discounted rates-- It's like getting a new boat for a used boat price-some come with warranties. Chautauqua Marina 716-753-3913

WOOD BOAT Carver 1964 i/o 110 Great condition, Chautauqua Marina Dock. [cschertack@roadrunner.com](#)

1957 RESTORED Chris Craft Semi Enclosed 27' Twin Engines 357-8207

2003 BAYLINER 175, 17.5 foot bowrider, great family boat, excellent condition, \$8,500. Email questions and inquiries to: [thelongs7@windstream.net](#) or Call 716-665-1516

CONDOS FOR SALE

FOR SALE BY OWNER
11B Fletcher - Move in condition
2 Bedrooms(Sleeps 10) Faces Hall of Philosophy.Partially Furnished.
\$399,000.
716-357-4410 or 716-941-5321

CO-OP APT. FOR SALE
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Wednesday, 1-2:30
Beautifully remodeled 2/2 in Pennsylvania Apts. #7; corner Waugh/Palestine, near Amp. 2nd fl. private porch; furnished; AC & heat. (561) 236-2521.
Reduced to \$315K
Excellent rental history

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At Local Farm: 100% Grass-fed beef for the cut, shiitake mushrooms, veggies, certified organic. 15 minutes from Chautauqua. [GreenHeronGrowers.com](#). Open 8am-8pm except Sat. 753-0371

PIANO: WURLITZER spinet, asking \$500. 716-665-6224

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Wearhouse
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HOUSE SWAP

CHAUTAUQUA HOUSE/Condo for weeks 5,6 or 7 (2011 Season). Wanted in exchange for family ski home in Winter Park, CO. Contact Amy Peterson @ (303)815-6423 or [swansonmarion@msn.com](#)

CORVALLIS, OREGON, 3Bedroom house. Sleeps 6. Exchange for 1-2 weeks Chautauqua. [ClaudiaCW@comcast.net](#)

HILTON HEAD, Sea Pines, Beautiful Oceanside 3Bd/3Bth, Pool w/waterfall, Designer furnished cable/wi-fi. 309-287-2367 [Janellac@aol.com](#) or 309-662-1156

HOUSES FOR SALE

BEAUTIFUL PROPERTY! 5 Minutes from institute;19 acres, 3 bedroom house, detached garage, lovely. Must move due to death in family. Reduced price \$159K obo call Jeff 716-753-6787

JEWELRY

FUSED GLASS Jewelry. Make your own. Sept. 2,8 or 11th at Imagine! Bemus Point. Call Myriam 716-386-2244

LOST & FOUND

REWARD for Canon Digital Camera. Small, compact camera. If found, call (831)207-6246

NOTICES

ATTENTION Artists, Crafters, and Antiquers: Mayville 12,000 sq ft Arts, Crafts, Antique indoor mall is seeking vendors for next season (6/1 to 10/1). For an exploratory visit call Chris 716-581-0507, Valley + Barton St (former Ethan Allen Bldg #1)

BELL TOWER- Love it? Want to decorate one? Now is your chance! For CWC 2011 fundraiser call Lynne Ballard at 357-3775 or email at [itsamathng@aol.com](#)

[www.ghostnest.com](#)

Check it Out!
Upload your
Chautauqua Image

OFF-SEASON RENTAL

COMFORTABLE, MODERN, 1st-floor efficiency condo. Centrally located. Fully furnished, kitchenette, cable t/v, w/d. \$300 per month. Zinman 753-7558

OFF SEASON: Modern 2Bd/2Bth and 1Bd/1Bth w/parking available. Circa 1991 on Forest. Wi-Fi, cable. central Location. \$600/\$350. 309-287-2367, [Janellac@aol.com](#) or 309-662-1156

REAL ESTATE

LOT FOR Sale: Chautauqua shores,lake right walk to institution west lake road 716-640-0007

REAL ESTATE

HOME WANTED for multi-gen. family to accommodate 3 couples and 4 children 2011 week 5. 206-524-8306

4-6 BEDROOM House. 4+bath, A.C., parking. Full 2011 season or 1st 7 or 8 weeks. 813-453-2163 or [blossom7@mac.com](#)

2011 SEASON

One bedroom, one person apartment, first floor, near plaza, good porch. 357-3242

A LOVELY Efficiency apartment near Hall of Philosophy, sleeps 2, all amenities including W/D, \$550 per week or \$4500/season. 357-3440

A NEW one bedroom apartment, ground floor. Perfect for one person, with room for a guest. W/d, cable, wi-fi, on plaza, steps from AMP, on tram route, twin beds. Season/half season-priced to be affordable. 357-5557

ADORABLE One story, 3bedroom, 2bath cottage, on bus route, with front porch, with gardens, sunroom, W/D, cable, dogs okay. One block from Hall of Philosophy. 17 South Ave available weeks 1-9 \$1650/wk, multiple week discount possible, [lgrimmelbein@gmail.com](#) or 703-401-7033

REAL ESTATE

NorthShore at Chautauqua has several off-season two-week timeshare intervals for resale. If you like Chautauqua during the summer, you'll love owning two weeks at the beautiful NorthShore townhomes. A variety of intervals are available September through June. These intervals are selling for \$1.00, plus a fee of \$500.00 to cover closing costs. Your financial obligations are the annual maintenance fees (\$978 for the two weeks) and the property taxes (which range from \$135-\$300 for two weeks, depending on the time of year of the ownership). Come and relax and enjoy the fall, winter and spring, or, trade your weeks through Resort Condominium International (RCI). Call Vacation Properties Realty at (716) 357-2307 or (716) 789-2900 and ask for a member of the NorthShore Timeshare Resale Team (Dale Sandberg, Karen Dolce or Wayne Weaver) for details. Don't miss this opportunity to own your very own piece of Chautauqua!

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HUTCHISON ISLAND Florida: Amazing 11th floor Penthouse, 2Bd/2Bth, Wrap-Around Balcony, Overlooking ocean, cable/WF, W/D. 2 months @ \$4800. 3rd month FREE! 9-12 months \$1,100.00 monthly. 309-287-2367 [Janellac@aol.com](#) or 309-662-1156

WANTED TO RENT

HOME WANTED for multi-gen. family to accommodate 3 couples and 4 children 2011 week 5. 206-524-8306

4-6 BEDROOM House. 4+bath, A.C., parking. Full 2011 season or 1st 7 or 8 weeks. 813-453-2163 or [blossom7@mac.com](#)

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2011 SEASON

AMPHITHEATER; 2 doors away, completely modern, furnished, amenities, 1st floor bedroom, bath, W/D, porches, A/C, 4 bedrooms up 2 baths. Weeks 3, 4, 5 and 6. 440-781-4309, 357-8377

AVAILABLE WEEK 1.Special Offer! Luxury Condo near plaza, 3 bedrooms, 3 baths, central air, beautiful porch, wi-fi,elevator,great for multiple couples or multigenerational family. 716-510-8993

BRAND NEW one bedroom apartment with golf course view. Kitchen, patio, A/C, Washer/Dryer available. Full season \$5000, approximately mile from grounds. Inquiries invited 845-216-7899

BRIGHT IMMACULATE well-built, owner occupied house. Four Second and Third floor apartments 1-4 people; living room, full kitchens, new appliances, showers, bedrooms: 1 single, 2 twin, 1 queen bed, 1 kingsized bed; large private or shared eating/ entertaining porches with panoramic lake views. A/C, cable/internet access. Easy steps to Amphitheater/ Plaza; bus at door to everywhere. 716-357-5961

JAZZ SPONSOR needed. Bringing quality jazz to Chautauqua. Mellow and accessible. Need sponsors. Please call Matthew Vacanpi 315-622-1928 [mvacanpi@aol.com](#)

LARGE EFFICIENCY On 1st floor with private entrance. Sleeps 2-4. Quiet, beautiful setting 1 mile from the gate. \$3,900 season rental. 716-581-3202

Modern Condo, Albion B, ground floor, 2BR 2B, also sofa bed, A/C W/D view of Miller Park. Weeks 1, 4-6, 9 \$1900/week. Email [jsack13@aol.com](#) or call 703-731-4579

SPACIOUS updated 3BR APT, near amp, well-equipped kitchen, private porch, D/W, laundry, A/C, multi-week preferred. 412-425-9658

Three Bedroom House and/or spacious lodge with large loft (sleeps six). For rent, set on 150 acres, 1 mile from Chautauqua Institution. 716-789-9190

Tired of living nine weeks with someone else's furnishings? Rent unfurnished for the year (3 months @ \$500, 9 months @ \$100). 5 year lease available or by the year. All utilities separated. Free parking, carts + shuttle service. Think outside the box, call Chris @ 716-581-0507 to view availability and discuss the deal of a lifetime!

THREE BEDROOM, Two Bath, Weeks 8, 9 357-5171

TWO BEDROOM, 1.5 Bath, second floor apartment, central A/C, W/D, 2 porches, 19 Ramble, full season 716-357-2194

WANTED: 1/2 BR Unit Weeks 2,3,4,5. 1st Floor A/C, Walk-in shower, Parking preferred. 412-621-7464

14 FOREST (Circa 1990) 1 Bd/1 Bath, W/D, A/C, Large Flatscreen, Cable/Wifi, Queen bed, \$1250 available weeks 1,2 and 9. 309-287-2367, [janellac@aol.com](#)

2SOUTH The Browns, Available weeks 5-9, 2BR, 1bath, pet friendly, AC, parking, lake view, bus route 863-644-7668 [carlandsuebrown@gmail.com](#) \$2800/wk

29 AMES AVE modern 3 story townhouse, 2 porches. Central location on bus line. Granite kitchen, W/D, A/C, HDTV-DVD, 5 bedroom - 3 kings, 2 twins, 3.5 baths, Wi-Fi, patio, grill, 2 parking passes, available weeks 1,8, and 9. \$4000/wk. 357-8208

3 BEDROOM, 2 Bath apt. Weeks 8, 9, A/C, Heat, D/W, W&D, Cable, WiFi, Modern, well furnished, fully equipped, huge sleeping and dining porch, 42 Foster, [jimorris@morristrust.net](#), (716) 357-5171

3 ROOT CONDO 3 Modern, Top Condition, 2 Bedrooms, 2 Baths, Large Treehouse Deck,All Amenities, Weeks 6-9. 919-395-8514

9 Ames. 3Br, 2Ba, Cottage one block from Bestor Plaza. Weeks 1,2,3. \$3400/wk. 704-564-2408

CROSSWORD

By THOMAS JOSEPH

ACROSS 42 Watches over

1 Clay product

6 Rap's Snoop

10 Skin features

11 Pageant topper

12 Send in

13 Like bar beer

14 Inking

15 Light wind

16 Great weight

17 Descartes' conclusion

18 Spectrum end

19 Inter-changes

22 Résumé heading

23 Takes in

26 Fabric samples

29 Tour carrier

32 TV spots

33 Scoundrel

34 Entirely

36 Hockey's Gordie

37 TV's Sawyer

38 Might

39 Playful mammal

40 UFO occupant

41 Capone's foe

DOWN 1 Ship spars

2 Country shindig

3 Georgia neighbor

4 Luke's sister

5 Superlative ending

6 Have a repast

7 Horse opera

8 Eat from the pasture

9 Showed surprise

11 Per-secutes

15 Scrooge cry

17 Thirst quencher

20 Logos, e.g.: Abbr.

21 Short time

24 Add for free

25 Iodine source

27 Hubbub

28 Boat backs

29 Go for, at an auction

30 Merge figures

31 Sports

35 Small bills

36 Golf target

38 Contrived

Yesterday's answer

NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475

1 2 3 4 5 6 7 8 9

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41

8-25

AXYDLBAAXR is LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

8-25 CRYPTOQUOTE

N M J T L Q M M U R S R C I M Q N S

X C O M C T M L J I M X S C F

X G D M T L G W , V W J R M R C I J T L

X C O M C T M Q M M U R S L J I M X

S C F K C F D H L M . — R H C G P F

Yesterday's Cryptquote: THERE ARE NO RULES OF ARCHITECTURE FOR A CASTLE IN THE CLOUDS. — GILBERT K. CHESTERTON

SUDOKU

Sudoku is a number-placing puzzle based on a 9x9 grid with several given numbers. The object is to place the numbers 1 to 9 in the empty squares so that each row, each column and each 3x3 box contains the same number only once. The difficulty level of the Concepts Sudoku increases from Monday to Sunday.

Conceptis SudoKu By Dave Green

Difficulty Level ★★★

8/25

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9 5 8 4 2 6 3 7 1

6 2 1 3 7 8 4 9 5

4 7 3 5 9 1 8 6 2

3 4 7 2 6 9 1 5 8

8 1 9 7 5 4 6 2 3

2 6 5 1 8 3 9 4 7

5 8 6 9 1 2 7 3 4

1 3 2 6 4 7 5 8 9

7 9 4 8 3 5 2 1 6

Difficulty Level ★★

8/24

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Charitable Support

Did you know your gate ticket covers less than 60% of the programs you are enjoying today?

As a not-for-profit organization, Chautauqua is dependent upon philanthropy to offset its revenues and cover costs associated with its morning lecture platform, evening entertainment, fine and performing arts schools, children's programming, etc.

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You may learn more by calling (716) 357-6407 or perusing [www.ciweb.org/giving](#). Better yet, drop by for a visit with us in the Colonnade on Bestor Plaza.



The crew at Jamestown Cycle Shop Bike Rent works all season long to keep Chautauqua's pedals moving.



1. Zach Schafer, an employee of Jamestown Cycle Shop Bike Rent, works on a bike for a customer.
2. Schafer, Tyler Walden, Mac Dawson and Dan Skinner pose for a photo in front of the shop on "Frankenstein Bikes," bikes that have been assembled from spare parts.
3. Dawson assists a customer outside of the shop, located by the Main Gate Welcome Center.

Scott Humble, Esq.
ATTORNEY-AT-LAW

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PROGRAM

Wednesday, August 25

- 7:00 (7:00–11:00) **Farmers Market**
- 7:15 (7:15–8) **Mystic Heart Meditation.** Leaders: **Michael O’Sullivan** (Zen Buddhism). Main Gate Welcome Center (Bring gate pass)
- 7:45 **Episcopal Holy Eucharist.** **The Very Rev. DeLiza Spangler**, St. Paul’s Cathedral, Buffalo, N.Y. Chapel of the Good Shepherd
- 8:00 **Morning Meditation.** (Sponsored by Unity of Chautauqua.) Hall of Missions
- 8:45 **Catholic Mass.** Chapel of the Good Shepherd
- 8:55 (8:55–9) **Chautauqua Prays for Peace.** Hall of Missions Grove
- 9:00 **CLSC Scientific Circle.** (Programmed by the CLSC Alumni Association). “Left Handedness: Is Nature (God) Left Handed?” **Peter Diachun**, chemist. Hall of Christ
- 9:15 **DEVOTIONAL HOUR.** **The Rev. Cynthia L. Hale**, senior pastor, Ray of Hope Christian Church, Decatur, Ga. Amphitheater
- 9:15 **Project Talmud.** (Programmed by Chabad Lubavitch of Chautauqua). **Rabbi Zalman Vilenkin**. Alumni Hall Library Room
- 9:15 **Koffee Klatch.** (Programmed by the Chautauqua Women’s Club). For women 60 years and older. Women’s Club
- 9:30 (9:30–10:30) **Chautauqua Institution Trustees Porch Discussion.** “Looking Ahead to the 2011 Season.” **Thomas Becker**. Hultquist Center porch
- 10:15 **Service of Blessing and Healing.** UCC Chapel
- 10:45 **LECTURE.** “Court and the Will of the People.” **Barry Friedman**, professor of law, NYU School of Law; author, *The Will of the People*. Amphitheater
- 12:00 (12–1) **Women in Ministry.** Hall of Missions
- 12:10 **Catholic Mass.** Chapel of the Good Shepherd
- 12:15 **Massey Organ Mini-concert.** “Durufle — The Last Impressionist?” **Jared Jacobsen**, organist. Amphitheater
- 12:15 **Brown Bag Lunch/Book Review.** (Programmed by the Chautauqua Literary & Scientific Circle Alumni Association) **Mary Lee Talbot**, *Grounded: A Down to Earth Journey Around the World* by Seth Stevenson. Alumni Hall porch
- 12:15 (12:15-1:15) **Brown Bag Lunch/Discussion.** “The Jewish Supreme Court Judges.” **Shel Seligsohn**, discussion leader. Everett Jewish Life Center
- 1:00 **Chautauqua Literary and Scientific Circle Alumni Hall Docent Tours.**
- 1:15 **Language Hour:** French, Spanish, German. (Programmed by the Chautauqua Women’s Club). Women’s Clubhouse
- 2:00 **INTERFAITH LECTURE SERIES.** “How the Supreme Court Shapes American Democracy.” **Richard Pildes**, professor, NYU School of Law. Hall of



Photo by Greg Funka

Students from Children’s School enjoy a morning at the beach.

- Philosophy
- 2:00 **Public Shuttle Tours of Grounds.** Leave from Main Gate Welcome Center. Fee.
- 3:30 **Contemporary Issues Dialogue.** (Programmed by the Chautauqua Women’s Club). **Barry Friedman**, professor of law, NYU School of Law; author, *The Will of the People*. (Today’s Dialogue is an opportunity to be a part of a conversation with one of the morning lecturers. Admittance is free, but limited to the first 50 people). Chautauqua Women’s Club
- 3:30 (3:30-4:45) **Jewish Thought Series.** (Sponsored by the Department of Religion). “The Challenge of Religion in the State of Israel” **Rabbi Samuel M. Stahl**. Hall of Christ (No registration required)
- 4:00 **AFTERNOON CONVERSATION.** **John Q. Barrett**, professor, St. John’s University School of Law. Hall of Philosophy
- 4:00 **Guest Artist Recital.** **Three Sopranos and a Pianist: Luanne Clark Crosby and Christine Walters McMasters**, sopranos; **Laurie Tramuta**, mezzo-soprano; and **Adam Potter**, piano. (Benefits the Chautauqua Women’s Club Scholarship Fund.) Elizabeth S. Lenna Hall
- 4:00 **Public Shuttle Tours of Grounds.** Leave from Main Gate Welcome Center. Fee.
- 4:15 **Young Readers Program.** *Alice’s Adventures in Wonderland* by Lewis Carroll. “Un-Birthday Party” inspired by Carroll (and made famous by Walt Disney). Alumni Hall Garden Room
- 4:15 **Bat Chat.** (Programmed by the Chautauqua Bird, Tree & Garden Club) **Caroline Van Kirk Bissell**. Smith Wilkes Hall (Children under 12 accompanied by adult.)
- 6:45 **Eventide Travelogue.** (Programmed by the Chautauqua Literary & Scientific Circle Alumni Association). “Galapagos Islands.” **Norman Karp**. Hall of Christ
- 7:00 **Christian Science Service.** Christian Science Chapel
- 8:15 **SPECIAL.** **An Evening with Sandra Day O’Connor.** In conversation with **Craig Joyce**, Andrews Kurth Professor of Law, University of Houston Law Center. Amphitheater

Thursday, August 26

- 7:00 (7:00–11:00) **Farmers Market.**
- 7:15 (7:15–8) **Mystic Heart Meditation.** Leaders: **Michael O’Sullivan** (Zen Buddhism). Main Gate Welcome Center (Bring gate pass)
- 7:45 **Episcopal Holy Eucharist.** **The Very Rev. DeLiza Spangler**, St. Paul’s Cathedral, Buffalo, N.Y. Chapel of the Good Shepherd
- 8:00 **Morning Meditation.** (Sponsored by Unity of Chautauqua.) Hall of Missions
- 8:45 **Catholic Mass.** Chapel of the Good Shepherd

- 8:55 (8:55–9) **Chautauqua Prays for Peace.** Hall of Missions Grove
- 9:15 **Chautauqua Speaks.** (Programmed by the Chautauqua Women’s Club) “West African Clothing and Fabric.” **Alice O’Grady**. Women’s Clubhouse
- 9:15 **DEVOTIONAL HOUR.** **The Rev. Cynthia L. Hale**, senior pastor, Ray of Hope Christian Church, Decatur, Ga. Amphitheater
- 10:15 **Service of Blessing and Healing.** UCC Chapel
- 10:45 **LECTURE.** **Paul Clement**, partner, King & Spaulding, Washington, D.C. Amphitheater
- 12:10 **Catholic Mass.** Chapel of the Good Shepherd
- 12:15 (12:15–1:15) **Knitting.** “Women4Women–Knitting4Peace.” UCC Reformed House Porch
- 12:15 (12:15-1:45) **Communities in Conversation Brown Bag Lunch.** (Co-sponsored by the Dept. of Religion, the Ecumenical Community of Chautauqua and the Interfaith Alliance). Jewish, Christian and Muslim presenters. Hall of Christ
- 12:15 **CLSC Scientific Circle.** (Programmed by the CLSC Alumni Association). “Pharmacology.” **Jim Rovegno**. Alumni Hall Porch
- 12:30 (12:30–2) **Mystic Heart Meditation Seminar.** “Zen: Making Logical Decisions.” **Michael O’Sullivan** (Zen Buddhism). Hall of Missions. Donation
- 12:45 **Chautauqua Catholic**

- Community Seminar.** “Well, Wise and Whole in the Second Half of Life.” **the Rev. Dennis Mullen**, pastor, St. Dominic Parish, Frederic, Wis. Methodist House Chapel
- 1:15 **Duplicate Bridge.** **Herb Leopold**, director. Sports Club. Fee
- 2:00 **INTERFAITH LECTURE SERIES.** “The Relationship among Law, Justice, Morality, Ethics — and Complexity — in Contemporary Constitutional Criminal Procedures.” **Ronald J. Allen**, professor, Northwestern Law School. Hall of Philosophy
- 2:00 **Public Shuttle Tours of Grounds.** Leave from Main Gate Welcome Center. Fee.
- 3:30 **CLSC ROUNDTABLE/LECTURE.** **Ken Gormley**, *The Death of American Virtue: Clinton vs. Starr*. Hall of Philosophy.
- 3:30 (3:30–5) **Presentation.** “Coping with Terrorism: Lessons from Israel.”

- Dr. Leonard Cole.** Everett Jewish Life Center
- 4:00 **Public Shuttle Tours of Grounds.** Leave from Main Gate Welcome Center. Fee.
- 4:30 **Evensong Blessing and Healing Services.** Chapel of the Good Shepherd
- 6:00 (6:00–7:45) **Chautauqua Choir Rehearsal.** All singers welcome. (Two rehearsals required to sing at Sunday worship services.) Smith Wilkes Hall
- 6:30 **Unity Class/Workshop.** (Programmed by Unity of Chautauqua) “Divine Wisdom and Divine Justice in Our Own Supreme Court.” **The Rev. Beth Mead**, Unity of Melbourne, Florida. Hall of Missions
- 7:00 **Devotional Services.** Denominational Houses
- 7:00 (7-7:45) **Metropolitan Community Church Vespers Service.** Hall of Christ
- 8:15 **SPECIAL.** (Community Appreciation Night) ‘50s **Dance Party.** Amphitheater

Land & Building

Building permits must be obtained from the Community Design Office (357-6245) for all interior and exterior work. To maintain Chautauqua’s contemplative atmosphere, construction without Institution permission is prohibited during the summer season. House trailers, mobile homes or camper-type trailers or other similar types of movable structures may not be used as living quarters on the grounds or in Institution parking lots.

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How lovely are Your dwelling places,
O Lord of hosts!
My soul longed and even yearned for the courts
of the Lord;
My heart and my flesh sing for joy to the
living God.
The bird also has found a house,
And the swallow a nest for herself,
where she may lay her young,
Even Your altars, O Lord of hosts,
My King and my God.
How blessed are those who dwell in Your house!
They are ever praising You.

— Psalm 84: 1-4

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