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THE REGION

Second Source Calls Law School Dean Plagiarist

■ Writing: Winston Frost copied a report 'word for word in tons of places,' author says. Frost declines to comment but lawyer has blamed a student editor.

By H.G. REZA, TIMES STAFF WRITER

A Santa Ana law school dean under investigation for allegedly plagiarizing from the Encyclopaedia Britannica for a law review article also copied from a 1983 report on human rights, the report's author said.

Jerome J. Shestack, who has served as president of the American Bar Assn. and U.S. ambassador to the U.N. Commission on Human Rights, said Friday that "large sections" of his 18-year-old piece appeared in a human rights article written last year by Trinity Law School Dean Winston L. Frost without credit.

"It's word for word in tons of places," said Shestack. He compared his article, titled "The Jurisprudence of Human Rights," with Frost's article, titled "The Developing Human Rights Discourse: A History of the Human Rights Movement," written for the fall 2000 issue of the school's law review. Frost, 43, was suspended with pay in July while officials at the small Christian school investigate allegations that he lifted text from the encyclopedia for his article on the history of human rights without giving credit.

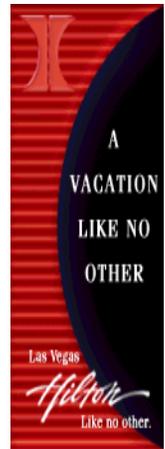
On Friday, school officials began looking into Shestack's

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accusation of plagiarism.

Shestack, a Philadelphia lawyer, served as ambassador to the U.N. commission under President Carter. His 50-page article was reprinted in a 1984 book, "Human Rights in International Law: Legal and Policy Issues," edited by Theodor Meron. And it was included in the 1984 International Human Rights Program at the International Institute of Human Rights in Strasbourg, France.

"It was widely circulated at Strasbourg and easily accessible. Frost had no problem obtaining it, and piece after piece of his article is plagiarized from mine," Shestack said.

Frost's biography lists him as a 1995 diplomate from the International Institute of Human Rights.

Shestack is the second legal scholar this week to accuse Frost of using his work inappropriately. He said he was alerted to the matter Thursday by a faculty member at Trinity Law School.

John W. Montgomery, a British law professor and author of "Human Rights and Human Dignity," said Frost cited his book as a source for the law review article but didn't use any material from it.

Ken Anderson, a lawyer hired by Trinity International University to investigate the allegations of plagiarism, confirmed that the school had received the latest complaint.

"We have heard from [Shestack] and will be talking to him again. We are going to conduct an analysis of Shestack's article and Frost's article," Anderson said.

Frost has repeatedly declined requests for comment in the case.

Claims 'Like a Moving Target'

Tom Borchard, an attorney for Frost, said the mounting complaints have frustrated him. He said he is still putting together a response to the charge that Frost plagiarized from Encyclopaedia Britannica.

"These allegations seem to be like a moving target," Borchard said Friday. "I have not been advised about this

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new allegation with Shestack, and I have not compared the two articles.

When "Trinity advises me that this is now a new phase of the investigation against Dean Frost, then I will address it accordingly. I still have to look into Montgomery's complaint," he said.

Borchard has said any errors in Frost's article were caused by sloppy editing by a student editor who allegedly deleted key footnotes.

Trinity Law School, housed in a former office building, is part of Trinity International University in Deerfield, Ill., owned by the Evangelical Free Church of America. Frost has taught law and ethics classes at the law school.

The university's lawyers met with Frost's lawyers Thursday, Anderson said, but he declined to say what was discussed. Borchard described the meeting as constructive and beneficial.

Many of the Same Words, Phrases

The first part of Frost's article contains numerous similarities to the text in Encyclopaedia Britannica. For example, the first paragraph of his piece uses many of the same words, phrases and sentence structures as the first paragraph of Britannica's entry.

There are also some obvious similarities between Frost's article and Shestack's report. Shestack's piece states, "Natural law theory led to natural rights theory--the theory most closely associated with modern human rights. The chief exponent of this theory was John Locke. . . ."

Frost's article reads, "Natural law theory has led to natural rights theory, the theory most closely associated with modern human rights. The chief proponent of this theory was John Locke. . . ."

The issues listed under subheadings in Frost's article also are similar in sequence to Shestack's 1983 report.

"He's blaming a student editor," Shestack said, "but it's out-and-out plagiarism."

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

Plagiarism Accusation

A comparison of excerpts from a human rights article by Jerome J. Shestack and one on same subject by Trinity Law School Dean Winston L. Frost:

"The Jurisprudence of Human Rights" by Jerome J. Shestack:

"To end the certain hazards and inconveniences of the state of nature, men and women entered into a contract by which they mutually agreed to form a community and set up a body politic. However, in setting up that political authority they retained the natural rights of life, liberty, and property which were their own. Government was obligated to protect the natural rights of its subjects and if government neglected this obligation it would forfeit its validity and office."

*

Trinity Law Review, Fall 2000. "The Developing Human Rights Discourse: A History of the Human Rights Movement," by Winston L. Frost:

"To end the certain hazards and inconveniences of the state of nature, men entered into a contract by which they mutually agreed to form a community and set up a body politic. In establishing that political authority, however, man retained the natural rights of life, liberty and property. Governments are obliged to protect these natural rights of its subjects. If government neglects this obligation, its validity and office are forfeited."

*

"The Jurisprudence of Human Rights" by Jerome J. Shestack:

"[H.L.A] Hart finds the authority for the rules of law in the background of legal standards against which the government acts, standards that have been recognized and accepted by the community for that government."

*

Trinity Law Review, Fall 2000. "The Developing Human Rights Discourse: A History of the Human Rights

Movement," by Winston L. Frost:

"[H.L.A] Hart finds the authority for the rules of law in the background of legal standards against which the government acts, standards that have been recognized and accepted by the community."

*

"The Jurisprudence of Human Rights" by Jerome J. Shestack:

"Marxist recognition of rights stems from its view of persons as indivisible from the social whole."

*

Trinity Law Review, Fall 2000. "The Developing Human Rights Discourse: A History of the Human Rights Movement," by Winston L. Frost:

"In short, Marxist recognition of rights stems from its view of persons as indivisible from the social whole."

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