

DAILY NEBRASKAN

Editorials

Biafra: paying the price

While the speaker, an intense black student from Biafra named John Anaza, struggled passionately to explain the plight of his country, students in the Union Thursday shuffled, chatted, slurped at Cokes and gulped down hamburgers.

The situation, perhaps, is analogous to the problems Biafra faces throughout the world in its attempt to avoid annihilation. Biafra is paying a high and tragic price for the state of semi-anarchy the rest of the world has involved itself in.

IN COMPARISON to the struggle now going on in Biafra, it seems of little consequence whether students are worried about frat parties or the Peace and Freedom Party. Both activities are indicative of our overwhelming concern with ourselves. Both editorials resemble the position of our nation — so deeply entangled in the mud of Vietnam that it cannot rise even to rescue a people from mass starvation.

John Anaza struggled manfully with the language and with the apathy of his audience in an attempt to enlist the aid of Nebraska students, but it is unlikely that we will rise to the occasion.

The argument, of course, is that Biafra is not our problem. Perhaps never in recent history has a tragedy unfolded in so obscure a corner of the world, with so little concern or involvement on the part of wealthy nations with problems of their own.

Due to a massive effort by the American press, most people are informed, to some extent, of the nature of Biafra's problem. They know of the starvation, the giant eyes and distended ribs of dying children, the hopeless effort of the Ibo tribesmen to establish their own, independent nation. People have shown an uncharacteristic reluctance to react, an unusual willingness to avoid involvement.

THE TRUTH of the Biafran problem is that starvation is the price Biafra pays for a world divided against itself.

Nothing in our time exposes the impotence of America and Western Europe so vividly as that war. With the French helping to arm Biafra and the Soviets chipping in with arms to Nigeria, the great nations have managed to escalate the annihilation at a minimum of risk to themselves.

If America's college students, who supposedly are the most concerned and eager-to-react sector of our population, fail to respond to the pleas of people like John Anaza, we can hardly expect our beleaguered government to react.

Do something this semester. Sign up to help Biafra.

Jack Todd

J. L. Schmidt . . .

The Lost Chord is alive and well

Between the eyes and ears there lie,
The sounds of colour
And the light of a sigh,
With thoughts of within
To exclude without
The ghost of a chord
Will expel all doubt.
And to name this chord
Is important to some
So they give it a word
And the word is Om.

From the record jacket

After a record drought of some three or four years the recording group known as the Moody Blues has produced a new album with a sound which is not the least reminiscent of their first hit. We've Gotta Go Now . . . and thank heavens.

The day of the heavy rag time piano beat has passed into one of electric sounds and chord liberalizations.

JOHN LODGE, Justin Hayward, Mike Pinder, Ray Thomas and Graeme Edge have delved into their new musical wardrobe of twelve string guitar, acoustic guitar, sitar, tablas, melotron harpsichord and the conventional bass, drums and piano, to experiment with this new bag in music.

Before delving into the sound, it is interesting to closely study the record jacket. The cover piece features a baby with umbellical chord attached and leading into the lettering which states the title, "In Search of the Lost Chord." The back of the jacket shows the group in various poses with the shirt of one of them pulled high enough to reveal his navel.

Inside there is a drawing of a Yantra, one of the basic drawings of Yoga. They say that thought or intentness will cause exclusion of all other thoughts ultimately bringing about the state of mind to which the mediator aspires . . . much in the same way that glaring into the embers of the fire causes visions.

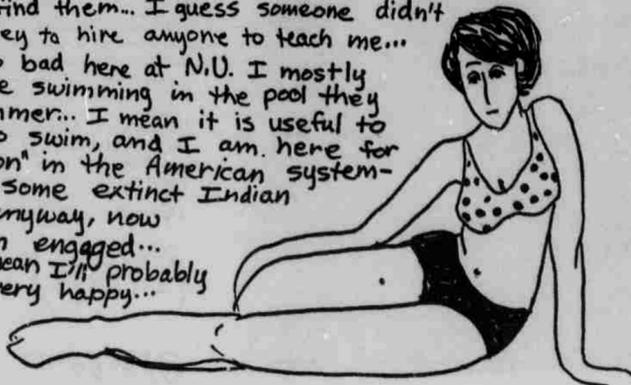
As Marshall McLuhan has said about the Chinese, they pull up closer to the fire to see what they are saying, I pulled up to the record player to hear what they were saying.

Probably the most fantastic rendering on the whole record includes the three pieces, House of Four Doors, Legend of a Mind and House of Four Doors (reprise). For exactly twelve minutes and 34 seconds the group displays talents ranging from simple Beach Boy harmony to the symphonic magnitude of a Philharmonic, complete with strains of Gershwin's Rhapsody in Blue intermingled.

Dr. Livingston I Presume and Ride My See-Saw also deserve mention, for their child-like rhythm and nonsensical verse are done with much taste and a rather Bee Gee's sounding harmony.

Let I be tempted to play them up too much, I will suffice it to say that for me money, this is probably one of the best searches for the Lost Chord that has ever been recorded in history, musical or otherwise.

Well... when I was a freshman last year I really turned on to Anthropology... I wanted to go on and get my masters. And I was happy to find the Anthro Department here had so many really fine profs... But when I got back here this year I couldn't find them... I guess someone didn't have the money to hire anyone to teach me... But its not so bad here at N.U. I mostly spend my time swimming in the pool they built last summer... I mean it is useful to know how to swim, and I am here for "total education" in the American system... not to study some extinct Indian tribe... So anyway, now I'm engaged... I mean I'm probably be very happy...



Supreme Court, Hershey collide

by Susie Schmidt

WASHINGTON (CPS) — Next month the Supreme Court will hear a draft case that may affect hundreds of young men around the country, whose verdict will almost surely deal a blow to the Selective Service System and the procedures it has followed during recent months in reclassifying protesters.

In an unusual development for such a case, the defendant, a 24-year-old divinity student, and the prosecution, attorneys for the Justice Department, have both recommended the same holding — that the decision of a lower court to uphold his reclassification to 1-A and his subsequent induction because of his protest activity — be reversed.

THE JUSTICE Department, in recommending reversal, has collided with the Selective Service and its director, Lewis B. Hershey, who maintains that local boards have a right to reclassify "those who engage in illegal activity" as delinquents — an action that puts them at the head of the list of priority for induction.

The American Civil Liberties Union, (ACLU) which represents Oestereich, is fighting the reclassification on several grounds and on several levels. It argues that:

1. The declaration of delinquency and reclassification is invalid because it is punitive and therefore cannot be undertaken without the due process safeguards to the registrant required by the Constitution (counsel, confrontation and cross-examination, and impartial tribunal and so on);

2. That the act of returning a draft card is speech protected by the First Amendment. Evidence here, among other things, is the fact that in the original Selective Service Act after World War I "failure to possess (have on one's person, as it is now interpreted) a Registration Certificate (draft card)" was not on its face illegal, but was merely evidence (to be investigated) of failure to register, which was illegal.

The ACLU lawyers would like to see those sections of the draft laws that provide for violation for not having a draft card on one's person (rather than not having registered) and that provide for delinquency reclassification for persons who have failed to perform some step in the registration process declared unconstitutional, and they raise in their brief, filed with the Court last month, far-reaching questions about the consistency of draft provisions with Constitutional guarantees.

The Justice Department brief, filed last week, admits that inconsistencies existed between the provision for ex-

The Justice Department and the Supreme Court have the opportunity to demolish General Hershey's edict that draft demonstrators be drafted. The fate of many an "illegal" demonstrator may hang on the court's decision regarding a 24-year-old divinity student.

emption (which, according to Solicitor General Erwin Griswold, is guaranteed by Congress and not subject to local board interference) and the provision for reclassification.

It suggests, however, that in such cases as this one, where individuals have permanent exemptions, those exemptions must take precedence over the board's right to reclassify. Thus, the case would not apply to students who have deferments only until they are out of school, not exemptions.

THE JUSTICE Department says, however, that serious question may be cast on the constitutionality of delinquency reclassification as a general procedure by such a finding in this particular case.

Such unconstitutionality is the ACLU's major contention, because of a third provision in the Selective Service Act which prohibits court review of draft disputes before induction. The lawyers say delinquency reclassification fits the definition of punishment set down in previous court cases (retribution and deterrence, among other things) and therefore is illegal since punishment cannot be meted out in this country without a trial and due process of law.

The prosecution never really deals with this question (other than saying it might come up), but recommends that the Court avoid having to decide that difficult legal question by merely saying the exemption of divinity students takes precedence in this case over a board's reclassification.

That "easy way out" of a thorny case is probably exactly what the court will do when it hears the arguments and rules in October, since the practice of the court is to decide the case by the least controversial and upsetting route. But if the justices do it that way, the question will doubtless come up again—

next time the defendant will be someone who doesn't have the exemption and can fight on the issue.

The Justice brief also puts much of the blame for the tricky legal situation on General Hershey. The Department has previously argued that his October 24 letter to local boards, recommending that they reclassify and induct protesters posthaste, was "a statement of personal opinion only" and not mandatory or binding. In cases brought against Hershey last spring by the National Student Association, the court ruled that local boards were not legally affected by that directive.

Now, however, the Justice Department, in a deviation from its spring position, agrees with the opposition that Hershey's memorandum, for all its "informal" status, was indeed in effect "inviting local boards to use their reclassification powers in a punitive way" — using them to "get the bad guys." It urges the court to take into account when it considers the case the fact that (as the ACLU counts) at least 76 of the 650 men who turned in draft cards in October are now involved in legal proceedings because they have been reclassified, and many others probably just went into the Army because they couldn't afford court costs — all of which goes to show that the letter had some effect on the boards, and they weren't "just acting randomly and individually" as was claimed last spring.

THE OESTEREICH case is

the first of all these, perhaps the only one, to reach the "court of last resort," the Supreme Court. Its decision will affect hundreds of other cases now in court. If it decides on the narrow point of law recommended by the Justice Department that will still affect perhaps 1,000 cases, according to officials. If it should decide to tackle the whole problem of inconsistencies and illegalities in the Selective Service law in general terms, as advocated by the ACLU, its ruling will affect every reclassification instance now in process.

Either way, General Hershey has lost his battle this time. Although the Justice Department gave him eight pages in its brief, explaining his side of the story and stating the Selective Service case for upholding the reclassification, it would not let him enter his own brief to the Court.

Both sides seem to concur that his memo last October was a blunder, both tactically and legally. And both concur that local boards have acted illegally in many cases.

The differences come in basic support for the draft as it now exists. Most telling, perhaps, is the ACLU's continual references to reclassification as "punitive," and the Justice lawyers' contention that "induction isn't punishment" — inferring that young people should be happy to serve in the armed forces, not try to avoid it by any means possible.

The really broad issues — whether delinquency reclassification should be considered illegal not as punishment for past deeds because it forces compliance with the procedures of the draft system, whether it denies the right of free speech to registrants who must be afraid to dissent for fear of being reclassified — are only touched on in this case, but they, too, are still hovering beneath the surface, ready to come up next time.

CAMPUS OPINION

Dear Editor: In the past, we have noticed your propensity for the unintentionally ridiculous in editorial statements, yet never before have we seen this

paper strive so hard for the asinine, the ridiculous, and the blatantly untrue as in the editorials of Friday, September 12, 1968.

It is all very well, and justifiable, to claim the right of freedom of the press, but this should be tempered by the remembrance that students at the University of Nebraska do not have the right of freedom of support. Our money goes to this rag (pun intended) whether or not we support your insane policies. It would therefore seem that you would have a duty to present some rational, sensible opinion. Bruce T. Blanchard Edward E. O'Neill

Commentary

Inside report . . .

Agnew's policy disturbs Nixon

by Rowland Evans And Robert Novak

Washington — Evidence that Richard M. Nixon is more disturbed by his running-mate's open-mouthed campaign than he lets on is found in his discreet assignment of Stephen Hess, his long-time liberal advisor, to oversee Gov. Spiro T. Agnew.

Hess, an author-intellectual blooded in the many Nixon campaigns, originally was assigned to studying transition problems for the Nixon administration. But the potential for disaster displayed by Agnew in just two weeks on the campaign trail has convinced Nixon he needs a trusted and cool head like Steve Hess's to represent his interests.

INDEED, NIXON'S concern reflects unease over Agnew inside the Republican party that is deeper than generally realized. Agnew's bizarre campaign record so far not only casts one small cloud on the other wise bright Republican horizon but reinforces the consensus at Miami Beach in August: the Vice Presidential selection has been Nixon's only blunder of 1968.

Far from representing obedience to Nixon's commands as claimed by Democrats, Agnew's Red-baiting and onslaughts on Vice President Humphrey have been his own idea. Given the general assignment of countering Democratic attacks (a common role for the Vice Presidential candidate), Agnew has run wild.

Indeed, Nixon's sin regarding Agnew has not been fashioning him into a hatchet-man but in giving him, until now, too free a hand. John Sears, the bright young Nixon aide and law partner assigned to travel with Agnew, had no major say in Agnew's strategy the first two weeks.

Nor was Agnew fully briefed on policy. In that now famous Sept. 10 meeting with Washington correspondents when he suggested Humphrey was "soft on communism," Agnew also delivered less publicized but equally injudicious pronouncements on Vietnam — flatly ruling out a coalition government in Saigon. That's not Nixon's position. Rep. Melvin Laird of Wisconsin, a member of Nixon's informal strategy board, has emphatically advised against such a restrictive stance.

Although Agnew's hard line was applauded by Republican regulars, party liberals exploded in private. Former Gov. William Scranton of Pennsylvania, an Establishment pillar fully committed to Nixon, demanded that something be done about Agnew. Sen. Edward Brooke, of Massachusetts, who has risked his standing among Negroes by all-out support of Nixon, vainly tried to reason with Agnew; Brooke reported to friends he found Agnew "very inflexible" on the law-and-order issue.

What finally convinced Agnew that he ought to retract his ludicrous charges against Humphrey was a suggestion, passed indirectly to Agnew, from Nixon headquarters.

EVEN THAT retraction, however, did not fully extinguish the sense of outrage on the Republican left. It was brought home to Agnew in Rochester, N.Y. on Sept. 12 when he heard Dutch-uncle lectures in private from New York's two Republican Senators — Jacob Javits, seeking reelection this year, and the newly appointed Charles Goodell, who may have to run next year.

Javits was characteristically vehement. He informed Agnew that he had been making strong endorsements of the Nixon-Agnew ticket and that Agnew's wild statements were acutely embarrassing to him. Should they continue, Javits suggested, he might have to dilute his support. A stony-faced Agnew listened without comment.

It is partly to save Republican liberals from more embarrassment that Nixon now is taking a discreet but firm interest in Agnew's performance. In addition to Hess's being attached to Agnew's party, another astute Nixon lieutenant — New York publicist William Safire — has been coordinating problems with Agnew. Rep. John Rhodes, the levelheaded conservative from Arizona who ably represented Nixon's interests on the Platform Committee in Miami Beach, also is now riding with Agnew.

Whether all this is effective is a matter of some doubt for seasoned Agnew-watchers in Maryland. Ever since Agnew won popular acclaim with his condemnation of Negro leaders last spring, he has been unalterably convinced that he instinctively holds the certain pulse of public sentiment.

This frame of mind concerns thoughtful Republicans less by its impact on Nov. 5 than on the future. An inept Vice Presidential candidate, seldom loses an election where his running-mate is so far in front as Nixon. Rather, Agnew's performance is disturbing because it casts doubts on his fitness as heir apparent to national power. With the help of Nixon's lieutenants, it will be up to Agnew to erase those doubts by his record the next six weeks.

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The B. C. Rag

by James Kirk Brown

Too crowded conditions

can hurt, "love thy neighbor."

Yet we all seem now doomed

to a preconceived labor.

A shame that our Pope,

in this post-natal crisis,

cannot see to leave people

to their own devices.

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