

Metamorphosis of Justice Dept.

By Frank Mankiewicz

and Tom Braden

Washington — Atty. Gen. John Mitchell, whose legal experience was limited to municipal bonds and Wall Street, now turns out to know a great deal about Madison Avenue. He has all but turned the Justice Department into a public relations agency; one might expect a name change to John Mitchell & Associates.

The agency (the younger men might call it JMA) got its first test in the Fortas matter. The client, Richard Nixon, stayed remote and aloof while the charges against the justice were aired, but Justice Department flacks were spreading the word that there really was "much worse stuff" in the files.

Agency at work

Even the boss, Mitchell himself, had a hand in the account. He talked of his conversation with the chief justice in such a way as to plant in many newspapers the theory that he had flashed before Earl Warren a rather sinister and extended record which should force Fortas to resign.

As it turned out, the reindeer was wasted. What was visible about the Fortas affair — without the Justice Department campaign — turned out to be gamy enough, and the justice quite properly resigned.

But when President Nixon handed the firm the Haynsworth account, Mitchell and Associates really went to work. A clear conflict of interest arose involving Haynsworth's substantial stock holdings and management of a vending machine company doing business with a litigant in his court. Some senators began to rumble about judicial ethics.

Suddenly the resources of the department, hardly available in the past to judicial nominees, were at Haynsworth's disposal. Covering up the judge's initial lack of candor in describing the vending machine matter, the department first tried clumsily to prove he had been "cleared," and when that transparent veil had been pierced, issued and encouraged long memoranda stressing that it was only a little conflict anyway.

Then the legal counsel of the department — William Rehnquist — was made account executive. In a presentation that would have done credit to any agency — all that was missing was the three-color flip charts — he put out a memorandum indicating his opinion that Judge Haynsworth had a duty to decide the case involving his vending machine company.

Here was the first real hard sell — "Conflict of interest is good for you"; "Start the day with a hot, nourishing conflict — it sticks to your ribs."

But the Justice boys, as they say at the Four Seasons, hadn't done their homework; they ran it up the flagpole, but only the client saluted. Some senators pointed out that Rehnquist had cited every court's opinion except the Supreme Court's, and every canon of ethics except the one that was relevant.

Then came the expert witnesses. One of them dismissed the vending machine controversy because Haynsworth didn't really have any stock in the company that was before his court. Sen. Birch Bayh (D-Ind.) innocently asked if it would matter if he did. "Oh yes," replied the expert as the account executives gasped, "that would be a conflict."

So Bayh dutifully put into the record that Judge Haynsworth had stock in the Brunswick Corp., when his court decided a case in its favor. He is prepared to show the same conflict with respect to the Chesapeake and Ohio Railroad.

Back came Rehnquist, now in the position of an agency executive advertising a car when 400,000 have just been called back for faulty brakes.

The Brunswick case, he said, was just one of those things. Any judge of a court of appeals, we are asked to believe, could have his broker pick up some stock of a company whose case he was considering.

But by now more senators are wondering whether the appearance of conflict of interest means anything at all. And when the Haynsworth inquiry is over, they will begin to wonder whether the true role of the Department of Justice is to defend justice or make and unmake justices.

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Nebraskan editorials

heroes seaweed by Jim Evinger

The mantle of liberal respectability now clothes us all as draft reform, troop withdrawal and a retrenchment of foreign military commitments emerge as acceptable national priorities for the Nixon administration.

As was said Monday by a professor participating in the Vietnam Moratorium organizational meeting, "Now that there is a Republican as president, regular Democrats can safely oppose the war." The Moratorium Committee that night talked softly and in cool rhetoric of vigils, silent marches and services to mourn American casualties in Vietnam. Planned for October 15, the Vietnam Moratorium will probably draw wide-based support from the University community much as the march for open housing did last fall.

And all this is good. And now it is even fine.

Fair-weather society

Yet the fickle and fair-weather values of our society as a whole still implicitly condemn sincere acts of conscience and commitment, which motivate the Moratorium Committee and characterize those who oppose the war.

Witness the appearance of Dr. Benjamin Spock this afternoon in the Centennial Room of the Nebraska Union.

The legitimacy of Spock today symbolizes those values, selectively applied by a society that outwardly refuses a double standard of justice, yet inwardly adheres to a separate standard for political issues.

All-Star Trial

Spock and his all-star cast of defendants, including (by virtue of association) defense counsel Arthur Goldberg, were on trial recently for conspiring against the draft. They attacked the legality of the war and the laws of the Selective Service Act. Yet, in *U.S. v. Spock et al.* the government's indictment charged conspiracy, ignoring any substantive crime that might allegedly have been committed.

The anticipated clash between the Spock "conspirators" and the Establishment never came.

The U.S. Court of Appeals ignored the political issues raised by the defense and reversed Spock's conviction on a legal point. To a public accustomed to a simplistic interpretation of the judiciary, the decision fostered acceptability for overt and public opposition to the war.

Acceptability means that Spock could read a resolution in New York City last Saturday calling for withdrawal of all U.S. troops from Vietnam and have the Lincoln paper recognize it in its news columns the following day.

Acceptability means that the aforementioned regular Democrats can safely sprout dove feathers after the party convention in 1968.

And now Chicago

Yet in the pervasive American scheme of things, this acceptability sanctions a trial beginning in Chicago (a city symbolic to youth as the American seedbed of repression and political injustice.) Under indictment by a grand jury for conspiring to commit acts at the 1968 Democratic National Convention in Chicago are eight men. They range from a Black Panther to a 54-year-old Quaker pacifist, who had never met each other before being indicted as co-conspirators.

Again, the stated issue is conspiracy. It is political in nature.

The trial may potentially be the most significant confrontation yet between proponents of wide-ranging dissent under the First Amendment protections and those, like Attorney General Mitchell, who see the eight as hard-core radicals bent on apocalyptic destruction of liberty, order and common decency.

Clark Refused

The prosecution resoundingly denies that this is a political trial. Yet former Attorney General Ramsey Clark refused to press the indictments against the eight, believing that the demonstrators at Chicago were exercising their constitutional right under the First Amendment.

The fact that the noted pediatrician is being welcomed on campus today merely underscores the political values of American society which applaud Spock's humanitarian efforts but decry those other eight dedicated men on trial in Chicago.

The double-edged sword of American political justice cuts to serve those who wield it. Its efficacy is at best questionable, as the reversal of the Spock conviction indicates.

Perhaps it is best that this justice is inconsistent — otherwise people like Spock might be up against the courtroom wall every time.

... with freedom and justice for all.



Centennial College: refreshing change

One of the more refreshing educational changes at the University of Nebraska in recent years is the Centennial Education Program.

In the program, 177 undergraduates are participating in an experience which combines resident hall living with learning. The value of this experience, says T. E. Beck, a full-time teacher at the college, is the development of "genuine interrelations between students, both casual and academic."

Worthwhile program

Most of the students in the program are finding it a truly worthwhile program. One said, "It's the casual type of exchange with other students that makes it so good. There's a give and take that I've never had in any other educational experience." Another student felt the college was good because of "the lengthy discussions we have. There's so much opportunity to expand from the basics."

There have been complaints about the college. Some students are taking basic mathematics courses on independent study with each student progressing at his own speed. Although counseling and help are available to these students, it is questionable how well some freshmen can cope successfully with the program and still get the basic math equivalent to students in regular courses.

There has been much talk on the grading for the Centennial Course which each student is required to take. In the six-hour credit course students can discuss a variety of contemporary problems. It would probably defeat the purpose of the course and the college — an educational experience based on ideas and learning but not grades — to give either letter or honor-system grades. A pass-fail system or simply giving six hours credit for the Centennial Course would seem best.

Many persons outside the college think of students in it as a group of highly-intellectual, educated snobs. This is not the case. The students in the college are just normal, ordinary persons wanting to get a total type of experience out of their college career. Other persons have said the students in the college are becoming isolated from the mainstream of campus activities. Beck denies this, saying many of the students are already involved in University music organizations, drama activities, athletics, fraternities and sororities.

Problems of the college are being worked on by both students and faculty, and undoubtedly, will be solved.

Fine start

The college is off to a fine start this semester. The credit goes mainly to the hard work put in by Beck and the other full-time teachers, Robert Knoll, Jerry Petr and Phil Scribner.

Hopefully, the Centennial College will be expanded next year.

Open forum—the campus expresses its opinions

Dear Editor:

Thanks for the coverage concerning the Human Rights Committee. May I, however, clarify a few misconceptions in that coverage. The "freedom of choice" task-force committee will be dictated to only by the concept of democratic self-determination. For example, an individual will create a task for the committee, and if the committee does not reject the task, will, thus, lead the committee.

The direction of the committee is toward revolutionary reforms.

Because the black community is a colony and a caste and not a class, the ruling class cannot liberate the black community except that class exploitation (and, thus, the ruling class) be ended. Because the working class has little self-determination and is exploited, the working class cannot comprehend black demands that the black caste-colony be self controlled. And, thus, the black and white castes of the working class will continue to fight each other and not the bosses.

Class exploitation needs to end for racist exploitation to end. With that in mind we will not be working for "reforms" but for revolutionary reorganization.

Reforms dealing with ending "black inferiority" (i.e. compensatory education, work training etc.) are racist. The black culture is denied.

Institutional racism does not discriminate in a direct way. A few mother-country imperialists exploit the black colony directly. And, thus, a change in the colonial structure will not do (i.e. while dirty workers for black dirty workers). An individual class change within the caste need not be a change for the caste.

Universities especially are racist because universities indirectly continue caste dominance in continuing to reinforce the ruling class.

And, if I, in doing nothing, continue racism, I continue to be a racist.

Phil Medcalf, chairman
ASUN Human Rights Committee

COLUMN REPLY

Dear Editor:

In the "Outside the Tower" column of Friday,

September 19, the writers attack a group they identify as "relevantists," apparently lumping together under this rubric all of those who find "traditional liberal education" something less than adequate.

"On the surface," they write, "the preachers of relevancy aim at social problems and their solution, but in practice they seek to remove those curriculum requirements which can produce the well-rounded individuals capable of giving continuity and real progress to society." The latter part of their assertion is most interesting, for it illicitly presupposes that the traditional liberal curriculum did, in fact, produce such individuals.

No evidence is offered to support this generalization, nor have the writers produced arguments for it. Needless to say, they have thus begged the question, for it is precisely the validity of the traditional education that is at issue.

When one attacks a position, it is, I take it, proper procedure to identify the proponents of the position and then to state it as accurately as possible. But the only person the writers name in connection with the "relevantist" view is that perennial whipping boy of all critics of education, of whatever persuasion, John Dewey. They do not specifically say that Dewey took the position in question, but they make it quite clear that he is the course of it.

And what is the position they attack and attribute (however indirectly) to Dewey?

Briefly, as the writers see it, the "relevantist" position is that education should concern itself with whatever the students happen to be interested in at the moment.

Now Dewey did, indeed, address himself to this view of education in a number of places, but when he did, he sounded much different than the position described by the writers of the column.

For instance: "Interests in reality are but attitudes toward possible experiences; they are not achievements; their worth is in the leverage they afford, not in the accomplishment they represent. . . . The child cannot be expected to develop this or that fact or truth out of his own mind. . . . Nothing can be developed from nothing; nothing but the crude can be developed from the crude — and this is surely what happens when we throw the child back upon his achieved self as a finality, and invite him to spin new truths of nature or conduct out of that." (*The Child and the Curriculum*: University of Chicago Press, 1902, pp. 20-24.)

This is hardly the position of one who determines the desirability of a course on the basis of "Is it what everyone's talking about?"

Since Dewey, then, is not a proponent of the view described in the article, since (in fact) he actively opposed it, it is hard to see how he could be a source of it.

Further, since Dewey is the only name mentioned in connection with the "relevantist" view, one wonders if it is a view that anyone takes at all. I cannot recall having heard anyone argue along the lines described.

If, in fact, no one can be accused of taking the position described in the article, then one can only congratulate the writers of it for their achievement in having put a straw man in his place, for the remainder of the article — i.e., that portion not specifically criticizing "relevantists" — is burdened only with the unwarranted assumption of the efficacy of "traditional liberal education."

The article began with a quotation from Albert Einstein, to the effect that a student possessing only specialized knowledge but no sense of the "beautiful and the morally good" is little better than "a well-trained dog," not a "harmoniously developed person" at all. One might suggest that it is precisely the production of "well-trained dogs" that brought traditional liberal education under fire in the first place.

Alan H. Eder

RAPPING at random

... Ron Alexander

If I were founding a University I would found first a smoking room; then when I had a little more money in hand I would found a dormitory; then after that . . . a decent reading room and a library. After that if I still had more money that I couldn't use I would hire a professor and get some textbooks."

Stephen Leacock
(1869-1944)

Stephen Leacock's university is a different place than most of us are used to. Typically a university can be seen as an educational aftermath of high school. Going to college is in itself an achievement, with graduation guaranteeing a certain success.

High school being the unhappy experience it usually is, lacking significant challenges other than simple perseverance for most students, students come to the university with a poor concept of education or a university.

Means becomes end

Depending upon how dedicated he is to his goal or the goal his parents have instilled in him, that goal being to get a college education, the typical student is willing to let the university continue the high school education pattern, a pattern in which teacher shares with student his stock of learned truths. The main difference from high school is that the student lives away from home.

But then the student begins to hear things

like Aristotle's cliché about the importance of understanding oneself, and the student agrees that it sounds like a worthy goal.

Then some professor conveys the importance of understanding other people; another suggests that it's important to understand one's society and its origins or history. Another relates the importance of appreciating other cultures and their workings.

After a period of time ranging from one to four years the student has taken these varied goals to heart, he has pondered the goals, their significance and has begun to evaluate the job the university has done to attain these goals.

Just what opportunities does a university community present in terms of helping a person understand himself, other people, his culture, other cultures, today and tomorrow?

One of the most accessible but often unrecognized opportunities to learn about people and to change or understand yourself occurs outside the regular routine of activities.

Living as learning

The group you live with, be it selected in a house or random in a dorm, most directly affect you. Your fellows confront you with their morals, their social standards and their thousand stands on a thousand issues. Bull sessions cover topics like sexual attitudes, religion, and politics. Bull sessions are a source of vast information, are great socializers; they often result in participants

rehashing personal thoughts and rejecting clearly held, but indefensible, beliefs.

Majors change, attitudes change, and professors are left out of the change process. The living values of a friend are much more real than the classroom morality from the lecturer.

Unfortunately the classroom experience can become an educational tragedy, especially if it is a required course, a course taught by a reluctant professor or in a restrictive format.

Classroom tragedy

Lost in these realities is the essential opportunity to stimulate. Stimulation depends a great deal on participation. Participation requires an honest opportunity to relate the material to present events, or to personal experiences; it relies on opportunity to personally challenge the great theories in an informal fashion, to have an opportunity to share personal thoughts.

It often seems as if the university community which presents its courses and the students who participate in them don't realize that in twenty years our environment may be wholly changed, that today's solutions will not be adequate for tomorrow's problems.

We must appreciate the fact that today's problems may be irrelevant in comparison to those unknown and yet to arise, except as history.

To arrive at reasonable answers we must be ready to abandon outdated explanations and models. We must be prepared to rationally innovate. Does our university prepare us for this? Alas, there is no one to ask the question.