

The bad trip

Not all of the news this week will be bad news. To the contrary, the twelve returning alumni in the Masters Week program bring some rays of sunshine to the campus. The masters will be on campus today and tomorrow. A schedule of when and where the masters will be is printed in today's *Daily Nebraskan*.

The masters have given up their valuable time to come back to the University to spend their time talking with students.

Among them will be prominent Nebraskans, as well as others who have won their laurels outside of Nebraska.

Who are the Masters? They are former students from the University who have succeeded in their professions. Many of them are recent graduates, which suggests that it may not be too far in the distant future when some of today's students will be returning to their alma mater, not to impart wisdom, but to share ideas and maybe give students some helpful advice.

The theme of the Masters Program will be "Communication-A Key to Understanding." Hopefully, with the participation of everybody in the community, all of us will be given a chance to find that key to understanding.

Meanwhile, keys to understanding seem to be seriously lacking between the students and the Regents and the University.

Over the weekend the University lost another professor. He wasn't fired for participating in anti-war activities, although Professor Duke Hubbard has spoken against war. And apparently Professor Hubbard wasn't fired for professional incompetence, at least according to what students and faculty have been told.

Then, too, Hubbard wasn't fired for not attending departmental meetings, because he attended as many, if not more, than any of the other professors. Certainly he wasn't fired for circulating his ideas within the department, ideas which merely question the decision-making process within his department. Therefore, we should all assume that he wasn't fired for any of those reasons, because none of those reasons, constitute grounds for firing. Or do they?

If you are a student or a faculty member, you should be interested in finding out the answer to that question. The *Daily Nebraskan* has had little success in finding it out, but if Dr. Dale Hayes (Hubbard's departmental chairman) received a few more letters of interest, he might be willing to give a few reasons.

If inquiries are made, the response can be no worse than a "no comment."

Mick Moriarty

The bumper



Frank Mankiewitz and Tom Braden

The end of Miranda

WASHINGTON—Vivian Harris told a New York jury that he had sold an undercover police officer a bag of baking powder in order to obtain \$12. He had taken the stand in his own defense in order to avoid going to jail on a charge of selling heroin.

When his testimony was finished, the prosecutor began his cross-examination. He read from a statement which Harris had made at the time of arrest. In the statement, Harris admitted receiving \$12 from the officer to buy two bags of heroin from a third person. He also admitted keeping some of the heroin for himself.

The New York jury convicted Harris and he appealed to the Supreme Court. The result is the first great victory for Chief Justice Burger and for the Nixon court. It is also a first-rate defeat for the precedents established during the Warren years.

It is true—as precise reporters are saying—that the decision does not overthrow the famous case of *Miranda vs. Arizona*, but it is a legal proof, a truth that does not matter to any man on trial.

The practical truth is that to all those too poor to think of lawyers, or too unaccustomed, or too

frightened, the Supreme Court of the United States has said in effect, "It doesn't matter that you were frightened, or that you didn't have a lawyer, or that you were not warned, or even that the police bullied you into saying something that isn't true. Whatever you told the police when they arrested you may be used against you if you testify at your own trial." Harris asked the Supreme Court to overturn his conviction because the statement which the prosecutor used on his cross-examination had been made without a prior warning which the famous *Miranda* decision describes. He had not been told that he could have a lawyer or that he didn't have to say anything, or that whatever he said might be held against him.

Chief Justice Burger's opinion in which Justices Black, Harlan, Stewart and White joined did not deny that the *Miranda* warning must precede any statement subsequently used by the prosecution in making its case. But, said the court, the *Miranda* warnings are not necessary for statements used by the prosecution in cross-examination.

The point is a fine one,

and it will open police stations for the kind of intimidation and deceitfulness which *Miranda* outlawed. As any defense lawyer knows, it is very difficult to win a case for a defendant who you cannot put on the stand. Policemen know this too. They will be tempted to forget about the warnings and try to get the confession first.

For practical purposes then, *Miranda* has been overthrown, and President Nixon's "strict constructionism" will be the law for many years to come. Justice Brennan in his dissent called it "monstrous that courts should aid or abet the law-breaking police officer." But now that the Burger decision is the law, police stations may once again revert to their ancient customs. At worst, those customs can be called the "third degree." At best, they are a kind of pre-trial, a trial without any of the safeguards which the Constitution provides for the later and more polite scenario which will take place in court.

Justice Brennan pointed out that *Miranda* was aimed at deterring police practices in disregard of the Constitution. "The court today tells the police that

they may freely interrogate an accused incommunicado and without counsel..."

He must have remembered the famous remark of Sir John Wigmore, the celebrated authority on the law of

evidence. "All of these rules have in mind," Sir John said, "the remark of the British police chief in India: 'It is easier to tie the poor beggar down and throw red pepper in his eyes than it is to go out in the hot sun looking for evidence.'"

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MICK MORIARTY
editor

CONNIE WINKLER
managing editor

JOHN DVORAK
news editor

GENE HILLMAN
advertising manager

JAMES HORNER
chairman, publications committee

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William F. Buckley, Jr.

Questions for Senator Javits

What does Senator Javits want? Or for that matter Senator Saxbe, let alone all the Democratic senators who are pounding away at Nixon because the South Vietnamese incursion into Laos is not being greeted by little girls strewing roses, and the surrender of the entire North Vietnamese army? Senator Javits is saying that if all United States forces aren't out of South Vietnam by the middle of 1972, Richard Nixon will lose the election. That is at once a prediction and a threat. As a prediction, it can be put alongside Javits' prediction in 1963 that Goldwater would not be nominated in 1964, and his prediction in 1966 that Richard Nixon would not be nominated in 1968. As a threat, it would appear that Javits et al are asking far too many questions, and that the time has come to ask Javits some questions.

Question Number One. Does Senator Javits recommend the liquidation of the SEATO Treaty? That is the treaty that calls on the United States to give aid to the signatory nations, in the event of armed aggression by another nation. It was extended, by codicil, to South Vietnam.

Now Mr. Nixon's Vietnamization plan turned the United States in the proper direction, by specifying that aid should be, primarily, in the form of material, not American fighting men.

But one cannot go from A to Z without passing through the alphabet. Mr. Nixon has met every deadline he promised in reducing the size of American troop involvement. But to commit himself to withdrawing all American troops means very simply to commit himself to undermining the SEATO Treaty. Because realistic aid cannot be given without the use of military personnel to, for instance, fly the airplanes, maintain the trucks, and transport the troops.

If Senator Javits means that no American should be left in South Vietnam after the summer of 1972, then he is saying that we should unilaterally rescind the SEATO Treaty. If that is what he means to say, let him say it. And let him, and the world, meditate the consequences of saying it. Senator Javits is precisely engaged in substantiating the doubts of Europeans — and of Israelis — who believe that the United States will not, in the crunch, discharge

its obligations. Let all the leaders in Asia, and in Europe, and in the Middle East, unite in their distrust of American commitments, and we shall have the international chaos, followed by the gradual satellization of the free world, that Senator Javits is unlikely to associate himself with the causes of. And yet, as we have all been taught, Who says A, must say B.

Question No. 2. What is the role of the professional army? I mean, not the conscripts, whose ambiguous situation in South Vietnam is a principal cause of the general confusion; but the professional army, units of which we have maintained in Europe, and in Korea, and in Australia, for a dozen and more years? It is one thing to call on Mr. Nixon, as others (myself included) have done for 18 months and more, to put a quick end to the program that sends to South Vietnam American draftees who do not want to go there. It is something else to declare that men who have voluntarily signed up to do duty in the army, air force, and navy, shall not be quartered where the commander-in-chief believes

they should be quartered, in order to maintain the scaffolding of our foreign policy. Does Mr. Javits distinguish between the two categories? There is no suggestion, anywhere, that he does.

Question No. 3. As we reduce, steadily, American casualties while South Vietnamese casualties continue to mount, where do we reach a moral equilibrium? If every American soldier who is killed or wounded in South Vietnam comes from the ranks of Americans who voluntarily joined the armed services, don't we then have an entirely different moral problem from the one we had before? It is not the purpose of a professional armed force to direct itself towards suicide. But it is inherent in an armed force that in times of acute stress its members will be exposed to physical danger. Senator Javits, by his demagogic invocation of easy solutions is asking that we get what we want for nothing. That we achieve international respect, by renouncing our obligations; that we have peace in the world by renouncing the function of deterrent forces; that we impress the people of the world by indulging ourselves in betrayal.

Student veterans to Exon

Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The Student Veterans Organization of the University of Nebraska hereby requests that you reconsider your budget proposal for the University of Nebraska.

This country is in a decade in which education is a vital instrument in its continued prosperity and should be placed as one of its top priorities. Any downgrading of the University constitutes a downgrading of the state of Nebraska and of the nation. Any such degradation is contrary to the principles for which we served.

We therefore urge you to give this request your due consideration.

Sincerely yours,

Dan L. Cuda
President

Exon to student veterans

Since we are now essentially on yearly budgets, you may wish to compare last year's total of \$71,885 million for the University with our recommendation of \$78,038 million for next year which is up 8.5% but down drastically from their requested jump of over 32%.

Can you agree with me that something must be done to prevent higher education from destroying itself with spending? Is it possible for us to accomplish our goals by traveling the road to excellence in education in a Ford station wagon with more room for all than in a luxurious Cadillac complete with stereo music?

Contrary to some misleading stories, I have never suggested limiting enrollment. If one Nebraska student is turned aside it is the University's decision because, as of now, they reject our detailed suggestions for increased efficiency and more dedication from all.

We believe our wishes will prevail to the benefit rather than the detriment of higher education in Nebraska over the long pull.

May I suggest that to equate spending with improvement is an unprovable equation. We do not presume to have all the answers, but we are seeking them. Thanks, therefore, for your sentiments.

Yours very truly,

James Exon
Governor

Mr. Dan L. Cuda, President
Student Veterans Organization
University of Nebraska
Nebraska Union
Lincoln, Nebraska 68508

Dear Dan:

We obviously agree that we must continue to have a fine University. However, we evidently do not concur over which road we travel to that desired end.

A concern of mine...clearly proven in the Carnegie Report, the recommendations by former Boston College President Arian ChristJaner, the recent disclosures by the University of Southern California and the wholesale failures of many institutions of higher learning...is that /unless we intelligently examine the skyrocketing costs today there may be no tomorrow in higher education for other than the wealthy.

As an intelligent person, I ask you to review the following:

Years	Amounts Appropriated in Millions of Dollars	Percentage of Increase
1963-65	57,825	8%
1965-67	62,305	50
1967-69	93,445	61
1969-71	150,173	