

Editorial

Certification law needs enforcement, not evasion

Sometimes it's hard to tell just who is abusing the law more in the Faith Christian School controversy — the Rev. Everett Sileven or Cass County District Judge Raymond Case.

Case's on-again, off-again enforcement of the state law requiring certification of all teachers in Nebraska public and private schools appears to be off again.

In the past week, Case has suspended a jail term Sileven was serving and reversed an order that had called for the Faith Baptist Church building in Louisville to be padlocked.

Case earlier had ordered the building locked because Faith Baptist officials refused to close the non-approved school. When Cass County deputies and State Patrol officers arrived on the scene Oct. 18 to carry out the order, they had to carry out 85 ministers who had come in from around the country to protest the closing.

Case's order to close the building contained a clause that allowed it to be reopened for services Wednesday and the ministers threatened to occupy the church again, thus setting up another confrontation with law officials.

That's when Case buckled under pressure. In order to avoid these problems, he reversed his order and allowed the building to remain open after Wednesday services.

Cass County Sheriff Fred Tesch also complained that Case would not allow him to request National Guard assistance or use tear gas to disperse the ministers Oct. 18.

"The principal thing is to avoid violence," Case told the Lincoln Journal Wednesday. "When their sole purpose is to resist the laws of Nebraska, you've got a potential for violence."

This is a breach of Case's judicial obligation to enforce the laws of Nebraska, re-

gardless of how certain groups, especially those who are breaking the law, will react. Something is wrong with the system when a judge takes a defendant's actions into account when enforcing the rules.

Sileven's release came Friday, just 62 days after he began serving a four-month jail sentence for not complying with an order to close the school.

In order to be freed, Sileven agreed to close the school for the time being, although he promised to reopen it if the Nebraska Legislature doesn't grant some kind of certification exemption to church schools during its special session next month.

That's hardly a compromise. The fact that Sileven has agreed to follow the law, at least for a few weeks, doesn't hide the fact that he has been breaking it for several months.

Sileven's school may or may not turn out better educated students as he claims. But one thing is certain. They are sorely lacking in an education of how the American legal system is supposed to work.

Sileven obviously isn't an example of how it works, and now, Case has failed in his obligation to provide the example. He has allowed a criminal to go free who has more or less said he will follow the law but only if it is changed to suit his needs.

Those who argue that private schools should be exempt from certification have every right to try to get the laws changed in their favor. But judges and other law officials have a duty to enforce the laws as they currently stand on the books.

Case should either fulfill that duty or step aside and allow someone else to do it.

Larry Sparks



Thone's campaign not fitting for state

As soon as any man says of the affairs of the state What does it matter to me? the state may be given up for lost.

Jean-Jacques Rousseau

For a majority of citizens, the week prior to the Nov. 2 general election might best be likened to Shakespeare's comedy "Much Ado About Nothing." But whether you consider the next seven days to be mildly entertaining or just plain dull is of little consequence. You can bet, however, that they will be different.

Between now and Nov. 2, Nebraskans can expect to be inundated with capsulized rhetoric and trite political



Jeff Allen

phrases. Unfortunately, like so many of the recent "burger battle" advertisements, a vast majority of the political commercials will offer constituent/consumers little more than tasteless indigestible statements less intent on presenting the qualities of their own product than the shortcomings of their competition.

The indisputable protagonist of negative campaigning in Nebraska's off-year election is candidate/Gov. Charles Thone. Supplied by a \$1 million-plus campaign fund, Thone will litter the state with partisan campaign literature designed to smear his opposition.

Negative campaigning, although measurably effective on uneducated voters, is almost exclusively reserved for the disadvantaged candidate. Thone's adoption of the negative approach presents an interesting question as to why the incumbent governor would employ a primarily last-ditch campaign tactic.

Two probable theories present themselves: Either Thone perceives himself as trailing his competitor or he would prefer to attack from an inferior political position. The former theory seems most probably.

Much to Thone's dislike, his competitor has refused to take a defensive stance on those issues presented by Thone and his staffers. Candidate Bob Kerrey has instead presented voters with a clean, positive campaign based on the managerial approach to governing.

In 1981, The Center for Policy Research published the results of comments by 15 former governors concerning their perceptions of the "primary function of the contemporary governorship." Far and away the "governor as manager" was considered as that primary function. Kerrey, like the 15 interviewees, has emphasized the need of promoting gubernatorial management practices.

The foundation of the gubernatorial management approach is a product of the progressive era of the early 20th century, an era still dominant in Nebraska politics. Progressivism represented a great deal of political party reform, thus enabling an agrarian and business-oriented Nebraska to overcome the destructive nature of opposing political extremes and to implement a more moderate, businesslike approach toward governing. With the adoption of a non-partisan Unicameral, Nebraska became the model of a moderate business-oriented state government.

As Nebraska's political great, Adam C. Breckenridge, suggested, "for the majority of the people of this state and . . . a minority of the legislators, . . . the differences between Democrats and Republicans on most state questions are difficult to ascertain. Indeed, the bases for party distinctions may be difficult for most of them. The primary responsibility of Nebraska's governor, therefore, is to promote and protect the moderate values of Ne-

Continued on Page 5

Individualism vs. government aid

The portrait was not designed to warm the hearts of the American people: Ronald Prescott Reagan, 24, standing in line for unemployment benefits.

Ronboy is not, after all, a typical laid-off automobile worker nor a card-carrying member of the truly needy. He is rather a dancer with the Joffrey Ballet on a regularly scheduled furlough.

Rondad, on the other hand, has long expressed his opinion that families should take care of their own,



Ellen Goodman

instead of leaping, or arabesquing if you will, right into the government's arms.

On one occasion, Rondad said we should all look to the Mormons as our model. On another occasion, he said, "I made a point to count the pages of help-wanted ads in this time of great unemployment. There were 24 full pages of classified ads of employers looking for employees." It does not appear, however, that his son pounded the pavements in his ballet shoes before he headed for the unemployment lines.

But the point of all this isn't to snicker at family inconsistencies.

What is most notable about this modest family rebellion is the course that Ronboy has taken. He has refused help from Rondad and accepted it from the government.

The president sincerely extolls the virtue of American families taking care of their own nuclear and extended troubles. He also and equally sincerely believes in the virtues of individualism. But he often ignores the contradiction that runs through a great deal of our recent social history.

When you look through the figures carefully, the real "breakdown of the American family" has been a break

for independence. The greatest statistical changes have come as the old and the young choose to live on their own. And choose they do.

A running theme throughout the life of the elderly is that they "don't want to be a burden." A running theme throughout the life of the young is that they "want their own freedom." The more financially comfortable older and younger people are, the more likely they are to maintain a separate household.

But our kind of independence often depends on the existence of government programs. Ronboy is on his own this month with unemployment compensation (and a working wife). Millions of senior citizens are independent with the help of Social Security.

I don't mean to imply that Social Security and unemployment compensation are government handouts. We have done everything to differentiate these programs from welfare or charity.

But if the government has replaced families in some times of need and trouble, it's partially because many families were unable to perform all these functions and partially because many of them prefer the impersonality of government assistance. In our concern about the government interference that comes with money, we often forget about the family interference that comes with money.

Whatever nostalgia we have about a mythical and real past, in which people took care of their own in times of trouble, we have elaborate and expensive entitlement programs partially because millions of us would rather go to a bureaucracy than a brother-in-law.

The elderly would rather receive a check from the government than from the children. Reagan the Son finds it easier to take \$125 a week from the government than from Reagan the Father.

For better and for worse, our independence often depends on the same government programs that the president has threatened. Rondad might think about that as he watches Ronboy "making it on his own."

(c) 1982, The Washington Post Writers Group