

Moments of silence promote First Amendment

If the Supreme Court finds government-sponsored moments of silence in school to be constitutional (i.e., not unconstitutionally burdensome on First Amendment guarantees), the question still remains as to whether permissible law is nonetheless good policy. However, in significant ways, the issues which are raised as to whether mandated "periods of silence" is good policy images the constitutional issues which the courts have faced. In some senses, legislatures may see fit to extend the core values of certain rights contained in the U.S. Constitution beyond the Supreme Court's minimal guarantees.

icy. American culture is simply too pluralistic to have forced professions of belief. (Ironically though, the courts have so far hypocritically ignored pervasive violations of First Amendment core values occurring every day in government schools as children are forced to profess belief in secular thought systems).

However, "moment of silence" legislation circumvents the moral difficulties with verbal prayer and at the same time advances another core value in the First Amendment, namely, permitting the free exercise of religion. The fact that "moment of silence" legislation strongly promotes First Amendment values may seem to be, at first glance, an odd claim. But upon reflection the truth of the proposition can be easily acceded to and, ultimately, strong warrant for "moment of silence" legislation can be located in the claim.

A number of academic commentators have recently begun to recognize that a more accurate understanding of the relationship between First Amendment values and state policy must be developed in light of a modern state which exists

on a scale far beyond that which constitutional framers had originally thought possible or expedient. The argument runs thusly: strict separation was possible when state activity was at a bare minimum. But, as one commentator recently noted in a Yale Law Journal article, "(t)he scale and diversity of government activities that characterize today's welfare state... have made contacts between church and state inevitable."

Summarizing Harvard Law Professor Lawrence Tribe's argument, the commentator went on to accurately point out that "movement from government of closely limited powers to affirmative state required re-evaluation of religion clauses; in an affirmative state, religious tolerance may become 'positive commitment that encourages the flourishing of conscience' rather than simply 'negative principle.'"

Probably nowhere else is the "affirmative" or "more than minimal" state evidenced than in attempts by the government to structure social order and consciousness through state schools. Consequently, nowhere else is there a more compelling warrant for "positive commitment"

in order to facilitate the "flourishing of conscience" than precisely in the state school. Bare First Amendment separatism does not advance this weighty goal; it produces simply a barren and homogeneous culture, rather than one where pluralism, and its sibling, the free exercise of religion, is celebrated.

Theistic minimalism is not the goal of the First Amendment, nor is it the goal of our society. To allow children an opportunity for silent reflection — pious or secular — hardly impinges upon the core values articulated in the First Amendment. Indeed, quite the opposite is true. Because of the nature of the modern state, the old shrouds which served well as First Amendment trappings must be cast aside and a new covering donned. The coverings could be a weave of the rich tapestry of a truly pluralistic society which seeks "positive commitment" to a "flourishing conscience" as facilitated by moment of silence legislation. Or the emperor's new clothes could be the nakedness of a state imposed homogeneity which has no room for practical tolerance.



Jim Rogers

None of the formulations of oral government-sponsored prayer in school seem to be wise pol-



Professor says WRC serves few

Hooray for Clark Osborn, Ross Davidson and the majority of the ASUN for calling a spade a spade! For three years I have been hearing from female students who have counseling needs but don't dare go near the Women's Resource Center because of open lesbian solicitation. Some of them have sought my advice because of my well-known Christianity. Those of us who have thus been taking up the slack for the contaminated and unapproachable WRC have been wondering why their funding should continue. We can ill afford such malversation in these critical times.

The WRC doesn't really deserve funding! They serve a distinct and limited clientele, not the vast majority of UNL women. For exactly the same reason, our Christian Studies Society is, and has to be self-supporting. We can't even get space for a room in the union,

ASUN credibility...

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But now to you "ins." To the winners, the losers, and all who care about ASUN. You've already read that I admire you (I know you're relieved!). You care enough to give up free time and gratuitous interests to pursue admirable goals. But please, stop taking yourselves so seriously. We are, after all, talking about R Street, not Pennsylvania Avenue. Those who malign you may be worthy of your pity, but not your scorn — it's just not that big a deal.

Besides, maybe they've got a point. Twenty-one thousand students did not vote. That is incredible apathy. Cut through the sarcasm and hear the message. There are issues we only hear about at election time. There is a definite feeling that ASUN has very little relevance to student life. If you don't want to put up with the ridicule again next year, live up to the promises. Do some significant, high visibility things. Nothing refutes cynicism like performance. If the promises are too hard to keep, make less flamboyant promises. But talk and work must be brought into the same universe to gain any credibility at all.

College years form habits that stay with us for the rest of our lives. People on both sides of this issue are too bright to be ruined by the propensity either to criticize or to promise rather than to act. ASUN is a fact of UNL life, and a necessary one. Let's use it to build character rather than to poison it.

which is unfair discrimination because we serve a far greater number of students than does the WRC.

Clark and Ross, please continue the good work. Don't be bothered by the incessant braying from the homophobic/transvestite sector, all 50 of them. They are neither a true minority, nor representative of UNL women. Be assured

that the vast, overwhelming majority of UNL women approve your action.

Jan Deeds said they'll continue to exist on funding from "friends" which is only proper for a limited operation serving a tiny segment of the university student body.

Nels W. Forde
history professor

Letters

Letter Policy

The Daily Nebraskan welcomes brief letters to the editor from all readers and interested others.

Letters will be selected for publication on the basis of clarity, originality, timeliness and space available. The Daily Nebraskan retains the right to edit all material submitted.

Readers also are welcome to submit

material as guest opinions. Whether material should run as a letter or guest opinion, or not run, is left to the editor's discretion.

Letters and guest opinions sent to the newspaper become property of the Daily Nebraskan and cannot be returned.

Anonymous submissions will not be considered for publication.

WATCH OUT!

They've got to clean up
the worst crime district in the world.

But that's no problem.

They're the worst police force
in the Universe.

POLICE ACADEMY 2

THEIR FIRST ASSIGNMENT

And hey,
be careful out there.

THE FUN BEGINS MARCH 29th AT A THEATRE NEAR YOU!

**Free Tax Help
In Your Community**

OUTREACH

Offers free tax information and tax return assistance to groups at convenient community locations. Contact your IRS office for details.

A public service message from the Internal Revenue Service