

Editorial

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Probable cause Patrol just doing their job

The question: Did the Nebraska State Patrol and Saunders County sheriff's department have probable cause to pull over the buses chartered by the Phi Kappa Psi fraternity in mid-September? Saunders County Court Judge Everett Inbody believed the police did leading him to decide last Tuesday that evidence obtained will be allowed in the test case of Ryan Kennel.

Inbody made the proper decision; the evidence, cans and bottles recovered from the buses, should not be suppressed.

Kennel, charged with minor in possession, was among 135 people ticketed for alcohol violations. All passengers on the four buses were ticketed for minor in possession or procuring for a minor. But in October the Saunders county attorney deci-

ded that no tickets would be filed against 74 of the passengers. The fate of the remaining 60, minors whom police said had alcohol on their breath, hinges on Kennel's test case. Kennel volunteered as the test case.

The Daily Nebraskan reported that Kirk Naylor, Kennel's attorney, moved to suppress the evidence obtained during a December hearing. He tried to prove through witness testimony that the police had no reason to stop the buses.

Charles Wagner, Saunders deputy county attorney, said police had probable cause to stop the buses. The police had information that members from an Omaha fraternity would be drinking on a public roadway when they came across the Phi Psi buses.

Letters

Criticism of 'Amerika' can't excuse facts

I am writing about some of the articles written by Charles Lieurance. What strikes me particularly is the cynicism about the ABC miniseries "Amerika." This is not a controversy of conservative vs. liberal; this is something much more important, a controversy of human vs. antihuman. I was in my early 20s when the Russian army attacked Czechoslovakia in 1968, and my relatives experienced the Russian invasion of Hungary in 1956. Definitely it was much worse than what was presented in "Amerika." By using strong words and good style, Lieurance tries to cloud the facts and persuade readers that his view is the right one. But no words can excuse the millions of murders that took place in the name of ideology. Maybe in the minds of some people this excuse can be made, but the cold facts of oppression and death will always stay as a reminder. Or can somebody argue that those who were killed were

killed humanely? During World War II some prisoners were accompanied to the execution place with music. Can somebody think about something more cynical?

In the '50s, some people believed in Marxist-Leninist ideology. At that time we made the tragic mistake of believing communism was acceptable because of systematic disinformation put forth by communists. But it is particularly absurd to believe this today when so many examples of injustice in countries dominated by communism are available.

My point is that it is also absurd to characterize something that is violent as "moderate," and criticize the system that protects your right to free speech as "paranoia."

Oto Urban
graduate student
veterinary science

Devaney won without an indoor field

I always have been a fan of Cornhusker football and a student season ticket holder. However, as our university faces increasing budget cuts, I feel the priorities of many people at UNL and across the state are wrong.

NU's object as stated in its charter, "shall be to afford to the inhabitants of the state the means of acquiring a thorough knowledge of the various branches of literature, science and the arts." Its purpose is not to generate revenue for the state or to provide "a million people in Nebraska escape from the day-to-day grind of jobs and budget cuts," as Rod Morrison stated in his letter Feb. 25.

I am upset when the cost of my education continues to increase while the quality of the faculty and facilities continue to decline. Now I am being asked to help pay for a recreation center I will never see completed. It

would make more sense to increase funding to the academic departments so faculty and staff would have a quality working environment and students would have a quality faculty from whom to learn.

I believe the football team should have the best facilities possible and the university community needs better recreation facilities, but we should make education our first priority. Bob Devaney didn't need an indoor practice field in order to win a national championship.

If we continue to make football our first priority, the day will come when there will be a "for sale" sign in front of UNL and a professional team playing in Memorial Stadium.

Michael H. Turner
senior
ag economics

Sennett smug, sanctimonious on AIDS

James Sennett (DN, Feb. 28) seems to be correct in claiming that "homophobia" does not adequately describe him. "Sanctimonious nincompoop" is far more accurate.

Those people who are in long-term monogamous relationships — married or not, heterosexual or homosexual — are not at risk for AIDS. Such people are grateful for their good fortune, but that good fortune hardly gives one the right to condemn the temporarily less lucky: the divorced, the sexually uninitiated, the uncommitted. Surely Sen-

nett is not suggesting that people marry in order to enjoy "safe sex"; that is prostitution without the integrity of an honest whore.

Sennett can sit back and thank God he is safe from the scourge of AIDS. He is not, however, to be commended. The energetic folk who provide information on relatively safe sex to those who are not so safe and smug are to be commended.

Frances W. Kaye
associate professor
English

Fun at camp with Charles

Getting a little backbone in Marky David Chapman's bunk

Last month in People magazine's ad nauseum profile of Mark David Chapman, the loon who blew away John Lennon in December 1980, I learned something terrible. Chapman was a camp counselor. At a YMCA camp. At the same YMCA camp where I was sent as a child to, as my father put it, "give me a little backbone and a stronger constitution." Chapman was my counselor.

At first this didn't surprise me in the least. I've always found camp counseling a suspect occupation. Why would any young man or woman want to spend the sultry, sensual days of summer with a bunch of shrieking little boys and girls, when they could be out flaunting their hormones with people their own age? Besides that, what better opportunity for a twisted, highly organized individual with sexual needs well outside the laws of human decency than an isolated retreat full of potential catamites.

Just to be fair, I'm sure there are many truly caring camp counselors in the world. I'm sure they see playing with children all summer as a semilucrative chance to spend a lot of time outdoors, get lots of exercise and suck water-moccasin venom from a 12-year-old's leg.

Certainly in the Chapman barracks there were always adventures to be had. At this time Chapman was going through a spiritual dilemma likened to Christ's moment of doubt at the Garden of Gethsemane. It was '69 or '70 and the Beatles were history. Mark, or "Marky" as the other counselors called him, was

a big fan of the Beatles, but he knew John needed some breathing room. Marky wasn't sure about Yoko, either. Was her conceptual caterwauling really music? Marky didn't know but what was OK for John was OK by him.

Marky spent a lot of time brooding. Word had it around camp that he deliberately threw the canoe race and that he wasn't paying attention during the three-legged race so he said Jeff and Newt won, instead of me and Tommy Tornado. He wasn't the most popular counselor, but, heck, he was the leader of our barracks and we tried to like him.

Charles Lieurance



Marky had a real thing with being famous. At night he'd cut out pictures of celebrities, hang them by his mirror and try to mold his face to look like theirs. By the end of the summer, the skin on his face had the consistency of silly putty. Just to make him feel better we all told him he looked like Montgomery Clift. Occasionally we were convincing enough to get him to come out of his cabin and go on nature walks. He told us all the wrong names for trees and fauna and for years I thought dandelions were really poison ivy. Just last week I found out that chipmunks wer-

en't baby bobcats. It had become apparent to us by the second week of camp that our counselor was playing poker with an Old Maid deck. A loon. About 10 slices of head cheese short of a loaf.

Marky began to teach us what he called "Native American" rituals sometime in July. One kid was actually smart enough to ask if the pentagram really had its origins in the Sioux rain dance. The kid was a Boy Scout and he said he had a merit badge in Indian rituals and that very few "Native American" rites required the sacrifice of milk cows. But still we dressed up like Indians, in the middle of the night, sneaked into the surrounding farm pastures and led cows to our barracks. Then Tommy Tornado came up missing in the morning roll call.

Believe me, I'm not trying to cash in on Marky's well-earned success. I mean, if you've got the unmitigated gall to snuff a major celebrity, you should at least be able to tell your side of the story. And after all, the story of the paranoid schizophrenic is always 10 times more interesting than the tale of some normal joe with a nine-to-five cross to bear and not a malicious bone in his body. Marky was our leader that summer. He was our barracks commander, the man responsible for my backbone and firm constitution. I'm just happy to have had a part in his tale.

I wonder if Tommy Tornado is.

Lieurance is an English, philosophy and art major and a Daily Nebraskan senior reporter.

Ambiguous treaty leaves public, government with different interpretations

There is a story, no doubt too good to be true, that W.C. Fields was found reading the Bible on his deathbed. Asked what he was doing, he replied, "Lookin' fer loopholes."

The Reagan administration, in similar health, has sat down with the Anti-Ballistic Missile (ABM) Treaty, a document less uplifting, but far richer in ambiguity. And in an obscure addendum, it thinks it has found salvation.

Most of the world understands the Anti-Ballistic Missile Treaty to prohibit testing, development and deployment of anti-ballistic missiles. So did the Reagan administration, until October 1985. Now the administration, wanting to do advanced testing for the Strategic Defense Initiative (SDI), has found a loophole. Agreed Statement D allows testing of ABM systems based on "other physical principles" than those known when the treaty was signed in 1972.

This loophole opens up on some exotic casuistic corridors. What exactly are "other physical principles"? Most people understand that to mean "Star Wars" stuff, like lasers or particle beams, which are based on directed energy principles. It is odd, therefore, that what the administration seeks to test under a "broad" interpretation of the ABM treaty is a system that shoots projectiles at Soviet missiles and destroys them on impact.

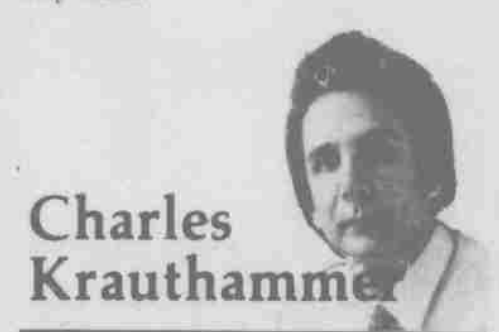
The "physical principle" at work here is kinetic energy (hence the name: "kinetic kill vehicles"). Kinetic energy, known in 1972, is the physical principle that underlies the bow and arrow.

Which leads the Pentagon lawyers to respond that the new physical principle is not in the shooting down, but in the picking up (i.e., the sensing mechanism). In 1972, ABM systems used radar to pick up their target. Today's SDI sensing mechanism is optical or infrared.

Is this what "other physical principles" means? God knows. The negotiating record is exceedingly muddled. Moreover, the whole exercise is another depressing triumph of American legalism. (With a fine irony: Regarding the ABM treaty, liberals are the upholders of "original intent," while conservatives are the "judicial activists" — a neat switch of their usual positions.)

Only the United States would turn its strategic future over to lawyers. Perhaps that is why we turn out nearly as many lawyers as engineers. Our treaties need as much work as our cars.

In fact, the real argument has nothing to do with the words "other physical principles." It has to do with the spirit of the ABM treaty and the meaning of SDI. The ABM treaty sought a strategic arrangement under which both sides renounce defenses in the belief that mutual vulnerability makes for stability and deterrence. SDI seeks invulnerability. These are inherently contradictory ideas.



Charles Krauthammer

So long as SDI was pie in the sky, one could live with the contradiction. Less than 18 months ago, Secretary of State Shultz pronounced the debate over the two treaty interpretations "moot." It will remain so, said State Department legal adviser Abraham Sofaer, until "the SDI program has reached the point at which . . . engineering development, with a view to deployment, become a real option."

The administration now believes the option is real. It is forcing reinterpretation of the treaty because it now knows where it wants to go with strategic defense. It wants partial and immediate, meaning by the early 1990s, deployment of a kinetic energy system based on existing technology. That system is now busting to get out of the lab. It will soon be ready for full-scale engineering development.

But you can't do that under the ABM treaty. Up to now the engineers have had to make do with what the lawyers call "sharp practices": skirting the edge of the treaty by performing experiments that are deliberately downgraded and distorted to stay within the letter of the law.

This makes for the worst of both worlds, distorting both the treaty and SDI program. It leads to absurdities

such as occurred during the latest "Delta 180" SDI test. An anti-ballistic device picked up a rocket fired from earth and tracked it, but when it came to shooting it down, the ABM had to turn around and crash into a different satellite. Shooting down the rocket would have been a violation of the treaty.

The SDI wizards, both legal and technical, are running out of sharp practices. Enter the "broad" interpretation.

It is an unfortunate move. The administration should have the courage of its convictions. If it really wants to deploy SDI, it should drop the Jesuitical exegeses and act unambiguously within the terms of the ABM treaty: withdraw. The treaty permits withdrawal on six-months notice.

Such a move would have the virtue of focusing the issue. We could then have a real debate on a real question: Which conception of deterrence makes more strategic sense, that offered by SDI or by the ABM treaty? An honest debate on principle is better than a slither through the loopholes. Unfortunately, slithering is easier.

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