

Editorial

Daily
Nebraskan
University of Nebraska-Lincoln

Jeff Korbelik, Editor, 472-1766
James Rogers, Editorial Page Editor
Lise Olsen, Associate News Editor
Mike Reilly, Night News Editor
Joan Rezac, Copy Desk Chief

No discrimination Court finds statistics unpersuasive

The U.S. Supreme Court rightfully refused to act as a superlegislature by striking down many death sentences in its recently released decision on the death penalty. More technically, the court refused to give a casual interpretation to a study correlating the imposition of the death penalty with the race of the murdered person.

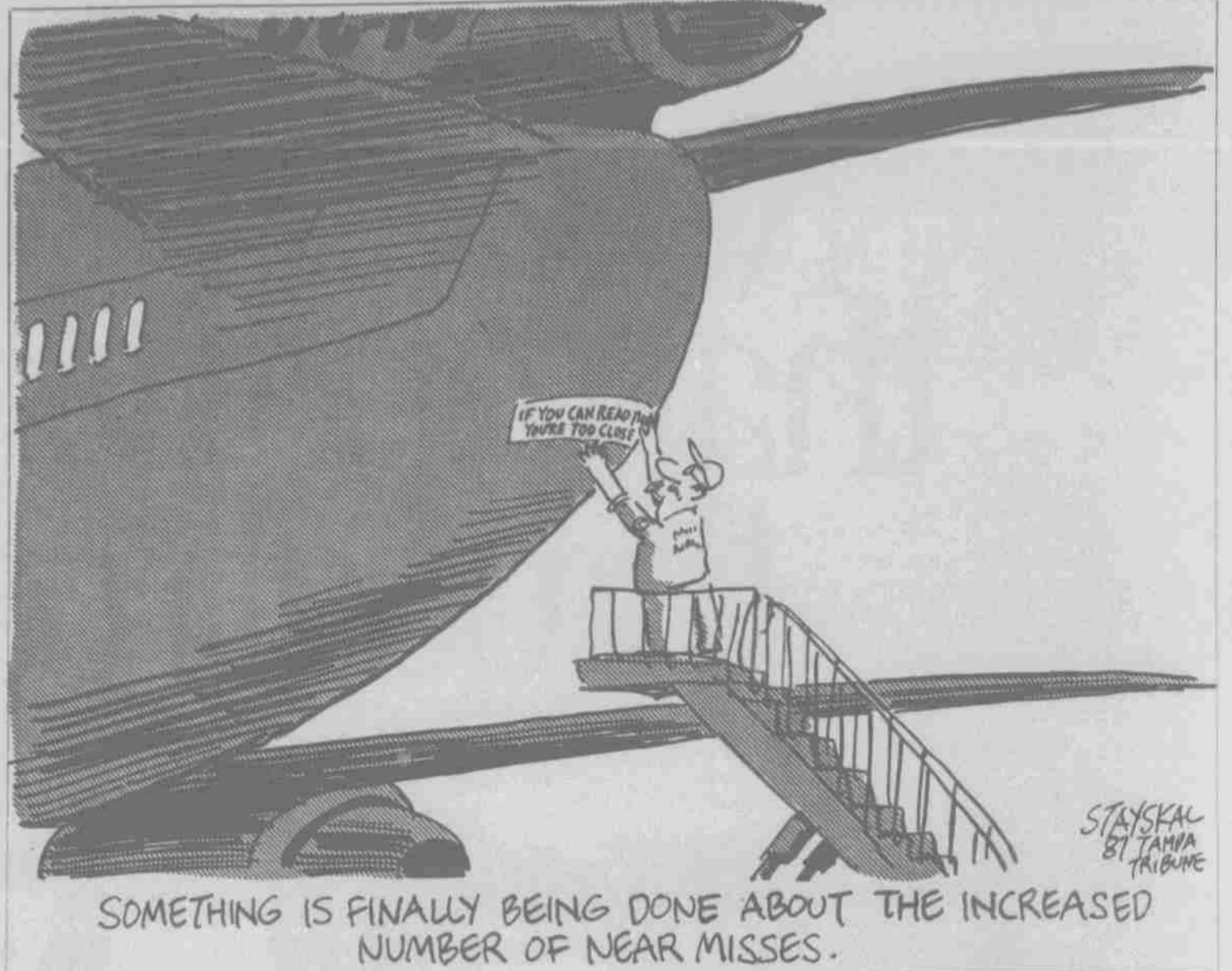
In the 1970s the Supreme Court overruled all death-penalty laws that were imposed in a mandatory fashion. In its place the court required trial judges or juries to consider several different factors when deciding whether to impose a capital sentence in a case. Because of these prior rulings requiring a multitude of considerations, Justice Lewis F. Powell, writing for the majority, said that the mere statistical correlation provided by the appellant's study was insufficient to prove discrimination.

The difference between correlation and causation is unappreciated in critiques of the ruling. Causation means that some factor, say X, is the ground or "reason" for the occurrence of a following event Y. While all causal relationships between X and Y will evidence a statistical correlation, not all statistical correlations evidence a causal relationship.

Correlations are simply associations. The famous correlation between phases of the moon and murder is one example of this. Another is the association between who wins baseball's All-Star game and the movement in the next year's stock market. Or, as the eminent musicologist Peter Schickele noted in his definitive biography of P.D.Q. Bach, while Offenbach certainly followed Bach, Bach did not cause Offenbach.

Death-penalty opponents were trying to catch the court in its own precedents: (1) mandatory death sentences are unconstitutional; (2) discretionary ("weighted") sentences are discriminatory; therefore (3) the court must gut almost every remaining death-penalty law.

In effect, death-penalty opponents tried to force the court into a decision it had refused to make in the '70s. The court refused to play the game that the opponents wanted it to — and rightfully so. Legislatures are the appropriate forum for the vast majority of abolitionist claims. Correlation is more than sufficient for many legislatures (though it shouldn't be). The court has been trying to point opponents in that direction for more than a decade. It's about time they listened.



Radio station progressing?

Notoriously liberal KZUM decides to crack down on 'indecentcies'

Saturday, in an airless room in the basement of Lincoln's Terminal Building, transpired one of those casual witch hunts so popular in Reagan's America. But it was an unlikely witch hunt because its proponents were progressives.

In this case we have a radio station, KZUM, notoriously liberal, notoriously free-speech, notoriously anti-Reagan, that has decided for some unknown reason to be the first station to implement the new FCC crackdown on broadcast indecencies. That's a new twist — the progressive liberals as the bloodhounds of Reagan policy.

KZUM would object that the protection of its license is more important than the invective on one disgruntled, eradicable programmer, even if that programmer is Ron Kurtenbach, who was with KZUM at its inception, who claims to be the reason for that inception. KZUM would say that the continued operation of the station is more essential to the cause of free speech than its shutdown by the FCC because of irresponsibility.

But KZUM would be lying to itself. You had to be there. Until you've heard a bunch of once-radical liberals using the words "indecentcy" and "obscenity" as if they really knew what it means to the average American, you haven't lived. P.T. Martin, station manager and frequent host of KZUM's "Wimmin's Show," sounded as if she just couldn't believe the word "f---" was uttered over her airwaves. Sure, she admits, Kurtenbach followed all the policies of the station to the letter, but aren't there just better words to use?

Kurtenbach waited until after 10 p.m., gave a warning to tender ears and then said, "KZUM has been f---ed over." In his mind it was true. KZUM was buckling under pressure to commercialize. True, Kurtenbach does dwell ad nauseam on the station's salad days,

and let's face it, cooperatives ain't what they used to be, but all in all, his broadcast was within the letter of KZUM policy as the hearing's outcome proves.

Of course the station has an ambiguous stand on indecency. Let's look at the programming. Peter Schmitz, a programmer who stood up not so much for Kurtenbach as for the station's continued freedom, Saturday wondered how the station could justify its lesbian "Wimmin's Show" if it looked closely at what the FCC calls "contemporary community standards."

and the bravely hypocritical.

Liberals are fortunately uncomfortable with stonings. No one dared look Kurtenbach in the eye at the hearing, and tension was so high that when one speaker accidentally hit a microphone stand with his elbow, everyone broke into the sort of laughter usually associated with jackals during a feeding frenzy.

Let's go back to the question everyone in the room was asking after two breathless hours: What the hell are we doing in this airless room beneath the ground attempting to martyr a man who already sees himself as the progressive St. Stephen of Lincoln, Nebraska?

The answer was undoubtedly in Martin's and in Harm's heads. They wanted Ron Kurtenbach gone. Outta there. And not without reason. Kurtenbach is a thorn in the side of the station's progress. Such things as power increases, commercial underwriting and capitalist compromise don't concern him.

Not only that, but Martin and Harm see what Kurtenbach is doing to the basic feeling of camaraderie at the station. He would like the stations' programming to turn into an open debate on itself that goes from one show to the next until dawn and then repeats.

Ron Kurtenbach has earned his right to a program, say an hour a week, in which he criticizes the stations he worked so hard to build. Let the argument, at least the broadcast argument, stop there. What goes on in the boardroom is supposed to be why they call the station a cooperative: the constant give and take, the calm reformations that keep progressives in league with progressives and not in league with the censorship and oppression of free speech that Reagan's FCC and Reagan's courts represent.

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

Charles Lieurance



Luckily, the people who had agreed generously to serve on the hearing board were wondering the same thing Kurtenbach wondered. What were they doing there? John Snowden, an attorney and UNL law professor who represented Kurtenbach, eloquently questioned their jurisdiction, stating that according to KZUM policy his client should have gone up against the Programming Board.

Greg Harm, who heads the Programming Board, was hard-pressed even to come up with a coherent definition of the part of the KZUM policy Kurtenbach had violated or even the policy itself. He just kept mumbling something about "using discretion."

After Snowden's presentation, anyone who wasn't questioning the validity of the proceedings was definitely on a witch hunt. But there's one big difference between a progressive, liberal witch hunt and a conservative one. Conservatives are made of stone. They are the class bullies, the self-righteous

Letters

Auto quirks necessitate 5 mph cushion

I would like to respond to James Sennett's article, "Nobody Checks the Silliness" (DN, April 22). Silliness is a good word to describe his article. I am a person who can usually see and understand opposing viewpoints and I have never criticized an article that someone has worked hard to write, but it is obvious that this person did not think much before writing this article. Sennett is "out of touch."

One thing is certain: he is very ignorant about how an automobile operates. I wonder if he realizes that no speedometer is 100 percent accurate. Would he like a ticket for going 66 because of his speedometer's inaccuracy. Bias tires instead of radial tires, slightly larger tires, hot tires vs. cold

tires, too much air pressure, and a hundred other variables can also contribute to a speedometer's inaccuracy.

I have been an auto mechanic for six years, and I can tell you from experience that no cruise control will maintain a set speed. A cruise control system that loses three to five miles per hour going up a hill and gains three to five miles per hour going downhill is operating properly. I have seen cars gain as much as 10 miles per hour going downhill.

Maybe Sennett should do a little research before writing his next article so he knows what he is talking about.

Steve Hanson
freshman
business

Farm policy hurting rural committees

The most important debate affecting the future of Nebraska is that concerning farm policy. The biggest misconception in this debate is farm "efficiency." It is often said that small farms must be destroyed because they are inefficient compared with corporate farms.

This is a gross misunderstanding of the concept of efficiency. Any Economics 100 student can tell you hidden costs must be taken into account when considering true efficiency. Decimated rural communities and polluted water supplies are two not-so-hidden costs associated with corporate agriculture.

If efficiency is an inevitable trend, UNL should meet the future. It should only offer one major, and all its classes should be on videotape. Sure, there would be some hidden costs, but imagine how "efficient" that would be.

Our farm policy is a mess. In the last five years, profits from U.S. agriculture imports have declined dramatically, the cost of federal farm programs has increased more than \$20 billion a year,

and thousands of farmers have been forced out of business.

Why has our farm policy developed in such a ridiculous manner? To understand that, you have to look at who influences our farm policy.

I'll put it in a way that even Reagan should be able to understand: If all the farmers in the United States raised apples they would rather sell one apple for \$3 than three apples for \$1. However, if your business was moving and storing apples, you would rather the farmers raised their apples and the government paid you to store and move those apples. That is why companies such as Cargill and Scoular favor the current farm act.

The question is: Why would we tolerate a farm bill which subsidizes billion-dollar corporations while begging our farms and rural communities?

Jeff Kirkpatrick
graduate student
history
ASUN senator

Politician's sex life hits headlines, yet Hart denies womanizer rumors

It was not the sort of headline that the Hart campaign wanted to paste in its media scrapbook. The New York Post, with its penchant for putting words in the mouths of politicians, had done it again. Page one blared: "Gary: 'I'm No Womanizer.'"

The Post-written quote was the low point of a week of more decorous discussion of "the sex issue." Newsweek had started it off with a line from John T. McEvoy, a longtime Hart adviser, who said, "He's always in danger of

having the sex issue raised if he can't keep his pants on."

Ellen Goodman



Having been sabotaged by one of his own, Hart then claimed and later re-

canted his claim that opponents were spreading these rumors. We were smack in the middle of another controversy about a public man's personal life.

Hart's marital and extramarital life may be set for the treatment that Ted Kennedy's got in 1980. Virtually every profile on the twice-separated Harts includes some line about their relationship.

"Last time around he had to be

See GOODMAN on 5