

Daily Nebraskan

Since 1901

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Time to act

President Bush's first week falls short of unification

The first week of the next four years is over, and even though it's only a few days into the Bush administration's term, it's time for some reflection.

The pundits have turned in their reviews, which were mostly positive, and have lauded George W. Bush as leading one of the smoothest transitions into the White House.

A surprise after the debacle of the election.

But maybe even more surprising was the mixed bag of controversy Bush stirred up in his opening seven days.

Bush's first full day in office held a controversial decision on one of the most divisive issues in the country: abortion.

Bush's denial to aid foreign groups that provide abortion counseling made us squirm.

It also surprised us and disappointed us, especially as it came in the week following an inauguration speech that called for non-partisanship and an America that could come together.

These foreign nations, under this new denial, can't even advise women of their options without risking funds from the states.

It's a decision in direct contrast to Bush's campaign speak, which led us to believe that he believed less abortion, not no abortion, was the key.

This decision makes us think Bush may have changed his mind, as it's a step toward the elimination of abortion. That's not what we were hoping for, and it's certainly not a step toward a non-partisan country.

The big issue of the first week, though, was education, and while not as partisan an issue as abortion, it's still a divisive one.

We're not sure how feasible the voucher plan, which gives schools time to get their acts together, is. But we do know that Bush worked hard to make the plan acceptable to Democrats and that at least leaves a grain of hope.

Probably the biggest surprise of Bush's first week in office was the unlikely support from Alan Greenspan, the Federal Reserve Board chairman, who validated Bush's tax program to Congress on Thursday.

Greenspan, an ardent supporter of former President Bill Clinton, gave both Bush and the tax cut a big boost, and with his support, it's a good chance that more, if not many more, Democrats will go for the plan.

Many of the most contentious issues still remain up for debate, and as the second week of the administration begins, welfare and prescription drugs both are on the docket.

Bush will introduce his plan to make it easier for religious organizations to tap into millions of federal tax dollars to provide social services normally reserved for government, much like he tried to do in his home state of Texas as governor.

The issue of church and state is sure to come into debate.

Bush also will propose his plan to provide prescription drugs to senior citizens through Medicare. He proposes a complete revamp of the program to give seniors a choice of health plan including some that include drug coverage.

In an earlier editorial, we called for Bush to put his money where his mouth is and to show us, not just tell us, that he wants to bring the country together.

And after these seven days, all we can say is we're not so sure he's following through.

The Associated Press contributed to this editorial.

Editorial Board

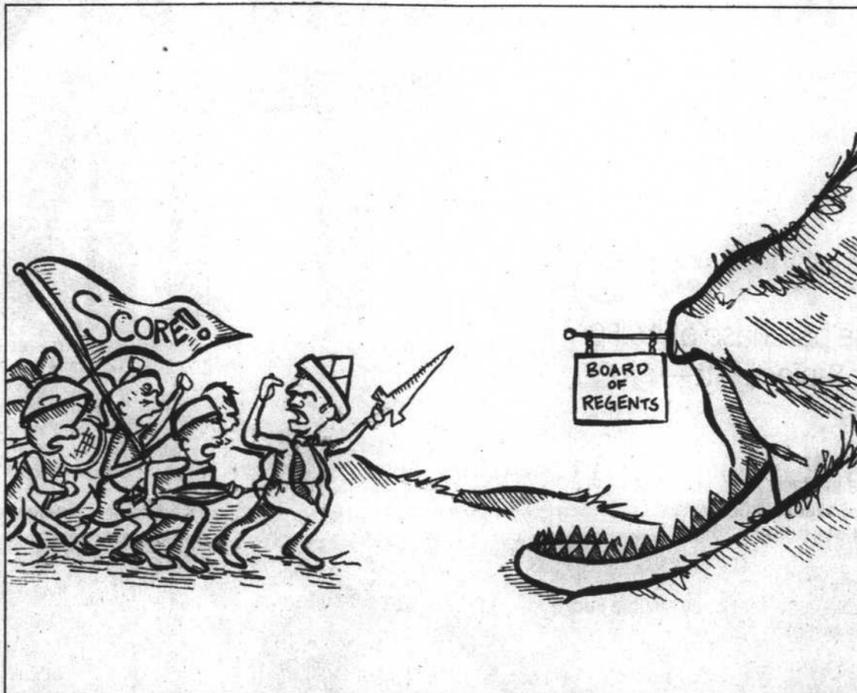
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Megan Cody/DN

I am a rock, I am an island

My life is like waiting for the walk sign when no cars are coming.

I look both ways and, after deciding to wait this one out, I pull out my 'grets and a book of matches. I perch a filter on my lips and light up. I stand there, my toes jutting over the curb.

The light turns over, and I start walking. There's this piece by Rachmaninov; it's called "The Isle of the Dead," and it depicts the ferryman Charon taking a recently deceased soul to a place called, appropriately enough, the "Isle of the Dead."

The piece is predominantly in an asymmetrical meter, 5/4 probably, and that asymmetry symbolizes Charon's rowing, longer on one stroke than the next. The piece progresses slowly, and the whole thing is filled with slowly ascending melodies and hypnotically rising arpeggios, rising as still does the soul, yearning for a life no longer its own.

It ends, at the very end, with the soul on the island dreaming of its life now past, a light and sad melody, high in the orchestra's register and descending as reality sets in. I have no way of knowing if Rachmaninov's depiction is accurate - I don't think anything "happens" after death, there is no entity left that perceives - but nothing I have ever heard has been more "true" than that piece, so unarguably true.

The night is cold and dark as I walk, and a fresh dusting of snow blows across the sidewalk in patterns reminding me of deserts and further of the Sandhills. I've known so many people. I rifle through a list of images of people I've known and their names, which I sometimes don't remember. I begin at the beginning and end at the present, Amy, Margaret, Matt, Angela, Angela, Jeanine, Nicole, Joy, Tom, Christie, Brian, Emily... the list goes on. I've known so many people.

This shady history of people I've known keeps me company, assures me that I am, indeed, capable at maintaining human relationships, at least for short time spans. I take another drag and let my hand fall back to my side as I pick up my already brisk pace. The night howls cold. The trees around me are bare save for shriveled, overripe berries.

I reach campus finally and the sidewalks are empty. Closing time isn't for half an hour. I pull my coat sleeve up, my cigarette clipped between two straight fingers; yes, half an hour now, 12:30.

I'm just coming from a bar, and my coat is burned with the smell of smoke. There's a new bill in the legislature limiting smoking in restaurants, and higher-ups on campus have removed all the ashtrays - I think of this while a flick of the fingers sends a bit of ash wild into the night. The bar was crowded, and I paid 50 cents to check my coat, an expense which I decided ultimately was worth about 30 minutes.

That is, 30 minutes before I would leave in an introspective fit of boredom and disillusionment. An unfortunate number of my evenings end this way. I'm not sure why that is.

My cig is burned out, and I drop it, littering, as I walk by the union. They have a camera watching me right now, somewhere in the darkness, and it updates every minute or so on the UNL Web site.

I stop and look for it. I expect it to be on Canfield, but maybe it's on Love, that's why I've never found it.



Jake Glazeski

If I stand long enough, maybe my image will be carried to a bored surfer somewhere, and we will have a private moment of communion as we are digitally aware of each other. I purse my lips in a salute to my companion. I turn back toward my dorm.

I present my ID to get back in my dorm, feeling a little hoax-like. I am not swaggering in drunkenness, nor am I with a large group of laughing people. I have no stories to tell after this evening, nothing learned, no classic richness to reflect upon once I am 35 and old. But I'm 22 and old, so it's - as they say, the young'ns - it's all good.

I go downstairs - you have to go downstairs to go upstairs in my dorm - I go downstairs and debate what I will do with myself. I can e-mail people, or I can go to bed. My stomach protests; I haven't eaten for six hours. I could eat. Citrus soda sounds good.

I decide to e-mail a few people. Business contacts. The lab is lopsidedly full, everyone on the PCs, so I take a Mac. I finish. I leave the lab the same way I found it, walking through a cloud of body odor, attached to no one in particular.

My feet on the raspberry tiles clomp one after the other, and I change my gait so as to make them clomp more richly. The washing machines rumble at the end of the hall. I feast on the sounds, my ears are full, my hunger is transmuted in a confusion of sensory stimulation.

I go through the list of people again, people I don't see much anymore. Rob, Scott, Brian, Katy, Scott, Joe, Casey. I'll see them around and remember the lives I've lived. My life is more in the past than it is in the present. It's a life lived as a consequence of what no longer is.

It's a sad thing, to be born an alien. You don't know the language, you don't understand the culture. You spend your life catching up, all the while the background music is something by Simon and Garfunkel. I have a CD by them, "Live in Central Park." You can hear an anti-government sentiment in the crowd.

I walk up the stairs to my room and open the door.



Scott Eastman/DN

The light, overhead, flickers. One of the fluorescent tubes has burned out, so that it is dark even during the day. It's been that way for a month; I haven't gotten around to changing it. My clean clothes lie strewn, unfolded, across the floor where I dumped them as I finished laundry before going out.

I really should hang them up.

Laws require rational and clear bases

"The limitation of liberty is justified only when it is necessary for liberty itself, to prevent an invasion of freedom that would be still worse."

- John Rawls, "A Theory of Justice"



Jeremy Patrick

Many of the most controversial issues of our day - such as abortion, drug use, gambling, prostitution, sodomy and assisted suicide - are complex and multi-faceted.

The debates rage on several levels: religious and ethical concerns, historical and philosophical underpinnings and empirical effects on society.

At their core, however, each of these issues has one thing in common that places them in the public eye: their controversial relation to the criminal law.

The debate is not so much about whether these things should be encouraged or discouraged, but whether the machinery of the criminal justice system should be used to stop them.

The problem, of course, is that the people who decide whether these practices will be legal or illegal - the public and its representatives - usually have no principle method of making such decisions.

Instead, decisions are based on "gut instinct" or religious doctrine. "What I like" becomes "What should be legal," and "What I don't like" becomes "What should be illegal."

Because of this failure to see the big picture, our criminal law is a hodgepodge of incoherent and irrational laws, with no consistent justification.

At one time, New York set a maximum penalty of 10 years for first degree assault and a maximum of 20 years for sodomy; Pennsylvania set seven years for assault with intent to kill and a 10 year maximum for pandering, and California had a two year maximum for "corporal injury to wife or child," but 15 years for "perversion." (Feinberg, 1985).

In his four-volume series, "The Moral Limits of the Criminal Law," philosopher Joel Feinberg discussed the most prominent justifications for the criminal law. He argued that a desire to prevent people from harming themselves ("Legal Paternalism") or a belief that certain conduct is inherently immoral ("Legal Moralism") are not valid justifications to enact a criminal law.

Feinberg believed that only two justifications for the criminal law were valid: the prevention of harm to others (the "Harm Principle") and the prevention of serious offense to others (the "Offense Principle").

Feinberg's support for laws criminalizing conduct that merely offends others has come under serious attack because of the danger such laws present to civil liberties. His advocacy of the Harm Principle, on the other hand, has a distinguished history.

Thomas Jefferson summarized the principle in his pithy remark that "the legitimate powers of government extend to such acts only as are injurious to others," but the idea was first articulated and explored by John Stuart Mill in his classic, "On Liberty."

Mill believed passionately that freedom of expression had real value only when linked to freedom of conduct. Therefore, he argued that laws based on paternalistic desires (such as our modern-day drug laws) or the religious fervor of some segments of society (such as sodomy laws) are unjust and ultimately cause more harm than they prevent.

As Mill put it: "The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people. But if he refrains from molesting others in what concerns them, and merely acts according to his own inclination and judgment in things which concern himself, the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost."

Mill may have underestimated the problems inherent in the Harm Principle. Even if society were to adopt it, there would still be debates over how much harm is too much or whether the harm is too indirect.

But at the very least, the Harm Principle provides a rational area of discourse. Our current reasons for enacting many criminal laws, "God says it's wrong" or "I just don't like it," do not even accomplish that much.

Of course, no single book or essay (and certainly no newspaper column) provides the answer in a neat little package. The point is that we must read, think and even write about these issues because they have real-world significance.

Our criminal justice system is powerful and sometimes deadly; we have a corresponding responsibility to think carefully before we determine its targets.