

University to appeal tuition ruling

by GARY SEACREST
Nebraskan Staff Writer

The University is planning to appeal a recent lower court decision allowing out-of-state students to qualify for lower resident tuition rates. But the full impact of the decision will not be known until the case is reviewed by the State Supreme Court.

Lancaster District Court Judge Herbert A. Ronin last week ruled unconstitutional a section of a law which provides that persons who come to the state for the purpose of going to college cannot become legal residents of the state so long as they are students.

However, the decision does not effect the legality of non-resident tuition. Ronin also left standing the portion of the law which requires four months residency to qualify for the lower resident tuition.

Before Ronin's decision, in order to meet the four month residency requirement a student had to drop out of school for four months.

Currently the non-resident tuition costs \$479 compared to the \$229 for resident tuition. About ten percent of the students on the Lincoln campuses pay non-resident tuition.

Ronin's ruling applies only in his courtroom. The State Constitution provides that only the State Supreme Court can hold an act unconstitutional for the entire state.

University Attorney Charles E. Oldfather said Tuesday that the University will appeal the decision immediately. However, he added the Supreme Court will probably not consider the case for three to four months.

Oldfather would not comment

on how many years back the University will have to go in refunding students if the decision is upheld.

It has been speculated that if the Supreme Court upholds the decision, NU's tuition structure could be seriously undermined. University Director of Business and Finance Miles Tommeraaen said Tuesday that probably only a small number of students will be affected if Ronin's decision is upheld.

He added that a Supreme Court ruling invalidating all non-resident tuitions would cost the Lincoln Campus about \$1 million a year. But he said it was doubtful the Supreme Court would invalidate the legality of non-resident tuition.

It has also been speculated that Nebraska could become an economic oasis for out-of-state

students as the result of the District Court's ruling.

The decision could make it possible for some students to gain residency according to John E. Aronson, director of admissions. But he noted not all out-of-state students could apply for resident tuition under Ronin's decision since the students have to show intention of making Nebraska their permanent residence.

The District Court decision is the result of a suit filed against the University by Raymond S. Thompson III, who graduated from the University Law College in June, 1970. Thompson's petition asked for a refund of tuition since September, 1967, because during his attendance he was a resident of the state for purposes of paying taxes,

voting, Selective Service records, application for loans and political work.

Ronin ruled Thompson was lawfully charged non-resident tuition from September, 1967, to January, 1968, since he had not resided in Nebraska for four months. Then the Judge ruled that for the balance of his attendance, Thompson was invalidly charged non-resident rather than resident tuition.

He awarded Thompson a judgment against the University Board of Regents in the amount of \$1,374 — the difference between non-resident and resident tuition paid by Thompson from January, 1968, to June, 1970.

Ronin said the law was unconstitutional in part because it violated equal protections and due process clauses in the state and federal constitutions.



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Movement moves into protest, change

by DAVE BRINK
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The recently formed Free Speech Movement is moving into war protest and cultural change.

The new student group was organized several weeks ago to protest the Regents' handling of the Michael Davis case. A spokesman for the group, Mike Barret, said similar action would probably be taken if Steve Rozman is not rehired.

The Movement organized a march to the State Selective Service office on November 24 to protest the bombing of North Vietnam. The group of about 20 people carried a statement for Colonel Lee Liggett, the Director of the State Selective Service. Liggett was not in the office but Barret read the statement to Deputy Director Edwin Scott, who agreed to give it to Liggett.

The statement called resumed bombing an indication of "the expansion of America's war effort." It said the Nixon administration may be seeking a military victory in Vietnam.

"The war in Indochina has again been escalated by President Nixon," Barret read, "which exposes his 'peace' strategy as a cruel hoax."

Referring to the Selective Service as part of "the U.S. military machine," the statement asked the Nebraska office to examine its part in sending "peaceful Nebraskans" to war.

Scott listened politely during the reading and then accepted a copy of the statement. He reminded this group that the Selective Service was only an administrative agency and did not set war policy.

The crowd, including demonstrators, reporters, and plainclothesmen, then departed without incident.

Barret reported the group was "fairly happy" with the demonstration. He said more people could have been gathered for the march but added, "I doubt that we would have wanted a larger group." It was feared that a large crowd might lead to trouble. Last spring 13 people were arrested during a protest at the Selective Service offices.

Commenting on the unsuccessful raid to free Americans imprisoned in North Vietnam, Barret said "The way to get
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Brave students face blustery winter weather.

Kermit Wagner:

by MICK MORIARTY
Nebraskan Staff Writer

(Editor's Note: This is the fourth of four interviews with newly elected members to the Board of Regents.)

Only one of the four newly-elected members of the Board of Regents has said that he is not qualified to say whether or not the Lincoln campus needs a homophile course.

He is regent-elect Kermit Wagner of Schuyler. All of the other newly-elected regents are either in favor of abolishing the course or moving it to the University of Nebraska Medical School in Omaha.

"The directive should come from Dean Wittson (Dean of the University medical school) as to whether or not there is a need for the course," Wagner said.

"I have nothing against the

course, but I will go along with the recommendation of Dean Wittson," he added.

Wagner said that his directive from the voters concerns University spending. "I'm not against education, but I think we have to be reasonable about the budget," Wagner said. He added that by being reasonable he means the budget has to be cut.

The 52-year-old Schuyler grain dealer said he believes poor timing and handling of the budget made it sound worse than it actually is. "The budget was presented at a very inopportune time," Wagner said. He also said that as a result of the poor timing by administrators, newly elected state legislators will be "pinching hard at the University's budget."

In the area of conduct,

Wagner said that he is pleased to see that the University faculty took the initiative to clearly define a new code of conduct.

"We need the same thing from the student body," Wagner said. "When the rules are clearly defined to everybody, including the residents of the state, the Regents will be able to enforce those rules," Wagner said.

"We all believe in academic freedom, but we must also recognize that academic freedom has its boundaries," he said.

Wagner said he feels the same way about the question of tenure. "Tenure is alright as long as it is not used as a sanctuary by irresponsible people."

On Regent meetings Wagner said that he is in favor of having them open to the public.

No comment at this time

"Students and press should always be welcome. But we won't tolerate disruptions and demonstrations at the meetings," Wagner said.

Wagner said that he did not want to comment on the Stephen Rozman case before he assumes office and has all the facts available to him.

(The Spelts Commission Report on University disturbances last spring called Stephen Rozman's actions during the time "highly inappropriate for a teacher." Rozman is an assistant professor of political science at the University.)

Conflict of interests charges have been made about Wagner because of his position as a trustee at Midland College in Fremont. Wagner said he served as a trustee at Midland for three terms, but no longer holds the Midland post.