

# Grand jury request sparks opposition

After voting Wednesday to call for a grand jury investigation into the Sept. 24 Arvid Sherdell Lewis shooting, some members of the City-County Common said the Common was premature in its call. They said not enough information was available to make such a decision.

However, other common members said that the grand jury investigation was needed because of what they called unsatisfactory information released by County Atty. Ron Lahners. His report was released Tuesday.

The common, comprising the City Council, the County Commissioners and the mayor, passed the resolution on a 6 to 5 vote.

Mayor Helen Boosalis, Council members Robert Jeambey, John Robinson and Sue Baily, and Commissioners Bruce Hamilton and Jan Gauger voted for the resolution, which asked Judge Samuel VanPelt to call a grand jury and a special prosecutor to investigate the case.

### Voted against

Councilmen Max Denny, Steven Cook, Bob Sikyta and Richard Baker, and Commissioner Robert Colin voted against the resolution.

Boosalis said she had "real reservations" about calling the grand jury, but added she could "see no other avenue to pursue facts then a grand jury."

She said some members of the Common might think the action was premature because they had not had access to some of the police reports that "others of us had."

Jeambey, who also voted yes, said that he did not think he was handicapped by a lack of evidence.

"It is not our job to examine evidence," he said. "It is the court's job. Our job is to keep peace and harmony."

Hamilton said he was not satisfied with Lanher's report because "there were numerous gaps in the story." He said he asked for a special prosecutor because he was afraid that Lahners was too involved in the case.

"A grand jury might very well disagree with his outcome," Hamilton said.

### Special prosecutor

Gauger called for the special prosecutor because she said Lahners "would have a potential conflict" if he tried the case.

She said her main reason for calling the grand jury was so "citizens of the community would not be forced to gather all the signatures" required to ask for a grand jury. Tuesday such a petition drive was started.

According to Denney, approximately 4,000 signatures are needed on a petition for a grand jury to be considered by a district court judge.

Denney, who as chairman of the Common had the responsibility of presenting the resolution to Van Pelt, first submitted it orally. Later, it was submitted in writing at Van Pelt's request.

Denney said he voted against the grand jury motion because, as a former county attorney, he thought the Common "had no business getting into the actual investigation of a crime" it is "not in the province of our office," he said.

### "Out of place"

Baker said the Common was "out of place" in calling for the grand jury.

"I had not seen any reports," he said. "We were the least informed people in the room."

Cook also said he had seen no reports and that the Common was premature in voting for the grand jury.

He said that since the grand jury's proceedings are kept secret except for the final ruling, the jury might not provide the answers people are seeking.

Sikyta agreed that some questions might be unanswered after a grand jury probe.

He said the Common acted too soon and he, too, had received "no information at all" concerning the Lewis investigation.

Baker also said the Common was the "wrong place" to ask for a grand jury.

Bailey, Robinson, and Colin were unavailable for comment.

County Atty. Ron Lahners said Wednesday he did not want to comment about the appropriateness of a grand jury investigation into the shooting death of Arvid Sherdell Lewis.

"It's a matter of professional ethics," he said.

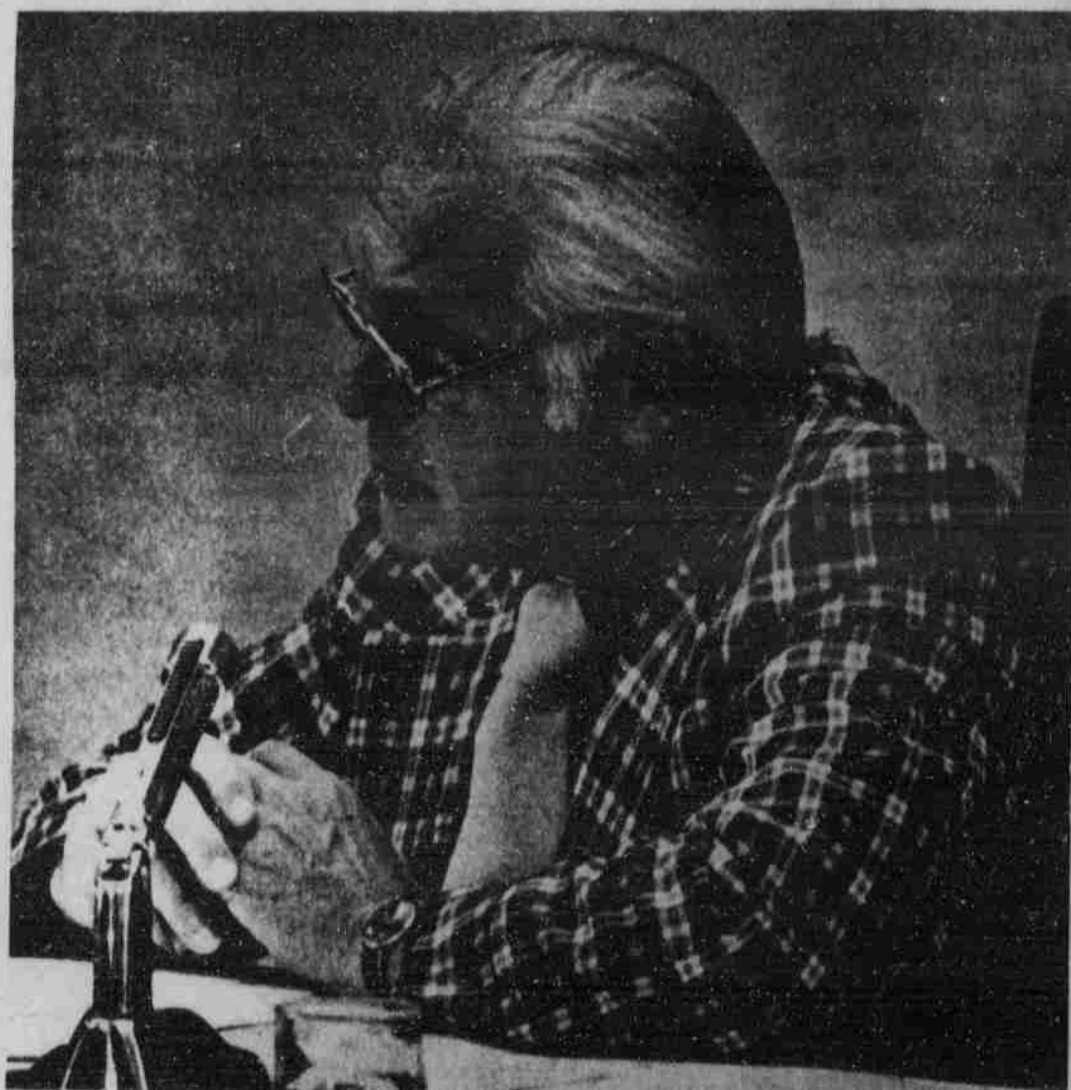
County Sheriff Merle Karnopp said he thinks calling for a grand jury investigation is a "waste of time." Karnopp said he has much respect for Lahners and is sure a thorough investigation has been done.

**Lahners:  
no comment  
on grand jury**



City Councilman John Robinson

Photo by Ted Kirk



City Council Chairman Max Denney

Daily Nebraskan Photo

# Bicycle tire law draws Lincoln dealer opposition

By Marella Synovec

A state law requiring all bicycles to be equipped with special reflective tires after Jan. 1 has caused negative reaction in Lincoln and may be repealed shortly after it goes into effect.

The law, LB827, was passed early in 1974 and requires all bikes with caliper brakes to be equipped with tires with reflecting sidewalls. Caliper brakes operate when a rubber clamp squeezes against the tire rim and are the type of brakes found on multi-speed bicycles.

John Wayne, a bicycle mechanic at Mr. Bike, said the tires, which are made in Taiwan, look like an inexpensive black-wall tire that reflects. Because the reflective strip that is built into the tire does not stretch like the rest of the rubber, the tire is of lower quality, he said.

Wayne said Ken Stevens, owner of Mr. Bike, has been trying to obtain the tires but has been able to get only 10 tires of one size.

However, Jack Smith, national sales manager of Schwinn Bicycles, said the Schwinn manufacturing plant in Chicago

has no problem obtaining reflective tires.

Smith said the retail cost to a bicycle buyer will average \$4 more per bicycle if it is equipped with the reflective tires.

The Chicago plant will make sure the reflective tires will be standard equipment for Nebraska-bound Schwinn bicycles whether the dealers order them with reflective tires or not, he said.

Omaha Sen. Harold Moylan, who sponsored the law said the proposal arose from the State Department of Motor Vehicle's concern for safety. Since more bicycles are coming into use, there was a growing concern for biker's safety, he said.

Although the bill was passed in 1974 it was not scheduled to go into effect until Jan. 1, Moylan said, because it was thought that dealers could obtain the tires if they were given enough time.

Moylan said the Legislature passed the law because it did not foresee much problem.

The law does not include a penalty for bikers who do not have the tires. However it does make it a misdemeanor with a \$25 to \$100 fine for selling bikes without the

tires.

Not including a penalty "practically killed" the purpose of the bill, but it was the only way it would pass, he said.

### "Not satisfied"

Moylan said he is "not satisfied" and does not care "what they do" with the bill now.

"It was strictly a safety measure," he said.

Lincoln Sen. Roland Leudtke said he will introduce legislation early in the next session to repeal the provision requiring the reflective tires.

Because of Leudtke's intent to try to repeal the bill, Mrs. Donald Hill of the Lincoln Schwinn Cyclery said, she and her husband, who operate the store, "haven't tried to get the tires and haven't been encouraging customers to get the tires."

She said they have been equipping bikes with spoke reflectors that achieve the same effect as the law requires.

### No changes

Darrell Brenneise, owner of the Free Wheelin Bicycle Shop, said he's "not doing a damn thing" about the requirement.

Brenneise said his shop is one of the few shops that exclusively handles high-quality adult bikes. He said high-quality reflective tires for his merchandise are not even available.

Safety emphasis was the only justification in passing the law, he said, because "apparently they (the legislators) know nothing about bikes."

The tires do not last and if they get wet or dirty they do not reflect, he said. Light has to strike the tire at a perfect angle for it to reflect, he said.

### Law unique

No other state has a law like it, Brenneise said. New York has a similar law, he said, but that law requires spoke reflectors on the wheel and not in the tire.

He has an attorney, he said, and is willing to fight the law single-handedly if necessary. He said he has advised his customers that the law carries no penalty to the bicycle owner and he does not intend to comply.

Brenneise said it is a non-enforceable law and there is "not a chance that the law will stand."