

Bill banning paraphernalia approved

By Julie Bird

State senators Wednesday approved introduction of a bill to ban sale of drug paraphernalia with a 30-7 vote. LB991 needed 30 votes for introduction because it is past the deadline for new bills.

The Drug Enforcement and Criminal Justice Committee, which has the same membership as the Judiciary Committee, plans a public hearing in Omaha sometime next week, according to committee chairman William Nichol of Scottsbluff. At least seven days prior notice is needed before scheduling the hearing.

Two Omaha World-Herald editorials and subsequent phone calls from worried parents convinced Omaha Sen. Patrick Venditte such legislation was needed, he said. Venditte is a member of the Judiciary Committee.

Venditte has said he wants to protect young people from the enticement of public displays of drug paraphernalia, and said it is wrong for the state to say drugs are illegal but equipment to use them is not.

Misdemeanors

LB991 would make possessing, selling or delivering paraphernalia a misdemeanor. The stiffest penalty would be for delivering paraphernalia to a minor, and would allow for a fine up to \$1,000 and up to a year imprisonment.

Possession would be a Class III-A misdemeanor, with up to a \$500 fine and seven days in prison.

The late date of introduction disturbed some senators, including Sen. Elroy Hefner of Coleridge.

"I'm opposed to this bill not only for what it says but because we have only 28 days left," Hefner said. He was echoed by Sen. Sam Cullan of Hemingford, who said that with 28 days left and some 400 bills still to be considered, Venditte should not have introduced another bill.

Grand Island Sen. Ralph Kelly supported introduction of LB991 and said Cullan should be ashamed for not being willing to "look at what's desired by thousands and thousands of people in the state."

Omaha Sen. Ernie Chambers opposed what he called the "World-Herald bill." He said later that the bill was too broadly drafted and that it would be impossible to tell what would be legal and illegal.

Harassing people

Law enforcement officers would have the opportunity to harass people who are doing nothing illegal, he said.

"Intent is necessary before someone is guilty of a crime, and intent is proven in a courtroom," he said. "The officer doesn't have to prove intent and he can say he thought something would be used for illegal purposes."

Plastic sandwich bags, scales and spoons could be banned under the legislation, Chambers said, and the

burden of proof would be on the citizen to prove that a legitimate item was not being used for illegitimate purposes.

"The bill diverts attention away from efforts to get the pusher, and any legislation not aimed at the pusher is a farce," he said, adding he is not lauding people selling paraphernalia "obviously designed for drug use."

Another opponent of introducing the bill was Lincoln Sen. Dave Landis, who said he didn't think fair deliberation of the issue was possible.

Railroad job

"It's a prime candidate for a railroad job through the Legislature," Landis said. "Given the feeling of the Legislature, and adding quickly assembled public reaction, the amount of media space given to it and the limited time available for action, you get a bill that will be pushed through without a corresponding time for deliberation and study."

The short time available to pass the bill is exactly why one supporter, Sen. Harry Chronister of Schuyler, said he voted in favor of introduction.

"If we vote to kill this legislation, in the meantime there could be lives lost or young lives shattered," he said.

Banning head shops is not a "100 percent answer," Chronister said, because lawmakers "can't legislate people's morals or actions," but he added it might help eliminate a good portion of the problem.

Krivosha: Merit method keeps judges on the job

By Suzanne Sayed

Chief Justice of the Nebraska State Supreme Court Norman Krivosha described the court as being unique in the sense that it treats appeals as rights, rather than leaving them to judges' discretion.

Krivosha, who addressed UNL's Political Science Association Wednesday night, explained that in other state courts, 4,000 to 5,000 appeals are made annually and only about 150 cases are heard.

"Everyone who appeals to the Nebraska State Supreme Court must be heard by one fashion or another," Krivosha said. He added that about 650 appeals are heard each year.

In the major appeal cases, there must be a formal writing, much like a term paper, regarding the court's decision. Every month nearly 40 such writings are submitted, Krivosha said.

The Chief Justice also said the selection of judges to the Nebraska State Supreme Court is different from other states' methods and more beneficial to the system.

He explained that each of the judges are chosen on merit selection.

"The merit selection process is far more beneficial to the court than the process of campaigning for election," Krivosha said.

"It eliminates the improper pressures that can be brought upon the judge," he added. He said it's more important for a judge to research his cases and be knowledgeable about appeals than for him to spend the same time campaigning the county fair.

The Chief Justice, who claims he is

"very fond of the law," said he would not be holding his present position if he would have had to give up the law practice in order to campaign.

All members of the State Supreme Court are required to live in Lincoln, Krivosha said, unlike many of the other states, where each judge lives in his own particular community.

He said that this gives the judges a chance to meet informally twice a day.

"We are able to discuss the conditions of the cases, as well as our opinions," he said. "This is what the idea of appellate jurisdiction is all about," he explained.

Although he feels that many people find it shocking that judges disagree, Krivosha said that it is very healthy for the court.

"The best decisions are reached after a case has been thoroughly fought out," he said.

Krivosha compared the Nebraska State Supreme Court to the United States Supreme Court, saying that he assigns cases randomly to judges rather than on the basis of his own desired outcome.

This prevents favoritism on any certain case, he explained, and also prevents any judge from becoming an expert in any one area.

"It is better for every judge to have a general knowledge of any type of case," Krivosha said.

In conclusion, Krivosha said that he does not think the court is liberal or conservative.

"We are judicious," he said. "Just judicious."

Fleming named chairman of Ag Communications

Richard Fleming, UNL's director of University Information and assistant to the Chancellor, was named as chairman of UNL's Agricultural Communications Department Wednesday.

Chancellor Roy Young said Fleming was recommended to him for the position by Martin Massengale, vice chancellor for the Institute of Agriculture and Natural Resources.

Young said he thought Fleming was a good choice because he worked in the department before and is "well qualified."

Fleming was the assistant extension editor in the department from 1956 to 1963, where he worked on the department's press releases.

Fleming said that he is happy to get back into agriculture communication.

"I want to look over the whole operation and work with the staff," Fleming said. He added that he expects changes in the department as communications technology advances.

He said his new job will include teaching, research and extension activities.

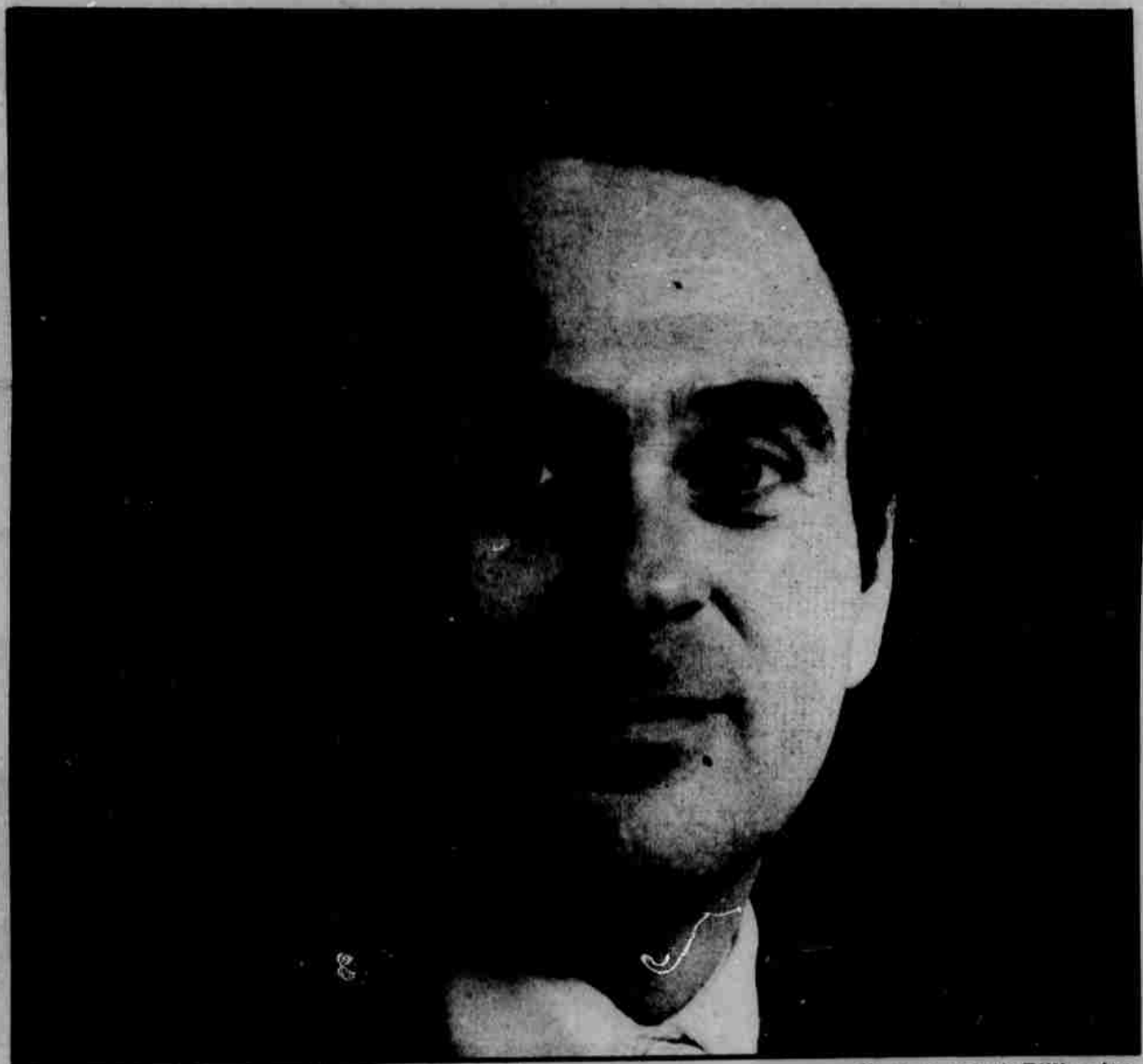


Photo by Mark Billingsley

Norman Krivosha, chief justice of the Nebraska Supreme Court

New party reveals slate

With the filing deadline nearing, a new political party, La Raza Unida, officially announced its candidates for the March 12 ASUN elections.

La Raza Unida, which means "race united" in Spanish, has selected four candidates for office; Carmela Sanchez, representing the College of Arts and Sciences and Rinaldo Lavato, Eric Johnson and Tim Rinne, representing the graduate college.

According to a statement released by La Raza with its filing petition, the party is committing itself to work with the minority class and sexual issues.

Some of the proposals that La Raza supports include:

—Abolition of the UNL Greek system as perpetuating class, race and sexual oppression.

—Abolition of ROTC and other military presences on campus.

—Autonomy for the Daily Nebraskan from the NU Board of Regents and the UNL administration, with newspaper policy determined by staff consensus.

—Return of the 1,300 Krugerrand coins to their "rightful owners" and the divestment of UNL and NU Foundation investments in corporations in South Africa.

—Mandatory ethnic studies classes for students.

—Abolition of NU Central Administration as an inherently autocratic, corrupt and self-serving governing body.

—Founding of a cross-disciplinary department for studies into sexual, racist and classist oppression, and abolition of ASUN in favor of monthly "town hall" type meetings.

The statement also said that all interested students with genuine commitment to minority class and sexual issues were allowed to run as candidates of the La Raza party.

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