

Student's suit scheduled Oct. 30

By Patti Gallagher

A UNL student's claiming denial of First Amendment rights and defamation of character against Randy Essex, Daily Nebraskan editor in chief, is to be heard Oct. 30, said Scott Cook, chief justice of the UNL Student Court.

Cook said UNL student Willie Watters filed the suit last Wednesday. Essex filed answer to Watter's claims Tuesday.

The suit is a result of actions surrounding the James Coe letter incident. Watters wrote two letters to the Daily Nebraskan critical of Essex's involvement in the incident. Neither letter was published.

Essex was part in the transfer of the Coe letter from the Daily Nebraskan office to UNL Publications Board member Hubert Brown. Brown gave the letter to Sen. Ernie Chambers of Omaha.

The May letter concerned Coe's donation of 1,300 South African Krugerrands to the NU Foundation. The donation has been criticized as symbolizing racism.

Watter's letters to the editor, dated Sept. 5 and Sept. 18, were not published, according to Essex, because of the legal sensitivity of the matter. Watters contends the denial to publish the letters constitutes censorship and denies him First Amendment rights.

Number of car fatalities in Nebraska increases

The number of auto fatalities in Nebraska has increased this year, said Steve Anderson of the State Department of Motor Vehicles.

Records at the department show that in the first eight months of last year, there were 182 fatal accidents with 218 fatalities, compared with 219 and 253 this year.

"This is about a 20 percent increase," Anderson said.

Anderson said late night single vehicle accidents are up a "tremendous amount" and have a 1.3 fatality rate per accident. Single vehicle accidents are running off the road and hitting fixed objects. Two vehicle accidents, total accidents and injuries have decreased, Anderson said.

The reason for the fatality increase is not clear, he said. "It's just one of those things we can't put a finger on. But, when you think of late night single vehicle accidents you have to believe drinking was involved."

According to the records at the department, there have been 87 fatalities involving alcohol from January to August this year, compared with 76 during the same time period last year.

Fatalities for the age 19-24 age group have increased from 69 last year to 72 this year. Fewer male drivers have been involved in accidents this year, but the fatality rate has increased from 235 to 268. The same holds true for female drivers—less total accidents but an increase in fatalities from 49 to 61.

Watters further claimed that an Oct. 10 editorial written by Essex implied that he had threatened Essex and defamed his character. The editorial reviewed the content of Watter's letters and outlined the policy for letter publication.

Watters' suit asks for four points. They include enjoining Essex from action as editor, the opportunity to respond and defend himself against Essex's editorial comments, the adoption of a letters to the editor policy consistent with the Daily Nebraskan's goal as a student newspaper and a public apology from Essex.

Essex's answers to Watter's claims asks for dismissal of the case.

According to Essex's answer statement, the plaintiff's petition lacks jurisdiction within the student court and cause of action.

Essex maintains that there exists no "constitutional right to have a letter to the editor published" and that Watters has failed to show how he was defamed.

Essex's statement said the Publications Board is the only body delegated to responsibility to Daily Nebraskan action, by mandate of the NU Board of Regents.

Because the Publications Board has heard Watters' complaints and taken no action, Essex said he asked for the dismissal.

Cook declined comment on the case because of conflicting viewpoints. He said that when the court convenes, it will first consider Essex's dismissal.

If the case is not dismissed, Cook said, Essex will then have four days to prepare a defense to Watters' suit.

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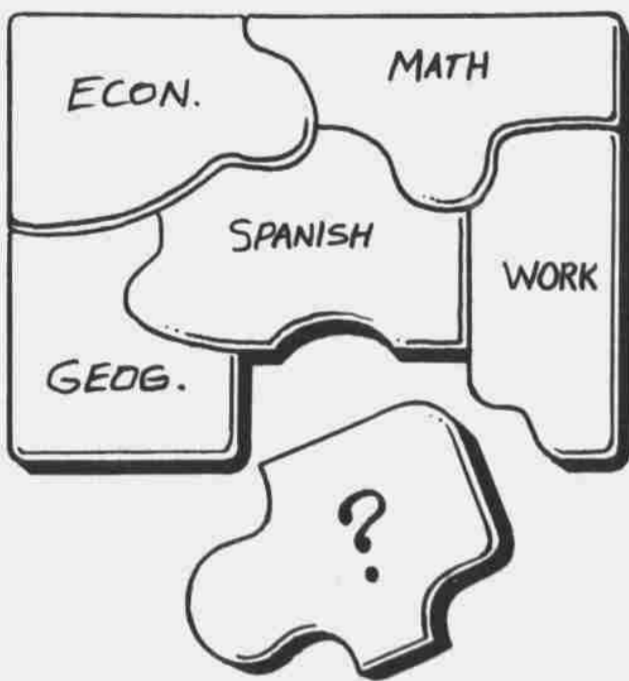
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