

## Simmons re-elected; Payne will replace Raun

By Jim Faddis

Nebraska voters Tuesday returned incumbent Robert Simmons to the NU Board of Regents and elected Kearney furniture businessman John Payne to replace the retiring Robert Raun as the 7th District regent.

In the 6th District, Simmons received 33,680 votes to his opponent James Zimmerman's 31,627. In the 7th District race Payne got 38,711 votes to 35,821 for his opponent Don Blank, McCook mayor and dentist.

Payne said the fact that he was from the more populous Buffalo County might have made the difference in the race. Blank agreed and said that Payne got 3,000

more votes in Kearney, which gave him the edge.

Payne also spent more money on the campaign and used more advertising, which Blank said, could have made the difference in the race.

"He (Payne) spent more in the primary than the other three candidates put together," Blank said.

Payne said he needed to spend the money to overcome the advantage Blank had in name recognition. Blank was widely known because of his unsuccessful 1974 bid for the Republican nomination for the 3rd District House of Representatives seat, Payne said.

Both Payne and Blank said there was not much difference between them on the

issues. Both had said that NU's request for an 18 percent budget increase was too high.

"Payne did hammer away on the fact that there is already two doctors on the board and that he felt there is a need for a businessman to be on it," Blank said.

Payne said he will work to maintain NU's high standards in a way that is "more efficient."

In the 7th District, Simmons won because he spent more on the campaign and because he was better known in the area, Zimmerman said.

"This was my first time out of the blocks and we came close. But it boiled down to how much each of us was willing to spend," Zimmerman said.

Simmons said he and Zimmerman agreed on most of the issues, including the idea that NU needs to reduce expenses, but that his knowledge of the university made the difference.

Both Zimmerman and Simmons are Scottsbluff attorneys.

Zimmerman said he got "a lot of positive feedback" from his campaign. He said many people feel Simmons has not been effective as a regent.

"His ideas are right but his methods are wrong," Zimmerman said.

Simmons said he will continue to work to improve the university and will try to implement some of the items in the regents' five-year plan.

## Police investigate Westbrook thefts

Either football Saturdays are bad luck for University Police or somebody has decided to make theft a professional occupation.

Westbrook Music Building was broken into again during the Missouri-Nebraska game Saturday, and police suspect that more than one person was involved.

As in other recent cases, entry apparently was gained with a key, police said. According to Cpl. Ron Lundy, the building was secured and all inner doors were locked when he checked before the game.

This narrows down the suspects, Lundy said, because police assume that the offender has a key. However, he said, there could be several ways a person could have obtained a key.

All of Saturday's thefts took place in room 130, between 1 and 4:45 p.m. and a total of \$190 in personal property and cash was stolen.

One victim lost a jacket valued at \$15, while another lost \$25 in cash. Another student reported a square gold pocket watch, valued at \$45, and \$10 in cash missing. A fourth victim reported a brown suede coat and sunglasses missing. They were valued at \$95.

Another incident that took place during the game involved two men from Missouri. They were seen pouring Coca-Cola over several items at a Big Red concession stand in the southwest corner of Memorial Stadium. Damage to Big Red merchandise was valued at \$211.

Police were notified and the owners of the merchandise said they would not press charges if reimbursements were made.

The two men agreed to pay the money and the case was dropped.



Daily Nebraskan photo

Where Nebraska children once learned the three R's, a boarded-up country schoolhouse remains with only a cornfield for a friend.

## Paraphernalia game aims to show law's defects

By Patti Gallagher

"What Is Paraphernalia; What Isn't?" is the name, and picking out pipes is the game. The game and its name are part of a contest beginning Monday at Jeff's Pipe Shop, 227 N. 11 St.

Owner and operator Jeff Ferber said the contest is to illustrate the vagueness and unconstitutionality of a Nebraska law, formerly LB991. The law, nicknamed the Bong Bill, is designed to prohibit the sale of any apparatus used with controlled substances.

Ferber and other pipe shop owners from Lincoln and Omaha will appear in 8th Circuit Court of Appeals Nov. 14 against the state. They will attempt to prove, as in former litigation, the law is unconstitutional.

The case was heard earlier this year in Federal District Court, Ferber said, where the law was upheld. During that case, however, the phrase "reasonably should know" was struck from the bill.

The phrase was meant to define intent of use when purchasing pipes, according to Ferber.

January decision

He said a decision on the case is not ex-

pected until after Jan. 1. If the owners lose they will bring the case to the U.S. Supreme Court. If the state loses, Ferber said he expects it also will continue to the Supreme Court.

Jeff's Pipe Shop, and other shops that may or may not sell paraphernalia, can legally operate until a decision is reached because the law is enjoined while its constitutionality is being tested, he said.

Ferber said that during the federal court trial, a narcotics agent was shown several pipes and asked if they were paraphernalia or tobacco pipes.

He identified all as paraphernalia, but "none came from so-called head shops," Ferber said.

The agent was also asked to smell the resin screen on the pipes to determine their use. He said all smelled of marijuana, while actually each had been used with either tobacco or nothing, Ferber said.

Impossible to enforce

Ferber said the law presently is impossible to enforce because of its wording. It has several "intent factors" within it, attempting to define a pipe as paraphernalia by the intent of its use.

Ferber said he will use some of those "intent factors" in the "pick the paraphernalia" contest.

Comments heard or stated by buyers or sellers of pipes indicating their use is one intent factor, Ferber said. A statement such as "this is a real neat hash pipe" would be sufficient evidence of intended use of the pipe, Ferber said.

He said if someone were to walk into his shop today and clearly state that the pipe he or she wished to purchase was intended for use with a controlled substance, he would not do anything.

But if the law were in effect, he said he probably would enforce the statement intent clause, and refuse a sale.

Regulatory bill

Ferber said that when the bill first came out, he supported it. At that time it was a regulatory bill that prohibited persons 18-years-old and younger from purchasing suspected paraphernalia.

Eighteen-year-olds should be prohibited from using controlled substances, just as they are prohibited from tobacco and alcohol use, he said. But adults should have a choice to purchase smoking materials of their preference, he said.

Jeff's Pipe Shop has been open "a couple of weeks," Ferber said, filling the space vacated by Dirt Cheap Pipe Shop at the end of August. Dirt Cheap moved out for personal reasons, and because they were tired of legal hassles, he said.

The "What is Paraphernalia; What Isn't?" contest will run through Nov. 17. Contestants need only stop at Ferber's shop, and identify which of the five or six pipes displayed are paraphernalia. Ferber said a prize has not yet been determined.

### inside thursday

**Czech Chucked:** UNL now will offer Czech language every other year rather than every year . . . . . Page 2  
**A Gift for the Bizarre:** A little bit of skin, the avant-grade and New York City keeps local giftshop Footlights going . . . Page 8  
**Records can be misleading:** Kansas State's 2-6 record belies the team's strength . . . . . Page 10