

daily nebraskan

Director doubts UNL police's searching policy

By Roger Aden

UNL police are enforcing a new policy concerning the searching of residence hall rooms for illegal drugs, but the executive director of the Nebraska Civil Liberties Union says he has serious doubts about the validity of that policy.

The policy states that police officers who have probable cause to believe that drugs are in a room may enter the room even if the residents refuse.

They may "freeze" the situation, said a UNL police investigator. "Freezing" means not allow anyone to enter or leave the room or change evidence, he said. Police may do this if they believe that possible evidence is being destroyed or the perpetrator of the act is fleeing, he said.

The investigator, who wished to remain unidentified for security purpose, said while the situation is frozen, another officer will get a search warrant and return with it to search the room.

The investigator said that in the past police asked the room residents if they would consent to a search. If they refused, he said the officer(s) would leave and get a search warrant without freezing the room.

"The way I understand it (the policy), it could go either way," he said. "Some people could argue that the student's right to privacy is being upheld more by the courts since officers have to have a search warrant to search."

"But also, I can see the courts infringing upon students rights by allowing officers to enter the room without a

search warrant. But until we have a case, it's hard to tell which view will influence legal opinions."

Policy is same

Clifton Koch, assistant chief of the Lincoln Police Department, said the UNL Police's policy is basically the same as any other policy used throughout the United States.

"If they (the officers) feel that possible evidence is being destroyed, they can enter the room," he said.

Gary Lacey, deputy county attorney, said officers may be correct in "freezing" the room if they have a clear picture in their minds that possible evidence is being destroyed.

"For example, if they (the officers) have information that marijuana is being smoked in a room and they arrive and smell the smoke or find a damp towel under the door, then knock on the door and hear a toilet flush, I feel they could properly seize the room," he said.

Dick Kurtenbach, executive director of the Nebraska Civil Liberties Union said consultation with an NCLU cooperating attorney, Pat Williams, about the policy raised doubts in his mind about the validity of the procedure.

"There's such a thing as a 'no-knock' warrant available," Kurtenbach said. "It requires more cause than a regular search warrant, but if the officers have reason to suspect drugs are in the room they should get such a warrant."

However, Kurtenbach said the NCLU would reserve a definitive statement on the matter unless a specific complaint is received from a student.

RHA heard policy

When the new policy was explained at last week's meeting of the Residence Hall Association, several questions concerning room searches were brought up by RHA representatives. The investigator answered those questions.

People in the room at the time of the arrest can be detained by the police, the investigator said, but he stressed that a person won't be held needlessly.

"You have to be purdent about this type of thing," he said. "If there are 12 people in a room, you have to kick the others out and talk to the residents of the room, kick the others out and find out what's going on."

"Besides," he continued, "if they're a student here they'll have an ID card. We'll know where to find them if we have to."

The investigator said in some cases there's the possibility that both sides of a room will be searched, but he said it all depends on how the search warrant is written.

"We'll probably only write a search warrant for one side of the room," he said, "but the rooms are small and provide freedom of movement so we might search both sides. But when we take the warrant to the judge to be signed, maybe he won't see it that way."

According to the investigator, there is always the possibility that the policy will be changed.

"Search and seizure laws are like dust in the wind nowadays," he said. "It (the policy) could realistically change three months from now. It wouldn't surprise me at all."

Increased awareness said key to hypnosis

By Jeff Goodwin

Everyone has the ability to use hypnosis, a Lincoln dentist who uses hypnosis to control his patients' pain told listeners in the Nebraska Union main lounge Thursday afternoon.

Dr. Earl Lampshire said the key to hypnosis is a state of increased awareness.

"This is something you all have," Lampshire said. "The thing people have to do is get their mind on just one thing."

Lampshire defined hypnosis as that which occurs whenever someone says or does anything that causes a person or people to act or think differently than they otherwise would.

"When you change someone's thinking, you're using hypnosis," Lampshire said.

But most people are not trained to use all of their mental abilities, he said.

"By using these abilities you can change your life and the lives of others," he said.

Lampshire said people have many misconceptions about the nature of hypnosis.

"Stage hypnotists want you to think that they have a special power," he said. "Hypnosis isn't a power, it's a skill. And everyone has that skill."

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Photo by Kent Morgan Olsen

Debbie Rudolph, a senior broadcasting/home economics major, pulls the weight as her son, Kent, 22 months, adds to his collection of autumn colors.

Senator Wesely moonlights for insight

By D. L. Horton

Don't be surprised if the man pumping your gas this month turns out to be your state senator.

Sen. Don Wesely of Lincoln has been spending part of his time working various part-time jobs in his district. He worked in a bank last month, is working as a station attendant in October and as a clerk in a grocery store next month.

Wesely said he got the idea last summer. He said the idea was not a campaign ploy and the media have misinterpreted his intentions. He said his jobs are a learning experience to get a better understanding of different businesses and the people who work there.

Wesely said legislators too easily can fall into the rut of only talking to people who take an active interest in state government, such as lobbyists. He said his working is an attempt to avoid this rut.

Wesely said he has been getting positive responses from people he meets at his jobs, adding that people remember

that he's working at different jobs but not his position on bills. Wesely said meeting constituents in a setting they're comfortable with might encourage them to take more interest in government.

"You have to keep doing jobs like this just to remember how hard it is," Wesely said of his part-time jobs and his teaching at Southeast Community College.

Wesely added that because senators are only paid \$4,800 a year they have to find other jobs to support themselves. He said it is difficult to find jobs that fit into a senator's schedule. He said he also has tried to find jobs that resemble ones his constituents hold.

Wesely called his "double identity" one of the best things he has done in the Nebraska Legislature. His experience will affect his views on legislation in the next session, Wesely said.

He said he has learned that people are concerned about issues that he had not been aware of in some cases. For example, people who stopped at the gas station were concerned about drivers of diesel cars evading fuel taxes by using home fuel oil in their cars.

Wesely said he has been handing out questionnaires to people he meets in his jobs and has been getting valuable opinions from them. He added that even if people don't return the questionnaire, they at least have an idea of what bills are being considered in the Legislature.

Wesely said he will continue to work in his part-time jobs during interim sessions but will work full time in the Legislature once it's in session next year.

inside friday

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