

**WEATHER:** Tuesday, mostly sunny and breezy. High in the upper 50s to mid-60s. Tuesday night, fair and cold. Low in the upper 20s to mid-30s. Wednesday, mostly sunny. High in the 60s.

# Daily Nebraskan

**Inside:**

News Digest .....	Page 2
Editorial .....	Page 4
Sports .....	Page 7
Entertainment .....	Page 9
Classified .....	Page 10

October 6, 1987

University of Nebraska-Lincoln

Vol. 87 No. 29

## Student pleads guilty in shooting

By Anne Mohri  
Staff Reporter

A University of Nebraska-Lincoln student pleaded guilty Monday in Lancaster County Court to a pellet-gun shooting Thursday at UNL.

Albert L. White, a junior, was charged with second-degree assault.

UNL police arrested White Saturday at 10 p.m. at the Harper-Schramm-Smith residence hall complex in connection with a shooting in the complex courtyard, said Lt. Ken Cauble of the UNL Police Department.

White allegedly shot out of a window from the sixth floor of Harper Hall and hit UNL student Kevin Bartels in the left shoulder.

White became a suspect after UNL police received information from students and staff in the residence hall complex.

County Attorney Jan Sharp decided that White's alleged act was a Class 4 penalty. Through this decision, White faces up to five years in prison and a \$10,000 fine.

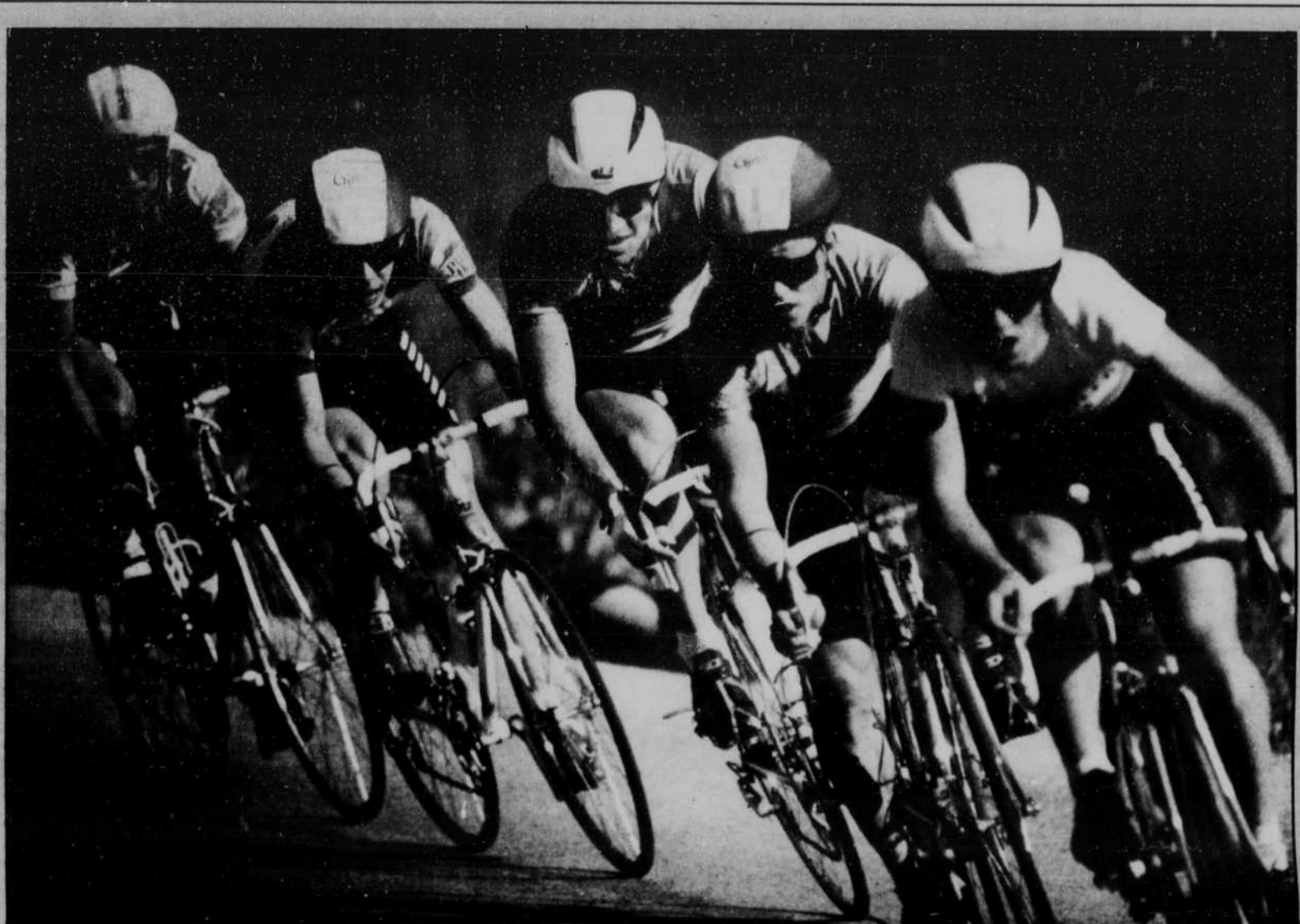
The pellet gun White allegedly used belonged to someone else. Cauble was unable to release the name of the owner of the gun because the person also may be involved. Cauble said the owner's name was withheld pending a decision from the county attorney.

White said he did not shoot to hit anyone in particular.

"I didn't know him. It was just a joke," White said before Monday's arraignment.

White's court date is Oct. 13.

Bartels was treated and released from Lincoln General Hospital Thursday. He said his shoulder is sore, but won't require surgery. He said doctors plan to leave the pellet in his shoulder.



Doug Carroll/Daily Nebraskan

### *They're coming around . . .*

**Hajo Drees, center, rides near the front of the pack in the Alpha Xi Delta/Nebraska Racing Team Classic Bicycle race at Southeast Community College Sunday.**

**Drees, a University of Nebraska-Lincoln graduate student who won the I, II, III category race for the second year in a row, was born in Hanover, Germany, and is now a teaching assistant for German 101. Drees races for the Cycle Karl Racing team of Tulsa, Okla.**

**Proceeds from the race go to the American Lung Association and ALS (Lou Gehrig's disease).**

# Bork delay could cause legal tangles

By Mary Nell Westbrook  
Staff Reporter

The U.S. Supreme Court could get hung on split decisions until a ninth justice is appointed, said Nebraska Supreme Court Justice Thomas Shanahan.

The Supreme Court began hearing cases Monday even though it is shy one justice because of the continuing controversy over nominee Robert Bork.

The Senate Judiciary Committee will vote on Bork's nomination today.

"The court certainly has a mechanical defect," Shanahan said, because the court might be split on a decision with a 4-4 vote. In that case, lower courts' decisions would stand.

"It's not so much an action by the Supreme Court," he said, because

without a majority decision, the court can't overturn any decisions.

Some cases might go through the incomplete court and come back on appeal, he said.

"In the past, when a justice was sick, cases were put on the docket and the others were treading water until the ninth returned," he said.

Some cases may not get the benefit of a decision on merit if the court comes up a 4-4 vote. The lower court decision will have to stand, Shanahan said.

"It will definitely be interesting to see what happens," he said.

John Gruhl, a University of Nebraska-Lincoln professor of political science, said this could pose problems with more important cases. The court may choose to hold on to these cases until there is a full court, he said.

Some of the cases scheduled to

come before the court include the constitutionality of a New Jersey moment-of-silence law that some say is a ruse to allow prayer in public

**'It will definitely be interesting to see what happens.'**

**— Shanahan**

schools.

Gruhl said another important case will involve parental permission for a minor's abortion. The case before the court will involve an Illinois law that

requires a 24-hour waiting period for minors to receive permission from their parents or get a judicial waiver.

A freedom-of-press issue will be decided on whether the First Amendment allows high-school newspapers to run articles about pregnancy and divorce.

Another major issue is the death sentence for children. An appeal by William Wayne Thompson of Oklahoma is coming before the court for a murder he committed when he was 15.

But politics may prevail on the bench. Some conservatives may want to postpone major decisions while they wait for conservative Bork to be confirmed, Gruhl said.

On the other hand, he said, the liberals may want to push the cases through before the Senate confirmation.

Voting will be the biggest problem for the justices, he said, because "it will be real unsatisfying to have a 4-4 vote." Then it's not a clear precedent, he said.

In 1975, Supreme Court Justice William Douglas had a stroke and remained on the court for 11 months after, Gruhl said. He was on so much medication that he couldn't stay awake during court and wasn't sharp, he said.

In that case, the court held some of the more important cases over if a split decision appeared likely, Gruhl said.

Even if Bork is confirmed, he will have missed out on the opening arguments and won't be able to make a decision, he said.

"Problems will come up no matter what happens, at least for a few cases," Gruhl said.

## *Senators debate options to improve faculty salaries*

By James M. Lillis  
Senior Reporter

While Nebraska senators in appropriations and revenue committees agree there will be no extra money for faculty salaries at the University of Nebraska next year, they disagree on what to do about it.

Some senators say the state could raise taxes in order to raise revenue for faculty salaries, but others say the university should cut back on programs and faculty and use that money

to raise faculty salaries.

Appropriations Committee Chairman Sen. Jerome Warner of Waverly recently said the only way to increase revenue would be to raise tax rates.

Revenue Chairman Sen. Vard Johnson of Omaha disagreed. He said Nebraska taxpayers should not pay additional taxes to raise revenue for academics at NU.

"First, there should be a little less despair on the part of academics," Johnson said.

He said the Legislature increased

the budget by 7 percent this year, as opposed to 3 percent in previous years.

Johnson also suggested that the university needs to close more programs. He said there has been a 30 percent decline in agriculture-program enrollment, but the numbers of teachers in that area have remained constant.

Sen. Shirley Marsh of Lincoln said she didn't think streamlining faculty members will solve the problem.

"You can only go so far, then you

start chopping bone," said Marsh, an Appropriations Committee member.

Johnson said raising tuition would be another solution to the problem.

"The university's tuition is lower than those of its peer group," Johnson said. "Take the law-school tuition. It's 60 percent lower (than law colleges at peer universities)."

Johnson said he would support raising taxes for Gov. Kay Orr's \$4 million plan to improve research at NU.

"I would rather put my money there than pay for increases in academics," Johnson said.

"That comes down to what you believe to be the backbone of the university," said Sen. Scott Moore of Stromsburg.

Moore, an Appropriations Committee member, said he thinks faculty salary money could be raised by reimposing the old food sales tax which was removed in 1983.

See **SALARY** on 6