

It's about time

Residency requirements should be raised

Regent Don Blank's push to heighten residency requirements is long overdue. The requirements are too easy to meet. Out-of-state students are coming to Nebraska for tuition rates that are cheaper than those in their own states, putting an undue burden on the university's resources.

"It is a sham," Blank said. He is right on the money. Nebraska citizens pay taxes, and those taxes should go to support Nebraska students' educations, not subsidize out-of-state students. All out-of-state students can prove residency merely by living in the state for six months and getting a few credentials, such as a driver's license and checking account.

These credentials are simply too easy to obtain. And an out-of-state student who has lived in the state for six months is simply not a resident. These students are coming to the University of Nebraska-Lincoln for a cheap quality education and taking money from taxpayers. Nebraska students attending out-of-state universities don't find the same benefits.

UNL is already strapped for funds from the state. Liberal residency requirements exacerbate the situation.

Upping the requirements might deter a few potential out-of-state students, who are valuable to a diverse university atmosphere. But out-of-state students should be attracted by UNL's quality, not its cheap tuition.

Changing residency requirements would make the system more fair to Nebraskans and put their tax dollars to the use they were meant for — educating Nebraskans.

— Victoria Ayotte
for the Daily Nebraskan

Trickle down

Regents should examine hiring methods

The gender equity committee established by the NU Board of Regents has made a strong start by calling for accountability from the top.

Regent Charles Wilson of Lincoln, who leads the committee, at its latest meeting urged examining the hiring and promotion practices of administrators.

Such performance reviews would be sure to pinpoint where the problems are and what is needed to solve them.

The university, like every bureaucracy, is structured from the top down. To make significant change in a system that has women achieving far less salary and promotion levels than men must start where the decisions are made.

Such a move might make administrators defensive, but it would be certain to make them look at their behavior. Such a review also would prompt those lower down to examine their practices.

This trickle down theory would be do more than pay lip service to gender equity. It would provoke results.

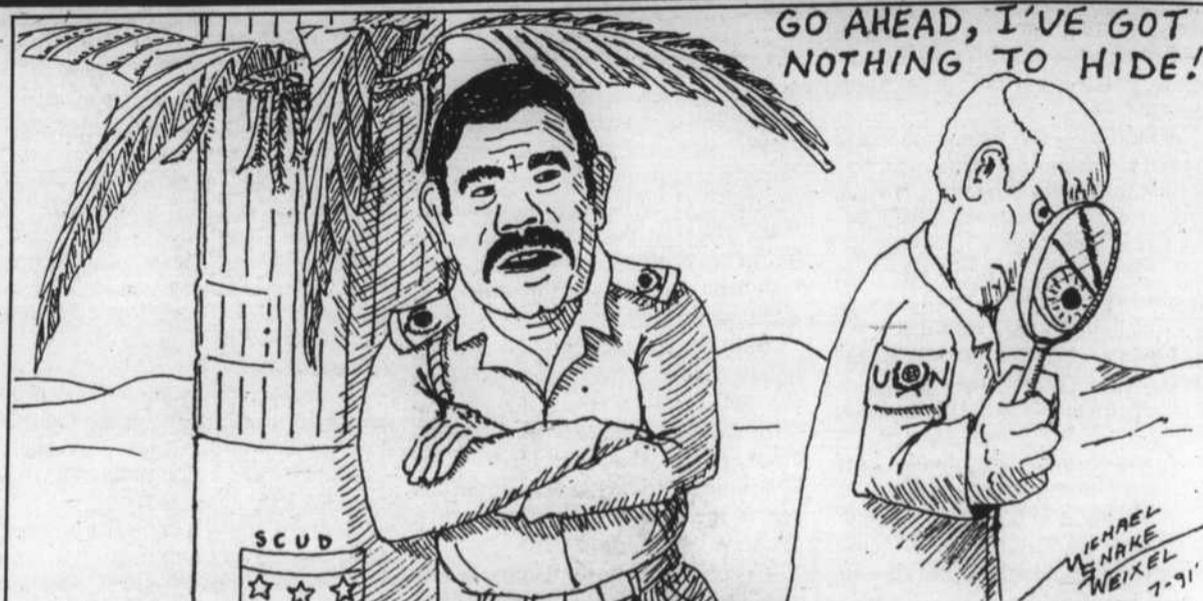
— Victoria Ayotte
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EDITORIAL POLICY

Editorials represent the opinion of the Summer Daily Nebraskan.

The Daily Nebraskan's publisher is the NU Board of Regents, which established the University of Nebraska-

Lincoln Publications Board to supervise the paper. According to the board's policy, responsibility for the editorial content lies solely in the hands of the newspaper's student editors.



CHRIS POTTER

Conservative court will assault precedents

Within a period of one year the highest judicial authority in the United States has sharply curtailed the rights of the convicted, fully granted hitherto restricted powers to law enforcement authorities, muted discussion of the abortion alternative in clinics, ruled that news organizations are not protected under the First Amendment when violating promises of confidentiality, and allowed states to prohibit nude dancing.

This recent spate of Supreme Court decisions can only be described as the beginning of a massive conservative challenge to the body of progressive rulings built up by the Warren and Burger courts of the past 40 years. In the words of departing Justice Thurgood Marshall, it is a prelude to "a far reaching assault upon this court's precedents."

As a political institution, the court is the most authoritarian branch of a democratic government. Presidents may be voted out of office or impeached. Members of Congress, too, can be voted out. But justices of the Supreme Court are members for life once appointed by the president and confirmed by Congress. The only check on judicial power is the Constitution, which is notoriously subject to interpretation and often simply does not speak to every issue presented before the court.

Largely isolated from checks on power, the court decides matters of paramount import. Both *Brown vs. Board of Education*, the landmark decision that forced desegregation in schools, and *Roe vs. Wade*, which struck down state laws that prohibited abortion, attest to the court's ability to adjudicate matters that strike at the heart of every one of our lives.

But for all their importance, the court's decisions go largely unnoticed. They do not captivate as presidential wars and congressional scandals do. Their legalistic phrasology more often draws yawns than interest, even when enlivened by the news media. As a result, a massive change in the legal framework of our nation proceeds unhindered by public attention.

After the reforming Warren Court



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of the '50s and '60s initiated desegregation, enhanced civil liberties, and disallowed school prayer, the progressive Burger Court of the '70s upheld forced student busing to achieve racial integration, clamped restrictions on the death penalty, and struck down laws forbidding abortion. But now the progressive majority of the court has flagged. Two of the last stalwarts of old guard progress, Justices Brennan and Marshall, recently have left the bench. Stocked with the appointees of Presidents Nixon, Reagan, and Bush, the court has edged closer to a conservative majority.

Recent rulings confirm this assessment. The most striking of these have been in the area of criminal law. Even while videotapes of police beatings in Los Angeles and Houston reveal what must be only a tiny fraction of all police brutality, the court is extending even more power to law enforcement authorities and steadily eroding civil liberties. In the case of *Florida vs. Bostic*, it ruled that law enforcement officials may board buses and search luggage at random after asking permission. In *Arizona vs. Fulminante*, it ruled that coerced confessions do not automatically invalidate convictions. In *County of Riverside vs. McLaughlin*, it ruled that persons may be held in jail for as long as 48

hours without a court-issued warrant.

The Court's criminal law rulings have been most striking, but perhaps equally ominous are its rulings on free speech. In *Rust vs. Sullivan*, it upheld with a slim 5-4 majority federal regulations that prohibit even the mention of abortion in family planning clinics that may receive federal funds. Not only does this clamp limits on a doctor's free speech, it also invades the hitherto sacred doctor-patient relationship. In *Cohen vs. Cowles Media*, the court ruled that news organizations are not protected by the First Amendment if they break promises of confidentiality to sources. Practically, this means that sources in places of power may remain unnamed when revealing crucial information, which may be dubious in such a shroud of anonymity. In *Barnes vs. Glen Theater*, the court allowed states to prohibit nude dancing, an art form admittedly on the fringe of what reasonably may be construed as free speech, but nonetheless close enough to make the ruling worrisome.

The vacancy on the court left by Marshall is soon to be filled by a Bush nominee who will doubtless be conservative and inclined to join the recent assaults on progressive precedent. Barring some scandal, Congress almost certainly will confirm Bush's first nominee, Judge Clarence Thomas. Invariably described as a conservative, Thomas is a black man who rose from poverty and racial oppression to the highest echelons of the legal profession. The nation could doubtless expect highly judicious and humane decisions from Thomas, but his opposition to Affirmative Action may threaten recent strides made toward racial equity.

With the new Bush appointee, the court's composition will be fixed for a long period. A conservative attitude will quicken and reactionary majorities will solidify as the conservative court continues to overturn the precedents of the Warren and Burger courts. And Americans can only sit back and watch.

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