

Daily Nebraskan

November 30, 1992

University of Nebraska-Lincoln

Vol. 92 No. 67



MONDAY

38/22

Mostly sunny today. Partly cloudy tonight, and a bit warmer tomorrow.



Shaun Sartin/DN

The eyes of Christmas

Whether ringing bells on street corners or coralling streams of children in shopping malls, Santa Claus has definitely come to town. Story on page 4 of the Holiday Supplement.

Doctors suggest moving Baldwin

By Chuck Green
Senior Reporter

Former University of Nebraska-Lincoln student Andrew Scott Baldwin may be moved to the Lincoln Regional Center, his attorney said.

Hal Anderson said Wednesday that three doctors who examined Baldwin recommended that he be admitted to the regional center for treatment.

The doctors have determined Baldwin is mentally ill and dangerous, and shows signs of schizophrenia, Anderson said.

Anderson's comments came after a hearing Wednesday to decide the future treatment of Baldwin, who was paralyzed from the chest down after being shot by an Omaha police officer Sept. 5 during what doctors called a psychotic episode — his second in 10 months.

Baldwin was found not guilty by reason of insanity in the Jan. 18 beating of Gina Simanek Mountain, who was leaving home to walk her dog when Baldwin attacked her.

District Court Judge Paul Merritt committed Baldwin to the St. Joseph Mental Health Center in Omaha on Sept. 2 on an outpatient treatment program, which allowed Baldwin to

self-administer daily doses of lithium, an anti-depressant.

Three days later, Baldwin was shot during a scuffle with Omaha police after he allegedly tried to throw himself through a glass door at an apartment building.

Lancaster County Attorney Gary Lacey asked Merritt to place Baldwin in the regional center for his own safety, and the safety of the public.

"It's important that he's at the regional center where people can keep close tabs on him," Lacey said.

Lacey said Baldwin posed more of a threat to himself than to others, but that "he could be dangerous to others, too, at some point."

Anderson agreed that Baldwin should receive treatment at the regional center, but requested that Baldwin not be confined to the security ward.

Lacey said the state would pay the cost of committing Baldwin to the regional center.

Anderson said he hoped Baldwin eventually could be transferred to a mental hospital in New Jersey, his home state.

"He needs to be with his family right now," Anderson said.

Baldwin's next hearing will be after his annual review in August, unless he requests an earlier hearing.

UNL graduate student's arraignment postponed

Civil rights case filed by McElroy

From Staff Reports

A University of Nebraska-Lincoln graduate student's arraignment has been postponed

for another week.

Arthur McElroy of Bennet appeared in Lancaster County District Court Wednesday, but the arraignment was delayed. He is scheduled to reappear in court this Wednesday to

See MCELROY on 6

Spending limits unconstitutional, official says

By Susie Arth
Senior Reporter

The question of placing campaign spending limits on ASUN elections is not an issue at all, a member of ASUN's Electoral Commission said.

"It's sort of a non-issue," Jason Krieser said. "It needs to be understood that it's not a matter of right or wrong."

"It's a matter of what's constitutional." By a 12-8 vote, the Association of Students of the University of Nebraska rejected a proposal Nov. 18 to eliminate spending limits.

But Krieser said a 1976 U.S. Supreme Court decision, Buckley vs. Valeo, outlawed spending limits for candidates running for political office. The ruling applies to the ASUN elections



— “*It's sort of a non-issue. It needs to be understood that it's not a matter of right or wrong. It's a matter of what's constitutional.*”

Jason Krieser
member of ASUN Electoral Commission

because the university is a publicly funded institution, Krieser said.

Krieser said Richard Wood, the general counsel for the University of Nebraska, agreed with the Electoral Commission that spending limits were unconstitutional.

Krieser said the Electoral Commission met Tuesday to get input from senators, but only Electoral Commission members were present.

Krieser said the Electoral Commission planned to resubmit the same proposal to the senate.

One possible scenario, he said, was the

Electoral Commission resubmitting the proposal, the senate voting it down and ASUN President Andrew Sigerson vetoing it.

In this case, the proposal would be brought to the Student Court to be reviewed, Krieser said.

The Student Court is writing an opinion on the case, but cannot release a ruling until the proposal either is adopted with spending limits or vetoed without them.

ASUN now is without any election rules, Krieser said, because it is the duty of the Electoral Commission to review and resubmit the election rules each year.

Last year, campaign spending was limited to \$3,500. He said there had been spending limits on ASUN elections for at least 10 years.

But Krieser said he hoped the senators would have a change of heart and would resolve the issue by Jan. 11.

"We hope to convince them that our proposal is worthy of being passed," he said.

Chartered plane ride leaves regent disgruntled

By Chuck Green
Senior Reporter

A chartered airplane ride for two University of Nebraska regents has created turbulence between them and at least one other board member.

Regent Don Blank of McCook and Regents Chairman John Payne of Kearney flew to Lincoln Nov. 15 for an informal meeting at the home of Regent Charles Wilson to discuss NU President Martin Massengale's performance evaluation.

Regent Nancy Hoch also attended the meeting, but drove from her home in Nebraska City,

Blank and Payne chartered a plane out of McCook for the trip, which Blank said cost \$819. The flight was paid for with state funds.

Blank said the trip was nothing out of the ordinary and that planes often were chartered when regents or other officials attended meetings outside of Lincoln.

"I really don't see this as a problem," he said. "It's no different than if I would have felt the need to meet with Massengale for coffee. If I need to talk with him about something dealing with the university,

then it's university business."

Regent Rosemary Skrupa of Omaha said that since the meeting was unofficial, however, the flight should not have been chartered at the state's expense.

"My thought is that if this were sanctioned university business, (Blank and Payne) should have been reimbursed," Skrupa said. "But if it was just an informal rap session, which they've already said it was, I don't see that as sanctioned university business."

The NU Board of Regents bylaws state that members "serve without compensation, but shall be allowed actual travel and other expenses in conjunction with official duties, and

shall file statements of expenses monthly as provided by operating rules of the university."

But the bylaws are not specific on whether informal meetings that are not official board or committee meetings are included in the compensation rule.

Payne said he thought all university business — including informal meetings — was covered under the reimbursement rule.

"We're supposed to get reimbursed for university business," Payne said. "This was university business."

Richard Wood, NU's vice president and

See REGENTS on 6