

# Daily Nebraskan

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**AUGUST 30, 1994**

## Many question Otey's scheduled execution

### No legal grounds to base appeal on, state's brief says

By **Brian Sharp**  
Senior Reporter

Harold Lamont Otey has no legal grounds on which to base his recent civil rights appeal, according to a brief filed by the state in the Eighth Circuit Court of Appeals on Monday. The state's brief, filed with the 8th U.S. Circuit Court of Appeals, argues that Otey is further attempting to stall the carrying out of a legitimate criminal judgment by arguing that the

Board of Pardons gave him an unfair clemency hearing.

"In urging his theories upon this court, Otey does not seek to serve the interests of justice, comity or federalism. He simply seeks the only effective refuge he has found from assuming responsibility for his criminal acts. He seeks yet another day in court," states the brief signed by Assistant Attorney General Kirk Brown and approved by Attorney General Don Stenberg.

Otey, 43, was convicted in the 1977 rape and murder of Omahan Jane McManus. His Sept. 2 execution would be the first in Nebraska in 35 years.

The appeal will be argued Tuesday afternoon

See **OTEY** on 6

### Church groups line sidewalks outside Governor's Mansion

By **Brian Sharp**  
Senior Reporter

"Why do we kill people to show that killing people is wrong?"

That question was on a button worn by Lauren Edahl.

It's a question he wants answered.

Edahl, senior pastor of Trinity United Methodist Church, attended a vigil in front of the Governor's Mansion Monday afternoon. He was joined

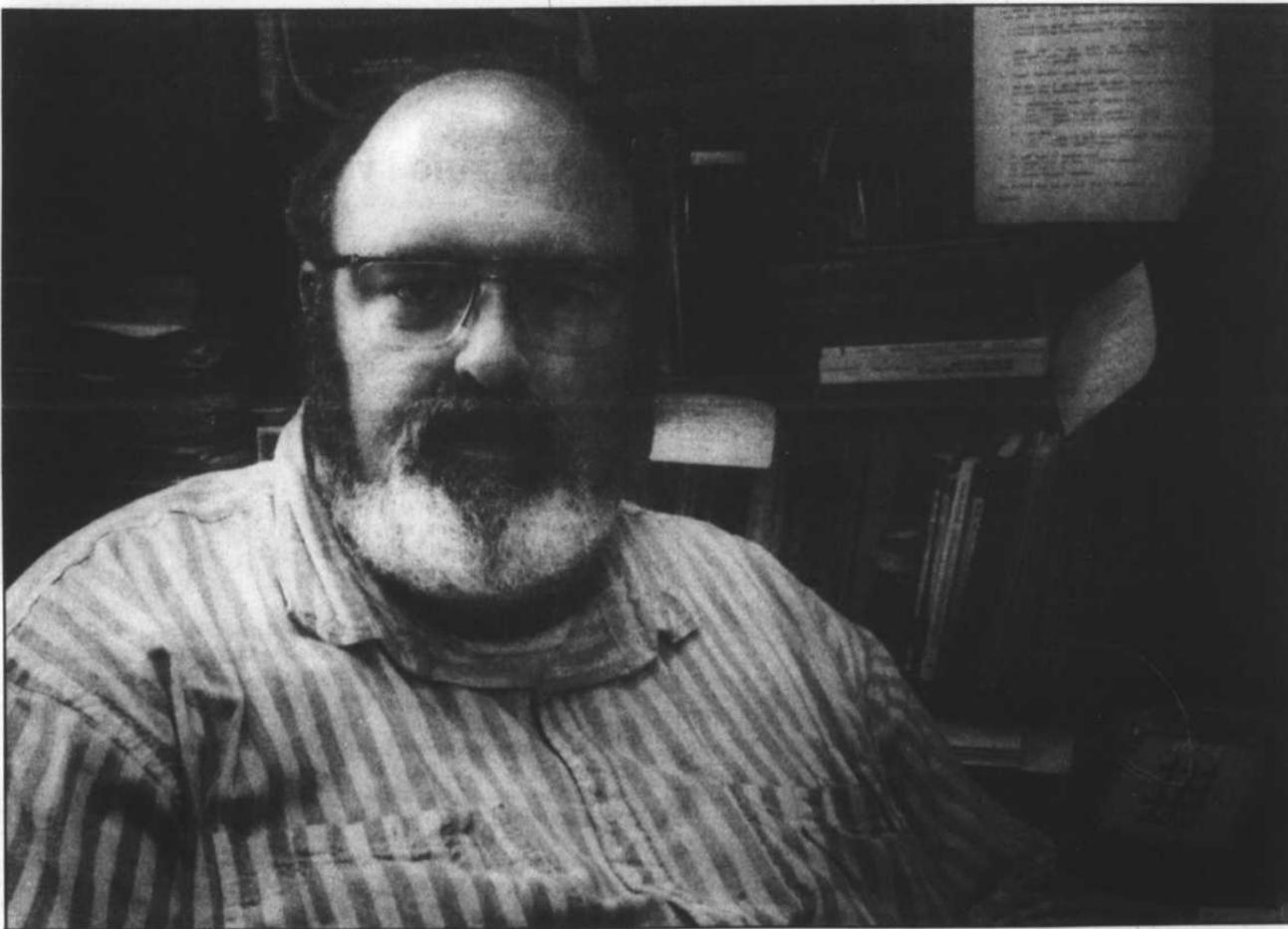
by more than 35 people from various churches, the Urban League and the Civil Liberties Union to protest the execution of Harold Lamont Otey, scheduled for Friday.

Otey was convicted of the 1977 rape and murder of Omahan Jane McManus. He is scheduled to die at 12:01 a.m. Friday in the electric chair.

"(An execution) is something that gets right to the core of who we are as human beings," Edahl said at the rally. "It is important that he (Gov. Ben Nelson) understand the position that he is in."

Edahl, like many other protestors, brought letters from their respective churches, stating the church's position against the death penalty.

See **PETITION** on 6



Damon Lee/DN

Nelson Potter, a professor of philosophy at UNL, has tutored death-row inmate Harold Lamont Otey for nine years. Potter described Otey as a friendly, engaging man who was eager to study and learn.

## Friend to the end

### Professor to mourn if Otey executed

By **Matthew Waite**  
Senior Reporter

If Harold Lamont Otey is executed as scheduled Friday, Nelson Potter will lose a friend. Potter, a University of Nebraska-Lincoln philosophy professor, has been tutoring the convicted murderer in logic for nine years. During that time, he has made a friend.

"He's a very engaging person — easy to talk to," Potter said of his student. "Last week, the (Omaha) World-Herald described him as a monster, and that is so out of keeping with the person I know."

Otey was convicted for the 1977 rape and murder of Jane McManus of Omaha. His Sept. 2 execution would be the first in Nebraska in 35 years.

Potter, who teaches a philosophy of law class that discusses the death penalty, was

first contacted 11 years ago about a program for a group of death-row inmates who wanted to learn philosophy. Eventually, the group dwindled to just Otey, Potter said.

A graduate student from Italy was the only person interested in teaching the inmates. The student graduated and moved on but had kept in touch with Otey, Potter said.

Potter said he then stepped in.

Throughout Otey's studies, Potter said the inmate had been a dedicated student. Otey never wanted to skip a single logic problem in his bi-monthly lessons, Potter said. The lessons have covered most of two textbooks. Most UNL students finish one-third of a textbook, he said.

Potter said his conversations with Otey were not reserved to logic. He said they talked about Otey's life, philosophy, literature and Otey's poetry.

"He's read quite widely," Potter said. "He's reading about Huey Newton, who was a black liberation figure from the early '70s."

Potter said they also had talked about the McManus murder.

"He says he did not do the killing that he was convicted of," Potter said.

Potter said one only had to talk to Otey and get to know him on a personal level to realize that he was not someone to be feared.

"You're just talking to this human being," he said. "One of the things I fault the Governor (Ben Nelson) and the Attorney General (Don Stenberg) on ... is they never had the courage to meet Otey face to face."

Not all death-row inmates are against the death penalty, Potter said, as some would expect.

See **POTTER** on 3

## Open flames now against halls' policy

By **John Fulwider**  
Staff Reporter

A new residence hall policy has taken the spark out of some students' lives. Or at least the open flames.

The policy prohibits the unauthorized use of candles, incense, hot plates, toasters, toaster ovens, grills or any items that use open flames or have exposed heating elements.

Lesley Esters, coordinator for residence hall administration, said a group of residence hall directors decided to create the policy because use of candles and other items was becoming a safety hazard.

Candles left unattended in residence hall rooms caused three fires last year, she said. The fires occurred in Abel and Schramm residence halls and resulted in about \$2,500 worth of damage.

Esters said the new policy would not apply to smoking.

See **POLICY** on 3

## Endacott denies requests made by Bjorklund

By **Angie Schendt**  
Staff Reporter

A judge ruled Monday that Roger Bjorklund could not take a polygraph test in connection to the string of Lincoln robberies with which he is charged.

Lancaster County Judge Donald Endacott denied Monday two of four motions Bjorklund filed about the robbery charges.

Bjorklund requested a polygraph test to prove that he was coerced to give statements about the robberies to law enforcement agencies. He was convicted in the 1992 murder of University of Nebraska-Lincoln student Candice Harms. Seven counts of robbery are still pending against Bjorklund.

Deputy Lancaster County Attorney Patrick Condon objected to the lie-detector test, saying that polygraph results are not admissible in Nebraska courtrooms.

Bjorklund, acting as his own attorney with assistance from Chief Public Defender Scott Helvie, said he wanted the polygraph for a hearing, not a trial. Polygraph evidence is admissible in a hearing, Bjorklund said.

Endacott also denied Bjorklund's request for a change in venue for the robbery trial. Endacott allowed a 12-member jury to be selected from Sidney for Bjorklund's four-week murder trial last fall.

See **BJORKLUND** on 3