

# States win ruling on Indian gambling

WASHINGTON (AP) — In a major victory for states' rights, the Supreme Court ruled Wednesday that Congress could not force states into federal court to settle disputes over gambling on Indian reservations.

The 5-4 decision, reached over vigorous dissent, will have immediate impact for about half the states, where Indian gambling is a \$6 billion-a-year industry. More importantly, the court signaled a fundamental shift in the balance of powers between states and the federal government.

But just how that new alignment will affect other aspects of American law may not be fully known for decades.

The court said Congress could not attempt to resolve stalled negotiations between states and tribes over on-reservation gambling by making states and their officials targets of federal lawsuits.

One dissenting justice called the ruling "shocking" and "profoundly misguided," but the court's majority said he was exaggerating.

The decision "represents a clear restructuring of the balance of power between states and the federal government," said Bruce Rogow, the law professor who represented Florida's Seminole Indian tribe in the case.

The nation's Indian tribes were the nominal losers, but their setback could be slight. Federal law still allows them to seek help from the secretary of the interior when state officials balk at tribal plans for gambling operations.

"The big picture is: States win, Congress loses and the tribes are still holding their cards," Rogow said.

Still, Florida Gov. Lawton Chiles called the ruling "a significant victory for the people of Florida."

"Casino gambling — whether it be in our communities or on an Indian reservation — is a bad bet for our people," he said. "This ruling strengthens our hand in the effort to defend our communities from casino gambling."

Chiles acknowledged that the secretary of the interior now will be the sole federal arbiter of disputes between states and Indian tribes over gambling. But a tribe also might opt for suing in a state court if frustrated with state officials' reactions to its gambling plans.

Wednesday's ruling was extraordinary in two ways. First, it ended for Congress nearly 160

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**BRUCE ROGOW**

Law professor

years of virtual free rein in making laws affecting American Indians. Congress still has great power in that field, the court said, but cannot subject states to federal lawsuits.

Second, the decision breathed new life into the Constitution's 11th Amendment, which protects states from being sued in federal courts against their will.

The amendment has been a rallying point, albeit a somewhat obscure one, for states-rights advocates.

Writing in dissent, Justice John Paul Stevens used words like "shocking" and "profoundly misguided" to describe what the court had done.

He warned that the ruling "prevents Congress from providing a federal forum for a broad range of actions against states, from ... copyright and patent law to ... bankruptcy, environmental law and the regulation of our vast national economy."

Stevens said the ruling could leave people who had been harmed by a state's violation of federal copyright, bankruptcy or antitrust laws without any legal remedy. State courts have no authority to handle such claims.

Chief Justice William H. Rehnquist, who wrote the majority opinion, said Stevens was exaggerating.

Justice David H. Souter, took the rare courtroom step of reading for seven minutes from his 92-page dissenting opinion.

"The court today holds for the first time since the founding of the Republic that Congress has no authority to subject a state to the jurisdiction of a federal court at the behest of an individual asserting a federal right," Souter wrote.

Rehnquist said the 11th Amendment restricted judicial power and the constitutional powers given to Congress "cannot be used to circumvent the constitutional limitations placed upon federal jurisdiction."



Liesl Klinzman/special to the DN

**The comet Hyakutake made its closest pass to the Earth, about 9.5 million miles, last weekend and is now speeding on toward the sun, dimming steadily as it goes.**

## Comet passes by Earth

WASHINGTON (AP) — Comet Hyakutake may be a new vision to human eyes, but scientists say the speeding ball of ice and debris is behaving like a veteran voyager that has made many trips around the sun.

New Hubble Space Telescope photos clearly show that as Hyakutake cruises by the sun and is warmed by solar energy, natural geysers erupt with great force through holes in a crust on the comet's surface, astronomer Harold Weaver said Wednesday.

Weaver said comets that have made many trips near the sun have developed a crust, a rigid envelope of debris and refrozen ice. As the comet returns to the vicinity of the sun, material under the crust will erupt, forming spectacular jets.

"If the comet has been around the sun before, you get pressure building under the crust," said Weaver. "Then you get a hole blown through this rubble crust and these jets."

If this was the first trip around the sun for Hyakutake, he said, "then there wouldn't be this crust of rubble formed. You would get an even, uniform outflow instead of these jets."

The Hubble photos show the comet and

its surrounding debris in red, but this is a false color created by filters and processing to help experts study the images, Weaver said. The photos show power jets streaming away from a glowing center.

There is so much dust erupting that it will take weeks of studying the photos to determine exactly what is shown, he said.

Astronomers are still calculating the exact orbit of Hyakutake, but it is thought to circle the sun in an elliptical orbit about every 10,000 years.

If it has been in that orbit since the formation of the solar system some 4.5 billion years ago, Hyakutake could have made thousands of trips about the sun, Weaver said.

Hyakutake, named for a Japanese amateur astronomer who discovered it in January, made its closest pass to the Earth, about 9.5 million miles, last weekend and is now speeding on toward the sun, dimming steadily as it goes.

The comet will pass within 21 million miles of the sun and be blotted from view by solar glare. It will be seen by Southern Hemisphere astronomers in mid-May, but as it speeds away from the sun the comet will lose its tail and slowly fade from visibility.

## Dole's choice for running mate may prove crucial to victory

WASHINGTON (AP) — "Every country needs a president," Bob Dole once replied when asked why he was running. And now he faces a similar proposition: Every presidential candidate needs a running mate.

Probably no one knows better than Dole how disastrous a bad choice can be. As President Ford's No. 2 man in 1976, he came across as mean-spirited, a hatchet man — and a drag on the ticket.

Later, he joked: "I went for the jugular — my own."

The Democrats ran commercials showing Dole's picture and saying: "When you know that four of the last six vice presidents have wound up being president, who would you like to see a heartbeat away from the presidency? Hmmm?"

If anything, the choice seems more critical than usual this time around.

Dole's age — he is 72 and, if elected, would be the oldest new president in history — will force voters to look at his running mate as a possible occupant of the Oval Office. Moreover, the running mate will have a greater likelihood than most to head the ticket in four or eight years.

So the decision may be the most important Dole makes between now and Election Day. How he makes it is important, too.

The nominee could be hurt by a process that turns the selection into a beauty contest, or humiliates the also-rans, or makes the candidate seem indecisive or the prisoner of one or another wing of the party. It's a mine field, and Pat Buchanan has been seeding it by suggesting he'll walk out if Dole chooses someone who supports abortion rights.

It's a character test, too, and it could run all spring and into the summer with the whole nation watching.

In an interview Tuesday, Dole said that he hasn't thought seriously yet about picking a

*"I have a pretty good idea about what I want to do. Obviously it will be a younger person, somebody who's in good health."*

**BOB DOLE**  
GOP candidate

running mate. He said it was unlikely but he could make a choice before the Republican convention in August.

Paul Light, author of a book about the vice presidency, says Dole needs "someone with a little bit of sizzle, the unexpected."

Presidential nominees used to look for "balance" — someone from a different region, generation and outlook. Often, No. 2 was chosen to appease backers of the presidential nominee's chief opponent.

The national, televised nature of campaigning has changed everything. Bill Clinton could ignore the rules and pick Al Gore, from his region and age group and not far away ideologically.

Nowadays, taking a running mate who differs from the candidate on the issues is risky — the press will harp on it and so will the opposition party.

For a safe choice, Dole could pick a male Republican governor. A number of them are talked about. Such a choice would underscore his theme that he wants to transfer power from Washington to the states.

"I have a pretty good idea about what I want to do," Dole said a few days ago. "Obviously it will be a younger person, somebody who's in good health. That's the key factor."

### Brown Bag Diversity Series

#### CITY CAMPUS

Monday, April 1, 1996  
11:00 am-12:30 pm  
"Affirmative Action: Has Its Time Run Out?"  
Presenter: Rev. Andrew Rollins  
Quinn Chapel A.M.E. Church

Tuesday, April 2, 1996  
11:30 am-1:00 pm  
"Coalition Building and the Value of Diversity"  
Presenter: Madeline Popa  
International Students Organization

Wednesday, April 3, 1996  
11:30-1:00 pm  
"Multiculturalism: Fact or Fiction?"  
Presenter: Dr. Kunle Ojikutu  
Assistant Vice Chancellor for Student Affairs

Thursday, April 4, 1996  
11:30 am-1:00 pm  
"Diversity: Toward a Better Understanding"  
This session involves cultural exercises and group interaction.  
Presenter: John L. Harris  
Special Assistant to the Vice Chancellor for Student Affairs

Friday, April 5, 1996  
11:30 am-1:00 pm  
"Homophobia, Heterosexism, Racism: Common Enemies?"  
Presenter: Dr. Vern Williams  
Gay, Lesbian, Bi-Sexual Student Services

#### EAST CAMPUS

Monday, April 8, 1996  
11:30 am-1:00 pm  
"Homophobia, Heterosexism, Racism: Common Enemies?"  
Presenter: Dr. Vern Williams  
Gay, Lesbian, Bi-Sexual Student Services

Tuesday, April 9, 1996  
11:30 am-1:00 pm  
"Diversity: Toward a Better Understanding"  
This session involves cultural exercises and group interaction.  
Presenter: John L. Harris  
Special Assistant to the Vice Chancellor for Student Affairs

Wednesday, April 10, 1996  
11:30 am-1:00 pm  
"Multiculturalism: Fact or Fiction?"  
Presenter: Dr. Kunle Ojikutu  
Assistant Vice Chancellor for Student Affairs

All brown bag sessions are open to everyone and will be held in the Nebraska Union. Feel free to bring your lunch, beverages will be provided.

Any questions, call John L. Harris at 472-3755



Sponsored by the Racial Pluralism Action Team and the Office of the Vice Chancellor for Student Affairs

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FAX NUMBER 472-1761

The Daily Nebraskan (USPS 144-080) is published by the UNL Publications Board, Nebraska Union 34, 1400 R St., Lincoln, NE 68588-0448, Monday through Friday during the academic year; weekly during summer sessions.

Readers are encouraged to submit story ideas and comments to the Daily Nebraskan by phoning 472-1763 between 9 a.m. and 5 p.m. Monday through Friday. The public also has access to the Publications Board. For information, contact Tim Hedegaard, 438-9253, 9 a.m.-11 p.m.

Subscription price is \$50 for one year.  
Postmaster: Send address changes to the Daily Nebraskan, Nebraska Union 34, 1400 R St., Lincoln, NE 68588-0448.  
Second-class postage paid at Lincoln, NE.

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