

Group wanting to oust state-court judge faces audit

OMAHA (AP)—Suspensions over whether the organization aimed at ousting a state Supreme Court judge has violated disclosure law has led to a decision to audit the group.

The Nebraska Political Accountability and Disclosure Commission delivered an audit notice Wednesday to Kent Bernbeck, co-founder of Citizens for Responsible Judges. Bernbeck's group is asking voters to oppose the retention of Supreme Court Judge David Lanphier on the Nov. 5 ballot.

Bernbeck has refused to file financial reports to the commission saying he does not want the group's contributors to be identified. Bernbeck has said disclosure laws do not apply to cam-

aigns involving retention of judges. "We have information that leads us to believe that the group has received or spent more than \$2,000 in the calendar year. If so, that has to be made public," said Dannie Trautwein, executive director of the commission.

Trautwein told The Associated Press on Wednesday night that the commission plans to begin an audit of the group's financial records on Friday. "If there is information that should have been reported, we will make that public, including the names of contributors who gave more than \$100," she said.

Bernbeck's public comments about his group's fund raising led the commission to request the audit, Trautwein said.

"At this point we're simply doing an audit. This is not an investigation into the group's activities," she said. Bernbeck filed a letter this week with the commission saying he did not intend to disclose financial records to the commission.

The Associated Press was unable to contact Bernbeck by phone Wednesday night. The Omaha World-Herald reported in today's editions that Bernbeck is seeking legal advice on fighting the audit. He told the newspaper that he maintains the law does not cover judicial-retention votes.

Bernbeck's group is displeased with high court rulings that overturned a constitutional amendment on term limits and required that second-degree murder cases include the word "mal-

ice" in jury instructions and criminal charges. Lanphier voted with the majority in both rulings.

Sen. Ron Withem of Papillion and attorney John Cavanaugh of Omaha want the attorney general and prosecutors in Douglas, Sarpy and Lancaster counties to investigate Bernbeck's actions.

Cavanaugh, co-chairman of Nebraskans For An Impartial Judiciary, has said Bernbeck made claims that should be investigated by law enforcement.

Cavanaugh on Wednesday also called on Bernbeck to return contributions he has said were made to his group by about 1,000 people across the state. But Bernbeck said he has no intention of complying with the demand.

Cavanaugh said contributors to Bernbeck's group "clearly thought they were giving to a legally constituted political committee."

"I think he's clearly in this for the money," Cavanaugh said of Bernbeck. He said Bernbeck is involved in several campaigns "all designed to play on people's emotions and put money in his pocket."

Bernbeck said he is being paid \$1,000 a month to head a campaign for term limits. He said his pay for his anti-Lanphier efforts is "very, very similar," although he declined to be more specific. Bernbeck said he receives no pay for a third campaign, to lower the number of signatures required in initiative campaigns.

New misconduct charges filed against local sheriffs

PAPILLION (AP) — New charges were filed Thursday against Douglas County Sheriff Tim Dunning and Sarpy County Sheriff Pat Thomas after a district judge threw out earlier charges against the two.

Michael Schirber, a special prosecutor asked to investigate political appearances by deputies from the two counties, filed the new charges in Sarpy County District Court.

District Judge William Cassel, who was brought in from Ainsworth to hear the case, ruled Tuesday in favor of motions to drop charges of official misconduct filed in August. All four charges against Dunning were dropped. All but one of seven charges against Thomas were dropped.

The new charges are official misconduct and aiding and abetting the commission of a crime, but are worded differently from the original ones, said Schirber.

Dunning was charged Thursday with four counts of each charge. Thomas was charged with six counts of each charge.

The charge that remained against Thomas from the first filing was misconduct related to a Sarpy County Board resolution against active campaigning during working hours. Cassel said that in his opinion the defendant did not produce enough evidence to dismiss the charge.

Schirber claims the sheriffs committed the misdemeanor crimes in May by directing their deputies to participate in a campaign and engage in political activities while in uniform. Each sheriff received

one count of each crime for each deputy involved, Schirber said.

The filing "does not set forth a violation, by the defendant, of a statute relating to his official duties," Cassel said in his ruling Tuesday on the original charges against Thomas.

Attorneys representing the sheriffs maintained their belief that no crimes were committed and that Dunning and Thomas would be cleared.

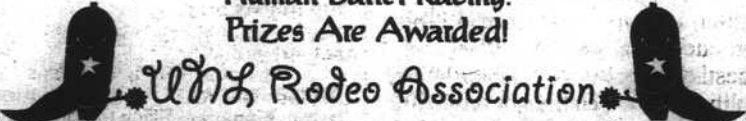
The charges stem from a May 20 press conference at which the sheriffs endorsed Rep. Jon Christensen, R-Neb., and Christensen announced the purchase of portable computers by the Sarpy County Sheriff's office with a \$150,000 federal grant that Christensen had helped obtain.

James Martin Davis, Christensen's Democratic challenger, had complained about the press conference to Douglas County Attorney Jim Jansen. Davis said Christensen exploited the deputies for the benefit of his political campaign.

Christensen had camera crews filming the event for use in a possible campaign commercial that later was scrapped. Christensen's campaign has reimbursed the two counties for expenses and time lost by the deputies while at the event.

If convicted, the sheriffs could face fines of up to \$1,000 and six months in jail for each count.

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