

Sign said...

Long haired freaky people need not apply



TIM SULLIVAN is a third-year law student and a Daily Nebraskan columnist.

A third-year law student at the University of Nebraska College of Law has been denied permission to take an extremely important course because his hair is too long.



Glenn

Students wishing to take certain courses must participate in a lottery and be among those chosen in the lottery drawing for a particular course in order to be allowed to register for that course.

Thayne Glenn, currently a third-year law student, participated in last fall's lottery for this spring's courses.

Thayne submitted a request for Criminal Clinic, one of the lottery courses.

In Criminal Clinic, third-year certified senior law students work for the county attorney, under the supervision of an attorney. They prosecute cases on behalf of the county attorney's office.

Very few students applied to take Criminal Clinic this spring. So few, in fact, that it was actually unnecessary to conduct a drawing to fill the course.

So Thayne was in. And he was excited about that.

Thayne has had a strong interest in becoming a prosecutor for as long as I have known him, which has been since the beginning of our first year of law school.

Thayne has long red hair and a beard. He wears his hair a little past his shoulders and often wears it tied into a ponytail.

During his second year of law school, he worked in the prosecutor's office for the Omaha tribe at Macy.

Both Thayne and I applied to take Civil Clinic last fall. Again, not enough students participated in the lottery, so everyone who applied got in.

It's necessary to partner up with another student in clinic, so Thayne and I worked together on civil cases last fall.

Thayne and I made numerous court appearances together.

Only once did our supervising attorney have an issue with Thayne's appearance.

Thayne was wearing a dangling silver earring as we were walking from the parking garage to the old federal building. We had to go argue a motion. Our supervising attorney suggested Thayne remove the earring, and he did.

But after Thayne received notice that he was on the list of students who could take Criminal Clinic this spring, he was called into the office of one of our supervising attorneys in the Civil Clinic.

Thayne was told by our supervising attorneys that Gary Lacey, the county attorney for Lancaster County, would not allow him to participate in Criminal Clinic unless he cut his hair.

Thayne told him no. He wasn't going to cut his hair.

Not for Gary Lacey.

Not to take Criminal Clinic.

Not to help fulfill a dream of his that he held so fervently from his first day of law school.

Not to get the experience he felt he so desperately needed to make his personal legal educational program complete.

Thayne simply would not cut his hair.

Thayne was so angry that day he could barely talk. After he calmed down, we talked about his options.

Naturally, being the lawyer types that Thayne and I are, our first thought was to sue. We started considering the legal theories under which we could bring a cause of

action against the university and the county attorney.

Thayne considered that the Criminal Clinic program exists only because of the good graces of the county attorney.

He also considered that if he made an issue of his being denied permission to take the course because of the length of his hair, perhaps Gary Lacey would simply discontinue the program, and it wouldn't be available to anyone.

I'm not unsympathetic to Lacey's position on this issue. I understand his point of view.

Lacey obviously is concerned that judges and jurors may react unfavorably to Thayne Glenn because of his appearance.

Perhaps Lacey thinks that jurors are stupid people who base their decisions on whether or not the state has proven the guilt of a defendant beyond a reasonable doubt based on the length of the prosecuting attorney's hair.

Gary Lacey must think people are idiots. The general public can't be trusted to make a decision on the guilt or innocence of a particular defendant based on the evidence and not on the appearance of the attorney prosecuting the case, at least in his mind.

Would it really go against the state if the attorney for the state had long hair, or would it be more likely for a jury to convict a defendant whose lawyer had long hair?

I think juries might look at criminal defendants with a more discriminating eye if the defense attorney has long hair.

After all, if people harbor negative views toward others based on their appearance, a criminal defendant who associates himself or herself with a long-haired lawyer is probably more likely to be convicted than a defendant with a short-haired lawyer. That's because people tend to want to believe the police are honest.

Not only do people want to believe that the police are honest, but they also want to think the system is fair. So these presumptions tend to operate in favor of the prosecution.

If jurors really harbor prejudices against long-haired lawyers, then when criminal defendants appear before juries with a long-haired freaky-looking lawyer, jurors who reach decisions based on the appearances of the defendant or the defense attorney will probably tend to combine their presumption in favor of police honesty and system fairness with their predisposition against long-haired freaky people to render a guilty verdict.

No one told Thayne Glenn that long-haired freaky people shouldn't apply for Criminal Clinic. He certainly didn't expect to be discriminated against because of the length of his hair. He thought it was completely arbitrary and unfair.

So did I.

Flynt bears fire

Publisher deserves praise for his principles



MATT PETERSON is a senior English and news-editorial major and a Daily Nebraskan columnist.

Hustler magazine publisher Larry Flynt may be the most repulsive and morally depraved celebrity American capitalism has ever produced.

I can't help but admire the man. During a 25-year career as the nation's most infamous smut-peddler, Flynt has been more instrumental to free speech and obscenity laws than any other individual in U.S. history.

Flynt is despicable, but he is sincere and, unquestionably, a man of principle, qualities difficult to maintain when constantly in the public's eye.

The cover of Flynt's magazine once featured a nude female body being processed into hamburger by a meat-grinder — the ultimate objectification of a woman.

Accepting a man who's made a fortune objectifying women as "principled" is sure to present a moral dilemma for any rational person.

Yet it's difficult to completely condemn a man who has made a mockery of the Moral Majority, cussed out the Supreme Court and revealed the hypocrisy of the current impeachment fiasco.

In November 1983, Hustler Magazine ran a fake interview with then-Moral Majority leader Rev. Jerry Falwell. During the course of the page-long interview, which was labeled "ad parody — not to be taken seriously," a fictitious Falwell admitted to being a "hypocritical incestuous drunkard" who lost his virginity

to his own mother in an outhouse.

Falwell sued the magazine for libel, invasion of privacy and intentional infliction of emotional distress. During the court proceedings that followed, Flynt personally admitted to intending to cause Falwell emotional distress.

The court awarded Falwell \$200,000, and a court of appeals subsequently affirmed the decision.

The case made its way to the Supreme Court in 1988, and despite Flynt's profane courtroom outbursts, a unanimous decision overturned the lower court's ruling and established the protection of parody under the First Amendment.

Flynt's most recent foray into public scrutiny involves the presidential impeachment proceedings.

This self-proclaimed First Amendment "whipping boy" took out a full-page ad in The Washington Post offering \$1 million to anyone who could prove a member of Congress had had an adulterous affair.

House Speaker-to-be Rep. Robert Livingston, R-La., was Flynt's first victim. The congressman resigned from the House on Dec. 17 after adulterous allegations came to light.

Rep. Bob Barr, R-Ga., one of the most visible prosecutors in the current impeachment trial, has also been implicated after his second wife brought Flynt "seven pages of sordid allegations."

While Flynt's methods disgust me, I think his intentions are sincere in this instance.

It was perjury, not adultery, that led to the president's impeachment. The current congressional proceedings should not be about sex and infidelity, and on the surface, they are not.

But on a more personal level, moral expectations were compromised and delicate sensibilities were affronted. And unfortunately, the impeachment vote strictly adhered to party lines.

Flynt's bounty has only revealed the tip of this iceberg of hypocrisy. It seems terribly coincidental that Flynt's witch-hunt has only implicated Republican leadership and has yet to turn up a philandering Democrat.

I suppose that inquisition will have to wait for an ultra-conservative scumbag to come out of the woodwork.

But no matter how much I disagree with Flynt's methods and opinions, I cannot fault his devotion through considerable adversity.

Flynt has perhaps had as tough a life as a millionaire publishing mogul can have.

While leaving a courthouse in Lawrenceville, Ga., where he was facing obscenity charges in March 1978, Flynt was shot in the back by a would-be assassin and was paralyzed from the hips down.

In a certain sense, Flynt could be considered a martyr for his principles. While he had no choice in sacrificing his ability to walk, he, nevertheless, is bound to a wheelchair for the rest of his days because of his beliefs.

Coping with pain (Flynt once said the pain was akin to "standing up to my thighs in boiling water while someone with a claw hammer ripped the meat off my bones.") he became addicted to painkillers and spent the next several years in a stupor. During this time, he lost his fourth wife, Althea, the woman Flynt considers to have been his "soul mate."

Such physical and mental anguish have left Flynt a horror to behold both morally and aesthetically, and yet he does not arouse empathy because, miraculously, he is not broken.

Neither is he worthy of respect. Rather, Flynt is admirable as a cultural icon. He is "the nightmare version of the American dream," as he

was dubbed by People magazine.

Flynt is scum, but as is the case in any soci-

etal swamp, scum always rises to the top.

However, if respectable people were as sincere and relentless in pursuing their principles as Flynt, that bog of corruption and hypocrisy might be drained.

Larry Flynt is an indecent man whom decent people should aspire to resemble, in action if not in deed.

