

Inmate's life spared after papal appeal

JEFFERSON CITY, Mo. (AP) — Gov. Mel Carnahan honored a personal request for mercy from Pope John Paul II and spared a triple murderer from the death chamber Thursday, a day after the pontiff strongly condemned capital punishment in a visit to St. Louis.

Carnahan, a Baptist, commuted Darrell Mease's death sentence to life without parole. Mease, 52, was convicted of killing a drug-dealing partner and the man's wife and grandson in southwest Missouri in 1988.

Mease was supposed to be executed Feb. 10. Although it originally had been scheduled for the week of the pope's visit, the execution was postponed with no explanation.

Carnahan, a popular Democrat planning a run for the Senate next year, said the pope did not address specifics of Mease's case. The governor also said he does not plan to look differently at other death penalty cases.

"I continue to support capital punishment, but after careful consideration of his direct and personal appeal and because of a deep and abiding respect for the pontiff and all he represents, I decided last night to grant his request," Carnahan said Thursday. Laura Higgins Tyler, an attorney for Mease, said the inmate was "awestruck."

"Darrell has remained very steadfast to his faith in that he would

receive relief from God," she said. "I'd say this sure looks like a miracle to me."

During a morning Mass on Wednesday at the Trans World Dome in St. Louis, the pope made his most explicit anti-death penalty comments ever in the United States.

"I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary," the pope said in his 30-minute homily.

On Wednesday afternoon, the Vatican's secretary of state, Cardinal Angelo Sodano, met with Carnahan and relayed the pope's plea for Mease. Later after a prayer service at a St. Louis church, the pope came

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LAURA HIGGINS TYLER
attorney for Darrell Mease

down off the altar and personally asked the governor to "extend mercy" to Mease, Carnahan said. Carnahan's decision could hurt him in his challenge of Republican Sen. John Ashcroft, because most Missouri voters favor capital punishment, political

analysts said.

"God help him if there are any grieving relatives because he will need the pope to come back to campaign for him," said University of Virginia political scientist Larry Sabato.

FCC takes step toward opening airwaves to all

WASHINGTON (AP) — For deejay wannabes, it's a ticket to the airwaves.

The government took the first step Thursday toward creating a low-power, low-cost radio service that would help community groups, churches, students and ordinary people get on the air.

The Federal Communications Commission, in a 4-1 vote, offered proposals to create thousands of new, licensed low-tech FM radio stations. It would reverse a roughly 20-year old ban against such licenses.

The proposals "could create a whole new class of voices using the airwaves ... opportunities for churches

and community groups ... so many of whom feel that they are being frozen out of opportunities to become broadcasters," FCC Chairman Bill Kennard said.

The FCC's action also responds to consolidation in the radio industry, which has made it increasingly difficult for minorities and community groups to make their voices heard.

"This permits people who have felt abandoned by commercial broadcasting to use an inexpensive medium to create an audio soap box for discussion and debate," said Andrew Schwartzman, president of the Media Access Project, which supports the new service.

Bills would limit convicts' post-sentence proceedings

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Chambers said, and the courts did not sanction Stenberg.

"Why should an inmate, who is a nonlawyer, be held to a higher standard than the top lawyer in the state?" Chambers asked during Stenberg's LB185 testimony.

Stenberg said LB185 is similar to a federal law enacted in 1996. Civil rights actions filed in federal courts by Nebraska inmates decreased from 323 to 109 between 1995 and 1997. But the number they filed in state court increased from 219 to 346, he said.

"I think we need to distinguish an inmate situation from those of citizens who have not been convicted of a crime," he said.

Chambers said courts already have the power to control prisoners' access to courts.

LB185's proponents say it would reduce the number of frivolous lawsuits prisoners file. If passed, it

would:

■ Require that inmates pay filing fees.

■ Prevent an inmate from filing a civil action if he or she has filed three or more previous suits that were dismissed as frivolous, malicious or failing to state a claim for which relief could be granted. After three cases, the prisoner would have to prove imminent danger of serious physical harm.

■ Authorize using inmate funds for court costs; legal fees; medical, dental or other correctional service costs; and costs of drug testing that results in disciplinary action against the inmate.

Omaha Sen. Kermit Brashear questioned the so-called "three strikes" provision.

Brashear said the bill makes no distinction between filing three frivolous suits in three years or three in 30 years.

"Doesn't it cry out for a time limit?"

Senate downs secrecy proposal

WASHINGTON (AP) — The Republican-controlled Senate brushed aside a Democratic proposal Thursday to keep videotaped questioning of Monica Lewinsky and other witnesses secret in President Clinton's impeachment trial, and moved approval of a plan that could allow public airing of the material.

The vote to reject the Democratic proposal was 54-44 and adhered strictly to party lines as daylong efforts to forge a bipartisan compromise faltered.

The Republicans then moved to set their rules, permitting videotaping of the questioning and leaving open the possibility that it would be aired publicly.

The voting came after hours of sparring between Republicans and Democrats over the way to conduct the final stages of the impeachment trial.

Both sides envisioned a final vote by Feb. 12, but they differed markedly on what would happen

until then.

Sen. Trent Lott, R-Miss., the majority leader, put the rival plans to votes with a minimum of explanation, which prompted one of his colleagues to ask about details.

But Chief Justice William Rehnquist declined to answer Sen. Orrin Hatch, R-Utah.

"The parliamentarian tells me it is never the function of the chair to interpret a resolution," Rehnquist said.

Republicans wanted to leave room for a vote on fact finding that would state formally that Clinton had committed offenses, even if he wasn't to be removed from office.

The Democratic scenario would have prevented Republicans from even submitting such a document for a vote.

On the issue of witness questioning, Democrats wanted to exclude any videotaped material from the trial record — meaning that images of Lewinsky would not be available for

public showing.

The Republicans countered with a proposal to allow portions of the depositions to be made public "whether transcribed or on videotape." At the White House, spokesman Joe Lockhart called for a swift end to the trial and said that in the Senate, "the Republican majority has to answer to the country of why they want to continue to extend this process."

The developments came one day after Republicans used their majority muscle to reject a call for immediate dismissal of the charges against Clinton, and to order subpoenas for Lewinsky, presidential friend Vernon Jordan and White House aide Sidney Blumenthal.

But the 44 votes posted by Clinton's defenders on each of the two roll calls Wednesday may well have been more significant, showing the president had more than enough support to gain eventual acquittal on the two articles of impeachment.

Bill offers tax break for adopters

BY BRIAN CARLSON
Staff writer

Legislature

By providing a tax credit for families who adopt children, the state would herald adoption as a better choice than abortion, Gov. Mike Johanns said Thursday.

Johanns told the Legislature's Revenue Committee that the tax credits contained in LB482 not only would encourage more families to adopt, but would prevent some abortions by encouraging public support for adoption.

"This bill sends an encouraging message of support for strong families, which are the backbone of our state," he said. "We should try to encourage adoption as a very sound, viable alternative."

The bill, sponsored by Sen. Gerald Matzke of Sidney, would provide families a \$1,000 annual income tax credit for each child they adopted under 6 years of age. Families would receive the credit each year until the child turned 6.

The tax credit would apply regardless of the circumstances of the adoption. For example, the credit would apply whether the child was related or unrelated to the adoptive family.

A fiscal impact statement for the bill estimates it would cost \$162,000 to \$286,000 annually. Johanns said the bill's encouragement of adoption justified the cost.

"Some may assert this is too generous," he said. "But I believe it is important to support families who have chosen to adopt a child."

Besides Johanns and Matzke, six people testified in support of the bill. Although no one testified in opposition, committee Chairman Sen. Bob Wickersham of Harrison expressed

reservations.

With about 2 million Americans waiting to adopt a child, the state may not need to provide further incentives for adoption, he said. The Legislature is under pressure to hold down spending, he said, and the tax credits may not be a worthwhile expense.

"We have 2 million people waiting to adopt," he said. "Do we need 2,010,000?"

Wickersham also worried the tax credit could be claimed in cases for which it wasn't intended.

For example, families who hired a surrogate mother to carry their child might adopt their child and receive the credit. Also, the tax credit could encourage people to purchase children from foreign countries — a problem that has grown more common, Wickersham said.

Supporters of LB482 countered that the bill would provide important moral support, both for the adopting family and for the mother who makes the difficult decision to put her child up for adoption.

Sandy Danek, a mother of two adopted children and representative of Lincoln Right to Life, said tax credits would help offset the costs of adoption and encourage families who make an important contribution to society by adopting.

"It means more of an emotional support," she said. "Support from the state is important to us as adoptive families. This bill says, 'We want to encourage this. We know it comes with challenges. Here's a way to make it easier.'"

Wickersham asked Danek how tax credits for adopting families would encourage mothers to give

their children up for adoption rather than abort.

If mothers knew their child would be well cared for by another family, and if society more strongly demonstrated its support for adoption, more mothers would choose adoption over abortion, Danek said.

"You may ask how this encourages adoption in crisis pregnancies," she said. "The connection is that the influences and attitudes of others surrounding (mothers in crisis pregnancies) makes such a huge difference in their decisions."

Don Parsons, executive director of Family First, said people on opposite sides of the abortion debate could and should agree to encourage adoption as a satisfactory alternative.

"We believe that promotion of adoption by the state or organizations like ours is the nearest thing to middle ground in a debate that has split the nation," he said.

Parsons added that the bill could cut state costs for foster care by placing more foster children in families.

Sens. Stan Schellpeper of Stanton and David Landis of Lincoln noted that demand for adopting young children is high, but it declines for older children. They asked Johanns and Matzke why the tax credit should only apply for children under 6.

Both Johanns and Matzke said they were willing to discuss extending the credit to families who adopt older children.

The state would do well to encourage adoption of older children, Matzke said, but the main purpose of the bill is to identify adoption as the "sole reasonable option in the event of an unplanned or unwanted pregnancy."

"This is a bold, thoughtful initiative to ensure it is financially feasible for any Nebraskan to adopt a child."

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