

# Construction site catches fire, arson possible cause

By Michelle Starr  
Staff writer

Sun beaming through a fire-hose's water stream Sunday evening made a rainbow arching over the still-intact "now leasing" sign on the burnt remains of a retirement community under construction in south Lincoln.

Water was still being poured on a fire's hot spots 12 hours after the building went up in flames.

Firefighters responded to a call from a neighbor at 6:52 a.m. that Savannah Pines Retirement Community, 3900 Pine Lake Road, was engulfed in flames in what might have been caused by arson, said Bob Hampton, the retirement community's co-owner.

No one was injured in the blaze, and the co-owners plan to continue construction when the site is cleared of rubble.

State Fire Marshal Investigator Ken Scurto said the estimated \$7 million to \$10 million fire is still under investigation. He could not say whether or not the fire was set intentionally.

Firefighters continued to dig

*"I was just sickened. I've had better Easters."*

**Bob Hampton**  
building co-owner

through the rubble Sunday evening to find a cause for the fire that took about an hour or an hour and a half to control, Scurto said.

Scurto expects a cause to be known sometime today, he said.

Lincoln Police Capt. David Beggs said police are investigating a report that a car seen near the fire matched the description of a car driven by someone who had bought gasoline around the time of the fire.

Beggs would not comment further because the investigation is ongoing.

Hampton said when he got to the fire, he saw flames six stories high and thick black smoke.

"I was just sickened," Hampton said. "I've had better Easters."

Because it was Easter, no workers were in the building, though they could have been on other weekends, Hampton said.

The construction workers were

on a tight schedule to finish by September.

The retirement community has three sections, two of which were lost in the fire. The sections contained a theater, dining room, exercise facility, bank and 125 one- or two-bedroom apartments.

Firefighters are still determining the amount of smoke and water damage caused to the remaining section, Hampton said.

About 12 apartments were leased throughout the retirement community, but Hampton did not know how many had been leased in the two sections that burned down.

The fire has put construction four to six months behind schedule. Hampton hopes that if everything goes smoothly, construction can be done by the end of the year or in early 2001.

"It's hard to start over," Hampton said.

# Court changes way some are punished

By Michelle Starr  
Staff writer

The Nebraska Supreme Court ruled Friday that mentally retarded people and mentally ill people thought to pose a threat to others cannot be punished the same way.

The opinion came as a response to an appeal by the state to the high court regarding David Wickwire, 21, of Lincoln, who allegedly sexually assaulted a female employee May 5, 1998, at the Region V group home where he lived.

Region V is an agency that provides residential services to people with developmental disabilities.

Lancaster County Public Defender Joe Nigro, who was representing Wickwire, said he was pleased with the court's opinion and said care for a mentally retarded person and a mentally ill person should be different.

"He's not mentally ill, he's mentally retarded," Nigro said. "He's always going to be mentally retarded. All you can do is care for him."

"His I.Q. is in the low- to mid-40s," Nigro said. "I don't think he'll even understand these proceedings."

Wickwire was charged in Lancaster County Court but was found incompetent to stand trial, and the state filed a complaint with the county mental health board.

According to court documents, the state argued that Wickwire, because he posed a potential threat to people, could be committed under provisions of the Nebraska Mental Health Commitment Act.

The board dismissed the matter, saying it did not have jurisdiction because Wickwire was diagnosed only with mental retardation and not mental illness.

The state took the matter to Lancaster District Court.

On Friday the court disagreed with the state and upheld the district court

decision that said "the Legislature has provided two separate systems, one for mentally ill dangerous persons and another for mentally retarded persons."

In the act, the Legislature defined mentally ill and mentally retarded separately.

"... It is clear that the Legislature did not intend to use the terms 'mental illness' and 'mental retardation' interchangeably," the court said.

The court also said Wickwire, based on his mental condition, would not benefit from any other program than the supervision he was already getting at the Region V agency.

On that May night at about 11 p.m., a female employee was watching television on a couch at the group home when Wickwire came out of his room wrapped in a blanket, according to court documents.

He allegedly told the woman he could either hurt her and not get the bicycle he was promised for his birthday as long as he was on good behavior, or he could get the bicycle.

According to court documents, he said he would hurt her.

As the woman was trying to get into the office, Wickwire was touching her and tried to remove her underwear.

Once inside the office, the woman called police, and Wickwire went back into his room.

Nigro said the way mentally ill people are treated is through drug treatment and therapy in order to rehabilitate them. But mentally retarded people cannot be rehabilitated in the same way, Nigro said.

The Region V group home is where Wickwire would best be helped because of his mental retardation, Nigro said.

"I think he's in the right place," Nigro said. "They just made a staffing error when this occurred."

"He's got the mental ability of a 5-year-old," Nigro said. "But he's got adult hormones."

# Supreme Court to hear abortion case

COURT from page 1

The law defines partial-birth abortion as "an abortion procedure in which the person performing the abortion partially delivers vaginally a living unborn child before killing the unborn child and completing the delivery."

This means "deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child," according to the law.

Stenberg insists the law is designed to outlaw only the "D&X" procedure.

Carhart disagrees. Even if that were the case, he says, the law still would place an undue burden on a woman's right to choose abortion as provided by the Supreme Court's 1973 Roe vs. Wade ruling.

In a typical D&X abortion, the doctor, guided by ultrasound, uses forceps to grasp the fetus's leg. The doctor then pulls the fetus's leg into the birth canal.

The doctor proceeds to deliver the entire body, except for the head, into the birth canal.

Using scissors, the doctor then opens slits in the fetus' skull. Then the doctor opens the scissors to enlarge the opening.

After removing the scissors, the doctor inserts a suction catheter, which sucks the fetus's brains out of its head. The skull collapses, and the doctor then removes the aborted fetus.

Three days after Nebraska's law went into effect, Carhart challenged its constitutionality. On June 17, 1997, the U.S. District Court for the District of Nebraska suspended enforcement of the law while it was reviewed. On Aug. 14, 1997, the court granted a preliminary injunction against enforcement.

After a trial during the spring of 1998, the district court permanently blocked the law's enforcement on Aug. 10, 1998, stating it was unconstitutional.

Stenberg appealed the ruling to the U.S. Court of Appeals for the Eighth Circuit. On September 24, 1999, that court affirmed the lower court's ruling.

The court agreed with Carhart and his lawyers that the ban was not limited to the D&X procedure.

The court ruled that the law, in many cases, also would ban the most common method of second-trimester abortions, known as "dilation and evacuation" or "D&E." In that procedure, the doctor dismembers the fetus while the fetus is still in the womb.

"The difficulty is that the statute covers a great deal more (than D&X)," the Eighth Circuit Court wrote, "... such a prohibition places an undue burden on the right of women to choose whether to have an abortion."

Then, on October 26, 1999, the U.S. Court of Appeals for the Seventh Circuit issued a conflicting ruling, upholding laws against partial-birth abortion in Illinois and Wisconsin. The wording in those states' laws was similar to that of Nebraska's law.

On Jan. 14, 2000, upon an appeal by Stenberg, the U.S. Supreme Court

agreed to hear Nebraska's case.

In his brief to the Supreme Court, Stenberg employs two main arguments in support of the ban.

First, he writes, the law encompasses only the D&X procedure, not D&E. Second, the ban on partial-birth abortion does not place an undue burden on the right of a woman to choose abortion, especially because the American Medical Association and many doctors have said the D&X procedure is never medically necessary.

"Over the last five years, 30 states and both houses of Congress have attempted to regulate an abortion procedure that, in my judgment, is medically unnecessary and looks disturbingly close to infanticide," Stenberg's brief reads.

Carhart, represented by attorneys from the Center for Reproductive Law & Policy in New York City, makes several counterarguments.

Contrary to Stenberg's arguments, the law would prohibit most abortions, Carhart argues.

Even if the law prohibited only D&X, he says, it still would impose an undue burden on a woman's right to seek an abortion in the period before the fetus became viable. The law would harm women's health without serving any legitimate state interest, he argues.

"(Nebraska's law) attempts to eviscerate women's privacy rights by making the location of the fetus in the woman's body - not viability - the defining criterion for women's pregnancy choices," Carhart's brief reads.

Oral arguments at the U.S. Supreme Court are scheduled for 10 a.m. (9 a.m. CDT) on Tuesday.

# Groups join together to celebrate Earth Day

EARTH from page 1

Jill Sorensen, a junior horticulture major at UNL and a member of Ecology Now, said she attended the celebration both to help out with the Ecology Now booth and to take in the festive atmosphere.

"It's nice to be part of a large group of people where everyone is smiling," Sorensen said.

In addition, Sorensen said the information about recycling, reusing and reducing made the program interesting.

"It's not everywhere that you can

learn how to build a compost bin," she said.

Aaron Ross, a junior environmental studies major and member of Ecology Now, also helped with his organization's booth.

He said usually the organization sponsors some sort of Earth Day program on the UNL campus.

But this year, he said, the organization encouraged UNL students to check out the activities at Antelope Park and Ecology Now's booth on global warming.

"We're focusing on bussing and biking as a solution to global warm-

ing," Ross said.

Amy Ryan, a Lincoln resident, said she viewed the program as an educational opportunity for her children.

"I wanted to teach my kids more about recycling and taking care of the earth," she said. "Plus, it's a great day to be outside."

Heafer said the event, which he had been planning since last fall, was a success.

"That it fell on Easter weekend is both good and bad," Heafer said. "Things started off slow but picked up once the Easter egg hunts were over."

# Dead Week violations down

DEAD WEEK from page 1

received, the Academic Committee reviews the complaint and tries to get in touch with the instructor.

Mueller said the complaint is discussed with the instructor and usually an agreement is made. It is rare to have the complaint go to a higher authority, which usually is in the department that oversees the class in question.

Mueller said it is important to have Dead Week to prepare for exams, and in order to make sure students have that week, they should educate themselves on the policy.

The policy states that final exams for semester classes should be given at scheduled times listed in the Official Schedule of Classes or at another time

during finals week that is mutually agreeable for everyone involved. The exceptions are labs, practical exams make-ups and repeat or self-paced exams.

Also any papers, projects and speeches scheduled for Dead Week must have been assigned in writing by the end of the eighth week in the semester.

Quizzes are allowed during dead week.

If students find violations of this policy, they can fill out a complaint form in the ASUN office as soon as possible.

The complaint is confidential and students' names will not be released to administration without the students' consent.

listen up class of 2000!

# because...

the bouncer at your favorite hangout doesn't count as a

# reference

log on now  
[unl.eGrad2000.com](http://unl.eGrad2000.com)  
 from your friends at  
**The Daily Nebraskan**

enter to win a trip for 10 to  
**europa**

**egrad2000**  
 The right start in the real world.  
**JOBSTRAK.com**  
 "The best site for students & grads looking for their first job."  
 - Forbes Magazine