

Daily Nebraskan

Wednesday, April 26, 2000

dailyneb.com

Vol 99, Issue 148

DN Issues

What does a college degree mean, and how should it be used?
OPINION, PAGE 5

Near and Far

Two exhibits are opening jointly at Omaha's Joslyn Art Museum.
A&E, PAGE 9



Stenberg: High court divided on ban

■ U.S. Supreme Court heard arguments in the partial-birth abortion case Tuesday.

By Brian Carlson

Staff writer

WASHINGTON — In a possible landmark abortion case, the U.S. Supreme Court heard oral arguments Tuesday on the constitutionality of Nebraska's ban on partial-birth abortions.

Attorneys clashed on whether Nebraska's law is a narrow ban on a gruesome and medically unnecessary abortion procedure, or a far-reaching law that could prohibit more common procedures and place an undue burden on a woman's right to choose to have an abortion.

In *Stenberg vs. Carhart*, the first abortion case the Supreme Court has heard since 1992, the court will rule on the constitutionality of Nebraska's law, which has been blocked from being enforced by lower courts.

The Supreme Court's ruling, expected by the end of June, could affect laws in 30 states that have banned partial-birth abortions.

Nebraska Attorney General Don Stenberg defended the state's law, saying it bans only the procedure known medically as "intact dilation and extraction," or "D&X," while leaving other abortion options open to women.

Simon Heller, a lawyer for the Center for Reproductive Law and Policy in New York, represented Dr. LeRoy Carhart, the Bellevue abortion doctor who challenged the law.

Heller said the law would ban more than just the D&X procedure and would hamper the ability of women to undergo the safest abortion procedure available in some circumstances.

Stenberg, also a Republican candidate for U.S. Senate, told the court that the law bans only the D&X abortion method. In that procedure, the doctor delivers the fetus's body up to the head into the birth canal, then uses scissors to open a hole in the fetus' skull before inserting a suction catheter and sucking the brains out of the head.

Stenberg said the law would not ban the more common "dilation and evacuation," or "D&E" method, in which the fetus is dismembered while still in the womb.

Please see SUPREME on 3

Nebraska leaders scrutinize state's late-term abortion law

By Michelle Starr and Jill Zeman

Staff writer

With the arguments said and done in Washington, D.C., on Tuesday, Nebraska politicians, pro-life and pro-choice advocates spoke their minds on Nebraska's questioned late-term abortion ban.

The case, Attorney General Don Stenberg vs. Dr. LeRoy Carhart, a Bellevue doctor who performs partial-birth abortions,

is questioning a 1997 Nebraska law that bans a procedure called dilation and extraction.

Some say the ban on the procedure puts in jeopardy a woman's constitutional rights of not having an undue burden placed upon them; others say the procedure is gruesome and unnecessary.

Sen. Chuck Hagel declared his support of the state's law and said, as a U.S. senator, he has

Please see NEBRASKANS on 7

Catch of the Day



Mike Warren/DN
AFTER A FOUL BALL landed on the track during practice, Tim Logan, a javelin thrower for NU, looks for a child to throw it to. The ball's landing drew a crowd of children who screamed to Logan to give it away; Logan, however, decided to give it to security working the gate at the baseball game.

Concerted effort brings Tutu to campus

By Kimberly Sweet

Staff writer

It's three months later than originally planned, but Archbishop Desmond Tutu of South Africa will finally be in Lincoln today.

The 1984 Nobel Peace Prize winner will be the lecturer for the final E.N. Thompson Forum on World Issues of the school year. His speech will begin at 3:30 p.m. at the Lied Center for Performing Arts.

A snowstorm prevented Tutu from speaking on the original scheduled date, Jan. 25.

But organizers who helped secure Tutu's appearance say the three-month wait is nothing compared with the years they have spent trying to bring Tutu to campus.

Event organizers say they have long

seen the relevance of the anti-apartheid leader's message to the E.N. Thompson Forum, which aims to educate citizens on worldwide issues.

"We've wanted for a long time to see Tutu come," said Stephen Hilliard, professor of English and coordinator of the Humanities Research Program. "He's been on our list for seven or eight years, but we were never able to arrange it."

Robert Hitchcock, associate professor of anthropology, said Tutu was excited to finally arrange a visit to the University of Nebraska-Lincoln. The university's stance on various human rights issues has drawn Tutu to campus.

The University of Nebraska was one of the first to speak out against apartheid, and Nebraska was one of the first states to oppose apartheid, Hitchcock said.

"It's been a very activist campus on the

"He's been on our list for seven or eight years, but we were never able to arrange it."

Stephen Hilliard

Humanities Research Program coordinator

issue of apartheid," he said. Tutu is known for being instrumental in apartheid's end in South Africa. He was the first black archbishop of the Anglican church.

Please see TUTU on 7

Arguments in execution case finished

Decision may come in week

By Michelle Starr

Staff writer

Final arguments were heard Tuesday in a hearing to determine if electrocution is a constitutional method of execution.

At the hearing, which began Monday at the University of Nebraska Law College, Lincoln attorneys Jerry Soucie and Jim Mawbray argued that the Department of Correctional Services doesn't follow all specifications of Nebraska law in carrying out the death penalty using electrocution.

This deviation results in an unusual amount of pain and suffering for the inmates, the attorneys said.

Death by electrocution is therefore unconstitutional, Soucie said.

But Deputy Scotts Bluff County Attorney Doug Warner said the amount of time the inmate is in pain does not constitute torture.

"There are few ways to die that don't involve pain," Warner said.

The motion for a hearing was filed after a 26-year-old Scottsbluff man, whom Soucie represents, was convicted of killing and dismembering his girlfriend's 3-year-old son in March 1999.

Raymond Mata Jr., convicted of the crime, will either be sentenced to life in prison or given the death sentence.

Scotts Bluff County District Court Judge Robert Hippe, who is one of three judges on a sentencing panel for Mata in Scottsbluff, heard the arguments.

Soucie and Mawbray used Nebraska executions of Robert Williams in 1983, Harold Otey in 1994 and John Joubert in 1996 to argue the method is unconstitutional because of burns on the inmates' legs and heads where the conductors were. Examples from cases in other states such as Florida and Alabama were also used.

Testimony was heard Tuesday from Jay Patrick Reilly, an electrical engineer from Maryland, who said Monday's testimony from Charles Hohenstein, retired assistant warden of the Nebraska State Penitentiary, showed a lack of understanding and knowledge of electricity.

Protocol for the Department of Correctional Services is based on a 150-pound person, but of the many variables for conductivity — which is imperative to incapacitate the brain — is a person's physical characteristics, he said.

A tall, skinny person with a small muscle mass would provide more resistance to conductivity than someone with more muscle mass, Reilly said.

If too little of a current is used, or there is too much resistance to the current, not enough electricity will pass through the brain. If too strong a current is used, the heart will not fibrillate, or stop. It will defibrillate, or start again,

Please see EXECUTION on 7