

DN: Student records should not be secret

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offense received a lesser penalty. After lawyers for UNL and the NU system reviewed the Daily Nebraskan's request, Judicial Affairs Director Rosemary Blum denied it in October, citing two exceptions to Nebraska's public records law.

"After careful review of the Nebraska open records statute, as well as the Federal Family Rights and Privacy Act (FERPA), I can find no evidence to support granting your request to view any university disciplinary records," Blum wrote Oct. 3.

On appeal, the state attorney general's office upheld the university's decision in a Nov. 13 letter.

But public records experts with the Student Press Law Center and Nebraska's Society of Professional Journalists question the legal basis of the university's decision.

UNL journalism professor and SPJ Project Sunshine Chairman John Bender said the attorney general's argument was circular.

Bender said that Assistant Attorney General Dale Comer justified the university policy of keeping these records confidential with the university policy itself.

Access to information about crime on campus has been an issue nationwide since the passage of FERPA and long before.

The federal law FERPA, which is also known as the Buckley Amendment, was passed in 1974 to prevent schools from releasing a student's educational records without permission.

Many universities responded by classifying any information about crimes gathered either by the campus police or judicial affairs offices as "educational records" and restricting access.

Those practices were criticized after some students fell victim to crimes on campuses where the universities had prior knowledge of similar crimes, but failed

to notify students.

A national lobbying group dedicated to safe campuses, Security On Campus, Inc., was formed by the parents of a young woman murdered on a university campus.

The courts have held schools civilly liable for crimes committed against their students when the school failed to warn the student body of the dangers of crimes committed on campus, according to the Student Press Law Center.

The University of Nebraska has a history of being open with its University Police records. The UNL department furnishes a copy of its 24-hour police log listing every incident each day.

But the results of Judicial Affairs' proceedings remain confidential.

In fact, the Chancellor's Task Force on Conduct Standards and Behavior Standards recommended in 1996 "that the results of alleged student code of conduct violations be made public on a regular basis, within the legal restrictions imposed."

That task force was assembled in the fall of 1995 by then Interim Chancellor Joan Leitzel to examine UNL's disciplinary procedures and standards about the same time that several high-profile violent incidents involving student athletes dominated the news.

The Daily Nebraskan argues that any legal restrictions that prevented the release of those records in 1996 has been removed.

In October 1998, Congress amended FERPA to show that records of crimes of violence and sex offenses should not be considered educational records and could be released.

In its refusal, the university relies on an exception to Nebraska's open records law that protects personal records of students.

That exception was passed by the Unicameral in 1979, five years after the federal law protecting educational records was enacted.

Bush asks Gore not to contest Florida results

BUSH from page 1

closure," Baker said. "At some point, the law must prevail, and the lawyers must go home."

"We have reached that point," he said. "... It is time to honor the will of the people."

For all that, Baker said Bush will "absolutely" go ahead with his case in the U.S. Supreme Court, challenging the state

supreme court ruling that led to the extended certification deadline and hand recounts of ballots cast by machine in four disputed Democratic-leaning counties.

Anticipating the certification, Gore was preparing a speech to be delivered today, explaining his case for the continuing challenge.

Gore, who got 337,183 more votes than Bush nationwide on

Nov. 7, said he has an obligation to the people who supported him and Lieberman, more than for any Democratic ticket before them.

In an interview with The New York Times, he said "every vote that is legally cast must be fairly and accurately counted in accordance with the law ...

"If at the end of this process ... if Governor Bush is successful, I

will spare no effort to help him unify the country behind his leadership," Gore said, "and I would expect him to do the same if I am successful."

The votes were delivered to Harris in line with a 5 p.m. EST deadline set by the state supreme court, which allowed hand recounts through Sunday, 12 days past the date she had said certification should be final.

Democrats question accuracy of count totals

GORE from page 1

to wipe away pictures of GOP celebrations in Florida, Democratic vice presidential candidate Joseph Lieberman said: "This evening, the secretary of state of Florida has decided to certify what by any reasonable standard is an incomplete and inaccurate count of the votes cast in the state of Florida."

Gore knows his first order of business is to convince the public that there is good reason to continue legal fights and vote-counting.

That is why Lieberman rushed to deliver his remarks while Gore prepared for a speech today outlining reasons for the battle.

Sen. Bob Graham previewed Gore's address, stressing earlier in the day that continued vote counts would legitimize the next president - whoever that may be.

House Minority Leader Dick Gephardt and Senate Minority Leader Tom Daschle planned a news conference today in Florida to carry the themes.

If the courts allow, Democrats say they can reverse Bush's majority in Florida in this fashion:

■ Winning court approval to include final results from Palm Beach County where election officials showed Gore with a net gain of at least 180 votes. Because the recount was not completed until two hours after Sunday's 5 p.m. deadline, Harris ruled the entire recount was invalid.

In addition, Gore attorneys will argue that Palm Beach County should be required to apply a liberal standard for approving votes - settling the colorful controversy regarding

dimpled chads. In the appeal of Harris' action, Gore's attorneys estimate he could gain another 300 to 600 votes in the southeast coast county under a lower threshold.

■ Winning a recount in Miami-Dade County where thousands of votes are being disputed. Gore showed a net gain of 157 votes in the state's largest county where hundreds of ballots were considered before election officials reversed field and abandoned a county recount.

Democrats believe Miami-Dade could yield Gore hundreds of additional votes if the jurisdiction was ordered by courts to open to a full recount. Some 10,000 ballots were kicked out by a counting machine that couldn't read any mark in the presidential column, according to Gore aides.

■ Subtracting 52 Bush votes from Nassau County, where election officials decided to submit Election Day vote totals instead of a machine recount that had inadvertently missed about 200 ballots.

Number-crunchers in both parties say Gore could gain 1,000 votes or more if the courts accepted the Democratic challenges in all these jurisdictions.

"We're not talking about big, big numbers anywhere, but we don't need big, big numbers," said Democratic spokeswoman Laura Quinn. "If the reality wasn't that these numbers could push us over the line, Republicans wouldn't be turning to the Florida legislature to appoint electors."

Yet there are big numbers involved in Seminole County where a Democratic activist has gone to court accusing Republicans of illegally handling thousands of absentee ballot



Alex Wong/NewsMakers Democratic vice presidential candidate Sen. Joseph Lieberman makes a statement Sunday in Washington moments after Florida Secretary of State Katherine Harris certified Republican George W. Bush as the winner of the state's presidential election. Sen. Lieberman called the certified votes "incomplete and inaccurate."

applications. If successful, this challenge would shift 4,700 votes away from Bush.

Republican officials argue that Democrats only want to

count Democratic counties after dispatching lawyers across Florida to help disqualify overseas absentee ballots that tend to favor GOP candidates like Bush.

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Bike trail planned between campuses

TRAIL from page 1

Husker Link trail still has a few roadblocks to tackle before it becomes a reality.

The city of Lincoln, which will own the trail, has not formally bought the tracks from Union Pacific Railroad, she said.

Loftis said she hopes to see the railroad hand over the tracks within the next couple of months.

"We just have to wait and see," she said.

But the issues won't dissolve when the city purchases the area, she said.

Loftis said her group is still trying to raise \$400,000 to pay for the project.

So far, she said, the Great Plains Trails Network has raised about \$110,000.

The city of Lincoln and federal matching grants will pay for the rest of the project's cost, Loftis said. Estimates for the cost of the project total about \$800,000, she said.

Trail enthusiasts will also

have to battle a few area businesses along the trail that want to use the trail space for their own needs, she said.

Obstacles aside, Loftis said, she expects to see students commuting between City and East campuses within one or two years.

Parks Coble, a history professor at the University of Nebraska-Lincoln, said he is excited about the railroad track abandonment and the bike trail that will follow in its place.

In a letter to the Daily Nebraskan, Coble said the Husker Link path will better Lincoln's trail system and open the downtown area to bikers and joggers.

He also said the trail will give bikers and joggers a safe alternative to car-clogged streets and narrow sidewalks in the downtown area.

"As anyone who has tried to run or bike along the sidewalks on Vine or Y streets knows, these are congested and dangerous," he said.

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