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THE LINCOLN STAR

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Guatney statements suppressed

By Kathryn Haugstater
Star Staff Writer

All statements made by William Guatney during law enforcement interrogation in Kansas and Nebraska in 1978 and 1979 were ordered suppressed Friday afternoon by Lancaster County District Court Judge Dale Fahrbruch.

Fahrbruch said he found that Guatney's statements were not the product of a rational intellect and that some were the result of suggestions from his questioners.

Guatney's attorney, Lancaster County Public Defender Dennis Keeffe, said the decision raises the possibility that the first-degree murder charges against Guatney may be dropped.

"I'm so happy I could scream or cry," Keeffe said.

Deputy Lancaster County Attorney Alan Stoler said the prosecution reported the decision to a Nebraska Supreme Court judge within

10 days. He said he discussed Fahrbruch's decision with County Attorney Tom Labers and that any decision about a possible appeal and continuing with the prosecution of Guatney probably would be made by Tuesday morning.

"I'm sure it was a difficult decision (for the judge) to reach. It was not a clear-cut case," Stoler said.

Stoler said the state has other evidence that could be used for prosecuting Guatney for the murder of two Lincoln youths in 1975 and there is a possibility of prosecution for crimes in other jurisdictions.

Guatney, a transient and livestock groomer, was charged in the deaths of Jacob Barber, 12, and Jon Simpson, 13. The boys disappeared from the Nebraska State Fair in 1975. Their bodies were found in separate locations after their parents reported them missing.

Guatney was once considered a suspect in al-

most a dozen slayings of boys across the Midwest, but evidence uncovered by the public defenders office cleared him of suspicion in many of those cases.

He has been confined at the Lincoln Regional Center and Judge Fahrbruch ordered him returned there, saying Guatney needs an environment where he is assured of getting medication for his psychosis and that the stress of jail would be too much for him.

Friday morning, Judge Fahrbruch ordered some of Guatney's statements suppressed and said he wanted to rerun the tapes before making a further ruling.

In his oral argument before Fahrbruch, Keeffe had said it was fundamentally unfair to use Guatney's statements against him in a prosecution because of his mental state.

He said four experts had testified that the 39-year-old Guatney had mental problems dating

back to 1961. He said their testimony indicates that Guatney suffers from organic brain damage caused by alcohol and a head injury. They also indicated that he suffers a psychotic condition of paranoid schizophrenia made more acute by alcohol and stress, Keeffe said.

He said Guatney's intelligence quotient bordered on retardation and that he suffered from these conditions during the periods in question in 1978 and 1979.

Stoler asked the court to consider the testimony of the law enforcement officers who spent a great deal of time with Guatney and found him to be aware and capable of remembering past events and places.

He argued that Guatney was responsive to questions, although at times he was evasive.

Stoler conceded that Guatney has mental disorders but said that doesn't preclude his ability to make voluntary statements.

"Sure it might not be to his advantage but people do make statements that they shouldn't make," he said.

In ruling to suppress some of Guatney's statements, Fahrbruch said Friday that the evidence was clear that on the day Guatney was picked up by the Topeka police in 1978, he was questioned for four hours before he was told of his Miranda rights.

Fahrbruch said, "The court is at a loss to understand how a police officer can consider a person so drunk he can't understand his Miranda rights and yet continue to question him and expect the court to accept it."

Other statements had been suppressed because law enforcement officials gave what the judge called a "fragmented warning" to Guatney during a trip to Topeka and back to Lincoln.

Judge says 'strip PATCO of rights'

WASHINGTON (AP) — An administrative law judge recommended Friday that striking air traffic controllers union be stripped of its rights to bargain on behalf of the air controllers because of its involvement in the illegal air controller walkout.

Judge John Fenton argued the Federal Labor Relations Authority to "revoke the exclusive recognition status" of the union and that it be ordered to "cease and desist from calling or participating in its walkout of nearly 1200 air controllers."

The recommendation was a major victory for the Reagan administration, which has asked the labor authority to decertify the Professional Air Traffic Controllers Organization for engaging in an illegal strike against the government.

If the three-member authority goes along with Fenton, the union would no longer be recognized as representing air controllers in bargaining with the Federal Aviation Administration and would be deprived of automatic dues checkoffs.

PATCO president Robert E. Poli declared, "We are still alive and still well," said he expected the law judge's recommendation and that the union intends to argue strongly before the labor authority to reverse it.

If that fails, Poli promised an appeal through the federal courts.

He noted that the union has a separate complaint before the labor authority accusing the government of unfair labor practice in the way it negotiated during contract talks earlier this month.

Looking at the broader issues of the strike, Poli told reporters that the controllers were prepared to continue their walkout for months if necessary.

and said, "We're prepared for as long as it takes."

Dick Schoenfeld, a spokesman for the Transportation Department, said the department would hold off comment until Fenton's 30-page recommended order can be further studied.

The government earlier in the week had argued before Fenton that PATCO should be decertified because it had condoned and participated in a strike by more than 1200 air traffic controllers although a walkout is prohibited by law because they are government employees.

Fenton's recommendation said the union failed to take action to prevent the walkout.

The Pentagon, meanwhile, announced it soon will increase to 1000 the number of military controllers assigned to help handle commercial traffic around the country. Currently, 600 military controllers are working out of 111 military air bases and towers.

Earlier Friday, Transportation Secretary Drew Lewis said the Reagan administration is determined not to return strikers to the job until they recommend a presidential veto if Congress acts to allow the strikers to resume work.

Also, the FAA said there have been at least 17 instances of phony radio transmissions or interference in legitimate transmissions between controllers and pilots since the strike began.

But Lewis said none has been linked to the controllers' strike and none has compromised safety. Poli told reporters, "We are not involved in that."

Recordings of some of the radio transmissions were being turned over to the Federal Communications Commission and the FBI for investigation.



Colleen Jansk's thirsty steer takes matters into his own mouth at the Lancaster County Fair. Fair stories, pictures, winner lists, Pages 8, 9.

Musician switches to sax for band

By Patty Butler
Star Staff Writer

When Janet Wolfe tries out for the Cornhusker marching band Saturday she'll be marching to the tune of a different instrument.

Since the Cornhusker musicians have shunned clarinet from their ranks, the incoming University of Nebraska-Lincoln freshman, seven years a clarinet player, is making a quick switch to the alto sax.

As if the new horn weren't challenge enough, the two-year twirler for Northeast High School has to worry again about making music while she marches — something she hasn't done since 10th grade.

On a concert tour in Europe this summer with the U.S. Collegiate Wind Band, Janet experienced a different sort of playing on the move.

She was one of a hundred young musicians, including Lincolnite Kevin Duzick and two other Nebraskaers, from 37 states who packed a dozen concerts into a three-week trip through seven countries.

"I wanted to see Europe and I like playing my instrument. The trip was a good way to do both at the same time, said the 18-year-old daughter of Mr. and Mrs. John Wolfe, 909 Fremont.

Music enriched the experience, she said. "It's a way of getting to know the people rather than spending the whole time sight-seeing."

As added treat came during a festival in Manchester, England, where she performed a march she played in high school under the baton of Dr. Frederick Fennell, the composer who arranged the piece.

"I never had anyone who'd arranged any music direct as like that," she said with renewed awe.

With All State, Hastings and Wesleyan honor bands to her credit, Janet, ranked fifth academically in her graduating class, says she takes her music pretty seriously, as do the other traveling players. "I think we get better as we went along. We took the conductor seriously. There were no goof-offs," she said.

At college, music will play second fiddle to her proposed major in physical therapy.

Should she be paired over for the Cornhusker band, Janet expects to play in the clearest cheer and continue lessons at UNL.

Youth In Action



Miss Wolfe will try sax. Free Fashion Shows Sat & Sun, Gateway Gallery Mall-Ad

Inflation rate rises 'moderate' .4 percent

WASHINGTON (AP) — Inflation at the wholesale level rose a moderate .4 percent in July, with only a surge in pork prices spiking what would have been the best month since last fall, the government reported Friday.

The Labor Department said wholesale prices — as measured by the Producer Price Index for finished goods — increased just .85 percent in the 12 months ended in July, the lowest 12-month rise in more than three years.

In addition, private economist Donald Ratajczak said the 1.3 percent rise in wholesale food prices last month was "a blatant aberration," raising hope that the relatively low increases in overall national inflation in the past several months may continue.

Annual wholesale inflation rates for the past four months, for example, have ranged between .54 percent and June's .67 percent, with July in the middle at .52 percent. The annual rate is what one year's inflation would be if a particular month's price continued for 12 full months.

The wholesale inflation rate for all of 1980, by comparison, was 11.8 percent.

Meanwhile, the economy continues to move ahead only slightly, as shown by a report from the Federal Reserve Board on Friday that industrial production increased just .81 percent in July. Much of the increase was caused by a post-strike rebound in steel production.

With consumer food prices going up and housing costs once again soaring, the Labor Department's Consumer Price Index, which rose .71 percent in both May and June, "could well be in double-digit range in July," he said.

On the brighter side, he said there is a little chance that overall food prices will rise as much as the 18 percent the Agriculture Department projected at the start of the year.

News Digest

AWACS 'battle' ahead
WASHINGTON (AP) — The Reagan administration after two postponements, will send Congress on Aug. 24 its controversial proposal to sell five sophisticated AWACS radar aircraft to Saudi Arabia, an administration official said Friday.

The notification is expected to set off a major battle with the lawmakers, many of whom are on record opposing the planned sale.

Soviet Union buys grain
WASHINGTON (AP) — The Soviet Union has bought an additional 700,000 metric tons of grain for delivery over the next six weeks, the Agriculture Department said Friday.

Officials said the purchases included 350,000 tons of wheat and 350,000 tons of corn.

Saccharin gets extension
SANTA BARBARA, Calif. (AP) — President Reagan signed a bill Friday extending for two years the time during which the Food and Drug Administration may not ban the artificial sweetener saccharin.

Congress first imposed the ban in 1977, when the FDA proposed to remove the sweetener from the market because of concerns that it might be a cause of cancer.

Demand up for shelters
SYDNEY, Australia (UPI) — President Reagan's decision to produce neutron warheads has increased demand for backyard bomb shelters in Sydney, the Daily Telegraph newspaper said in its Saturday edition.

They're becoming more popular than swimming pools," Jeff Love, a builder, told the newspaper.

Rembrandt art stolen
DULWICH, England (AP) — A small portrait by Rembrandt, with an auction value of up to \$1.8 million, was stolen Friday from Dulwich Picture Gallery in South London, Scotland Yard reported.

A Yard spokesman identified the canvas as a portrait of Jacob III De Gueyn, who lived 1595-1641.

Postal service to resume
WASHINGTON (AP) — The Postal Service says it will resume regular mail service to Canada on Monday. Mail shipments had been suspended because of a strike by Canadian postal workers.

Daily News admits defeat
NEW YORK (AP) — The Daily News admitted defeat Friday in its year-old effort to publish an afternoon newspaper. It said it was folding its tonight edition and laying off 220 workers in a bid to save the nation's largest daily tabloid.

Mostly clear, cooler
LINCOLN: Mostly clear through Sunday. High Saturday low to mid 80s. Winds north 5 to 15 mph. Low Saturday night around 60. A little cooler. Sunday: high around 80. (Weather digest, Page 3)

Today's Check

Size isn't everything. The whale is an endangered species. But the ant is going all right.

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