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Supreme Court upholds state sodomy law

WASHINGTON (AP) — The Supreme Court, upholding a Georgia sodomy law by a 5-4 vote, ruled Monday that consenting adults have no constitutional right to private homosexual conduct.

The ruling was limited to "consensual homosexual sodomy." But nothing in its sweeping language cast doubt on the constitutionality of state laws that also make heterosexual sodomy a crime, even when performed by married couples.

"The proposition that any kind of private sexual conduct between consenting adults is constitutionally insulated from state proscription is unsupportable," Justice Byron R. White wrote for the court.

The Georgia law, which White said is similar to those in half the states, defines sodomy as "any sexual act involving the sex organs of one person and the mouth or anus of another."

The court refused to recognize

private homosexual conduct as a "fundamental right" deserving of the Constitution's fullest protection.

The court ruled previously that decisions to marry, have children, practice birth control or have an abortion are such fundamental rights.

"We think it evident that none of the rights announced in those cases bear any resemblance to the claimed constitutional right of homosexuals to engage in acts of sodomy," White said.

The Georgia law was challenged by Michael Hardwick, an Atlanta bartender and homosexual who was arrested in 1982 for allegedly committing sodomy in his home. He never has been prosecuted under the law, which carries a maximum penalty of 20 years in prison.

The arresting officer had gone to Hardwick's home to issue a warrant in another case and was told he could find him in his bedroom.

Hardwick sued Georgia officials in 1983, seeking to have the law declared unconstitutional. He had won in the 11th U.S. Circuit Court of Appeals, but that ruling was reversed Monday.

"Plainly enough, otherwise illegal conduct is not always immunized whenever it occurs in the home," White said. "It would be difficult . . . to limit the claimed right of homosexual conduct while leaving exposed to prosecution adultery, incest and other sexual crimes even though they are committed in the home."

The court swept aside arguments that the Georgia law has no rational basis without explicitly ruling that it is rational.

"Law is constantly based on notions of morality," White said, "and if all laws representing essentially moral choices are to be invalidated . . . the courts will be very busy indeed."

White was joined by Chief Justice

Texas man challenges court ruling

DALLAS (AP) — The plaintiff in a case challenging Texas' sodomy law said Monday that a U.S. Supreme Court ruling upholding a similar Georgia statute poses a threat to the privacy of heterosexuals, as well as homosexuals.

But a district attorney who took up Texas' appeal after Attorney General Jim Mattox dropped out of the case called the high court's decision "a great day for Georgia, the people of Texas and anyone else who believes in states' rights."

Warren E. Burger and Justices Lewis F. Powell, William H. Rehnquist and Sandra Day O'Connor.

Powell wrote separately that the heavy penalty attached to violations of the state's sodomy law could represent unconstitutional "cruel and

unusual punishment" because it is the same punishment meted out to convicted arsonists and robbers.

Justices Harry A. Blackmun, William J. Brennan, Thurgood Marshall and John Paul Stevens dissented.

Donald F. Baker, who filed suit in 1979 claiming the Texas law threatened his teaching job, said the hopes of the gay community "are dimmed, but not totally out."

"I guess we (the Texas case) are the last hope . . . that we will ever be treated equally," Baker said of his appeal.

Potter County District Attorney Danny Hill, who is handling Texas' case in Baker's suit, said the high court was upholding the rights of the individual states to

regulate such areas as sexual conduct.

But the ruling was assailed by the Texas Civil Liberties Union.

"This decision permits states to make criminals of millions of Americans and assaults the centuries-old principle of privacy in the home," said TCLU Executive Director Gara LaMarche. "It encourages hypocrisy . . . What consenting adults do in the privacy of their bedrooms ought to be none of the government's business."

Writing for the four, Blackmun called the decision "revolting."

"This case is about the most comprehensive of rights and the right most valued by civilized men, namely the right to be let alone," he said.



It Gets Your Goat

College Station's long, hot summer has set in and even affects this Angora goat, which can't decide to ponder life's mysteries (left) or just



Photos by Tom Ownbey

sleep on it (right). The Texas A&M Sheep and Goat Center houses the goats which are bred in an effort to produce improved mohair.

Labor federation warns South Africa of possible strike

JOHANNESBURG, South Africa (AP) — The nation's largest black labor federation warned Monday that the detention of its president could provoke spontaneous protest strikes across South Africa.

In other developments:
• The government said eight more blacks were killed in unrest, raising the toll to 93 since the government declared a national state of emergency June 12. Three victims died in clashes Sunday between militants and supporters of moderate black Zulu leader Chief Mangosuthu Buthelezi in Soweto, Johannesburg's huge black township.

• The government ordered the deportation of West German television correspondent Heinrich Buetgen, the fourth foreign journalist told to leave during the emergency.
The Congress of South Africa Trade Unions, which claims about 500,000 members, said the detention of its president Friday night was "further proof of a direct and concerted assault on trade union freedom in South Africa."

The federation noted that thousands of workers already had staged wildcat strikes at about 100 chain-store branches during the emergency to protest the seizure of union officials and shop stewards. The arrest without charge of the union chief "could spark widespread and spontaneous worker reaction around the country," the congress said in a statement.

The name of the detained union leader, a longtime anti-apartheid campaigner, may not be disclosed under press restrictions imposed as part of the emergency proclamation.

The federation said detention of labor leaders would be discussed Tuesday at an executive committee meeting.

Hundreds of activists, including most of the 40 executive members, have been in hiding to evade detention.

The federation's general secretary, Jay Naidoo, said in a clandestine interview last week that the executive members would meet openly Tuesday, in a direct challenge to the white-led government to allow free union activity.

But spokesman Frank Meintjies said on Monday that the meeting site would not be disclosed, lest more arrests follow.

Reports from labor federations in Britain and Switzerland on Sunday said that Naidoo likely had been detained, but Meintjies said that Naidoo was free, but in hiding, and planned to attend the executive meeting.

Meintjies told The Associated Press that the president was picked up at his home in Carltonville, a mining town west of Johannesburg. The union chief, the most senior labor leader jailed without trial during the emergency, is also vice president of the 250,000-member black National Union of Mineworkers.

The Labor Monitoring Group, an independent team of academics, said Saturday at least 923 union members were known to be in detention. It said 740 more workers were arrested while striking dairy plants to protest earlier detentions.

The Bureau for Information has said no union leaders were held for labor activities, but because of involvement in anti-government activities.

White business executives joined unions in asking that labor leaders be released, saying detentions and resulting strikes threaten chaos in industry.

Judge OKs plan to restrict inmate mail

HOUSTON (AP) — A federal judge Monday approved a controversial plan that allows the Texas Department of Corrections to restrict inmate-to-inmate mail in an effort to curb violence.

The out-of-court settlement approved by Chief District Judge John B. Singleton allows TDC to suspend mail privileges to inmates who abuse it. Assistant Attorney General S. Scott McCown, representing TDC, said the proposal could go into effect within a few weeks.

TDC officials contended that inmates have been able to recruit, organize and plan assaults and murders through the mail. More control over inmate mail will help decrease gang violence, they said.

The settlement affects two long-running prisoner lawsuits: one in which Singleton upheld prisoners' rights to receive mail and one that led to the sweeping reform order by U.S. District Judge William Wayne Justice.

The court approval of the mail

plan came while Justice was hearing more testimony in another Houston federal court concerning inmate allegations that TDC has failed to meet the court-ordered reforms.

For more than a week, inmates, TDC officials and prison experts have testified before Justice requesting that the Texas prison system be found in contempt and fined for violating court orders.

James Park, a retired official with the California Department of Corrections, testified Monday that the

Texas officials could reduce violence, theft and other abuse by inmates by placing guards within prison living areas.

Park testified that a lack of guards increases the chances that inmates will be victimized — especially at night.

An inadequate staff in inmate living areas is one of several complaints by inmates' attorneys that has brought the TDC back into federal court.

NASA HQ to control space station project

WASHINGTON (AP) — The space agency on Monday began the internal restructuring recommended by a presidential commission, announcing that its headquarters will take charge of building the space station rather than letting individual centers run their own segmented fiefdoms.

"This is the first step in the re-organization of the management structure," said James C. Fletcher, NASA's administrator, indicating that more shakeups are to follow.

"Bringing this function to headquarters will require the movement of a substantial number of NASA personnel to headquarters and in addition will require the services of a systems engineering contractor in some ways similar to the way the Apollo program was managed," Fletcher said.

The Apollo program, which resulted in six moon landings, was run from Washington by a strong director, Maj. Gen. Samuel C. Phillips, who now heads a

committee to assess NASA's overall capabilities and requirements. The streamlining of space station management was his first recommendation.

At a news conference, Fletcher declined to discuss the possibility that the United States will lease a privately built replacement for the space shuttle Challenger. Such a proposal reportedly has aroused the interest of high administration officials.

Contracts for various aspects of the space station have been the responsibility of four NASA centers: the Marshall Space Flight Center in Alabama, the Johnson Space Center in Houston, the Goddard Space Center in Maryland and Lewis Research Center in Cleveland.

Project managers at those centers will now report to a new associate administrator, Andrew J. Stofan, whose appointment was announced by Fletcher. Stofan has been director of the Lewis center since 1982.

Soviet SALT II proposal treated with skepticism

WASHINGTON (AP) — A Soviet proposal for a special superpower meeting on the future of a 1979 nuclear arms control treaty drew a chilly response Monday from U.S. officials who regard it as a propaganda opportunity for the Russians.

President Reagan, boarding Air Force One in California to return here from vacation, quipped: "Too much salt isn't good for you."

He tentatively decided in May to abandon the second Strategic Arms Limitation Treaty, SALT II, signed in 1979 but never ratified by the Senate.

Reagan's joshing reference to SALT II typified the skeptical, informal response within the administration to the Soviet proposal for a special meeting next month in Geneva on the treaty Reagan has tentatively decided to abandon.

"A lot of people are not thrilled (by the Soviet proposal)," said a U.S. official, referring primarily to Pentagon officials.

Through diplomatic channels, the Soviets last week called for a session of the Standing Consultative Com-

mission (SCC), established under the 1972 Anti-Ballistic Missile Treaty as a mechanism for dealing quietly with allegations of violations on both sides.

The United States asked for such a meeting in 1983 to discuss the early warning radar the Soviets were constructing at Krasnoyarsk in Siberia.

The request was turned down. In two reports to Congress, Reagan subsequently charged that the radar flouts the 1972 treaty.

Paul Warnke, the chief U.S. negotiator on the SALT II treaty, said the administration should take advantage of the Soviet request for a meeting of the special commission.

"It definitely ought to be picked up," he said in an interview. "There's no question we have not made proper use of the SCC."

Warnke said that before Reagan took office in 1981, the commission resolved several serious questions growing out of the 1972 and 1979 SALT treaties as well as the anti-ballistic missile accord.

Warnke said Gen. Richard Ellis,

who heads the U.S. delegation, "has been badly handicapped by lack of instructions."

Last month, Reagan announced that he would scrap two aging nuclear submarines, thus remaining within the provisions of SALT II, but said that unless Moscow obeyed the pact, he would order more B-52 bombers equipped with nuclear-tipped cruise missiles, exceeding the treaty's limitations on warheads.

Reagan claimed that the Russians violated SALT II by deploying SS-25 intercontinental ballistic missiles and by encoding signals during missile tests.

The Soviets have denied the charges.

White House spokesman Larry Speakes, traveling with Reagan, told reporters aboard Air Force One that the administration had not replied to the Soviet request "and we have not decided what to do."

In a related development, Soviet leader Mikhail S. Gorbachev accused the United States of sabotaging arms control efforts by ignoring Soviet proposals.

Eller named as interim chancellor

University News Service

Texas A&M Board of Regents Chairman David G. Eller will assume responsibilities as interim chancellor until a successor is found for former Chancellor Arthur G. Hansen.

Hansen formally retired Monday.

Eller, a Houston entrepreneur, said his duties primarily will involve signing documents which require authorization by the chancellor and carrying out other functions that are outside the realm of day-to-day activities.

He said he and fellow regents thought it inappropriate to name a member of the TAMUS staff as interim chancellor in light of the large number of individuals within the system being considered for the chancellorship.

Eller said the search is continuing in an "orderly and deliberate manner."