

WEATHER: Monday, partly cloudy and breezy with a 20 percent chance of light showers. High in the lower 70s. Monday night, partly cloudy and cooler with possible evening sprinkles. Low in the mid- to upper 40s. Tuesday, partly cloudy with a high in the upper 60s to lower 70s.

Daily Nebraskan

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DN, lawsuit appeal to be discussed

By Kip Fry
 Staff Reporter

The Nebraska Civil Liberties Union will discuss this week whether to appeal a high-court decision affecting the Daily Nebraskan's policy concerning stating sexual orientation in classified advertisements.

John Taylor, NCLU executive director, said Sunday that the NCLU's Board of Directors will have to decide whether to appeal the decision by the 8th U.S. Circuit Court of Appeals.

NCLU is sponsoring the lawsuit,

which was filed in September 1985 by two then-University of Nebraska-Lincoln students.

A three-judge panel ruled Friday that the Daily Nebraskan could refuse to publish "roommate wanted" advertisements that described the advertisers' sexual orientation, according to an article by The Associated Press.

The court upheld a previous decision by U.S. District Judge Warren K. Urbom.

The Daily Nebraskan initially refused to run a classified advertisement placed by two students requesting

homosexual roommates in the fall of 1984 because the ads were considered discriminatory.

'Editorial freedom of expression has consistently prevailed . . .'

— Urbom

Pam Pearn and Michael Sinn, then members of the UNL Gay-Lesbian Student Association, filed suit, contending that their First Amendment rights of freedom of expression and

access to a public forum were denied.

The Court of Appeals made the wrong assumptions about the way the Daily Nebraskan is run, said Jerry Soucie, an attorney representing Pearn and Sinn. The fact that the decision not to run the ads was made by the Daily Nebraskan Publications Board indicated that the newspaper was not an independent publication. Urbom ruled that the Daily Nebraskan was editorially independent of the state and functions like a private newspaper.

In his decision, written in the

summer of 1986, Urbom wrote, "Editorial freedom of expression has consistently prevailed where various forms of censorship were applied to student publications of state-supported universities. A university may not suspend an editor for publishing controversial articles; suppress objectionable material from publication; withdraw or reduce financial support because of the newspaper's offensive content; or regulate content to assure the compliance of printed materials with 'responsible freedom of the press.'"



Paul Vonderlage/Daily Nebraskan

Beat from the books

Sally Vohland and Glen Wolta just can't seem to keep up the concentration when it comes to business law. The duo spent Sunday afternoon in the Nebraska Union hitting the books.

City Mission helps homeless

By Lisa Donovan
 Staff Reporter

Michael said he has spent the past 16 years of his life living day to day.

"I've been everywhere," he said, "and it's like one day I have money, food and even a car, and then some days I'll just start in on the alcohol and dope and stuff."

Originally from Tennessee, Michael has hitchhiked, ridden in trains and sometimes driven a car across the United States while doing what he calls "surviving."

"I ran away from home when I was 14 years old, and I have been on the streets consistently," Michael said.

Michael, along with many of the other homeless guests at the People's City Mission in Lincoln, is just passing through.

"I would say that about 30 percent to 35 percent of the people who stay here are from Lincoln at any given time," said Julie Reddish, director of public relations and volunteer coordinator at the mission.

A United Way study on emergency shelters says: "There are about 100 more or less permanent residents who use emergency facilities regularly and at any given time; during the warm months there may be another 300 transient individuals in the community. In a year's time, as many as 1,500 transients and indigent individuals may pass through the community."

The mission has been running close to its capacity of 90 since January when its new building opened at 110 Q St. The number of guests, however, fluctuates daily.

The mission provides room for about 62 guests on the men's shelter side, and 30 to 32 guests can stay in the family shelter.

"We have people here who are traveling and end up with broken-down cars. We deal with child- and spouse-abuse cases. We take in transient men, if that's what you want to call them — we call them guests here — and bag-lady types, if you will," Reddish said.

Angela and her fiance were on their way from Chicago to Nevada when her fiance's bag with all of his belongings and money was stolen.

"We discovered it was missing at a rest stop outside of Grand Island," Angela said. "We asked around and some folks told us to go back to Lincoln, so here we are."

The two are staying at the mission until they can save some money. They both got "spot" jobs through Catholic charities for the

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American policies criticized

ACLU official says covert operations don't work in U.S.

By Anne Mohri
 Staff Reporter

Covert operations don't work in a democratic society because Americans have the right to know what's going on in their political system, an American Civil Liberties Union official said this weekend.

Morton Halperin, former deputy secretary of defense and present executive director of the American Civil Liberties Union, cited the Iran-Contra affair as the perfect example of a covert operation gone bad, proving that secrecy in the government does not work effectively.

"Covert operations inevitably breed lies," he said. The government starts out by lying to its opponents, then to the public, then to Congress and then to the general public, Halperin explained.

Halperin spoke Saturday at the Nebraska Center for Continuing Edu-

cation to about 50 people at a seminar put on by the Nebraska Civil Liberties Union.

"When intelligence scandals broke in the mid-'70s, the ACLU debated and adopted the position, saying that covert operations were incompatible with the kind of constitutional system we have in this country," Halperin said.

Halperin said an example of lying is President Ronald Reagan's claim that there was no truth to a story in a Lebanese newspaper about former National Security Council adviser Robert McFarland and the sale of arms to Iran.

"It was part of what the government becomes used to doing, comes to think is legitimate to do, when it engages in a secret operation," Halperin said.

He said covert operations begin by breaking the laws of other countries and end by breaking the laws of the

United States. Halperin said diverting funds to Nicaragua was wrong because the Boland Amendment prohibits the government from giving money to Nicaragua without the consent of Congress. "There is no way, in my view, to square this circle, no way to have covert operations," he said. He explained that the only solution to the problem of secrecy in the government was to return to the intent of the framers of the Constitution.

"If you look at the Constitution, the people that drafted it were concerned that we not easily go to war or get involved without public knowledge and consent, and nothing is more at war with that than covert operations," Halperin said.

Halperin also attacked Supreme Court nominee Robert Bork's conception of the Constitution.

Halperin said the ACLU's biggest complaint about Bork is that he believes the most important liberty is the

liberty to impose one's moral values on others. Bork also believes that the Constitution supports this theory, he said.

Halperin said Bork thinks the only rights are those rights "specifically enumerated" by the Constitution. His view, Halperin said, is that those rights not enumerated in the Constitution do not exist.

"And he literally says the court should ignore the Ninth Amendment because nobody can figure out what it means," Halperin said.

Bork's concept greatly limits the role of the Supreme Court to enforcing only those rights specifically enumerated by the Constitution, he said. "To do more, Bork said, would be to destroy liberty in America because the most important liberty is the liberty of the state to impose moral values," Halperin said.