

Daily Nebraskan
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Opinions unfair

Post-rape exams re-victimize victims

It is 1 a.m. The buttons of her blouse are missing, the material is torn from her shoulder. Tears mark trails on her dirty face. She has driven to the police station to report a rape.

But that's not enough.

In Nebraska, she will not be granted a jury trial unless she can provide corroborating evidence of the rape, says Thomas Shanahan, Nebraska Supreme Court judge.

Within 24 hours of the alleged rape, she must undergo a physical exam. Hair and fingernail scrapings must be taken as evidence of the assailant and all body orifices must be swabbed. The clothing she was wearing at the time of the assault must be taken by the police as evidence.

Some ill-informed, uninformed people argue that an alleged rape victim is making an attempt to get revenge on an unrequited lover by reporting a rape, or that she may even have asked for it by wearing provocative clothing or acting especially flirtatious.

But provocative clothing and a slight smile at the guy across the bar do not invite a violation of one's physical or mental well-being.

Furthermore, a woman's or man's claim should justify a further investigation into the alleged assault.

Once violated, rape victims frequently are reluctant to report the sexual assault to the police. They fear their story will not stand, that they are the ones to blame for the incident, that they asked for it.

A physical exam can re-victimize the victim. Once again, they have no control over what is happening to them physically.

And it is only in Nebraska that rape victims must show further evidence of the assault. All other states have updated this precedent to include individual representation as substantial evidence of the assault.

The requirement for evidence is not a part of Nebraska statutes, Shanahan says. It stands only because of judicial opinions that support it.

It still stands that all defendants are innocent until proven guilty.

But if rape victims were no longer forced to supply corroborating evidence of the assault, perhaps victims would be more likely to report the incident to the police.

— Diana Johnson
for the Daily Nebraskan

Gay rights activist confused with caption

As an advocate for gay people and a journalism major, it confused me to read the caption with the photo of people participating in National Coming Out Day (DN, Oct. 12).

The caption implied that the people in the photo, one of whom was myself (the one not holding the sign), were "members of UNL's gay/lesbian population . . ."

However, if the photographer had checked with us instead of assuming, which is bad journalism, he would have learned that not everyone there was a "coming out" gay man or lesbian woman. I was there because I was a "coming out" straight person.

Coming Out Day's purposes weren't only to increase the visibility of a population of more than 20 million people in the United States, but also to show respected and famous gay men and lesbians and to educate the public of the oppression that gay people endure. On that day, and throughout history during other events, parents of gay sons and les-

bian daughters, the children of gay parents and friends, like myself, have publicly introduced themselves as supporters of gay men and lesbians.

It's a misconception that only gay people are fighting for the rights and respect that other cultures receive. There are many straight people fighting beside them. But because they are labeled as being gay or lesbian for their support, their number is far less than that of gay people.

Still, straight supporters exist and should be recognized, just as the gay protesters are. It's my belief that the existence of gay people and straight people working together is the sole purpose of the gay movement. Gay people can't stop fear and ignorance without the help of others and while hidden and ignored behind the walls of a closet.

Amie DeFrain
sophomore
news-editorial and member
Gay/Lesbian Student Organization

Critics should judge movie, not Elvis

If I am not mistaken, Michael Deeds and William Rudolph are supposed to be movie critics, not critics of a man's life. Elvis Presley was an extremely talented man who became trapped by his fame. He became a victim of that fame and suffered because of it. He paid for it with his

life. All that I'm saying is critique the movie and stop judging other people's lives. I'm sure that both of you are far from perfect. After all, "Let's be real, here."

James Ingles
freshman



Poor selection generates doubt

Columnist says election 'firsts' may damage America's future

For the first time in 20 years, we are observing a presidential election that does not involve a sitting president.

Not since Humphrey/Muskie lost a heartbreaker to Nixon/Agnew has the nation had to guess about what two unknowns would do. Millions of Americans, myself included, have never voted in a contest that did not ask us to evaluate the actual performance of one of the candidates in light of the promises of his challenger.

Another interesting statistic, though basically irrelevant to this column, is that it has been since 1952 — when Dwight Eisenhower faced off against Adlai Stephenson — that a presidential election has not involved a sitting president or sitting vice president. The great majority of Americans have never voted in a race between two complete outsiders.

This year both are challengers, and we aren't quite sure how to handle it. This is one reason the election has seemed so strange. It is also the main reason, I think, that we have not been able to evaluate the issues that ought to make a difference, and have been susceptible to such bogus issues.

As a pre-election service, I will spend this week and the next on issues that are real ones, whether we realize it or not. This week I look at a few unadulterated real issues, and next week I will examine what I call "yes, but" issues. You'll have to check back next Wednesday to find out what that means.

But here are three matters that strike me as much more important than many people want to consider them:

•**The "L Word"/ACLU Controversy.** Many want to label this a "non-issue," and Michael Dukakis has spent much energy combating the politics of label-pinning. But labels are important, particularly if they stick. It makes a difference to me if the label on my new shirt says "100 percent cotton." It tells me something about how the shirt is made, and how I can expect it to react in certain situations. And what baby-boomer has not grown up singing, "Look for the Union Label?"

So why is Dukakis so worried about labels all of a sudden? Especially labels that he complains about but refuses to denounce? I can only

think of one reason why he should be so concerned about the labels Bush wishes to pin on him. He is worried that, if people believe the label fits, they will not vote for him.

And this is why the label issue is a real issue. If Dukakis' being a liberal (a la Ted Kennedy or Walter Mondale) or a card-carrying member of the ACLU is enough to make millions of Americans decide against voting for him, what could be more of an issue than that?



If Bush is right, and these labels represent a departure from the mainstream of American sentiment, then Dukakis must either admit that he is such a departure, or summarily reject the stands behind the labels — and demonstrate that his past political record need not be a concern to those for whom these labels are unacceptable.

•**National Health Insurance.** The Republican party has continued steadfastly in its refusal to admit that the time is long overdue for the United States to take responsibility for the health care of its citizens. Bush bemoans the fact that so many Americans cannot afford to buy their own homes, while ignoring the fact that many more Americans cannot even afford to buy their own hospitalization.

Dukakis has been emphasizing the issue of national health insurance since the campaign began, and very few have paid any attention to him. His stunning story at the first debate — about a father who had to refuse his son's request to participate in high school athletics because he could not afford to buy the insurance needed — should strike at every compassionate heart in the county. That it did not strike at Bush's is disturbing to me.

The Republicans tell us that such insurance would cost too much. It can't possibly cost more than the combined thievery of private hospitalization and obscene health care

costs do now. What is the difference between spending a fortune on a nationalized health program and spending a fortune on a private health program? The only differences I can see is that the former would be more fair, would probably rise less dramatically and would make sure that everyone could afford to get sick or hurt.

•**The Ultimate Issue.** I have written before that I prefer a good president to a strong one (and that is why I voted for Carter in 1980), but if I cannot have the former I would take the latter over a weak president (and that is why I closed my eyes, clenched my fists, and voted for Reagan in 1984). This year I even do not have that choice. I see neither candidate as promising goodness or strength, so I must go to the last two choices in the hierarchy — weakness and detriment.

Would I rather have a president who will undoubtedly be weak, or one who could quite possibly be bad? I think that Bush would be weak. He would get pushed around, and he would fail to continue the Reagan chutzpah. However, I do not think he would be especially bad. America can survive a weak president — we have done it before. I am not sure we could survive a bad one.

And that is what gives me pause about Dukakis. I am afraid that he is just out of touch enough to do some real harm. One example must suffice. Dukakis keeps talking about how bad the economy is. Now, either he believes that or he doesn't. If he doesn't, then he is a liar. If he does, then he is out of touch. The plight of the poor and homeless notwithstanding — and it is a serious, serious issue — the fact is that the economy of this country is in the best shape it has been in for decades.

If Dukakis gets in and starts pushing buttons and flipping levers, we could see double-digit inflation, interest rates, and unemployment again before the end of his term. And that is frightening.

Certainly weak or very possibly bad. The choice is yours, America. And remember — you could have had a race between Bob Dole and Jesse Jackson.

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