

'Don't ask, don't tell' policy faces challenge in court

NEW YORK — The first lawsuit challenging the Pentagon's "don't ask, don't tell" policy went to trial Monday, with experts testifying there is no evidence homosexuals damage morale or make bad soldiers and sailors.

As some of the six plaintiffs sat in court in their Army or Navy uniforms, U.S. District Judge Eugene Nickerson heard testimony from a psychiatrist who said the hundreds of gay sailors he counseled over the years were no better or worse at their jobs than heterosexuals.

The judge also heard from a military analyst who said he could find no "clear line of agreement" that a person's sexual orientation can harm military performance.

Nickerson, who is hearing the case without a jury, said he will issue a ruling sometime this month.

The lawsuit seeks to overturn the Pentagon's "don't ask, don't tell" policy, saying it violates free-speech rights. Under the rule, gays may serve in the military as long as they do not engage in homosexual activity and keep their sexual orientation private.

"You don't have to like someone to work with them."

ROBERT MACCOUN
Former Rand Corp. researcher

The plaintiffs want it replaced with a rule that states sexual orientation is "not germane" to performance and that all service members be held to identical standards.

Deputy Assistant Attorney General John Rogovin said the government plans to call no witnesses; but will cite testimony of senior officers and experts before Congress to buttress its view that "don't ask, don't tell" works.

About 500 people have been discharged under the rule. Some 15 openly gay service members are still on duty, pending the outcome of appeals.

The Washington-based Service Members Legal Defense Network also said there have been about

340 violations of the policy, mostly in the form of harassment by commanders.

In another pending case, arguments were heard in Seattle last month in a Navy petty officer's challenge to the "don't ask, don't tell" rule. That lawsuit was filed after the New York case.

In the New York case, plaintiffs' lawyer Michael Lacovara said in his opening statement that "prejudice, antipathy, the abhorrence of homosexuals" are not a proper basis for official policy.

Before "don't ask, don't tell" was adopted in 1993, homosexuals were simply barred from the armed forces. The military contends that openly gay personnel are bad for morale and erode preparedness because heterosexuals are wary of working with them.

Former Rand Corp. analyst Robert MacCoun testified that his studies of "unit cohesion" found the presence of gays did not affect a military unit's ability to function.

"You don't have to like someone to work with them," said MacCoun, who teaches at the University of California, Berkeley.



News... in a Minute

Iraqi sanctions extended

UNITED NATIONS — After intense U.S. lobbying, the Security Council on Monday extended its crushing economic sanctions against Iraq at least until May.

Despite counter-arguments by Iraq and pressure from countries that want to resume trade with the country, council members maintained the 4 1/2-year-old embargo.

Washington has repeatedly demanded that the sanctions stay until Iraq fully cooperates with U.N. weapons monitors and returns missing Kuwaiti military equipment. The sanctions, including an oil embargo, were imposed after Iraq invaded Kuwait in 1990.

U.S. Ambassador Madeleine Albright visited the capitals of five council members and spoke with the leaders of another four members to press the U.S. view that Iraq has far to go in complying with U.N. demands.

Washington also wants Iraq to improve its human rights record.

Telescopes study celestial baby boom

SPACE CENTER, Houston — Space shuttle Endeavour's ultraviolet telescopes peered 14 million light years into the universe Monday toward a galaxy in the midst of a baby boom.

The dwarf galaxy, about one-fifth the size of our Milky Way, is undergoing a population explosion called a starburst, when stars up to 100 times as massive as the sun are born at a prodigious rate.

"In an astronomical blink of an eye, tens of thousands of massive stars have formed," said Michael Fanelli, an astronomer working on the ground with one of the telescopes.

"This should tell us something about how galaxies formed in the early universe because it's believed that most galaxies formed in a starburst phase several billion years ago."

Fanelli's science team took 70-millimeter ultraviolet photographs that will be developed after Endeavour returns to Earth, probably on Friday.

GOP lists billions saved in altering benefits

WASHINGTON — Senate Republicans out to erase the federal deficit unveiled options Monday for saving money by braking Medicare's growth, giving states more power over Medicaid and welfare, and trimming other benefits.

Included is a plan for altering the way the government calculates inflation, a change that would shrink cost-of-living increases to beneficiaries of many programs, including Social Security.

The suggestions, compiled by a Senate GOP task force seeking savings in the mammoth programs, would cut projected spending by nearly \$500 billion over five years. They would affect tens of millions of Americans and, if pursued, ignite a bitter political struggle with Democrats, advocates for seniors and others who have long defended the targeted programs.

"Hopefully, these proposals will not cause a buckling of political knees, but rather help pave the way to better programs, smaller and more efficient government, and a balanced budget," said the draft report of the task force headed by Sen. Judd Gregg, R-N.H.

The immediate response offered by Martin Corry, chief lobbyist for the American Association of Retired Persons: "You can expect to see strenuous objections."

The plans, being studied by Sen-

ate Majority Leader Bob Dole, R-Kan., and other party leaders, inject the Senate into the GOP deficit-reduction effort the House has so far dominated. Republicans controlling both chambers say they will produce plans this spring paving the way to a balanced budget by the year 2002.

One of the most controversial proposals would change the way inflation is calculated. Federal Reserve Chairman Alan Greenspan and other experts say the current system overstates the inflation rate by up to 1.5 percentage points. But others say the plan would simply let Republicans lower benefits while blaming bureaucrats.

The idea would save the government money because there would be lower yearly cost-of-living increases in payments to beneficiaries of many programs. In addition, tax brackets which are reset for inflation annually would rise more slowly, causing more people to pay higher tax rates and boosting revenue collections.

This change would raise an extra \$64 billion for the government over five years, most of it coming from lower cost-of-living adjustments for Social Security recipients.

"It works out to a 10 cents a day miscalculation that most seniors are seeing," said Gregg. "I don't know many people who in the name of fairness will take the 10 cents."

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