

Dispute over gay club in Utah school leads to ban on nonacademic groups

SALT LAKE CITY — The Chess Club — gone. The Ski Club — no more. The same with Students Against Drunk Driving and Bible clubs.

Rather than let gay high school students form an organization, the city Board of Education voted to ban all nonacademic clubs.

"Everyone suffers because of the gays," complained Brett Shields, a 16-year-old at East High School and a member of the Beef Club, a social club that met last week to eat steaks and burgers and attend a "monster truck" rally.

The 4-3 vote by the Salt Lake City School Board late Tuesday was the latest in a bitter statewide debate over a move by students to form a gay-straight student alliance at East High.

School board members said federal law and a U.S. Supreme Court ruling gave them only two options: allow all extracurricular clubs or eliminate them all.

The issue has reverberated from the classroom to the Capitol as Utah's conservative Republican-dominated Legislature scrambles for a way to ban gay clubs without closing down such student enterprises as the Beef Club and without being accused of discriminating against homosexuals.

Roughly 85 percent of the 104 members of

the Legislature are Mormon, as are more than 70 percent of their constituents. The church condemns homosexual acts and any sexual relationship outside marriage.

Some 30 service, ethnic or sports clubs at East will be affected by the board's action beginning with the 1996-97 school year. The ban will also apply to the district's two other high schools.

Board president Mary Jo Rasmussen, who opposed the ban, said it remained unclear whether the high schools' varsity teams would be eliminated, too.

Some students on Wednesday blamed the clubs' demise on about two dozen homosexual or bisexual students who had pressed for a gay club.

"Some people are glad they got rid of it, but disappointed they also got rid of everything," Shields said.

Supporters of the gay club criticized the board's solution.

"I think they're punishing all of the Salt Lake City School District because they're afraid of one club," said Holly Peterson, a West High student and sister of Kelli Peterson, founder of the Gay-Straight Alliance at East.

At the 2 1/2-hour public hearing, backers of

"Everyone suffers because of the gays."

BRETT SHIELDS

16-year-old student

the gay club contended kids struggling with sexual identity problems need one another's support in a homophobic environment. Opponents contended that allowing the club would be giving tacit approval to immoral conduct.

The meeting was punctuated by shouting matches, with some opponents equating homo-

sexuals with transvestites, alcoholics and perverts. Supporters of the gay alliance carried signs saying "Down with homophobic clergy."

Doug Bates, attorney for the state Office of Education, said the new policy would cancel any club not directly tied to a classroom. During the hearing, Bates sought to assure opponents of the gay club that no student could "use the schools as a place to organize orgies."

Train hauling acid derails in deep snow

RED CLIFF, Colo. — A freight train derailed near a snowy pass high in the Rockies on Wednesday, killing two crew members and spilling thousands of gallons of sulfuric acid down a mountainside and across a highway.

Rescuers trudged through waist-deep snow to reach the wreckage of the Southern Pacific Railroad train near 10,400-foot Tennessee Pass, south of this village and 10 miles north of the historic mining town of Leadville.

"At this time we do not know what caused the derailment," said sheriff's spokeswoman Kim Andre, "but we are surmising snow may have played a major part in it."

Nearly 2 1/2 feet of snow had fallen Tuesday night and more snow fell Wednesday, Andre said.

The National Weather Service said several avalanches were reported in the area. But sheriff's spokesman Jeff Beavers said there was no obvious sign of an avalanche near the tracks.

It was the fifth major train accident in the United States this month. Authorities have found no common link.

The 82-car train was bound from East St. Louis, Ill., to Roseville, Calif., when it jumped the tracks before dawn. Both engines and 25 freight cars derailed, said Mike Furtney, a Southern Pacific Railroad spokesman.

The engineer and a student engineer were killed. Their names were not immediately released.

Authorities were notified after the conductor, Steven Hudson, walked out to the road shortly before 6 a.m. Hudson, 45, of Pueblo, was hospitalized in fair condition with a broken collarbone. Twenty others who were not on the train but affected by the fumes were treated at a hospital and released.

Two of six tank cars containing sulfuric acid broke open, spilling some of the 27,000 gallons they contained, Furtney said.

It wasn't immediately known how much acid had spilled over U.S. Highway 24, a main route between Leadville and Vail. Authorities at first feared the acid would flow into the Eagle River and its tributaries but discovered the liquid had pooled in low spots and was contained.

The acid is highly corrosive if it comes in contact with the skin or clothing, and its fumes can be harmful to breathe. Hazardous-materials teams were sent to dump an alkaline material to neutralize the acid.

About 40 cars drove through the acid before the highway was closed, Eagle County administrator Jack Ingstad said. Car owners were warned that the acid could cause dangerous fumes in a closed garage and could corrode brakes.

On Feb. 1, two crew members were killed in a freight train derailment in Southern California; two crew members and a passenger died in a commuter-train collision in New Jersey on Feb. 9; nine people were injured last week by a runaway freight train in St. Paul, Minn.; and 11 were killed last week when a commuter train and an Amtrak train collided in Silver Spring, Md.

South Africans react to mixing races in school

POTGIETERSRUS, South Africa — Seven-year-old Karabo Kekana shook his head "no" when asked if he wanted to be one of the first black children to join 700 whites at Potgietersrus primary school. His mother had other ideas.

She woke him up from his afternoon nap Wednesday to register him after a judge upheld last week's landmark ruling that the school's whites-only policy — a holdover from apartheid — was unconstitutional.

"I want my child to get a quality education, just like whites," said Meiki Kekana.

She and other parents defied the cold stares of whites who gathered to watch them register 16 children, who will begin classes Thursday.

"I'm not afraid," Meiki Kekana said.

Not that she doesn't know what is in store for the children on the first day of classes. Police plan to guard the students — much as U.S. officers did during the American civil rights movement — and dozens of journalists are in place to record the students' arrival.

The school drew international attention last month, when a black family insisted on sending its children to the school and the school replied that blacks were not welcome. It was the most blatant challenge yet to post-apartheid equal rights laws promulgated two years ago.

White parents oppose mixing races and fear allowing blacks will erode the culture of Afrikaners, the Dutch-descended white settlers of South Africa.

Government officials joined black parents in a court challenge to the admissions policy and won a judicial order last week for the black children to be enrolled. An appeal by school officials was rejected Wednesday.

The governing body of the school said in a statement it would try to take the case to the Constitutional Court, the nation's highest, and that it believed its whites-only admission policy should remain intact until the case was finally settled.

But a delegation of provincial government officials, black parents and journalists pulled up anyway Wednesday, guarded by about 20 policemen at the front gate.

Only Karabo and one other child, 8-year-old Moshabi Ledwaba, joined the adults filling out registration forms at a table in the school.

Supreme Court reviews law restricting indecency on TV

WASHINGTON — A law that restricts indecent programs on certain cable channels turns the government into a TV censor, opponents told the Supreme Court Wednesday. But the government and other defenders said it simply restores cable companies' ability to choose what shows to carry.

At issue are provisions that have never gone into effect but would restrict indecent shows appearing on channels that cable operators are required by law to lease to local groups, as well as those set aside for public use.

A decision is expected by June.

During an hour-long argument session, Justices Ruth Bader Ginsburg and Sandra Day O'Connor seemed sympathetic to the argument that giving cable companies the discretion to choose what shows to ban is a form of government censorship.

"Government is steering the choice" as to what programs are available, Ginsburg suggested. "The government isn't a neutral arbiter."

"The government's thumb has been put on the scale to eliminate a certain type of protected speech," O'Connor said.

A majority of the justices appeared hostile to the notion that the law merely facilitates private action by cable companies — and should not be subject to constitutional challenge.

Only the government or people acting for the government can violate someone's constitutional rights. Acts by private citizens may be illegal but never unconstitutional.

Justice Anthony Kennedy at one point advised Justice Department lawyer Lawrence Wallace to drop his private-action argument and instead focus on the validity of the law's challenged provisions.

Justices Ginsburg, O'Connor, John Paul Stevens, David Souter and Steven Breyer also appeared to reject the government's private-action argument.

Contained in the 1992 Cable Act, the challenged provisions do not apply to commercial

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SANDRA DAY O'CONNOR

Supreme Court justice

cable channels such as MTV, USA and HBO.

The provisions permit local cable companies to either ban indecent shows appearing on access channels or place all indecent programs on a single, blocked channel. Customers who want to watch the programs have to ask the cable company, in writing, to unblock the channel.

The law defines indecent programs as those that depict or describe "sexual or excretory activities or organs in a patently offensive manner."

Those challenging the law say programs on AIDS, abortion and childbirth could be banned or blocked as indecent, though indecent speech is legal.

Local cable companies lost the ability to decide what shows could appear on leased access channels in 1984. But in 1992, responding to criticism about lewd programs on some leased access channels, Congress decided to let cable systems decide what shows to carry on those channels. Cable companies have such discretion on all other channels.

I. Michael Greenberger, representing those who challenged the law, argued that Congress should have used a less-restrictive means to regulate indecency, such as restricting the times of day when indecent programs may be shown.

The cases are Denver Area Educational Telecommunications Consortium vs. FCC, 95-124, and Alliance for Community Media vs. FCC, 95-227.

Legislature Notes

● The Judiciary Committee advanced a bill Wednesday that would prohibit Nebraska doctors from performing abortions when there is an "existing sign of life." Those signs, Sen. John Lindsay of Omaha said, are the presence of circulatory and respiratory functions or the presence of cerebral functions.

LB1380 was the source of much debate in a public hearing earlier this month because the bill was deemed unconstitu-

tional — directly challenging the 1973 U.S. Supreme Court decision in Roe vs. Wade.

Opponents of the bill asked why the state should be allowed to make decisions that they feel should be reserved for the mother.

The bill will be placed on the general file and will be up for floor debate later this session.

● Much to the delight of Gov. Ben Nelson, a bill that would es-

tablish incarceration work camps for non-violent first-time offenders was advanced to the general file of the Nebraska Legislature on Wednesday.

Nelson said he believed the camps would greatly benefit first-time offenders while helping to ease the current prison overcrowding in the state penitentiary.

— Ted Taylor

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