

U.S. Constitution does not protect private sexual conduct, court rules

By RICHARD CARELLI
Associated Press Writer

WASHINGTON, D.C. — The Supreme Court, upholding a Georgia sodomy law by a 5-4 vote, ruled yesterday 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 unworkable," 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."

In its decision, 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, a gay Atlanta bartender 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 yesterday.

"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 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.

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.

Blackmun said he saw no justification for "invading the houses, hearts and minds of citizens who choose to live their lives differently."

Gays outraged over sodomy law

By The Associated Press

Leaders of gay rights groups said yesterday they feared the U.S. Supreme Court's decision that consenting adults have no constitutional right to private homosexual conduct would encourage states to take action against homosexual activity.

Others pledged to continue campaigning for repeal of state sodomy laws and said the decision would prompt increased gay rights activity.

"Over the past 20 years, there has been a process of decriminalizing sodomy in about half the states," said Eric Rofes, executive director of the Gay and Lesbian Center in West Hollywood, Calif. "This decision is an outrageous violation of personal dignity. It says people don't have a right to do what they want in their own bedroom, whether they are two men, a man and a woman or two women."

"I think this will promote a witch hunt" against homosexuals, said Dan DeLeo, co-publisher of *Gay Chicago*, a weekly newspaper. "I wouldn't be surprised if other states now tried to enact such laws."

He called the decision "devastating. Despite the conservative nature of the court, I find it really difficult to believe."

The high court, ruling 5-4, upheld a Georgia law which defined sodomy as

"any sexual act involving the sex organs of one person and the mouth or anus of another." The court overturned an appeals court ruling that the law infringed on fundamental constitutional rights.

"We're just stunned that the Supreme Court of the United States would say that this kind of intrusion by the government is constitutional. It plainly is not," said Richard Swanson, administrator of the Atlanta Gay Center.

Georgia Attorney General Michael Bowers, whose office defended the sodomy law, praised the decision as "tremendously far-reaching."

But an Atlanta police official said the ruling will not cause a mass invasion of privacy.

"If we see it, we're going to make the case" for prosecution, said Maj. J.E. Oliver. "Nobody is going to be going into people's homes looking for sodomy."

Ron Najman, spokesman for the National Gay and Lesbian Task Force in New York, predicted the decision "will energize the gay rights movement in a way that will knock people's socks off. We have just begun to fight."

"I urge everyone to support one another to come out. Our real victory won't be in the courts but in our homes and workplaces," said Morris

Kight, a member of the Los Angeles County Human Rights Commission and gay-rights activist.

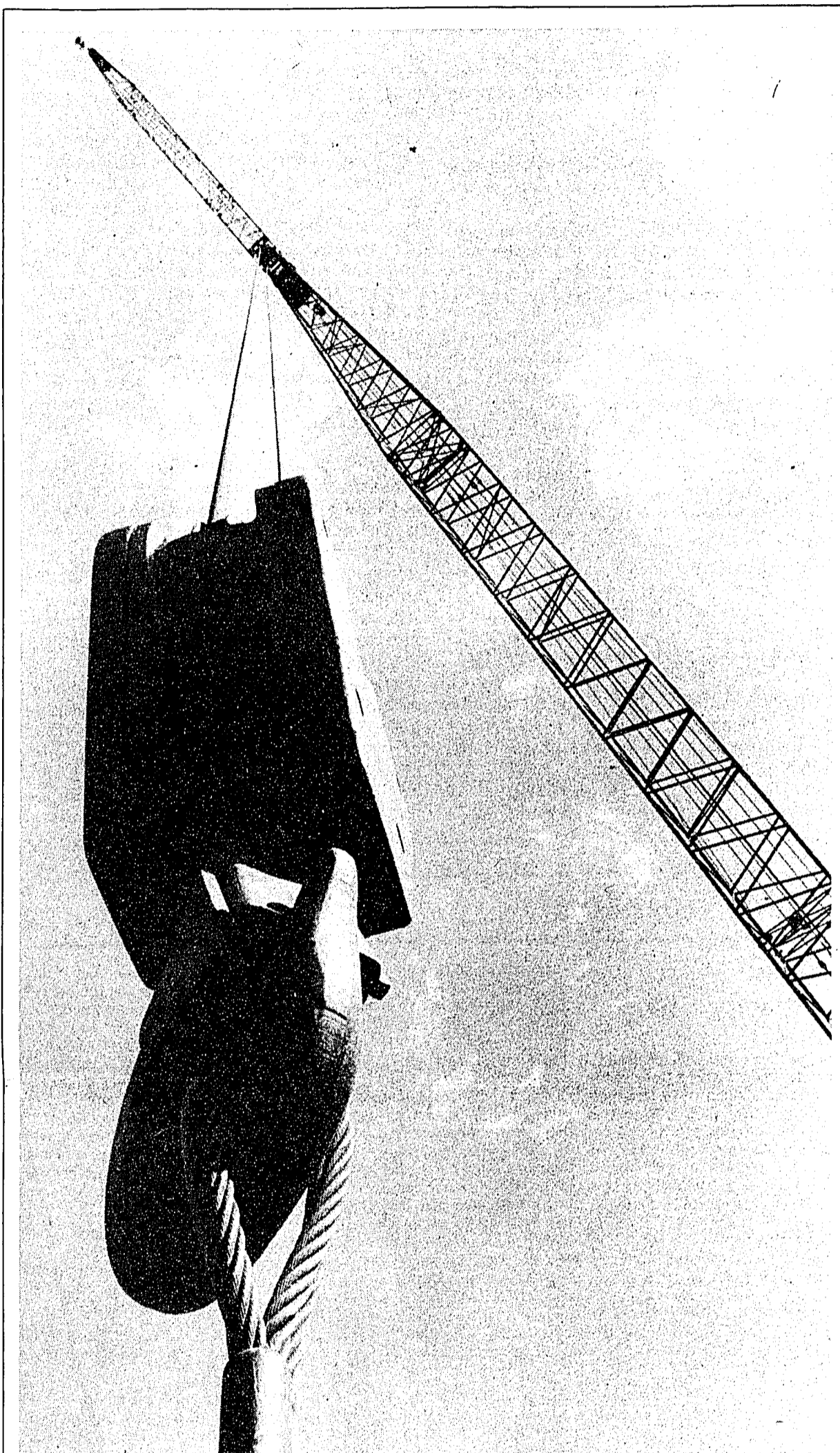
Said Roberta Achtenberg, an attorney with the Lesbian Rights Foundation in San Francisco, "It's not going to be the end of the gay rights movement in the least. It will make all groups work harder on the legal front."

In Boise, Idaho, the Rev. Ed Sherriff of the Metropolitan Community Church, which ministers to the area's gay population, estimated at 5,000 to 10,000, said he was disappointed by the decision but pleased that the court was so divided.

He thinks it will be difficult to enforce morals laws.

"Who's going into your bedroom to see what you're doing? I don't think our government can legislate morals or what we're doing or not doing," Sherriff said. "The court's getting its nose into areas where it doesn't belong."

"Historically, the federal courts were a place to protect your rights. It bodes badly for people in other groups," warned Abby Rubinfeld of New York, legal director of the Lambda Legal Defense and Education Fund, which includes a network of 150 cooperating attorneys around the country.



Cloud scraper

A Collegian photographer presents a new angle on a pulley and crane being used to build the new indoor football training facility. The fieldhouse will be located next to the Greenberg Indoor Sports Complex.

Collegian Photo / Yiannos Nicolaidis

Highest starting salaries go to petroleum engineers

BETHLEHEM (AP) — Despite plummeting oil prices, petroleum engineers topped a survey of 1986 college graduates with both an average starting salary offer of \$33,144 and a 6.9 percent gain since last summer.

Most disciplines in the non-profit College Placement Council's March survey recorded slight increases of 1 percent to 3 percent since the agency's year-end report in July, said Judith O'Flynn Kayser, manager of statistical services.

"It should be a better job market for the class of '86 than it was for the class of '85," Kayser said.

"The fact that they did so exceptionally well was a bit of a surprise in light of what's happened to oil prices and to the oil industry," said Kayser.

She said there is a lag time between economic movement and change in employment and that petroleum engineers may feel the effects of the oil-industry turmoil at the end of the year.

Kayser attributed the gain to a smaller supply of petroleum engineering graduates, the result of a drop in enrollment in the field during the recession four years ago.

Chemical engineers, according to the survey, saw a drop in the number of reported offers from last year, but the average offer rose 3.8 percent to \$29,508. Offers for electrical engineers averaged \$27,804, up 1.5 percent.

Computer science rose 4.8 percent, to \$26,172, while accounting, at \$21,204 per year, reported a 4.2 percent gain and was one of the few disciplines with the same number of offers as a year ago.

Marketing and distribution rose 2.5 percent to \$19,044. Offers for business administration majors fell short in number and value, slipping to \$19,536 from \$19,632.

Offers for social science majors dropped 5.5 percent to \$17,520. Humanities majors averaged \$17,568, a 0.2 percent increase.

"That doesn't mean it's gloom and doom for these students. It's just that most of these students don't get their offers until they graduate," Kayser said.

The College Placement Council is a national association for job planning, placement and recruitment officers. The survey is based on salary offers, not acceptances.

U.S. might increase aid to black nations

By HENRY GOTTLIEB
Associated Press Writer

WASHINGTON, D.C. — Secretary of State George P. Shultz said yesterday that a U.S. review of its South Africa policy could include a search for new ways to assist black nations in the region.

He also asserted that congressional cuts in the Reagan administration's \$22.3 billion foreign policy budget request could harm U.S. efforts to improve the South Africa situation.

Shultz, returning home after a 10-day trip to Asia, told reporters on his flight from Palo Alto, Calif., to Washington that the administration is aiming to complete the study "two-thirds of the way through July" and is likely to make the findings public in congressional testimony.

White House spokesman Larry Speakes said President Reagan, who also returned to Washington yesterday at the end of a five-day vacation at his California ranch, will get the results of the review within the next several weeks.

Shultz said that an important element of U.S. policy could be to help several black states that border South Africa which depend economically on their powerful white-ruled neighbor. Among the countries in this region are Botswana, Zambia and Mozambique.

In recent criticism of congressional moves to impose tough economic sanctions on South Africa, Shultz has said that such measures would hurt the neighboring countries.

In a challenge to Congress, Shultz said yesterday: "Do they plan to do anything to help Botswana or just let them decline?"

"I would think if you are as concerned about the problem as those who want to rip South Africa apart, you would want to address yourself to the problems of southern Africa generally," he said.

Though he declined to outline what the administration's review might lead to, the

implication was that an element could be increased financial assistance to Botswana and perhaps its black neighbors.

"Those who feel the way to bring about change in South Africa is to bring the South African economy down as much as they can, must realize that in doing so they bring down the economies of the surrounding states, which depend on South Africa," Shultz said.

A senior administration official, who has been involved in the high-level study, said over the weekend that the review is geared toward opening new avenues of communication to both black and white communities in South Africa in order to further a dialogue.

He said the administration has had "low-level" contacts outside of South Africa with members of the outlawed African National Congress, the coalition of black activists seeking an end to white minority rule in South Africa.

The Reagan aide ruled out the possibility Reagan would impose any economic sanctions as a result of the review or that any specific action was imminent.

"We are opposed to apartheid... We are also opposed to sanctions," the official said.

Shultz, who has for months been criticizing Congress for cutting his budget, for the first time linked expenditure cuts to the South African situation.

"I suppose if people get around to examining what it really means to put the pressure on South Africa in terms of what you do for Botswana, that costs money," he said. "If you're not willing to put money up, you don't have as much to say."

The administration's request for \$22.3 billion in this year's budget for foreign aid and other State Department programs was cut to \$17.8 billion in the Senate and \$17 billion in the House. A \$17.4 billion compromise was reached.

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— George P. Shultz, secretary of state

"I think it's a budding catastrophe if you cut the foreign policy down to the extent in the congressional budget resolution," he said.

Though Congress has shown "sympathy to the administration's budget concerns," Shultz said, "we haven't gotten anywhere in terms of what really counts, namely the money."

He said he understood the need for economy in light of huge federal budget deficits, but "totally pulling the rug out from under it (foreign policy) is something different."

Under the House sanctions bill passed two weeks ago, most U.S. economic activity with South Africa would cease six months after enactment of the legislation.

While Shultz repeated his disdain for the bill, he repeated his view that the situation in South Africa was deteriorating.

"There is an increased level of violence," he said. "We see an interplay of efforts to move substantially away from apartheid," but he called it "a kind of two steps forward, one and three-quarters steps backward play."

tuesday

weather

This afternoon, mostly cloudy and cool with a chance of scattered showers. High 72. Tonight, cloudy with a continued risk of showers. Low 56. Tomorrow, more clouds with showers or thundershowers possible. High 75. Heidi Sonen