

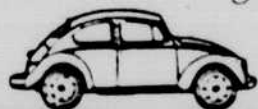


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Monday In-Depth

ROTC Continued from Page 1

Training Corps division, which currently includes 71 students, follows Department of Defense guidelines when awarding scholarships and commissioning officers, said Lt. Col. Jim Hinton, who heads the University ROTC.

These guidelines, last revised in 1981, state in part that gays, lesbians and bisexuals are "incompatible with military service" because these people impair "discipline, good order, and morale" and they don't "foster mutual trust and confidence among Servicemembers ... (or) maintain the public acceptability of military service." The defense department's public communications office refused to explain the basis for this policy.

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philosophy majors among those academic majors from which the agency wanted to recruit. Mr. Hughes is a philosophy major.

Dominick Vetri, a University law professor who has urged the administration to request an analysis of the issue from the state attorney general's office,

This reasoning is unjustifiable, said Laurel Sharp, co-director for the University's Gay and Lesbian Alliance.

"That whole argument is completely based on the idea that it's still OK to abuse and discriminate," Sharp said. "We're still condoning this in society."

"The military is waiting for everybody on Wall Street and everybody in Lebanon, Ore. to say it's OK to be yourself," she added. "It's just a homophobic attitude."

However, Hinton said the defense department's guidelines are not entirely discriminatory because they don't affect the University's military science classes; they only apply to the scholarships and officer train-

ing programs.

"Any student that wants to take the classes is welcome to take the classes," he said. "But not every student is participating in or can participate in the commissioning program."

"We follow the University's rules on the classes but we follow the Department of Defense's rules in producing commissioned officers," Hinton added.

From 1983 to 1985, ROTC's discriminatory practices became an ongoing campus controversy, similar to the current CIA issue. Through protests, debates and rallies, University faculty and students voiced

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calls the CIA policy statement "a lie."

"It is a charade designed to gain access to university campuses," he said. "They are willing to use deceit for fear that they will lose access to quality recruits."

Before the CIA interviews last November, Brand requested advice from the attorney general on whether the University must exclude the CIA and FBI from recruiting on campus.

In a letter dated Nov. 13, 1989, only two days before the protest that resulted in the students' arrests, staff from the attorney general's office responded that "the University may not exclude them because of their discriminatory policies."

The letter stated that time only allowed for a quick analysis, but the staff believed "in the context presented the policy of the federal agencies must prevail over the conflicting state policy."

The staff wrote that "the

agencies in question seem to be implementing federal policy," and "as a result, the state does not have the authority to enforce its conflicting policy against the federal government."

There are areas in which federal laws undoubtedly supersede state and local laws, such as those governing war powers or copyrights, Vetri said.

But there are others where federal and state laws can hold "concurrent power... when the operation of the federal law is not made impossible by the state law," he said.

Because of the issue's complexity, Vetri wrote Brand last November urging him to ask the attorney general's office for a deep analysis of the issue.

William Lemman, state system executive vice chancellor, said that such a request was made to the attorney general's office in early February.

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