

# Senate, sailors discuss gay ban

NORFOLK (AP) — One sailor said he would refuse to serve alongside homosexuals. Another worried the Navy might become fragmented and demoralized. And a gay officer said such attitudes reflect unreasonable fear.

The Senate committee pondering the ban on gays in the military took its inquiry to the decks of U.S. warships Monday to seek the views of rank-and-file sailors. They listed heavily in favor of keeping the ban.

The issue "is just rocked with detriment," Tommy Taylor, chief of the submarine USS Baltimore, told members of the Armed Services Committee during a field hearing at Norfolk Naval Base. "You're going to go right to the readiness of the Navy."

Petty Officer 2nd Class Al Portes said he was surprised President Clinton is trying to keep his campaign promise to let gays serve openly. "I will refuse to serve with gays in the military," he pledged.

Lt. j.g. Tracy Thorne, a Navy aviator who disclosed his homosexuality a year ago, countered that "prejudice can never be validated by majority consent."

The panel, headed by Sen. Sam Nunn, D-Ga., listened to speaker after speaker list reasons why the ban should remain. Objections ranged from privacy to unit morale to the inherent restrictions in military life.

"It's not right. I'm telling you it's not compatible to military service," said Atlantic Fleet Master Chief Ronald Carter.

However, a homosexual who was relieved of duty as a supply officer on the submarine USS Hammerhead said many of his fellow officers knew he was gay before he went public with it. "I served on a submarine, and it did not destroy unit cohesiveness," said Lt. j.g. Richard Dirk Selland.

The senators spent the morning visiting the aircraft carrier USS John F. Kennedy and several other vessels, examining the close quarters and speaking with sailors at random as they went along.

Gays would be "harassed or ... shunned, and they won't be part of the unit as a whole," Petty Officer Scott Wilkinson, a nuclear reactor operator on the submarine USS Montpelier, told Nunn and Sen. John W. Warner, R-Va., during lunch aboard the ship.

"It really would just disrupt everything. Basically, we live on the ship, not just work on the ship," said Joe Degauttola, a seaman on the Kennedy.

Brian Blackmore, an aviation technician on the Kennedy, said he didn't want to know someone's sexual orientation. "If you're gay, you keep it to yourself," he said.

Command Master Chief Charles Smith said comparing

the gay-rights issue to integration of blacks into the service isn't fair. Smith, who is black, said he has no choice in his skin color, but gays "know what the natural is and they chose the unnatural."

Nunn said lifting the ban might drive off too many experienced career service men and women. He said the existing "no questions asked" policy might be better than letting gays serve openly.

"It seems to me that that temporary policy is about where we ought to end up," he said.

Sexual orientation questions were dropped for military recruits after Clinton took office.

Clinton said Monday his differences with the military brass over lifting the ban on homosexuals were minimal, and that the Pentagon decision to stop asking recruits about their sexual orientation "solved most of the issue."

Now, he said, the major question was whether a member of the armed forces who disclosed his or her homosexuality but violated no conduct code provisions should be subject to discharge. The president said he believed such a person should be allowed to serve in the military.

The Senate committee plans to hold another field hearing next Monday at a military installation not yet designated.

# Congress, Indians in gambling dispute

WASHINGTON (AP) — First it was buffalo, land and water that pitted Indians against non-Indians. Now it's gambling. The stakes are huge: Indian gambling generates \$6 billion a year. And it's up to Congress to sort out the disputes.

Tribes eager to begin gambling find themselves in standoffs with state governments worried about the spread of casino-style gambling.

Those states and tribes agree on little else, but they're together on this: The Indian Gaming Regulatory Act, the 5-year-old law that created the industry, has produced a morass of conflicting court decisions, and Congress needs to rewrite it.

"Those moneys are desperately needed on reservations where there are still Third World conditions," says Richard Hill, chairman of the National Indian Gaming Association, the private trade group representing tribes that have begun gambling.

Sen. Daniel Inouye, chairman of the Senate Indian Affairs committee, is meeting privately with governors, state attorneys general, tribal leaders and federal officials to see if they can agree on amendments to the law. Inouye says he won't hold hearings until the sides can agree.

The House will start hearings later this month. The 1988 law was supposed to be a compromise everyone could live with. It permitted tribes to operate casinos in states where similar gambling was already allowed. It left it up to states and tribes to work out what games would be played.

Since then, some federal judges have blocked tribes from using the Indian gaming act to sue states that refused to negotiate an agreement. Other courts have allowed Indians to offer games that critics say are permitted nowhere else in their states.

In California, a federal judge indicates he will allow tribes to operate a wide array of games to which the state objects, including video poker and keno.

"Native Americans should have every opportunity for economic development, but we are also very deeply concerned about the prospects for casino gambling spreading throughout the states," says Colorado Gov. Roy Romer.

The Nevada gaming industry dropped its opposition to Indian competitors after it found there's money to be made managing and supplying tribal casinos.

But now Donald Trump has entered the scene. The casino investor filed suit April 30 challenging the constitutionality of the law. He says it gives Indians preference in obtaining casino licenses.

And many of the tribes that already have casinos would rather Congress not touch the law.

"We followed all the rules," says Paul Valandra, a South Dakota state lawmaker who's serving on an Indian gaming task force. "It seems awful strange to change the rules when everything seems to be going all right."

Tribes in 19 states have signed agreements allowing them to conduct casino-style gambling. Those in operation are reducing welfare rolls and pumping money into businesses that are revitalizing poverty-stricken reservations.

It's the seventh largest industry in Minnesota. Across the border, the Oneida Nation of Wisconsin has built a hotel and an environmental testing lab with its revenue.

Gaming also has brought Indians new political influence. At a \$1,500-a-seat Democratic fund-raiser here last weekend, Rep. George Miller, chairman of the House Natural Resources Committee, which will oversee changes in the Indian gaming law, was a guest of Connecticut's Pequot tribe.

# Man acquitted of killing wife in hot tub

MEDIA, Pa. (AP) — A judge ruled Monday he could find no evidence that a former Temple University professor was a killer who beat his wife and drowned her in 1989 in their hot tub to collect \$500,000 insurance.

Charles Bagley was acquitted by Common Pleas Judge Joseph Cronin, who ruled without a jury that neither scientific nor circumstantial evidence proved Bagley killed his 39-year-old wife, Yvonne.

A conviction would be "based solely upon mere suspicion," the judge ruled. "In this case motive and opportunity simply do not alter the laws of nature, medicine and physics."

Cronin said the only conclusion he could reach was that Yvonne Bagley died of acute asphyxiation.

The British-born Bagley, 47, had claimed his Indian-born wife was accidentally electrocuted when a soldering iron fell into their hot tub while she was bathing at their Radnor home March 26, 1989, Easter Sunday.

Bagley had been out on \$15,000 bail and, if convicted, had faced a sentence of life in prison.

The prosecution alleged Bagley's motive also included lust for a former Temple student he had wooed, dined and shared a hotel room with. On the witness stand, the student denied they had sex, insisting she saw Bagley only to advance her career.

Prosecutor Joel Goldstein maintained Bagley killed Yvonne Bagley, the mother of two, to collect on her life insurance policy, since he was about to lose his job as an assistant professor of finance because he had failed to publish research.

Goldstein claimed Bagley forcibly submerged his wife in the water, leaving bruises on her body. He said a person couldn't be electrocuted by current from a soldering iron in bathwater.

Bagley's lawyer, Neil Jokelson, countered with testimony that bath salts and olive oil that had been added to the tub increased electrical conductivity.



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