

Supreme Court lets stand law denying protection to gays

By Richard Carelli
The Associated Press

WASHINGTON — The Supreme Court allowed Cincinnati to deny gay people specific protection from discrimination Tuesday in a case that seemed to contradict a ruling the court made two years ago.

The action, after the justices struck down as unconstitutional a similar measure in Colorado in 1996, will likely create confusion over government policies on gay rights. Unlike the earlier ruling, Tuesday's action set no national precedent, but it caused outrage just the same.

"The Supreme Court has given up. That's horrible," said Alphonse Gerhardtstein, who represented opponents to the Cincinnati city charter amendment.

The voter-approved measure bans policies or ordinances that give homosexuals claims for legal

protection from discrimination — in housing, employment or otherwise — based on their sexual orientation. It also bars "any claim of minority or protected status, quota preference or other preferential treatment."

In rejecting a challenge to that amendment, Gerhardtstein said, the highest court has let Cincinnati "remain as the only community in America where discrimination against gay people is institutionalized in the city charter."

What real-world impact, if any, the amended city charter will have is hotly contested. Most cities and states offer no protection against bias based on sexual orientation.

The 6th U.S. Circuit Court of Appeals upheld Cincinnati's amended charter provision, ruling that it "merely removed municipally enacted special protec-

tion from gays and lesbians." Tuesday's order left that ruling intact. But three justices, in an unusual step, played down the order's significance.

Writing for the three, Justice John Paul Stevens said, "The confusion over the proper construction of the city charter counsels against granting (review)." He was joined by Justices David H. Souter and Ruth Bader Ginsburg.

The court's six other members wrote nothing, offering no insights into their votes.

Phil Burrell, who led the move to put the city charter amendment on the 1993 ballot, claimed victory: "What it tells me is that the only thing Colorado did wrong was go statewide rather than city by city."

But Matt Coles of the American Civil Liberties Union disagreed, saying, "This action doesn't undermine (the 1996 ruling) a whit."

And Suzanne B. Goldberg of the gay-rights Lambda Legal Defense and Education Fund said, "This is clearly not the end of the battle for equal rights in Cincinnati."

Gay-rights advocates won a dramatic victory two years ago when the Supreme Court threw out a Colorado state constitutional amendment that forbade state and local laws protecting homosexuals from discrimination. The amendment unlawfully singled out gays and sought to "make them unequal to everyone else," the court ruled then.

In Cincinnati, gay-rights advocates succeeded in 1994 in barring enforcement of the city charter measure, but the appeals court lifted a trial judge's injunction.

The Supreme Court had been urged to reverse the appeals court ruling because, they were told, it "will encourage targeting of gay

people and other groups for unconstitutional harm."

In other matters Tuesday, the court:

—Rejected the appeal of a man who has been on Florida's death row for 23 years. Justice Stephen G. Breyer dissented, saying long delays in executing condemned killers might amount to unconstitutionally cruel and unusual punishment.

—Agreed to use a California case to decide whether federal law overrides a state's rules limiting the deadlines confronting people who make disability-insurance claims.

—Heard arguments over who — the Federal Communications Commission or individual states — will get to regulate the opening of the \$110 billion local phone market to long-distance companies and other competitors. A decision is expected by July.

Microsoft issues detailed defense against antitrust charges

By Ted Bridis
The Associated Press

WASHINGTON — Days from its government antitrust trial, Microsoft Corp. issued its most detailed defense Tuesday against charges it tried illegally to bully high-tech rivals and protect its lucrative Windows franchise.

In a 43-page report called "Setting the Record Straight," Microsoft dismissed claims that it acted illegally toward Intel Corp., Intuit Inc., America Online, Apple Computer Co. and Netscape Communications Corp.

Microsoft also asked a federal judge again Tuesday to delay the trial, scheduled to begin Monday, for at least two weeks, until Nov. 2.

It described its trial preparations as an "already intolerable burden" made worse by the government's "latest effort to sandbag Microsoft" by making last-minute changes to witnesses and trial exhibits.

In an unusual but anticipated move, the government also filed under seal and sent to Microsoft the written testimony of its dozen witnesses. To move the trial quickly, the judge previously ordered both sides to present testimony in writing, so witnesses will only be cross-examined during the upcoming trial.

The judge didn't order that the testimony be kept from the public before the trial. The government indicated Tuesday it plans to release each person's testimony roughly the day before the witness is to be cross-exam-

ined.

The Justice Department didn't respond directly to Microsoft's report, which was posted on the company's Web site and distributed to news organizations.

"We're confident in the evidence in our case, and we look forward to bringing that evidence to trial," Justice spokesman Gina Talamona said.

In its essay, Microsoft offered new details about its dealings with Apple and about America Online's 1996 decision to adopt Microsoft's Internet browser over Netscape's, citing a previously unreleased e-mail exchange between Microsoft Chairman Bill Gates and AOL's chief, Steve Case.

The government has cited documents from Gates suggesting that America Online,

the nation's largest Internet provider, with more than 13 million customers, agreed to distribute Microsoft's browser software in exchange for including AOL's software within the Windows operating system.

The government, which will call an AOL executive as one of its witnesses, said Microsoft's browser was technically inferior to Netscape's.

The government quoted Gates as saying his software was "good enough to be in the ballpark."

Microsoft on Tuesday cited e-mail from Gates saying AOL chose the company's browser because it could work seamlessly with AOL's proprietary software, discouraging customers from leaving the online service to surf the Internet.

Check out
Rhythm & Reviews
every FRIDAY
in the
Oregon Daily Emerald.
It's your weekly
entertainment resource.


Now Open
Carte Blanche
Soup Cart @ 14th & Kincaid
U of O Campus
Soupery • Catering
541-543-SOUP


HAWAII
Pacific
UNIVERSITY
Center for Graduate Studies

HPU Rep will be
on campus 11/3/98



**Want a better
job after you
graduate?**

A graduate degree from Hawaii Pacific University will enhance your job opportunities. Students from all 50 states and 80 countries attend Hawaii Pacific University because of our experienced faculty, challenging programs, and unrivaled location in the "Pacific Rim." Explore how Hawaii Pacific University can help you!

Yes, I would like more information about Hawaii Pacific University

Send to:
Graduate Service Center
1164 Bishop Street, Honolulu, Hawaii 96817
www.hpu.edu E-mail: gradservctr@hpu.edu
1-800-669-4724

Name _____
Address _____
Phone _____

**Call today
1-800-669-4724**

Broaden your Horizon
on the Japan Exchange and Teaching (JET) Program

Every year the Japanese Government invites young people from the US to participate in this unique program, to serve as Assistant Language Teachers or Coordinators for International Relations.

Applicants must be:

- US Citizens
- Hold a Bachelor's Degree by July 1999

Representatives from the Consulate-General of Japan will be at the University of Oregon for an orientation:

October 15, 1998 • 12:00-1:00 pm • Student Union, Ben Linder

For an application or more information call 1800-Info-jet or the Consulate-General of Japan in Portland at (503) 221-1611 ext. 34