

No constitutional guarantee for homosexual

In a decision on August 17, saying that it finds "no constitutional right to engage in homosexual conduct," the U.S. Court of Appeals in Washington, D.C. ruled against former Navy petty officer James L. Dronenburg. The decision reaffirmed a district court ruling that upheld the Navy's discharge of Dronenburg in 1981 for engaging in sex with another seaman.

Dronenburg's appeal was denied in a strongly worded, broadly written 21-page decision by Circuit Judge Robert Bork, a Reagan appointee and potential Supreme Court appointee. Bork's opinion said that the Navy's policy of discharging gays did not violate Dronenburg's rights to privacy and his right to equal protection under the law.

"We find it impossible to conclude that a right to homosexual conduct is 'fundamental' or 'implicit in the concept of ordered liberty' unless any and all private sexual behavior falls within those categories, a conclusion we are unwilling to draw," Bork wrote. The other two members of the appeals panel were Reagan appointee, Circuit Judge Antonin Scalia, and Nixon appointee to the U.S. District Court for the Central District of California, Judge David Williams.

Bork concluded that the Navy's policy of discharging lesbians and gays "serves legitimate state interests," therefore Dronenburg had no fundamental right to engage in homosexual.

"The effects of homosexual conduct within a naval or military unit are almost certain to be harmful to morale and discipline," wrote Bork.

Dronenburg was discharged from the Navy in 1981 after nine years of exemplary service. He was a highly valued Korean language specialist and had been given a \$12,000 re-enlistment bonus shortly before his discharge. "Jim was kicked out simply because he is gay," said Leonard Graff, National Gay Rights Advocates Legal Director. "They didn't judge him on his individual ability to serve but rather on outmoded stereotypes. We believe this action violates Jim's constitutional rights and we're going to seek a rehearing *en blanc*." This means that NGRA will ask all of the judges on the Court of Appeals to review the decision of the three judge panel that made this ruling.

Jean O'Leary, NGRA Executive Director,

said: "The Court's ruling was a real blow for the gay community. It sanctions an official government policy that lesbians and gay men are not good enough to fight and die for their country," O'Leary termed the Navy's policy as one of "irrational discrimination" and she vowed to continue the challenge.

NGRA's cooperating counsel on the case was Stephen V. Bomse of Heller, Ehrman, White & McAuliffe, a prestigious San Francisco law firm. The ACLU had filed a "friend of the court" brief showing how the military's arbitrary and discriminatory manner of treating gays paralleled the way they once treated blacks.

In a related activity, NGRA has instigated a Government Accounting Office audit of the Department of Defense. It is expected that this study will reveal that it costs the taxpayers at least \$20 million a year to exclude gay men and women from the military.

McFarlane. "They're not at all concerned with the male homosexual population."

The president of the American Association of Physicians for Human Rights, the national organization of gay physicians, has written to the Centers for Disease Control to protest possible registries.

Dr. Neil Schram wrote, "Since homosexuality is illegal in over 20 states, the potential of that list falling into police hands is tremendous."

Reagan firm against gays

One of the most visible pieces of political propaganda at the recent Republican Convention in Dallas was the Presidential Biblical Scoreboard, in which President Reagan states, "We will resist the efforts of some to

obtain government endorsement of homosexuality."

The conservative magazine compares the past statements and voting records of national candidates and portrays Mondale as a veritable champion of gay rights compared to Reagan.

In a Reagan statement dated July 12, he says, "Society has always regarded marital love as a sacred expression of the bond between a man and a woman. It is the means by which families are made and society itself is extended into the future.

"In the Judeo-Christian tradition, it is the means by which husband and wife participate with God in the creation of a new human life. It is for these reasons, among others, that our society has always sought to protect this unique relationship.

"In part, the erosion of these values has given way to a celebration of forms of expression most reject," Reagan said in the report.

— Montrose Voice

Proposed AIDS list stirs uproar

A proposal by a federal official that health agencies compile lists of patients exposed to the suspected AIDS virus HTLV-3, has created an uproar among researchers and gay spokespersons.

Dr. James Curran, chief of AIDS research at the Centers for Disease Control, proposed lists of all patients with any sign of exposure to AIDS-related viruses. He made the proposal in a private memorandum to state health officials.

Although scientists have yet to confirm definitively that the virus — a leukemia virus called HTLV-3 — causes AIDS, antibodies to the virus have been found in most AIDS patients tested. Researchers think it will be a reliable indicator as to whether donated blood is infected with AIDS.

The executive director of the nation's largest AIDS organization, Roger McFarlane of New York City's Gay Men's Health Crisis, called any listing of gays exposed to the AIDS virus "my worst nightmare," confirming "all my worst suspicions."

"It's now clear that their (the federal government's) only concern is removing the risk of AIDS from the population at large," said

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