

Homosexual policy for military passes first high court test

Associated Press

WASHINGTON — President Clinton's "don't ask, don't tell" policy on gays in the military survived its first Supreme Court test yesterday as the court rejected the appeal of a former Navy officer dismissed for declaring his homosexuality.

The justices rejected former Lt. Paul Thomasson's argument that the policy is unlawful discrimination and a violation of homosexual service members' free-speech rights.

Thomasson had served nearly 10 years and was forced to leave the Navy last year after writing a letter to his commander that said, "I am gay."

The court's action was not a ruling on the issue's merits and does not preclude the justices from fully reviewing the policy later. But the court let stand a lower court's decision that upheld the rule barring openly homosexual people from serving in the military.

The Clinton administration said the government has a legitimate interest in prohibiting homosexual acts in the military to avoid a "risk to military effectiveness" and to protect service members' privacy.

"I know this injustice will someday

be set right," said Thomasson, who manages a Washington, D.C., restaurant.

Gay rights advocates said they were not surprised by the court's action because Thomasson challenged only the part of the policy allowing the discharge of people who say they are gay. Other cases in lower courts are challenging the entire policy.

"This policy says absolutely no sexual ... activity anywhere as long as you're lesbian or gay," said Matt Coles of the American Civil Liberties Union.

Earlier this year, the Supreme Court gave gay-rights advocates a major victory by ruling that Colorado voters could not ban state and local laws that protect homosexuals from discrimination.

But that ruling did not address the legality of homosexual conduct. In 1986, the justices upheld a Georgia law that criminalized homosexual sex between consenting adults.

Clinton's "don't ask, don't tell" policy was a compromise that resulted from congressional repudiation of his pledge to lift the ban on gays in the military. The policy is intended to let gays serve as long as they keep their sexuality private.