

APSU To Comply With Court's Ruling on Gay Rights

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APSU professor and adviser to the coalition. "What we'd like to do is to get the whole case settled, so we can go about the business of educating people about homosexuality and working to change the laws that discriminate against homosexuals."

CARTER SAID he is not homosexual but feels the coalition has a right to exist. He said the coalition has had about 20 members, but he expects Wiseman's ruling to increase its membership.

Wiseman dealt in detail with the three major contentions of APSU and the Board of Regents in denying the coalition recognition.

As to the argument that "recognition would constitute implicit approval by APSU of homosexuality as acceptable behavior," he said:

"**INDIVIDUALS** and associations of individuals on a uni-

versity campus represent opposite ends, and probably most shades between the ends, of the spectrum of ideas—religious, political, moral and philosophical....

"Would not the university 'recognize' both the Student Christian Association and the Jewish Student Organization, or even the Student Atheist Society? Would it grant recognition to the Jewish Defense League but deny it to the Palestinian Student Association? Would it recognize the American Nazi Party but deny recognition to the NAACP? What about Young Republicans vs. Young Democrats?"

"Approval or disapproval based upon explicit or implicit agreement with the content of the advocacy is contrary to the very core of a university's goal of eclectic examination, but, more importantly to this dispute, cannot pass constitutional muster. The strength of this society lies in its willingness and ability to tolerate the ex-

pression of unpopular—even abhorrent ideas."

AS TO THE defendants' contention that recognition of the coalition would "increase homosexual activity," Wiseman reviewed the testimony of psychologists and sociologists on both sides, and said the testimony for the plaintiffs was "more persuasive." Even so, he said, that was not the issue at stake.

"Here we are not dealing with conduct, but with the advocacy of the acceptability of conduct," he wrote. "Defendants fear the potential harm of ideas, of information, of 'recognition.'"

"All are speech in their purest form. Protection of even potentially harmful speech is grounded in the belief that our people, adequately informed, may be trusted to distinguish between the true and the false..."

"**DENIAL OF THAT** choice substitutes paternalism for in-

dividual responsibility, Orwellian conformity for individual freedom."

In dealing with the defendants' objection that homosexual conduct is a crime in Tennessee, Wiseman said "the distinction must be drawn between speech and conduct."

"Nothing in the record indicates that plaintiffs have any intention to violate any law of Tennessee," he wrote. "Every indication is to the contrary. Plaintiffs fully intend to voice their disagreement with the law and to advocate its revision or repeal...."

"Until the law is changed, APSU can vigorously enforce the sodomy laws of Tennessee and the prohibition against solicitation to commit sodomy, either against individual members of plaintiff organization or against the organization itself if it is found to be sponsoring such conduct now condemned as criminal. It may not abridge speech and association."

After a few weeks of debate, the SGA approved the Coalition. After a few weeks of debate, the SGA approved the Coalition. After a few weeks of debate, the SGA approved the Coalition.

APSU To Comply With Gay-Rights Ruling

Officials of Austin Peay State University in Clarksville said yesterday they will comply with a federal court order instructing the school to recognize a homosexual rights organization on campus.

U.S. District Judge Thomas A. Wiseman handed down an order yesterday that APSU must give the Student Coalition the same privileges as any other campus organization, including the right to use school facilities for meetings and

Wiseman's order was entered in a suit filed by the coalition after Austin Peay and, subsequently, the state Board of Regents turned down the organization's request for official status. His ruling did not deal with the question of unspecified damages also asked by the coalition.

"**WHAT THE UNIVERSITY** thinks about the advocacy of homosexuality as an acceptable lifestyle, what the community or the legislature might think about the university's action in this regard ... cannot serve as a justification for its abridgement of that advocacy."