

Pentagon Proposes Guidelines to Protect Gay Troops

Associated Press

WASHINGTON — For the first time, the nation's military services have issued written guidelines to ensure that troops who complain of anti-gay threats or harassment are not themselves investigated.

The intent is to allow such complaints to be aired without fear of being drummed out of the service for being homosexual.

Defense Secretary William Cohen

said Tuesday the new guidelines on how to investigate anti-gay threats are incorporated in updated training programs designed to ensure that the Clinton administration's "don't ask, don't tell" policy on gays is enforced fairly and uniformly throughout the services.

As a matter of policy, commanders are not to use complaints of anti-gay harassment or threats as a reason to investigate the complaining person. Instead the commanders are supposed to investigate the source of the threat or

harassment.

"These plans make it very clear ... that there is no room for harassment or threats in the military," Cohen said in a written statement.

"Service members need to understand that harassment for any reason will not be tolerated, and commanders will take prompt, appropriate actions against individuals involved in such behavior," Cohen added.

The Pentagon also announced Tuesday that the number of discharges

from the military in the fiscal year, which ended last Sept. 30, fell to 1,034 from 1,145 in the year-earlier period. Spokesman Kenneth Bacon said 83.5 percent of discharges resulted from statements by service members that they were homosexual.

Under the administration's policy, gays may serve in the military as long as they keep their sexual orientation to themselves. If they state that they are homosexual, they are supposed to be removed from the service.

In 1994, the first full year of "don't ask, don't tell," discharges totaled 617. They rose every year since until 1999.

Michelle Benecke, executive director of the Servicemembers Legal Defense Fund, welcomed Cohen's approval of the training guidelines but said such guidance should have been made available to field commanders years ago.

"We're glad to see, finally, that the secretary is taking steps to train people," Benecke said. She said her group had found that most service members who

declared their homosexuality, and thereby were removed from the service, did so because they felt threatened by an anti-gay environment in their workplace.

"What is needed now is for leaders to enforce the harassment guidelines with commitment," Benecke said.

Cohen instructed the services to develop new training guidelines last December amid widening criticism that administration policy on gays in the military was not working.

Cyberspace Expert's Testimony Could Harm Microsoft's Case

A Harvard professor advised a federal judge that he could sidestep a previous appeal won by Microsoft.

Associated Press

WASHINGTON — An expert on technology and law, asked personally by the judge for advice in the Microsoft trial, argued Tuesday that a crucial appeals victory for the software company in a related case may not protect it from the government's latest antitrust claims.

The arguments put forth by Lawrence Lessig, a cyberspace law professor at Harvard, were an important indicator of how U.S. District Judge Thomas Penfield Jackson is leaning in the landmark case as he prepares his verdict, which is expected by spring.

At Jackson's request, Lessig suggested ways the judge might structure part of a verdict against Microsoft so not to clash with a 1998 federal appeals ruling that was highly favorable for the company. That decision came from the same court expected to review Jackson's verdict in the current trial. "He's suggesting that if (the judge) wanted to sidestep the court of appeals opinion, (the judge) could try," said William Kovacic, an antitrust expert at George Washington University.

Lessig's was the most important of

four court filings Tuesday in the antitrust case. Microsoft complained in a separate document about the government's "empty rhetoric" and argued it was permitted to lure customers at the expense of rivals.

The industry's largest trade group, the Washington-based Software and Information Industry Association, said it supports the government's case over the objections of Microsoft, its largest member. And former federal judge Robert Bork, also arguing on behalf of the government, said there was "no doubt" Microsoft was guilty.

Another trade group, the Association for Competitive Technology, argued in another filing earlier this week that Microsoft "competed and continues to compete fiercely but fairly."

Lessig's was the most closely read of all the legal filings because it came at the judge's request. But Kovacic called it a "delusion" for Lessig to suggest the earlier ruling is anything but relevant to the current trial and a "very revealing glimpse about what those judges think."

In that related case, the appeals court ruled that Microsoft's bundling of its Internet browsing software with an earlier version of its Windows operating

system under a court-approved consent decree was legal and a "genuine integration" because consumers benefited.

A similar claim — that Microsoft included its browser with Windows to undermine a rival Internet software maker — remains a core part of the pending antitrust lawsuit. The appeals ruling came months after the government filed its lawsuit.

Government lawyers said Microsoft feared competing browsers eventually could lessen reliance on its lucrative flagship Windows software. Outside experts generally consider this the weakest part of the government's current case because of the unfavorable appeals decision.

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WILLIAM KOVACIC
Antitrust Expert

Lessig acknowledged that Microsoft would win the so-called "tying" claim if Jackson were to base that part of his upcoming verdict on the appeals ruling. But he warned that a broad reading of the earlier decision risks "improperly reaching issues that were not before the court."

Lessig proposed that Jackson instead use a four-part test Lessig devised to determine whether software products can be legally combined — and he added that Microsoft's behavior would be considered illegal under this test.

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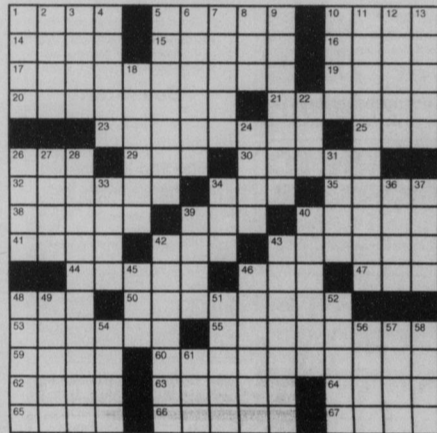
THE Daily Crossword

By Patrick McConville

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- ACROSS**
- 1 Conn of "Grease"
 - 5 Snug retreats
 - 10 At a distance
 - 14 Conflict in drama
 - 15 Songwriter Greenwich
 - 16 Pueblo dwellers
 - 17 Russian's cocktail?
 - 19 Alligator shirt maker?
 - 20 Evangelist
 - 21 Bewilder
 - 23 E.T.'s vehicle
 - 25 Absolutely!
 - 26 Long time between dates?
 - 29 longa, vita brevis
 - 30 City on the Allegheny
 - 32 Articulate
 - 34 Comic Leno
 - 35 Programming language
 - 38 Name
 - 39 Orbiting part of Russia
 - 40 Love III
 - 41 Type of hop
 - 42 Straggle
 - 43 Sherwood or Epping
 - 44 Drive back
- DOWN**
- 1 Moist
 - 2 "Prince"
 - 3 Prescribed amount
 - 4 Ancient Peruvians
 - 5 Deadpan comic
 - 6 Fudd and Gantry
 - 7 Speaks unclearly
 - 8 "Shop — You Drop"
 - 9 In a shabby way
 - 10 Tariq of Iraq
 - 11 Rotten orange cocktail?
 - 12 Chameleon
 - 13 Takes the bus
 - 18 Anti-knock number

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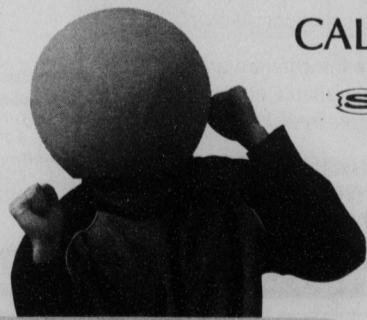
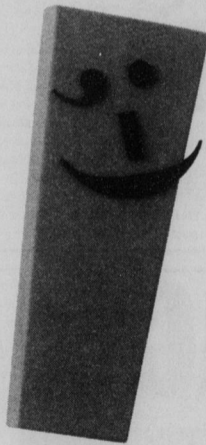
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