

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Public Liaison

Series/Staff Member: Julian Potter

Subseries:

OA/ID Number: 18042

FolderID:

Folder Title:

Gays in Military Policy: Court of Military Appeals: Gays in Military

Stack:

S

Row:

31

Section:

4

Shelf:

2

Position:

2

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. letter	To: John H. Dalton, Secretary of the Navy; From: Servicemembers Legal Defense Network; Re: RMSN Amy L. Barnes [partial] (1 page)	03/14/1996	b(6)
001b. memo	To: Chief of Naval Personnel; From: Lieutenant James Walsh, JAGC; Re: Letter of Deficiency RMSA Amy L. Barnes [partial] (4 pages)	01/11/1996	b(6)
001c. letter	To: Eleanor Hill, Inspector General, DOD; From: Servicemembers legal Defense network; Re: Seaman Amy L. Barnes [partial] (1 page)	02/26/1996	b(6)
002. form	DIS Report of Investigation [10 U.S.C. 424] (15 pages)	07/06/1983	P3/b(3)
003. memo	To: Director Defense Intelligence Agency; From: Chief Special Security Office; Re: Suspension of Access [10 U.S.C. 424] (2 pages)	11/15/1982	P3/b(3)
004. form	Request for personnel Security Investigation [10 U.S.C. 424] (1 page)	12/28/1982	P3/b(3)
005. letter	To: Alan Savada; From: Defense Mapping Agency; Re: Investigation [partial] [10 U.S.C. 424] (1 page)	11/19/1982	P3/b(3), b(6)
006. form	DIS Report of Investigation [10 U.S.C. 424] (5 pages)	03/09/1983	P3/b(3), b(6)
007. form	DIS Report of Investigation [10 U.S.C. 424] (9 pages)	04/29/1983	P3/b(3), b(6)
008. memo	To: Alan Savada; From: Director Security Office; Re: Clearance [10 U.S.C. 424] (1 page)	09/07/1983	P3/b(3), b(6)
009. memo	To: Director Defense Intelligence Agency; From: Director of Special Security; Re: Alan Savada [10 U.S.C. 424] (1 page)	09/08/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. form	DIS Report of Investigation [10 U.S.C. 424] (10 pages)	12/27/1983	P3/b(3), b(6)
011. report	Response to Letter and Answers to Questions [10 U.S.C. 424] (32 pages)	08/20/1984	P3/b(3), b(6)
012. letter	To: Director, DIA; From: Director Security Office; Re: Savada, Alan [10 U.S.C 424] (1 page)	03/20/1985	P3/b(3), b(6)
013. form	DIS Report of Investigation [10 U.S.C. 424] (28 pages)	10/15/1986	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F

sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

GAYS IN
MILITARY

Sent to

Sally Dalton

THE WHITE HOUSE

John - via Messenger 3/19

I hope that you are already familiar with this case. It's starting to attract national attention. Our White House Counsel is making inquiries as well. Any help you can give will be greatly appreciated. This case seems to be especially egregious. I will want to hear from

you before I do more.

Long thanks,

Josh

There are copies of a packet sent to your office recently.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. letter	To: John H. Dalton, Secretary of the Navy; From: Servicemembers Legal Defense Network; Re: RMSN Amy L. Barnes [partial] (1 page)	03/14/1996	b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of
an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial
information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of
personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement
purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of
financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

Servicemembers Legal Defense Network

★ ★ ★ ★ ★

14 March 1996

The Honorable John H. Dalton
Secretary of the Navy
1000 Navy Pentagon
Washington, DC 20350-1000

Dear Secretary Dalton:

We wish to bring to your attention the case of RMSN Amy L. Barnes, SSN (b)(6) 0319. RMSN Barnes is currently serving aboard the USS Simon Lake ported in Sardegna, Italy and was the victim of a witch hunt targeting women in November and December 1995. It is our understanding that up to 60 women on the USS Simon Lake were targeted in the course of this investigation. RMSN Barnes was investigated based on rumors which circulated directly following her report of an incident where she rebuffed the aggressive advances of a senior male Petty Officer, who then grabbed her, threw her to the ground and injured her. It is our understanding that RMSN Barnes will be discharged within the coming week unless steps are taken to delay or overturn this action.

We bring this case to your attention because 1) it represents a leadership issue which goes to the heart of how the Navy treats women, and 2) your subordinates have failed to respond to a series of requests to look into this matter, including the letter of deficiency filed by RMSN Barnes' military defense attorney, a Congressional Inquiry initiated by Representative Lee Hamilton and numerous inquiries by RMSN Barnes' family members, the office of Representative Barney Frank and Servicemembers Legal Defense Network.

RMSN Barnes was brought before an administrative discharge board on 9 January 1996. The board recommended that she be discharged with a general discharge characterization based solely on information obtained from an investigation which violated the limitations enunciated in DOD Instruction 5505.8 and Enclosure 4 of DOD Directive 1332.14.

The evidence indicates that the investigation against RMSN Barnes was (1) started after she reported the sexual harassment of a senior male Petty Officer, (2) initiated without commander approval, (3) based improperly on rumor and innuendo, (4) expanded to include other women aboard the ship, and (5) exceeded clear limits on the scope of investigations, soliciting information on sailors' contacts and relationships with other individuals, as well as information concerning third parties' sexual orientation and activities.

The evidence is also clear that investigators obtained some witness statements through coercion and intimidation. Investigators from the Master-at-Arms office interrogated at least two sailors (b)(6) 0018 for lengthy periods of time without a break (up to six hours in one case), threatened them with confinement of up to 1 - 15 years and would not permit them to leave until they "confessed" to being gay or accused other women as suspected lesbians. RMSN Barnes was also coerced into making the statement that forms the basis of her discharge in which she admitted to one pre-service act. An investigator from the ship's Command Judge Advocate office told RMSN Barnes that making this statement was the

SEDR TEL: 202-528-5244 Mar 15, 96 11:57 NO.002 P.03

The Honorable John H. Dalton

14 March 1996

Page 2

only way to stop her interrogation and the investigation of other women. RMSN Barnes was instructed that anything that occurred prior to her Navy enlistment could not be used to discharge or otherwise hurt her. Under duress, Barnes gave the investigator the statement he urged.

Barnes was not read her rights before being instructed to make the aforementioned statement and she was not given the opportunity to consult an attorney during the investigation. In fact, RMSN Barnes did not see an attorney until three days prior to her discharge board.

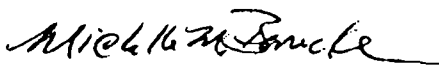
Similar to the conclusions drawn by Navy Assistant General Counsel Joseph Lynch regarding the witch hunt conducted on Okinawa, Japan in 1994 by the Marine Corps CID, this is precisely the type of investigation which the limits contained in the new policy were intended to prevent. The fruits of the policy's violation are now about to be used to discharge RMSN Barnes. Her discharge would cause her irreparable harm and warrants immediate intervention by your office.

It is essential that Navy leaders establish the proper command climate to enforce the limits on investigations under "Don't Ask, Don't Tell, Don't Pursue" and ensure that women who resist sexual harassment and assault are not retaliated against through witch hunts. When Navy personnel engage in illegal witch hunts, they should be held accountable; their victims should not be punished.

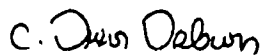
We ask, at the very least, that you open an investigation into this witch hunt and place RMSN Barnes' discharge on hold pending its outcome. We remain convinced that RMSN Barnes should not be discharged from the Navy as a result of this investigation.

You will find with this letter a copy of the Letter of Deficiency filed by Lt. Walsh and a letter we have sent to the DoD Inspector General. We appreciate your consideration of this matter.

Sincerely,



Michelle M. Benecke, Esq.
Co-Executive Director



C. Dixon Osburn, Esq.
Co-Executive Director

cc: The Honorable Barney Frank, United States Representative
The Honorable Lee Hamilton, United States Representative
The Honorable William J. Perry, Secretary of Defense

Encl.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. memo	To: Chief of Naval Personnel; From: Lieutenant James Walsh, JAGC; Re: Letter of Deficiency RMSA Amy L. Barnes [partial] (4 pages)	01/11/1996	b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

21 Jan 96

From: Lieutenant James M. Walsh, JAGC, USNR
Personal Representation Attorney
To: Chief Of Naval Personnel (Pers-83)
Via: Commanding Officer, USS SIMON LAKE (AS-33)

Subj: LETTER OF DEFICIENCY ICO RMSA AMY L. BARNES, USN,

(b)(6) DOB

Ref: (a) MILPERSMAN 3640380
(b) MILPERSMAN 3630400
(c) MILPERSMAN 3630600
(d) MILPERSMAN 3640370

Encl: (1) Chronology of Investigation
(2) Memorandum of Division Officer
(3) Memorandum of Leading Chief Petty Officer

1. This letter of deficiency is forwarded for submission with the report of the administrative board as permitted by reference (a).

2. Pursuant to references (b) and (c), on 9 January 1996 an administrative board ICO RMSA Amy L. Barnes, USN was held on board USS SIMON LAKE (AS-33) at La Maddalena, Sardegna to examine allegations of misconduct due to commission of a serious offense and homosexual conduct.

3. Despite a specific finding of no misconduct due to commission of a serious offense, the administrative board unanimously recommended separation of RMSA Barnes based upon a finding of homosexual conduct. The board unanimously recommended a characterization of service as General (under honorable conditions).

4. This letter of deficiency is forwarded for your careful consideration and review in light of the unlawful manner in which RMSA Barnes' personal and private life was unilaterally investigated by personnel attached to USS SIMON LAKE (AS-33) in direct violation of reference (b).'

1. 10 U.S.C. § 521 (1993) compelled this result.

2. Military Directives clearly state that "[a] person's sexual orientation is considered a personal and private matter, and is not a bar to service entry or continued service. Moreover, reference (b) prohibits intrusive inquiries into servicemembers personal and private lives. NAVADMIN 033/94. See also, Memorandum, Secretary of Defense, July 19, 1993.

Subj: LETTER OF DEFICIENCY ICO RMAA AMY L. BARNES, USN,
(b)(6) (S) (cont)

5. Despite a clear mandate that investigative personnel shall not initiate inquiries or investigations solely to determine a servicemember's sexual orientation, on 27 November 1995, the Master-at-Arms Office embarked on such a proscribed course of conduct.

6. Reference (b) prohibits inquiries based upon suspicion, rumor, and capricious claims concerning a servicemember's personal and private orientation and provides in relevant part:

(1) Only the member's commander . . . is authorized to initiate fact-finding inquiries involving homosexual conduct. A commander may initiate a fact-finding inquiry only when he or she has received credible information that their is basis for discharge.

(Emphasis Added)

7. Reference (b) specifically states that credible information does not exist, for example, when:

(a) the individual is suspected of engaging in homosexual conduct, but there is no credible information, as described, to support the suspicion; or

(b) the only information is the opinion of others that a member is homosexual; or

(c) the inquiry would be based upon rumor, suspicion, or capricious claims concerning a member's sexual orientation;

8. Upon close examination of the first two statements referenced in enclosure (1), it becomes apparent that the information provided to the Master-at-Arms is precisely the type of speculation and conjecture which cannot form the basis for conducting an inquiry.

9. The proscribed manner in which the investigation was conducted carried over to the office of the Command Judge Advocate when the Legalman attached to that office conducted an interrogation of the Respondent in violation of Article 31(b).

10. Article 31(b) provides in pertinent part:

Subj: LETTER OF DEFICIENCY ICO RNSA ANY L. BARNES, USN, /
(b)(6) (c) (b) (cont)

No person subject to this chapter may interrogate, or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.'

11. In a telephone interview on 8 January 1995, (b)(6) (c) (b) stated in no uncertain terms that she was subjected to lengthy interrogations, and was not permitted to leave the Master-at-Arms Office until she provided a detailed, written statement concerning the personal and private life of the Respondent.'

12. Based upon the foregoing, it is respectfully requested that CHANAVPERS take one of the following corrective measures in accordance with reference (d):

(a) disapprove the board's recommendation and retain the Respondent in the naval service;

(b) afford the Respondent a new administrative Board and deny the Recorder an opportunity to present evidence obtained in direct violation of reference (b);

(c) as warranted by enclosures (2) and (3) and their respective statements in the administrative hearing, change the recommended characterization of service to a more favorable characterization of service; or

3. See also, *United States v. Duga*, 10 M.J. 206 (CMA 1981); LT Brant G. Wilbert, *Failing the Article 31(b) U.C.M.J. Test; the Role of the Navy Inspector General in the Investigation of the Naval Academy Cheating Scandal*, 42 Nav. L. Rev. 1 (1995).

4. (b)(6) (c) (b) is currently assigned TAD to U.S. Naval Hospital, Rota, Spain. Apparently, the manner in which this investigation was undertaken left (b)(6) (c) (b) badly shaken. She had threatened suicide, and was referred to the Medical Department for observation. While I attempted to verify her allegations with the treating physician, Dr. Duff, was unavailable. A subsequent interview with (b)(6) (c) (b) USN, however, corroborated (b)(6) (c) (b) allegations.

Subj: LETTER OF DEFICIENCY ICO RMSA AMY L. BARNES, USN,
(b)(6) (cont)

(d) such further relief as is just and equitable and the nature of this case may require.

Very respectfully,



JAMES M. WALSH

Copy to:
(1) RMSA Amy L. Barnes, USN
(2) SLDN

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001c. letter	To: Eleanor Hill, Inspector General, DOD; From: Servicemembers legal Defense network; Re: Seaman Amy L. Barnes [partial] (1 page)	02/26/1996	b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Servicemembers Legal Defense Network

26 February 1996

The Honorable Eleanor Hill
Inspector General
Department of Defense
400 Army Navy Drive
Arlington, VA 22202-2884

Dear Ms. Hill:

On behalf of Seaman Amy L. Barnes (SSN (b)(6) 0012) I request that you conduct an investigation into the witch hunt against women which occurred on the USS Simon Lake ported in Sardegnia, Italy, in November and December of 1995. According to Seaman Barnes' military defense attorney, Lt. James M. Walsh, this investigation was instigated on the sole basis of rumor and innuendo, specifically to uncover the sexual orientation of Seaman Barnes and other women.

Seaman Barnes' family contacted Department of Defense and Navy officials about this witch hunt in December 1995. To date, no one has conducted an investigation into the witch hunt or disciplined any of the personnel involved.

Current regulations contain a number of limits that were designed to stop witch hunts. For example, sailors may not be questioned about their sexual orientation under any circumstances. Only commanders can initiate investigations of "homosexual conduct," and then only when he or she has credible information that a sailor has violated regulations. Rumors and speculation about a sailor's sexual orientation or activities do not constitute credible information. Even if credible information exists with regard to one allegation, officials may not use that as an excuse to fish for additional information about a sailor's private life, or to identify other suspected gay sailors.

The record of this case shows that all of these requirements were blatantly disregarded by personnel from the Master-at-Arms and Command Judge Advocate offices on the USS Simon Lake. The following are just a few examples:

- (b)(6) 0012 was interrogated for over 6 hours, was threatened with imprisonment and was not permitted to leave the Master-at-Arms Office until she gave a statement accusing Barnes and other women as lesbians. (b)(6) was directly asked by (b)(6) 0012: "Have you ever seen Barnes or [another sailor] with anyone else?" "Did she tell you what they did?" "What actions have you seen that displays their sexual preference?" [sic]
- (b)(6) 0012 "What is your relationship with Barnes?" "What is your relationship with [another sailor]?" "You also stated they asked you if you were gay. What did you tell them?"
- (b)(6) 0012 "Have you heard complaints about [another sailor] and Barnes? If so, what have you heard?"
- (b)(6) 0012 whether she had heard any rumors about Barnes and her friendships with other women.

- One sailor was asked, "Did [another sailor] ever do anything or say anything to you that made you question her sexual preference?"

These questions are plainly illegal. Further, there is no indication that any commander ever authorized this inquiry, much less what credible evidence existed to justify it.

I am also concerned that Seaman Barnes' legal rights under Article 31 were violated in this investigation. First, investigators interrogated Seaman Barnes without informing her of any accusation against her or advising her of her rights (including the right not to make a statement). Second, Seaman Barnes was denied the opportunity to consult with legal counsel during the investigation. Indeed, Seaman Barnes was not permitted to see an attorney until only three days before her discharge board. Whether other sailors' rights were violated also bears investigation.

There are at least two additional elements of this case which merit thorough investigation by your office. First, I am concerned that the Navy has done nothing to address the sexual harassment underlying this witch hunt. In mid-November 1995, Seaman Barnes was assaulted off the ship by a senior male petty officer. When she rebuffed his aggressive advances, he hit her, knocking her to the ground and injuring her.

Seaman Barnes reported this incident to shore patrol. Instead of correctly handling the incident as one of a male on female assault, the shore patrol treated Seaman Barnes and the male petty officer as equal, willing participants in a common brawl. In this same lack of concern for the assault, Seaman Barnes' command confined her to ship and eventually punished her at Captain's Mast for "mouthing off" to shore patrol. While Seaman Barnes could perhaps have exercised better judgment in her comments to shore patrol, she was understandably agitated: she was being hauled in for fighting when, in fact, she had been attacked. A discharge board later determined that Seaman Barnes had engaged in no misconduct.

It was after this incident, but before the Captain's Mast, that rumors were circulated around the ship labeling Seaman Barnes as a lesbian and the fishing expedition into her private life was begun by the USS Simon Lake's legal personnel. These events fit a well documented pattern concerning the use of the homosexual policy to perpetuate sexual harassment against women. Time and again, women like Seaman Barnes who resist sexual harassment or assault have found themselves the subject of retaliatory rumors leading to investigation as suspected lesbians.

At Mast, on 15 December 1995, Captain Eugene Wilson demoted Barnes a pay grade and docked her pay based on Seaman Barnes' comments to shore patrol. Captain Wilson punished Seaman Barnes despite convincing evidence, as found by the discharge board, that she had engaged in no misconduct. There is every indication that the rumors and the witch hunt against Seaman Barnes, if not personal animus, directly influenced Captain Wilson's decision at Mast.

Although the petty officer who attacked Barnes was supposedly punished at Mast by demotion in rank, he has been observed lately still wearing his senior petty officer insignia, indicating that his supposed punishment has not been carried out.

It is puzzling, to say the least, why the Navy has punished a woman for defending herself against unwanted advances and venting her frustration about not having them taken seriously, while her aggressor goes unpunished.

The second additional issue which should be investigated by the Inspector General is the discharge characterization recommended by Seaman Barnes' discharge board on 9 January 1996 and endorsed by her command. Despite a specific finding of no misconduct due to commission of a serious offense, the administrative board unanimously recommended separation of Seaman Barnes based upon a finding of homosexual conduct. The board recommended a general discharge characterization. Setting aside for a moment the illegal investigation and the fact that the board should never have occurred in the first place, this discharge characterization is wrong. Following Navy regulations requiring that discharge characterizations be based on a sailors' overall performance, Seaman Barnes should have been recommended for an honorable discharge.

I include with this request a copy of the letter of deficiency which Lt. Walsh filed following Seaman Barnes' discharge board and statements taken by investigators on board the USS Simon Lake showing that a witch hunt occurred.

Thank you in advance for investigating the issues raised in this letter. Please do not hesitate to call me with any questions you may have.

Sincerely,

ORIGINAL SIGNED

Michelle M. Benecke, Esq.
Co-Executive Director

Encl.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

CONDUCT UNBECOMING:

THE SECOND ANNUAL REPORT ON "DON'T ASK, DON'T TELL, DON'T PURSUE" VIOLATIONS



March 1, 1995 - February 27, 1996

Embargoed For Release:

11:00 AM, February 27, 1996

By: C. Dixon Osburn, Esq.
Michelle M. Benecke, Esq.
Co-Executive Directors,
Servicemembers Legal Defense Network

Writer's Direct Dial
202-828-2253
Joseph_E._Jr._Kolick@dsmlp.com

DICKSTEIN
SHAPIRO
& MORIN
L.L.P.

March 19, 1996

Marsha Scott
Deputy Assistant to the President for Political Affairs
Office of Political Affairs
Room 115
Old Executive Building
Washington, DC 20502

Gay military
Issue

Re: Alan Jay Savada

Dear Deputy Assistant Scott:

We are writing to you on behalf of Alan Jay Savada, a former civilian employee of the Department of Defense ("DOD") who was forced to leave his job because he is Gay. After learning that Mr. Savada is homosexual, DOD suspended the security clearances which were essential to Mr. Savada's employment, reassigned him to a "make-work" position, and subjected him to five years of investigation calculated to embarrass and harass him. During those five years, the Defense Intelligence Agency procrastinated, twice asking for further investigations, each of which became progressively more personally invasive. Unable to raise any legitimate issue, DOD's final interview of Mr. Savada consisted of 95 questions, most of which sought extremely private information, such as details regarding specific sexual acts, and whether he engaged in sexual acts in public, or with more than one person at a time.

Shortly after that last degrading interview, DOD advised Mr. Savada that his clearance was denied. Despite repeated inquiries by Mr. Savada, DOD has never provided a statement of reasons for that denial. Recognizing that any appeal would be futile, and unwilling to face further invasive and degrading investigation, Mr. Savada finally was forced to leave his position.

Recent policy changes, including the March 1995, Government Accounting Office Report, Security Clearances: Consideration of Sexual Orientation in the Clearance Process ("GAO Report"); Executive Order 12968, issued by President Clinton on August 2, 1995; and the November, 1995 changes to DOD adjudication guidelines, highlight the gross

injustice of DOD's treatment of Mr. Savada. Had current policy been in effect in the 1980's, Mr. Savada would not have been subjected to needless and harassing investigation, and would have received all appropriate clearances. As a result, Mr. Savada is seeking simple justice -- reinstatement, with back pay, to the position at DMA which he was forced to relinquish. Mr. Savada's treatment by DOD typifies the ills of the inequitable, needless and costly investigations which Executive Order 12968 seeks to cure. Reinstating Mr. Savada to his former position would help to correct the injustice which Mr. Savada suffered. Reinstatement would also reaffirm the Administration's commitment to the basic human rights of homosexuals, and the right, in the President's words, to "fair and equal treatment [of] those Americans upon whom we rely to guard our national security." Exec. Order No. 12968, 60 Fed. Reg. 40245 (1995).

Factual Background

From April 1979 until April 1987, Alan Jay Savada was employed as a cartographer by the Defense Mapping Agency ("DMA"), an activity within the Department of Defense ("DOD"). Soon after starting that position, Mr. Savada was granted Top Secret security clearance, and also clearance for access to Sensitive Compartmental Information ("SCI clearance").

Mr. Savada performed his job well, and was considered by his supervisor to be "a hard-working individual that [was] an asset to the Geodetic Positioning Division," and to be "very security conscious." Attachment A, DIS Report of Investigation dated July 6, 1983, at 6-7. Nonetheless, on November 4, 1982, Mr. Savada was interviewed by Major J. Ford Johnston, Chief of Special Security Office within DMA with respect to "rumors" that Mr. Savada was homosexual. Attachment B, Memorandum dated November 15, 1982, from Major Johnston to Director, DIA. Mr. Savada openly stated that he is homosexual, and that he believed all of his coworkers knew that he was homosexual. *Id.* Mr. Savada also stated that his "family, friends and acquaintances" knew he was Gay, and that he had "not tried to conceal his homosexuality from anybody." *Id.*

Solely because of Mr. Savada's sexual orientation, DMA suspended his Top Secret and SCI clearances on November 15, 1982, and reassigned him to a position within DOD which did not require those clearances. The new assignment, although at the same grade and pay level as his former position, was not suitable or appropriate to Mr. Savada's classification and skills. In fact, Mr. Savada was assigned virtually no work in that position, but was instead left basically to "vegetate" at taxpayer expense.

On December 28, 1982, DMA requested that a "limited inquiry" be performed by the Defense Investigative Service ("DIS"), to determine Mr. Savada's suitability for Top Secret clearance. Specifically, DMA requested "appropriate investigation re: sex

perversion. SUBJECT is an admitted homosexual." Attachment C, Request for Personnel Security Investigation dated December 28, 1982. Mr. Savada was advised that the investigation was required in "any potential case where stability, blackmail, coercion or threat of exposure could be used by a hostile intelligence organization against an individual." Attachment D, Letter dated November 18, 1982, from Major J. Ford Johnston, Jr., Chief Special Security Office, DMA, to Alan Savada.

Soon after opening its investigation, DIS contacted Mr. Savada's immediate supervisor who stated "Mr. Savada is very open about his alleged homosexuality and has admitted such information. In view of this openness I do not consider Mr. Savada a security risk." Attachment A at 7. DIS contacted several of Mr. Savada's friends, all of whom stated that they knew Mr. Savada was homosexual, and knew or believed that he had discussed his homosexuality with his family. *Id.* at 2; Attachment E, DIS Report of Investigation dated March 9, 1983, at 2, 4. DIS also contacted several of Mr. Savada's fellow worshippers; all confirmed that he was open about his sexual orientation. Attachment F, DIS Report of Investigation dated April 29, 1983.

DIS interviewed Mr. Savada on June 28, 1983. At that time he was advised that the nature of the matter under investigation was to clarify information regarding, among other things, "aberrant sexual behavior, specifically; homosexuality." Attachment A at 3. The interview consisted of 28 questions. Mr. Savada unequivocally stated that he is an "open and avowed" homosexual, and that his family, friends and coworkers were aware of his homosexuality. Attachment A at 12. DIS asked Mr. Savada when he became homosexual, and when he experienced a "life style change," to which Mr. Savada responded that he was born homosexual. *Id.* When asked if there was any person he would not want to know about his homosexuality, Mr. Savada responded, "Absolutely none at all." *Id.*

On September 7, 1983, Mr. Savada was approved for Top Secret clearance. Attachment G, Memorandum dated September 7, 1983, from Louise R. Custer, Director, DMA Security Office to Alan J. Savada. DMA referred the case to the Defense Intelligence Agency ("DIA") for a determination of Mr. Savada's suitability for SCI clearance. In the transmittal memorandum from DMA to DIA, Frederick Bowen, Director of Special Security stated, "[t]his is indeed a well orchestrated "test case" which demands close attention by your adjudication experts." Attachment H, Memorandum dated September 8, 1983, from Director of Special Security, DMA to Director, DIA.

Apparently Mr. Bowen's warning was heeded: rather than creating a "test case," DIA procrastinated. On December 21, 1983, Mr. Savada was interviewed again. This interview consisted of 21 questions. DIS requested detailed information regarding identities of persons with whom Mr. Savada had sexual relationships, and the identities of other homosexuals within DMA. Attachment I, DIS Report of Investigation dated

December 27, 1983, at 4-6. Mr. Savada denied ever having engaged in sexual acts with minors or with anyone outside of the United States. Id. at 4, 5. Mr. Savada stated that he had engaged in one sexual act with a Brazilian student in 1982. Id. at 4. He stated that his first homosexual sexual encounter occurred in 1981 and that prior to that time he had never been asked and never denied that he is homosexual. Id. at 5. He stated that there were no homosexual sexual activities before that time which might subject him to coercion. Id. Mr. Savada stated that he would not be open to coercion if a sexual partner was not a declared homosexual and indeed that he would not have any close social relationship with anyone "not out of the closet." Id. As he had during the June 28, 1983 interview, Mr. Savada again denied having ever received psychological counseling. Id. at 6; see also Attachment A at 13.

Six months later, in May 1984, DIA asked Mr. Savada to respond to several written interrogatories related to issues he had already discussed. He was asked about an incident (voluntarily disclosed by him in prior interviews) during which, without his permission or knowledge, drugs were used in his home during a party. Mr. Savada responded that he was unaware of the single incident until he was told about it several days later. Attachment J, Response to Letter and Answers to Questions by Franklin E. Kameny on behalf of Alan Jay Savada, at 17-18. He was also asked about an admitted sexual act with a student in 1982. Mr. Savada responded that the student was a Brazilian, or possibly an Argentinean, named Ricardo, and briefly described how they were introduced by a mutual friend. Mr. Savada stated that he did not know the student's last name, or his current location. Id. at 23. He was again asked whether he was willing to identify other homosexual employees within the DMA. He responded that he had never stated or implied that he knew of other homosexual employees within the DMA, but for the record, he declined to identify any such employee. Id. at 24, 27.

On March 20, 1985, Mr. Savada was again approved for Top Secret clearance, and his case was forwarded to DIA for SCI adjudication. Attachment K, Memorandum dated March 20, 1985, from Louise R. Custer, Director, DMA Security Office to Director, DIA. DIA apparently still had no basis on which to deny Mr. Savada's SCI clearance, but remained unwilling to grant it. After sitting on the file for a year, in March, 1986, DIA returned the file to DIS for further investigation. Despite inquiries by Mr. Savada, DIA did not disclose why further investigation was required.¹

¹The DIS Report of Investigation states that Mr. Savada was interviewed again "for the purpose of developing adequate factual basis on which to form a judgment regarding his character and discretion and whether he might be subject to undue influence or duress through exploitable personal conduct." Attachment L, DIS Report of Investigation dated October 15, 1986, at 1. However, Mr. Savada's consistent and unrefuted statements that he could not be subject to coercion belie any such purpose.

Mr. Savada was interviewed again on September 16, 1986, this time with a zeal beyond anything he had yet been subjected to. During the September, 1986 interview, Mr. Savada was asked 95 questions, most of which sought extremely private information regarding Mr. Savada's sexual relationships and "lifestyle." For example, Mr. Savada was asked four questions related to whether (and why or why not) his sexual acts included oral and anal penetration (attachment L at 12); he was asked whether he engaged in sexual acts without the consent of the other person (id. at 11), or with more than one person at a time (id. at 8); or with a minor (id. at 11). He was asked whether he is bisexual or engages in bisexual sexual acts. Id. at 8. He was repeatedly asked whether he engaged in sexual acts in public. Id. at 11, 14. He was asked six questions related to how he meets sexual partners. Id. at 13-14. He was also asked whether he dressed in a manner calculated to identify his homosexual orientation. Id. at 15. He was repeatedly asked whether he engaged in transient sexual relationships or sexual relationships with persons whose names he did not know, which he repeatedly denied. Id. at 13, 14, 15, 20.

The remaining questions rehashed other issues which had long since been resolved. For example, despite the fact that Mr. Savada had stated since the first investigative interview that he did not "become" homosexual but rather was born homosexual, DOD asked 15 questions related to Mr. Savada's alleged "lifestyle change" in 1981. Attachment L at 6, 13-17. Despite his prior denials, Mr. Savada was again asked whether he had been involved with persons who concealed their homosexuality. Id. at 10. Although he had consistently denied ever having received psychological treatment, Mr. Savada was asked eight questions relating to psychological or emotional stress or counseling. Id. at 5-6, 17. He was again asked whether he used illegal drugs or knowingly permitted drugs to be used in his home, which he denied. Id. at 23-24.

This last interview, following as it did, almost five years of investigation, including interviews with literally dozens of Mr. Savada's friends, coworkers and acquaintances, makes absolutely clear that DOD had no basis upon which to deny Mr. Savada's Top Secret or SCI clearance. The fact that DOD investigators persisted with questions about psychological counseling and susceptibility to blackmail despite Mr. Savada's clear statements from the start that he was completely open about his sexual orientation, and had never needed or sought psychological counseling, reveals that DOD investigators were at best, blinded by what can only be called bigotry, or at worst, determined to find any excuse to get rid of Mr. Savada. The latter interpretation is strengthened when one considers that the investigators raised no new issue with respect to his suitability for security clearance, but instead asked question after question which seemed calculated to annoy, embarrass or harass Mr. Savada.

Having found no reason to deny Mr. Savada's clearance, and yet unwilling to grant it, DOD may very well have hoped that Mr. Savada would just go away. Indeed, after waiting several years for DOD to treat him fairly, Mr. Savada was beginning to fear that

DOD was simply unwilling to grant security clearance to a homosexual. Mr. Savada was unwilling to resign however, because he knew there was no reason to doubt his suitability for security clearance. Moreover, despite his increasing suspicion, he always maintained some hope that DOD would treat him fairly.

Unfortunately, Mr. Savada's worst fears were realized when on March 4, 1987, despite the fact that DOD had uncovered nothing in its five years of investigation that might disqualify him for clearance, Mr. Savada was advised that his access to SCI material was denied. Knowing that the sole reason for the suspension and ultimate denial of his security clearance was his sexual orientation,² and unwilling to face even further invasive and degrading investigation, Mr. Savada was forced to leave his position effective April 10, 1987, by what amounts to a constructive discharge by DOD.

Under Current Government Policy, Sexual Orientation
May Not Be A Factor In Security Clearance Adjudication

In March, 1995, the Government Accounting Office, National Security and International Affairs Division ("GAO") prepared a report regarding how various federal agencies treat sexual orientation in the security clearance process for federal civilian and contractor employees. See Security Clearances: Consideration of Sexual Orientation in the Clearance Process, GAO/NSIAD-95-21, March 24, 1995 ("GAO Report"). The GAO reviewed policies and procedures at eight agencies (including DOD), made outreach inquiries to the homosexual community, and selectively reviewed 129 cases in which security clearances had been denied, revoked or suspended. GAO found that there is little evidence to suggest that homosexuals are security risks, and that "sexual orientation seems to have little bearing on the motives behind acts of espionage." GAO Report at 15.³ See also "Homosexuality and Personnel Security," Theodore R. Sabin (Sept. 1991, PERS-TR-91-008) ("PERSEREC Report"), at 28.⁴

²Although Mr. Savada requested a "Statement of Reasons" for this denial on March 6, 1987, and several times thereafter, none was ever been provided. It is manifest nonetheless, that the denial was based on Mr. Savada's sexual orientation.

³GAO did not review procedures for adjudication of SCI clearance decisions, however its conclusion that there is "no clear linkage between sexual orientation and espionage" is obviously equally applicable in SCI decisions. See GAO Report at 15.

⁴The PERSEREC Report found that of the 117 recorded espionage cases between 1945 and 1991, only 6 cases involved homosexuals and those homosexuals were not motivated by fear of having their sexual orientation exposed, but rather had the same motives as heterosexuals: "primarily money, secondarily resentment." PERSEREC Report at 30.

Not surprisingly, given DOD's egregious treatment of Mr. Savada, the GAO report was critical of DOD policy which, among other things, required investigators to follow up on allegations of homosexuality by interviewing an applicant's family and friends. GAO specifically recommended that DOD "modify [its] investigative and adjudicative procedures to be consistent with stated agency policies [*i.e.*, that sexual orientation is not a criterion in granting security clearances] and to ensure that adjudication guidelines and investigative procedures are consistent by focusing only on conduct-related issues, rather than on sexual orientation." GAO Report at 15.

Shortly after the GAO report was published, President Clinton issued Executive Order 12968, which provides that the "United States Government does not discriminate on the basis of . . . sexual orientation in granting access to classified information." Exec. Order No. 12968, 60 Fed. Reg. 40245 (1995). Rather, "[i]n determining eligibility for access under this order . . . [n]o inference . . . may be raised solely on the basis of the sexual orientation of the employee. *Id.*

Only after Executive Order 12968 was issued, did the DOD, in November, 1995, revise its adjudication guidelines to state:

Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, subjects the individual to undue influence or coercion, or reflects lack of judgment or discretion.* (Sexual orientation or preference may not be used as a basis for or a disqualifying factor in determining a person's eligibility for a security clearance)

* The adjudicator should also consider guidelines pertaining to criminal conduct (criterion J); or emotional, mental, and personality disorders (criterion I), in determining how to resolve the security concerns raised by sexual behavior.

Attachment M, Change 3 to DOD 5200.2-R, Appendix I (emphasis added).⁵

These changes make clear that DOD will not, and indeed cannot consistent with Executive Order 12968, base security clearance decisions solely on sexual orientation.

⁵Although this change has been circulated throughout DOD, it has not yet been published in the Code of Federal Regulations.

Marsha Scott
March 19, 1996
Page 8

Neither will DOD make inferences with respect to the standards for determining suitability for clearance based on sexual orientation. Under the current guidelines therefore, neither the lengthy and invasive investigation to which DOD subjected Mr. Savada, nor its unjust conclusion would be permissible.

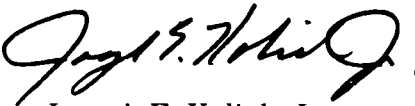
Justice Demands That
Mr. Savada Now Be Treated Fairly

The foregoing demonstrates that the treatment accorded to Mr. Savada (1) was contrary to any accepted standard of due process and fair play, and (2) would violate current Government policy as embodied in Executive Order 12968. While it is commendable that the current Administration has taken steps to prevent similar inhumane treatment of other loyal and dedicated civil servants in the future, the simple fact is that Mr. Savada's career was destroyed, and his life made virtually unbearable because of the prejudice of DIS investigators. If that wrong is unremedied, the much-celebrated changes in Government policy will ring hollow.

There is, however, a simple solution. All the Government need do is to reinstate Mr. Savada to his former position with back pay, less interim earnings from other employment. Simple equity demands no less.

If it would be helpful, we are willing to meet with you or others at your convenience. A prompt response will be appreciated.

Sincerely yours,


Joseph E. Kolick, Jr.

JEK/BOC/rmy
Attachments

cc: Alan Jay Savada

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

A

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. form	DIS Report of Investigation [10 U.S.C. 424] (15 pages)	07/06/1983	P3/b(3)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

B

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	To: Director Defense Intelligence Agency; From: Chief Special Security Office; Re: Suspension of Access [10 U.S.C. 424] (2 pages)	11/15/1982	P3/b(3)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

C

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. form	Request for personnnel Security Investigation [10 U.S.C. 424] (1 page)	12/28/1982	P3/b(3)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

D

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. letter	To: Alan Savada; From: Defense Mapping Agency; Re: Investigation [partial] [10 U.S.C. 424] (1 page)	11/19/1982	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



DEFENSE MAPPING AGENCY
HYDROGRAPHIC/TOPOGRAPHIC CENTER
WASHINGTON, D.C. 20315

REPLY TO
ATTENTION OF:

19 NOV 1982

Alan J. Savada



Dear Mr. Savada:

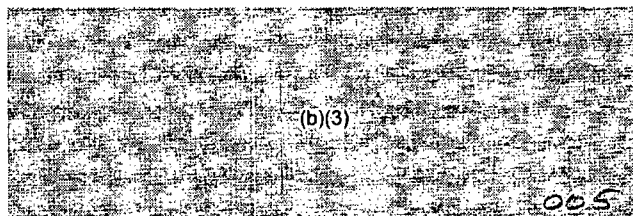
In response to your letter of 18 November 1982, I understand your position regarding the acceptance of oral communications from the Defense Mapping Agency.

I would like to explain my position as the Special Security Officer, DMAHTC. Department of Defense and Director, Central Intelligence directives require that any potential case where stability, blackmail, coercion, or threat of exposure could be used by a hostile intelligence organization against an individual must be resolved. To accomplish this action, Limited Investigations are conducted to determine the facts of each case. The completed investigation is then adjudicated by the Defense Intelligence Agency to determine if access to Sensitive Compartmented Information can be granted or reinstated if the access has been suspended.

In order to conduct a Limited Investigation, your approval to investigate certain areas is required. These areas are financial, educational, medical, personal history, job performance and arrests and convictions. These are the releases you were asked to sign.

If you elect not to sign the release forms, and this is your option, your case will be forwarded for adjudication without the Limited Investigation having been conducted.

Sincerely,



Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

E

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. form	DIS Report of Investigation [10 U.S.C. 424] (5 pages)	03/09/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

F

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. form	DIS Report of Investigation [10 U.S.C. 424] (9 pages)	04/29/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

G

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. memo	To: Alan Savada; From: Director Security Office; Re: Clearance [10 U.S.C. 424] (1 page)	09/07/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

H

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. memo	To: Director Defense Intelligence Agency; From: Director of Special Security; Re: Alan Savada [10 U.S.C. 424] (1 page)	09/08/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

I

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. form	DIS Report of Investigation [10 U.S.C. 424] (10 pages)	12/27/1983	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

J

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. report	Response to Letter and Answers to Questions [10 U.S.C. 424] (32 pages)	08/20/1984	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

K

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. letter	To: Director, DIA; From: Director Security Office; Re: Savada, Alan [10 U.S.C 424] (1 page)	03/20/1985	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1** National Security Classified Information [(a)(1) of the PRA]
- P2** Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3** Release would violate a Federal statute [(a)(3) of the PRA]
- P4** Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5** Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6** Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1)** National security classified information [(b)(1) of the FOIA]
- b(2)** Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3)** Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4)** Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6)** Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7)** Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8)** Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9)** Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

L

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. form	DIS Report of Investigation [10 U.S.C. 424] (28 pages)	10/15/1986	P3/b(3), b(6)

COLLECTION:

Clinton Presidential Records
Public Liaison
Potter, Julian
OA/Box Number: 18042

FOLDER TITLE:

Gays in Military Policy: Court of Military Appeals: Gays in Military

2015-0017-F
sb1250

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

M

Divider Title: _____

SEXUAL BEHAVIOR

Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, subjects the individual to undue influence or coercion, or reflects lack of judgment or discretion.¹ (Sexual orientation or preference may not be used as a basis for or a disqualifying factor in determining a person's eligibility for a security clearance)

Conditions that could raise a security concern and may be disqualifying include:

- (1) sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- (2) compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or that which is symptomatic of a personality disorder;
- (3) sexual behavior that causes an individual to be vulnerable to undue influence or coercion;
- (4) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

Conditions that could mitigate security concerns include:

- (1) the behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;
- (2) the behavior was not recent and there is no evidence of subsequent conduct of a similar nature;
- (3) there is no other evidence of questionable judgment, irresponsibility, or emotional instability;
- (4) the behavior no longer serves as a basis for undue influence or coercion.

¹ The adjudicator should also consider guidelines pertaining to criminal conduct (criterion J); or emotional, mental, and personality disorders (criterion I), in determining how to resolve the security concerns raised by sexual behavior.