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December 21, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

We appreciate your recent acknowledgement that the military's "Don't Ask, Don't Tell, Don't Pursue" policy is not working well or as you said is "out of whack." We couldn't agree more. "Don't Ask, Don't Tell, Don't Pursue" is discriminatory, unnecessary, unworkable and must ultimately be repealed. In the short term, however, we ask that you direct the Department of Defense to comply with the policy and stop asking, pursuing and harassing servicemembers, and when violations occur, hold commanders accountable.

Though this policy was supposed to set limits on gay investigations and harassment, the limits have been ignored. Hundreds of violations have been documented, and gay discharges have steadily increased, reaching the highest rate of discharge since 1987. Tragically, it has taken the murder of Private First Class Barry Winchell at Fort Campbell, KY, to highlight how poorly this policy has been implemented. As you know, he was attacked and brutally beaten with a baseball bat in his barracks because of his perceived sexual orientation. Fellow soldiers have testified that the beating death of Winchell came after months of vile anti-gay name-calling and harassment, rumor mongering and inquiries into Winchell's private life. All of these things are in clear violation of the spirit and the letter of "Don't Ask, Don't Tell, Don't Pursue."

The bottom line is that the leadership at Fort Campbell allowed an anti-gay climate to thrive. Despite evidence to the contrary, six months ago the leadership at Fort Campbell was saying that this was just a physical altercation between two soldiers. Now, we see clearly that it was an anti-gay hate crime. According to testimony at the trial there were other leadership lapses as well – a raucous infantry life of underage drinking, fistfights, bad-mouthing, braggadocio, with little supervision from company leaders.

Unfortunately, due to a lack of leadership on this issue, the situation at Fort Campbell is not uncommon. The leaders at the Pentagon have not worked to ensure that the limits under this policy are enforced nor have they ensured that commanders are trained about the limits under this policy. It is inexcusable that this kind of climate still exists six years into this policy. We believe that your Administration and the leadership at the Pentagon must make it crystal clear that anti-gay harassment has no place in the U.S. military. In addition, the military leadership, commanders and others who violate this policy must be held accountable. At Fort Campbell, the commanders must be disciplined for tolerating the anti-gay climate that led up to PFC Winchell's death.

In response to documented abuses, the Department of Defense released an April 1998 report with some specific recommendations for improving implementation of the policy. While we welcomed

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Letter to President Clinton
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the recommendations, the message coming from the Pentagon on this matter was that the policy was "working well" and that most gay-related discharges were the result of servicemembers making voluntary statements of sexual orientation to avoid military service. There was no documentation to substantiate these claims, and there is no evidence that the recommendations in the report have been implemented. Based on this experience, we are skeptical about the effectiveness of the 90-day review that Secretary Cohen recently ordered.

We recommend the following steps be taken immediately to demonstrate the Administration's commitment to improving implementation of this policy and to help ensure the safety of servicemembers:

1. As Commander-in-Chief, you, along with the Joint Chiefs, should immediately issue a strongly-worded condemnation of anti-gay harassment in the military directed to commanders that lays out clear disciplinary actions to be taken against those who violate the limits of this policy. It should be clear that there is "zero tolerance" with regard to anti-gay harassment.
2. Follow up and report on implementation of the recommendations found in the Pentagon's report and the anti-gay harassment guidelines issued in August 1999 with measurable goals and a time-specific deadline in the very near future for achievement of a thorough training program on anti-gay harassment.
3. Commanders who violate the policy must be disciplined and held accountable. An investigation should be launched immediately into the anti-gay command climate at Fort Campbell, and serious disciplinary actions should be taken against commanders who have violated this policy, allowed anti-gay harassment to continue or in some cases have encouraged an anti-gay climate.
4. The Pentagon should issue a memorandum of guidance, distribute it widely to the field and set up a serious and aggressive training program to ensure that the limits to investigations under this policy are adhered to and that emphasizes the intent of this policy to protect the privacy and associational rights of individual servicemembers.

As Commander-in-Chief, we are hopeful that you will take these basic first steps to show strong leadership on this issue, to help ensure the safety of servicemembers who are suspected to be gay, and to ensure that the limits agreed to in 1993 are respected. Thank you for your commitment to fair implementation of this policy.

Sincerely,



Elizabeth Birch
Executive Director