

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: Alexis Herman

Subseries:

OA/ID Number: 2651

FolderID:

Folder Title:

Gays in the Military [binder] [1]

Stack:

S

Row:

29

Section:

4

Shelf:

7

Position:

1

TABLE OF CONTENTS

CAMPAIGN FOR MILITARY SERVICE

CONGRESSIONAL

Article by Sam Nunn

GAY COMMUNITY

Rahm Emanuel Memo dated 3/25/93 re Gay Community Relations

GAY LEADERS

G/L Community Contact List dated 4/21/93

Contacts on Gays in the Military dated 3/25/93

Meeting with Gay Leaders dated 3/25/93

Meeting with G/L Leaders dated 4/18/93

GAY MILITARY CASES

Pending Gay Cases Likely to Make News by 7/15 dated 4/5/93

Cases Involving Gays in the Military dated 4/6/93

Letter from Dorothy Hajdys re her Son Seaman Allen R.

Schindler, Jr. dated 3/31/93

G/L TASK FORCE POLICY INSTITUTE

Petitions Supporting the President's Position on Rescinding
the Ban on Gays in the Military dated 1/27/93

HUMAN RIGHTS CAMPAIGN FUND

Press Release re Opposing Restrictions on Combat Role for
Lesbian and Gay Troops dated 3/23/93

Memo prepared by Debbie Fine on Human Rights Campaign Fund
dated 3/24/93 attaching press releases

MISCELLANEOUS

Rahm Emanuel Memo on Referendum on Gays in Military dated
3/31/93

Don George Letter dated 2/9/93

Wallace Leedy Letter dated 4/30/93

The Sheridan Group Memo dated 4/16/93

Fred Philip Hochberg Letter dated 4/14/93

PRESS RELEASE

Miscellaneous Memo undated with Press Releases

Campaign for Military Service Press Releases dated 4/20/93

Early Bird Press Release dated 3/29/93

WHITE HOUSE PRESS RELEASES/STATEMENTS

Q/A dated 3/29/93

Keith Boykin Memo dated 3/28/93 re 5 Steps to Communicate
Policy on Gays in Military

Alexis Herman Memo dated 3/26/93 on Military Ban

George Stephanopoulos Memo dated 3/29/93 on 4 Steps to
Communicate Policy on Gays in the Military

WHITE HOUSE PRESS RELEASES/STATEMENTS (CONT'D)

John Podesta Memo dated 1/26/93 re Presidential Memo to
Secretary of Defense re Ending Discrimination on the
Basis of Sexual Orientation in the Armed Forces
DDE Myers Press Briefing dated 4/16/93

ISSUES

I. Authorization ✓

II. Field ✓

III. Ad Buys - 23

IV. D.C. Law

V. Court Cases

Convergence of

Recommendations: Status

May -

June -

July -

*Late July - Senate
Don't ask - 100% A way*

Late June

Week of June 27th

*I Amal Seemee
DOO Anthony
King of the Hill*

*We can make
this work
Dreger cannot
only "*

May 10, 1993

TO: AMH
FR: Ruby
RE: Secretary Aspin's Meeting

Time: 10 a.m. to 11 a.m.

Place: Roosevelt Room

Attendees: *Secretary Aspin
*Tony Lake (Jeremy Rosner)
Mack McLarty
Mark Gearan
George Stephenopolous
*Howard Paster (Al Maldon)
Rahm Emanuel
*Alexis Herman (Steve Hilton)
Sandy Berger

*with aide

ISSUES

I. Authorization

II. Field

III. Ad Buys

IV. D.C. Law

V. Court Cases

Recommendations: Status

May

June

July

ISSUES

I. Authorization

II. Field

III. Ad Buys

IV. D.C. Law

V. Court Cases

Recommendations: Status

May

June

July

ISSUES

I. Authorization

II. Field

III. Ad Buys

IV. D.C. Law

V. Court Cases

Recommendations: Status

May

June

July

ANNOUNCEMENT
7/19/93



Democratic National Committee

FAX TRANSMITTAL COVER SHEET

DATE:

July 19

TO:

Alexis Herman

SUBJECT:

Today's Announcement C + L in Military

FROM:

Minyon Moore
Deputy Political Director
Director Constituency Outreach

If there are any problems receiving this transmission,
please call sender, (202) 863-7112

NEWS

Contact: David M. Smith
office: 202/265-6666
pager: 800/759-7243
PIN 5719446

STATEMENT BY THOMAS B. STODDARD, COORDINATOR, CAMPAIGN FOR MILITARY SERVICE, IN RESPONSE TO PRESIDENT CLINTON'S GAY-BAN POLICY ANNOUNCEMENT

July 19, 1993

"The Administration's new policy, announced today by the President, constitutes no advance whatsoever for this country's lesbian and gay servicemembers, and contradicts the President's own words.

"Under the new policy, lesbian and gay servicemembers may still not acknowledge who they are. Under the new policy, lesbian and gay servicemembers may still not express affection toward a loved one. Under the new policy, lesbian and gay servicemembers may still not engage in private sexual conduct permitted heterosexual servicemembers. Under the new policy, lesbian and gay servicemembers must still lie and dissemble in order to serve their country.

"In short, under the new policy, lesbian and gay servicemembers may be gay only in the abstract -- only in their private, unarticulated thoughts.

"The Administration labels its new policy 'don't ask, don't tell, don't pursue.' The policy is more aptly called 'let's pretend' -- 'let's pretend' gay people simply don't exist, even though we know they do. Let's put our fingers in our ears and patches over our eyes.

"James Carville, the President's spin doctor, asserted on television Friday night that the new policy 'moved the ball forward.' It does not. At most it moves the ball sideways. It merely infuses inconsistency and double-talk into the existing policy of discrimination. It says a lesbian may visit a gay bar, but not dance or touch the hand of another woman. It says a gay man may read a gay book, but not disclose his sexual orientation to a colleague,

(more)

THE CAMPAIGN FOR MILITARY SERVICE

2027 Massachusetts Avenue N.W. ▼ Washington, D.C. 20036 ▼ 202.265.6666 ▼ 202.265.7393 Fax

PAGE 2
Stoddard

even his closest friend. It says that a gay person may have a photo of a domestic partner on a workdesk, but not identify the nature of the relationship with that person. Such absurdities do not represent an advance. They constitute hypocritical temporizing.

"Moreover, the promise to end witch-hunts and unfair investigations is a hollow one. Even if the government refrains from the aggressive, formal investigations of the past, its underlying policy will continue to encourage informal investigation: by vindictive or malicious colleagues. So long as lesbian and gay servicemembers are subject to discharge based on who they are, they will continue to be victimized by the system, and individuals within the system.

"The President promised in January to issue an executive order "which would end the present policy . . . of the exclusion from military service solely on the basis of sexual orientation." Today he broke that promise. Let me be clear. The President did not promise to 'move the ball forward.' He did not promise to go as far as the Joint Chiefs permitted. He did not promise to consult Congress, and act accordingly. He promised to issue an executive order 'ending' the present policy.

"The President could have lifted up the conscience of the country. He could have fulfilled the country's yearning for moral leadership. Instead he succumbed -- without a fight -- to the stereotypes and prejudices he himself had disparaged.

"Today the Supreme Court of the State of Colorado declared presumptively unconstitutional that state's constitutional amendment denying civil rights to lesbians and gay men. This astonishing development should remind us never, ever to lose hope. Today's surrender to prejudice does not close down debate on gay people in the military. It does not bring our struggle to an end. It merely postpones our ultimate victory. We will win; eventually, completely and universally, lesbians and gay men will achieve their right to equal treatment in the armed forces of the United States.

"We thank today those who have stood with us. We note with particular gratitude the statements of Mrs. Coretta Scott King, Senator Barry Goldwater, Senator Edward M. Kennedy, Congressman Ronald Dellums, and Senator Bob Kerry. We will never forget your response to our call to conscience."

PRESS RELEASE • PRESS RELEASE • PRESS RELEASE*News from the Nation's Largest Lesbian and Gay Political Organization*

FOR RELEASE AT
2:00 P.M.
JULY 19, 1993

CONTACT: Gregory King
(202) 628-4160 work
(202) 547-4310 home

**PRESIDENTIAL DECISION ON MILITARY
CALLED "A SHATTERING DISAPPOINTMENT"**

Tim McFeeley, Executive Director of the Human Rights Campaign Fund, the nation's largest lesbian and gay political group, issued the following statement in response to the President's announcement on the issue of lesbians and gays in the military:

"President Clinton's decision to accept the demands of the Joint Chiefs to require homosexuals serving in the U.S. military to hide is a shattering disappointment for millions of gay, lesbian and bisexual Americans. It is literally ridiculous to see the lengths to which General Powell, Secretary Aspin, and President Clinton will go to ensure that bigoted heterosexuals never see or hear a homosexual.

The President and his defenders tell us that he wanted to lift the ban entirely, but that political realities stand in the way. When didn't political realities block the path of ending discrimination and extending freedom and the American dream to minorities and women in this country? We elected a leader and got a barometer. Great presidents like Roosevelt, Truman and Kennedy alter political reality, rather than use it as a reason to avoid the challenge of change.

The President asked the nation's military leaders to take six months to find a way to lift the ban and ease the process. Instead, our military brass have spent the last six months in a puerile pursuit of punishing the President and gay and lesbian patriots. They should all resign in shame.

We appreciate the unwavering support we have received from many Members of Congress, from the civil rights and women's communities and from editorial boards from coast to coast. We are not daunted by the challenge of changing political realities. Whether in Congress, in the courts, in the streets, or in the White House, lesbian, gay and bisexual Americans will move forward, asking all for support, telling the truth and pursuing equality. We will ask, we will tell, and we will pursue, until the job is done."

-30-

 National Council of Jewish Women

53 West 23rd Street ■ New York, N.Y. 10010 (212) 645-4048

newsDirector of Public Relations
Michele SpirnFor Release: **Immediately**
Contact: **Sammie Moshenberg (202) 296-2588****NCJW DECRIES CONTINUED DISCRIMINATION IN THE MILITARY**

New York, NY--National Council of Jewish Women (NCJW) President Susan Katz issued the following statement today in response to President Clinton's policy statement on gays and lesbians in the military:

We are deeply disappointed that President Clinton has failed to make good on his campaign promise to end discrimination in the military. The National Council of Jewish Women favors lifting the ban on gays and lesbians in the military as a matter of simple justice. For decades, gays and lesbians have served with distinction in our nation's armed forces despite the tremendous personal burden imposed by the discriminatory policy which forces them to lie about their status.

The proposed "don't ask, don't tell" policy announced by the White House only serves to institutionalize the practice of living a lie for the gays and lesbians who choose to serve their country in the military. This policy enshrines the shameless double standard that exists in the U.S. armed forces today. NCJW will continue its advocacy on behalf of civil rights for all individuals. We call upon Congress to show leadership in this regard and end this detrimental and unnecessary policy.

Established in 1893, the 100,000-member National Council of Jewish Women, Inc., is a volunteer organization, inspired by Jewish values, that works through a program of research, education, advocacy and community service to improve the quality of life for women, children, and families and strives to ensure individual rights and freedoms for all.

7/19/93

Post-It™ brand fax transmittal memo 7871		# of pages 1
To <i>Sara Eshman</i>	From <i>Sammie Moshenberg</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>8638196</i>	Fax #	

TABLE OF CONTENTS

Sandy Berger
is out of building!
Tony LAKE
will be there.

CAMPAIGN FOR MILITARY SERVICE

CONGRESSIONAL

Article by Sam Nunn

GAY COMMUNITY

Rahm Emanuel Memo dated 3/25/93 re Gay Community Relations

GAY LEADERS

G/L Community Contact List dated 4/21/93

Contacts on Gays in the Military dated 3/25/93

Meeting with Gay Leaders dated 3/25/93

Meeting with G/L Leaders dated 4/18/93

GAY MILITARY CASES

Pending Gay Cases Likely to Make News by 7/15 dated 4/5/93

Cases Involving Gays in the Military dated 4/6/93

Letter from Dorothy Hajdys re her Son Seaman Allen R.

Schindler, Jr. dated 3/31/93

G/L TASK FORCE POLICY INSTITUTE

Petitions Supporting the President's Position on Rescinding
the Ban on Gays in the Military dated 1/27/93

HUMAN RIGHTS CAMPAIGN FUND

Press Release re Opposing Restrictions on Combat Role for
Lesbian and Gay Troops dated 3/23/93

Memo prepared by Debbie Fine on Human Rights Campaign Fund
dated 3/24/93 attaching press releases

MISCELLANEOUS

Rahm Emanuel Memo on Referendum on Gays in Military dated
3/31/93

Don George Letter dated 2/9/93

Wallace Leedy Letter dated 4/30/93

The Sheridan Group Memo dated 4/16/93

Fred Philip Hochberg Letter dated 4/14/93

PRESS RELEASE

Miscellaneous Memo undated with Press Releases

Campaign for Military Service Press Releases dated 4/20/93

Early Bird Press Release dated 3/29/93

WHITE HOUSE PRESS RELEASES/STATEMENTS

Q/A dated 3/29/93

Keith Boykin Memo dated 3/28/93 re 5 Steps to Communicate
Policy on Gays in Military

Alexis Herman Memo dated 3/26/93 on Military Ban

George Stephanopoulos Memo dated 3/29/93 on 4 Steps to
Communicate Policy on Gays in the Military

WHITE HOUSE PRESS RELEASES/STATEMENTS (CONT'D)

John Podesta Memo dated 1/26/93 re Presidential Memo to
Secretary of Defense re Ending Discrimination on the
Basis of Sexual Orientation in the Armed Forces
DDE Myers Press Briefing dated 4/16/93

GAY/LESBIAN COMMUNITY CONTACT LIST
April 21, 1993

Gregory Adams	March on Washington (co-chair) (202) 628-4013, 0493
Caroline Aronovitz	Department of Justice spokesperson (202) 514-2018
Andrew Barrer	Coalition '93 Gay and Lesbian Victory Fund (202) 842-8679 - office (202) 333-3306 - home
Keith Boykin	White House Communications (202) 456-7151 (202) 332-5662
Robert Bray	National Gay & Lesbian Task Force (202) 332-6483 - office (202) 332-6069 - overnight phone
Chandler Burr	New Yorker (free lance writer) (202) 291-0545
Rocco Claps	Democratic National Committee (202) 863-8056 (202) 547-5173
Mario Cooper	Porter Novelli (202) 973-5827, 6827
Karen DeWitt	New York Times (reporter) (202) 862-0348
Chai Feldblum	Campaign for Military Service (legal) (202) 265-6666
Rep. Barney Frank	U.S. Congress (202) 225-5931
Mike Fredrickson	Names Project Quilt (202) 822-7753
David Geffen	The Geffen Company (31)) 285-7962
Mort Halperin	Department of Defense Assistant Secretary for Human Rights (703) 695-3341
Bob Hattoy	White House Personnel (202) 371-1916 - home

Alexis Herman	White House Office of Public Liaison (202) 456-6455
Billy Hileman	March on Washington (co-chair) (202) 628-4013, 0493
Michael Iskowitz	Sen. Kennedy's office (202) 224-6572
Paul Kawata	National Minority AIDS Council
Lisa Keen	Washington Blade (editor) (202) 797-7000, x233
Gregory King	Human Rights Campaign Fund (spokesman) (202) 628-4160
Jeff Levi	AIDS Action Council
David Mixner	Lift the Ban; FOB (Staying at Mayflower Hotel during March)
Tim McFeeley	Human Rights Campaign Fund, Exec. Director (202) 628-4160
Torie Osborn	National Gay & Lesbian Task Force, Executive Director (202) 332-6483 - office (202) 232-5529 - home
Paul Richard	White House Staff Secretary's Office (202) 456-6600
Karen Ringen	AIDS Action Council
Eric Rosenthal	Human Rights Campaign Fund, Political Director (202) 628-4160
Bill Rubenstein	ACLU Lesbian & Gay Rights Project, Director (212) 944-9800, x544
Jeffrey Schmalz	New York Times (reporter) (212) 556-4391 (212) 663-4826
Eric Schmitt	New York Times (reporter)
Tom Sheridan	Campaign for Military Service (lobbyist) (202) 265-6666; 462-7288
David Smith	Campaign for Military Service, Communications Director (202) 265-6666; Sky Page pin #571-9446

Nadine Smith

March on Washington
(202) 628-4013, 0493

Tom Stoddard

Campaign for Military Service, Coordinator
(202) 265-6666 - office
(212) 362-8282 - home

Rep. Gerry Studds

U.S. Congress
(202) 225-3111

Andrew Sullivan

The New Republic (Editor)
(202) 331-7494

William Waybourn

Gay & Lesbian Victory Fund,
Executive Director
(202) 842-8679

Phill Wilson

Black Gay & Lesbian Leadership Forum
AIDS Project Los Angeles
 (213) 962-1600, x572 or x584 - office
 (800) 759-7243, Pin # 862-5854 - beeper

cc Stowe
R/G+L/m

June 9, 1993

MEMORANDUM FOR ALEXIS HERMAN
MARK GEARAN
GEORGE STEPHANOPOULOS

FROM: KEITH BOYKIN

SUBJECT: GEN. POWELL'S HARVARD SPEECH

General Powell's speech makes a brief reference to gays in the military that is likely to make news Thursday and Friday. I have attached the relevant portions of the speech.

The armed forces have been restored to a position of honor among America's institutions. They have earned the respect and love of America for the sacrifices they make.

We have bridged the disillusion and estrangement of Vietnam and we are again one with the people, as we were in 1945 and '46.

Certainly the military has problems. We don't always meet the high standards we set for ourselves.

We will continue to encounter challenges to our traditions and our policies, and we will take them on and solve them.

We took on racism. We took on drugs. We took on scandals such as Tailhook. And we found answers to them that made us stronger and even more relevant to the society around us.

We will do the same with the controversial issue of homosexuals in the military.

[The controversy is caused by two conflicting interests.]

[On the one hand the interests of gay and lesbian Americans who want to be allowed the privilege of serving.

[On the other the need for cohesion within the military and the rights of privacy for all who serve.

[The President has given us clear direction to reconcile these interests. I believe we are near a solution that will do so. Whatever is decided I can assure you the decision will be faithfully executed.]

So I stand before you today on behalf of all our men and women in uniform.

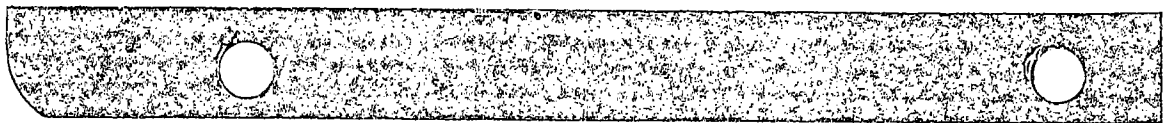
It has been my privilege to have been one of them since my commissioning 35 years ago yesterday.

My one regret is that I can't start all over again.

For me, service has been a source of enormous satisfaction. I hope each of you will devote a part of your future to service to this nation in whatever way you can.

Most of our GIs will never walk Harvard Yard. Few have parents who have attended a commencement such as this.

CAMPAIGN FOR
MILITARY SERVICE



2's 6xL

THE CAMPAIGN FOR MILITARY SERVICE

2027 Massachusetts Avenue N.W. ▼ Washington, D.C. 20036 ▼ 202.265.6666 ▼ 202.265.7393 Fax

FAX COVER SHEETTO: Alexis Herman FAX: _____FROM: David Smith per Mario CooperDATE: 4/20/93 SUBJECT: _____# PAGES (INCLUDING COVER SHEET): 10

If you have trouble with this transmission, call 202-265-6666.

COMMENTS: _____

456-2983

NEWS

Contact: David M. Smith
office (202) 265-6666
pager (800) 759-7243
PIN 571-9446

CAMPAIGN FOR MILITARY SERVICE RELEASES REPORT ON VOTER ATTITUDES

- > **71% VOTERS SUPPORT EQUAL RIGHTS FOR GAY AND LESBIAN AMERICANS**
- > **69% OPPOSE DISCHARGING GAY MEN AND LESBIANS FROM MILITARY SERVICE WHO HAVE NOT VIOLATED ANY RULES**
- > **62% BELIEVE PRESIDENT CLINTON SHOULD PREVAIL IN HIS EFFORT TO LIFT THE BAN**

Washington, D.C., (April 21, 1993) - The Campaign for Military Service today released a report on voter attitudes about lifting the ban against gay men, lesbians, and bisexuals in the U.S. military conducted by Mellman, Lazarus & Lake, Inc. which shows an enormous support among voters for equal rights for gay men and lesbians in the United States.

Voters also believe that President Clinton should prevail on his proposal to lift the ban against gay men, lesbians and bisexuals in the military. Voters overwhelmingly disapprove of discharging gay men and lesbians who have not violated any rules from military service.

"This poll is very encouraging," stated Thomas B. Stoddard, Coordinator for the Campaign. "It demonstrates to Congress that support for the President's position of abolishing this discriminatory policy is solidifying."

When asked whether homosexuals should have the same rights as everyone else, 71% agreed, 24% disagreed, and 5% didn't know. Of those who agreed, 50% agreed strongly. Of those who disagreed, 15% disagreed strongly. When asked to consider the case of a soldier or sailor who has performed well and has never violated military rules but is gay or lesbian, 69% said that person should not be discharged, while 22% said that they should. 62% agreed that the military should support President Clinton when he issues an order to lift the ban against gay men and lesbians.

The report presents the findings of a comprehensive study of public attitudes toward the military policy of banning and discharging homosexuals conducted by Mellman, Lazarus, Lake Inc. The investigation included a series of six focus group discussions in Dayton, Ohio; New Orleans, Louisiana; and Tampa, Florida. The sessions included a diverse selection of registered voters who are still making up their minds on this issue. Thus, voters who said they were strongly committed to either side of the questions were excluded from the sessions. The focus groups were moderated by Allan Rivlin of Mellman, Lazarus, Lake, Inc.

The focus groups were followed by a random survey of 1,000 registered voters conducted by telephone between the 26th and 31st of March, 1993. A random digit dialing technique was used to give every home telephone (including unlisted numbers) an equal chance of being called. The statistical margin of error for the sample as a whole is plus or minus 3.1%. The statistical margin of error for sub-samples of the survey will be larger and, of course, statistical error is just one type of error or bias that can affect survey results.

- 30 -

THE CAMPAIGN FOR MILITARY SERVICE

2027 Massachusetts Avenue N.W. ▼ Washington, D.C. 20036 ▼ 202.265.6666 ▼ 202.265.7393 Fax



GAYS AND LESBIANS IN THE MILITARY

Results of Focus Groups and a National Survey

Report and Analysis

Summary

Depending on Question Phrasing a Plurality to a Large Majority Favor Lifting the Ban

Americans believe in equal rights for homosexuals

Even though most believe homosexuality is immoral

Yet some focus group participants made clear that their personal morality should not dictate the nation's law

Thus, in the most fair reading of the question, a narrow plurality support lifting the ban

A majority say homosexuals should be able to hold any job in the military for which they are qualified; the smallest number favor segregation

By the end of the survey only about a third wanted to prohibit homosexuals from serving in the military

More people are concerned about the time spent debating the issue than about the alleged harmful impact of lifting the ban

Looking at the Ban As Discrimination Leads People to Oppose It

When focus group participants thought about the ban in terms of discrimination they reject it

Nearly two-thirds of the electorate believes discharging gays from the military because of their orientation is a form of discrimination.

Yet more than six in ten voters reject the race analogy

Summary

(continued)

Specific Cases of Exemplary Dischargees Crystallizes the Discrimination Argument

Focus group participants reacted powerfully to the case histories

Discharging someone whose behavior has been otherwise exemplary is by definition discrimination

More than three quarters of the electorate say judge military personnel on performance not on sexual orientation

Reminding Voters That Sexual Misconduct Would Be Cause for Discharge Clinches the Sale for Most People

Adding this argument increases the number who think gays should hold any job in the military and brings the number who oppose discharge to nearly 7 in 10

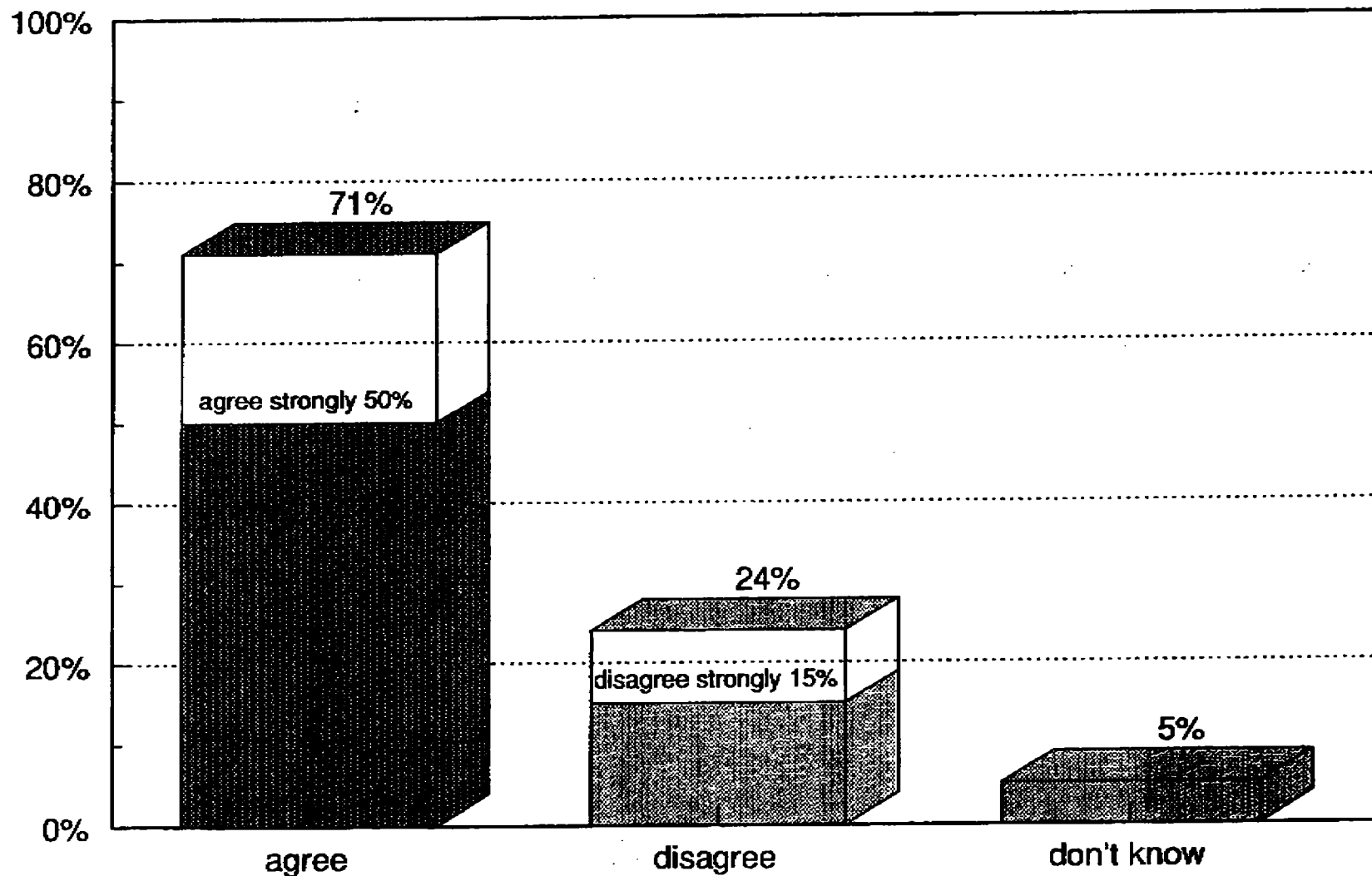
Voters oppose discharging homosexuals who have not violated rules against sexual misconduct

In the split form it is the most effective message

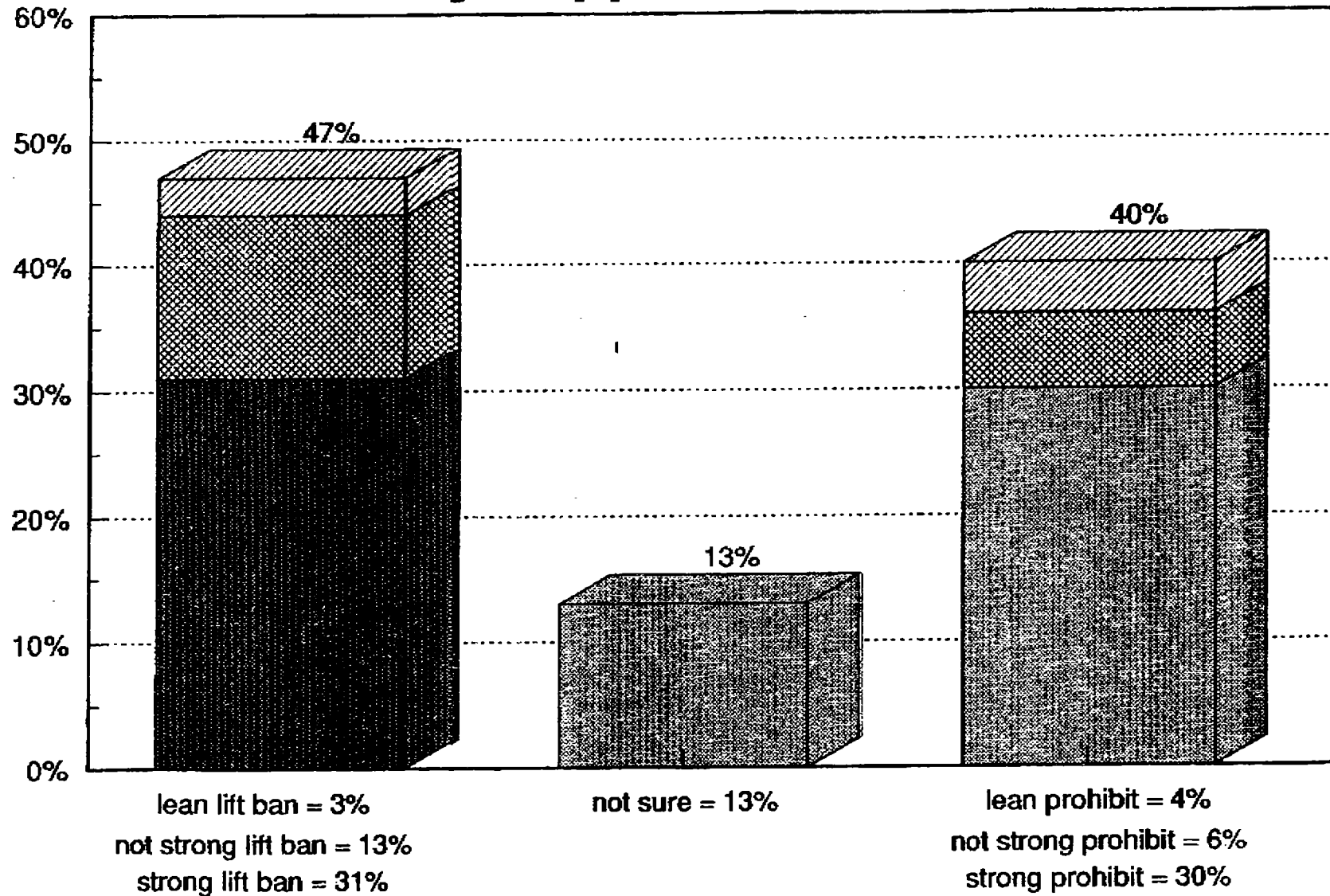
Voters Believe President Clinton Should Have His Way on This Issue

Americans Believe in Equal Rights for Homosexuals

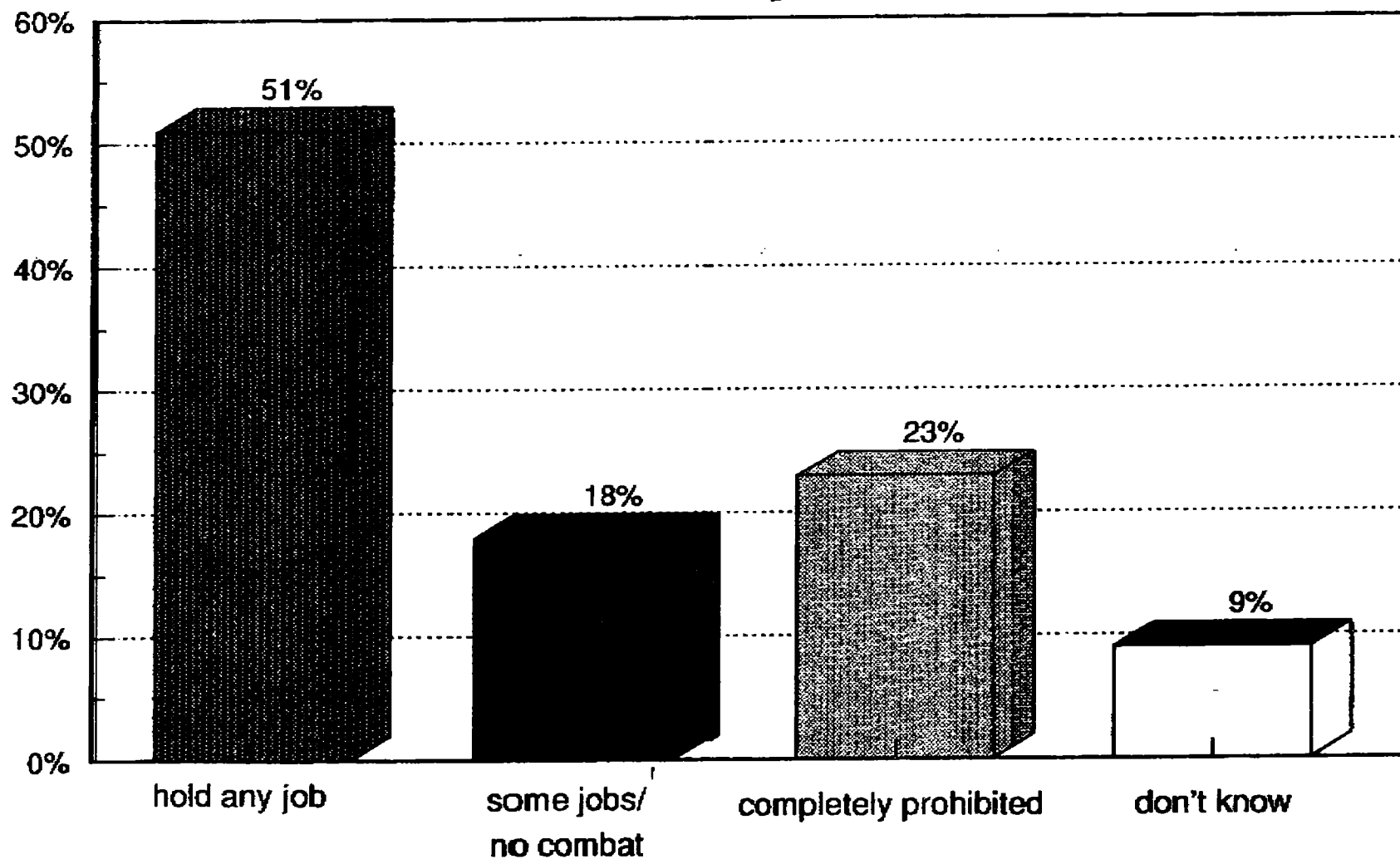
Homosexuals should have the same rights as everyone else...



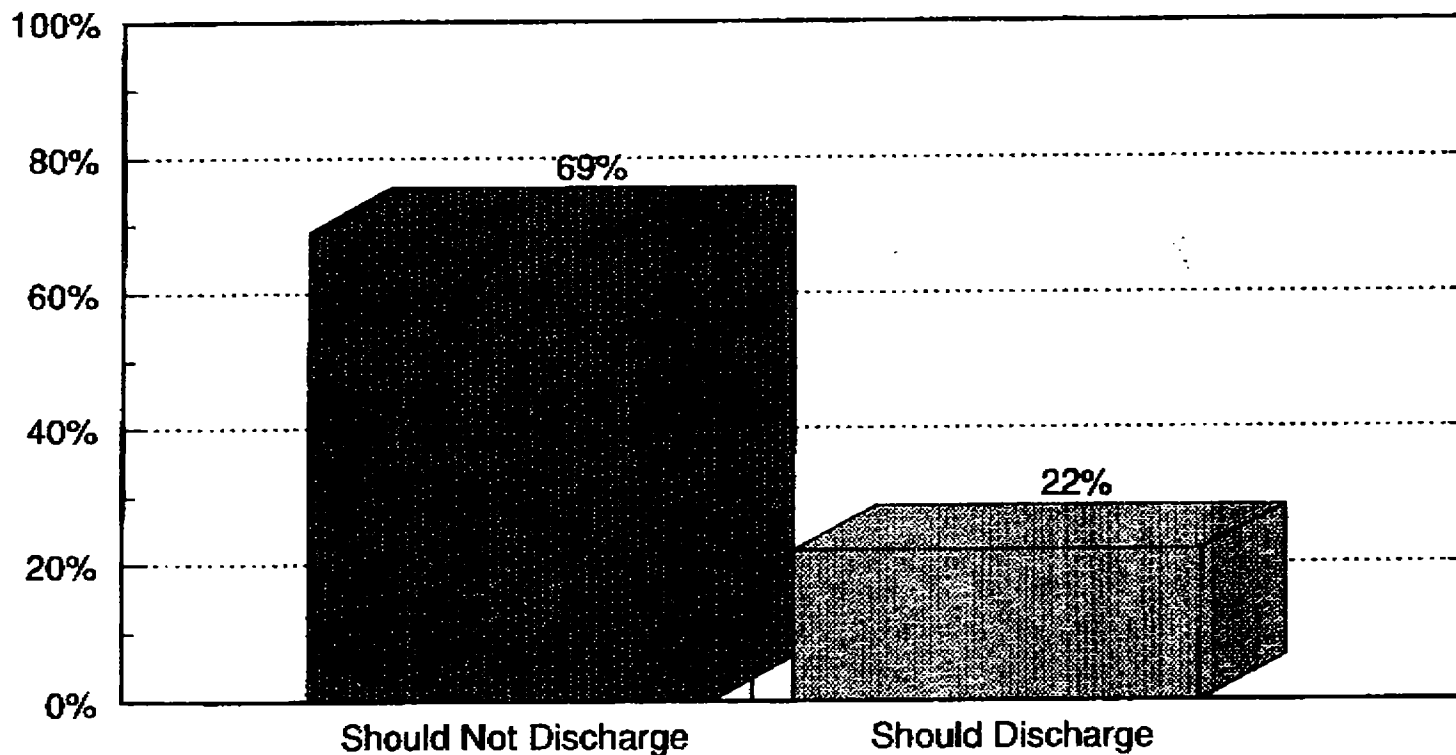
A Plurality Support Lifting the Ban



A Majority Say Gays Should Hold Any Military Job for Which They Are Qualified



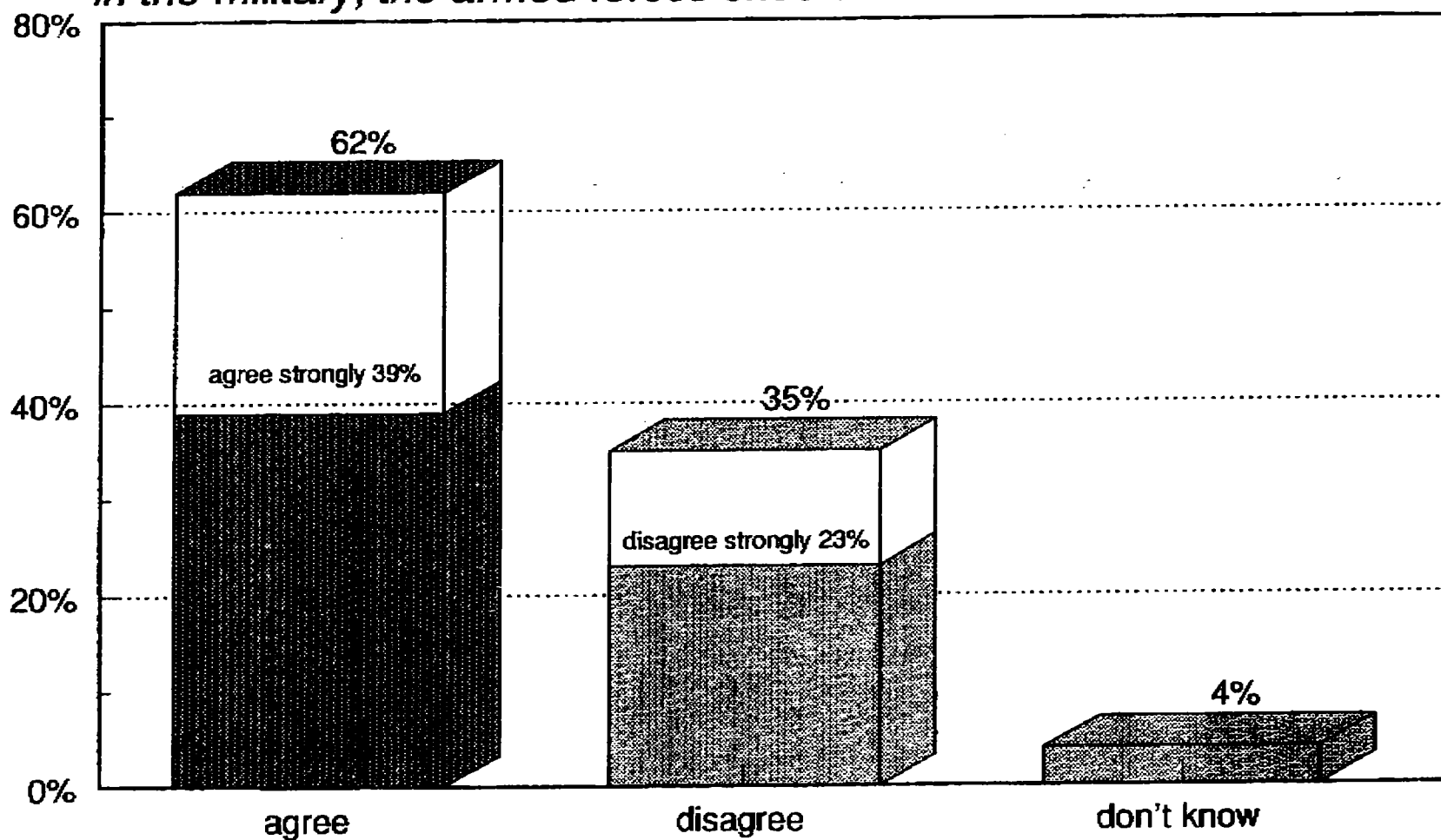
Voters Oppose Discharging Homosexuals Who have Not Violated Any Rules



consider the case of a soldier or sailor who has performed well and has never violated military rules against homosexuality but is a homosexual.

The Military Should Follow the President's Order on This Issue

If as commander in Chief, the President wants to allow homosexuals in the military, the armed forces should follow the President's order



AMH's

March 25, 1993

COMMUNICATIONS

To: Alexis Herman
Fr: Ricki Seidman
Re: Contacts on Gays in the Military

MAR 25 1993

The following individuals would be useful contacts in developing strategy and coordinating with the Campaign for Military Service. I have worked closely with each of them at my previous jobs. They are thoughtful, reasonable people and really want to help us.

David Crane
People for the American Way

467-4999

Lori McHugh
PR Consultant for Campaign for Military Service
(formerly Kennedy's Labor Comm. Press Secretary)

667-0901

Michael Iskowitz
Senator Kennedy's office

224-6572

cc: Keith Boykin, Mark Gearan

Draft

March 26, 1993

MEMORANDUM TO CONCERNED GROUPS

FROM: Alexis Herman

SUBJECT: Military ban

In response to your request for the President's position on the ban on gays in the military, you should know that the President has said the following:

Q: Mr. President, at your news conference yesterday...you were asked about gays in the military.

THE PRESIDENT: [L]et me say I talk on a regular basis with General Powell. I have met with the Joint Chiefs. I have a whole schedule of things that I'm working through now to continue to work with the military.

Q: [I]s it correct that you have reversed your position [on gays in the military]?

THE PRESIDENT: Absolutely wrong...Nothing I said yesterday is in any way inconsistent with anything I've ever said before about this. First, let's review this issue. Half the battle is over...The Joint Chiefs agree that they should stop asking enlistees whether or not they're gay. So they have already said we won't ask you to lie, and we won't use your forms against you. And if you get in and you perform well, that's fine.

I agree and everybody else agrees that any kind of improper sexual conduct should be grounds for dismissal or other appropriate discipline...

The question I was asked yesterday was as follows: "Would you consider any restrictions on duty assignments? And the answer is, I am waiting for the report of the Secretary of Defense made in conjunction with the Joint Chiefs...What I said was if they made a recommendation to me, would I review it and consider it? Of course I would. I mean, I asked them to study this. I can't refuse then to get the results of the study and act like my mind's made up. This is not an area where I have expertise. I have to listen to what people say. I will consider the arguments. I have a presumption against any discrimination based on status alone, but I will listen to any report filed.

cc Steve
4/1/93

THE WHITE HOUSE

WASHINGTON

MEMORANDUM TO ALEXIS HERMAN

FROM: MARSHA SCOTT 
DIRECTOR OF CORRESPONDENCE
DATE: MARCH 31, 1993
CC: BRUCE LINDSEY



Andrew Barrer from Victory Fund spoke to me at length about the concerns which the gay and lesbian community are presently experiencing. I wanted to share them with you.

1. They want a plan from us. What are we going to do and how are we going to do it. While they greatly appreciated your meeting with them, they left without a clear sense of resolution of their concerns. Andrew indicated a need for a smaller group of not more than five of their folks meeting with you and Steve Rochetti to map out a strategy for the future. Nobody wants to back away from support or total commitment to Bill Clinton. They just want some clear signals that we are not backing away from them.

2. A specific suggestion which would be perceived by them as a clear signal that we have not abandoned our commitment to eliminating the ban is to have Steve Rochetti call the five Senators they believe are wavering on support. While they appreciated your suggestion that Steve would work with them, they want him (or whomever you deem appropriate) to personally call these Senators and ask for their continued support.

3. If BC is not going to appear at the march, they would like to either insert a message in their program or show a video statement from him. Roberta Achtenberg has formally requested that such a message be read by her at the march. I need direction from you on this so we can prepare a response to her request.

4. Last, but not least, a clear signal as to who is in charge seems to be needed. After the meeting there seemed to be some confusion as to who the contact person here in the White House is going to be.

If you want to discuss this with Andrew, I am sure he would be delighted to; however, he suggests a group composed of Tori Osborne, Tim McFeely, Tom Stoddard, William Waybourn and himself. They sincerely want to get us all on the same page again so that we can together work on our common issues such as the economy and universal health care.

If you have further questions from me, please call at 2109.
Thanks.

THE WHITE HOUSE

WASHINGTON

April 1, 1993

MEMORANDUM FOR RAHM EMANUEL
ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF POLITICAL AFFAIRS

FROM: MARSHA SCOTT *JS*
DEPUTY ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF PRESIDENTIAL CORRESPONDENCE

SUBJECT: ANDREW BARRER

I had lunch with Andrew Barrer from the Victory Fund. He is most anxious to have a talk with you. Andrew is a level head and, as you know, a big Clinton supporter. I would appreciate it if you would return his call and set up a meeting.

Thanks.

cc: Alexis Herman

March 25, 1993

MEMORANDUM FOR STEVE HILTON

From: Chris Lin
Subject: Reactions to Gays In Military Issue

From The Gay Community

Members of the gay community have publicly "urged" that President Clinton "make clear his opposition to discrimination against lesbian and gay personnel."

Bob Hattoy, cited as associate director of presidential personnel, spoke out against limiting military assignments for homosexuals (The Washington Times). USA Today noted that both Hattoy and David Mixner were surprised by the President's comment on Tuesday.

Gregory King, spokesman for the Human Rights Campaign Fund (HRCF) expressed that the HRCF is "troubled the White House is exploring this option." The Washington Times

ALSO Tim McFeeley, executive director of the HRCF said, "We regret that the President missed an opportunity to strongly reaffirm his support...." The Los Angeles Times

From the President

Clinton responded on 48 Hours that "he only meant to signal he'd listen to those who advocate restricting gays' assignments

NOTE: The spin that we need to watch for is one that depicts rivalry among Presidential advisors. This is especially problematic as we do not have someone senior officially assigned to address gay/AIDS issues in the White House (or in our office for that matter).

deal on gay ban

By Joyce Price
THE WASHINGTON TIMES

A1

A White House official is among those critical of President Clinton's suggestion to place homosexuals in limited military assignments if the armed services' ban on gays is lifted.

"If you apply what he has said to civilian life, you'd be restricting gays and lesbians to jobs as florists and hairdressers," said Bob Hattoy, associate director of presidential personnel.

Since Mr. Clinton said at a news conference Tuesday that he would consider military requests to keep homosexuals out of certain jobs, opponents and supporters of lifting the ban blasted the remark.

Opponents scorn the president's continued intention to end the 50-year-old ban, while supporters object to Mr. Clinton's apparent softening on his pledge to scrap the policy.

Mr. Hattoy, a homosexual and presidential adviser on the issue, said a Pentagon policy change to permit homosexuals restricted-duty assignments "would not stop discrimination" against gays in the armed services.

"Constituent groups who care about this issue" would not be satisfied with such a policy, which would result in "compartmentalized bigotry" against homosexuals, Mr. Hat-

see GAYS, page A10

GAYS

From page A1

toy said.

Yesterday, the White House said Mr. Clinton has to balance lifting the ban with maintaining morale and order among troops.

But if the Pentagon recommends assignment restrictions for homosexuals, Mr. Clinton will consider such steps, White House spokesman George Stephanopoulos said.

"The presumption is against discrimination of any kind. . . . But you have to balance it against the need to maintain military morale and order and cohesion," Mr. Stephanopoulos said.

Military leaders are adamantly opposed to lifting the ban, arguing that it would create conflict, resentment and problems in close-quarter assignments such as duty on submarines.

Mr. Clinton is awaiting a Pentagon report due July 15 about problems that might arise from allowing homosexuals in the armed forces, Mr. Stephanopoulos said, adding that the Defense Department is expected to begin its review April 1.

The flap over Mr. Clinton's comments erupted less than a week before the Senate Armed Services Committee is slated to begin hearings into the president's plan to lift the ban.

The hearings will begin Monday and are expected to continue through May or June, said Sen. Trent Lott, Mississippi Republican and committee member.

Pentagon officials yesterday declined to speculate on how they would effect a policy that would allow acknowledged homosexuals but restrict them to certain jobs.

The Clinton administration has not specified the kind of deployment restrictions being considered, but speculation has focused on barring homosexuals from combat and some, if not all, ship duty.

Women currently are barred from combat and combatant vessels, although they are allowed to serve on other ships.

"We could not support any effort to discriminate against competent individuals, simply because of their sexual orientation," said Gregory King, spokesman for the Human Rights Campaign Fund, the nation's largest homosexual advocacy organization. "I'm very troubled the White House is exploring this option."

It is not clear how a restricted-duty policy for homosexuals would be carried out since the armed services have stopped asking military applicants about their sexual preferences, per Mr. Clinton's instructions.

"I just can't comment on the hypothetical possibilities of how this is going to be done," Mr. Stephan-



George Stephanopoulos says the question involves balance.

poulos said. "All of these questions are under review, and we can't make any preliminary judgments."

Mr. Clinton's new interest in the Pentagon's concerns follows his visit aboard the aircraft carrier USS Theodore Roosevelt earlier this month. He went below deck and saw firsthand — for the first time in his life — the cramped berthing quarters of sailors.

"The president got a real dose of reality when he went on that ship," said Walt Riker, spokesman for Senate Minority Leader Bob Dole. "Now that he's been on a ship and has seen reality, he's backpedaling."

Retired Adm. James Forrest, executive director of the Naval Reserve Association, agreed. "Based on the fact he saw the cramped quarters, maybe he said to himself, 'It won't work.'"

Adm. Forrest noted that sailors have a "sea-shore rotation," which assigns Navy personnel to land-based and sea-based duty stations.

"If 25 percent are restricted and can't go to sea, it would make the rest of the people stay at sea much longer," he said. "How would you keep good morale that way?"

The limited-duty suggestion is "the dumbest thing I ever heard of," said retired Army Col. James Barnes, spokesman for the 380,000-member Retired Officers Association.

"War is no fun," Col. Barnes said. "If gays are not in combat positions, and you are straight [and eligible for combat], ask all gays to hold up their hands and suddenly [everyone is] gay."

Sen. Sam Nunn, the powerful chairman of the Armed Services Committee and an avid opponent of lifting the ban, has said the deployment proposal raises constitutional questions.

Military-Gay Issue Reignites Firestorm

By DAVID LAUTER
and MELISSA HEALY
TIMES STAFF WRITERS

WASHINGTON—President Clinton got a repeat lesson Wednesday in the dangers of public comment on the volatile issue of gays in the military as his aides scrambled to avoid fire from partisans inflamed by remarks that he made at Tuesday's press conference.

Clinton advisers said the uproar reflects a fundamental problem they face on the issue—Clinton has persisted in treating service by gays as a question open to normal debate and discussion and has seemed mystified that activists on both sides do not do likewise.

On Tuesday a reporter asked Clinton about the possibility of allowing gays into the military but restricting them from combat assignments. Clinton responded by discussing whether the Constitution would allow such a move. Asked a second time later in the press conference, Clinton said he would wait until Secretary of Defense Les Aspin submits a report to him in July. Until then, he said, he "wouldn't rule that out depending on what the grounds and arguments were."

That statement, in turn, set off a wave of attention and reaction and speculation about whether Clinton had been trying to float a trial balloon.

White House officials insisted Wednesday that Clinton had not meant to do so. In a nationally televised interview Wednesday night, the President said he meant only that he would keep an open mind until he read Aspin's report.

"I mean, I asked them to study this," he said in a CBS interview. "I can't refuse then to get the results of the study and act like my mind's made up. I have a presumption against any discrimination based on status alone, but I will listen to any report."

And Pentagon officials, who have opposed Clinton on the issue in the past, lent credence to that position, saying that—while the idea of restricting assignments

for gays has been widely discussed—it has little backing from senior military leaders.

For Clinton, the issue of military gays has been a recurrent headache. During the first two weeks of his Administration, when the subject briefly seemed capable of overwhelming him, "he just didn't get it," said one senior aide. "He was very frustrated. He kept going around saying: 'When is this going to stop?'"

It also created considerable consternation among Clinton's advisers at the time. But now, many appear resigned to the reality that almost any comment by Clinton on the issue, however vague, will guarantee a reaction.

"It's just going to come up," said Clinton political adviser James Carville. "Forgive the expression, but the story is just too sexy for people to leave it alone. It's a fact of life that wasn't invented for Bill Clinton. It's just the way it is."

On Wednesday, that put the White House under siege.

Gay and lesbian groups roundly dismissed the separate track idea, saying the notion was "based solely on prejudice and intolerance." Several gay leaders, reflecting rising frustration among gay activists, scored Clinton for failing to swat the proposal down and to set forth his own minimum requirements in a compromise.

"We regret that the President missed an opportunity to strongly reaffirm his support" for a clear policy opening the entire military to gay men and lesbians, said Tim McFeeley, executive director of the Human Rights Campaign. "We urge President Clinton to make clear his opposition to discrimination against lesbian and gay personnel."

Military officials expressed no more enthusiasm, with experts saying that a separate track would be an "administrative nightmare."

From the military standpoint, separate assignments would put gays on a par with women, who have been barred by law from service in combat units. At a time when the services are on the defensive about main-

taining such distinctions, many officers said they would be hard-pressed to extend such special status to yet another group.

"The concept of trying to develop another group of second-class citizens—I don't think that's had any serious backing around here," said one knowledgeable military officer. "It's unworkable. It's both unworkable to the military and an affront to the gay community."

Worse yet, from the standpoint of senior commanders, the idea of separate assignments for gays clashes with a compromise position military leaders have begun to favor—widely described as "don't ask, don't tell."

Under that compromise, service members would not be asked their sexual orientation. But gay and lesbian service members would be warned that if they declare their homosexuality openly, they could be subject to dismissal.

Gay activist groups almost certainly would reject any such proposal and there is no indication that Clinton would welcome it. But since many leaders are expected to try to pitch the "don't ask, don't tell" position, they are especially wary of competing proposals that would undermine it.

The Pentagon plans to conduct two studies of the potential impact of allowing openly gay men and lesbians to serve in military units. One study will be conducted internally by military officials, while a second is conducted by the Santa Monica-based RAND Corp., White House spokesman George Stephanopoulos said.

Once that process is complete, Aspin is to present a report to Clinton by July 15.

Asked to restate Clinton's position, Stephanopoulos said, "The presumption is against discrimination of any kind. But you have to balance it against the need to maintain military morale and order and cohesion."

"This is the kind of balancing test that will be considered over the next few months as the review is being considered, and this is what the President has in mind," he said.

Los Angeles Times

3-25-93

Gay advisers decry Clinton military idea

By Adam Nagourney
USA TODAY

President Clinton's closest adviser on homosexual issues, and friend of 25 years, Wednesday said it's "morally repugnant" for Clinton to consider limiting military roles for gays.

David Mixner, a gay Los Angeles consultant who arranged Clinton's ground-breaking speech to a gay group last May, said it "sickened my stomach" to hear Clinton say he'd consider restricting homosexuals from certain military roles.

Such a move would be designed to blunt opposition to Clinton's attempt to lift the military ban on homosexuals.

"To see someone in whom I invested such hope, and held in such high regard, seriously present an option to segregate my community was morally repugnant," Mixner said.

At the White House, another gay Clinton adviser, Bob Hattoy, criticized the idea but said he'd withhold judgment until Clinton acted in July.

Clinton spokesman George Stephanopoulos said Clinton is far from a final decision, but it's clear the White House is moving toward a compromise.

Clinton said on CBS that he only meant to signal he'd listen to those who advocate restricting gays' assignments, adding "I have a presumption against any discrimination based on status alone."

► Friends split, 7A

TODAY subscription

WASHINGTON

Clinton comment concerns gay advisers

By Adam Nagourney
USA TODAY

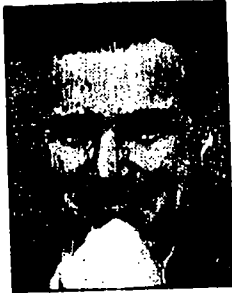
President Clinton's remark that he would consider restricting jobs of gays in the military created strains with his top two homosexual advisers — and suggested tougher times when Clinton makes a final decision.

Clinton's comment Tuesday caught both David Mixner, his long-time friend and closest homosexual adviser, and White House aide Bob Hattoy, also gay, by surprise.

Clinton spokesman George Stephanopoulos said Clinton was only indicating willingness

to listen to suggestions from the Pentagon on how to best implement his order to lift the ban on gays in the military. But it has become increasingly clear Clinton is moving toward a deal under which open homosexuals are barred from some posts.

Mixner, who met Clinton when the two were antiwar organizers in 1969, said he has not given up on convincing Clinton but might also



By Tim Dillon, USA TODAY
MIXNER: 'This is about freedom'

advocate civil disobedience to overturn the ban.

Hattoy, who was one of two people with AIDS Clinton chose to speak at the Democratic convention, said he understood the political resistance to lifting the ban and would watch Clinton's actions before judging.

"I don't feel betrayed yet, but I can see how others do," said Hattoy, who Wednesday at the White House wore a but-

ton that said: "Stop Discrimination. End the Military Ban."

Both he and Mixner said they would not accept such a compromise.

"What it says to the country is if we stay in the closet and don't tell who we are, we are allowed to participate in civilization," Mixner said. "The moment we tell the truth, the moment someone tells on us, we are immediately isolated from society. It's just the most outrageous concept."

Gay groups also bitterly complained Wednesday about Clinton's remarks.

"If the Clinton administra-

tion continues to pursue this line, we're going to fight them," vowed David Smith, spokesman for the Campaign for Military Service, a gay rights coalition. "We view any segregation of gays as total capitulation to the opposition."

Mixner said he had not tried to call Clinton and his decision to speak out against the president would not help him.

"I probably won't be invited to tea at the White House," he said. "That's not what this is about. This is about freedom for millions of people."

► Aides' criticism, 1A

Gay
Binder

M E M O R A N D U M

May 6, 1993

TO: George Stephanopoulos

FR: Keith Boykin

RE: New Yorker interview

I spoke with Chandler Burr, the free lance writer for the New Yorker, and he told me you had agreed to do two to three interviews with him from now until August about gays in the military. Please let me know when you would like to do them and then I can help set them up, if necessary.

For background information, you should know that I had dinner with Chandler Burr and we discussed the following items:

- 1) I told him that I became involved in the issue in late March after I sent a memo to you asking to be involved and you agreed.
- 2) I told him about my background.
- 3) I told him that you probably know a lot about the issue because you had been involved from the beginning of the administration.
- 4) I gave him names of other people who he might try to speak to or interview, including Alexis Herman and Mort Halperin.
- 5) He said he plans to write the New Yorker piece regardless of the outcome of the executive order or congressional vote.
- 6) He agreed to give prior approval of any quotations in his story and said he would call back and go through each comment and allow you to decide which statements are on background, off the record, on the record, or not for attribution.

Here's some more background information on Chandler Burr:

- * He has been trying to work closely with the various gay organizations to get an inside peak into their efforts to lift the ban.
- * He wrote a cover story for the Atlantic on homosexuality earlier this year.

* He is openly gay and he supports lifting the ban, although his story will be an objective piece about the strategic successes and failures along the way to July 15.

* I believe he has already been in contact with Paul Richard and Bob Hattoy, but I do not know what they have said to him.

I would be happy to provide any other background information you need.

CC: Alexis Herman

CONGRESSIONAL

Amid

THE WHITE HOUSE
WASHINGTON

cc Glenn
12/136



DATE: 5/3

MAY - 4 1993

NOTE FOR: *Boy / sandy*

The President has reviewed the attached, and it is forwarded to you for your:

Information ☒
Action ☐

*Don't forget we'll be
concerned*

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)



cc: *Alexis*

*get L/M
Conq's*

THE PRESIDENT HAS SEEN 5/3



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

PETER HOAGLAND
SECOND DISTRICT
NEBRASKA

For (Sandy)

April 30, 1993

Dear Mr. President:

Regarding our conversation after the meeting with Ways and Means Members, I am forwarding the article about the history of gays in the military that I found quite informative.

For democratic members from regions like mine, it is very important that we conclude this inflammatory issue and return to a DLC-type social agenda.

One option for concluding gays in the military is abolishing the recruitment question, returning the matter to its pre-Reagan status, and declaring victory.

I thought the meeting Thursday was very helpful. It is extremely heartening for us in the House when you take so much time to visit with us.

Sincerely,

Peter Hoagland
Peter Hoagland

President William Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

HO 96 G
CRS MAIN FILE COPY
NEW YORK TIMES-SUNDAY
Reproduced with permission of the
New York Times c 1993

APR 18 1993

sec.

4

p.

1,3

TCF

The Odd Place of Homosexuality in the Military

By CATHERINE S. MANEGOLD

UNTIL 1942, no specific proviso barred homosexuals from serving in the military. That year, military psychiatrists, new to the ranks, warned of the "psychopathic personality disorders" that would make homosexuals unfit to fight. Then they devised supposedly foolproof guides to ferret them out: an effeminate flip of hand or a certain nervousness when standing naked before an officer.

It never really worked. Homosexuals served throughout World War II and after. In the repressive atmosphere of the 1950's, discharges for homosexuality soared; at the height of the Vietnam War, when recruitment drives were at their peak, enforcement was lax.

That military tradition of keeping out homosexuals could end on July 15, when President Clinton has said he will lift the ban. Pentagon officials, who had been notably recalcitrant in cooperating with the plan, said last week that they are rushing through several studies to address key matters like housing.

As things have stood, homosexuals could serve so long as they could hide. In the 1940's, if something untoward occurred, it was ascribed to "emergency" or "deprivation" homosexuality, according to John Costello in "Virtue Under Fire," a 1985 study of changing sexual mores brought about by World War II. Homosexual interludes were discounted as sparked by frustration. The armed forces thus maintained the facade of sexual purity (read: heterosexuality).

With President Clinton's announcement in January that the ban on homosexuals in the military would be lifted, a military tradition became harder to keep. Gay advocacy groups like the Campaign for Military Service saw the issue rapidly expand into a national debate on the worthiness of homosexuals. They have spent millions

of dollars on a neatly packaged, well-advertised battle, underscored by a march on Washington next Sunday, to win inclusion in the ranks as blacks and women did before them.

Polls show that the nation remains divided, working its way through a subject as fiery as abortion yet imbued with more primal fears and deep social and religious constraints. The result has often been the rhetorical equivalent to the fog of battle, a fog in which women have been peculiarly absent, the ghosts of the debate.

Sex and Puritanical Roots

The argument has many voices. Some say it's a question of civil rights. Others say combat effectiveness. Or fear. Or homophobia and a surge in gay bashing that would devastate unit cohesiveness. Perhaps it is really about control and what would happen to one of the last bastions of American traditionalism if its defining social order were tampered with.

The argument is also, inevitably, about sex. That may be why keeping the subject hidden has always had a certain intrinsic appeal in a country with puritanical roots.

Military leaders who reject the civil rights analogy say the controversy is not about sex or even equal rights, but the agenda of a special interest group. They fear that complying with President Clinton's orders would set a precedent, inviting demands for inclusion by everyone from the mentally handicapped to other sexual minorities like transsexuals. They also argue that it is a privilege to serve in the fighting forces, not a right. "It's a nightmare as far as the military is concerned," said Bernard E. Trainor, a retired Marine lieutenant general. "It threatens the strong, conservative, moralistic tradition of the troops."

Not everyone in the military agrees. Adm. William

The President's promise to lift the ban has made the services think about what they never wanted to think about.

J. Crowe Jr., a former Chairman of the Joint Chiefs of Staff, told The Washington Post recently that the argument was fueled "more by emotion than by reason." He said that the armed forces' culture of strict discipline is, in fact, uniquely suited to control the behavior of both homosexuals and the heterosexuals who might bash them — more so than civilian society.

Randy Shiltz, the author of "Conduct Unbecoming," a new history of homosexuality in the military, points to the armed forces' policies on AIDS to illustrate how well the four services can cope with thorny problems when they must. "The armed forces has some of the most enlightened policies on H.I.V. in the country," he said. Discounting fears that wounded AIDS-infected soldiers might bleed on their buddies, he cited as an example the fact that regulations already prevent those soldiers from going into combat.

But even if the military can manage the transition, that does not necessarily mean the controversy will fade. There is a deeper source of discontent: "They want us to move faster than the country," said a former general who did not wish to be identified. Sodomy laws based on

religious proscriptions against sex for sex's sake are still on the books in 24 states. The District of Columbia recently moved to drop its sodomy law, but Congress, which has final say, blocked a similar attempt in 1981.

The Supreme Court, too, was disinclined to undo a taboo that it says dates to biblical times. In its 1986 decision *Bowers v. Hardwick*, the Court upheld Georgia's sodomy law.

So for months now, Americans have been watching ominous shower shots on the nightly news and wrestling with their fears. Women soldiers have voiced support for the policy change and do not express the fear of being attacked by same-sex predators that preoccupies some men. Many of their male comrades, some of whom still believe that women are ancillary to the fighting troops, have made macho threats about just what they would do if they found a gay man in their midst.

Another widespread objection is that it would feminize a male club. Enduring images of homosexual men depict them as effeminate, therefore weak, therefore a drain upon a mighty fighting force. Yet that ignores the role of a dominant participant in homosexual sex, a partner who takes the aggressive "male" role. The argument also raises the question whether anything could have feminized the force more than women. And women are already there.

Yet some soldiers are so perturbed by the prospect of including gay men in the ranks that they are willing to break the rules by assaulting fellow soldiers. Their explanation is that they fear attack or unwanted sexual advances — sexual harassment — as if they really don't believe that no means no. It is likely, too, that some fear their own reactions and the prospect that they might respond sexually. "Hatred of gay men," Ken Corbett, a psychologist, wrote in an Op-Ed article for *The New York*

Continued on page 3

Homosexuality in the Military Tradition

Continued from page 1

Times in February, "is based on fear of the self, not of an alien other." For decades, psychologists have said that at the core of homophobia is repressed fear and latent homosexuality.

Psychologists point to a rich history of songs, drag shows and jokes in the military that serve to neutralize powerful feelings. As early as 1941, the psychiatrist William Menninger described the typical soldier's wartime relationship as one of "disguised and sublimated homosexuality," a theme given voice in the popular war song, "My Buddy": "I miss your voice and the touch of your hand, my buddy."

That intense companionships were both so common and so acceptable in pop culture must have alleviated some soldiers' fears about unexpected longings. With those fears neutralized and the relationships the cause of celebration, the military became a safe place for the emotional intimacy so compelling to men and women facing the chaos and terror of war.

Seen from a distance, the logic of the military's denial of homosexuality in the ranks was simple: as long as no homosexuals were enlisted, soldiers could play at being lovers (and even consummate the roles) without ever having to acknowledge those feelings. Whatever happened, happened. There was a war on.

The implied double standard was made official in 1982. The Department of Defense regulations adopted that year allow a heterosexual to have homosexual sex and to be exonerated — so long as he or she states that the incident was a lapse. Gay and lesbian soldiers, by contrast, are discharged just for identifying themselves as such.

Women More Vulnerable

Col. Margarethe Cammermeyer, a much-decorated nurse in the Army National Guard who was discharged last May for her sexual orientation, says the ban has left women particularly vulnerable. "There is a tremendous amount of lesbian-baiting in the service," she said. "Any straight man who propositions a woman and she's not interested, well, it can't be because he's not attractive. So it must be because she's a lesbian. It's used as a threat all the time."

Because homosexuals now have to hide, anyone in the armed forces, she says, can sabotage the career of another by making allegations about their sexuality. If homosexuals were allowed to be open, that disruption would disappear. Though men are equally susceptible to such accusations, they are less likely than women to be dismissed because of their orientation. Lesbians are

In the 1940's, if anything sexually untoward occurred, it could be attributed to "deprivation." Then it was all right.

discharged at a rate from two to six times higher than gay men, depending on the branch of the service.

Several books, but most notably Allan Berube's "Coming Out Under Fire," trace the start of a gay rights movement in America to the military itself. They argue that the relative openness of gay and lesbian relationships in the military in World War II eventually led to those veterans settling in port cities like San Francisco and New York where, for the first time, they established identifiable subcultures.

Depending on its own convenience, the military operated with a double standard: while there were purges and discharges during that war, scores of written accounts show an easy acceptance among the Allied forces (German S.S. officers, in contrast, faced death by firing squad). Women in particular were likely to escape punishment. The Women's Army Corps actually dealt with lesbianism as a normal part of life. "A lecture to WAC officer candidates on homosexuality, prepared by the Surgeon General's Office and revised by WAC officials," wrote Mr. Berube, included the observation that "every person is born with a bisexual nature." In that corps, discharge was used only as a last resort in cases that disrupted a unit.

Men, too, often seemed to accept their gay comrades. Ben Small, a gay Army Air Corpsman stationed near New Guinea, once wrote away for a pile of dresses for a drag show. When the dresses arrived, he recounted in Mr. Berube's study, "Well, here's everybody in the office from the lieutenant on down trying on dresses! Everybody suddenly becomes a drag queen!"

Such tolerance would not last through the cold war. By the 1950's, Senator Joseph McCarthy was well into a civilian witch hunt that would quickly bleach the military's ranks as well. At the time, Senator McCarthy's right-hand man, Roy Cohn, and J. Edgar Hoover of the Federal Bureau of Investigation, both closeted themselves, presented the argument that homosexuals were

the agents of communism. "One homosexual can pollute a Government office," concluded a report authorized by the Senate in 1950. Military discharges based on sexual orientation doubled in the 1950's and then increased by half again in the 1960's.

When recruitment demands were high during the Vietnam War, the situation loosened. Cal Anderson, an Army court reporter who would later join the Washington State Assembly, recalled in "My Country, My Right to Serve," that he was once caught in the act. The commander's reprimand was short and mild: "Now, I don't care what people do in their own time," he told the terrified young soldier. "But the Army doesn't feel that way, so in the future, be more discreet."

Klinger in Drag

By 1972, the popular television show "M*A*S*H" featured a soldier who almost always appeared in drag: Corporal Klinger, played by Jamie Farr. Though the show stopped short of explicitly dealing with his sexuality — always leaving open the question that he was merely trying to get a discharge — the character became one of the most beloved in the series.

Today, many senior officers see the issue in a long historical perspective. Steeped in military lore that traces homosexuality to pre-Christian history, they point to tales of homosexuality on the front lines from the Sacred Band of Thebes in 338 B.C. (where each soldier was said to be a lover of another) to such military giants as Alexander the Great, Richard the Lion-Hearted and T. E. Lawrence (popularly known as Lawrence of Arabia). Seen in that context, said a retired general, the issue becomes more a matter of management than revolution.

In an open letter to his soldiers printed in the Marine magazine "Leatherneck," last month, Gen. Carl E. Mundy Jr., the Marine Corps Commandant, advised: "We are made up not of individuals who seek self-identity, but of selfless men and women who place

Sex, Lies and Statistics

SINCE the days of the first Kinsey report in 1948, its finding that one person in 10 is gay or bisexual has been repeated over and over. Now comes a study of male sexuality that leaves conventional wisdom in tatters, indicating that the number of men willing to call themselves gay is closer to one in 100.

The new figure has been disputed by gay rights groups arguing that, however confidential a survey, many gay men won't take the risk of identifying themselves.

But whether it measures American sexual practices accurately or is distorted by young men's embarrassment or bragadocio, the study, "The Sexual Behavior of U.S. Men," conducted by the Battelle Human Affairs Research Centers and financed by a \$1.8 million Federal grant, tells the country as much about its sexual practices as any study since Kinsey.

The survey, published by the Alan Guttmacher Institute last week, was designed to help public health officials in the fight against sexually transmitted diseases. It found that white men on average began to have sex at the age of 17 and had had 6.6 partners. Among black men, the average age was 15 and the number of partners 10.2. The survey included interviews with 3,321 men aged 20 to 39.

If the researchers found fewer exclusively homosexual men, a population at high risk of transmitting the H.I.V. virus, than they had expected, they found other risky behavior to be common. More than 23 percent of the men said they had had sex with more than 20 women. Of those who had had four or more partners, only half used condoms.

"As number of partners increase, condom use increases, which is good news," said Koray Tanfer, one of the Battelle researchers. "The bad news is, we only get half as many as we should."

Dr. Tanfer is following up with a survey of the sexual practices of 1,700 women. He said that the men were studied first because earlier studies of women's reproductive health had already given researchers good evidence about their risk for sexually transmitted diseases.

FELICITY BARRINGER

country and corps ahead of self... whatever their privately held preferences or belief may be." He urged tolerance: "We treat all marines with firmness, fairness and dignity."

Those comments were supportive, but typically unlikable. General Trainor, who now directs the national security program at Harvard's Kennedy School of Government, may have encapsulated the military's reaction best. Given half a choice, he said, the military would have looked long and hard at the matter and then decided: "Listen, I'd rather not deal with it."

Rep. Frank Jrges Deal on Gay Ban

Proposal Akin to 'Don't Ask, Don't Tell'

By John Lancaster
Washington Post Staff Writer

Rep. Barney Frank (D-Mass.), a leading advocate of homosexual rights, yesterday urged the gay community to accept a compromise that would fall short of President Clinton's pledge to allow homosexuals to serve openly in the military.

Frank, who is openly homosexual, described his proposal as a concession to political reality. Congress will not support the president's intention to lift the ban on homosexuals in the military, he said, adding that without a workable compromise, the gay community could be left with nothing.

"Self delusion is not a good basis for making important policy," Frank said in an interview. "I don't know anyone who follows this regularly who thinks we can win. . . . I am thoroughly convinced that this is the best we can do given the way the political forces have arrayed themselves."

At a Capitol Hill news conference, Frank outlined a compromise that would allow gays to remain in the military as long as they did not reveal their sexual orientation while on duty. They would, however, be able to conduct an openly homosexual lifestyle while off base with no fear of investigation or reprisal, Frank said.

"It's a policy that says, 'Don't ask, don't tell, and don't listen, and don't investigate,'" Frank told reporters. "Basically, the policy is 'Don't start, don't get into the whole thing.'"

Frank's plan is similar in some respects to the compromise pushed by Sen. Sam Nunn (D-Ga.), chair-

MILITARY, From A1

administration official said of Frank's proposal. "It represents a seasoned judgment by someone who wants to lift the ban about what the traffic will bear in Congress, and it should serve to restrain some of the more unrealistic expectations of gays and lesbians about what can be done on a practical level."

But Frank's comments yesterday, amplifying an interview he gave over the weekend to the Boston Globe, prompted expressions of dismay from gay rights advocates who have mounted a fervent campaign to hold the president to his word.

"I don't think we need to accede to this particular version of reality," said Thomas B. Stoddard, director of the Campaign for Military Service, a coalition of gay rights groups. "We're in the fourth inning. We don't know what's going to happen at the end of the game."

Stoddard said, moreover, that Frank's compromise was both unworkable and unconstitutional because it would subject homosexuals in uniform to a double standard. "It's ultimately untenable, because it fails to recognize a daily life for people who go to work and reveal something about themselves," Stoddard said. "Why should someone lose her job because she goes to work and happens to reveal that the night before she went to a gay bar?"

of the Senate Armed Services Committee and the most prominent congressional obstacle to Clinton's

Nunn's proposal, dubbed "don't ask, don't tell," has gained favor among Clinton administration officials who share Frank's conclusion that the president would not succeed in forcing a total lifting of the ban past Congress—or would suffer unacceptable political consequences if he did.

With the outspoken Frank now supporting a compromise, the president has gained some valuable political cover that should help protect against charges of reneging on an explicit pledge to end discrimination against homosexuals in uniform.

"It's important in two ways," an

See MILITARY, A13, Col. 1

Other gay activists also criticized with the campaign acknowledged their efforts undercut by opponents in Congress, especially Nunn, whose high-profile hearings and a recent field trip to Navy ships in Norfolk have highlighted intense military opposition to Clinton's plan. They said they are planning a major media counterattack beginning Memorial Day that will include television ads featuring

"It's a policy that says, 'Don't ask, don't tell, and don't listen, and don't investigate.'"

—Rep. Barney Frank

the story of a gay Vietnam War hero, among others.

Frank, however, said the battle already has been lost. "I don't think the campaigning has been productive," said Frank, who described the recent gay rights march on Washington as a political failure. "The grass-roots organization hasn't been there. . . . The fact is that members of Congress have heard far more from opponents [of the president's plan] than from supporters."

Frank said that while Congress seems willing to accept that homosexuals in the armed forces are here to stay, lawmakers remain concerned that openly gay service personnel would be a disruptive presence.

"My answer is, you make the distinction on-duty and off-duty," Frank said. "The rule will be: on-duty, in uniform, on-base, in effect you're asexual." But Frank said his plan is more permissive than Nunn's because it would allow homosexuals to be open about their preferences while off duty and off base.

The Pentagon also is studying a compromise modeled on Nunn's proposal. An internal working group is slated to make a recommendation to Defense Secretary Les Aspin by next week, with the goal of submitting a draft executive order to the White House by July 15.

6x2
^AM Gays-Military, 510

^Compromise Offered to Lift Homosexual Ban in Military

^By DONNA CASSATA= ^Associated Press Writer=

WASHINGTON (AP) A homosexual congressman offered a compromise Tuesday to allow homosexuals to serve in the military and do as they please off base so long as they keep their sexual orientation secret while on duty.

Asserting that President Clinton lacks the votes in Congress to end the ban, Rep. Barney Frank, D-Mass., proposed his solution that makes a distinction between a service member's actions on and off duty.

``It's a policy that says `don't ask, don't tell, and don't listen, and don't investigate,''' Frank told a Capitol Hill news conference. ``Basically the policy ... is `don't start, don't get into the whole thing.'''

Under the plan, a gay service member would keep sexual preference hidden while in uniform but be allowed privately and off duty to engage in homosexual activities.

If someone finds out about off-duty behavior and turns the individual in, the military's answer should be ``we don't want to hear about it,''' Frank said.

The congressman acknowledged that a gay service member on a submarine would have less of an opportunity to express his or her sexuality than someone working as an Army clerk in an office.

Frank discussed his compromise with reporters following a report this weekend in The Boston Globe in which he hinted that he would support some version of the ``don't ask, don't tell'' compromise circulating in Congress.

At the news conference, he said his reason for accommodation was based on political reality.

``If Congress now chooses between a complete and total removal of the ban and a statutory enforcement of the ban, I am not optimistic that the side I would like to see would win and that I think is reality,''' Frank said.

Sen. Sam Nunn, D-Ga., the chairman of the Senate Armed Services Committee and a proponent of the ban, has suggested a compromise of not questioning recruits about their sexual orientation, imposing a strict code of conduct and not ferreting out homosexuals.

The plan would retain the ban on those who openly assert their homosexuality.

Frank said the current practice of not asking recruits about their sexual preference is unacceptable. He said that while it is a step forward it falls short of a complete policy.

Frank's move toward a compromise rather than an outright end to the 50-year-old prohibition was viewed as a betrayal by the gay rights group Queer Nation, which held a small protest outside the congressman's office earlier in the day.

Mike Petrulis of the group called Frank an ``Uncle Tom,''' and accused him of caving in to Democratic pressure to avoid further embarrassment for Clinton.

``He's a happy homosexual houseman on the Democratic plantation,''' Petrulis said.

Questioned about the group's charges, Frank said: ``The only think bigger than the deficit is the gap between Queer Nation and reality.''

He added: ``Those who insist on no compromise at all likely will see the enactment into law of the total ban.''

♥WhiteHouse-AP--05-18-93 17:13EST<

(via GenDos v516a).-

THE WHITE HOUSE
WASHINGTON

DATE:

5/3

NOTE FOR:

Boy / sandy

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc: Alexis

THE PRESIDENT HAS SEEN ^{5/3}



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

PETER HOAGLAND
SECOND DISTRICT
NEBRASKA

For (Sandy)

April 30, 1993

Dear Mr. President:

Regarding our conversation after the meeting with Ways and Means Members, I am forwarding the article about the history of gays in the military that I found quite informative.

For democratic members from regions like mine, it is very important that we conclude this inflammatory issue and return to a DLC-type social agenda.

One option for concluding gays in the military is abolishing the recruitment question, returning the matter to its pre-Reagan status, and declaring victory.

I thought the meeting Thursday was very helpful. It is extremely heartening for us in the House when you take so much time to visit with us.

Sincerely,

Peter Hoagland
Peter Hoagland

President William Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

HO 76 G
CRS MAIN FILE COPY
NEW YORK TIMES-SUNDAY
Reproduced with permission of the
New York Times c 1993

APR 18 1993

sec. 4 p. 1,3

TCF

The Odd Place of Homosexuality in the Military

By CATHERINE S. MANEGOLD

UNTIL 1942, no specific proviso barred homosexuals from serving in the military. That year, military psychiatrists, new to the ranks, warned of the "psychopathic personality disorders" that would make homosexuals unfit to fight. Then they devised supposedly foolproof guides to ferret them out: an effeminate flip of hand or a certain nervousness when standing naked before an officer.

It never really worked. Homosexuals served throughout World War II and after. In the repressive atmosphere of the 1950's, discharges for homosexuality soared; at the height of the Vietnam War, when recruitment drives were at their peak, enforcement was lax.

That military tradition of keeping out homosexuals could end on July 15, when President Clinton has said he will lift the ban. Pentagon officials, who had been notably recalcitrant in cooperating with the plan, said last week that they are rushing through several studies to address key matters like housing.

As things have stood, homosexuals could serve so long as they could hide. In the 1940's, if something untoward occurred, it was ascribed to "emergency" or "deprivation" homosexuality, according to John Costello in "Virtue Under Fire," a 1985 study of changing sexual mores brought about by World War II. Homosexual interludes were discounted as sparked by frustration. The armed forces thus maintained the facade of sexual purity (read: heterosexuality).

With President Clinton's announcement in January that the ban on homosexuals in the military would be lifted, a military tradition became harder to keep. Gay advocacy groups like the Campaign for Military Service saw the issue rapidly expand into a national debate on the worthiness of homosexuals. They have spent millions

of dollars on a neatly packaged, well-advertised battle, underscored by a march on Washington next Sunday, to win inclusion in the ranks as blacks and women did before them.

Polls show that the nation remains divided, working its way through a subject as fiery as abortion yet imbued with more primal fears and deep social and religious constraints. The result has often been the rhetorical equivalent to the fog of battle, a fog in which women have been peculiarly absent, the ghosts of the debate.

Sex and Puritanical Roots

The argument has many voices. Some say it's a question of civil rights. Others say combat effectiveness. Or fear. Or homophobia and a surge in gay bashing that would devastate unit cohesiveness. Perhaps it is really about control and what would happen to one of the last bastions of American traditionalism if its defining social order were tampered with.

The argument is also, inevitably, about sex. That may be why keeping the subject hidden has always had a certain intrinsic appeal in a country with puritanical roots.

Military leaders who reject the civil rights analogy say the controversy is not about sex or even equal rights, but the agenda of a special interest group. They fear that complying with President Clinton's orders would set a precedent, inviting demands for inclusion by everyone from the mentally handicapped to other sexual minorities like transsexuals. They also argue that it is a privilege to serve in the fighting forces, not a right. "It's a nightmare as far as the military is concerned," said Bernard E. Trainor, a retired Marine lieutenant general. "It threatens the strong, conservative, moralistic tradition of the troops."

Not everyone in the military agrees. Adm. William

The President's promise to lift the ban has made the services think about what they never wanted to think about.

J. Crowe Jr., a former Chairman of the Joint Chiefs of Staff, told The Washington Post recently that the argument was fueled "more by emotion than by reason." He said that the armed forces' culture of strict discipline is, in fact, uniquely suited to control the behavior of both homosexuals and the heterosexuals who might bash them — more so than civilian society.

Randy Shiltz, the author of "Conduct Unbecoming," a new history of homosexuality in the military, points to the armed forces' policies on AIDS to illustrate how well the four services can cope with thorny problems when they must. "The armed forces has some of the most enlightened policies on H.I.V. in the country," he said. Discounting fears that wounded AIDS-infected soldiers might bleed on their buddies, he cited as an example the fact that regulations already prevent those soldiers from going into combat.

But even if the military can manage the transition, that does not necessarily mean the controversy will fade. There is a deeper source of discontent: "They want us to move faster than the country," said a former general who did not wish to be identified. Sodomy laws based on

religious proscriptions against sex for sex's sake are still on the books in 24 states. The District of Columbia recently moved to drop its sodomy law, but Congress, which has final say, blocked a similar attempt in 1981.

The Supreme Court, too, was disinclined to undo a taboo that it says dates to biblical times. In its 1986 decision *Bowers v. Hardwick*, the Court upheld Georgia's sodomy law.

So for months now, Americans have been watching ominous shower shots on the nightly news and wrestling with their fears. Women soldiers have voiced support for the policy change and do not express the fear of being attacked by same-sex predators that preoccupies some men. Many of their male comrades, some of whom still believe that women are ancillary to the fighting troops, have made macho threats about just what they would do if they found a gay man in their midst.

Another widespread objection is that it would feminize a male club. Enduring images of homosexual men depict them as effeminate, therefore weak, therefore a drain upon a mighty fighting force. Yet that is the role of a dominant participant in homosexual sex, a partner who takes the aggressive "male" role. The argument also raises the question whether anything could have feminized the force more than women. And women are already there.

Yet some soldiers are so perturbed by the prospect of including gay men in the ranks that they are willing to break the rules by assaulting fellow soldiers. Their explanation is that they fear attack or unwanted sexual advances — sexual harassment — as if they really don't believe that no means no. It is likely, too, that their own reactions and the prospect that they might respond sexually. "Hatred of gay men," Ken Corbett, a psychologist, wrote in an Op-Ed article for The New York

Continued on page 3

Homosexuality in the Military Tradition

Continued from page 1

Times in February. "It's based on fear of the self, not of an alien other." For decades, psychologists have said that at the core of homophobia is repressed fear and latent homosexuality.

Psychologists point to a rich history of songs, drag shows and jokes in the military that serve to neutralize powerful feelings. As early as 1941, the psychiatrist William Menninger described the typical soldier's wartime relationship as one of "disguised and sublimated homosexuality," a theme given voice in the popular war song, "My Buddy": "I miss your voice and the touch of your hand, my buddy."

That intense companionships were both so common and so acceptable in pop culture must have alleviated some soldiers' fears about unexpected longings. With those fears neutralized and the relationships the cause of celebration, the military became a safe place for the emotional intimacy so compelling to men and women facing the chaos and terror of war.

Seen from a distance, the logic of the military's denial of homosexuality in the ranks was simple: as long as no homosexuals were enlisted, soldiers could play at being lovers (and even consummate the roles) without ever having to acknowledge those feelings. Whatever happened, happened. There was a war on.

The implied double standard was made official in 1982. The Department of Defense regulations adopted that year allow a heterosexual to have homosexual sex and to be exonerated — so long as he or she states that the incident was a lapse. Gay and lesbian soldiers, by contrast, are discharged just for identifying themselves as such.

Women More Vulnerable

Col. Margarette Cammermeyer, a much-decorated nurse in the Army National Guard who was discharged last May for her sexual orientation, says the ban has left women particularly vulnerable. "There is a tremendous amount of lesbian-baiting in the service," she said. "Any straight man who propositions a woman and she's not interested, well, it can't be because he's not attractive. So it must be because she's a lesbian. It's used as a threat all the time."

Because homosexuals now have to hide, anyone in the armed forces, she says, can sabotage the career of another by making allegations about their sexuality. If homosexuals were allowed to be open, that disruption would disappear. Though men are equally susceptible to such accusations, they are less likely than women to be dismissed because of their orientation. Lesbians are

In the 1940's, if anything sexually untoward occurred, it could be attributed to "deprivation." Then it was all right.

discharged at a rate from two to six times higher than gay men, depending on the branch of the service.

Several books, but most notably Allan Berubé's "Coming Out Under Fire," trace the start of a gay rights movement in America to the military itself. They argue that the relative openness of gay and lesbian relationships in the military in World War II eventually led to those veterans settling in port cities like San Francisco and New York where, for the first time, they established identifiable subcultures.

Depending on its own convenience, the military operated with a double standard: while there were purges and discharges during that war, scores of written accounts show an easy acceptance among the Allied forces (German S.S. officers, in contrast, faced death by firing squad). Women in particular were likely to escape punishment. The Women's Army Corps actually dealt with lesbianism as a normal part of life. "A lecture to WAC officer candidates on homosexuality, prepared by the Surgeon General's Office and revised by WAC officials," wrote Mr. Berubé, included the observation that "every person is born with a bisexual nature." In that corps, discharge was used only as a last resort in cases that disrupted a unit.

Men, too, often seemed to accept their gay comrades. Ben Small, a gay Army Air Corpsman stationed near New Guinea, once wrote away for a pile of dresses for a drag show. When the dresses arrived, he recounted in Mr. Berubé's study, "Well, here's everybody in the office from the Lieutenant on down trying on dresses! Everybody suddenly becomes a drag queen!"

Such tolerance would not last through the cold war. By the 1950's, Senator Joseph McCarthy was well into a civilian witch hunt that would quickly bleach the military's ranks as well. At the time, Senator McCarthy's right-hand man, Roy Cohn, and J. Edgar Hoover of the Federal Bureau of Investigation, both closeted themselves, presented the argument that homosexuals were

the agents of communism. "One homosexual can pollute a Government office," concluded a report authorized by the Senate in 1950. Military discharges based on sexual orientation doubled in the 1950's and then increased by half again in the 1960's.

When recruitment demands were high during the Vietnam War, the situation loosened. Cal Anderson, an Army court reporter who would later join the Washington State Assembly, recalled in "My Country, My Right to Serve," that he was once caught in the act. The commander's reprimand was short and mild: "Now, I don't care what people do in their own time," he told the terrified young soldier. "But the Army doesn't feel that way, so in the future, be more discreet."

Klinger in Drag

By 1972, the popular television show "M*A*S*H" featured a soldier who almost always appeared in drag: Corporal Klinger, played by Jamie Farr. Though the show stopped short of explicitly dealing with his sexuality — always leaving open the question that he was merely trying to get a discharge — the character became one of the most beloved in the series.

Today, many senior officers see the issue in a long historical perspective. Steeped in military lore that traces homosexuality to pre-Christian history, they point to tales of homosexuality on the front lines from the Sacred Band of Thebes in 338 B.C.

(where each soldier was said to be a lover of another) to such military giants as Alexander the Great, Richard the Lion-Hearted and T. E. Lawrence (popularly known as Lawrence of Arabia). Seen in that context, said a retired general, the issue becomes more a matter of management than revolution.

In an open letter to his soldiers printed in the Marine magazine "Leatherneck," last month, Gen. Carl E. Mundy Jr., the Marine Corps Commandant, advised, "We are made up not of individuals who seek self-identity, but of selfless men and women who place

Sex, Lies and Statistics

SINCE the days of the first Kinsey report in 1948, its finding that one person in 10 is gay or bisexual has been repeated over and over. Now comes a study of male sexuality that leaves conventional wisdom in tatters, indicating that the number of men willing to call themselves gay is closer to one in 100.

The new figure has been disputed by gay rights groups arguing that, however confidential a survey, many gay men won't take the risk of identifying themselves.

But whether it measures American sexual practices accurately or is distorted by young men's embarrassment or bragadocio, the study, "The Sexual Behavior of U.S. Men," conducted by the Battelle Human Affairs Research Centers and financed by a \$1.8 million Federal grant, tells the country as much about its sexual practices as any study since Kinsey.

The survey, published by the Alan Guttmacher Institute last week, was designed to help public health officials in the fight against sexually transmitted diseases. It found that white men on average began to have sex at the age of 17 and had had 6.6 partners. Among black men, the average age was 15 and the number of partners 10.2. The survey included interviews with 3,321 men aged 20 to 39.

If the researchers found fewer exclusively homosexual men, a population at high risk of transmitting the A.I.V. virus than they had expected, they found other risky behavior to be common. More than 23 percent of the men said they had had sex with more than 20 women. Of those who had had four or more partners, only half used condoms.

"As number of partners increase, condom use increases, which is good news," said Koray Tanfer, one of the Battelle researchers. "The bad news is, we only get half as many as we should."

Dr. Tanfer is following up with a survey of the sexual practices of 1,700 women. He said that the men were studied first because earlier studies of women's reproductive health had already given researchers good evidence about their risk for sexually transmitted diseases.

FELICITY BARRINGER

country and camps ahead of self... whatever their privately held preferences or belief may be." He urged tolerance: "We treat all marines with firmness, fairness and dignity."

Those comments were supportive, but typically lukewarm. General Trainor, who now directs the national security program at Harvard's Kennedy School of Government, may have encapsulated the military's reaction best. Given half a choice, he said, the military would have looked long and hard at the matter and then decided "Listen, I'd rather not deal with it."

LONG ALDRIDGE
& NORMAN
ATTORNEYS AT LAW

To Rahm Emanuel:

In case you
didn't see this - FYI.
Plan to join us on
May 9, if you can, for
the benefit for the
Atlanta ballet. Gov. Miller,
Sen. Nunn, Mayor Jackson
and even I will be
in attendance.
6:00 P.M. at Governor's
Mansion.

Gordon

43

National security requires that prudence, not prejudice, prevail in deciding if gays should serve in the military

By Sam Nunn

If there is one thing I have learned on military matters in my 20 years serving in the Senate, it is that our armed forces function well if we respect and support their basic requirements for cohesion and effectiveness.

Resolving the conflict between individual rights and the basic needs of the military is difficult, but our nation has the strongest and most capable military force in the world today because we have achieved an acceptable balance.

During the campaign, President Clinton made it clear that he believed homosexuals should be permitted to serve in the military. My own position on this issue has also been clear, supporting the current policy of the Defense Department excluding homosexuals from serving in the armed forces.

I discussed this issue with President Clinton at least three times before the inauguration, and many times over the past two weeks. I understand and respect the president's views on this issue. I am confident he understands my views, as well as the issue. I am confident he understands my views, as well as the constitutional responsibilities of Congress on important national security matters.

I applaud the patriotism of all persons, including homosexuals, who desire to serve our nation in the military. I have no doubt that homosexuals have served and are today serving in the armed forces, but most of them are not openly disclosing their sexual orientation.

I also believe that we should give very careful consideration to the advice of our military commanders on this subject. Although we have a volunteer force, there are still important and clear differences between civilian life and military service.

Our national security requires that the armed forces maintain a high level of good order and discipline. In order to maintain military effectiveness, members of the armed forces give up many of the constitutional rights that their civilian counterparts take for granted.

The need for discipline, including adherence to the chain of command, means that military members' First Amendment rights of speech and association are limited. Service members are also subject to searches and command inspections in living quarters that would not meet the privacy standards and warrant requirements of the Fourth Amendment that we take for granted in civilian society.

Military personnel face involuntary assignments that require living and working in close proximity with others under conditions that afford little or no privacy. When military units deploy, living conditions — from foxholes to cramped quarters on ships — are frequently spartan and primitive.

We have made important improvements in

Senator: Military life demands that some civil rights be curtailed

► Continued from F1

the quality of life in the military and in the rights afforded to service members, but the basic nature of military service — preparation for, and participation in, combat — means that service members must continue to live in a closely regulated, highly regimented environment.

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, has stated that, in view of the unique conditions of military service, active and open homosexuality by members of the armed forces would have a negative effect on military morale and discipline. I agree with General Powell.

In a speech to the Senate 10 days ago, I raised questions about the legal, practical and moral issues in the changes to the Defense Department's policy being considered by the executive branch. I believe raising these questions helped convince the president that we need a peri-

od of time to study these issues before any significant changes to the current policy are made.

Last week, in an effort to write into law the Pentagon policy on homosexuals, my Republican colleagues in the Senate offered an amendment that would have enacted a permanent freeze on every major policy concerning enlistment, retention and separation of military personnel.

As I pointed out to my Senate colleagues, the sponsors of the amendment had no idea which regulations were covered by the freeze. In addition, if the amendment had become law it could have eliminated the recently revised Navy regulations on sexual harassment. The freeze would have inadvertently undermined the ability of our military commanders to manage their personnel. Fortunately, this amendment was defeated.

I urged both the president and my colleagues in the Senate that we need to "aim" before we

We should carefully consider the advice of our military commanders on the issue of homosexuality.

"fire." That is exactly what will happen under the compromise on this issue announced by President Clinton and endorsed by the Congress last week.

The compromise provides a six-month review period for both the President and the Congress to review existing policy. During the review period, anyone who engages in homosexual conduct will be completely discharged from the military. Anyone who admits to being homosexual, but whose case does not involve homosexual acts, will be separated from active duty and placed in a non-pay status with the standby

reserve. Military commanders may reassign individuals involved in homosexual cases for the benefit of the individual or the unit concerned.

New recruits will no longer be asked about their sexual orientation as part of the enlistment process. Instead, the military services will put specific and appropriate emphasis on informing all military members of the laws and regulations on sexual conduct that apply to them.

The agreement permits the review to go forward without compromising longstanding Department of Defense policies.

The Armed Services Committee will begin thorough, fair and comprehensive hearings on this subject next month. We will hear from senior military and civilian leaders of the Defense Department.

I also want to hear directly from the people who would be most affected by changing the current policy: the men and

women serving in the ranks of all of the military services. We will make every effort to hear from those who want to change the current policy as well as those who want to keep the current policy.

This is a difficult and emotional issue. Every man and woman in this country has a right to be respected. Our Constitution enshrines individual rights and liberties. Our Constitution also underscores the essential role of government in providing for the common defense.

When the interests of some individuals bear upon the cohesion and effectiveness of an institution on which our national security depends, we must move very cautiously. This caution is prudence, not prejudice.

Sam Nunn is the senior United States senator from Georgia and chairman of the Senate Armed Services Committee.

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

2404 RAYBURN BUILDING
WASHINGTON, DC 20515-2104
(202) 225-5931

29 CRAFTS STREET
NEWTON, MA 02158
(617) 332-3920

Congress of the United States
House of Representatives
Washington, DC

558 PLEASANT STREET
ROOM 309
NEW BEDFORD, MA 02740
(508) 999-6462
222 MILLIKEN PLACE
THIRD FLOOR
FALL RIVER, MA 02721
(508) 674-3551
89 MAIN STREET
BRIDGEWATER, MA 02324
(508) 697-9403

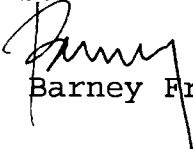
May 18, 1993

Ms. Alexis Herman
Asst To The President For
Public Liason
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

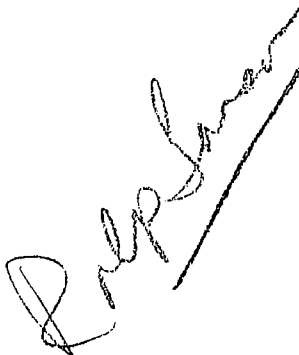
MAY 19 1993

Dear Ms. Herman:

I'm sending the attached to you because you may have heard inaccurate or distorted versions of my statement. This past Saturday's Boston Globe article was more thorough. I will be calling you to discuss this.


Barney Frank

BF/rr



Frank hints he may back compromise on gay ban

By Michael Putzel
GLOBE STAFF

WASHINGTON - Rep. Barney Frank, a champion of gay rights in Congress, signaled yesterday that he would support some version of a conservative proposal for a "don't ask, don't tell" policy toward gays in the military, a sign that support is growing in Congress for a compromise on the emotional issue.

The Newton Democrat's suggestion that keeping silent about one's sexual orientation may be an acceptable condition for military service appeared to put him at odds with other gay rights leaders. But it was a strong indication that lawmakers are trying to negotiate a settlement of the issue, which has dogged President Clinton from his first days in office.

Clinton, at a news conference in the Rose Garden yesterday, dodged questions about a proposal from Sen. Sam Nunn, the Georgia Democrat who is chairman of the Senate Armed Services Com-

On gay ban, Frank hints he may back a compromise

■ GAYS

Continued from Page 1

mittee, to let gays serve in secret. Nunn's "don't ask, don't tell" proposal is seen as a compromise that, in Nunn's view, is preferable to Clinton's desire to completely lift the ban on gays serving in the military.

Clinton was asked to comment on Nunn's hearings this week that featured a number of military officers, including the retired commander of US troops in the Gulf War, Gen. H. Norman Schwarzkopf, testifying that lifting the ban would destroy the cohesion of military units and troop morale.

The president said he found the testimony "quite moving" but added, "I still think the test ought to be conducted."

Pressed to say whether he would accept the "don't ask, don't tell" formula, Clinton said, "You know what my position is. I have nothing else to say about it."

In response to a later question, he said that he supports "the present code of conduct," which outlaws sodomy, but said he would wait for the Pentagon's recommendation before discussing the issue in further detail.

A rekindled search for a compromise was disclosed earlier this week by Pentagon officials, who have been directed by Clinton to draft an executive order by July 15 to end the ban on homosexuals serving in the armed forces. While insisting on anonymity, the officials said they were considering two alternatives to an outright abolition of the ban.

'We are not talking about people who are burning with the desire to announce their sexual orientation. That's not why you go into the military.'

REP. BARNEY FRANK
Gay rights champion

One Pentagon option - the one embraced by Nunn - would bar the military from asking recruits about their sexual orientation but would prohibit service by declared homosexuals. The other Pentagon option would permit openly gay and lesbian people to serve in the military but would prohibit homosexual conduct, although the definition of such conduct has not been agreed upon.

Nunn proposal criticized

David M. Smith, a spokesman for the Campaign for Military Service, the coalition of gay rights and civil liberties organizations opposed to the ban, dismissed Nunn's proposal as "discrimination in a nice package."

"People who are currently serving who are gay or lesbian are still subject to discharge if their orientation becomes known," Smith said, adding that was an unacceptable infringement on the rights of acknowledged homosexuals.

Sources close to Nunn, however, said the senator is willing to consider ways to protect the confidentiality of someone's status from inadvertent disclosure.

Frank agreed that is a critical sticking point. "The overwhelming majority of gay men and lesbians who have been kicked out never volunteered anything to anybody," he told the Globe. Either investigators uncovered evidence of their homosexuality or "somebody squealed on them."

But the congressman, who has acknowledged he is gay, said: "The right of a Marine to declare his membership in the National Gay and Lesbian Task Force and wear the appropriate insignia has never been part of this issue. We are not talking

about people who are burning with the desire to announce their sexual orientation. That's not why you go into the military."

Smith said the reported compromise position "is still problematic because it does not allow people to be who they are. The ban should be lifted, and people should be allowed to be who they are and not be subjected to discrimination."

Frank, who told the Globe six weeks ago he detected movement toward a compromise, said yesterday, "The question that has to be decided is: What happens if you are perfectly discreet on base, on duty; you do not engage in any sexual activity; you do not indicate your sexual orientation - but if you are in a reasonable way, off-base and off duty, socializing with people, and somebody squeals on you or somebody reads your mail, what happens?"

Equal treatment sought

Others in the movement - and Clinton himself - have framed the issue as one of fundamental civil rights and an obligation to treat gays and lesbians as equal citizens.

"That's important," Frank said, "but you also have the lives of the young men and women who have volunteered to serve their country who happen to be gay men and lesbians. And I think the primary goal for people like myself should be to protect their rights and their lives, rather than to worry about broader symbolic implications.

"I'll fight the broader symbolic implications in other forums where the lives of 20-year-olds aren't at stake," he said, adding that the negotiations "ought to proceed quietly and privately."

In a twist on President Woodrow Wilson's advocacy of "open covenants, openly arrived at," the congressman said: "I believe, where complex public policy issues like this are concerned, in open covenants worked out in secret. I congratulate the president on his restraint."

Nunn's hearings, however, and especially a fact-finding mission he led aboard a Navy aircraft carrier to explore the close living conditions of sailors, drew an angry rebuke from Thomas B. Stoddard, coordinator of the Campaign for Military Service.

In a letter to the committee chairman, Stoddard demanded a halt to "a process so riddled with bias as to cast dishonor on the committee."

Nunn has said he intends to hold further hearings to hear other points of view, but no dates have been announced.

Post-It™ brand

Fax Transmittal Memo

7672

To

Company

Alexis Herman
White House

Telephone #

Comments

cc Studd
cc R/G & L



No. of Pages

From

Company

Location

Fax #

Original
Disposition:

Today's Date

Time

B. Daly
CONC STUDDS

Dept. Charge

Telephone #

225-3111

☐ Destroy☐ Return☐ Call for pickup

MAY 19 1993

News from the office of Congressman Gerry E. Studds



For Immediate Release
May 18, 1993

Further Information
Brendan Daly
(202) 225-3111

STUDDS: NOW IS NOT THE TIME TO RAISE THE WHITE FLAG

WASHINGTON, D.C. -- Congressman Gerry Studds today issued the following statement concerning recent proposals for a "compromise" solution to the issue of gays in the military:

Several proposals have been put forward in recent days that would allow gay men and lesbians to serve in the military so long as they not reveal their sexual orientation. I cannot endorse such a compromise at this time.

This battle has demonstrated that we have a long way to go in our struggle for dignity and equal rights, but also that we have come a long, long way. For the first time in our history, a national debate is taking place on what it means to be gay or lesbian -- that itself represents enormous progress. Even our opponents have been forced to acknowledge what we have always known: that gay men and lesbians have served honorably and are not unfit for military service.

Our adversaries have done their worst -- after week upon week of distortion and innuendo, they are reduced to tedious repetition. The country is only beginning to hear from our side in this debate, and I do not believe the American people have concluded that the debate is over.

In only the last few days, the public has reacted strongly to the testimony of Colonel Fred Peck that were his gay son to join the Marine Corps, his life could be in danger from his own comrades in arms. People across the country

son to join the Marines his life would be in danger from his own comrades in arms. People across the country have drawn a lesson from this testimony that is quite different from the one the Colonel meant to convey. They have begun to ask what kind of military would permit its members to murder one another.

The public had another lesson recently when Sergeant Jose Zuniga was demoted for appearing at the recent gay rights march wearing a decoration which he had not yet been formally awarded. Zuniga had been named Soldier of the Year by the Sixth Army in 1992, but is about to be discharged from the Army because he revealed his homosexuality during the march. An Army spokesman was quoted as saying, "The one thing we have in the Army is integrity. . . . When you misrepresent yourself, we take that very seriously." Which was precisely Mr. Zuniga's point. We should not be asking people to compromise their honor and integrity -- to misrepresent themselves -- as a condition of serving their country. Sergeant Zuniga took his integrity so seriously that he was prepared to sacrifice a brilliant military career for the sake of it.

The issue raised in this debate is one of fundamental civil rights. On this, there can be no compromise. Rosa Parks did not fight for the right to sit in the middle of the bus, and we cannot accept a compromise that continues to require us to live a lie.

I realize that the time may come when we will have to decide whether to accept half a loaf. It is a fact of life that if a vote were taken today, we would not be able to sustain the President's lifting of the ban. I am also deeply concerned that an all or nothing strategy runs the risk that the current ban could be written into law -- a situation that would be far worse than the status quo.

Nevertheless, I have faith that the American people will ultimately perceive the fundamental justice of our cause. Our country is only now beginning to understand what is really at stake here. This is not the time to raise the white flag.

This debate is just beginning. Let us not lose hope.

May 19, 1993

Honorable Gerry E. Studds
House of Representatives
Washington, D.C. 20515

Dear Gerry:

Thank you for sending a copy of a speech written by one of your constituents -- Mr. Jim Patrick of Nantucket, MA -- regarding gays and lesbians in the military.

I appreciate his point of view and will share his comments with others on the staff concerning this issue.

Gerry, thank you for your continued interest and support.

Sincerely,

Alexis M. Herman
Assistant to the President and
Director of Public Liaison

AMH:RGM

Get
Conq's



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

GERRY E. STUDDS
TENTH DISTRICT
MASSACHUSETTS

May 3, 1993

MAY - 6 1993

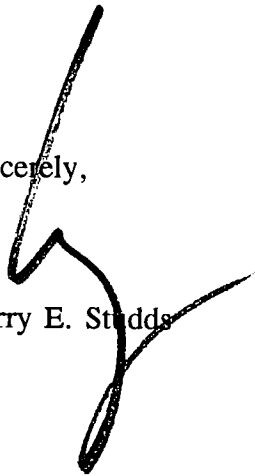

Dear Ms. Herman:

I would like to take this opportunity to forward a copy of a speech written by one of my constituents -- Mr. Jim Patrick of Nantucket, MA -- concerning gays and lesbians in the military.

I thought some of his thoughts might be useful to the President's speech-writing staff.

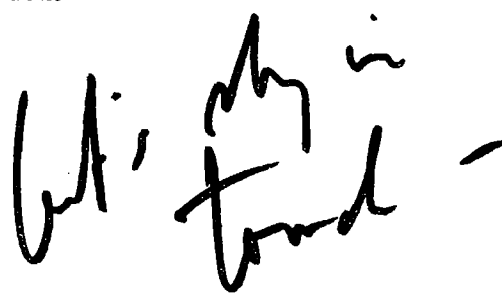
Thank you for your attention in this matter.

Sincerely,


Gerry E. Studds

Alexis Herman, Assistant to the President
for Public Liaison
The White House
Washington, DC 20500

Enclosure



ADDRESS TO THE ARMED SERVICES OF THE UNITED STATES:

My fellow citizens - men and women of the Armed Services of the United States of America.

To you, who now carry the sword and shield of this country as generations before you have - proudly, with honor, and with dignity - we owe a great debt.

You are the direct descendants of those heroes who fought the Revolutionary War and allowed thirteen independent states to forge their similarities and differences into civilization's first democracy. Descendants of those who defended the infant nation and its dream of independence, freedom, and equality in the war of 1812.

You are living testament to the unswerving will of that nation to remain together in the face of profound internal differences, as the Civil War pitted valorous and loyal Americans against each other in the deadliest and most bitter war we have ever faced - a war against ourselves. From that struggle we emerged even more resolute in our beliefs - beliefs reaffirmed with the blood and lives of 600,000 American soldiers, your honored forefathers.

The American military has been called many times and to many foreign lands to defend the principles which so many have died to establish and to reaffirm.

Our cemeteries, from Maine to Hawaii, from Florida to Alaska, in Normandy, in Iwo Jima, and in every corner of the country and the globe where any war veteran is buried, remind us of the debt we owe and beckon us to remember the principles they died defending.

The Constitution of the United States is the flesh and blood of this country, and the Bill of Rights our soul. The Constitution proclaims our existence as a unique people on this planet of many diverse cultures, and the Bill of Rights defines our character. These are the embodiments of this great American Dream.

And what principles are these that make up the great American Dream? What are those values that we in America introduced into the world - cherished and defended for over two centuries, and will continue to cherish and defend as long as this world exists? Freedom and equality.

What America stands for above all else, the defining element of what it is to be an American, is a love of freedom and a respect for equality. America is a land, at the time of her birth the only land, which promises that any individual, regardless of race, color, creed - or any other characteristic out of the ordinary - may live his or her life in the full and complete glow of freedom. Guaranteed the same rights, bound by the same laws, expected to assume the same responsibilities, as any other American.

On July 18, 1863, with the outcome of the Civil War still very much in doubt - a remarkable event occurred. 600 free Northern black soldiers led a charge into the teeth of the impregnable, fearsomely defended Ft. Wagner, South Carolina. So fierce and unswerving and determined was their charge, that they miraculously scaled the parapets and some entered the fort, far ahead of the supporting troops that were turned back by the onslaught of cannon and mortar and grapeshot and canister that rained on them like fire from Hell. Nearly half the men of regiment were killed or wounded, and all but one of the officers (white officers, since blacks were not allowed to be officers) who personally led

them was killed or wounded. This is the story of the Massachusetts 54th Regiment, whose Colonel, Robert Gould Shaw died on the parapet, and is now memorialized, along with his troops, in one of America's greatest sculptures on the Boston Common.

Before that battle, free Northern blacks had lobbied for two and a half years, led by the great Frederick Douglass, for the right to fight and die alongside white troops. For the right to fight and die in defense of the principles of their country. The principles of their country at the time did not even grant all members of their race the right to vote. Many of their fellow white soldiers would refuse to fight alongside them. They were feared and ridiculed. It was said blacks would not fight. It was said they would turn and run. Blacks knew they could not become officers. They received less pay than whites. There were race riots. The nephew of Sergeant Simmons, one of the heroes of that charge up Ft. Wagner, was killed by a New York City mob almost at the moment of his own heroism.

And yet, these same black Americans asked for the right to fight and die in the Armed Services of the United States of America, and when they were granted that right they fought and died. In defense of the principles of a nation which offered them something tangible and immediate? No. The nation at that moment offered them only second class citizenship. They fought because the principles of their nation offered them hope. They fought because they understood that their nation offered them the possibility of change. The possibility that the principles upon which the country was founded would, in the end, triumph over the temporary injustice of the moment. And they were right.

The heroic charge of the Massachusetts 54th Regiment removed all doubt about the valor of the black soldier in battle, and won the respect of the nation and their brothers in arms. The gates opened for 180,000 black soldiers to enter the war, and turned the tide in favor of eventual victory and restoration of the nation and its principles of freedom and equality for all.

Despite this lesson, it took nearly one hundred more years for the nation to fully integrate its armed services along color lines. It has recently admitted women to its ranks, and the armed services, like the nation in general, still struggles with the problems of fully integrating women into roles traditionally dominated by men.

Now the armed services struggles again, as it did in the early years of the Civil War, with the problem of integrating another minority, this time gay and lesbian soldiers, into its ranks.

Men and women of the United States Armed Services ... in the year 1993, two hundred and sixteen years after your forefathers forged from the farms, fields, towns and cities of the newly created nation, the sword and shield which guaranteed the existence of this land of freedom and equality ... let us honor their legacy. Let us remember the history of the Massachusetts 54th, and not repeat the mistakes which kept that hated and feared minority off the field of battle for two crucial years. Let us remember our heritage, the reason we have called upon your service and sacrifice in the past, as we may call upon you in the future. Let us remember the fundamental quality of our American society. Freedom and equality for all.

The protection of the equal rights of all Americans, ordinary citizens, and citizens who are not ordinary, is fundamental to the existence of our national soul. Indeed, the right to be out of the ordinary is precisely the concept of freedom as we know it. The right to go one's own way in peace and in equal standing with one's neighbors is a defining concept of freedom, and we are the nation that defined it.

I ask you now to uphold and reaffirm this grand concept. I ask you to do this not with arms, in the face of a hostile enemy, for I know that each and every one of you would unhesitatingly lay down your life on behalf of your nation's principles. I ask you to do so with your hearts. We look not at a hostile enemy face across a flaming battlefield, but at our own face in the mirror of our own individual and national character.

We define our place in the world by traditional roles and concepts and boundaries and expectations and understandings. I challenge you today, as individuals and as the great institution of the American Armed Services, to re-examine how our traditional concepts of service in the military mesh with the great defining elements of our nation - freedom and equality.

I ask you to come to the same conclusion that those great defining elements of American society, a society that soldiers like yourselves have for two hundred and sixteen years died defending, ask you to come to. That every American citizen possesses the same rights, the same freedom and equality, to pursue whatever interest they have in life. I ask you now to accept into your ranks, wholly and completely, any American citizen who wishes to defend the principles of freedom and equality that they hold as dearly as you.

I thank you.

House of Representatives
Washington, D.C. 20515

(GRANDUM

MAY 28 1993

*I thought this
might interest
you.*

Barney Frank

(
BARNEY FRANK
FOURTH DISTRICT
MASSACHUSETTS

MEMORANDUM

TO: Roy Neel

FM: Barney Frank

DA: May 26, 1993

As I mentioned to you, I think it would be very good when the President announces his proposal to replace the ban on gays and lesbians in the military with a new set of rules if he also deals with the problems that affect gay men and lesbians who are seeking security clearances. This applies both to people who want to work in the CIA, the FBI, the National Security Agency or other law enforcement or security related agencies, and also to civilians who are working for a company which is bidding on a federal contract which requires security clearance. We have had serious problems with gay or lesbian engineers, for example, who suddenly found their lives intruded on by federal investigators because the company was seeking such a contract.

We have made some progress in this. Years ago if you were gay or lesbian you couldn't get a security clearance. Recently, because there is no justification whatever for linking being gay or lesbian with security problems, the policy has evolved, even under Reagan and Bush. Now they tell us -- prodded by the courts in some cases -- that being gay or lesbian is no barrier to getting a security clearance, but that it does raise "special problems", is a matter of "great sensitivity", etc. What this often means is that gay men and lesbians are subjected to an extraordinary battery of intrusive and unpleasant questions, and in other cases people simply are not turned down but are not approved and decide to go off and do other things.

There is no support in public policy for an argument that homosexuals are security risks. Even the conservatives have acknowledged this. For instance, Dick Cheney told me at the Budget Committee that the security risk argument for keeping gays out of the military was an "old chestnut", and when Colin Powell appeared a month later, he flatly said that there was no basis whatsoever for treating gay men and lesbians as security risks. (See statements attached). Even beyond that, the Federal Emergency Management Agency's head, Wallace Stickney, who is Sununu's pal, appointed a six member committee to study security clearance from the standpoint of the gay and lesbian question. The six members, three of whom were military people including General Andrew Goodpaster, an Eisenhower appointee to head NATO and a former Commandant at West Point, concluded unanimously that there is no correlation whatsoever between being gay and lesbian and being a security risk. They recommended specifically that the question not be asked, and that nothing be done to treat gay men and lesbians any differently in a security clearance investigation than anyone else. (See Report Attached).

Of course this does not mean that a gay man or a lesbian whose sexual activity has been extremely indiscreet and potentially embarrassing should not be further investigated. But that is true in exactly the same sense as it would be true for a heterosexual who had been sexually indiscreet.

What this means is that the President should accompany his policy statement on gays and lesbians in the military with a statement that from here on, the fact that someone was gay or lesbian would have in and of itself no relevance whatsoever in a security clearance investigation, whether for a full time job in the FBI, NSA or CIA, or if one were a civilian in a company applying for security clearance contract. This would remove an enormous source of stress from the lives of a number of gay men and lesbians, in both the public and private sectors. It could be easily buttressed by citation of statements by Dick Cheney, Colin Powell, the Defense Department's report and FEMA. Since the military has conspicuously refrained from suggesting that security was any part of its objection to gays and lesbians in the military, a position consistent with the decades old conclusions of the Crittenden Report, (and updated in the PERSEREC report, attached), the President may say that he is taking them fully at their word in this regard.

I feel very strongly that this has to be part of the overall approach. I'm enclosing some supporting documents which illustrate some of the points I've made and I will of course be available to discuss the implementation of this because it is a very high priority for me.

REP. FRANK: I just want to respond, and I think that there is a difference that remains between us.

You believe, apparently, that it is the American taxpayer's obligation to do significantly more "in pursuit of common world goals than our European allies, and as far as trade is concerned our right to spend a lot of tax money to defend our having a big deficit in the Pacific Rim makes it dubious.

But I do have one last question and it only partly has to do with spending.

It has to do with gay men and lesbians in the military. Let me acknowledge at the outset that I have found you to be very constructive in approaching that issue as particular pieces of friction have come up. And I appreciate that. I appreciate that as friction generated by that issue has come up, to the extent that your office has gotten involved, it's been in a helpful way.

But that leaves us with a fundamental policy. We used to have in this society a lot of people who didn't want to serve in the military and that was the issue a lot of people had to deal with.

I'm talking now about many, many Americans who want to serve their country and are told they can't because of their sexual orientation. I want to ask you why. Is it the contention of the Defense Department that because someone is homosexual he or she is inherently a security risk? And if that's not the reason, what is the reason, particularly for those people who are open about their sexual orientation so the possibility of blackmail would appear to be quite negligible.

SECRETARY CHENEY: Congressman, I have inherited a policy that has been in the department now for many years, that does focus specifically upon the military and military service, and is based upon the proposition that a gay life style is incompatible with military service. That is the policy. I think it's generated--there have been times in the past when it's been generated on the notion that somehow there was a security risk involved, although I must say I think that's a bit of an old chestnut, that the question turns more upon the need of the department to maintain the combat effectiveness of our military units, and that our sole mission in life is to be prepared to fight and to win wars.

And that based upon that, the department over the years, specifically the military services, have pursued a policy that said that certain kinds of individuals in our society are not, and not serve in those combat units. As I say that's the policy I inherited and that's the policy--

REP. FRANK: Let me just say one last thing, Mr. Secretary, and I want to acknowledge, you have administered what I believe to be an uncivilized policy in a wholly civilized way, and I appreciate that, and I think that's something that should be noted. But--and I appreciate your acknowledgement that the security risk argument is not a very good one. But the thing I would say, one, it's not just combat units. We're talking about any unit of the military.

SECRETARY CHENEY: Correct.

REP. FRANK: And we then get down, it seems to me, to precisely the kind of arguments that used to be used to segregate people of racial minorities and very greatly limit women; that there's something, somehow, inherently incompatible.

What is the incompatibility, if people enter the armed services and comply with the rules? No one is asking for any pass for anyone who doesn't comply with the rules that are relevant to discipline, et cetera. But if someone complies with those rules I would ask you what the problem is.

SECRETARY CHENEY: Again, Congressman, I have not spent a lot of time on the issue, it's a policy that I have inherited as secretary. I think there have been occasions when, when it has not been administered in a fair fashion, but the basic fundamental policy today has been that a gay life style is incompatible with military service.

REP. FRANK: I appreciate that, Mr. Secretary. Let me say you have distinguished yourself by undoing some of the inheritances that you've had, and if all you can say in favor of something is that it's an inheritance, maybe the time has come for you to take another look at it. Thank you, Mr. Chairman.

2643 Mr. FRANK. That is a good point, but it is the b.
2644 geopolitical strategy, not just the military.

2645 When Mr. Secretary was here last time, he said that the
2646 security argument was not part of the reason for keeping gay
2647 men and Lesbians out of the military. That meant we are
2648 into interpersonal relations. As the senior military
2649 commander, you have been through a lot yourself.

2650 Are we to some extent dealing here with a prejudice that a
2651 majority has against a group of people? And to what extent
2652 is that a valid reason for telling gay and Lesbian young
2653 people they are not wanted in the armed services?

2654 General POWELL. I agree with the Secretary that it is not
2655 a security argument, and it is not an argument of
2656 performance on the part of homosexuals who might be in
2657 uniform, and it is not saying they are not good enough. It
2658 is just my judgment and the judgment of the chiefs that
2659 homosexual behavior is inconsistent with maintaining good
2660 order and discipline.

2661 What do I mean by that? I mean it is difficult in a
2662 military setting where there is no privacy, where you don't
2663 get choice of association, where you don't get choice of
2664 where you live, to introduce a group of individuals who are
2665 proud, brave, loyal, good Americans, but who favor a
2666 homosexual life style, and put them in with heterosexuals
2667 who would prefer not to have somebody of the same sex find

2668 | them sexually attractive, put them in close proximity, ask
2669 | them to share the most private facilities together, the
2670 | bedroom, the barracks, latrines, the showers.

2671 | I think that is a very difficult problem to give the
2672 | military. I think it would be prejudicial to good order and
2673 | discipline to try to integrate that in the current military
2674 | structure. And I think--

2675 | Mr. FRANK. For some time, as you know, and the Secretary
2676 | has acknowledged, there have been gay men and Lesbians in
2677 | the military. Is there any evidence of behavior problems?

2678 | General POWELL. No, because as a matter of fact they have
2679 | kept, so-called, in the closet. It is quite a different
2680 | thing when it is openly practiced or openly known throughout
2681 | the force and within the units. I think it makes very
2682 | difficult management problems.

2683 | If I have heterosexual young men and women who choose not
2684 | to have to be in close proximity because of different sexual
2685 | preferences, am I then forced to face the problem of
2686 | different accommodations for homosexuals and heterosexuals,
2687 | and then by sex within the homosexual community?

2688 | I think the burden of proof is not on us to say that that
2689 | wouldn't be prejudicial to good order and discipline, and
2690 | the courts have consistently upheld that.

2691 | The CHAIRMAN. Mrs. Bentley?

2692 | Mrs. BENTLEY. Thank you, Mr. Chairman.



Federal Emergency Management Agency

Washington, D.C. 20472

JAN 4 1993

The Honorable Barney Frank
Chairman, Subcommittee on Administrative Law
and Government Relations
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Frank:

As I indicated to you in correspondence during May and June of this year, I established a Security Practices Review Board to study and recommend appropriate procedures concerning the security practices of the Federal Emergency Management Agency (FEMA). The Board was comprised of individuals whose credentials are most outstanding, as indicated by the enclosed biographical summary. The Board was tasked to review the current procedures and operations of FEMA's Office of Security, as well as the numbers and types of clearances required to carry out the Agency's various missions.

In response to a report by FEMA's Office of Inspector General which indicated that the Office of Security may have been operating under outmoded procedures, I became concerned that FEMA's security procedures reflect not only contemporary security standards, but also the nature of FEMA's missions in terms of numbers and types of clearances required. The Security Practices Review Board recently completed its work and has issued a report and policy recommendations. Enclosed is a copy of the report and its recommendations as well as my letter to the Chairman, General Richard G. Trefry, USA (Ret) and other Board members.

As I indicated in my letter, this is only a beginning. There are myriad tasks to be assigned within the Agency to achieve oversight and streamlining of an antiquated security system. I am pleased with our efforts and the promise they hold for more modern, efficient security practices. Toward this end, I have discussed this report with the transition team assigned to FEMA and hope that the incoming leadership of FEMA will take proper actions with this report in mind.

Please contact me on (202) 646-3923 or our Office of Congressional Affairs at (202) 646-4500 if we can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Wallace E. Stickney".

Wallace E. Stickney
Director

Enclosures



Federal Emergency Management Agency

Washington, D.C. 20472

DEC 29 1992

General Richard G. Trefry
Chairman
Security Practices Review Board
Federal Emergency Management Agency
Washington, D.C.

Dear Dick,

Thank you for the final report and recommendations of the Security Practices Board of Review. I would like to commend you and the members of the Board on your hard work and carefully-considered product.

The report is the most comprehensive exposition of the way security programs really function ever made available to our managers. Without question, it will be the standard reference work for the operation of the programs and will be an extremely useful manual for all those hoping to understand and modernize security programs government-wide as well.

Two things are clear. The first is that no agency in recent times has requested such a rigorous review of security practices. The second is that your Board responded in full measure to my desire to once and for all make sure that the oversight of the security program could be a logical management activity rather than a little-understood art form.

Because of the complexity of the issues presented, as well as the depth of the report and recommendations, the Agency's evaluation will be an extended process. For this reason, I am providing brief comments on the recommendations for your information before the Board goes out of existence on December 31, 1992, as provided by its charter.

I would note initially that recommendations 1 (in part), 4, 5, 8 (in part), 9, 10, 11(in part), and 12 were not specifically directed to this Agency, but our suggestions for changes in law, regulation, policy or practice which are within the purview of one or more agencies of the Executive Branch, or of the Legislative Branch. Any of these recommendations which should be conveyed to these organizations will be so provided, with the supporting documentation, for their information and any action which they deem appropriate.

In regard to the other recommendations (set out first in bold type), my comments are as follows:

1. That all departments of the Federal Government, including FEMA, conduct a thorough review of procedures and criteria for personnel security.

1. (As it applies to FEMA) An internal review of procedure and criteria for personnel security should be conducted. The most appropriate mechanism for this is now under consideration by me for recommendation to the transition team.

2. That the FEMA Organization and Functions Manual of August 1988 be revised to accurately describe actual personnel security assignments and delegations within FEMA.

2. The Personnel Security Manual will be so revised. This has been tasked to the Office of Management Services.

3. That the number of clearances in the Agency be sharply reduced with a goal of reaching approximately 300, and that further analysis be conducted to determine the feasibility of making further reductions.

3. The number of clearances is under examination now and will continue to be examined, in conjunction with the reviews in 1 and 2, above. A 75% reduction within the next two years is an appropriate goal; then a final numerical goal will be reexamined.

4. That the Executive and Legislative Branches of the Federal Government take joint action to bring a greater degree of order and reason to the extensive requirements for security clearances.

5. That simplified and understandable instruction in personnel security processes be prepared and presented to all civilian employees of the Federal Government, and that managers at all levels be required to receive the necessary instruction that would ensure their competence and understanding in this vital matter. Training should include instruction on determining risk and sensitivity levels and security clearance requirements.

4-5. See my comments as to referral, above. The excellent work done by the board in analyzing the existing processes will be extremely helpful to all who strive to improve the process and make it more effective.

6. That FEMA leadership at all levels participate more actively in the personnel security program.

6. FEMA leadership at all levels will be directed to participate more actively in the personnel security program. The best method for accomplishing this will be tied to the reviews noted in my answers in 1 and 2, above. Clearly there must be a better understanding of the programs so the mystery surrounding the

process is dissolved and all managers can make informed decisions.

7. That FEMA minimize the number of "public trust" positions in order to reduce the number of background investigations.

7. An evaluation will be made of "public trust" positions to ascertain whether the numbers may be reduced. The Office of Human Resources Management will be tasked to oversee this.

8. That, as a matter of priority, the current draft of the FEMA Personnel Security Manual be revised to incorporate all applicable statutes, Executive orders, practices, instructions, and regulations in a format that is readable and understandable to the average person. (This recommendation is also applicable to personnel security manuals throughout the Federal Government.)

8. The current draft of the FEMA Personnel Security Manual is unacceptable in its present form. It will be returned to the Office of Security for revision as noted, with further review of that manual to be conducted by the Office of Human Resources Management, Office of General Counsel, and appropriate program offices. Part of this tasking will be that they utilize the work of your board to ensure that the manual is clearly understandable by all who must refer to it.

9. That no agency of the Federal Government deny, on the basis of potential vulnerability, security clearances to civilian employees of the Federal Civil Service (or applicants thereto) solely on account of their homosexuality or sexual orientation.

9. This Agency does not now, and has not in at least the recent past, denied security clearances to personnel because of their sexual orientation and, during my tenure, will not utilize a "vulnerability to coercion or blackmail" standard related solely to sexual orientation. In fact, the report clearly establishes the fact that the "vulnerability to coercion in blackmail" standard as applied for other reasons needs to be handled more sensitively, as well.

10. That Federal regulations, standards, guidelines, and other personnel security directives be revised to make it inappropriate and unnecessary, in the absence of any other security concerns, for government security personnel to require any federal civilian employee or potential civilian employee to publicize his/her sexual orientation or that of any person as a condition of employment or for obtaining a Federal Government security clearance.

10. In this Agency, employees will not be required to announce their sexual orientation to obtain clearances, and any redraft of the FEMA Personnel Security Manual (see 8, above) will so reflect this.

11. That any individual chosen to serve as the Deputy Director or the Chief of Staff to the Director of FEMA be required to be thoroughly knowledgeable in personnel security and related staff management procedures.

11. There is no Chief of Staff at FEMA, nor is such a position contemplated. However, a senior manager in a position of authority over the Office of Security who is knowledgeable in personnel security and related staff management procedure is essential to the operation of an acceptable program.

12. That the Director of FEMA forward the results of the Board's analysis to the attention of higher authority for government-wide consideration and action.

12. See my comments as to referral, above.

13. That a FEMA senior executive carefully and continually review all positions, especially those designated as "public trust" or national security, to ensure that they are assigned the appropriate risk and/or sensitivity levels in accordance with the new risk and sensitivity level designation system and FEMA requirements for security clearances.

13. The Associate Director for National Preparedness will review all national security positions, and the Director, Office of Human Resources Management will review all "public trust" positions, to ensure that they meet the appropriate standards recommended. The Office of Security will only advise the Associate Director for National Programs as to the decisions.

14. That, as the requirements for security clearances within FEMA are reduced, any removal of an individual's clearance must be accomplished in a nonprejudicial manner.

15. That FEMA develop and conduct a program to educate its employees on the revised personnel security clearance policies and explain in detail the reasons for the reductions in the number of clearances.

14-15. Reductions in the number of clearances as requirements are eliminated will be accomplished in a manner consistent with due process ("nonprejudicial"), and a program to educate employees about the process must be implemented. Taskings for conducting and providing oversight for this process are being considered for recommendation to the incoming potential leadership of the Agency. I will make a preliminary announcement to all employees to attempt to set the tone for the activity before I leave.

16. That FEMA modify its mission statement to include requirements for classified activities and review its "organization and functions" manual and any personnel security regulations to ensure that they are consistent and accurately describe all personnel security requirements and assignments.

16. All manuals, regulations and instructions relating to personnel security will be so reviewed. Tasking for the review is being considered. Modification of the Mission Statement will be considered as well.

17. That FEMA prepare an internal guidance document to ensure that its risk and sensitivity level criteria and security clearance requirements are described and implemented correctly.

17. An internal guidance document is absolutely necessary. Any internal guidance document to insure proper risk will be coordinated with revisions to the Security Manual (see 8, above) and other manuals, regulations, and instructions (see 16, above) to insure consistency and to eliminate duplication.

18. That FEMA consult appropriate authorities to resolve an open issue as to whether or not a waiver of a pre-appointment investigation is permitted for a "public trust" position.

18. The Office of General Counsel will be tasked to consider the issue of the propriety of waiver of a pre-appointment investigation for a "public trust" position.

19. That FEMA modify its recent delegation of suitability determination authority so that the Office of Human Resources Management (OHRM) would have sole responsibility for making all basic, i.e., Part 731, suitability determinations for all positions.

19. I agree that suitability determinations must be the responsibility of the OHRM. They will be tasked to draft a modification of the delegation of suitability determination authority to make this perfectly clear.

20. That the Director of FEMA continue to have ultimate responsibility, for making all final determinations involving the denial, suspension or revocation of security clearances.

20. The Director will hold, for the interim, ultimate responsibility for making all final determinations involving the denial, suspension or revocation of security clearances and access to special access programs. Final action on retaining this responsibility in all such cases will be taken after the appropriate reviews and redrafts of the various manuals, regulations, and instructions already noted.

21. That FEMA management take immediate action to correct the problem of having periodic reinvestigations, i.e., investigations required for periodic updates of security clearances, being postponed due to lack of funds, and to bring this matter to the attention of the highest security authorities within the Administration and Congress.

21. The issue of allocation and efficient expenditure of funds for investigations will be examined within the Agency. Taskings for conducting and providing oversight for this process are being considered. Certainly the significant reduction in the number of clearances and the refocusing of the resources of the Security Office as a result of the Report will immediately deal with a significant part of this problem.

22. That FEMA consider providing in-house legal assistance in those cases where an investigation of a FEMA employee leads to a determination of unsuitability and/or the denial, suspension, or revocation of a security clearance.

22. The possibility of providing in-house legal assistance in those cases noted will be examined by the Office of General Counsel. There does not appear, at this time, to be a legal basis for providing such services. I will ask them to be imaginative in their review.

23. That the terminology used to describe the various steps in the personnel security process be clarified. The Board found the following terms more understandable than some of the terms currently in use:

- a. Requirement
- b. Application
- c. Initiation
- d. Investigation
- e. Evaluation
- f. Recommendation
- g. Determination

24. That FEMA management specifically assign responsibility for each step (a through g) in the personnel security process to either management or staff, with the Office of Security only providing staff recommendations to FEMA management in these important matters and the Director, FEMA, making all final decisions, i.e., all appeal determinations.

25. Finally, the Board recommends that FEMA use the contents of Tab D as the basis for detailed and explicit instructions on the personnel security systems and practices within FEMA.

23-24-25. The terminology recommended, and the action for each step in the personnel process, will be utilized to the maximum possible extent in conjunction with the review of the manuals, regulations, and instructions already noted.

In addition, the report and recommendations are being further analyzed to determine whether the concerns noted by the Director in the Board's charter are sufficiently addressed to be closed out, or whether additional taskings must be made within the Agency to assist in reaching closure on them.

Thank you very much for your outstanding effort. The report will be an important reference for all those, whether experienced with the program or not, who must operate the programs or evaluate their effectiveness.

I hope that the Federal Emergency Management Agency may call upon each of you again for your expertise in any matters in which you may assist us.

Sincerely,

Wally Stickney
Wallace E. Stickney
Director

MEMBERS OF FEMA SECURITY PRACTICES REVIEW PANEL

General Andrew J. Goodpaster, United States Army (retired), formerly Supreme Allied Commander Europe, Superintendent of the United States Military Academy at West Point, and the Staff Secretary and Defense Liaison Officer under President Eisenhower. He is now Chairman of the Atlantic Council of the United States.

Lieutenant General Richard G. Trefry, U.S. Army (retired), a West Point graduate and a former Military Assistant to President Bush and Director, White House Military Office. He served six years as Inspector General of the Army.

Robert Kupperman, Center for Strategic and International Studies, and a consultant on national security matters located in Washington, D.C. He has had a distinguished career in government on national and international levels.

Julia Taft, a former director of the U.S. Office of Foreign Disaster Assistance, Agency for International Development and recipient of several federal awards: a White House Fellowship; the Presidential End Hunger Award; and the Arthur Flemming Award as one of the top ten men and women in federal service.

Lorri L. Jean, a lawyer now serving as deputy regional director for FEMA's San Francisco regional office. An honors graduate from the Georgetown University Law Center, she became FEMA Associate General Counsel for General Law in 1988, and was promoted to her current position the next year. Ms. Jean has been recognized for her efforts at promoting equity in the federal service for all employees.

Colonel Peter F. Dabrowski, U.S. Army, who is currently assigned as the Chief of the Department of Defense Military Support Liaison Office to FEMA. Prior to his assignment at FEMA, Col. Dabrowski was the Chief of Security, Plans and Operations for the Army's 4th Transportation Command in Germany.

equally applicable terminology or regulations. It was also apparent that the confidence and morale of FEMA employees are noticeably low regarding the personnel security program.

Everyone wants to reduce the number of security clearances, thereby reducing the number of investigations. It must be realized, however, that even if all security clearances were eliminated, the number of background investigations could remain nearly the same. The reason is that positions of "public trust," i.e., those designated as moderate or high risk, can require basically the same investigation as for security clearances. This fact is not widely understood in or out of government. Therefore, in order to reduce the number of background investigations, the Board recommends that FEMA also minimize the number of "public trust" positions.

The Board recommends, as a matter of priority, that the current draft of the FEMA Personnel Security Manual be revised to include all applicable statutes, Executive orders, practices, instructions, and regulations in a format that is readable and understandable to the average person. (This recommendation is also applicable to personnel security manuals throughout the Federal Government.)

Homosexuality

The Board recognizes that the primary impetus for its review came from allegations regarding improper actions within the Agency relating to homosexual employees. The Board at its initial meeting agreed that it should not involve itself in attempting to determine the specific rights or wrongs of individual cases but rather should review generic allegations at a policy level. Accordingly, individuals with personal grievances were not interviewed.

There is no question that in the matter of homosexual employees the requirements of outside agencies have been applied to FEMA. While these requirements may be legally supportable, they do not appear to reflect the findings of recent studies, policies, or decisions involving heterosexual or homosexual conduct.

The Board understands that the current position of most government departments and agencies is that announced homosexual conduct is not grounds for denying or revoking a security clearance. As a matter of interest and research, attached at Tab F are two memoranda addressing this matter prepared by Ms. Lorri L. Jean, a member of the Board.

Tab G includes enclosures that compare the two most significant provisions in both the existing and/or proposed personnel security criteria of DoD (App. I, DoD 5200.2-R) and a joint industrial-government security practices group (Annex A, National Industrial Security Program (NISP) Guidelines). These criteria may continue to have a significant influence on current and future personnel security practices involving homosexuals.

The Board was also impressed by a September 1991 report, "Homosexuality and Personnel Security," which was prepared by Theodore R. Sabin, Ph.D., and published by the Defense Personnel Security Research and Education Center (PERSEREC) in Monterey, California. PERSEREC is a Department of Defense organization that reports directly to the Deputy Assistant Secretary of Defense for Counter-Intelligence and Security Counter-Measures. This study found that homosexuality should not be grounds for denial or revocation of a security clearance. Nevertheless, there are indications of continuing concern within government agencies that unannounced ("in the closet") homosexuals may be subject to undue coercion or blackmail. After careful consideration, the Board has concluded that the evidence indicates that homosexuals, "in or out of the closet," are no more vulnerable to coercion or blackmail than heterosexuals. The Board found the PERSEREC study particularly compelling. The following excerpt is provided from the study, page 30:

"The PERSEREC data bank currently includes 117 cases of American citizens who between 1945 and the present committed or attempted to commit espionage. Only six have been identified as homosexuals. Their motives appear to be the same as for persons not identified as homosexuals:

primarily money, secondarily resentment. All were volunteers except one, who was recruited as an accomplice by a heterosexual friend. None was a target of blackmail although one offender claimed to have been coerced."

Accordingly, the Board recommends that no agency of the Federal Government deny, on the basis of potential vulnerability, security clearances to civilian employees of the Federal Civil Service (or applicants thereto) solely on account of their homosexuality or sexual orientation. (The Board does not refer to members of the military services, noting that this is a far more complex matter beyond the purview of the Board.)

Moreover, the Board further recommends that Federal regulations, standards, guidelines, and other personnel security directives be revised to make it inappropriate and unnecessary, in the absence of any other security concerns, for government security personnel to require any Federal civilian employee or potential civilian employee to publicize his/her sexual orientation or that of any other person as a condition of employment within the Federal Civil Service or for obtaining a Federal Government security clearance.

The Board does note, however, that in either heterosexual or homosexual relationships within the "chain of command" of an office or an organization, such relationships are divisive and corrosive in their effect. The principle of the senior-subordinate relationship in any organization requires the exercise of all the talents of leadership and management. Any relationship that violates these principles is harmful to effective performance.

HOMOSEXUALITY AND PERSONNEL SECURITY

**Prepared by
Theodore R. Sarbin, Ph.D.**

**Released by
Roger P. Denk
Director**

h
**Defense Personnel Security Research and Education Center
Monterey, California 93940-2481**

Preface

In 1987 the Office of the Secretary of Defense (Policy) invited PERSEREC to reevaluate the current adjudicative guidelines contained in DoD's *Personnel Security Program* (5200.2-R) concerning sexual behavior and personnel security. In particular, PERSEREC was given the task of examining the relationship between homosexuality and personnel security.

✓ This report poses two major questions: (1) Are homosexuals security risks by virtue of membership in the class *homosexual*? and (2) Are homosexuals vulnerable to blackmail if their homosexuality is kept a secret? The author, after an examination of various social constructions of homosexuality, a brief exploration of the scientific status of homosexuality, and a discussion of the concept of personal secrets, concludes that homosexuals, provided that their homosexuality can be safely disclosed, are no more security risks than heterosexuals. He suggests that security personnel continue to use the case-by-case approach in deciding whether to grant clearances, but that they be given special training to help eliminate any possible bias against homosexuals.

This report is intended for security professionals and all those interested in personnel security matters. We hope it will be a vehicle for stimulating discussion which will eventually lead to the ultimate goal of improving personnel security.

This work does not deal with the Department of Defense policy that excludes homosexuals from military service. The exclusion policy is separate from those policies that apply to a civilian being investigated for a clearance.

We are grateful to Michael A. Sterlacci, Assistant General Counsel, Office of General Counsel, DoD, for invaluable assistance and advice on legal issues.

Roger P. Denk
Director

Homosexuality and Personnel Security

Theodore R. Sarbin, Ph.D.

Summary

Background and Issue

Legal challenges and changing folkways have been instrumental in the formation of public policy in regard to the granting of security clearances to homosexual men and women. In this report, we examine data from many sources to illuminate the problems associated with establishing a nexus between sexual orientation and personnel security.

Objectives

The research objective was to prepare a review of (1) changing folkways and court decisions, (2) the current scientific status of sexual orientation, including biological, psychological, and sociological studies, (3) the changing social constructions of homosexuality, and (4) the problems associated with applying current case-by-case policies when adjudicators and/or policy makers are not privy to the findings of contemporary science. The review provides the background for a reexamination of current personnel security practices.

Approach

From recent scientific publications, legal studies and other relevant literature, we summarized findings that were pertinent to answering two questions: (1) Are homosexual men and women inherently untrustworthy and therefore not eligible for security clearance? (2) Are such persons more likely to be targets of blackmail by agents of a foreign power?

Results

Few data have been put forward to support the belief that being homosexual predisposes a person to unreliability, disloyalty, or untrustworthiness. Scores of studies have made clear that large individual differences in moral beliefs are to be found among heterosexuals and homosexuals. It is invalid to generalize from sexual orientation to trustworthiness. Life styles of homosexuals are as varied as the life styles of heterosexuals.

Conclusions/Recommendations

Homosexuals have been targets of discriminatory policies. The residues of earlier constructions of homosexuality (sin, crime, or illness) may influence personnel security specialists to treat homosexuals as a morally suspect class. Given that homosexuals (like heterosexuals) are a diverse group, fairness and personnel efficiency require a case-by-case policy.

The current case-by-case policy is appropriate to the task of determining eligibility for security clearance. However, the implementation of the policy needs to be examined in light of the fact that investigators, adjudicators and other personnel security specialists are drawn from the general population and large segments of the population continue to view homosexuality as sin, crime, or illness, constructions that might bias eligibility decisions. The work of investigators and adjudicators should be monitored to ensure that practice follows policy.

Table of Contents

Preface	i
Summary	ii
Introduction	1
The Construction of Morally Suspect Classes	2
Cognitive Processes in Premise Formation	8
Induction	8
Construction	8
Social Construction of Homosexuality	11
The Morality Construction—Good and Evil as Fundamental Categories	11
The Legal Construction—Sexual Deviance as Criminal Behavior	13
The Sickness Construction—The Medicalization of Deviance	14
The Minority Group Construction—Homosexuals as a Non-Ethnic Minority Group	16
Scientific Status of the Homosexuality Concept	19
Biological Studies	20
Psychological Studies	23
Sociological Studies	23
Implications	25
Personal Secrets	28
Concluding Remarks	31
References	33
Appendix	37

Introduction

Who can be entrusted with the nation's secrets? This overarching question guides the activities of governmental agencies charged with selecting trustworthy personnel. The primary operating assumption in efforts to answer this question is that not all persons are equally trustworthy: some are more likely to breach a trust than others.

The objective of this study is to explore whether homosexual men and women are at greater risk for engaging in espionage or other security violations than persons not so identified. The problem is complex. We must consider not only the character of persons who might engage in treasonous acts but also the contexts which influence such acts. Does the potential spy respond to inducements offered by foreign intelligence agents? What is the evidence that supports the claim that homosexuals are likely targets for blackmail by foreign agents? Are recruitment efforts of foreign intelligence agents directed specifically toward homosexual men and women? Are homosexual men and women more likely than heterosexuals to volunteer their services as spies? What are the facts that would support the hypothesis that being homosexual implies emotional instability and, therefore, unreliability and high risk for betrayal?

In the absence of systematically gathered data to answer these and related questions, it has been the practice to generalize from anecdotes. In the scientific arena, anecdotes play an important part: they provide the raw material for constructing hypotheses. Like anecdotes, hypotheses have no truth value until subjected to empirical test. In situations where anecdotes and untested hypotheses are employed as the basis for action, there is ordinarily a tacit recognition of the limited utility of anecdotes as sources of generalizations. Additional anecdotes may alter generalizations coined on the basis of earlier anecdotes.

In an effort to throw some light on these matters, I have organized the inquiry by attempting to answer two separate but related questions:

- 1) Is a person a security risk by virtue of membership in the class *homosexual*?

*I am using the term *homosexual* in the conventional way as if persons could be sorted into two non-overlapping classes *heterosexual* and *homosexual*. In a later section of this essay, I point to the observations of scientists that *heterosexual* and *homosexual* are not exclusive categories and that gradations or dimensions of sexuality are more valid descriptors. A more complete historical and sociological account would consider the multiple referents for the word *homosexual*—does the word refer to gender orientation, to sexual practice, to identity, to role, to atypical social categories, etc? The multiple referents serve to create a critical distinction for personnel security specialists. For purposes of adjudication, the distinction is sometimes drawn between *homosexual acts* and *homosexual identity*. A person who engages in homosexual acts as a result of immaturity or intoxication is not necessarily assigned to a morally suspect class. A person who describes his/her sexual orientation as homosexual—even in the absence of evidence that he/she engaged in homosexual acts—is suspect.

- 2) Is a person with same-gender orientation a security risk because he or she is vulnerable to coercion and blackmail?

To address the first question, I employ as a general framework the construction of judgmental or suspect classes. To address the second question, I locate the answer in the general context of personal secrets and attendant risks associated with disclosure or discovery.

I shall first examine the basis for the hypothesis that membership in certain socially defined classes renders a person more likely to engage in trust-violating conduct. Examples of such socially defined classes are the following: persons with unsatisfactory credit histories; persons with psychiatric histories; and persons with alcohol or drug abuse problems. The justifications for constructing such categories come from many sources: among them, generalizations about irresponsibility based upon unsatisfactory or problematic performances in nonsecurity-related settings. Membership in the class *homosexual* has also been employed with various justifications as a criterion for unsuitability in employment and ineligibility in security screening.

To develop our study, it is necessary first to describe the nature of the socially defined class. Subsequently, we can ask if membership in the class *homosexual* is predispositional to untrustworthiness.

The Construction of Morally Suspect Classes

Trust and trustworthiness are complex features of human life. Even a casual consideration of what constitutes trustworthiness reveals its complexity. Immediately, we think of family, occupational, or other social conflict situations where the actors must choose between betraying and honoring a trust, and the risk of potential negative consequences for choosing one rather than another line of action. The fact that trust is central to some social interactions and peripheral to others adds to the complexity.

Although traditional psychometric theory would direct us to seek a character trait, a disposition, or a personality element located within the brain or the psyche, efforts to measure trustworthiness and related characteristics have yielded very little. Tests have been constructed to assess a related characteristic *honesty*, but they are of little value. In most cases, they fail to meet acceptable standards of validity and reliability (Sackett, Burris, & Callahan, 1988). Because of the ambiguity in defining trust and trustworthiness, as well as the contextual nature of acts that meet the requirements of trustworthiness, a useful psychological test is not likely to be devised. Without objective,

In a purely sociological analysis, I would discuss male and female homosexuality separately. Public attitudes toward gay men are not the same as public attitudes toward lesbians. In this personnel security analysis, separate discussions of male and female homosexuals are unnecessary.

In the selection of men and women for certain tasks, efficiency is sought by assigning potential job-holders to occupational classes. Classes such as clerical workers, mechanics, computer-operators, administrators, and so on, are commonplace. The defining characteristics of such classes are skills and aptitudes. The selection process is governed by procedures designed to assess skills and aptitudes. When selecting personnel for jobs that involve access to government secrets, the selection process has an additional dimension. A different kind of class is created, the defining characteristics of which are not skills and aptitudes, but *moral* descriptors such as honesty, reliability, and trustworthiness. Selecting personnel who can be entrusted with the nation's secrets, then, calls for taxonomic sorting on moral dimensions. Actual or potential members of the work force who are presumed to be morally flawed make up a suspect class: *not trustworthy*. In this sense, a suspect class is a class whose members are objects of suspicion. A concrete example of the use of suspect class in making inferences about a person would be the following. A bearded, unkempt, leather-jacketed, booted motorcyclist enters a middle-class restaurant. Some patrons and staff would automatically look upon the person with suspicion, expecting that his conduct would violate conventional or moral rules. Such an inference follows from assigning the person to a previously formulated suspect class *motorcycle gangs* with the implication that membership in such gangs renders one morally suspect.

Nonconforming sexual orientation, in some places and during certain historical periods, has served as the criterion for assigning persons to a morally suspect class. Certain forms of nonconforming sexual conduct have been incorporated into criminal statutes and/or psychiatric vocabularies. Not only legal and psychiatric attributions of badness, but folk attributions of generalized moral deviation, including untrustworthiness, are commonly noted. That is to say, folk beliefs arising from historical and cultural antecedents attribute generalized moral deficiencies to persons whose sexual orientations are nonconforming. I should add quickly, however, not all nonconforming sexual conduct leads to the assignment of persons to suspect classes. For example, in certain subcultures male promiscuity is not taken as the basis for assigning persons to morally flawed suspect classes.

In recent years, the folk belief has been challenged. Men and women who identify themselves as homosexual have raised the question whether they should be assigned to a suspect class. The civil rights movement, changing folkways, and some legal decisions have supported efforts to modify or eliminate the assignment of homosexuals to a morally suspect class (Barnett, 1973).^{*} Among the legal decisions that may have

^{*}This analysis is not intended to follow the form of a Law Review article in which all pertinent cases and legal precedents are examined. Rather, I identify a few noteworthy cases to illustrate the complexity of the constitutional issues. The complexity is reflected in the fact that the legal codes of half the States contain no prohibition against consensual sodomy. The U.S. Supreme Court apparently regarded this issue as a state's rights issue when it refused to invalidate a Georgia law prohibiting consensual sodomy (*Bowers v. Hardwick*, 478 U.S. 186 (1986)).

influenced the softening of discriminatory practices in public employment is the case of *Norton v. Macy* (417 F.2d 1161 (D.C. Cir. 1969)). The plaintiff had been fired on the grounds of "immorality" because he had engaged in homosexual conduct. The court ruled that alleged or proven immoral conduct is not grounds for separation from public employment unless it can be shown that such behavior has demonstrable effects on job performance. Judge David Bazelon's decision included a statement that may have influenced recent employment and security policies in government service. He said (in part):

The notion that it could be an appropriate function of the federal bureaucracy to enforce the majority's conventional codes of conduct in the private lives of its employees is at war with elementary concepts of liberty, privacy, and diversity.

Another case that has received wide attention was tried in 1987 in the United States District Court for the Northern District of California. The case was filed in 1984 on behalf of an organization of Silicon Valley (California) employees known as High Tech Gays. Three members of the group had been denied security clearance because of the policy of intensive and expanded scrutiny of homosexuals. According to DoD policies at the time, identification as homosexual of a prospective employee was sufficient reason for expanded clearance investigations. The ruling handed down by Judge Thelton E. Henderson declared that the DoD policy was founded on prejudice and stereotypes, the basis for the policy being the unwarranted claim that homosexual men and women were emotionally unstable and, therefore, potential targets for blackmail. Judge Henderson ruled that homosexuals were a "quasi-suspect class" (in the juridical sense) and that government policies violated the constitutional guarantee of equal protection under the law (*High Tech Gays v. DISCO*, 668 F.Supp. 1361 (N.D.Cal. 1987)).

The complexities of the juristic concept *suspect class* is illustrated in the contrary opinions of the District Court and the Appeals Court. On appeal, the Ninth Circuit Court of Appeals heard arguments and decided in favor of the Department of Defense. The opinion, written by Circuit Judge Melvin Brunetti, rejected Judge Henderson's conclusions that homosexuals are a "quasi-suspect" class and that claims of discrimination must be examined with "heightened scrutiny" or "strict scrutiny." In rejecting Judge Henderson's conclusions, Judge Brunetti argued that heightened or strict scrutiny could be applied only to government actions that discriminated against persons based on race, gender, alienage, national origin, or illegitimacy. The opinion goes on to say that in order to be perceived as a suspect or quasi-suspect class, homosexuals must (1) have suffered a history of discrimination, (2) exhibit obvious or immutable characteristics that define them as a discrete class, and (3) show that they are a minority or politically powerless. Judge Brunetti held that the first criterion was met, that homosexuals have suffered a history of discrimination. The other two criteria were not met, according to the ruling. In the court's opinion, homosexuality is not an immutable characteristic, and homosexuals are not powerless as witnessed by numerous anti-discrimination statutes.

In reversing the District Court, the Appeals Court supplemented its ruling by referring to the observation that "Courts traditionally have been reluctant to intrude upon the authority of the Executive in military or national security affairs" (895 F. 2d, 563, 570-74 (1990)). Judge Brunetti suggested that the plaintiffs could find relief through legislative action.

A recent Supreme Court decision addressed another aspect of the rights of persons who hold nonconforming sexual orientations. In 1982, John Doe, described as a covert electronics technician for the CIA, voluntarily told an Agency security officer that he was a homosexual. The Agency conducted a thorough investigation which included a polygraph examination designed to uncover whether he had disclosed classified information. Although Doe passed the test, he was dismissed on the grounds that he was a national security risk. The Court held that it is legitimate for courts to review the constitutionality of the CIA's dismissal of employees. The effect of this decision is that Doe can now appeal to the Federal courts to sustain his argument that his constitutional rights had been violated because no evidence was presented to show that he could not be trusted with national security secrets (*Webster v. Doe*, 486 U.S. 592 (1988)). The decision was silent regarding the treatment of homosexuals as a suspect class.

Similar to the case of *Webster v. Doe*, cited above, is the case of *Julie Dubbs v. CIA* (1989). The plaintiff, an openly gay woman, was employed as a technical illustrator at SRI International, a private research institute. In the course of employment at SRI, her job called for a Top Secret security clearance from the Department of Defense and a Sensitive Compartmented Information (SCI) clearance from the CIA. The Department of Defense granted the Top Secret clearance, but the CIA denied the SCI clearance.

The plaintiff filed suit against the CIA in United States District Court, Northern District of California, in 1985, claiming that the action of the CIA followed from an unconstitutional blanket policy of denying clearances to homosexual persons. The District Court ruled in favor of the CIA. On appeal, the Ninth Circuit Court reversed the ruling and remanded the issue to the District Court for further proceedings.

In August 1990, District Court Judge Eugene F. Lynch handed down a ruling which stated, in essence, that if the CIA does in fact have a blanket policy, it must present evidence at a trial to justify such a policy and to establish that the policy was rationally related to government interests (*Dubbs v. CIA*, No. C-85-4379 EFL N.D.Cal (1990)).

These cases illustrate the proposition that the government must have a legitimate purpose for differentiating between heterosexual and homosexual persons, and further, that the government must be able to show that the differentiation serves that purpose. It is interesting to comment on the rationale offered by the Government in the High Tech Gays case. The Court accepted the reasoning that expanded security investigations for homosexuals were justified in that homosexuals were specifically targeted by hostile

foreign intelligence services as candidates for blackmail or coercion. The recent history of espionage in the United States would suggest that heterosexuals are also targeted by foreign intelligence agents (see below, p. 29).

Law and custom tend to influence each other. As court decisions and legislative statutes have influenced employability, government agencies have dropped exclusionary personnel practices. For example, the Civil Service Commission in 1976 and 1977 amended its regulations so that no person could be denied Federal employment on the basis of sexual orientation (*Singer v. Civil Service Commission*, 503 F.2d 247 (9th Cir. 1976); 429 U.S. 1034 (1977)). Another example of changing times is the National Security Agency's recent move to grant some homosexuals, under certain conditions, access to sensitive compartmented information (SCI), one of the highest designations of sensitive information (Rosa, 1988). The Director of Central Intelligence Directive 1/14 (1986) stipulates that SCI clearances be granted only to individuals who are "stable, of excellent character and discretion, and not subject to undue influence or duress through exploitable personal conduct" (p. 10). Homosexual conduct is to be considered as one of many factors in determining an individual's trustworthiness. The wording of the guidelines is that homosexuality *per se* is not grounds for denial unless the person's conduct leads to inferences about reliability, integrity, discretion, and loyalty.

Another indicator of changing attitudes is the deletion of the term *homosexual* from DoD's *Personnel Security Program* (DoD 5200.2-R), the official guide to adjudicators and others charged with granting or withholding security clearances. (In a later section, I point to ambiguously worded criteria that make possible the implicit use of homosexuality as a basis for inferences regarding trustworthiness.)

The foregoing remarks reflect some of the responses to challenges raised by homosexual men and women. The examples cited above are directly related to efforts to remove homosexuals from a discriminatory class—a class which contains the feature: morally flawed and not trustworthy. It is clear that some of the court rulings and agency regulations were not directed to eligibility for security clearance but rather to suitability for employment. For many civilian jobs in government and in defense industries, suitability and security status overlap.

To return to the problem of selecting personnel for access to government secrets, we must address the question: are there demonstrable supports for the belief that assignment to the class *homosexual* should imply concurrent assignment to a morally flawed suspect class? Contained in the descriptor *morally flawed* are such implications as *not trustworthy* and/or *not loyal*. To attempt an answer to this question requires, first, a brief excursion into how classes are formed and utilized in making inferences; second, a review of the legal and social history of homosexuality relevant to the practice of assigning homosexuals to a suspect class; and third, a review of the biological and social scientific literature on homosexuality.

Cognitive Processes in Premise Formation

Making judgments about people requires cognitive work. Judgments are not automatic and immediate, they are the end result of silent actions by human beings who are accustomed to using the logic of the syllogism. They begin from a major premise (not usually articulated), then assign the case under review to the minor premise. The conclusion follows from the joining of the two premises. In the simplest case, the major premise could be: All shifty-eyed persons are liars. The minor premise, based on observation, is: Jones is a shifty-eyed person. The conclusion follows: Jones is a liar. The logic is valid. Whether or not Jones is a liar is dependent on the truth-value of the major premise. Was the major premise derived from observation and was it empirically checked? Or was the major premise constructed out of unconfirmed beliefs, hypotheses, speculations, analogies, etc.? Human beings who are faced with the task of forming inferences about others make use of two general methods for formulating major premises: induction and construction (Sarbin, Taft, & Bailey, 1960).

Induction

Observation and experience, the basis of induction, is the empirical method for constructing classes that would be useful in ordinary decision-making. It is the method that has advanced science and technology. Connections are established between classes of events. For example, amorphous clouds can be sorted into classes: nimbus, stratus, and cumulus. The utility of the classes has been established by correlating the presence of classes with wind and weather patterns. Mariners, aviators, and farmers make predictions from inductively derived premises that connect classes of clouds with other meteorological conditions. Research on personality and character by and large attempts to establish inductions that would allow predictions of future conduct from measurements taken from past or present assessments. Except for gross classifications, such as *psychopathic inferiority*, *sociopathy*, and *undersocialized*, we have few empirically tested generalizations that would be helpful in making predictions about a person's moral choices. It would be most practical if adjudicators (or anyone) could make inferences about a particular person from reliable inductions of the form: all church-going persons are honest, or all Cretans are liars. Such inductions are not available. Unless we are to avoid all decision-making until we can create inductively derived premises, we are constrained to employ premises that do not have the benefit of empirical confirmation.

Construction

Most of our judgments about others (and ourselves) flow only partly from inductive generalizations and mostly from constructions. The beliefs we hold about human nature are more theory-driven than data-driven. Human beings, having the gift of language and the talent to use syllogisms, can and do construct all manner of beliefs.

about human behavior. When combined into an informal system, the beliefs can serve as an implicit theory of character.

The constructed beliefs that comprise a person's theory of character develop from two main sources: (1) deductive statements that reflect the implicit fashioning of beliefs, imaginings, and attitudes, and (2) authority.

(1) Beliefs that serve as the basis for an individual's theory of character may come from immersion in scientific or folk theories of personality. An investigator or adjudicator might absorb some of the elements of psychoanalytic theory and hold beliefs about the structure of character disorders. He or she would then be prepared to employ premises derived from psychoanalysis. Others might advance premises based on unsophisticated folk theories, e.g., people who appear to fit the prevailing stereotypes of "criminals" are unreliable; a weak handshake betokens a weak character; a tidy desk denotes a well-ordered mind. Needless to say, some individuals borrow premises, often absurd, from the contents of astrological charts. Many persons hold beliefs that scientifically inclined observers would label superstitions.

Some premises are constructed as the result of analogical reasoning. Mr. Smith has a theory of character derived from an analogy. A fellow worker who had a "weak lower jaw" was fired for embezzling funds. From this experience, Smith constructed the premise: people with weak jaws are predisposed to dishonesty. The fellow-worker was used as a model in Smith's silent construction of a premise: if a person has one characteristic in common with the model, then he will have all the other characteristics of that model. Research on judging personality makes clear that human beings, in the absence of confirmed inductions, construct and employ implicit theories of personality (Rosenberg, 1977). Incorporated into such implicit theories are theories of character. Many characterological assumptions can be traced to immersion in codes of morality that are contained in religious beliefs. In a later section, I indicate the content of beliefs arising from theological sources and I suggest that such beliefs, acquired before the age of reflection, may be grounds for an individual's theory of character, a theory that would generate premises about the character of persons identified as homosexual.

(2) The other source for the construction of a theory of character is authority. Teachers, supervisors, political leaders, and other figures in positions of authority may impart to a novice a ready-made theory of character. The authority's theory may be a mix of inductions and constructions.

Authorities often support their theories of character by referring to tradition as a form of validity. "It's always been done this way" is used as an argument to support a particular premise for making character judgments when empirical support is lacking. Another strategy employed to justify a particular theory of character is to claim that it is supported by "professional judgment."

I have presented the foregoing discussion in the interest of establishing that investigators, adjudicators, and case controllers, in common with people generally, do not process information in a mechanical way but engage in the practice of clinical inference. The inferences they make about homosexuals or heterosexuals flow from premises generated by their belief systems. Such belief systems do not arise in a vacuum; they are influenced by hard facts when available, and by creative imaginations when hard facts are not available. To help understand the source of beliefs that assign homosexuals to a suspect class, an exposition of the various social constructions of homosexuality is in order.

Social Construction of Homosexuality

A word about the notion of *social construction*. Meanings are not given in nature. Meanings are assigned to events by human beings who communicate with each other. The construction or interpretation of any phenomenon is influenced by concurrent historical contexts: political, economic, religious, and scientific.

The observations of historians (see, for example, Bullough, 1976) and the reports of ethnographers (see, for example, Ford and Beach, 1951; Marshall & Suggs, 1971; and Devereaux, 1963) support the notion that the constructions placed on same-gender sexuality are social. As Kinsey remarked, "only the human mind invents categories." At certain times, and in many societies, most variations in the expression of sexuality have been regarded as normal. It is the application of moral rules and legal statutes that determines whether same-gender orientation and conduct is classified as acceptable, tolerable, offensive, or criminal. Such rules and statutes are the products of custom, supported by the power vested in authority. As the historical record shows with abundant clarity, forms of authority change. In early times, moral rules were enforced by men and women enacting priestly roles. Later, ruling classes imposed their own fluctuating standards on the enforcement of moral rules. In western democracies, rules are constructed through consensus or legislation, and rules favoring the majority are tempered so that rights of minorities are not obliterated.

How has this variability been construed? Tracing the history of social constructions of deviant conduct points unmistakably to the influence of beliefs prevailing at any particular time. A full historical account is beyond the scope of this paper, but for our purposes it is sufficient to demonstrate that observed variability in sexual conduct has been construed differently at different times in Western history. My point of departure is influenced by the position of contemporary science: that observations ("facts") are raw materials for constructing meanings (Spector & Kitsuse, 1987). The construction of meanings is not given in the observations, but is the product of cognitive work, taking into account political, social and religious contexts. In the past several hundred years, four constructions have been offered to account for variations in sexual orientation. Evidence of these constructions is abundant in contemporary life, although each construction was initially formulated in a different historical period.

The Morality Construction--Good and Evil as Fundamental Categories

Moral rules as represented in religious writings are the source of the long-held construction of prohibition of nonprocreative sexual conduct. Masturbation, lascivious conduct, and nonprocreative sex were proscribed. "You shall not lie with a man as with a woman, that is an abomination" (Leviticus 18:22). "Neither the immoral, nor idolaters,

nor adulterers, nor abusers of themselves with mankind, will inherit the Kingdom of God" (1 Corinthians 6:9).

The history of religious attempts to control sex makes clear the notion of variability in attitudes. Struggles between advocates of different theological doctrines have been reflected in attitudes toward sex. In the formation of attitudes, two ideas stand out in the literature; first, the inferior status of women, and, second, child-bearing as a requirement for maintaining a collectivity. In a far-reaching review, Law (1988) provides evidence and argument to support the proposition that the condemnation of homosexuality is more an unwitting reaction to the violation of traditional gender norms than to nonconforming sexual practices. When a man adopts the female role in a sexual relationship, he gives up his masculinity for the inferiority that is supposed to be associated with being a woman. This constituted, for some Church authorities, an abomination, a sin against nature (Bullough 1976). The negative judgments originally associated with men adopting female roles have diffused to all homosexual roles.

According to Bullough (1976), early doctrine held that sex served only one purpose: procreation. This doctrine was supported by the claim that such was God's intention in creating the world of nature. Therefore, sex for pleasure was suspect, especially same-gender sex, since this is obviously nonprocreational. The appellation *sinus against nature* appears frequently in doctrinal arguments (Bullough, 1976). Since same-gender sex was nonprocreative, it was classified as a sin against nature.

In western religious traditions, Good and Evil are the categories that provide the background for declaring value judgments on sexual nonconformity. Arising from primitive taboos, the powerful image of "sin" was employed to define the unwanted conduct. Certain religious leaders who take the Bible as the unquestioned moral authority are contemporary advocates of the belief that nonconforming sexual behavior is sinful. The attribution of sinfulness carries multiple meanings: among some groups, sin is explained as voluntary acceptance of Satanic influence; among others sin is believed to produce a flawed or spoiled identity. Societal reactions to sin include ostracism, corporal punishment, imprisonment and, in more draconian times, torture, stoning, hanging, burning at the stake, and even genocide.

Sin is an attribution, a construction made by others or by oneself. Its force lies in its attachment to entrenched religious doctrine. Like taboos, the concept of sin is acquired by people before they reach the age of reflection. The argument that sin is a social construction is nowhere better illustrated than in the debates of theologians about the doctrine of original sin and in how to establish criteria for sinful conduct: under what conditions should an action be regarded as a venial sin or as a mortal sin?

The Legal Construction--Sexual Deviance as Criminal Behavior

Arising from religious precepts, legislative acts were introduced to control nonprocreative sexual behavior. The creation of the vocabulary for anal intercourse, for example, brought together a set of concepts that interwove law and morality. Ruse (1988), referring to the relationship of religious teaching to laws designed to control sexual behavior, commented:

"Sodomy" obviously comes from the name of the doomed city of the plain, and "buggery" is a corruption of "bougrerie," named after so-called "Bulgarian" heretics... They believed that physical things are evil, and thus refused to propagate the species, turning, therefore, to other sexual outlets. Hence banning buggery struck a two-fold blow for morality: against unnatural vice and against heretical religion (p. 246).

As early as 1533 in England, buggery, which had been established in religion as a sin against nature, was declared a crime. In the ensuing three decades, the statute was repealed and reenacted several times. In 1563, in the reign of Elizabeth I, the law against buggery became firmly established. Criminal codes provided severe punishment for persons accused of nonconforming sexual conduct (Bullough, 1976). The language of such statutes is not uniform. *Buggery, sodomy, lewdness, perversion, lasciviousness*, and even *immorality* are terms that have been employed in different statutes and at various times to denote the proscribed criminal conduct.

The underlying categories of the legal construction of nonconforming sexuality are continuous with those of the religious construction: good and evil. With the secularization of morality, sin was no longer an appropriate descriptor for unwanted conduct. The transition from *sins against nature* to *crimes against nature* was an accomplishment of the secularization and attempted legalization of morality. Crime, the secular equivalent of sin, became the preferred descriptive term.

To make rational the use of the crime concept in the context of sexual behavior, it had to be consonant with accepted legal usage, as in crimes against the person, crimes against property, crimes against the Crown, etc. The linguistic formula "crimes against..." presupposes a victim. In following this logic, early practitioners of jurisprudence created *crimes against nature* as the label for unwanted sexual conduct. In so doing, they implied that "nature" was the victim.

In most of the criminal codes, and in the Uniform Code of Military Justice, the concept of *crimes against nature* appears frequently when sexual behavior is proscribed. The concept is sometimes rendered by the employment of language which includes the adjective *unnatural*. Clearly, the authors of statutes that proscribe *crimes against nature* were not using "nature" as a descriptor for flora and fauna, mountains and valleys, oceans and deserts. When "nature" is the victim, something else is intended.

The statutory language, as we mentioned before, is derived from the religious idiom *sins against nature*. "Nature" is employed in the sense used by the early Greek philosophers, as the force or essence that resides within things. Thus, it is in the nature of a hen's egg to develop into a chicken, for water to run downhill, etc. This concept of nature served as the main explanatory principle, employed as an all-purpose answer for causality questions. With the development of empirical science, such all-purpose answers became superfluous, they gave way to questions directed toward uncovering how events influenced each other, and answers were formulated according to laws and principles constructed through observation and experiment. At the present time, the legal concept *crimes against nature* has no scientific status. It is a rhetorical device to control nonprocreative sex.

The Sickness Construction—The Medicalization of Deviance

The nineteenth century witnessed the social construction of deviant conduct as sickness. Although the medical model of deviance had its origins in the sixteenth century, it was not until the growth and success of technology and science in the nineteenth century that medical practitioners created elaborate theories to account for unwanted conduct. Many of the fanciful early theories of crime and craziness were given credibility because they were uttered by physicians and, therefore, presumed to be scientific. The prestige conferred upon the practitioners of science and technology blanketed the medical profession. It was during the latter half of the century that medical scientists initiated the movement to medicalize not only poorly understood somatic dysfunctions, but all human behavior. Conduct that in the past had been assigned to moralists or to the law now came under the purview of medical authority. Deviant conduct of any kind became topics of interest for doctors. The brain had already been given its place as the most important coordinating organ of the body, and the "mind" was somehow located in the brain. Therefore, any item of behavior that was nonconformant with current norms could be attributed to faulty brain apparatus, flawed mental structures, or both. In the absence of robust psychological theories, the observation and study of nonconforming behavior led physicians to assimilate theories of social misconduct to theories of somatic disease. The creation and elaboration of disease theories was based upon the all-encompassing notion that every human action could be accounted for through the application of the laws of chemistry and physics. In this context, homosexuality and other nonprocreative forms of sexual conduct were construed as sickness. To be sure, the medicalization of nonconforming sexual conduct failed to replace entirely the older moral and criminal constructions, and in many cases persons suffering from such "illnesses" continued to be punished.

It is interesting to note that the term *homosexuality* itself did not appear in English writings until the 1890s. Like most medical terms, it was created out of Greek and Latin roots. Prior to that time, labels for nonconforming sexual conduct in the English language had been free of medical connotations, as, for example, the words *sodomy*,

buggery, perversion, corruption, lewdness, and wantonness. One outcome of the medicalization of nonconforming sexual conduct was the inclusion of homosexuality in textbooks of psychiatry and medical psychology. Homosexuality was officially listed as an illness in the 1933 precursor to the 1952 Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-I). In the 1930s and 1940s any person who admitted being homosexual was likely to be referred to a psychiatrist for diagnosis and treatment, the goal of the treatment being the elimination of the homosexual interest. But even during this period the father of psychoanalysis, Freud, expressed the opinion that homosexuality was not an illness. In 1935 Freud wrote a letter to the troubled mother of a homosexual which is worth quoting in its entirety (Bieber et al., 1962), as it anticipates and eloquently summarizes the prevailing current scientific and medical views on homosexuality.

April 9, 1935

Dear Mrs. _____

I gather from your letter that your son is a homosexual. . . . Homosexuality is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness; we consider it to be a variation of the sexual function produced by a certain arrest of sexual development. By asking me if I can help, you mean, I suppose, if I can abolish homosexuality and make normal heterosexuality take its place. The answer is, in a general way, we cannot promise to achieve it. In a certain number of cases we succeed in developing the blighted germs of heterosexual tendencies which are present in every homosexual, in the majority of cases it is no more possible. It is a question of the quality and the age of the individual. The result of treatment cannot be predicted.

What analysis can do for your son runs in a different line. If he is unhappy, neurotic, torn by conflicts, inhibited in his social life, analysis may bring him harmony, peace of mind, full efficiency, whether he remains a homosexual or gets changed.

Sincerely yours with kind wishes,

Freud

Homosexuality as a social construction is nowhere better illustrated than in the arbitrary manner in which it was included and ultimately excluded from the medical lexicon. In 1974, the diagnosis of homosexuality was deleted from the Diagnostic Manual of the American Psychiatric Association under pressure from many psychiatrists who argued that homosexuality was more correctly construed as a nonconforming life style rather than as a mental disease.

Although the mental health professions do not speak with one voice, the currently prevailing view was advanced by Marmor (1975), at that time president of the American

Psychiatric Association: "...there is no reason to assume that there is a specific psychodynamic structure to homosexuality anymore than there is to heterosexuality" (p. 1514).

The American Psychological Association passed a resolution in 1975 declaring that:

Homosexuality per se implies no impairment in judgment, stability, reliability or general social or vocational capabilities... The Association deplures all public and private discrimination in such areas as employment, housing, public accommodation, and licensing.... The Association supports and urges the enactment of civil rights legislation... that would offer citizens who engage in homosexuality the same protections now guaranteed to others on the basis of race, creed, color, etc.

Substantially the same resolution was enacted by the American Psychiatric Association in 1976.

The available data on the psychological functioning of persons identified as homosexuals lead to an unambiguous conclusion: that the range of variation in personal adjustment is no different from that of heterosexuals (Ohlson, 1974). A review of 14 major studies, beginning with Hooker's in-depth investigations (1957, 1965), gave no support to the hypothesis that same-gender orientation was a sickness (Freedman, 1976). Employing various adjustment criteria, the studies uncovered no correlations that would support a mental illness construction. Siegleman (1978, 1979), in two studies comparing psychological adjustment of homosexual men and women and heterosexual men and women in Britain, found no significant difference between the homosexual and heterosexual groups, substantially replicating the results of earlier studies in the U.S. The conclusion had been stated earlier in the famous Wolfenden Report of 1957, the basis for the repeal of sodomy statutes in England:

Homosexuality cannot legitimately be regarded as a disease because in many cases it is the only symptom and is compatible with full mental health (p. 32).

The Minority Group Construction--Homosexuals as a Non-Ethnic Minority Group

The civil libertarian movements of the 1960s and 1970s paved the way for an alternative construction of homosexual conduct. I have already noted that the earlier work of Kinsey and his associates (1948) had received wide publicity. This work helped to strengthen the notion that sexual status and behavior could not be sorted into a simple two-valued model of normal and abnormal. The recognition that perhaps at least 10

percent of the adult population consistently adopted nonconforming sexual roles (i.e., homosexual behavior) was instrumental in formulating a construction of same-gender sexuality as the defining property of a non-ethnic, nonracial minority group. Individuals came together to support each other in their choice of life style. They comprised a group. They shared with other minority groups experiences of discrimination, harassment, and rejection (Sagarin, 1971).

The model for conceptualizing homosexuals as a minority group was provided first by ethnic and racial minorities, later by non-ethnic minorities: women, the aged, and physically disabled or handicapped persons. Another development that encouraged the use of the minority construction arose from claims that homosexual men and women could satisfactorily perform an infinite variety of occupational and recreational roles: one could have nonconforming sexual attitudes and still meet high performance standards as teachers, physicians, fire fighters, novelists, professional athletes, movie actors, policemen, politicians, judges and so on.

It would be instructive to review the features that define a minority group. It is obvious that *minority* in this context carries no quantitative meaning. Women make up more than 50 percent of the population, yet they meet the criteria of a minority group. The most useful shorthand definition of minority group is: people who share the experience of being the objects of discrimination on the basis of stereotypes, ethnocentric beliefs, and prejudice held by members of the nonminority group. Well-known examples are mid-nineteenth century Irish immigrants in Boston, American Indians for nearly four centuries, Black soldiers and sailors prior to the 1948 anti-segregation orders, Asian-Americans before the repeal of the exclusion acts, Mexican-Americans in California and the Southwest, Jews in Nazi Germany and elsewhere.

✓ Similarities to more widely recognized minority groups are not hard to find. Prejudice against persons with nonconforming sexual orientations is like racial prejudice in that stereotypes are created. Such stereotypes are often exaggerations of social types that feature some unwanted conduct, style of speech, manner, or style that purportedly differs from the prototype of the majority. The personality of an individual identified as a member of a minority group is construed not from his acts, but from his suspected or actual membership in the minority group. Racial and ethnic slurs help to maintain the partition between the minority group and the majority. *Wops, Guineas, Japs, Spics, Kikes, Beaners, Polacks, Sambas*, and other pejoratives have only recently been discouraged as terms to denote the supposed social and moral inferiority of selected minority groups. *Fag, fairy, queer, homo*, and *perv* serve similar functions for persons who want to communicate that the homosexual is "inferior." At the same time, the slur is intended to characterize a social type that exemplifies a negatively valued prototype—the feminized male.

✓ To recapitulate: The fact that at least four constructions can be made of the same phenomenon is evidence that the particular value placed on nonconforming sexual

orientation is influenced by historical forces. The same act may be construed as sin, as crime, as sickness, or as an alternate form of being.

The belief systems of governmental agents charged with adjudicating security clearances are like those of the general population--the belief systems are dependent on which construction the agents employ in establishing premises. If they choose the construction that emphasizes sin, crime, or sickness, then they will likely assign homosexual men and women to a morally suspect class.* If they choose the construction that homosexuality is an alternate form of being and that homosexuals comprise a minority group, then it is indeterminate whether any specific candidate will be assigned to such a morally suspect class.

Belief systems may be sharpened, modified, or rejected as a result of efforts to take into account new information. Such information may be drawn from findings reported by biological and social scientists. In many governmental areas, for example public health, nuclear energy, agriculture, and defense, policy formulations take into account the findings of research scientists. A synoptic review of recent and contemporary research may provide information that could help clarify public policy in regard to the granting or withholding of security clearances to persons identified as homosexual.

*The adjudicator's task is complicated by the fact that sodomy is no longer in the criminal codes of half the States. In this connection, a recent (Colasanto, 1989) Gallup Poll indicated increasing support for decriminalizing consensual homosexual activity. Eighty-three percent of a national sample expressed an opinion. Of these, 56 percent favored decriminalization, 44 percent were opposed. In taking into account an alleged act of sodomy, the adjudicator must determine whether or not to regard the act as an unprosecuted felony. Further complicating the decision process is the fact that consensual sodomy is seldom, if ever, prosecuted in civilian courts. In fact, sodomy laws are virtually unenforceable against persons, homosexual or heterosexual, who discreetly practice consensual sodomy. In a 5 to 4 decision, the Supreme Court refused to strike down a Georgia statute prohibiting consensual sodomy (*Bowers v. Hardwick*, 478 U.S. 186 (1986)).

Scientific Status of the Homosexuality Concept

In the past two decades, with advances in biotechnology, psychology, ethnology, and methods of social analysis, numerous systematic researches have yielded findings relevant to the formulation of law and public policy.

Advances in methodology stimulated a renewed interest in genetic research. The study of twins has been a fruitful source of genetic hypotheses. Kallman (1952) reported a concordance rate of 100 percent for homosexuality for 40 pairs of identical twins. That is, when one of a pair of identical twins was identified as homosexual, the other was also found to be homosexual. This occurred even when the twins had been raised apart. The author of the study cautioned that the data are not conclusive in supporting the genetic hypothesis—the twins may have responded to the same socializing influences. In this connection, Marmor (1975), a well-known psychiatrist, claimed that the "most prevalent theory concerning the cause of homosexuality is that which attributes it to a pathogenic family background."

Perhaps the most thorough research undertaken to advance the frontiers of knowledge about sexuality was that of Alfred Kinsey (Kinsey, Pomeroy, & Martin, 1948; Kinsey, Pomeroy, Martin, & Gebhard, 1953). A zoologist, Kinsey organized his research program along ethological and epidemiological lines. The variable of interest for Kinsey was frequency of sexual acts. The raw data for his studies were obtained through structured intensive interviews. In contemporary scientific fashion, quantitative analysis guided his work and influenced his conclusions. He employed a rating scale that allowed him to rate subjects from 0 to 6 on a dimension: heterosexual-homosexual. (A category "X" was used to identify persons with no "socio-sexual" response, mostly young children.) From the interview data, he compiled ratings for a large sample of respondents. The rating of 0 was assigned to men who were exclusively heterosexual, and 6 to men who were exclusively homosexual. The rating 1 was assigned to men who were predominantly heterosexual, and 5 to men who were predominantly homosexual, and so on.

Kinsey reported many significant findings, among them that 50 percent of the white male population were exclusively heterosexual and 4 percent were exclusively homosexual throughout adult life, but 46 percent had some homosexual experience throughout adult life. Between the ages of 16 and 65, 10 percent of the men met Kinsey's criterion of "more or less exclusively homosexual (rating 5 and rating 6)."

The process of gathering data on the prevalence of homosexuality is replete with many technical difficulties. Fay et al (1989) point to these difficulties and review survey data gathered in 1970 and 1988. They conclude that Kinsey's studies may have overestimated the prevalence of homosexual behavior. "...our analyses indicate that roughly one fifth of adult American males (in 1970) had at least one homosexual experience...." They

go on to qualify this 20 percent prevalence rate: "...given the response bias that one can reasonably assume to operate, this new figure might be taken as a lower bound."

In the fashion of ethological research, Kinsey was primarily concerned with presenting prevalence statistics. Whether the dimension was based on nature or nurture, or a combination of these, was not an important concern.

Biological Studies

During the past 30 years, increasing knowledge in molecular biology, endocrinology, embryology, and developmental neurology has made it possible to state with confidence that male and female brains are structurally different in certain areas concerned with glandular and sexual functions, especially in the hypothalamus and related subcortical systems (Kelly, 1985). The actions of the various sex hormones in the differentiation of male and female anatomy have been charted. Developmentally, there is a built-in bias toward differentiating an organism into a female, i.e., nature makes females. On the basis of extensive research, Money and Erhardt (1972) concluded: "...in the total absence of male gonadal [sex] hormones, the fetus always continues to differentiate the reproductive anatomy of the female." This process takes place regardless of the basic masculinity (XY chromosomes) or femininity (XX chromosomes) of the fetus. The bias is counteracted approximately 50 percent of the time by the action of male hormones. The discovery of this built-in mechanism toward femaleness sparked additional research that ultimately illuminated the phenomenon of same-gender attraction. It has been recognized for some time that parts of the brain are glandular and secrete neurohormonal substances that have far-reaching effects. Not unlike the better-known sex hormones, the androgens and estrogens, these brain neurohormonal substances also appear to have profound effects on development.

From a review of ethnographic reports, historical sources, biographies, and literary works, it is apparent that some same-gender orientation is universally observed (Bullough, 1976; Howells, 1984; Marshall & Suggs, 1971). The world-wide prevalence of *exclusive* same-gender orientation is estimated as three to five percent in the male population, regardless of social tolerance, as in the Philippines, Polynesia and Brazil, intolerance as in the United States, or repression as in the Soviet Union (Mihalek, 1988). This constancy in the face of cultural diversity suggests that biological factors should not be discounted as a fundamental source of homosexual orientation.

From these observations, as well as intensive analysis of more than 300 research reports, Ellis and Ames (1987) have advanced a multi-factorial theory of sexuality, including same-gender attraction. They conclude that current scientific findings support the view that hormonal and neurological variables operating during the gestation period are the main contributors to sexual orientation. For the ultimate formation of sexual

identity, the Ellis-Ames theory does not exclude psychosocial experience as a potential modifier of the phenotypical expression of biological development.

From their review of current research, Ellis and Ames propose that sexuality be studied through the consideration of five dimensions. These are: *genetic* (the effects of sex chromosomes, XX and XY, and various anomalous karyotypes); *genital* (effects of internal and external genitalia, the male-female differentiation, which begins in the first month of embryonic life); *nongenital morphological* (effects of secondary sex characteristics—body build, voice, hair distribution); *neurological* (male and female brain differentiation and associated sex-typical actions—including social influences and the formation of sex-typed roles). Most of the events shaping the developing organism's sexuality along these dimensions occur between the first and fifth months of intrauterine life. These events are controlled by the interaction of delicate balances between the various male and female hormones and their associated enzyme systems. Development of the embryo can be influenced by several factors affecting the internal environment of the mother, such as genetic hormonal background, pharmacological influences and immunological conditions, not to mention the psycho-physiological effects arising from the social environment. Disturbances in any one or any combination of these factors can result in alterations in sexual development called inversions. These inversions are failures of the embryo to differentiate fully in any of the other sexual dimensions (genital, morphological, neurological, or behavioral) according to chromosomal patterns. These anomalies of embryonic development are central to the later development of sexual orientation and behavior such as same-sex attraction, bisexuality, and other nonconforming patterns. As support for their theory, Ellis and Ames cite various experiments with animals in which permanent changes in sexual behavior have been induced by glandular and other treatments. The changes noted in these experimental animals are similar to those in humans with known anomalies of endocrine and enzyme systems.

Adult sexual orientation, then, has its origins, if not its expression, in embryonic development. Ellis and Ames conclude that:

Complex combinations of genetic, hormonal, neurological, and environmental factors operating prior to birth largely determine what an individual's sexual orientation will be, although the orientation itself awaits the onset of puberty to be activated, and may not entirely stabilize until early adulthood (p. 251).

The conclusions are consistent with those of John Money (1988), a leading researcher on the psychobiology of sex. According to Money, in his recent review and summary of current knowledge on homosexuality, data from clinical and laboratory sources indicate that:

In all species, the differentiation of sexual orientation or status as either bisexual or monosexual (i.e., exclusively heterosexual or homosexual) is a sequential process. The prenatal state of this process, with a possible brief neonatal extension, takes place under the aegis of brain hormonalization. It continues postnatally under the aegis of the senses and social communication of learning (p.49).

This brief overview of scientific findings from biological sources instructs us that the phenomena that we label sexuality are complex, and that we must assign credibility to the notion that overt and fantasy expressions of sexuality are influenced by multiple antecedents. Of special importance is the recognition of the interplay of biological and social factors. The leading scientific authorities agree that these expressions are best described in terms of gradations or dimensions, rather than by the rigidly bound, mutually exclusive categories, *heterosexual* and *homosexual*.

Because in daily speech we employ *heterosexual* and *homosexual* without qualifiers, it requires sustained cognitive effort to consider gradations and overlap. If we were to adopt policies that took scientific findings into account, we would be required to modify the use of a two-category system and incorporate the idea of continuous dimensions. To use an overworked metaphor, black and white are anchoring points for an achromatic color dimension, and between these anchoring points are innumerable shades of grey. Other dimensions come into play when considering chromatic stimuli, such as hue, saturation, brightness and texture. Similarly, the multidimensional concept of sexuality is contrary to the assertions of earlier generations of theologians, moralists, and politicians whose construal of sexuality was achieved under the guidance of two-valued logic in which narrowly defined heterosexual orientation and conduct were assigned to the category *normal* and any departures from the customary were assigned to the category *abnormal*.

In this connection, after detailed analysis of the sexual histories of thousands of people, Kinsey (1948) concluded that the class *human beings* does not represent two discrete populations, *heterosexual* and *homosexual*, and that the world:

is not to be divided into sheep and goats....It is a fundamental of taxonomy that nature rarely deals with discrete categories. Only the human mind invents categories and tries to force facts into separate pigeonholes. The living world is a continuum in each and every one of its aspects. The sooner we learn this concerning human sexual behavior the sooner we shall reach a sound understanding of the realities of sex (p. 639).

Psychological Studies

Scores of studies have been reported in the literature on the adjustment of homosexual men and women. To be sure, none of the studies attempted to answer the specific question: are homosexuals greater security risks than heterosexuals? On various psychological tests, including the well-known Minnesota Multiphasic Personality Inventory, the Adjective Check List, and the Rorschach test, among others, the range of variation in personal adjustment is the same for heterosexuals and homosexuals. None of the carefully controlled studies concluded that homosexuals were suffering from a "mental illness." Gonsoriak (1982) and Siegelman (1987) independently reviewed the available research literature and concluded that good adjustment and poor adjustment are unrelated to sexual orientation.

Can any inferences be drawn from the massive volume of research generated in the effort to discover whether homosexuals are different from heterosexuals on adjustment criteria? Although definitions of adjustment vary from study to study, one element appears common to most, if not all, definitions: social maturity. This concept embraces a number of features. Socially mature people are likely to be caring, to have stable interpersonal relations, to be concerned with maintaining an acceptable social and moral identity. Caring for persons with whom one is bonded is probably related to caring for others who make up relevant collectivities, including one's country. The research is unequivocal that identifying oneself as heterosexual or homosexual carries no implication of social maturity.

Sociological Studies

A number of studies have been reported that lead to the inference that many undisclosed homosexuals have served in the military and received good proficiency ratings and honorable discharges (Bell, 1973; Williams & Weinberg, 1971; Harry, 1984). It is reasonable to assume that civilians who have not disclosed their homosexual status also perform their jobs efficiently and, if they have security clearances, do not violate the trust.

The broad categories *heterosexual* and *homosexual* conceal multiple types. At the conclusion of an extensive sociological investigation, Bell and Weinberg (1978) commented that persons identified as homosexual are "a remarkably diverse group." After studying intensive protocols on a large number of adults, these investigators concluded:

...we do not do justice to people's sexual orientation when we refer to it by a singular noun. There are "homosexualities" and there are "heterosexualities" each involving a variety of interrelated dimensions. Before one can say very much about a person on the basis of his or her sexual orientation, one must make a comprehensive appraisal of the relationships among a host of features pertaining

to the person's life and decide very little about him or her until a more complete and highly developed picture appears.

The data in the Bell and Weinberg study lead to the conclusion that the concepts *homosexuality* and *heterosexuality* are too broad to be worthwhile. When subjected to statistical reduction, the data yielded five types. The typology is not too different from one that could be constructed for heterosexuals. The five types are labeled: Close-coupled, Open-coupled, Functionals, Dysfunctionals, and Asexuals. The Close-Coupled were similar to what might be called happily married among heterosexuals. Partners of this type look to each other for their interpersonal and sexual satisfactions. They are not conflicted about being members of a minority group. They would fit the usual criteria of social maturity. The Open-Coupled preferred a stable couple relationship, but one of the partners sought sexual gratification outside of the couple relationship. In most cases, Open-Coupled accepted their homosexual identity, but had qualms about seeking other outlets. In terms of their general adjustment, they were not unlike most homosexuals or most heterosexuals. The Functionals are more like the stereotype of the swinging singles. Their lives are oriented around sex. They are promiscuous and open, frequenting gay bars and bathhouses, and have been arrested for violating "homosexual" ordinances. They are self-centered and give the impression of being happy and exuberant. The Dysfunctionals fit the stereotype of the tormented homosexual. They have difficulties in many spheres, social, occupational, sexual. This type displayed the poorest adjustment. Among the males, there were more instances of criminal activity such as robbery, assault, and extortion. The Asexuals are characterized by lack of involvement with others. They are loners and describe themselves as lonely. They lead quiet, withdrawn, apathetic lives.

To recapitulate: In this section of the report I have presented a synopsis of contemporary research drawn from biological, psychological, and sociological sources. One conclusion stands out: knowing that a person is homosexual tells very little about his or her character. It is worth adding: knowing that a person is heterosexual tells very little about his or her character.

*The use of the background investigation (BI) is consistent with this conclusion.

Implications

The official guides for personnel security specialists are Director of Central Intelligence Directive (DCID 1/14) (1986) and the *Personnel Security Program*, (5200.2-R) already mentioned, issued by the Department of Defense and revised in January, 1987. In both of these documents, the criteria for granting or denying clearances are spelled out. The main thrust of these guidelines is that every candidate for a clearance is handled on a case-by-case basis. An implication of this policy is that information referring to sexual orientation by itself would not be systematically employed as a criterion to withhold security clearance.

Adjudicators, like everyone else, do not put aside their belief systems when they engage in clinical inference on the basis of ambiguous and incomplete cues. Under conditions where a criterion is stated in clear and unambiguous terms, there is little room for the operation of personal bias or social prejudice. For example, in following the rule that no convicted felon should be granted a security clearance, the adjudicator's personal beliefs about the rehabilitation effects of imprisonment are irrelevant. When criteria are stated in language that is the least bit ambiguous or value-laden, then opportunities arise for interpretation according to personal belief systems. In Appendix E of DoD 5200.2-R, the following appears: "Background Investigation (BI) and Special Background Investigation (SBI) shall be considered as devoid of significant adverse information unless they contain information listed below:(2) All indications of moral turpitude, heterosexual promiscuity, aberrant, deviant, or bizarre sexual behavior...." A later section of the *Personnel Security Program*, in considering "sexual misconduct" as a basis for denying security clearances, contains the following: "Acts of sexual misconduct or perversion indicative of moral turpitude, poor judgment, or lack of regard for the laws of society."

Although the term *homosexual* is meticulously avoided in DoD 5200.2R (heterosexual but not homosexual promiscuity is included as adverse information), the ambiguity of language such as "moral turpitude," "sexual misconduct," and "aberrant, deviant, or bizarre," would allow a reader of the guidelines a considerable degree of discretion in interpreting homosexual orientation as being an instance of "moral turpitude," "sexual misconduct," or "aberrant deviant, or bizarre." The value-laden term *perversion* also makes possible the assignment of homosexual men and women to a suspect class. *Perversion* is no longer employed as a diagnostic term in medical or psychological vocabularies. At one time, it was used as a catch-all for any nonprocreative sexual activity, including masturbation, oral-genital contact between husband and wife, and attending sexually explicit movies, among other behaviors.

The effectiveness of the case-by-case approach to security determinations is dampened if attention is not given to the fact that adjudicators are practicing the art of clinical inference. They acquire skills in converting masses of data to a two-valued determination *satisfying guidelines* and *not satisfying guidelines*. By extension, these two

outcomes lead to the ultimate inference *trustworthy* and *untrustworthy*. Ambiguous and value-laden language, as indicated above, allows for the importation of private belief systems into the mix of major premises that guide the inference process. *Moral turpitude* is a prime exemplar. It has no standard reference other than that derived from social constructions that regard nonconforming sexual orientation as sin, crime, or sickness.

✓ Most of us in the general population have been socialized by parents, teachers, peers, and religious leaders to interpret nonconforming sexual orientation as sinful, criminal, or sick. Investigators and adjudicators are drawn from the general population. It is reasonable to suppose that incorporated into their personal theories of character are belief systems that would lead to identifying homosexuals as members of a suspect class, such identification being derived from sin, crime, or sickness constructions. The minority-group construction, for a long time privately advocated by individuals, has been presented to the public as a result of increased consciousness about civil rights. A person who subscribes to the construction of homosexuality as an alternate life style practiced by a minority group, would not consider homosexual identity or homosexual acts as indicative of the vague and value-laden category *moral turpitude*. This does not mean that he or she would downgrade the moral significance of such acts as incest, child molestation, rape, or other acts involving violence or coercion, acts that are sometimes included in the general descriptor *moral turpitude*.

A personal theory of character, like any theory, is not an incidental or ornamental feature of an individual's psychological make-up. A theory, whether in science or in daily life, is organized to facilitate understanding, to simplify, to reduce confusion, to provide guidance until data are gathered and converted into hard facts. A personal theory of character also has purposes, one of which is to facilitate, in the absence of facts, the sorting of individuals into moral categories. The use of theories to express personal prejudice may influence the practitioners of the art of clinical inference to make decisions in which information irrelevant to trustworthiness is given significant status. We are reminded of the theories of character advocated during various historical periods; theories designed to establish the superiority of a particular race or ethnic group.

In DoD 5200.2-R, under the heading, Criteria for Application of Security Standards, the general instruction to personnel security officials and practitioners is that the ultimate decision must be based on "an overall common sense determination based upon all available facts." In DCID 1/14, the same formula appears: "The ultimate determination of whether the granting of access is clearly consistent with the interest of national security shall be an overall common sense determination based on all available information" (p. 5). As I mentioned before, in the absence of empirically derived correlations, judgments are theory-driven rather than fact-driven. Common sense could mean the employment of commonly held theories of character which could influence decisions in which homosexuality was included in the compendium of "facts." The hypothesis could be entertained that under such conditions common sense could be interpreted as common prejudice.

Not only in the interest of fairness, but also in the interest of efficiency, attention should be directed to improving the inferential skills of adjudicators and other specialists so that in applying guidelines they can recognize and delimit the contribution of personal theories of character to their judgments.

At the beginning of this report, I pointed to two sets of problems: (1) Is a person a security risk by virtue of membership in the class homosexual? (2) Is a person of homosexual orientation a security risk because he or she is vulnerable to coercion and blackmail? The previous pages have focused on the first question. The remainder of the report is directed to the issue of vulnerability to blackmail. To illuminate the problem of blackmail, I make use of the concept *personal secrets*.

Personal Secrets

The previous discussion centered on the problem of determining whether a homosexual man or woman should be granted a security clearance. I did not consider the observation that trustworthiness is a characteristic that is subject to contextual influences. Blackmail—the threat of disclosure of a personal secret—sometimes leads a trustworthy person to betray a trust. The risk of exposure is central to understanding the conduct of any person whose adjustment, achievements, and career advancements are dependent on maintaining secrets about the self. Such secrets cover a much wider field than sexual orientation. Secrets about the self are maintained to avoid making public one's inferiority, stupidity, or moral weakness. Persons hold secret such autobiographical items as unprosecuted felonies, illegal drug use, problem drinking, prior bankruptcies, race or ethnic origins, and spouse abuse. Many people employ secrecy to conceal from others certain disapproved psychological characteristics such as obsessions, phobias, compulsions, fetishism, and other behaviors that appear not to be under self-control. Actions that authority figures might label sexual misconduct become part of the secret self. Most adults conceal from public scrutiny such facts as fornication with a minor, adulterous relationships, bigamy, illicit sexual liaisons, compulsive masturbation, impotence and other sexual dysfunctions, and so on.

Self secrets of the kind listed above have one element in common: the person is open to the possibility of being stigmatized, of being forced to display a symbolic brand for all to see.

To be vulnerable (in the sense of being vulnerable to coercion by agents of a foreign power) is to risk disclosure of a personal secret. The power of the potential blackmailer who is privy to another's personal secrets is generated because of the extraordinary sanctions that follow the disclosure. Shame, dishonor, disgrace, ostracism, imprisonment or other legal penalties, and loss of employment are the outcomes that the secret-holder must consider.

The strategy of secrecy may be augmented by other strategies to avoid the degradation of identity, the loss of self. Disinformation, masking and disguise, and outright lying help maintain the secret self.

✓ If a homosexual person makes public, or is ready to make public, his or her sexual orientation, then vulnerability virtually disappears. In civilian settings, the sanctions for disclosure of sexual status are no longer draconian; in fact, in many instances, sanctions are absent. Thus, publicly announced homosexuals are not likely to be targets of blackmail. Whether concealing adultery, personal failings, or a criminal or immoral past, the degree of the threat of coercion is related to the quality of the protection a person gives his or her personal secrets. Where homosexuality is officially taboo, the person is at risk if his or her secrecy strategy is not airtight.

✓ Being homosexual no longer carries the automatic risk of vulnerability save in situations where it is expressly forbidden.

Counterintelligence sources report that foreign intelligence agencies make inquiries regarding homosexuals in order to exploit vulnerability. SGT Clayton Lonetree told investigators that his Soviet handler, "Uncle Sasha," made inquiries about embassy staff who were potentially vulnerable to exploitation in order to maintain their personal secrets. The handler included homosexuals in his shopping list.

John Donnelly, Director of the Defense Investigative Service (1987), reported an anecdote in which foreign agents attempted to coerce into espionage a woman who was an undisclosed lesbian. The coercion involved disclosing her homosexuality. She refused to cooperate and reported the attempt to appropriate authorities, thus revealing her personal secret.*

A review of a KGB training manual (1962) does not single out homosexuals as persons to be cultivated for exploitation. Rather, the manual identifies occupational types as potential targets: government officials, scientists, engineers, businessmen, etc. The perception of Americans as reflected in the manual is that they can be exploited through ideology or money. Ideology in this context does not necessarily mean subscribing to Marxist doctrine. A person is said to be ideologically compatible if he or she is sympathetic to the Soviet bloc or harbors resentment against the American economic or political system. Americans are perceived to be greedy capitalists, so money is expected to be the major motivator in recruitment operations.

A declaration in a legal brief by John F. Donnelly (1987) suggests that hostile intelligence agencies are interested in *any person who might be vulnerable*—not only homosexuals. "Hostile intelligence agencies, with great consistency, consider sexuality to be a potentially exploitable vulnerability. This does not mean that hostile intelligence agencies always seek out homosexuals to target. Rather, they usually spot individuals with the desired access and then assess them in order to determine the most effective approach. They then attempt to segregate those with alcohol or drug problems, financial problems, a known disregard for security, and/or those who can be exploited sexually" (p.11).

No statistics are available to demonstrate the degree of success in recruiting spies through the threat of exposure of personal secrets. In developing a data bank on known spies, PERSEREC found that most Americans who attempt to sell government secrets are not recruited, they are volunteers.

*The anecdote was reported in the context of the KGB's practice of exploiting homosexuals who had not publicly acknowledged their sexual identity. The anecdote could also be employed to illustrate the claim that homosexuals are patriotic.

✓ The PERSEREC data bank currently includes 117 cases of American citizens who between 1945 and the present committed or attempted to commit espionage. Only seven have been identified as homosexual.* Their motives appear to be the same as for persons not identified as homosexual: primarily money, secondarily, resentment. All were volunteers except one, who was recruited as an accomplice by a heterosexual friend. None was a target of blackmail, although one offender claimed to have been coerced.

*Brief resumes of these cases are in the Appendix .

Concluding Remarks

✓ In preparation for this report, I reviewed approximately 100 books and journal articles. My conclusion is that the concept *homosexuality* is not very useful. Persons who are labeled homosexuals are, as Bell and Weinberg put it, a diverse group. No generalizations are possible in regard to life style, personality type, or character development.

✓ Are men and women identified as homosexual greater security risks than persons identified as heterosexual? Certainly in civilian contexts, there is no basis for holding the belief that homosexuals as a group are less trustworthy or less patriotic than heterosexuals. The fear of the secret being exposed makes one a potential target for blackmail. I should add that homosexuals, in this respect, are no different from heterosexuals who fear exposure of adultery or other illegal or moral lapses.

✓ In considering the relationship of homosexuality to security, it would be appropriate to look for the origins of the discriminatory policies. In the 1940s, in wartime and thereafter, the government undertook the task of identifying and removing men and women from government positions who were considered disloyal. That the concept of loyalty was abused is a matter of historical record. Note the disciplinary action of the Senate in regard to the irresponsible conduct of Senator Joseph McCarthy. Loyalty programs were targeted to identify men and women who were sympathetic to communist ideology. The FBI, the government agency principally responsible for enforcing the loyalty screening program, broadened nonloyalty criteria to include nonconforming sexual orientation. In 1953, FBI Director J. Edgar Hoover ordered his operatives to enforce the newly created Federal Employee Security Program which included as adverse information such ostensibly nonloyal items as derogatory personal habits, conditions and acts (Hoover, 1954-55). "Sexual perversion" was included as an item of "nonsubversive derogatory character." Even before the publication of the new program, Hoover reported that the FBI had identified numerous "sex deviates in government service." Without citing evidence, Hoover declared that homosexuals are security risks and should be separated from government service. Over 600 "security separations" were reported for a 16-month period beginning in 1953. The charge was "perversion" and included employees from such nonsensitive government agencies as the Post Office and the Department of Agriculture (New York Times, 1955).

Once begun, bureaucratic policies and procedures are resistant to change. Although no empirical data have been developed to support any connection between homosexuality and security, it is reasonable to assume that Hoover's beliefs have continued to influence more recent personnel security practice. As I pointed out in the body of this report, homosexuality *per se* is not explicitly mentioned in the directives. Other categories, among them moral turpitude, are provided and they are sufficiently ambiguous to allow investigators and adjudicators to read homosexuality as disloyalty. Whatever the basis of Hoover's beliefs, he was not privy to the wealth of scientific

✓ information currently available. Such information (a digest of which is included in earlier pages) raises serious questions about the validity of including homosexuals in a morally suspect class. It is true that most people, including investigators, adjudicators, and policy-makers, have not been exposed to contemporary biological, psychological, and sociological research findings. In the absence of such knowledge and influenced by the legacy of Hoover's combining homosexuality and disloyalty, some personnel security practitioners are likely to persist in the practice of lumping all homosexuals into one morally suspect class. The practice entails employing premises that flow from the adoption of social constructions of homosexuality that emphasize sin, crime, or sickness.

Policy-makers might give thought to endorsing and expanding training programs in which adjudicators and other personnel security specialists receive instruction in current scientific information about sexual orientation, and also in recognizing the sources of their premises and inference strategies. Prior to 1988, adjudicators were trained on the job by other adjudicators. They were drawn from the general population. It is not unreasonable to suppose that the belief-systems of adjudicators reflect the variety of belief-systems of the general population. [An interesting research project might be undertaken to assess beliefs and attitudes of adjudicators. This would provide empirical data on prior beliefs about the trustworthiness of homosexuals.] Adjudicators now receive uniform training. It would be helpful to know to what extent the uniform training reduces or eliminates bias. It is important to note that adjudicators have some degree of choice in examining and interpreting data. Even with concrete guidelines, the variability of human personality makes it necessary to add a human factor. If adjudicators were to operate as computers programmed to follow guidelines and did not employ clinical judgment, then they would be superfluous to the whole enterprise. A computer could be programmed with an algorithm that would weight the data and churn out expert judgments.

✓ I have made the point that the current policy of reviewing every applicant for clearance on a case-by-case basis meets the requirements of fairness and efficiency. The wide variation in homosexual life styles, like the wide variation in heterosexual life styles, demands a case-by-case approach. The policy is not sufficient, however, to ensure fairness in practice. As I have argued before, the effects of long-standing bias against homosexuals may bypass the intent of the case-by-case policy. In addition to providing instruction to investigators and adjudicators as indicated above, it would be wise to issue memoranda at regular intervals emphasizing the basis of the case-by-case approach, even providing examples, heterosexual and homosexual, of personnel who would be considered security risks. The educational impact would be strengthened if the memoranda included empirical data that supported the risk classifications.

A final word. The review and analysis of the literature on homosexuality leads to one conclusion: sexual orientation is unrelated to moral character. Both patriots and traitors are drawn from the class *American citizen* and not specifically from the class *heterosexual* or the class *homosexual*.

References

- Barnett, W. (1973). *Sexual freedom and the Constitution*. Albuquerque, NM: U. of New Mexico Press.
- Bell, A. P. (1973). Homosexualities: Their range and character. *Nebraska Symposium on Motivation*, 21, 1-26.
- Bell, A. P., & Weinberg, M. S. (1978). *Homosexualities*. New York: Simon & Schuster.
- Ben Shalom v. Marsh. 703 F. Suppl. 1372 (E. D. Wisc. 1989).
- Berube, A. (1990). *Coming out under fire*. New York: Free Press.
- Bieber, I., Dain, H. J., Dince, P. R., Drellich, M. G., Grand, H. G., Gundlach, R. H., Kremer, M. W., Rifkin, A. H., Wilbur, C. B., & Bieber, T. B. (1962). *Homosexuality, a psychoanalytic study*. New York, NY: Basic Books.
- Bullough, V. L. (1976). *Sexual variance in society and history*. Chicago, IL: University of Chicago Press.
- Colasanto, D. (1989, Oct. 25). In reversal, public increases support for gays' civil rights. *San Jose Mercury News*.
- Department of Defense. (1987). *Department of Defense personnel security program regulation (DoD 5200.2-R)*. Washington, DC: Office of the Deputy Under Secretary of Defense for Policy.
- Devereaux, G. (1963). Institutionalized homosexuality of the Mohave Indians. In H. Ruitenbeck (Ed.), *The problem of homosexuality*. New York: Dutton.
- Director of Central Intelligence. (1986). Directive No. 1/14, *Minimum Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information*. Washington, DC: Author.
- Donnelly, John F. Declaration filed September 2, 1987. *High Tech Gays et al. v. Defense Industrial Security Clearance Office*, 56 U.S. L.W. 2144 (1987).
- Donnelly, John F. *High Tech Gays et al. v. Defense Industrial Security Clearance Office*, 56 U.S. L.W. 2144 (1987), p. 4.
- Dubbs v. CIA, 866 F.2d 1114 (1989).

- Ellis, L., & Ames, M. A. (1987). Neurohormonal functioning and sexual orientation: A theory of homosexuality-heterosexuality. *Psychological Bulletin*, 101(2), 233-258.
- Fay, R. F., Turner, C. F., Klassen, A. D., & Gagnon, J. H. (1989). Prevalence and pattern of same-gender sexual contact among men. *Science*, 243, 338-348.
- Ford, C. S., & Beach, F. A. (1951). *The patterns of sexual behavior*. New York: Harper & Brothers.
- Freedman, M. (1976). *Homosexuality and psychological functioning*. Belmont, CA: Brooks/Cole.
- Gonsorick, J. C. (1982). Results of psychological testing on homosexual populations. *American Behavioral Scientist*, 25, 385-396.
- Harry, J. (1984). Homosexual men and women who served their country. *Journal of Homosexuality*, 10(1-2), 117.
- High Tech Gays et al. v. Defense Industrial Security Clearance Office, 56 U.S. L.W. 2144 (1987).
- Hooker, E. (1957). The adjustment of the male overt homosexual. *Journal of Projective Techniques*, 21, 18.
- Hooker, E. (1965). Male homosexuals and their worlds. In J. Marmor (Ed.), *Sexual inversions*. New York: Basic Books.
- Hoover, J. E. (1954-55). Role of the FBI in the Federal Employee Security Program. *Northwestern University Law Review*, 49, 333-336.
- Howells, K. (Ed.). (1984). *The psychology of sexual diversity*. Oxford: Basil Blackwell.
- Humphrey, M.A. (1990). *My country, my right to serve*. New York: Harper Collins.
- Kallman, F. J. (1952). A comparative twin study on the genetic aspects of male homosexuality. *Journal of Nervous and Mental Diseases*, 115, p. 283.
- Kelly, D. D. (1985). Sexual differentiation of the nervous system. In E. Kandel and J. Schwartz (Eds.), *Principles of neural science*, 2nd edition. New York: Elsevier.
- KGB. (1962). *Training for Recruitment of Americans in the USA and in Third Countries*. (FBI, Trans.). Moscow: Author.

Kinsey, A., Pomeroy, W., & Martin, C. (1948). *Sexual behavior in the human male*. Philadelphia: W. B. Saunders.

Kinsey, A., Pomeroy, W., Martin, C., & Gebhard, P. (1953). *Sexual behavior in the human female*. Philadelphia: W. B. Saunders.

Lambert, W. (1991, January 25). Gay GLs told, serve now, face discharge later. *Wall Street Journal*, B1.

Law, S. A. (1988). Homosexuality and the social meaning of gender. *Wisconsin Law Review*, Volume 1988, No. 2, 187-235.

List of security separations. (1955, January 4). *New York Times*, p. 14.

Marmor, J. (1975). Homosexuality and sexual orientation disturbances. In A. M. Freedman, H. I. Kaplan, & B. J. Sadock (Eds.), *Comprehensive textbook of psychiatry-II*. Baltimore, MD: Williams & Wilkins.

Marshall, D. S., & Suggs, R. C. (Eds.). (1971). *Human sexual behavior*. New York: Basic Books.

Mihalek, G. J. (1988). Sexuality and gender, an evolutionary perspective. *Psychiatric Annals*, 18(1).

Money, J. (1988). *Gay, straight & in-between*. New York: Oxford University Press.

Money, J., & Erhardt, A. A. (1972). *Man and woman, boy and girl*. Baltimore, MD: Johns Hopkins University Press.

Norton v. Macy. 417 F.2d 1161 (D.C. Cir. 1969).

Ohlson, E. L. (1974). A preliminary investigation into the self-disclosing ability of male homosexuals. *Psychology*, 11, 21-25.

Rosa, P. M. (1988, July 12). Homosexuals no longer face automatic ban as security risks. *The Morning Call*.

Rosenberg, S. (1977). New approaches to analysis of personal constructs in person perception. In A. W. Landfield (Ed.), *Nebraska Symposium on Motivation 1976: Personal construct psychology* (pp. 179-242). Lincoln, NE: University of Nebraska Press.

Ruse, M. (1988). *Homosexuality, a philosophic inquiry*. New York: Blackwell.

Sackett, P. R., Burris, L. R., & Callahan, C. (1988). Integrity testing for personnel selection: An update. *Personnel Psychology*, 42, 492-529.

Sagarin, E. (Ed.) (1971). *The other minorities*. Waltham, MA: Ginn.

Sarbin, T. R., Taft, R., & Bailey, D. E. (1960). *Clinical inference and cognitive theory*. New York: Holt, Rinehart & Winston.

Siegleman, M. (1978). Psychological adjustment of homosexual and heterosexual men: A cross-national replication. *Archives of Sexual Behavior*, 7, 1-11.

Siegleman, M. (1979). Adjustment of homosexual and heterosexual women: A cross-national replication. *Archives of Sexual Behavior*, 8(2), 121-125.

Siegleman, M. (1987). Kinsey and others: Empirical input. In L. Diamant (Ed.), *Male and female homosexuals: Psychological approaches*. New York: Hemisphere.

Singer v. U.S. Civil Service Commission, 503 F.2d 247 (9th Cir. 1976).

Singer v. U.S. Civil Service Commission, 429 U.S. 1034 (1977).

Spector, M., & Kitsuse, J. I. (1987). *Constructing social problems*. New York: Aldine-de Gruyter.

Webster v. John Doe, 48 S.Ct. (1988).

Williams, C. I., & Weinberg, M. S. (1971). *Homosexuals and the military*. New York: Harper and Row.

Wolfenden Report (1963, orig. 1957). *Report of the Committee on Homosexual Affairs and Prostitution*. New York: Stein and Ray.

Appendix

Biographical Sketches of Known Spies with a Homosexual Orientation

Biographical Sketches of Known Spies with a Homosexual Orientation

The following brief sketches were written from sources in the public domain, mostly newspaper articles.

RAYMOND G. DeCHAMPLAIN, Master Sergeant USAF, age 39, was arrested in 1971 in Bangkok, Thailand, on charges of espionage and other military violations. At the time of his arrest, he had served in the Air Force for over 20 years. He was known among his coworkers as a homosexual, but they did not report his activities to the commanding officer. He was known as an incompetent worker and heavily in debt. He was married to a Thai woman who left him shortly after the marriage, ostensibly because of his sexual orientation. DeChamplain alleged that he had been blackmailed by Soviet agents. It was known that he had been introduced to a Soviet agent at a party in 1967, but it was not until four years later that he volunteered to engage in espionage. He delivered a large number of documents to the KGB for which he received \$3800. He was convicted at court-martial and sentenced to 15 years hard labor, later reduced to 7 years. Primary motivation: money.

LEE EDWARD MADSEN, Yeoman Third Class, USN, age 24, was arrested in 1979 on charges of selling classified documents. He had been assigned to Strategic Warning Staff at the Pentagon. He turned over sensitive documents to an undercover agent for \$700. A coworker reported that Madsen needed money to buy a new car. He was quoted as saying to an investigator that he had stolen the documents "to prove that I could be a man and still be gay." He was sentenced to 8 years hard labor. Primary motivation: money, with a mix of ego-needs.

WILLIAM H. MARTIN, Intelligence Analyst, NSA, age 29, and **BERNON F. MITCHELL**, Intelligence Analyst, NSA, age 31, defected to the Soviet Union in 1960. They turned over detailed information concerning organization and structure of NSA and cryptographic codes. Primary motivation: unknown, probably a combination of financial needs and resentment of treatment of homosexuals in the United States.

JAMES A. MINTKENBAUGH, Sergeant, USA, age 45, was arrested by the FBI in 1965 for espionage. He had been recruited by Robert L. Johnson, Sergeant, USA. Both participated in providing information to the KGB on missile sites, military installations, and intelligence activities. Among Mintkenbaugh's assignments was spotting other homosexuals in the American community in Berlin. Johnson's wife tipped off the FBI. He was sentenced to 25 years hard labor. Primary motivation: money.

DONALD W. KING, E2, USN, age 29, was arrested in 1989 for trying to sell technical manuals, communication systems parts and other classified materials to undercover agents. He was known to be unstable, hostile, and deceitful. He was also known to be a substance abuser. Primary motivation: money and ego-needs.

JEFFREY L. PICKERING, USN, age 25, mailed a five-page secret document to the Soviet Embassy in Washington, D. C. He had been in the Marines from 1965 to 1973, then joined the Navy fraudulently using a forged birth certificate and a new name. Under both names he was accused repeatedly of homosexual advances to other servicemen. He had attempted suicide in 1973 which resulted in his being discharged from the Marines. He reported that he would carry stolen documents in his car for "excitement."

Other evidence suggests that he saw himself as playing a part in a spy thriller, with code names and so on. Psychological evaluation after his arrest indicated suicidal tendencies and borderline personality disorder. He was sentenced to 5 years in prison. Primary motivation: money and ego-needs.