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CONDUCT UNBECOMING

February 26, 1997 - February 19, 1998

The Fourth
Annual Report on
"Don't Ask,
Don't Tell,
Don't Pursue"

By C. Dixon Osburn
Michelle M. Benecke
Servicemembers Legal Defense Network

With Kirk Childress, Kelly Corbett
Travis Elliott, Jeff Cleghorn

Embargoed For Release:
February 19, 1998

Servicemembers Legal Defense Network

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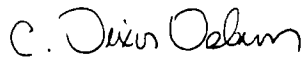
February 23, 1998

Richard Socarides
Special Assistant to the President &
Senior Advisor for Public Liaison
Old Executive Office Building, #122
Washington, DC 20502

Dear Richard:

Enclosed, please find five copies of SLDN's Fourth Annual Report on "Don't Ask, Don't Tell, Don't Pursue," plus one set of exhibits. Also enclosed are the article that appeared in *The Washington Post* on the report and an editorial that appeared today in *The Chicago Tribune*. CNN, the Associated Press, and many others covered the report and expressed strong interest in reviewing DoD's findings regarding the implementation of the policy.

Sincerely,



C. Dixon Osburn, Esq.
Co-Executive Director

The Washington Post

R FRIDAY, FEBRUARY 20, 1998 A7

Military Criticized on Gay Policy

Associated Press

Four years after the Clinton administration introduced its "don't ask, don't tell" policy for homosexuals in the military, harassment of gays is again on the rise in the armed services, according to a group that advocates gay rights.

"Commanders asked, commanders pursued, commanders harassed," said C. Dixon Osburn, an executive director of the Service-members Legal Defense Network.

In its annual report, the group said service members reported 563 "command violations" to it last year, including instances where service members said they were asked about their sexual orientation or harassed in direct violation of the administra-

tion's policy, which sets limits on such investigations.

The number was up from 443 violations reported in 1996, the Washington-based group said.

"Lack of leadership, lack of training, lack of accountability. All are to blame for the military's persistent failure to abide by its own laws," said Michelle Benecke, a former Army captain and co-director of the legal aid group. "A pervasive, hostile atmosphere has been allowed to flourish."

Pentagon spokesman Kenneth Bacon declined to comment on the report yesterday, saying he had not had a chance to study it. He said the Defense Department is preparing its own report about implementation of the policy.

Chicago Tribune

Monday, February 23, 1998

The reality of 'don't ask, don't tell'

The Clinton administration's "don't ask, don't tell" policy on gays in the military has been in effect for four years now, but the Pentagon is still having trouble making the theory behind it match the reality of how it is implemented by commanders in the field. Last month, a federal judge excoriated the Navy for its attempt to get rid of a sailor accused of homosexuality. Last week, a gay rights group charged the services with consistently violating the policy.

"Don't ask, don't tell" was a compromise between the old policy of strictly forbidding homosexuals in the ranks and the alternative of letting gays serve openly. It says, in sum, that military personnel who are gay have an obligation not to take actions or make statements that make their sexual orientation obvious. In return, their commanders are forbidden from inquiring into such matters unless a soldier or sailor has effectively come out of the closet.

But the Servicemembers Legal Defense Network says the number of "command violations" of the policy rose by 27 percent last year. Officers have continued to snoop into these private areas, and incidents of anti-gay harassment have increased. The group also says that discharges for homosexuality are on the rise—the opposite of what was expected from

"don't ask, don't tell."

Pentagon spokesman Kenneth Bacon declined to comment on the report until he had read it. But the SLDN has been doing these reports for four years now. Last year, Secretary Cohen ordered an investigation into the matter—but it has yet to be completed. Maybe the Defense Department is striving to find the truth and address lapses, but its leisurely pace does not inspire confidence.

Neither does the case of Navy Senior Chief Petty Officer Timothy McVeigh, who became a target after e-mailing the wife of a colleague. The woman, not recognizing the screen name, looked up his America Online profile, which listed "boy watching" as a hobby. Given that information, a Navy investigator called AOL and got his full name. A federal judge, however, accused the Navy of conducting a "search and destroy" mission against McVeigh and barred it from discharging him. An anonymous AOL posting, the judge recognized, hardly constituted the public declaration of homosexuality that "don't ask, don't tell" forbids.

The SLDN report suggests this was no isolated lapse. The Defense Department needs to show otherwise—or else get serious about enforcing a policy that so far looks more like rhetoric than reality.

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