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Folder Title:

Don't Ask, Don't Tell (2000) [1]

Staff Office-Individual:

Defense Policy-Beardsworth, Richard

Original OA/ID Number:

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001. email	To: Binnendijk, Johannes (Hans); From: Siberell, Justin; Re: POTUS Question (1 page)	05/29/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Beardsworth, Richard)
OA/Box Number: 3154

FOLDER TITLE:

Don't Ask, Don't Tell (2000) [1]

2015-0017-F

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RESTRICTION CODES

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

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

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

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b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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RR. Document will be reviewed upon request.



DEPARTMENT OF THE NAVY

HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
WASHINGTON NAVY YARD BLDG 111
716 SICARD STREET SE
WASHINGTON DC 20388-5380

5700
Ser 07/0U051
June 8, 2000

Ms. Stacey L. Sobel, Esq.
Legal Director
Servicemembers Legal Defense Network
P.O. Box 65301
Washington, DC 20035-5301

Dear Ms. Sobel,

Thank you for your interest in the Naval Criminal Investigative Service (NCIS) expressed in your facsimile of 2 June.

The Naval Criminal Investigative Service neither conducts nor participates in investigations of homosexual activity, nor does it target individuals based on their sexual orientation. The case cited in your facsimile is part of a routine narcotics operation that involves a number of establishments other than those you mentioned, including several that are not considered to be gay establishments. We have indications that illegal drugs are being dealt at these establishments and that military members are involved in some of the transactions. The NCIS narcotics operation comports with both DoD policy and the President's National Drug Control Strategy.

As this particular case remains pending, I cannot discuss the details of the investigation. However, I would note that NCIS routinely performs undercover operations in support of a wide variety of criminal investigations, including fraud, theft, and narcotics investigations. We will continue to conduct these operations wherever there is sufficient indication that Naval property or personnel are being affected by criminal activity.

Thank you for calling your concern to my attention. I would welcome the opportunity to meet with you in person at your convenience to further discuss the issue.

Sincerely,


DAVID L. BRANT
Director

Cc: The Honorable Eleanor Holmes Norton, U.S. House of Representatives
The Honorable Barney Frank, U.S. House of Representatives
Ms. Julian Potter, White House Special Advisor to the President
General Barry R. McCaffery, Office of National Drug Control Policy
The Honorable Richard Danzig, Secretary of the Navy
The Honorable Louis N. Caldera, Secretary of the Army
The Honorable F. Whitten Peters, Secretary of the Air Force
Admiral Jay L. Johnson, Chief of Naval Operations
General Eric K. Shinseki, Army Chief of Staff
General Michael E. Ryan, Air Force Chief of Staff

Brigadier General David W. Foley, Army Criminal Investigative Command
Brigadier General Francis X. Taylor, Air Force Office of Special Investigations
Rear Admiral K. L. Martin, Commander National Naval Medical Center
The Honorable Anthony Williams, Mayor of the District of Columbia
The Honorable Linda Cropp, Chairwoman of the D.C. City Council
The Honorable David Catania, D.C. City Council
The Honorable Jack Evans, D.C. City Council
The Honorable Jim Graham, D.C. City Council

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American Legion Magazine
June 2000
Pg. 25

The Problem With Gays In The Military

Ban Enhances Military Readiness

By Fred Peck

AFTER RETURNING from Somalia in 1993, I testified before the Senate Armed Services Committee concerning President Clinton's proposal to lift the ban on homosexuals in the military. My appearance became even more emotional after I learned — just three days prior to my testimony — that the eldest of my sons was gay.

I supported the ban before I found out, I supported it the day I testified and I support it now. I base my opinion upon personal experience of more than 30 years of military service, not on the character or worth of individuals. I love my son, but I do not believe he or any avowed homosexual should serve in our armed forces.

The outgrowth of those hearings was codified in the "Don't Ask, Don't Tell" policy on homosexuals in the military. That policy reiterates Article I, Section 8 of the U.S. Constitution which grants Congress the power to raise and support armies, provide for and maintain a Navy, and to make rules for the governing and regulation of the land and naval forces.

That section also pointed out that "there is no constitutional right to serve in the armed forces," and that "the prohibition against homosexual conduct is a long-standing element of military law that continues to be necessary in the unique circumstances of military service."

UCMJ Crime. The policy's basic premise — that homosexuality is incompatible with military service — was not altered. Homosexual conduct remained a crime under the Uniform Code of Military Justice. The only change in policy was a nuance: that the military would not ask volunteers about their sexual orientation; and as long as they didn't tell anyone about their sexual orientation, they could, in theory, serve in the military as long as no one knew about it. In fact, nothing much had changed, but the president was given a face-saving way out of a confrontation with Congress.

"Don't Ask, Don't Tell" was intellectually dishonest and detrimental to gays and lesbians who might join the military under the misconception that they were under no threat of punishment. However, in the realm of political compromises in Washington, it was a policy I could live with.

Why am I opposed to gays openly serving in the military? Fundamentally, it is an issue of privacy for those who serve. Military service entails enough sacrifices of personal privacy without subjecting individuals to living in close quarters with persons of a different sexual orientation. I can find no solution for that aspect of the issue. I know of no college or university that will compel a person to

share a dormitory room with a person of a different sexual orientation. Even if one did, a student always has the option of leaving that institution or living elsewhere. Conditions of military service do not provide those options.

Is it fair to discriminate against homosexuals who want to serve? Congress and the courts have long determined that military service is unique and the military can discriminate against people based upon age, weight, height, physical or mental ability, vision, hearing and, to a certain extent, gender. The paramount reason for such discrimination is to ensure our military will prevail in combat. It is an issue of life and death.

Just Another Job? People who have never served in the military, would never serve, and who would actively discourage their children from serving want to treat military service as just another job. Advocates for lifting the ban offer no evidence that it would enhance our ability to fight and win, or even that it would be neutral to combat readiness.

They advocate the ban should be lifted because it is unfair. Life is unfair. Combat is even more unfair. Critics point to the previous ban against racial minorities serving and say the military should again lead the way. Gen. Colin Powell, the only African-American to serve as chairman of the Joint Chiefs of Staff, rejected that argument. Race says nothing about behavior, he pointed out, but sexual orientation is all about behavior.

Why invite people into an environment of minimal personal privacy and tempt them to behave in a manner which is their predilection, at the risk of serious punishment if they do? That's like going to an Alcoholics Anonymous meeting to recruit bartenders. As one late-night show comedian quipped, "If the military lifts its ban on gays in the military, the Marines will have to change their recruiting slogan from 'We're Looking For A Few Good Men' to 'It's Raining Men.'"

Late last year the president expressed amazement that nearly 1,100 personnel a year had been discharged over the past three years because of sexual orientation. He spoke of the "Don't Ask, Don't Tell" policy as if it were something foreign to him.

The Pentagon confirmed the numbers. More than 5,400 service members were discharged for homosexuality between 1994 and 1999. Frank Rush, assistant secretary of defense for Force Management and Policy, pointed out that 83.5 percent were due to "voluntary statements." In other words, no one asked; but they voluntarily told. Rush also noted that more than half of those admissions occurred during the first six months of their enlistments. A 1998 Pentagon study found that almost 60 percent occurred during the first year of enlistment.

Can it be that gays are entering military service under the false perception that "Don't Ask, Don't Tell" means toleration for homosexual conduct? Recruits are required to receive instruction on the punitive articles of the UCMJ during recruit training. What a shock it must be to them that homosexual conduct between consenting adults could result in being sent to a military prison. Could that be why so many of them opt out during the first six months of their service?

Wouldn't it be more ethical and less expensive to tell them from the outset that homosexuality is incompatible with military service and that homosexual conduct is a serious crime under the UCMJ?

Following the president's lead, Vice President Al Gore and former Sen. Bill Bradley quickly came out for lifting the ban on gays in the military. The vice president even went so far as to say that he

could use the issue as a litmus test for "those who wanted to serve on the Joint Chiefs to be in agreement with (lifting the ban)."

The president could order the Defense Department to allow openly gay and lesbian people to serve, but I do not believe he could order his subordinates to ignore the punitive article of the UCMJ making homosexual conduct a crime. A commander in chief cannot change the UCMJ. In fact, the UCMJ requires officers to report incidents in which they believe the UCMJ may have been violated. Simply put, conduct is punishable even if orientation is not.

The Recruiting Aspect. Lifting the ban on gays and lesbians would impact recruiting. Only the Marine Corps has been meeting its goals, and even the Corps admits it will have trouble in the year ahead. Can anyone argue that the presence of openly gay and lesbian service members would improve recruiting?

High school graduates whom the Marines seek might balk if they considered they might be sentencing themselves to four years in a gay bathhouse. Are parents ready to allow their children to be led into combat by a gay or lesbian platoon leader?

Anyone who has served in the military knows the power that individuals hold over their subordinates in training and operational environments. It is the power of life and death. Unit cohesion is often the difference between winning or losing, or living or dying. Can anyone argue that having a flagrantly gay leader will enhance the survivability of that unit? In my considered opinion, the answer is "no."

Many major religious denominations in America will not ordain openly gay and lesbian clergy. If a large portion of our population does not support homosexuals in the role of counselor to their congregations, would they accept them as leaders and counselors of their children serving in the military?

Lifting the ban has great support in the news media, and from 20 years' experience in dealing with the media as a Marine Corps spokesman I'll tell you why. Almost every journalist knows and works with homosexuals every day in their newsrooms. Very few journalists have ever served in the military or know any of their peers who have served. That biases their reporting. To these journalists, most of whom grew up in the era of the allvolunteer force, the military is for the rejects — the people who went to the military as the employer of last resort. To them, being in the military is just taking advantage of another federal job program. They haven't a clue as to what military life entails. Don't expect that to change, except, unfortunately, for the worse.

If the ban were lifted, I told the Senate Armed Services Committee in 1993 they would have to write a very thick, new rulebook. It's hard enough to deal with a military population that is mainly between 18 and 22 years of age. It's a sea of raging hormones that leaders struggle each day to control. Sometimes leadership fails, as it did at the Army's Aberdeen, Md., training base where male instructors were preying upon vulnerable female recruits. Critics of the gay ban cite that as an example of why heterosexuals can't be trusted. Sometimes they can't; but at least you can separate the players without a score card.

I am not a homophobe; I'm just being practical. Real leaders have to deal with really tough issues. The problems they confront become even harder to deal with the closer they get to the sound of the guns.

Fred Peck, a retired Marine colonel, served as a senior spokesman for Operation Restore Hope in Somalia.

NATIONAL SECURITY COUNCIL

Brian,

Per our discussion.

Anything useful in

here?

Hans

Peterman, David (Brian) (DEFENSE)

To: @RUDMAN
Cc: DeRosa, Mary B. (LEGAL); @PRESS - Public Affairs; @NSCComm
Subject: "Don't Ask, Don't Tell" Update

To Mara From Hans and Brian

Today we met with the new Undersecretary of Defense for Personnel and Readiness, Dr. Bernie Rostker, in his office to discuss the "Don't Ask, Don't Tell" (DADT) policy. This meeting was primarily an information exchange. We stressed that DOD continues to have the lead on DADT policy implementation and that we were pleased with recent actions in regard to the DOD IG climate assessment and strong statements supporting the DADT policy made by the Services' senior leadership. We reviewed four ideas that had been discussed earlier with Rudy on how to improve implementation of the current policy.

There are two important DOD initiatives now underway in regard to DADT; a Task Force to recommend ways to eliminate harassment noted in the DOD IG climate assessment, and an Army IG investigation of the command climate at Fort Campbell where an alleged homosexual soldier was killed. The senior-level Task Force is analyzing the DOD IG climate assessment data and seeking ways that DOD might better implement the DADT policy in order to reduce harassment. Their report is due no later than July 31. Dr. Rostker offered us seats in an upcoming Task Force status report brief. The Army IG report is due for completion in early July. This report will comment on the DADT climate at Fort Campbell and how it might have contributed to the beating death of a soldier perceived by his peers to be a homosexual. Dr. Rostker will attempt to have these two reports released simultaneously, perhaps in mid-July. He asked if there were any political considerations (i.e. the Democratic convention) in the timing of release of these reports?

Brian

Servicemembers Legal Defense Network

FAX COVER SHEET

TO: Ms. Julian Potter, White House Special Advisor to the President

FAX: 202-456-6218

FROM: Stacey Sobel, Legal Director

To report any problems with this transmission, please call Ken Kilgour at 202.328.3244.

DATE: June 2, 2000

PAGES (including cover):

COMMENTS:

Letter to Naval Criminal Intelligence re: military surveillance of gay friendly civilian businesses.

*FYI: This is a new development —
might want to consider adding to
the list of items for the DOB mtg
on Monday —
Julian*

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Servicemembers Legal Defense Network
★ ★ ★ ★ ★

June 2, 2000

Mr. David L. Brant
Director, Naval Criminal Investigative Service
Washington Navy Yard
901 M Street, S.E. Building 111
Washington, DC 20388-5380

Sent via Facsimile

Re: Military Surveillance of Gay Bars and Nightclubs

Dear Mr. Brant:

The Servicemembers Legal Defense Network (SLDN) has learned the Naval Criminal Investigative Service (NCIS) is conducting undercover surveillance operations in District of Columbia gay friendly bars and nightclubs, in an apparent attempt to skirt the letter and intent of "Don't Ask, Don't Tell, Don't Pursue, Don't Harass." Current policy prohibits military criminal investigative organizations from investigating service members' sexual orientation.¹ The policy further allows for all service members to engage in associational activities such as going to gay bars.²

The evidence obtained by SLDN suggests criminal investigators are specifically targeting suspected gay service members and, while being unable to discharge them for patronizing the gay bar or nightclub, solicit them to engage in other conduct which may carry administrative or criminal penalties. SLDN requests that NCIS suspend all surveillance operations at gay friendly bars and nightclubs immediately, and suspend all administrative or criminal actions resulting from these operations, pending a thorough review of NCIS conduct in this matter.

According to a transcript of an Article 32 hearing held on April 28, 2000, obtained by SLDN, NCIS Special Agent (SA) John P. O'Connor testified that NCIS conducts surveillance operations against at least three District of Columbia establishments having primarily gay male clientele: JR's Bar and Grill, Badlands Nightclub and Velvet Nation Nightclub³ (NCIS also targeted the Tracks Nightclub which has recently closed). Special Agent O'Connor did not mention any other District of Columbia bars or nightclubs under military surveillance,⁴ suggesting the NCIS is specifically targeting gay service members. Special Agent O'Connor testified that the surveillance has been running for "the past couple of years."⁵

¹ DEP'T OF DEF. DIRECTIVE 5505.8 D.1. "No DCIO or other DoD law enforcement organization shall conduct an investigation solely to determine a Service member's sexual orientation."

² DEP'T OF DEF. DIRECTIVES 1332.14; 1332.30. "[Credible information to investigate gays does not exist when] the only information known is an associational activity such as going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals . . ."

³ According to SA O'Connor, NCIS sometimes also targets the Sting Nightclub, which is the Friday night name of the Velvet Nation facility and is reportedly popular with gays and heterosexuals alike. SLDN has also received a reliable report that NCIS also targets the Chaos Restaurant and Bar, which is a gay friendly establishment.

⁴ Art. 32 Transcript.

⁵ Special Agent O'Connor testified that the operation has resulted in charges against at least nine service members at gay bars and nightclubs. It is not clear how many total suspected gay service members the operation has targeted.

Special Agent O'Connor testified that NCIS is working closely with the Army Criminal Investigative Division (CID) and the Air Force Office of Special Investigations (OSI) in these operations.⁶

Special Agent O'Connor further indicated that the surveillance targets suspected gay service members without any prior indication of misconduct. Special Agent O'Connor testified, "when we identify someone who we think is a U.S. military member . . . we target that individual and then see if the information can be developed."

Special Agent O'Connor also testified that he intentionally selects young informants and undercover agents to go to these establishments during the early morning hours. According to the Article 32 hearing transcript, the covert operatives approach military appearing men, initiating conversation and flirting. For example, Army CID agent Carlder L. Robertson – a handsome, clean-cut man appearing to be in his early 20's – described how he approached a man in Velvet Nation: "I'm fairly sure there was some conversation about the music and the people, and the overall theme of the club at that time."⁷ The military operatives then ask the men whether they know where the operatives can obtain illegal substances, in an effort to develop criminal charges against the suspected gay service member.

Special Agent O'Connor further testified that NCIS undercover agents routinely trace vehicle license plates of suspected service members.⁸

The NCIS surveillance has also targeted civilians. Special Agent O'Connor testified: "[NCIS has] identified people in the past that – after we put the person under surveillance and followed them and found out who they really were – they turned out not to be military. So therefore we would take the intelligence and pass it to local law enforcement."⁹ It is not known whether local District of Columbia law enforcement officials know of, condone, or follow-up on civilians targeted during these operations.

The sworn testimony raises serious concerns that military criminal investigators are deliberately skirting the letter and intent of "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" by targeting suspected gay service members at gay bars and nightclubs for disparate treatment. The surveillance operation chills service members' access to resources within the gay community.¹⁰

⁶ Transcript of April 28, 2000, Article 32 Hearing, Washington Navy Yard, Washington, D.C. ("Art. 32 Transcript"). SA O'Connor: "OSI agreed to help us and so did Army CID . . ."

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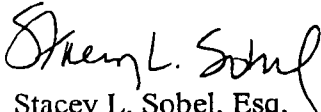
⁸ Art. 32 Transcript. SA O'Connor: "Understand that the way it's determined that the individual is a military member, the informant will try to strike a conversation and try to elicit the information that the individual is a military member and then you take that information, run their plates and try to confirm that information."

⁹ Art. 32 Transcript.

¹⁰ Under the policy, gay service members are allowed access to gay establishments and organizations. Service members patronizing these establishments face serious risk of adverse military administrative actions should the military undercover agents perceive them as gay, lesbian or bisexual. SA O'Connor testified: "...I have people going to these clubs trying to gather criminal intelligence. And he's not the only person that's seen in these clubs. He's not in isolation here, other sailors and marines are also documented." Art. 32 Transcript.

SLDN requests that you provide a full written accounting and justification of all NCIS surveillance operations conducted against District of Columbia businesses catering to the gay, lesbian and bisexual community. In the meantime, SLDN asks that you halt all Navy surveillance operations targeting gay friendly establishments, and any adverse actions being taken against those ensnared in these operations. We look forward to the Navy's prompt response to these disturbing developments.

Sincerely,



Stacey L. Sobel, Esq.
Legal Director

cc: The Honorable Eleanor Holmes Norton, U.S. House of Representatives
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Servicemembers Legal Defense Network

★ ★ ★ ★ ★

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The evidence obtained by SLDN suggests criminal investigators are specifically targeting suspected gay service members and, while being unable to discharge them for patronizing the gay bar or nightclub, solicit them to engage in other conduct which may carry administrative or criminal penalties. SLDN requests that NCIS suspend all surveillance operations at gay friendly bars and nightclubs immediately, and suspend all administrative or criminal actions resulting from these operations, pending a thorough review of NCIS conduct in this matter.

According to a transcript of an Article 32 hearing held on April 28, 2000, obtained by SLDN, NCIS Special Agent (SA) John P. O'Connor testified that NCIS conducts surveillance operations against at least three District of Columbia establishments having primarily gay male clientele: JR's Bar and Grill, Badlands Nightclub and Velvet Nation Nightclub³ (NCIS also targeted the Tracks Nightclub which has recently closed). Special Agent O'Connor did not mention any other District of Columbia bars or nightclubs under military surveillance,⁴ suggesting the NCIS is specifically targeting gay service members. Special Agent O'Connor testified that the surveillance has been running for "the past couple of years."⁵

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Special Agent O'Connor testified that NCIS is working closely with the Army Criminal Investigative Division (CID) and the Air Force Office of Special Investigations (OSI) in these operations.⁶

Special Agent O'Connor further indicated that the surveillance targets suspected gay service members without any prior indication of misconduct. Special Agent O'Connor testified, "when we identify someone who we think is a U.S. military member . . . we target that individual and then see if the information can be developed."

Special Agent O'Connor also testified that he intentionally selects young informants and undercover agents to go to these establishments during the early morning hours. According to the Article 32 hearing transcript, the covert operatives approach military appearing men, initiating conversation and flirting. For example, Army CID agent Carlder L. Robertson – a handsome, clean-cut man appearing to be in his early 20's – described how he approached a man in Velvet Nation: "I'm fairly sure there was some conversation about the music and the people, and the overall theme of the club at that time."⁷ The military operatives then ask the men whether they know where the operatives can obtain illegal substances, in an effort to develop criminal charges against the suspected gay service member.

Special Agent O'Connor further testified that NCIS undercover agents routinely trace vehicle license plates of suspected service members.⁸

The NCIS surveillance has also targeted civilians. Special Agent O'Connor testified: "[NCIS has] identified people in the past that – after we put the person under surveillance and followed them and found out who they really were – they turned out not to be military. So therefore we would take the intelligence and pass it to local law enforcement."⁹ It is not known whether local District of Columbia law enforcement officials know of, condone, or follow-up on civilians targeted during these operations.

The sworn testimony raises serious concerns that military criminal investigators are deliberately skirting the letter and intent of "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" by targeting suspected gay service members at gay bars and nightclubs for disparate treatment. The surveillance operation chills service members' access to resources within the gay community.¹⁰

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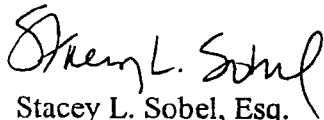
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General Eric K. Shinseki, Army Chief of Staff
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The Honorable Jack Evans, D.C. City Council
The Honorable Jim Graham, D.C. City Council

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New York Times
June 9, 2000

Transfer Of General At Site Of Anti-Gay Killing Is Protested

By Steven Lee Myers

WASHINGTON, June 8 -- The Army's decision to reassign the commander of Fort Campbell, Ky., where a gay soldier was beaten to death last year, is provoking criticism from members of Congress and gay-rights advocates who complain that an investigation of anti-gay harassment under his command has not yet been completed.

The officer, Maj. Gen. Robert T. Clark, who steps down on Friday as commander of Fort Campbell and the 101st Airborne Division, was appointed early this week to be vice director of operations for the Joint Chiefs of Staff at the Pentagon.

The transfer, which does not include a promotion in rank but does put General Clark in a position of prominence, came before the Army's inspector general had completed an investigation into whether officers at Fort Campbell tolerated or overlooked anti-gay slurs and taunting in the months leading up to the killing last July of Pfc. Barry Winchell.

A day after General Clark's new assignment was announced, 30 members of the House wrote to Secretary of Defense William S. Cohen urging that he hold the general responsible for what appears to have been a highly charged environment at Fort Campbell in the months before Private Winchell's death.

The members -- most but not all of them Democrats, including the minority leader, Representative Richard A. Gephardt -- also criticized the decision to move ahead with General Clark's reassignment.

"Relocating and promoting Major General Clark prior to the completion of this investigation would be wrong and undermine the department's professed commitment to enforce the gays-in-the-military policy in a fair and legal manner," they wrote.

The Army announced the investigation in January, saying it had been requested by General Clark himself, but the deadline for completing it has been pushed back to the beginning of July from May 1.

Army officials declined to discuss the reasons behind the delay. One official said that while the inspector general's investigation was not complete, nothing had emerged to implicate General Clark in wrongdoing or leadership failings.

General Clark did not respond to requests for comment, but a spokeswoman said he would address the issue at his change-of-command ceremony on Friday.

In a statement, the Army's chief of staff, Gen. Eric K. Shinseki, said General Clark's command at Fort Campbell had been "distinguished by great competence and compassionate leadership."

"The Army has placed its trust and confidence in Major General Clark," General Shinseki said, "and I am confident he will continue to excel in service to our nation."

Private Winchell's death has become a rallying cry for critics of the Pentagon's "don't ask, don't tell" policy, which allows gay men and lesbians to serve in the military so long as they do not disclose their orientation or engage in homosexual sex.

Another private, Calvin Glover, was convicted and sentenced to life in prison for killing Private Winchell with a baseball bat.

In Private Glover's court-martial, soldiers testified that Private Winchell had repeatedly been taunted with anti-gay slurs and that superiors had done nothing to intervene.

The killing prompted Secretary Cohen to order a survey of attitudes about gays in the military, which found that disparaging and even hostile feelings toward gay men and lesbians were commonplace and often tolerated by superiors.

C. Dixon Osborne, co-director of the Servicemembers Legal Defense Network, an organization in Washington that provides legal aid to gay men and lesbians in the military, said General Clark's reassignment suggested that the Army did not intend to hold him accountable for the actions of troops under his command.

"I'm concerned that they do a full and fair investigation," Mr. Osborne said, "and not try to suggest that anti-gay harassment was simply isolated to Pfc. Winchell's unit."

Proposed Discussion Topics for DOD's "don't ask, don't tell" Policy Meeting

The following discussion topics are recommended for the upcoming "don't ask, don't tell" (DADT) policy oversight meeting:

- √1) Secretary Cohen recently approved the Services' anti-harassment training plans. We'd like to discuss the plans and determine how they can be monitored to ensure they are being faithfully executed.
- √2) Senior leadership from all the Services made statements in support of the DADT policy. Recommend we review these statements to ensure they are robust and supported at the highest levels.
- * 3) We'd like to discuss ways that individual service members might be rewarded in evaluations for their contributions to a positive unit climate and how might those that condone or participate in harassment be held accountable?
- √4) The results of the IG climate investigations are due to the Secretary in mid-March. We should develop a plan now as to how the results of the investigation will be handled. Segments of the public will be looking for speedy release of results and DOD's response.
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- < 8) Is DOD's definition of "homosexual statement" more restrictive than the law's definition? If so, can it be changed, particularly in the case of a statement about "homosexual orientation"?
- √9) Can a service member use the provisions of Article 138, UCMJ to stop an improper investigation?

THE WHITE HOUSE

WASHINGTON

April 25, 2000

Dear Bill:

Thank you for your letter summarizing the results of the Department of Defense Inspector General's (IG) report on the military environment with respect to the homosexual conduct policy and listing your recent actions to strengthen implementation of this policy. I agree that the IG's report clearly suggests more must be done to end harassment of service members alleged or perceived to be homosexual.

The personal involvement of senior department and military leadership is key to eliminating harassment of service members. I applaud the initiatives you and Rudy have taken toward this end and encourage you to continue to aggressively find new ways to end all harassment.

Sincerely,

William Clinton

The Honorable William S. Cohen
Secretary of Defense
Washington, D.C. 20301-1000

4-25-00

THE WHITE HOUSE

WASHINGTON

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April 24, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER 

SUBJECT: Response to Cohen on DoD Policy on Homosexuality

Purpose

Update you on Bill's recent initiatives to improve DOD's policy on homosexuality and to respond to his letter to you.

Background

Bill wrote to you recently (Tab B) describing recent actions he has taken to improve implementation of DOD's policy on homosexuality -- particularly in the area of reducing harassment of those perceived or alleged to be homosexuals.

Bill has sent a strong message personally within the Pentagon that he is committed to reducing harassment and improving implementation of Don't Ask Don't Tell policy. In addition, the actions noted in Bill's letter were highlighted by DOD press releases and picked up by the press. On March 24, DOD held a press conference to recap the recent actions taken to reduce harassment, to report the results of the DOD IG study, and to announce the chartering of the working group. The press conference was carried on CSPAN and widely reported on by the press.

On April 5, members of my staff, the White House counsel's office, and the Office of Public Liaison met with representatives of the Servicemembers Legal Defense Network (SLDN) -- the leading advocacy group monitoring the "don't ask, don't tell" policy. The SLDN leadership is pleased with the recent initiatives Bill has taken and asked that we focus our attention on three areas: holding service members accountable for contributing to or participating in harassment, increasing the circle of confidential counselors that gay service members can talk to without triggering discharge proceedings, and

cc: Vice President
Chief of Staff

ensuring the anti-harassment training currently underway is effective.

DOD has already started working on all of these initiatives and my staff will continue to work closely with DOD to ensure proper implementation of DoD's policy on homosexuality.

RECOMMENDATION

That you sign the letter to Bill at Tab A.

Attachments

Tab A Letter to Bill

Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Department of Defense Inspector General's
Assessment of the Military Climate with Respect
to the Homosexual Conduct Policy

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The final report from the DOD Inspector General, enclosed at Tab A, was delivered to Bill on March 16 and released to the public on March 24, 2000. Notable results are:

- 80 percent of the respondents stated they had heard offensive speech, derogatory names, jokes, or remarks about homosexuals in the last 12 months. Of those who heard offensive remarks, 85 percent believed such comments were tolerated to some extent.
- 37 percent of the respondents indicated they had witnessed or experienced in the past 12 months event(s)/behavior involving military personnel, on or off duty, who harassed another military person because of perceived homosexuality. (This percent is lower than the 80 percent found in bullet one because the offensive language may not have been considered harassment.)
- About 5 percent of the respondents stated they believed that someone in the chain of command tolerated harassment of perceived homosexuals. Slightly more than 10 percent said that their fellow unit mates tolerated harassment.

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- Less than 50 percent of respondents indicated they had received training on the homosexual conduct policy. (The survey was taken before new mandatory training programs were initiated by all the Services.)

Bill has taken two steps in immediate response to this report. First, he sent the memo at Tab B to the Service Secretaries and the Service Chiefs stating, "...we simply cannot tolerate harassment in the Armed Forces. I know that you share my view that harassment of our service members for any reason seriously undermines the good order and discipline that is critical to an effective fighting force. The leadership of each Service must continue to work to ensure that everyone in the Armed Forces understands that harassment, whether based on race, religion, gender, perceived orientation, or any other basis, is unacceptable."

Bill also established a senior-level working group, led by the Undersecretary of the Air Force, to review the Inspector General's report and propose a draft action plan to address the problem of harassment and other issues raised in the report. The working group is directed to submit its report by July 31, 2000.

Members of my staff and the White House counsel's office will continue to meet with the DOD Undersecretary for Manpower and Readiness to monitor the progress of this working group and other actions that are being taken, such as the Service training programs and the Army Inspector General's climate assessment at selected Army installations. We will make every effort to ensure that the "don't ask, don't tell" policy is implemented in the way you intended in 1993.

Attachments

Tab A DOD Inspector General's Report
Tab B Memo from Bill to the Services



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 24 2000

**MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
CHIEF OF STAFF OF THE ARMY
CHIEF OF NAVAL OPERATIONS
CHIEF OF STAFF OF THE AIR FORCE
COMMANDANT OF THE MARINE CORPS**

**SUBJECT: DoD Inspector General Report on the Military Environment
With Respect to the Homosexual Conduct Policy**

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The Inspector General's report convinces me that additional actions are necessary to address the problem of harassment of service members who are alleged or perceived to be homosexual. Over one-third of respondents participating in the survey reported that over the past year they had either witnessed or experienced some form of harassment based on perceived homosexuality. Although the most frequent type of harassment identified was offensive speech, a small but significant percentage of respondents reported that more serious matters were involved. In most cases, the harassment was not reported to the chain of command.

We have no way of knowing the extent to which the results of this survey reflect a larger societal issue. Nonetheless, we simply cannot tolerate harassment in the Armed Forces. I know that you share my view that harassment of our service members for any reason seriously undermines the good order and discipline that is critical to an effective fighting force. The leadership of each Service must continue to work to ensure that everyone in the Armed Forces understands that harassment, whether based on race, religion, gender, perceived sexual orientation, or any other basis, is unacceptable.

We have taken a number of steps in the past year designed to improve implementation of the homosexual conduct policy. In August 1999, the Under Secretary of Defense for Personnel





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1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 24 2000

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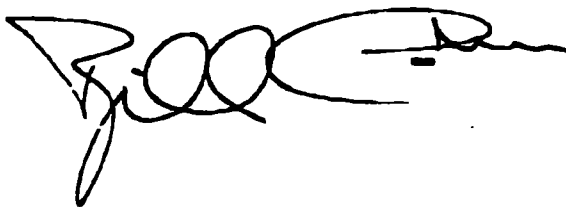
& Readiness reissued guidelines reiterating our policy regarding investigations of threats against or harassment of service members based on alleged homosexuality. That guidance, widely disseminated, is intended to ensure that service members feel free to report crimes and harassment free from fear of harm, reprisal, or inappropriate response, and that commanders take appropriate action to hold those who engage in threatening or harassing conduct accountable. The leadership of each of the Services also issued a strong statement to the field in December 1999 that harassment for any reason, including harassment based on perceived sexual orientation, will not be tolerated and that commanders are expected to take prompt, appropriate action in cases of harassment. The report shows that military leaders must do more to make it clear that harassment based on sexual orientation violates military values.

Also in August 1999, the Under Secretary of Defense for Personnel & Readiness asked that the Inspectors General of each of the Services include, as an item of specific interest in their inspections, review of the training provided commanders, attorneys, and investigators concerning how homosexual conduct cases should be handled. More broadly, each of the Services undertook a comprehensive review and revision of the training materials used to educate all service members about the homosexual conduct policy. I approved those training materials on February 1 and directed that they be incorporated promptly into Service training programs. The Army has undertaken a special effort to ensure that every member of the Army receives training on this policy by April 2000.

The Inspector General's report makes clear, however, that there is still more to do to fully address these issues. In that regard, I am establishing a working group, composed of senior military and civilian representatives from each of the Services, to review the Inspector General's report and any other pertinent material and propose a draft action plan that can be provided to each of the Services. This draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and the other issues raised by the results of the Inspector General's survey. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well.

I request that the Under Secretary of the Air Force, the Assistant Secretary of the Army (Manpower & Reserve Affairs) and the General Counsel of the Navy be made available to serve on this working group, and that the Under Secretary of the Air Force serve as chair. I also request that each Service designate a General/Flag officer from their respective services to join this group. The group should report to the Under Secretary of Defense for Personnel & Readiness by July 31, 2000.

I appreciate your assistance in this important endeavor.



Attachment:
As stated

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	To: Binnendijk, Johannes (Hans); From: Siberell, Justin; Re: POTUS Question (1 page)	05/29/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Beardsworth, Richard)
OA/Box Number: 3154

FOLDER TITLE:

Don't Ask, Don't Tell (2000) [1]

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RESTRICTION CODES

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

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P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

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**MILITARY ENVIRONMENT WITH RESPECT TO THE
HOMOSEXUAL CONDUCT POLICY**

Report No. D-2000-101

March 16, 2000

**Office of the Inspector General
Department of Defense**

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

March 28, 2000

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: HANS BINNENDIJK *HB*
FROM: BRIAN PETERMAN *B*
SUBJECT: Department of Defense Inspector General's
Assessment of the Military Climate with Respect
to the Homosexual Conduct Policy

At Tab I is a memorandum to the President forwarding the results of the DOD Inspector General's homosexual policy climate assessment and Secretary Cohen's memorandum to the Services' leadership directing a working group to study the results of the report and to recommend corrective actions.

Hans, Brian and Eddie Correia from the White House Counsel's Office have met with Rudy DeLeon three times in recent weeks to find ways to improve implementation of the "don't ask, don't tell" policy. We will continue to meet to ensure all possible actions are being taken to improve this policy within the bounds of existing law.

We recommend moving this to the President quickly so that he will have an opportunity to see the DOD Inspector General's assessment before he holds his Wednesday press conference.

Concurrence by: Mary DeRosa
in desc

RECOMMENDATION

That you sign the memorandum at Tab I

Attachments

Tab I Memorandum to the President

Tab A DOD IG Report

Tab B Secretary Cohen's memorandum to Services' leadership

THE WHITE HOUSE
WASHINGTON

INFORMATION

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SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1000

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MEMORANDUM FOR SECRETARY OF THE ARMY
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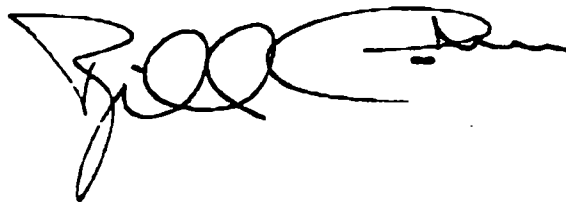
& Readiness reissued guidelines reiterating our policy regarding investigations of threats against or harassment of service members based on alleged homosexuality. That guidance, widely disseminated, is intended to ensure that service members feel free to report crimes and harassment free from fear of harm, reprisal, or inappropriate response, and that commanders take appropriate action to hold those who engage in threatening or harassing conduct accountable. The leadership of each of the Services also issued a strong statement to the field in December 1999 that harassment for any reason, including harassment based on perceived sexual orientation, will not be tolerated and that commanders are expected to take prompt, appropriate action in cases of harassment. The report shows that military leaders must do more to make it clear that harassment based on sexual orientation violates military values.

Also in August 1999, the Under Secretary of Defense for Personnel & Readiness asked that the Inspectors General of each of the Services include, as an item of specific interest in their inspections, review of the training provided commanders, attorneys, and investigators concerning how homosexual conduct cases should be handled. More broadly, each of the Services undertook a comprehensive review and revision of the training materials used to educate all service members about the homosexual conduct policy. I approved those training materials on February 1 and directed that they be incorporated promptly into Service training programs. The Army has undertaken a special effort to ensure that every member of the Army receives training on this policy by April 2000.

The Inspector General's report makes clear, however, that there is still more to do to fully address these issues. In that regard, I am establishing a working group, composed of senior military and civilian representatives from each of the Services, to review the Inspector General's report and any other pertinent material and propose a draft action plan that can be provided to each of the Services. This draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and the other issues raised by the results of the Inspector General's survey. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well.

I request that the Under Secretary of the Air Force, the Assistant Secretary of the Army (Manpower & Reserve Affairs) and the General Counsel of the Navy be made available to serve on this working group, and that the Under Secretary of the Air Force serve as chair. I also request that each Service designate a General/Flag officer from their respective services to join this group. The group should report to the Under Secretary of Defense for Personnel & Readiness by July 31, 2000.

I appreciate your assistance in this important endeavor.



Attachment:
As stated

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 0002335
RECEIVED: 04 APR 00 14

TO: COHEN, W

FROM: PRESIDENT

DOC DATE: 25 APR 00
SOURCE REF:

KEYWORDS: DEFENSE POLICY
CM

GAYS IN MILITARY
POTUS QUESTIONS

PERSONS:

SUBJECT: THANK YOU LTR RE IG RPT ON GAYS IN MILITARY

ACTION: PRESIDENT SGD LTR

DUE DATE: 06 APR 00 STATUS: C

STAFF OFFICER: PETERMAN

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

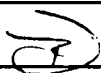
FOR ACTION

FOR CONCURRENCE

FOR INFO
BINNENDIJK
NSC CHRON
PETERMAN

COMMENTS:

DISPATCHED BY



DATE

4/24

BY HAND

W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSTSM

DOC 4 OF 4

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 0002335

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 CULLOM	Z 00040414 PREPARE MEMO FOR BERGER
001	Z 00040513 ACTION TRANSFERRED
001 PETERMAN	Z 00040513 PREPARE MEMO FOR BERGER
002 BERGER	Z 00041318 FWD TO PRESIDENT FOR SIGNATURE
003 PRESIDENT	Z 00042410 FOR SIGNATURE
004	X 00042616 PRESIDENT SGD LTR

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003	000424		VICE PRESIDENT
003	000424		WH CHIEF OF STAFF
004	000425	COHEN, W	

UNCLASSIFIED

NATIONAL SECURITY COUNCIL
THE WHITE HOUSE

PROOFED BY: DS LOG # 2335
URGENT NOT PROOFED: _____ SYSTEM PRS INT ARS
BYPASSED WW DESK: _____ DOCLOG DS A/O _____

DS

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
GIRE			
JACOBSON			
POWELL	<u>3</u>		
BASH	<u>1</u>	<u>DS 4/1/0</u>	<u>yes</u>
BRADTKE			
RUDMAN	<u>2</u>	<u>MA 4/14</u>	<u>cc/edit note</u>
STEINBERG	<u>3</u>		
BERGER	<u>4</u>		
SITUATION ROOM			
WEST WING DESK	<u>5</u>	<u>DS 4/24</u>	<u>DS</u>
RECORDS MGMT.			

A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:
00 APR 13 PM 6:59

COMMENTS:

Response to BCL Cohen's
LTR re DoD's Homosexual
Policy

EXEC SEC OFFICE HAS DISKETTE yes

NATIONAL SECURITY COUNCIL
THE WHITE HOUSE

PROOFED BY: _____ LOG # 2335
URGENT NOT PROOFED: _____ SYSTEM PRS INT ARS
BYPASSED WW DESK: _____ DOCLOG _____ A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
GIRE			
JACOBSON			
POWELL			
BASH	<u>1</u>	<u>DS 4/1/0</u>	<u>DAK</u>
BRADTKE			
RUDMAN			
STEINBERG			
BERGER			
SITUATION ROOM			
WEST WING DESK	<u>2</u>	<u>DS 4/26</u>	<u>DS</u>
RECORDS MGMT.	<u>3</u>	<u>DS 4/26</u>	<u>D</u>

A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

Date April 25, 2000?

COMMENTS:

00 APR 26 PM 12:16

EXEC SEC OFFICE HAS DISKETTE _____

LOG # 2335

ADDITIONAL COMMENTS

FM OB TO MEB DATE 4/13

Recommend you forward to SRB.

Sander & Jim —

I added the sentence on
Cohen sending the message w/n
the Pentagon himself because
Bob T has mentioned this to me
a couple times — that Cohen
has taken it on as a personal
mission of sorts & made that clear
at various internal Pentagon meetings.

FM _____ TO _____ DATE _____
-M

THE WHITE HOUSE

WASHINGTON

April 25, 2000

Dear Bill:

Thank you for your letter summarizing the results of the Department of Defense Inspector General's (IG) report on the military environment with respect to the homosexual conduct policy and listing your recent actions to strengthen implementation of this policy. I agree that the IG's report clearly suggests more must be done to end harassment of service members alleged or perceived to be homosexual.

The personal involvement of senior department and military leadership is key to eliminating harassment of service members. I applaud the initiatives you and Rudy have taken toward this end and encourage you to continue to aggressively find new ways to end all harassment.

Sincerely,

Bill Clinton

The Honorable William S. Cohen
Secretary of Defense
Washington, D.C. 20301-1000

4-25-00

THE WHITE HOUSE

WASHINGTON

00 APR 24 09:51

April 24, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER 

SUBJECT: Response to Cohen on DoD Policy on Homosexuality.

Purpose

Update you on Bill's recent initiatives to improve DOD's policy on homosexuality and to respond to his letter to you.

Background

Bill wrote to you recently (Tab B) describing recent actions he has taken to improve implementation of DOD's policy on homosexuality -- particularly in the area of reducing harassment of those perceived or alleged to be homosexuals.

Bill has sent a strong message personally within the Pentagon that he is committed to reducing harassment and improving implementation of Don't Ask Don't Tell policy. In addition, the actions noted in Bill's letter were highlighted by DOD press releases and picked up by the press. On March 24, DOD held a press conference to recap the recent actions taken to reduce harassment, to report the results of the DOD IG study, and to announce the chartering of the working group. The press conference was carried on CSPAN and widely reported on by the press.

On April 5, members of my staff, the White House counsel's office, and the Office of Public Liaison met with representatives of the Servicemembers Legal Defense Network (SLDN) -- the leading advocacy group monitoring the "don't ask, don't tell" policy. The SLDN leadership is pleased with the recent initiatives Bill has taken and asked that we focus our attention on three areas: holding service members accountable for contributing to or participating in harassment, increasing the circle of confidential counselors that gay service members can talk to without triggering discharge proceedings, and

cc: Vice President
Chief of Staff

ensuring the anti-harassment training currently underway is effective.

DOD has already started working on all of these initiatives and my staff will continue to work closely with DOD to ensure proper implementation of DoD's policy on homosexuality.

RECOMMENDATION

That you sign the letter to Bill at Tab A.

Attachments

Tab A Letter to Bill

Tab B Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

April 13, 2000

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: HANS BINNENDIJK *HB*
FROM: BRIAN PETERMAN *B*
SUBJECT: Response to Bill Cohen's Letter Regarding DOD's
Homosexual Policy

The attached memorandum provides a response to a question from the President and forwards a reply to a letter from Secretary Cohen regarding the DOD Homosexual Policy. The memorandum also tells the President that in a recent meeting with the Servicemembers Legal Defense Network, this watch-dog group indicated they are pleased with recent DOD initiatives to eliminate harassment of service members alleged or perceived to be homosexuals.

The NSC received the incoming correspondence on April 4, 2000.

Concurrence by: Mary DeRosa
in draft

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Letter to Secretary Cohen
Tab B Incoming Correspondence



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301

The President
The White House
Washington, DC 20500

Dear Mr. President,

As you know, I directed the Department's Office of Inspector General (IG) on December 13, 1999 to assess the environment at representative installations with respect to the application of the Department's homosexual conduct policy. The assessment includes a review of the extent to which the harassment of service members based on perceived or alleged homosexuality occurs and the extent to which disparaging speech or expression with respect to sexual orientation occurs or is tolerated. The Inspector General surveyed some 71,500 members at 38 installations and 11 ships and/or submarines. He has completed his report and forwarded it to me. This letter summarizes the IG's report, comments on the recent report by the Servicemembers Legal Defense Network on the Department's "Don't Ask, Don't Tell" policy, informs you of the changes I have instituted in the past few months throughout the Department to strengthen implementation of the Department's policy on homosexual conduct in the military, and outlines measures I am directing today in response to the Inspector General's report.

The Inspector General's report convinces me that additional actions are necessary to address the problem of harassment of service members who are alleged or perceived to be homosexual. Over one-third of respondents participating in the survey reported that over the past year they had either witnessed or experienced some form of harassment based on perceived homosexuality. Although the most frequent type of harassment identified was offensive speech, a small but significant percentage of respondents reported that more serious matters were involved. In most cases, the harassment was not reported to the chain of command. We have no way of knowing the extent to which the results of this survey reflect a larger societal issue. Nonetheless, we simply cannot tolerate harassment in the Armed Forces

On March 9, the Servicemembers Legal Defense Network (SLDN) issued their latest annual report, "Don't Ask, Don't Tell, Don't Pursue, Don't Harass". Insofar as the SLDN report identifies specific cases where potential problems may exist, it provides a helpful complement to the Inspector General's report. The Department intends to review the specific cases in the SLDN report and will seek to determine if further action is warranted.

I know that you share my view that harassment of our service members for any reason seriously undermines the good order and discipline that is critical to an effective fighting force. The leadership of each Service must continue to work to ensure that

APR 414:10



FLY
TO: DEF
RUBINA
LEGAL

Porter/Sandy
good - how is it
getting out?
send reply
B

3 28 00

MAR 27 2000
GOOD -
HOW IS IT
GETTING OUT?
SEND REPLY.

PG. ANSWER
Q + DRAFT
RESP.

00 MAR 27 PM 3:18

everyone in the Armed Forces understands that harassment, whether based on race, religion, gender, perceived sexual orientation, or any other basis, is unacceptable.

Since last August, my office has taken several strong steps to ensure that our policy is clearly understood and fairly enforced.

August 12, 1999

- Service Secretaries asked to issue guidance that judge advocates should consult with senior legal officers at higher headquarters prior to investigations into alleged homosexual conduct. In addition, Military Department secretarial level approval must be obtained prior to initiating any substantial investigation into whether a service member made a statement regarding his or her homosexuality for the purpose of seeking separation.
Guidance issued.
- Service Secretaries asked to ensure that DoD guidance regarding the investigation of threats against or harassment of service members on the basis of homosexuality be effectively disseminated at all levels of command and is made part of the training programs for law enforcement personnel, commanders and supervisors, and is incorporated into the required training that members of the armed forces receive upon entry into the armed forces and periodically thereafter.
Guidance issued.
- Service Secretaries asked to ensure that their Inspectors General include, as an item of specific interest in their inspections, review of the training of those charged with the application of the policy on homosexual conduct, to include commanders, attorneys, and investigators.
Guidance issued.

December 13, 1999

- DoD Inspector General directed to assess the environment at representative installations with respect to the application of the Department's homosexual conduct policy and report in 90 days.
Report completed.

December 18, 1999

- Service Secretaries instructed to provide updated training materials, incorporating training regarding threats or harassment, to the Office of the Secretary of Defense by January 17, 2000 for review and approval.
Materials provided.

- Service leadership asked to issue a strong statement to the field that harassment for any reason will not be tolerated and that commanders are expected to take prompt, appropriate action in instances of harassment.
Strong statements issued.

January 10, 2000

- Secretary of the Army Caldera directed the Army Inspector General to review at Ft Campbell the implementation of the policy on homosexuals, review the command climate at Ft. Campbell, and conduct an Army-wide assessment of the Army's implementation of the policy on homosexuals in the military.
Review underway and due by May 1.
- Army leadership instituted Service-wide special additional training on the Department's homosexual conduct policy.
Army-wide training underway.

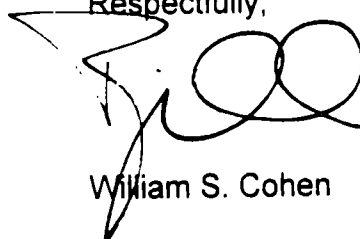
February 1, 2000

- Office of the Secretary of Defense approved improved training plans proposed by Services.
New plans being implemented.

The Inspector General's report makes clear, however, that there is still more to do to fully address these issues. In that regard, I am establishing a working group, composed of senior military and civilian representatives from each of the Services, to review the Inspector General's report and any other pertinent material and propose a draft action plan that can be provided to each of the Services. This draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and the other issues raised by the results of the Inspector General's survey. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well. The working group will report by July 31, 2000.

I am determined that the policy on homosexuals in the military be clearly understood and fairly enforced.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. S. Cohen', with a stylized, looping flourish at the end.

William S. Cohen

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 0002335
RECEIVED: 04 APR 00 14

TO: PRESIDENT

FROM: COHEN, W

DOC DATE: 27 MAR 00
SOURCE REF:

KEYWORDS: DEFENSE POLICY
CM

HUMAN RIGHTS
POTUS QUESTIONS

PERSONS:

SUBJECT: SECDEF RPT ON HOMOSEXUAL CONDUCT POLICY

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 06 APR 00 STATUS: S

STAFF OFFICER: CULLOM

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
CULLOM

FOR CONCURRENCE
NAPLAN

FOR INFO
BAKER
BINNENDIJK
BRADTKE
LACKEY
RUDMAN
SCHWARTZ

Peterman

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Response to Bill Cohen's Letter ^{ON} Regarding DOD's Policy
~~REGARD~~ ^{ON} Homosexual Policy
 HOMOSEXUALITY

Purpose

Update you on
~~Respond to Bill's letter updating you on recent initiatives to improve DOD's homosexual policy, to answer your question about the DOD Inspector General's report, and to provide you with information from a meeting with the Servicemembers Legal Defense Network.~~

on homosexuality and to respond to his letter.

Background

Bill wrote to you recently (Tab A)
~~At Tab B is a letter from Bill that you recently read regarding DOD's homosexual policy. On the letter you asked, "How is this getting out?"~~

ing
~~To summarize, Bill's letter describes recent actions he has taken to improve implementation of DOD's (homosexual) policy, on -- particularly in the area of reducing harassment of those perceived or alleged to be homosexuals. The letter also mentions that the DOD Inspector General (IG) recently completed a survey of select military installations which shows that one-third of respondents had either witnessed or experienced some form of harassment based on perceived homosexuality in the past year. Bill concludes that more needs to be done to address harassment of service members who are alleged or perceived to be homosexuals. He has chartered a working group of senior-level civilian and military representatives to study the DOD IG's findings and to make recommendations on how to address the problem of harassment based on perceived sexual orientation. The working group must submit a draft action plan by July 31.~~

cc: Vice President
 Chief of Staff

In response to your question, Bill has sent ^{a strong} ~~the~~ message personally and directly within the Pentagon that he is committed to reducing harassment and improving implementation of Don't Ask Don't Tell policy. In addition, the actions noted in Bill's letter were highlighted by DOD press releases and picked up by the press. On March 24, DOD held a press conference to recap the recent actions taken to reduce harassment, to report the results of the DOD IG study, and to announce the chartering of the working group. The press conference was carried on CSPAN and widely reported on by the press.

On Apr 5,
Members of my staff, the White House counsel's office, and the Office of Public Liaison met with representatives of the Servicemembers Legal Defense Network (SLDN) on April 5. ~~SLDN is~~ the leading advocacy group monitoring the "don't ask, don't tell" policy. The SLDN leadership is pleased with the recent initiatives Bill has taken ~~to address the problem of harassment in the military.~~ ^{and asked} They asked that we focus our attention on three areas: holding service members accountable for contributing to or participating in harassment, increasing the circle of confidential counselors that gay service members can talk to without triggering discharge proceedings, and ensuring the anti-harassment training currently underway is effective. DOD has already started working on all of these initiatives.

My staff will continue to work closely with senior DOD officials to ensure we implement the military homosexual policy in the ~~best way possible.~~ ^{most effectively properly.}

RECOMMENDATION

That you sign the letter to Bill at Tab A.

Attachments

Tab A Letter to Bill

Tab B Incoming Correspondence

Bartlett, L. June (EXSEC)

2335
/

From: Bartlett, L. June (EXSEC)
Sent: Monday, April 17, 2000 11:39 AM
To: Peterman, David (Brian) (DEFENSE)
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive Secretary; Wasserman, Elaine P. (EXSEC); Powell, Elliott (WHSR/EXSEC)
Subject: RE: Package 2335 Response to Cohen's Ltr re DOD's Homosexual Policy [UNCLASSIFIED]

Brian,

Elaine is not in the office on Mondays, but I followed up. I checked -- ExecSec agrees with you that since the report has already gone forward in another package, the report does not also need to be included in package 2335.

I am moving package forward.

June

-----Original Message-----

From: Peterman, David (Brian) (DEFENSE)
Sent: Monday, April 17, 2000 8:23 AM
To: Wasserman, Elaine P. (EXSEC)
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive Secretary
Subject: RE: Package 2335 Response to Cohen's Ltr re DOD's Homosexual Policy [UNCLASSIFIED]

Elaine- As mentioned in the memo to the President, we sent a copy of the DOD IG report to him with commentary on 28 March in package #2105. We chose not to send a copy with this package for that reason. With this consideration, do you still want to add a copy of the Report to this package? If you do, I'll get another copy from DOD.

Brian

-----Original Message-----

From: Wasserman, Elaine P. (EXSEC)
Sent: Saturday, April 15, 2000 12:50 PM
To: Peterman, David (Brian) (DEFENSE)
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive Secretary
Subject: Package 2335 Response to Cohen's Ltr re DOD's Homosexual Policy [UNCLASSIFIED]

Hi Brian - We need to get a copy of the DOD IG Report to attach as Tab B. Please send a copy over so we can move package. Thank you.

@CROSS - Package in EXECSEC hold.

Bartlett, L. June (EXSEC)

2335

From: Peterman, David (Brian) (DEFENSE)
Sent: Monday, April 17, 2000 8:23 AM
To: Wasserman, Elaine P. (EXSEC)
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive Secretary
Subject: RE: Package 2335 Response to Cohen's Ltr re DOD's Homosexual Policy [UNCLASSIFIED]

Elaine- As mentioned in the memo to the President, we sent a copy of the DOD IG report to him with commentary on 28 March in package #2105. We chose not to send a copy with this package for that reason. With this consideration, do you still want to add a copy of the Report to this package? If you do, I'll get another copy from DOD.

Brian

-----Original Message-----

From: Wasserman, Elaine P. (EXSEC)
Sent: Saturday, April 15, 2000 12:50 PM
To: Peterman, David (Brian) (DEFENSE)
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive Secretary
Subject: Package 2335 Response to Cohen's Ltr re DOD's Homosexual Policy [UNCLASSIFIED]

Hi Brian - We need to get a copy of the DOD IG Report to attach as Tab B. Please send a copy over so we can move package. Thank you.

@CROSS - Package in EXECSEC hold.

*no collect
per 4/17
SAB*

*4/17
1110 hrs
FYI = #2105 is
still in lounge
"with President"*

June

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Response to Bill Cohen's Letter Regarding DOD's
Homosexual Policy

Purpose

To Respond to Bill's letter updating you on recent initiatives to improve DOD's homosexual policy, to answer your question about the DOD Inspector General's report and to provide you with information from a meeting with the Servicemembers Legal Defense Network.

Background

At Tab B is a letter from Bill that you recently read regarding DOD's homosexual policy. On the letter you asked, "How is this getting out?"

To summarize, Bill's letter describes recent actions he has taken to improve implementation of DOD's homosexual policy, particularly in the area of reducing harassment of those perceived or alleged to be homosexuals. The letter also mentions that the DOD Inspector General (IG) recently completed a survey of select military installations which shows that one-third of respondents had either witnessed or experienced some form of harassment based on perceived homosexuality in the past year. ~~I provided you with~~ a copy of the complete DOD IG's report on March 29th. Bill concludes that more needs to be done to address harassment of service members who are alleged or perceived to be homosexuals. He has chartered a working group of senior level civilian and military representatives to study the DOD IG's findings and to make recommendations on how to address the problem of harassment based on perceived sexual orientation. The working group must submit a draft action plan by July 31st.

cc: Vice President
Chief of Staff

In addition,

In response to your question, ~~all of~~ the actions noted in Bill's letter were highlighted by DOD press releases and picked up by the press. On March 24th, DOD held a press conference to recap the recent actions taken to reduce harassment, to report the results of the DOD IG study, and to announce the chartering of the working group. The press conference was carried on CSPAN and widely reported on by the press.

Members of my staff, the White House counsel's office, and the Office of Public Liaison met with representatives of the Servicemembers Legal Defense Network (SLDN) on April 5th. SLDN is the leading advocacy group monitoring the "don't ask, don't tell" policy. The SLDN leadership is pleased with the recent initiatives Bill has taken to address the problem of harassment in the military. They asked that we focus our attention on three areas: holding service members accountable for contributing to or participating in harassment, increasing the circle of confidential counselors that gay service members can talk to without triggering discharge proceedings, and ensuring the anti-harassment training currently underway is effective. DOD has already started working on all of these ~~intention~~ ^{intention} areas.

My staff will continue to work closely with senior DOD officials to ensure we implement the military homosexual policy in the best way possible.

T

RECOMMENDATION

That you sign the letter to Bill at Tab A.

*Need copy
of DOD's IG
Report?*

Attachments

Tab A Letter to Bill *← TAB B, DOD's IG Rep.*
Tab ~~B~~ Incoming correspondence

Bill ~~also~~ has ~~made clear in meeting~~ ^{sent the message personally and} ~~at several key within the Pentagon~~ ^{that} ~~meeting~~ ^{directly within} ~~the~~ ^{the} Pentagon that he is ~~personally~~ committed to ~~the~~ ^{addressing} reducing harassment and improving implementation of Don't Ask Don't Tell policy.

2335

THE WHITE HOUSE

WASHINGTON

Dear Bill:

Thank you for your letter summarizing the results of the Department of Defense Inspector General's (IG) report on the military environment with respect to the homosexual conduct policy and listing your recent actions to strengthen implementation of this policy. I agree that the IG's report clearly suggests more must be done to end harassment of service members alleged or perceived to be homosexual.

The personal involvement of senior Department and military leadership is key to eliminating harassment of service members. I applaud the initiatives you and Rudy have taken toward this end and encourage you to continue to aggressively find new ways to end all harassment.

Sincerely,

The Honorable William S. Cohen
Secretary of Defense
Washington, DC 20301-1600

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

December 3, 1999

ACTION

MEMORANDUM FOR SAMUEL BERGER

FROM: HANS BINNENDIJK ^{HB}

SUBJECT: Problems with "Don't Ask, Don't Tell"

You asked that we convert our memo on "don't ask, don't tell" to a memo for the President, and that we strengthen the section on downsides of reopening the issue. The converted memorandum for your signature to the President is at Tab I. Our original memorandum is at Tab II.

Laura Marcus asked that John Podesta have an opportunity to review the memo before it is submitted to the President. Eddie Correia from Nolan's office has also asked for a copy of the draft. I have worked with Eddie on the issue and recommend sharing a copy with him.

Concurrence: NSC Legal, Legislative Affairs

RECOMMENDATION

That you sign the attached memorandum at Tab I after consulting with Podesta.

Attachments

Tab I Information Memorandum for the President
Tab II Previous Correspondence

THE WHITE HOUSE
WASHINGTON

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL R. BERGER

SUBJECT: Problems with "Don't Ask, Don't Tell"

You asked for a review of the "don't ask, don't tell" policy for gays in the military. The assessment below concludes that: (1) there are negative trends in policy implementation; (2) OSD is trying to improve the situation, but meets resistance from the Services; (3) there are steps available to improve the situation further, but they may reignite negative congressional reaction.

THERE IS A PROBLEM

Three interrelated trends capture the nature of the current problem.

- The number of annual discharges for homosexual conduct has doubled since 1994, growing consistently from 617 in that year to 1149 last year. The vast majority of these discharges (82%) were triggered by a personal "statement" admitting to homosexuality. Fifty-eight percent of the discharges were within the member's first year of service.
- SLDN (Servicemembers' Legal Defense Network) data (which may not be completely reliable) indicates that incidents of anti-gay harassment have doubled since 1997. Last year they documented 400 cases that included death threats and verbal abuse. The Fort Campbell murder, they argue, must be seen in the context of this broader environment of harassment.
- SLDN also believes that "commands use heavy-handed tactics to pursue gays" in violation of the "don't ask, don't pursue" elements of the policy. SLDN reports that incidents of "asking and pursuing" were up 42% between 1997 and 1998.

SLDN further concludes that while reports of threats to extract confessions are up, physical abuse by investigators has declined.

REASONS BEHINDS THESE TRENDS

There appear to be several reasons for these negative trends.

- Under legislation passed in 1993, Servicemembers with a propensity or intention to engage in homosexual acts "create an unacceptable risk" and must be separated from the Armed Forces. The "don't ask, don't tell" policy, however, stresses privacy rights. This has posed contradictions for those tasked with implementing the policy and for those trying to live with it.
- An April 1998 OSD review concluded that this contradiction has posed a challenge to the Services, but that for the most part the policy has been properly enforced. However, constrained personal privacy for all members and a cultural emphasis on regulations leave commanders leaning in the direction of the law banning gays.
- And yet the "don't ask, don't tell" policy tends to lead some gays to join a culture that does not meet their expectations.
- A recent policy shift at Lackland Air Force Base supports the belief that some statements admitting to homosexual preferences may be designed as a short-term escape from unpleasant basic training. A "cooling off" period has been instigated during which a recruit has an opportunity to consult legal counsel and retract a privately made statement. Gay-related discharges of Lackland recruits has dropped dramatically.

OSD EFFORTS TO IMPLEMENT THE POLICY

OSD appears to be making a good faith effort to implement your policy, but an implementation problem remains in the Services.

- In 1997, OSD issued the Dorn memorandum, which stated that a report of harassment by a possibly gay member is not a cause for the commanding officer to investigate the person being harassed. It also ordered prompt investigation of harassment charges made by possibly gay members and ordered training to prevent harassment.

- In April 1998, OSD reviewed the "don't ask, don't tell" policy and recommended several improvements, including consultations with higher level commands before investigations begin and improved training for those enforcing the policy.
- In August 1999, OSD issued a new policy directive implementing many of the recommendations of the 1998 review and reissuing the Dorn memorandum. The Services are currently developing implementation plans for this directive, but OSD is concerned about Service compliance.

OTHER STEPS SUGGESTED BY RIGHTS ADVOCATES

SLDN and others who seek to strengthen the current policy have made a series of suggestions, which include the following:

- Increase training of Servicemembers on the policy, on harassment, and on the limits of gay investigations.
- Take additional steps to hold accountable those who inappropriately ask, pursue, or harass.
- Make commanders accountable for an environment in which harassment appears acceptable.
- Provide recourse to accused Servicemembers to stop improper investigations by their commanders.
- Adopt a rule of privacy for confidential conversations.
- Exclude evidence obtained illegally or inappropriately from use in administrative discharge boards.

A PRICE FOR FURTHER ACTION

An effort to strengthen the "don't ask, don't tell" policy by pursuing some or all of the above suggestions could prove extremely controversial, particularly with the Services and opponents of the policy on the Hill. Too bold a step might reignite legislative proposals that could undermine our existing policy and spill over into other defense issues. In addition, our policy has not yet felt the positive impact of OSD's recent directives. If you wish to pursue any of the steps suggested by the rights activists, a small task force might review each idea.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

November 1, 1999

INFORMATION

MEMORANDUM FOR SAMUEL BERGER

FROM:

HANS BINNENDIJK ^{HB}

SUBJECT:

Problems with "Don't Ask, Don't Tell"

→ Hans -

Good memo.

I will consult w/ Wt legal; would you convert into memo for POTUS;

might strengthen the section on downsides

You asked us to assess DOD's implementation of the President's "don't ask, don't tell" policy for gays in the military. We have reviewed relevant documents and discussed the issue with Pentagon civilians and White House staff (Richard Socarides and Edward Correia). We conclude that there are negative trends in policy implementation, that OSD is trying to improve the situation but meets resistance from the Services and criticism from conservative organizations, and that more might be done during the next year to turn this around.

reopening: wind up reinitiating Congressional action.

CA

THERE IS A PROBLEM

Three interrelated trends capture the nature of the current problem. In the time allotted, we have not done an independent investigation of these trends and simply report them to you with some analysis.

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* SERVICE MEMBERS' LEGAL DEFENSE NETWORK

threats and verbal abuse. The Fort Campbell murder, they argue, must be seen in the context of this broader environment of harassment.

- **SLDN also believes that "commands use heavy-handed tactics to pursue gays"** in violation of the "don't ask, don't pursue" elements of the policy. SLDN reports that incidents of "asking and pursuing" were up 42% between 1997 and 1998. The case in which the Navy pursued a member because of comments made on AOL is cited as a high profile example of this problem. SLDN further concludes that while reports of threats to extract confessions are up, physical abuse by investigators has declined.

REASON BEHINDS THESE TRENDS

DOD has not made extensive inquiries into "statement cases," so the reasons for the majority of the discharges are not fully known. There are, however, several observations that we can make.

- **The 1993 policy was a compromise that leaves both commanders and gay members in a gray zone.** Under legislation passed in 1993, Servicemembers with a propensity or intention to engage in homosexual acts "create an unacceptable risk" and must be separated from the Armed Forces. The President's policy, however, stresses the privacy rights of individual members. This has posed contradictions for those tasked with implementing the policy and for those trying to live with it.
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In general, OSD appears to be making a good faith effort to implement the President's policy, but some of their policies are criticized by SLDN. OSD has also been criticized by conservative groups for giving SLDN too much access. The larger implementation problem may be with the Services. OSD efforts include the following:

- In 1995, the OSD General Counsel issued a memorandum which gives the commander broad investigative powers upon receipt of "credible information" and which places the burden of proof to "rebut a presumption" on the charged member. These interpretations are criticized by SLDN.
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A PRICE FOR FURTHER ACTION

An effort to strengthen the "don't ask, don't tell" policy by pursuing some or all of the above suggestions could prove extremely controversial, particularly with the Services and opponents of the policy on the Hill. One option is to set up an informal task force to consider more fully some of the suggestions made by rights activists. Legislative Affairs recommends that, at a minimum, we do nothing further on this issue until the Congress is out of session. Legal also recommends that you consult with the White House Counsel's office before taking action with respect to this policy. *why?*

Concurrences: NSC Legal; *my* Legislative Affairs
in draft

Binnendijk, Johannes A. (Hans) (DEFENSE)

From: Binnendijk, Johannes A. (Hans) (DEFENSE)
Sent: Monday, December 13, 1999 1:13 PM
To: Hammer, Michael A. (PRESS)
Cc: Peterman, David (Brian) (DEFENSE)
Subject: RE: Don't Ask, Don't tell - need updated guidance [UNCLASSIFIED]

On Sunday, Sandy probably overstated the extent of the criticism that Cohen had regarding implementation of the "don't ask, don't tell policy". But there is enough in the April 1998 OSD report and the August 1999 guidelines to support Sandy's general point.

In April 1998, the Under Secretary of Defense (Rudy DeLeon) did a report to Cohen. That report found:

-- "the number of service members discharged for homosexual conduct has in fact risen since the new policy became effective in 1994. We believe that this increase is a cause for some concern."
--the policy as "posed a challenge" to the Services, proper implementation has been a priority, for the most part it has been properly enforced.
--there are specific steps that are warranted to enhance implementation of the policy;
-- areas of concern raised during the review include: the problem of plea bargains to obtain evidence of homosexual conduct; the importance of consultation with higher headquarters before initiating investigations; the need to reissue guidance concerning threats against allegedly gay service members; and the need to ensure effective training for those charged with enforcing the policy.

In introducing the August 13, 1999 guidelines, Cohen said:

"The department is determined to implement the homosexual conduct policy with fairness to all concerned. I've made it clear there is no room for harassment or threats in the military. I've instructed the military Services to make sure that the policy is clearly understood and fairly enforced."

The basic point with the report and the guidelines is that OSD recognized that there were problems and they are taking steps to solve them. The Services are now implementing the new guidelines, but it is probably too soon to see the impact.

-----Original Message-----

From: Hammer, Michael A. (PRESS)
Sent: Monday, December 13, 1999 12:11 PM
To: @DEFENSE - Defense Policy
Cc: @PRESS - Public Affairs
Subject: Don't Ask, Don't tell - need updated guidance [UNCLASSIFIED]

Where exactly is Sec Cohen review???

draw from study points

So their impact has
not yet been felt.

- improved training for those enforcing the policy.
- In August 1999, OSD issued a new ^{guidelines} ~~policy directive~~ implementing many of the recommendations of the 1998 review and reissuing the Dorn memorandum. The Services are currently developing implementation plans for this directive, ~~but OSD is concerned about Service compliance.~~
- On December 13, 1999, Bill directed the DOD Inspector General to assess the environment with respect to application of the "don't ask, don't tell" policy at representative installations within each of the military departments. The IG's assessment will address the extent to which service members are subject to harassment based on alleged homosexuality, and the extent to which disparaging speech or expression relating to sexual orientation is tolerated. Bill asked the IG to report back to him in 90 days.
- When he announced the IG review, Bill stated: "As I have previously indicated, I am determined that the policy on homosexual conduct in the military be clearly understood and fairly enforced. This is critically important, as the effectiveness of the Department's application and enforcement of the policy has a direct relationship to unit cohesion and readiness."
- The IG report will serve as a useful basis for considering our next steps on this issue.

THE WHITE HOUSE
WASHINGTON

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL R. BERGER

SUBJECT: Defense Department Efforts to Improve
Implementation of "Don't Ask, Don't Tell"

You have expressed concern over how the "don't ask, don't tell" policy is being implemented by the Armed Services. Bill Cohen has taken a number of constructive steps to improve implementation of the "don't ask, don't tell" policy. For example:

- In 1997, OSD issued the Dorn memorandum, which stated that a report of harassment by a possibly gay member is not a cause for the commanding officer to investigate the person being harassed. It also ordered prompt investigation of harassment charges made by possibly gay members and ordered training to prevent harassment.
- ~~An April 1998 OSD review pointed out that a contradiction between legislation passed in 1993 requiring servicemembers with a propensity or intention to engage in homosexual acts be separated from the Armed Forces and the "don't ask, don't tell" policy's emphasis on privacy rights has posed a challenge to the Services. The review concluded that for the most part the policy has been properly enforced; however, constrained personal privacy for all members and a cultural emphasis on regulations leave commanders leaning in the direction of the law banning gays. OSD recommended several improvements in implementation of the "don't ask, don't tell" policy, including:~~
 - consultations with higher level commands before investigations begin;
 - reissue guidance concerning threats against allegedly gay service members; and

*Sanitize for
report w/out including
inclusion*

*more recommendations
for report.*

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Washington Post
May 22, 2000
Pg. 19

In The Loop

Star Stuck

By Al Kamen

Being commander of the hallowed 101st Airborne Division is a virtual guarantee of moving up to bigger things in the U.S. Army. But the current holder of that flag, Maj. Gen. Robert T. Clark, faces a less certain future.

Often the man vacating the division headquarters at Fort Campbell, Ky., gets his third star--and a plum assignment such as a corps command--at the change of command ceremony. For the Screaming Eagles of the 101st, the ceremony often takes place during Eagle Week, a time of athletic and military contests and overall chest-beating.

The bands will play and honor guards will march on June 9, but defense officials say Clark will leave Fort Campbell without his star. The Army brass didn't want a Senate confirmation hearing where he might be asked about the gay-bashing murder last July of Pfc. Barry Winchell in a Fort Campbell barracks.

The Army inspector general is already late with a report on whether the "command climate" under Clark permitted anti-homosexual harassment to flourish at Fort Campbell. (Never wanting to rain on its own parade, the Army recently postponed the delivery date on the IG report until after Eagle Week and Clark's departure.)

And then there is the small matter of a wrongful death suit being brought against the Army by Winchell's mother.

"I think what's happened is that, if he's nominated, someone will put a hold on his nomination because of the pending lawsuit," an Army general said. Gay activists say they have lined up senators to do just that.

Under the circumstances, the Army made a Solomonian decision. Clark will get a lateral move, rather than a promotion, but to a very prestigious job. Until the Winchell matter blows over, Clark will labor far from the public eye in the Pentagon D-Ring as vice director of "J-3," the operations office for the Joint Chiefs of Staff.

Gay activists may have a hard time finding him, but inside the military his stature will only grow. Among his responsibilities will be to run the National Military Command Center, the Strangelovian facility with all the big computer screens and buttons that make big bangs. Look for Clark to get his third star once the Winchell suit is resolved.



NEWS RELEASE

OFFICE OF ASSISTANT SECRETARY OF DEFENSE
(PUBLIC AFFAIRS)

WASHINGTON, D.C. - 20301

PLEASE NOTE DATE

IMMEDIATE RELEASE

December 13, 1999

No. 568-99

(703)695-0192(media)

(703)697-5737(public/industry)

SECRETARY OF DEFENSE DIRECTS ASSESSMENT OF EXTENT OF HARASSMENT

Secretary of Defense William S. Cohen announced today that he has directed the Department of Defense (DoD) Inspector General to initiate an assessment of the environment at representative installations within each military Department with respect to the application of the homosexual conduct policy. The assessment will include a review of the extent to which the harassment of service members based on perceived or alleged homosexuality may occur. The extent to which disparaging speech or expression with respect to sexual orientation occurs or is tolerated will also be assessed. Cohen asked to receive the Inspector General's assessment within 90 days.

"As I have previously indicated, I am determined that the policy on homosexual conduct in the military be clearly understood and fairly enforced," Cohen said. "This is critically important, as the effectiveness of the Department's application and enforcement of the policy has a direct relationship to unit cohesion and readiness."

In August, following an extensive review of the implementation of the homosexual conduct policy, the DoD issued additional guidance intended to improve the application and enforcement of the policy.

- END -



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: Implementation of the Policy on Homosexual Conduct in the Military

This August, the Department of Defense, following an extensive review of the Department's implementation of the homosexual conduct policy, issued additional guidance intended to improve the application and enforcement of the policy. The Military Departments are preparing the issuance of their instructions to the field to implement this guidance.

As I have previously indicated, I am determined that the policy on homosexual conduct in the military be clearly understood and fairly enforced. This is critically important, as the effectiveness of the Department's application and enforcement of the policy has a direct relationship to unit cohesion and readiness.

Therefore, I am today asking that you initiate an assessment of the environment at representative installations that you select within each Military Department with respect to the application of the homosexual conduct policy. This assessment will include a review of the extent to which the harassment of service members based on perceived or alleged homosexuality may occur. The extent to which disparaging speech or expression with respect to sexual orientation occurs or is tolerated should also be assessed as this can undermine good order and discipline. Please provide me with your assessment within 90 days.

William J. Clinton



NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

December 3, 1999

ACTION

MEMORANDUM FOR SAMUEL BERGER

FROM: HANS BINNENDIJK ^{HB}

SUBJECT: Problems with "Don't Ask, Don't Tell"

You asked that we convert our memo on "don't ask, don't tell" to a memo for the President, and that we strengthen the section on downsides of reopening the issue. The converted memorandum for your signature to the President is at Tab I. Our original memorandum is at Tab II.

Laura Marcus asked that John Podesta have an opportunity to review the memo before it is submitted to the President. Eddie Correia from Nolan's office has also asked for a copy of the draft. I have worked with Eddie on the issue and recommend sharing a copy with him.

Concurrence: NSC Legal, Legislative Affairs

RECOMMENDATION

That you sign the attached memorandum at Tab I after consulting with Podesta.

Attachments

Tab I Information Memorandum for the President
Tab II Previous Correspondence

THE WHITE HOUSE
WASHINGTON

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL R. BERGER

SUBJECT: Problems with "Don't Ask, Don't Tell"

You asked for a review of the "don't ask, don't tell" policy for gays in the military. The assessment below concludes that: (1) there are negative trends in policy implementation; (2) OSD is trying to improve the situation, but meets resistance from the Services; (3) there are steps available to improve the situation further, but they may reignite negative congressional reaction.

THERE IS A PROBLEM

Three interrelated trends capture the nature of the current problem.

- The number of annual discharges for homosexual conduct has doubled since 1994, growing consistently from 617 in that year to 1149 last year. The vast majority of these discharges (82%) were triggered by a personal "statement" admitting to homosexuality. Fifty-eight percent of the discharges were within the member's first year of service.
- SLDN (Servicemembers' Legal Defense Network) data (which may not be completely reliable) indicates that incidents of anti-gay harassment have doubled since 1997. Last year they documented 400 cases that included death threats and verbal abuse. The Fort Campbell murder, they argue, must be seen in the context of this broader environment of harassment.
- SLDN also believes that "commands use heavy-handed tactics to pursue gays" in violation of the "don't ask, don't pursue" elements of the policy. SLDN reports that incidents of "asking and pursuing" were up 42% between 1997 and 1998.

SLDN further concludes that while reports of threats to extract confessions are up, physical abuse by investigators has declined.

REASONS BEHINDS THESE TRENDS

There appear to be several reasons for these negative trends.

- Under legislation passed in 1993, Servicemembers with a propensity or intention to engage in homosexual acts "create an unacceptable risk" and must be separated from the Armed Forces. The "don't ask, don't tell" policy, however, stresses privacy rights. This has posed contradictions for those tasked with implementing the policy and for those trying to live with it.
- An April 1998 OSD review concluded that this contradiction has posed a challenge to the Services, but that for the most part the policy has been properly enforced. However, constrained personal privacy for all members and a cultural emphasis on regulations leave commanders leaning in the direction of the law banning gays.
- And yet the "don't ask, don't tell" policy tends to lead some gays to join a culture that does not meet their expectations.
- A recent policy shift at Lackland Air Force Base supports the belief that some statements admitting to homosexual preferences may be designed as a short-term escape from unpleasant basic training. A "cooling off" period has been instigated during which a recruit has an opportunity to consult legal counsel and retract a privately made statement. Gay-related discharges of Lackland recruits has dropped dramatically.

OSD EFFORTS TO IMPLEMENT THE POLICY

OSD appears to be making a good faith effort to implement your policy, but an implementation problem remains in the Services.

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Cohen has taken number of const. steps to improve. For ex?

E-mail

IG

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OTHER STEPS SUGGESTED BY RIGHTS ADVOCATES

SLDN and others who seek to strengthen the current policy have made a series of suggestions, which include the following:

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A PRICE FOR FURTHER ACTION

An effort to strengthen the "don't ask, don't tell" policy by pursuing some or all of the above suggestions could prove extremely controversial, particularly with the Services and opponents of the policy on the Hill. Too bold a step might reignite legislative proposals that could undermine our existing policy and spill over into other defense issues. In addition, our policy has not yet felt the positive impact of OSD's recent directives. If you wish to pursue any of the steps suggested by the rights activists, a small task force might review each idea.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

November 1, 1999

INFORMATION

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* SERVICE MEMBERS' LEGAL DEFENSE NETWORK

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Concurrences: NSC Legal; *in draft* Legislative Affairs

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Fort Worth Star-Telegram
April 25, 2000

Mother Of Slain Soldier To File Claim Against Army

By Nancy Zuckerbrod, Associated Press

WASHINGTON -- The Army's attitude toward gays created the atmosphere that led to the murder of a soldier in his barracks, his mother said Monday.

Patricia Kutteles of Kansas City, Mo., said she will sue the Army on Tuesday for \$1.8 million the death of her son, Pfc. Barry Winchell, 21.

She said fellow soldiers believed Winchell was gay and harassed him for months before he was beaten to death while sleeping in his cot last July at Fort Campbell, Ky. The Army knew about the harassment but did nothing to stop it, she said.

"We want the Army to be held accountable," Kutteles said Monday.

Pvt. Calvin Glover, 19, of Sulphur, Okla., was convicted of premeditated murder and sentenced to life in prison for the attack on Winchell. Another soldier was given a 12½-year sentence for lying to investigators and obstructing justice.

The killing prompted criticism of the Pentagon's policy on homosexuals in the military. Under the policy known as "don't ask, don't tell," gay members of the military can continue to serve as long as they keep their sexual orientation to themselves.

Kutteles' lawyer, Adam Pachter, said he plans to sue under a federal law that allows people to seek reimbursement from the military for injury or death. Pachter said the \$1.8 million was derived from Winchell's future lost wages and conscious pain and suffering.

The claim will be sent to Maj. Gen. Robert T. Clark, the commander of Fort Campbell but Army Secretary Louis Caldera probably will make the final decision on whether to pay, Pachter said.

Kutteles' claim also alleges Fort Campbell officials ignored underage drinking on the base and did not provide a way for soldiers to call 911 from the barracks. Glover has said he was drinking before the attack.

Maj. Pamela Hart, a Fort Campbell spokeswoman, refused to comment on the claim but said soldiers can now reach 911 from their barracks. She also said soldiers have received additional training about the military's policy on gays.

Servicemembers Legal Defense Network

FAX COVER SHEETTO: Julian PotterFAX: (202) 456-6218FROM: Michelle M. Benecke, Esq., Co-Executive Director

To report any problems with this transmission, please call Steve Ralls at 202.328.3244.

DATE: April 10, 2000PAGES (including cover): 6**COMMENTS:**From the April 25th issue of *The Advocate*.**WARNING:**

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Blood on its hands:
Pat and Wally
Kutteles, Barry
Winchell's mother
and stepfather,
blame the Army for
their son's murder.

Life after

Barry Winchell's mom begs other mothers
to not let their gay sons join the military

BY CHRIS BULL



**THE STATE OF
GAYS IN THE MILITARY**
A SPECIAL ADVOCATE REPORT

It's every parent's worst nightmare. Last July, Patricia Kutteles received a telephone call informing her that her 21-year-old son, Pfc. Barry Winchell, had been killed at the Fort Campbell Army base in Kentucky. But for Kutteles, that news was just the beginning of her ordeal. After a delay, the Pentagon finally acknowledged that Winchell had been beaten to death with a baseball bat, in part because the perpetrator believed he was gay.

death

"When I was told about the motives of the killers," Kutteles said in a telephone interview from her home in Kansas City, Mo., "I was just devastated, but not because they thought Barry was gay. All I could think about was how he

had been harassed for months and how his death could have been prevented. I couldn't believe that the Army would just allow the entire name-calling and degradation he was subjected to."

Kutteles may not have known her son's sexual orientation, but fellow servicemen apparently thought they did. On July 5 Pvt. Calvin Glover, enraged that a "faggot" had "kick[ed] [his] ass" during a barracks fight two days earlier, bludgeoned Winchell while he slept on a cot. ►

THE STATE OF GAYS IN THE MILITARY

A SPECIAL ADVOCATE REPORT

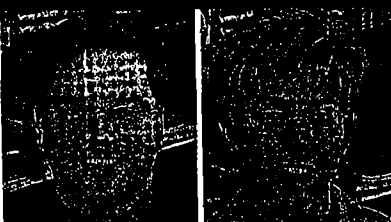


Don't hold your breath

Repeal of the "don't ask" policy will
require both political luck and patience

Despite the discouraging news of increased harassment of gay and lesbian military personnel, the Servicemembers Legal Defense Network did mention some progress in its annual report: Witch-hunts have begun to wane, and criminal prosecutions of gay and bisexual personnel have decreased as commanders simply opt to discharge them instead.

That's considered progress, though slight, compared to where the military was six years ago, just after the "don't ask, don't tell" policy was enacted. And much of the credit belongs to the work of SLDN, which was formed to ensure that the policy would be implemented fairly and eventually replaced with a more inclusionary one.



SLDN co-directors: Osburn (left) and Benecke

Co-executive director Michelle Benecke says that when she and C. Dixon Osburn started the organization, they thought it would be at least 20 years before the ban on gays would be completely lifted—based on the military's record on integrating women and racial minorities. But "recent political developments give me the hope that the time line could be further compressed," Benecke says.

Thanks in part to the news coverage of U.S. Army Pfc. Barry Winchell's murder in July 1999 and the United Kingdom's recent decision to lift its gay military ban, the "don't ask" policy had been one of the most-talked-about issues in the presidential primary race. Of the two candidates left standing, Vice President Al Gore has said he would move to allow gays to serve openly, while Republican front-runner George W. Bush has said he would keep the "don't ask" policy in place but would better implement it.

Consequently the November elections will have a major impact on the policy's future. But Benecke warns that even if Gore is elected president, the chances of overturning the ban in the immediate future, while improved, are still somewhat remote. A new military policy would have to move through Congress, and right now influential Republicans and some Democrats would fight such action.

"The rock-bottom fact is the votes are not there," Benecke says. "People need to elect more moderate representatives and senators from both parties to Congress."

And even if a repeal got through Congress, senior military officials at the Pentagon—whose strenuous objections to Clinton's first push to lift the ban resulted in the "don't ask" compromise—will likely stand firm behind the status quo. "There will be vociferous opposition from military leaders unless a courageous one steps up to the plate—one who is willing to be ostracized by the pack over at the Pentagon," Benecke says. "The less that sexual orientation matters to soldiers in the field, the more the senior military officials dig their heels in to make it matter."

But as Benecke points out again, "We've always recognized this as a long-term struggle. The debate in 1993 cracked the door open...and we've [got to] fight like hell to get through the door rather than...throw up our hands and let it slam in our face." —*Bill Ghent*



Find out more on the history of the Clinton administration's "don't ask, don't tell" policy and gays and lesbians in the military, plus links to related topics, at www.advocate.com.

Winchell's face was so disfigured that a fellow soldier said it looked as if he had "raccoon eyes." In December Glover, then 18, was sentenced to life in military prison. Spc. Justin Fisher, then 25, was accused of being an accomplice but received a 12½-year sentence on lesser charges in January.

Kutteles has found some solace by transforming her son's death into a crusade against the military's "don't ask, don't tell" policy. In a letter to Secretary of Defense William Cohen, Kutteles complained bitterly about what she termed the "blasphemies to the memory of our son." In March Kutteles and her husband, Wally, who was Barry's stepfather, planned to file a wrongful death suit against the Pentagon. Like most legal challenges to the armed services, the suit faces long odds. But the couple hopes it will draw attention to the physical dangers facing gay and lesbian military personnel.

"Talking about what Barry suffered has helped me get through this past eight months," Kutteles says. "When things got tough Barry would always say to me, 'Suck it up and drive on,' and that's what I try to do. It's really important to me that the atmosphere changes in the military so no one else has to experience what my son went through."

Despite her steadfast commitment to her crusade, Kutteles is anything but certain about how her son lived his private life. She is reluctant to concede that Winchell was gay. And she struggles to understand his relationship with Calpernia Sarah Addams, a male-to-female preoperative transsexual whom Winchell was dating before his death. "I'm not saying that Barry wasn't gay, only that I didn't know him to be gay," Kutteles says. "He never told me he was gay."

Kutteles says she has spoken to Addams once: "I like her very much, and I know she cared very much about Barry. I can understand that if he was struggling with his sexuality, why, with her femininity, she might have been very comforting to him." ►



Winchell's former girlfriend
Calpernia
Sarah Addams

THE STATE OF GAYS IN THE MILITARY A SPECIAL ADVOCATE REPORT



Kutteles's surprise about her son's sexuality stems in part from lessons she tried to impart to him. As a registered psychiatric nurse, she spent years caring for gay kids. "I especially remember one young gay boy whom I worked with," she says. "He came to live at my residential center. Two weeks later his mother sent his belongings and said she never wanted to see him again. He was such a sensitive, loving kid, and it just broke your heart that a parent would treat a child like that. These were boys who were so despised by their families that they had never been tucked in at night."

Kutteles did not leave her sense of empathy at the office. "I know that he knew I would love him no matter who he was," she says of Winchell. "He

knew I wouldn't reject him. That's what makes it so hard to understand." When she did notice that Winchell was different from other kids, she attributed it to his learning disabilities. From an early age he suffered from attention deficit disorder and dyslexia. "There was so much going on that perhaps that part of him just got lost," she says.

Winchell's early years were tumultuous for other reasons as well. Following an abusive relationship, Pat and her three sons were left homeless. For two months the family lived in shelters and their car. Life became stable when Pat met Wally Kutteles, when Barry was 5 years old. A Korean War veteran, Wally apparently inspired Barry's interest in the Army. Now Wally Kutteles is involved in what he sees a battle for justice in the memory of the man he considered his son.

In taking on the military brass, Pat Kutteles has joined a lamentably large group of mothers of murdered gay and lesbian sons and daughters. Matthew Shepard's mother, Judy, is the best-known example. But Kutteles has perhaps the most in common with Dorothy

Hajdys-Holman, whose son Allen Schindler was stomped to death by a fellow serviceman in an eerily similar incident in 1992. In that case the Navy ignored threats and taunts aimed at Schindler, who feared for his safety. Schindler was so badly beaten that Hajdys-Holman could recognize him only by the tattooed emblem of the USS *Midway* on his forearm.

Although they lack the coordination of organizations such as Mothers Against Drunk Driving or Mothers Against Violence in America, these women have become a political force with which to be

reckoned. "There's no question we have the potential to become a potent symbol in the fight against violence," Kutteles says. "Who can question the motives of a

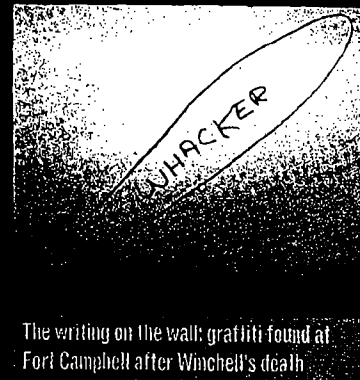
mom who loves her gay son? Not even the right wing can do that. If you love your child, whether gay or not, you're going to fight for him. I loved my son very, very much. And I want the world to know I loved him very much and I was very proud of him."

Already, she has made an impact on "don't ask, don't tell." In the wake of the killing, Cohen ordered a 90-day investigation of antigay harassment, and anti-harassment training has been mandated for each of the armed services' four branches. But there is still a long way to go. On March 9 Servicemembers Legal Defense Network released a study showing that antigay harassment is still on the rise. The gay rights group documented more than 1,000 incidents last year alone.

Kutteles is confident that in the long run the policy will be scrapped altogether. But in the meantime she has stern advice for other parents. "If I had just known, I would have begged Barry not to join, or to get out of, the Army," she laments. "I just hope all those mothers of gay kids will tell their sons, 'Don't join the military.' Your son might not come home." ■



Calvin Glover (left) and Justin Fisher



The writing on the wall: graffiti found at Fort Campbell after Winchell's death

When U.S. Army Spc. Michael McCoy learned of Pfc. Barry Winchell's death, he was in shock. "My buddy," he says, anger creeping into his voice, "was bludgeoned to death by a baseball bat. Then antigay graffiti started appearing around the base." In the weeks and months following the July 1999 murder, the graffiti—including a drawing of a baseball bat with the words **FAG WHACKER** written inside and the slogan "All fagets [sic] in the Army will be killed"—increased. "I became concerned for my own personal safety," McCoy admits. "I didn't want to be the next 'fallen soldier,' murdered because I'm gay."

McCoy, all of 22 years old, had already given almost three years to the Army by the summer of 1999. "I would have stayed in to do a career term," he says now, "if the Army was more accepting of gays and lesbians." But the combination of remaining closeted and fearing for his life led McCoy to disclose his sexual orientation to his superiors. His commander asked him if he wanted to remain in the Army, but McCoy didn't believe he would be safe on base. He opted for an honorable discharge.

Six years after President Clinton implemented "don't ask, don't tell," and even after the more recent "don't harass," the Army remains an uncomfortable—indeed, dangerous—place to be gay, lesbian, or bisexual. The Servicemembers Legal Defense Network, a group committed to the rights of gay and lesbian military personnel, believes that the murder of Winchell and the vicious homophobia at Fort Campbell, Ky., are representative of a deeply ingrained homophobia that reaches throughout the branches of the military. In its sixth annual report on "don't ask, don't tell," released March 9, SLDN paints a careful, vivid picture of an environment in which homophobic slurs are as



Offensive maneuvers

A report from behind the scenes at Fort Campbell and elsewhere, where the military continues to harass gay and lesbian personnel BY SARAH WILDMAN

common as commands and even the highest level of authority doesn't have a clear picture of the military's policy regarding gays.

Indeed, on March 24 the Pentagon itself was forced to admit how much a part of the military culture homophobia is. A survey ordered by Defense secretary William Cohen in the wake of Winchell's murder concluded, in the words of Pentagon spokesman Kenneth Bacon, that "offensive comments about homosexuals were commonplace, and the majority [of personnel] believed these offensive comments were tolerated to some extent." Forty percent of soldiers reported seeing harassment of service members believed to be gay.

Certainly, the evidence was easy to find at Fort Campbell all along. Pvt. Javier Torres, stationed at Fort Campbell with McCoy and Winchell, came out to his command after months of enduring supervisors' harassment. Staff Sgt. Ricardo Matelstreet, Torres said in a sworn affidavit following his departure from the service, sang "antigay cadences during the platoon's physical training runs" that included the phrase "Faggot, faggot down the street / Shoot him, shoot him till he retreats."

That scenario is part of how "the military is socializing people to hate gays," says Michelle Benecke, co-executive director of SLDN and a former Army captain. "When [new] soldiers walk into their barracks and see 'kill faggots' in rest rooms around base, antigay comments carved into the furniture, and they see their unit leaders walk by that every day and hear their unit leaders make derogatory comments about gay people, that sends a message that the way to fit in is to join in the harassment."

The harassment at Fort Campbell may be harsh, but it is hardly unique. From February 1999 until February 2000, according to the SLDN report, there were 966 reported incidents

of antigay harassment, up 142% from last year, and 665 incidents in which armed forces personnel were "asked and pursued" concerning their sexual orientation, an increase of 30%. Women, only 14% of the military population, represent 31% of discharges, as the label *lesbian* is used as a weapon against female service members, gay and straight. And these are just the reported percentages. "Service members can't report antigay harassment without risking being outed and losing their livelihood" whether gay or not, Benecke says.

At a time when the Pentagon is spending record sums and has lowered the minimum IQ for enlistment in an effort to increase the ranks, discharges for sexual orientation are up 73% in the past six years. "The discharge figures are just the tip of the iceberg," says Benecke, who left the service because of its discriminatory policy toward gays and lesbians. "Many more people leave at the end of their term of enlistment or resign because of 'don't ask, don't tell.'"

The Defense Language Institute in Monterey, Calif., trains top military members to be linguists, an essential component of the military's international peacekeeping missions. In 1999 14 service members stationed at the institute were subjected to violations of the "don't ask, don't tell" policy when they were harassed by their superiors, their fellow soldiers, and their civilian language instructors.

Airman 1st Class Deanna Grossi, for example, was first targeted by her superiors, who directly asked her about her sexual orientation, drawing her into a larger investigation based primarily on rumor. Grossi found herself hamstrung: When antigay epithets were used to attack a fellow airman, she spoke out. From that day forward she was the subject of homophobic comments and actions. According to SLDN,

Grossi reported that her classmate, Airman 1st Class Reyes, would sit in class "hold[ing] his fingers to his nose as if he were smelling them until she would notice. Then Reyes would say, 'Let me smell your hand so I can see if you did the same thing I did last night.'"

Though these comments were made in front of the language teacher, no action was taken against Reyes. Another airman, Erin Hollenshead, was driven from the Air Force after months of harassment, including being called a "pussy sucker" by fellow classmates. In her report Hollenshead said, "I cannot serve my country in good conscience knowing that my classmates don't want me here and could possibly physically harm me if they suspected or learned that I am in fact gay."

Gay military personnel have no recourse; SLDN reports show that those who have tried to deal with harassment through military chaplains and health care providers—including psychologists—have been turned in.

"Last year," Benecke says, "we found a Navy Web site that specifically told health care providers to turn in gay people who came to them for help." The site, which SLDN brought the attention of the Pentagon, called gays "illegal and dangerous." It took months for the site to be dismantled, and in that time, Benecke says, a number of gay service members were discharged from the Army. "SLDN has repeatedly asked the Pentagon to clarify its own policy," Benecke says with a sigh. So far, those changes have yet to come. ■

Wildman is a Washington, D.C.-based writer who has contributed to The Washington Post and The New Republic.

Find more information on SLDN's report on gays in the military at www.aidocato.com

SLDNL, FIREN, AP/WIDE WORLD PHOTOS

Peterman, David (Brian) (DEFENSE)

From: WHSR
Sent: Thursday, April 13, 2000 2:10 PM
To: Andreasen, Steven P. (DEFENSE); Binnendijk, Johannes A. (Hans) (DEFENSE); Black, Steven K. (VP); Cables; Cheramie, Don E. (WHSR); Cullom, Philip H. (DEFENSE); McGee, Jenny A. (WHSR); Peterman, David (Brian) (DEFENSE); Pimentel, Betsy J. (DEFENSE); Rogers, Elizabeth B. (WHSR); Schrader, Joel M. (WHSR); Sibley, Matthew W. (WHSR); Tarver, J. Sean (WHSR); Witkowski, Anne A. (DEFENSE)
Subject: HOMOSEXUAL CONDUCT POLICY AND TRAINING REQUIREMENTS//
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(M&RA)/16FEB00/NOTAL// REF/C/DOC/10USC654// NARR/REF A IS NAVADMIN 291/99,
CONTINUING GUIDANCE CONCERNING

ActionAddres: NAVADMIN
Classification: UNCLASSIFIED
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GENERAL SERVICES ADMINISTRATION

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REF/C/DOC/10USC654//
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PROPER APPLICATION OF DOD HOMOSEXUAL CONDUCT POLICY. REF B
PROVIDES THE DEFINITION OF A SUBSTANTIAL INVESTIGATION. REF C IS
LAW CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.//
RMKS/1. REF A PROMULGATED CONTINUING GUIDANCE CONCERNING THE
PROPER APPLICATION OF DOD HOMOSEXUAL CONDUCT POLICY AND REITERATED
EXISTING POLICY REGARDING INVESTIGATION OF THREATS AGAINST OR
HARASSMENT OF SERVICE MEMBERS ON THE BASIS OF ALLEGED HOMOSEXUALITY.
CRITICAL TO FULL IMPLEMENTATION OF THIS POLICY IS THE UNDERSTANDING

PAGE 02 RUENAAA3647 UNCLAS

THAT HARASSMENT OF SERVICE MEMBERS FOR ANY REASON, TO INCLUDE ALLEGED OR PERCEIVED HOMOSEXUALITY, WILL NOT BE TOLERATED.

2. REF A ALSO REQUIRES ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS (ASN(M&RA)) APPROVAL BEFORE A COMMANDING OFFICER CONDUCTS A SUBSTANTIAL INVESTIGATION WHERE THE MEMBER IS SUSPECTED OF MAKING A STATEMENT OF HOMOSEXUALITY TO AVOID A SERVICE OBLIGATION. REF B PROVIDED THE FOLLOWING CLARIFICATION OF WHAT DOES AND DOES NOT CONSTITUTE A SUBSTANTIAL INVESTIGATION: WHEN A COMMANDING OFFICER SUSPECTS THAT A SERVICE MEMBER HAS MADE AN ADMISSION OF HOMOSEXUALITY FOR THE SOLE PURPOSE OF SEEKING SEPARATION FROM THE NAVAL SERVICE TO AVOID A MILITARY OBLIGATION, INCLUDING, BUT NOT LIMITED TO, A DEPLOYMENT, EXERCISE OR ASSIGNMENT, AND THE COMMANDING OFFICER BELIEVES THAT THE MEMBER IS NOT A PERSON WHO ENGAGES IN, ATTEMPTS TO ENGAGE IN, OR INTENDS TO ENGAGE IN HOMOSEXUAL ACTS, THE COMMANDING OFFICER MAY CONDUCT THE FOLLOWING INQUIRY WHICH DOES NOT CONSTITUTE A SUBSTANTIAL INVESTIGATION AND DOES NOT REQUIRE ASN M&RA APPROVAL: ASK QUESTIONS OF THE SERVICE MEMBER WHO MADE THE HOMOSEXUAL ADMISSION CONCERNING THE SEXUAL ORIENTATION OF THE MEMBER AND THE REASON FOR SUCH ADMISSION, AND/OR WITNESSES TO WHOM THE ADMISSION WAS MADE, AND/OR INDIVIDUALS SUGGESTED BY THE SERVICE MEMBER FOR QUESTIONING, AND/OR THE SERVICE MEMBER'S IMMEDIATE SUPERVISORY CHAIN OF COMMAND. ANY QUESTIONS BEYOND THOSE DESCRIBED ABOVE SHOULD ONLY BE ASKED AFTER SECURING APPROVAL THROUGH CNPC AND CNP FROM ASN M&RA TO CONDUCT A SUBSTANTIAL INVESTIGATION. A COMMANDING OFFICER WHO DOES NOT REQUEST AUTHORITY TO CONDUCT A SUBSTANTIAL INVESTIGATION MAY PROCESS FOR ADMINISTRATIVE SEPARATION ANY MEMBER WHERE THERE IS CREDIBLE EVIDENCE THAT THE PERSON ENGAGED IN, ATTEMPTED TO ENGAGE IN, OR INTENDS TO ENGAGE IN, HOMOSEXUAL ACTS. IF A COMMANDING OFFICER DETERMINES THAT THE MEMBER IS NOT A PERSON WHO ENGAGES IN, ATTEMPTS TO ENGAGE IN, OR INTENDS TO ENGAGE IN, HOMOSEXUAL ACTS, THEN NO FURTHER PROCESSING IS REQUIRED AND THE MEMBER SHOULD BE EXPECTED TO PERFORM HIS/HER DUTIES. PER REF A, A COMMANDING OFFICER IS ENCOURAGED, WHENEVER POSSIBLE, TO CONSULT WITH SENIOR JUDGE ADVOCATES TO ENSURE CONSISTENT, FAIR APPLICATION OF HOMOSEXUAL CONDUCT POLICY.

3. REF C REQUIRES THAT ALL ACTIVE DUTY AND RESERVE PERSONNEL RECEIVE BRIEFINGS ON THE HOMOSEXUAL CONDUCT POLICY. ACTIVE DUTY ENLISTED PERSONNEL WILL BE BRIEFED AT THE TIME OF (OR WITHIN 14 DAYS AFTER) INITIAL ENTRANCE ON ACTIVE DUTY, AFTER COMPLETING SIX MONTHS

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OF ACTIVE DUTY, AND AT THE TIME OF REENLISTMENT. RESERVE ENLISTED PERSONNEL WILL BE BRIEFED UPON ENTRANCE INTO A DUTY STATUS WITH A RESERVE COMPONENT, AFTER THE MEMBER HAS COMPLETED RECRUIT TRAINING, AND AT THE TIME OF REENLISTMENT. OFFICERS WILL BE BRIEFED ON THE HOMOSEXUAL CONDUCT POLICY UPON INITIAL ENTRY INTO THE ARMED FORCES. REF A ADDS THE REQUIREMENT FOR HOMOSEXUAL CONDUCT POLICY TRAINING FOR COMMANDING OFFICERS, SUPERVISORS, JUDGE ADVOCATES, PARALEGALS, AND LAW ENFORCEMENT PERSONNEL.

4. THE FOLLOWING HOMOSEXUAL CONDUCT POLICY TRAINING PROGRAMS HAVE BEEN ESTABLISHED TO MEET TITLE 10 REQUIREMENT:

A. INITIAL ACCESSIONS TRAINING FOR ENLISTED PERSONNEL IS CONDUCTED AT RECRUIT TRAINING COMMAND FOR ACTIVE DUTY, AND THE NON-PRIOR SERVICE ACCESSIONS COURSE (NPSAC) FOR RESERVES. ALL OFFICERS ARE BRIEFED ON THE POLICY DURING TRAINING AT NROTC UNITS, OFFICER CANDIDATE SCHOOL, OFFICER INDOCTRINATION SCHOOL, THE DIRECT COMMISSION OFFICER COURSE, AND THE NAVAL ACADEMY.

B. TO SUPPORT FOLLOW-ON COMMAND LEVEL TRAINING REQUIREMENTS, CNET HAS INCORPORATED HOMOSEXUAL CONDUCT POLICY TRAINING INTO THE FY-00 ANNUAL GENERAL MILITARY TRAINING (GMT) LESSON "DEVELOPING AND BUILDING TRUST." RECEIVING THIS ANNUAL GMT LESSON ON THE DOD

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HOMOSEXUAL CONDUCT POLICY WILL FULFILL THE REQUIREMENT FOR BRIEFING THE POLICY UPON COMPLETION OF SIX MONTHS OF ACTIVE DUTY, AFTER RECRUIT TRAINING FOR RESERVE PERSONNEL, AND FOR SUPERVISOR TRAINING. THE GMT LESSON CAN ALSO BE USED TO BRIEF ALL PERSONNEL AT THE TIME OF REENLISTMENT. AT REENLISTMENT, ALL ENLISTED SERVICE MEMBERS MUST HAVE THE FOLLOWING PAGE 13 ENTRY MADE IN THEIR PERMANENT SERVICE RECORDS: "ON (DATE), IN ACCORDANCE WITH ARTICLE 137, UCMJ, AND SECTION 654 OF TITLE 10, UNITED STATES CODE, MEMBER ADVISED OF THE PROVISIONS OF THE UNIFORM CODE OF MILITARY JUSTICE, TYPES OF DISCHARGES AND THE RULES GOVERNING SEXUAL CONDUCT OF MEMBERS OF THE ARMED SERVICES, INCLUDING HOMOSEXUAL CONDUCT POLICY. COPIES OF THE UCMJ AND GMT ON SEXUAL CONDUCT POLICY, INCLUDING A DETAILED EXPLANATION OF THE HOMOSEXUAL CONDUCT POLICY, WERE MADE AVAILABLE TO MEMBER FOR PERSONAL EXAMINATION." THIS CHANGE WILL BE INCORPORATED IN THE NEXT REVISION TO THOSE SECTIONS OF MILPERSMAN, PASSMAN AND ENLISTED TRANSFER MANUAL THAT PERTAIN TO PAGE 13 ENTRIES AT REENLISTMENT.

C. DISTRIBUTION OF THE "DEVELOPING AND BUILDING TRUST" LESSON, LOCATED IN THE FY-00 GMT TOPIC 3-2, BEGAN IN JANUARY 2000. THE LESSON PLAN CAN ALSO BE DOWNLOADED FROM THE CNET WEBSITE AT

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OFFICE OF ASSISTANT SECRETARY OF DEFENSE
(PUBLIC AFFAIRS)
WASHINGTON, D.C. 20301

**IMMEDIATE
RELEASE**March 24,
2000No. 146-00
(703)695-0192(media)
(703)697-5737
(public/industry)**SECRETARY COHEN CALLS FOR ACTION PLAN TO REDUCE
HARASSMENT**

Secretary of Defense William S. Cohen announced today that he is setting up a working group of senior leaders from the services to draft an action plan focusing on the measures necessary to address the problem of harassment based on perceived sexual orientation. Following is the complete text of the memorandum he sent today to the services:

"On March 16, the Office of the Inspector General, DoD, provided me with the 'Report on the Military Environment With Respect to the Homosexual Conduct Policy.' I had asked that this assessment be conducted in order to evaluate the climate at representative military installations in each Service with regard to our policy on homosexual conduct. I asked that the Inspector General include in the review an assessment of the extent to which harassment of servicemembers based on perceived or alleged homosexuality may occur or be tolerated, as well as the extent to which disparaging speech concerning sexual orientation may occur or be tolerated. The report is based on a survey of more than 70,000 service members worldwide. A copy of the report is attached for your review. [Online](#)

"The Inspector General's report convinces me that additional actions are necessary to address the problem of harassment of service members who are alleged or perceived to be homosexual. Over one-third of respondents participating in the survey reported that over the past year they had either witnessed or experienced some form of harassment based on perceived homosexuality. Although the most frequent type of harassment identified was offensive speech, a small but significant percentage of respondents reported that more serious matters were involved. In most cases, the harassment was not reported to the chain of command.

"We have no way of knowing the extent to which the results of this survey reflect a larger societal issue. Nonetheless, we simply cannot tolerate harassment in the Armed Forces. I know that you share my view that harassment of our service members for any reason seriously undermines the good order and discipline that is critical to an effective fighting force. The leadership of each Service must continue to work to ensure that

everyone in the Armed Forces understands that harassment, whether based on race, religion, gender, perceived sexual orientation, or any other basis, is unacceptable.

"We have taken a number of steps in the past year designed to improve implementation of the homosexual conduct policy. In August 1999, the Under Secretary of Defense for Personnel & Readiness reissued guidelines reiterating our policy regarding investigations of threats against or harassment of service members based on alleged homosexuality. That guidance, widely disseminated, is intended to ensure that service members feel free to report crimes and harassment free from fear of harm, reprisal, or inappropriate response, and that commanders take appropriate action to hold those who engage in threatening or harassing conduct accountable. The leadership of each of the Services also issued a strong statement to the field in December 1999 that harassment for any reason, including harassment based on perceived sexual orientation, will not be tolerated and that commanders are expected to take prompt, appropriate action in cases of harassment. The report shows that military leaders must do more to make it clear that harassment based on sexual orientation violates military values.

"Also in August 1999, the Under Secretary of Defense for Personnel & Readiness asked that the Inspectors General of each of the Services include, as an item of specific interest in their inspections, review of the training provided commanders, attorneys, and investigators concerning how homosexual conduct cases should be handled. More broadly, each of the Services undertook a comprehensive review and revision of the training materials used to educate all service members about the homosexual conduct policy. I approved those training materials on February 1 and directed that they be incorporated promptly into Service training programs. The Army has undertaken a special effort to ensure that every member of the Army receives training on this policy by April 2000.

"The Inspector General's report makes clear, however, that there is still more to do to fully address these issues. In that regard, I am establishing a working group, composed of senior military and civilian representatives from each of the Services, [to review the Inspector General's report and to draft action plan that can be provided to each of the Services. This draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and the other issues raised by the results of the Inspector General's survey. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well.

"I request that the Under Secretary of the Air Force, the Assistant Secretary of the Army (Manpower & Reserve Affairs) and the General Counsel of the Navy be made available to serve on this working group, and that the Under Secretary of the Air Force serve as chair. I also request that each Service designate a General/Flag officer from their respective services to join this group. The group should report to the Under Secretary of Defense for Personnel & Readiness by July 31, 2000.

"I appreciate your assistance in this important endeavor."

The IG's review, entitled "Report on the Military Environment with

Respect to the Homosexual Conduct Policy," No. D-2000-101, is available on line at <http://www.dodig.osd.mil/audit/reports/00report.htm>



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NEWS BRIEFING

Office of the Assistant Secretary of Defense
(Public Affairs)



DoD News Briefing

Friday, March 24, 2000 - 1:30 p.m. EST
Presenter: Mr. Kenneth H. Bacon, ASD PA

(Also participating: Deputy Undersecretary of Defense for Planning
(Personnel & Readiness) Frank Rush)

Mr. Bacon: Good afternoon. Thank you for coming. At the end of this briefing, we will release the IG's report on the military environment with respect to the homosexual conduct policy. This report is based on surveys that were completed by about 71,000 people in the military at 38 installations and on 11 ships and submarines.

The findings in the report are that we need to do more work on this policy. In short, that offensive comments about homosexuals were commonplace and the majority believed that they were, these offensive comments, were tolerated to some extent within the military. The report also found that a substantial number of people, close to 40 percent, felt that they had witnessed or been a target of harassment for perceived homosexuality. Overwhelmingly, the harassment was verbal or there was a disturbing amount of graffiti or gestures and in some cases even reported violence as part of the harassment.

This behavior is not acceptable and can't be tolerated in the military. Secretary Cohen has issued a letter to the service chiefs and service secretaries that makes it very clear that we have to do a better job. And he has set up a committee of senior leaders, both military and civilian, from each of the services, to review this report and to come up with an action plan for improving the climate within the military.

I'd like to put this into context. In 1997, shortly after Secretary Cohen took over, he asked for the first systemic review of the implementation of the "don't ask, don't tell" policy, and that review was completed in 1998. It basically looked at how investigations of alleged or admitted homosexuals took place in the military and how discharge procedures were handled. That report concluded that, looking at investigations and discharges, that

for the most part the policy was being evenly applied and enforced.

This latest DOD IG report looks more broadly at the climate in the military that applies to perceived homosexuals. So it's a broader study than the one that was done in 1997, although the 1997 study did note that there were instances of harassment and that this harassment was unacceptable and should not be tolerated.

Last year, all the services adopted new training programs to educate members from top to bottom in the military about the "don't ask, don't tell, don't harass" policy -- what it is, what it isn't, what people's rights are under the policy. In addition, the chief and service secretary of each service issued a directive making it very clear that harassment was unacceptable and won't be tolerated and asking all commanders to take whatever steps are necessary to do their best to clear up climates that might involve harassment.

These actions, of course, were taken in December. This report was already ongoing, so one of the jobs of the new committee that's being set up by Secretary Cohen will be to make sure that the new policies put out -- or the policies put out at the end of last year are fully implemented, fully understood, and then to recommend any other actions that are necessary to deal with this issue.

I'm going to ask Frank Rush, who is the deputy undersecretary of Defense for planning in the personnel and readiness area to walk you through this report and the secretary's directive. I might add that this is likely to be Frank Rush's last briefing because he is retiring and getting married next month, so we will wish him well in that. Frank also has somebody from the general counsel's office here and somebody from the inspector general's office who can go into more detail if you have particular questions.

Q: Ken, can I just ask an initial question? Is it possible for us to now have a copy of the report so we can ask Mr. Rush some intelligent questions when he briefs us?

Mr. Bacon: We were going to distribute the copies at the end. We think it's better that you pay attention to the briefing. We don't know how you can read the report and listen to the briefing at the same time, so after the briefing is over --

(Cross talk.)

Q: How are we supposed to ask any questions if we haven't seen it?

Mr. Bacon: Well, the report's over there, but why don't I turn this over to Frank Rush and he will brief you and I'm sure will be able to answer your questions.

Q: Ken, just one quick question. The letter from the secretary, does it provide some specific directive for action, or is it just a blanket sort of admonition, or a suggestion that the services do better? I mean, is there some kind of performance that has to be achieved here, or is it --

Mr. Bacon: There are no statistical measures that have to be met. It instructs the new committee, which will be headed by the undersecretary of the Air Force, Carol DiBattiste, to come up with an action plan for addressing the problems that are highlighted in this report, and it asks them to do that quickly. But it doesn't tell them what the action plan should be. The point of having the committee is to figure out what action is necessary to solve the problems.

Q: I guess I'm confused, as it seems that it was just four or five months ago that the secretary asked the services to come up with an action plan and -- on this very subject. And it was subject to review, was passed on to Mr. de Leon's office and issued in mid-January. How is this action plan going to be different than the last action plan in terms of its objectives?

Mr. Bacon: Well, that remains to be seen.

But one -- I think you're missing the timing here, and it's important to get the timing very clear. Maybe I was too truncated in my explanation of what's happened over the last three years. But last year we issued -- every service issued new training guidance and new directives from its chiefs of dealing with the treatment of perceived homosexuals. Those came out late in the year. This study was under way at that time. This study was triggered, obviously, by the very unfortunate event at Fort Campbell. Now that the study is complete, and now that it gives us new information that we didn't have before, he has asked a new committee to go back and look again at the climate and to come up with another set of suggestions.

Now the committee first will look at the implementation of the new training programs. It will look at their adequacy, and it will decide whether or not they are being adequately enforced and whether they meet the job of adequate training. But it will look beyond that, and it will decide if there are other actions necessary. It could conclude that what we've done is enough. Without prejudicing their task, I doubt if it will conclude that. I suspect that they will find that other actions are necessary, and that's what they've been asked to do. The secretary hasn't told them what the conclusions of the study should be; he's just said, "Go out and give me an action plan quickly, so we can get going on trying to correct this problem."

Q: Is there a deadline to "quickly"?

Mr. Bacon: Well, I think you have a copy of this thing. (Cross talk.)

Q: I don't have a copy of anything.

Mr. Bacon: The -- you're supposed to have a copy of the secretary's letter. The group is supposed to report back on July 31st.

Q: Does the secretary still believe that "don't ask, don't tell" is working generally well, in light of this report?

Mr. Bacon: The secretary believes that this report highlights that we have to do a better job with the policy.

Frank?

Mr. Rush: Let me say that the charge back in December to the Department of Defense Inspector General was to look specifically at the issue of the climate on installations and on ships with respect to the homosexual conduct policy, and in -- then specifically within that context, to look, one - - and to what extent was there offensive speech, jokes, and similar things that would be offensive, based upon sexual orientation; and secondly, to examine to what extent there was harassment of individual service members who were perceived or alleged to be gay by other service members.

That was the primary thrust of what the IG looked at.

And to do that, the IG went out and set out a method in which they could get honest, straightforward answers by service members to the questions that the IG staff developed. And they felt that the best way -- normally, in the Department of Defense, when we do surveys, we go out and survey individuals, and then you have some sense of, you know, where they are, what installation they were, what part of the world they were in, what their grade was, and all of that type of stuff.

In this case, in order to make sure that the survey was straightforward answers, the sample that was drawn was a simple of units. And wherever that unit was selected, every member of the unit was -- it was not a voluntary survey in which you get 56 -- or we're happy if we get 65 percent responding to the survey. This was a mandatory survey. If you were in the unit, you were surveyed.

For example, the department inspector general was present at some of the first surveys, and it happened to be at a major installation. The unit -- one of the units randomly selected was the headquarters element of that, and you had four-star generals coming in along with the other associated staff of the military to take that survey.

You caught a surgical unit, for example, that was training in a major metropolitan area to do gunshot wounds.

They did most of the gunshot response as part of their training. The only

time that unit was available was at 4:00 in the morning. The IG went out there and interviewed all the members of that -- or gave the survey to all the members of that unit.

They went to extraordinary lengths to make sure that all unit members were included and responded to the survey. And if you had a large room where you could see when people were leaving, nobody could leave until the last person was finished with the survey, so everybody -- there wasn't -- you wouldn't focus on any one member of the unit. And you'll see a description of that in the IG's report.

They got tremendous report -- support from the services in doing their job. And the service members that replied, there were actually only a handful of survey instruments that weren't usably completed. So from that point of view, the IG did a good job and got strong support from each one of the military services.

In terms of the response to the survey with the offensive speech and with the harassment, I would highlight three numbers. First, 80 percent of the individuals surveyed said that they had heard, at least once during the preceding 12 months, offensive speech, derogatory names or jokes regarding homosexuals.

Now, on that point, I would say a couple of things. One, it's a little hard to evaluate what that 80 percent means, because if these -- we're bringing in 300,000 new service members every year.

They are coming out of the broader civilian culture. And we don't know -- there is nothing out there that we have seen -- that says how often would you hear such jokes or names, or other types of offensive speech, in the broader civilian society. Secondly, just over a third, 37 percent of the respondents, indicated that they had witnessed or experienced an "event" or a "behavior," which they considered to be harassment based on perceived homosexuality. Now, that -- as you look at the report, you can see that that number can be disaggregated into the types of harassment. And by far, the most common was "offensive speech," that it was considered to be harassment. In this case, about 37 percent said that they had -- at least once in the last 12 months, had heard offensive speech, which they thought to be harassing.

"Offensive or hostile gestures"; about 20 percent at least once, had seen gestures that they thought to be harassing.

Once you got past gestures and speech, the percent who had never heard that -- for example, "vandalism" or "physical assault" -- was about 95 percent had never experienced, and never seen, what they considered to be the more serious forms of harassment. But you can break that down, as you look at the report, and there are charts in there that will lay that out for you.

Q: So we're talking about 5 percent had witnessed vandalism or some kind of assault?

Mr. Rush: The number that had witnessed vandalism was less than 1 percent who had seen it "often" -- and was 4 percent who had seen it "once."

Q: In all of these numbers --

Mr. Rush: Tammy -- (inaudible) --

Q: -- may I just ask to understand something? In all of these numbers, are the questions limited to asking them what they have seen or witnessed in their military life or --

Mr. Rush: In their military life.

Q: So even for those new people entering the military, it does not reflect that, in the previous 12 months, they were in the private sector so to -- in civilian life; that would not be included?

Mr. Rush: That would not be included, if they were responding correctly to the questions that were in the survey.

Q: And were they asked to talk about things that they perceived as offensive or that they thought others might perceive as offensive?

Mr. Rush: The question was that things that they believed were offensive or they believed could be considered to be harassment.

Q: Is this broken down by service? Do you see one service worse than the other, or a component of a particular service where more harassment is being --

Mr. Rush: There is limited data in the report on the service. And one of the things that I would mention when you talk about how you compare the services, is, clearly, just as in the civilian community, age, education and gender are going to be related to offensive speech and harassing behavior. So younger folks, men -- may have -- may be much more likely to have offensive speech. Those who have had more education, and so on, would not. And the services are very differently structured in terms of how many young service members they have compared to the officer corps, and the average age of the force.

Q: What you're saying is you can't answer the question? That the stats don't say that?

Mr. Rush: On that one, there are some service differences. But what I

would say is that the -- let me go on to the group that the -- the action group that the secretary has established.

Q: Well, since we haven't seen the report, can you elaborate on the services? Is one worse than the other? Can you say anything more?

Mr. Rush: Well, I will say that you will find more offensive speech in the Marine Corps than you do in the Air Force. And all you have to do is look at the composition of those forces in terms of education and average grade and age. And that's part of the work that the action committee is going to be using this survey, in part, to make sure that -- as the secretary said, the program needs more work. And that will be one of the things that the working group will look at.

Q: Well, has anybody talked to the commandant of the Marine Corps, General Jones, and said that you have a problem in your corps and you should deal with it?

Mr. Rush: Let me tell you what -- the report has just been issued. And the secretary has said -- he's established an action group of senior civilian and military leaders, and that group is to report back with recommendations for specific action by the 31st of July. That action group includes, as the chair, Carol DiBattiste, the undersecretary of the Air Force. It will include Mr. P.T. Henry, the assistant secretary of the Army for manpower and reserve affairs; and Steve Preston, the general counsel of the Navy.

And we'll have general and flag officers from each of the four military services on that action group.

Q: At the beginning of the briefing, Mr. Bacon said that there was -- I believe he called it a disturbing amount of graffiti, gestures, and violence that was recorded in this survey as actions that people had seen or witnessed. Can you articulate more about the level of concern that you have about these kinds of activities? Did you find them at all to be significant or a matter of concern?

Mr. Rush: Well, I think that the -- any time you have violence or any types of threats in the military service, you are going to be concerned. I think the secretary has made very clear -- and that's, again, why he's getting this interdepartmental and service -- interservice group to look at this -- to say -- to focus on the issue, because it's basically a matter of leadership, and it's a basically a matter of good order and discipline that has to be maintained in the military services.

So yes, any time you have any threats or harassment or intimidation of one service member to another, that's not supportive of good order and discipline, no matter whether it's related to perceived sexual orientation or anything else.

Q: Could you discuss a little bit about the perception, apparently, you found in the survey that these remarks are tolerated in some way? Perhaps they don't see it as something to be frowned upon.

Mr. Rush: There was some indication that the remarks were -- offensive speech was tolerated, and the percent of that -- I think 1.9 percent of the members who responded said that their unit commander, they believed, was -- would tolerate harassment based upon sexual orientation.

Sir?

Q: Mr. Rush, you said at the beginning that there were three numbers you wanted to highlight. You said 80 percent, 37 percent, and then I -- I think I missed the --

Mr. Rush: It was 5 percent, and that was the number I was just talking about -- on the question that would -- did they believe that their supervisor or commander would tolerate harassment.

Q: And that --

Mr. Rush: And that number was 1.6 percent, as I recall, for installation commanders; 1.9 percent for unit commanders; and a higher figure for supervisors.

Q: And --

Mr. Rush: In aggregate -- because you could answer yes to all three, in aggregate about 5 percent thought that somewhere in the supervisory chain there would be tolerance of harassment based upon sexual orientation.

Q: Does harassment as you're using it there -- does that include offensive speech, or is that overt acts?

Mr. Rush: It does include offensive speech.

Q: Mr. Rush, looking beyond these findings and reflecting on your experience with this issue, which now goes back some years, what is your assessment of how the services are carrying out what is an old directive, about harassment, and these basic issues you raised about leadership and good order and discipline? I mean, what does this tell us about what the services have been doing, for the last several years on this policy, and particularly the way people guilty of harassment are treated within the ranks?

Mr. Rush: Well, I think that, on harassment, recall that in 1997, then-Undersecretary Dorn issued a memorandum to all of the military services, saying that in the case of individuals who were harassed, that they should

feel free to report, they must be free to report; and if they come forward and say, "I am being harassed or bothered because people perceive me to be gay," then the commander's responsibility is to investigate the harassment, and not to investigate the sexual orientation of the individual. That memoranda was strengthened and reissued last August by Undersecretary de Leon.

The training plans that the services were asked to provide this December, and which Secretary Cohen approved on the 1st of February, all include specific reference to "threats" and "harassment" in the service training plans at all levels. But that extension and detail of the harassment and offensive-speech issue is just, literally, beyond issuing the memos and policy memos - is really getting out there in the training programs right now.

Q: But, sir, if you go back to the Dorn memo, there were explicit instructions to the services that harassment is wrong, and there was instruction to carry this out through the chain of command. If you look at the letters that the service chiefs and the secretary sent out, they basically said that any kind of harassment, we have always known, is that. If you're getting reports of harassment this extensive, what's wrong with the leadership in the services?

Mr. Rush: Well, I am not sure that I would say that there is anything wrong with the "leadership in the services," and that's what the Action Group is out there and to look at how can you most effectively -- if you look at the IG report and if they look at -- recall also that, in August, direction went out to each of the services to make inspection of the training programs, and particularly the training programs for those that are responsible to make sure that the policy is fairly and effectively implemented -- commanders, judge advocates, investigators, and so on -- a special item for inspection.

So every time a service IG goes out to an installation, to a unit, that's one of the things that they look at.

And so the action group, the working group, will have those reports as well to look at, and information from other sources.

Q: Let me just try at this point one more time. I'm sorry. But I mean, this building has issued directives now every year for the last three years, now going into the fourth year, saying that a certain kind of behavior is intolerable. Why -- what assurances can you give service members, or anyone else, that this time is going to be different than any of the last three or four exercises?

Mr. Rush: I think that one, it's included in special subjects for inspection; two, that it's included explicitly in the training programs for service members at all levels, and for those who are responsible for administering the program; and three, that the senior working group has that as a specific charge. And by the way, they have the results of the IG's report as a base

to which -- to look at.

Q: You said you don't see anything wrong with the leadership in the services. But in the secretary's release here, he says in most cases the harassment was not reported to the chain of command. How do you interpret that? Does that show that people are either afraid to come forward with their complaints, or they think that it's not of interest to their leaders? How do you interpret that?

Mr. Rush: I don't -- you know, I would -- I think that that's something that the working group will have to address and interpret.

Q: But how do you interpret that? Can you --

Mr. Rush: I don't know how to interpret that because you don't know the situational base that's confronted the individual who says -- about 80 percent said that they would feel free to report.

When asked if they had observed something and did they report it, there was a much lower percentage. And so the question is, what's the relationship between the two of them? The good news was that overwhelmingly, people thought that they would be free -- that they would feel free to report harassment. The fact that they saw something and didn't report it that they considered to be harassment reflects their judgments about the importance of that situation. I don't know how to compare the two.

Q: Were they asked why they didn't report it?

Mr. Rush: No, they were not asked why they didn't report it.

Q: Why not?

Mr. Rush: That wasn't part of the survey.

Q: Are service members expected to report harassment that they're not directly involved in, or are they just encouraged to report it if they are being harassed? So if I saw something going on, is that the policy, I'm supposed to report my fellow service member?

Mr. Rush: To my knowledge, there is no policy on what service members are expected to report. And that is, I think, always a judgment for the service member. But this may be something that needs to be addressed. And again, that's what the working group will be looking at.

Q: To follow Roberto's question for a minute, is there any other personnel policy that you could cite for us that the department has had this much difficulty getting people to adhere to? Any personnel policy about anything?

Mr. Rush: I think that I wouldn't agree with your assessment that the department has had a great deal of difficulty with this program. I think what we've been focusing today specifically, on the issue of offensive speech, which is always going to be a problem with junior members, and harassment. And there are a number of areas where we are always dealing with harassment of one type or another, whether it has to do with sexual orientation or whether it has to do with other matters. And that's a leadership issue, not a policy issue, in terms of the homosexual conduct policy.

Q: But, I mean, the fact that four out of 10 have either seen harassment or have been harassed does not indicate that we're having difficulty with this policy?

Mr. Rush: I think it indicates that more work needs to be done in this area.

That's what the secretary believes, and that's what he's directed.

Q: Does the study break down between enlisted and officer ranks? I mean, you mentioned that there was a few -- I think you said 5 percent -- believed their commanders would tolerate offensive behavior. Do you have any sense --

Mr. Rush: Or supervisors.

Q: Do you have any sense that there is a command climate that does or does not accept this behavior?

Mr. Rush: I don't have that sense, and I think that that's one of the -- again, and I don't mean to just put it off on the working group, but I think that the secretary believes, and that this working group specifically addressing this issue of the climate, is very important.

Q: Did the IG's report find anything about the command climate itself to speak to this issue, whether or not they, in the survey or in the reviews that they did, that seemed to indicate that there was a tolerance beyond the 56 percent number that you mentioned?

Mr. Rush: The IG's work basically included the administration of the survey to a random sample of units. Those units included a large number of installations, on a large number of installations, large and small, ships and submarines, and the methodology was to give each member of that unit a questionnaire. And the questionnaire is in the report, and their assessment was based upon the answers that each service member provided on the questionnaire. They didn't make any assessment that went beyond that.

Q: If the service members, if the majority of service members felt free to report harassment but the majority of service members didn't when they

actually encountered it, doesn't that suggest either that service members don't think this is a big deal or else they presume that their commanders aren't going to think it's a big deal and aren't going to do anything about it anyway? I mean, isn't there a presumption on one level or the other that people just don't care about this, just aren't focused on it?

Mr. Rush: I think one of the issues there is you can say, "Yeah, I thought that was harassing, but it wasn't a big deal." It happened once, it wasn't -- it was simply a speech, you know? Who knows?

Because what you don't have in this case, and I think is -- that is, exactly the seriousness of the harassment that they saw. And I think the average service member, in order to report it, they would have to be considered something that they thought serious and between the 80 percent and those who actually reported, I don't have any, at this point, have any way to look at what -- the reason for that --

Q: You don't know because you didn't ask them, correct?

Mr. Rush: No, they were not asked that.

Q: Did you -- oh, go ahead.

Q: Does the department want to send a message to folks today that the department thinks that any speech is serious and that no matter whether you think it's serious or not, you ought to report it? Or is that something you want to leave to individuals' discretion?

Mr. Rush: I think that any speech or any harassment -- and I know that the secretary does -- that affects good order and discipline in the unit is serious.

Q: Well, does -- is there speech along these lines that wouldn't affect good order and discipline? Is it possible to say things that would be offensive that wouldn't affect good order and discipline? I mean, you said speech that affects good order and discipline is serious. Is it possible to say these things and not have it affect good order and discipline?

Mr. Rush: I think if there's harassment of another service member, versus speech, that that clearly is going to affect, at some level, good order and discipline, and that's clearly a leadership issue. And that's what the working group is to address.

Mr. Bacon: We're at a last question.

Q: Just a couple quick technical questions. Were the services given an opportunity to respond to the findings of the survey?

Mr. Rush: The services will respond to the findings of the survey and use

the survey in the working group that the secretary has directed.

Q: And lastly, did the survey include any questions about the way leadership handled complaints over harassment or the disciplinary procedures, how service members felt about the extent to which leaders responded when they witnessed harassment?

Mr. Rush: I think you need to look at the various questions in there, but the biggest question had to do with the one that I mentioned. That was the extent to which service members felt that there was some toleration in the supervisory chain of harassment.

Q: Well, let me put it this way: Was one of the aims of the report to discover whether the chain of command is exercising adequate leadership on this issue?

Mr. Rush: I think one of the -- the aim of the report was to make an assessment of the climate at military installations and to look in particular at offensive speech and at harassment. And I think the -- as I read the report, I think that the Inspector General's folks did a really good job of laying out a variety of responses which are and can be subjected to further analysis than what the IG has done to date. And we -- and the secretary has established a group to oversee that analysis and recommend an action plan to deal with the issue.

Q: So does that mean that no conclusions or analyses have been drawn about the leadership function on this issue at this point?

Mr. Rush: I think that the secretary has drawn the conclusion that more work needs to be done on this particular issue.

Q: One quick question: Are you going to now start tracking this, annually, the number of incidents, and compare it year to year?

Mr. Rush: In terms of tracking the number of incidents --

Q: Yes.

Mr. Rush: -- that occur?

Q: Yes.

Mr. Rush: There is no mechanism at this point to track incidents, and that's an issue that's come up before. Once again, I think that the working group will address that issue.

Q: I had a question for you, Ken, actually.

Mr. Bacon: Sure.

Q: I believe Secretary Cohen is in town today, Dr. Hamre is in town today; I don't know about Mr. de Leon. If this issue is as serious and as important as it sounds like it is, why isn't one of them down here to look directly into the cameras and tell service members that, "We are not going to tolerate harassment"?

Mr. Bacon: Well, Secretary Cohen's letter, I think, is very clear. And I don't think that anybody will have any doubt that harassment won't be tolerated after reading that letter.

He spoke about it today at the Sperling breakfast, and is on the record there. And I think that his record going back to 1997, when he became secretary, on this issue, is extremely clear.

We are dealing here with a difficult social issue, one that all of society is struggling with. The military is also struggling with it. And I think the lesson of this report is that we have to do a better job than we have in the past. And the point of the secretary's directive is that he is determined that the military will do a better job than it has done in the past.

I think that, if you look at the directives that the service chiefs and secretaries put out late last year, they are fully behind eliminating discrimination, or harassment, against gays under the policy. We have a policy that was prescribed by Congress. We are doing our level best to carry that policy out.

Dealing with attitudes is always difficult. We have spent a lot of time in the military dealing with attitudes about race, about women. And we will spend a lot of time dealing with attitudes about homosexuality, within the bounds of the policy.

I think the lesson of the letter that the secretary put out today, is that he wants more high-level attention paid to this, both in the Office of the Secretary of Defense -- that is, in the civilian leadership of the department - - and in each one of the services.

That was clear last year when the service chiefs put out their directives, and it's more clear from the secretary's directive today.

Q: Do we have a copy of that letter in the IG report?

Mr. Bacon: Yes. Well, it's separate, but you have it, I think, in the blue top out there. So given your appetite to get to the report and the letter --

Q: Just so I understand, the secretary is only authorizing the working group to find a way to make "don't ask, don't tell" work better? They are not at liberty to recommend anything about that policy being changed?

Mr. Bacon: The policy is an act of Congress; the policy was passed by Congress. We are doing --

Q: But they can't come up with --

Mr. Bacon: We are doing -- well, they could -- he's not telling them what to recommend or what not to recommend. But my assumption is, without limiting their scope in any way, is that they will focus on making the policy handed to us by Congress work; that they are unlikely to recommend that Congress change the law. They may see that as their scope of action, but my guess is, from the way their charter is described in this letter, that they will focus on making the current policy work better, and in particular, they will focus on ways to get the message across from the top commanders down to the newest recruits, that harassment based on perceived sexual orientation is not appropriate and won't be tolerated in the military. And they'll be looking for new ways to drive that message home.

Thank you.

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SLON mtg

4/5/00

Dickson + Stacey
Julian, Eddie, Horne, David + Brian

- 1 - Want people held accountable
2 - Training
3 - Confidentiality

1) Clark promotion & Wt review of his promotion. Take FT Campbell incident into consideration. Specifically, don't let promotion happen until FT Campbell investigation is complete.

2) - How to monitor training? Like COs making strong statement against harassment. Good example from AF, bad example from Army (Army CO didn't do session as directed by Army procedure).

- Army has good thing on limits of inquiries, would like to see similar thing in Navy & AF.

- Thing in what it means to be gay and serving your country.
[Maybe focused on those that a gay person might go to for guidance.]

3) - Open confidential statements to medical and IG people.
- Not "credible info" in making this in basis of an investigation.
- Right to an attorney at the start of an inquiry rather than after it is up.



Personnel and
Readiness

THE OFFICE OF THE UNDER SECRETARY OF DEFENSE**WASHINGTON, DC 20301-4000**

Facsimile Cover Sheet

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No. Pages with Cover:	6
Comments:	



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 24 2000

**MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
CHIEF OF STAFF OF THE ARMY
CHIEF OF NAVAL OPERATIONS
CHIEF OF STAFF OF THE AIR FORCE
COMMANDANT OF THE MARINE CORPS**

**SUBJECT: DoD Inspector General Report on the Military Environment
With Respect to the Homosexual Conduct Policy**

On March 16, the Office of the Inspector General, DoD, provided me with the "Report on the Military Environment With Respect to the Homosexual Conduct Policy." I had asked that this assessment be conducted in order to evaluate the climate at representative military installations in each Service with regard to our policy on homosexual conduct. I asked that the Inspector General include in the review an assessment of the extent to which harassment of service members based on perceived or alleged homosexuality may occur or be tolerated, as well as the extent to which disparaging speech concerning sexual orientation may occur or be tolerated. The report is based on a survey of more than 70,000 service members worldwide. A copy of the report is attached for your review.

The Inspector General's report convinces me that additional actions are necessary to address the problem of harassment of service members who are alleged or perceived to be homosexual. Over one-third of respondents participating in the survey reported that over the past year they had either witnessed or experienced some form of harassment based on perceived homosexuality. Although the most frequent type of harassment identified was offensive speech, a small but significant percentage of respondents reported that more serious matters were involved. In most cases, the harassment was not reported to the chain of command.

We have no way of knowing the extent to which the results of this survey reflect a larger societal issue. Nonetheless, we simply cannot tolerate harassment in the Armed Forces. I know that you share my view that harassment of our service members for any reason seriously undermines the good order and discipline that is critical to an effective fighting force. The leadership of each Service must continue to work to ensure that everyone in the Armed Forces understands that harassment, whether based on race, religion, gender, perceived sexual orientation, or any other basis, is unacceptable.

We have taken a number of steps in the past year designed to improve implementation of the homosexual conduct policy. In August 1999, the Under Secretary of Defense for Personnel



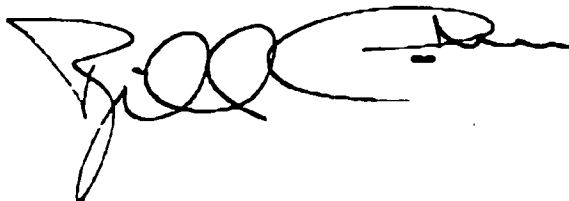
& Readiness reissued guidelines reiterating our policy regarding investigations of threats against or harassment of service members based on alleged homosexuality. That guidance, widely disseminated, is intended to ensure that service members feel free to report crimes and harassment free from fear of harm, reprisal, or inappropriate response, and that commanders take appropriate action to hold those who engage in threatening or harassing conduct accountable. The leadership of each of the Services also issued a strong statement to the field in December 1999 that harassment for any reason, including harassment based on perceived sexual orientation, will not be tolerated and that commanders are expected to take prompt, appropriate action in cases of harassment. The report shows that military leaders must do more to make it clear that harassment based on sexual orientation violates military values.

Also in August 1999, the Under Secretary of Defense for Personnel & Readiness asked that the Inspectors General of each of the Services include, as an item of specific interest in their inspections, review of the training provided commanders, attorneys, and investigators concerning how homosexual conduct cases should be handled. More broadly, each of the Services undertook a comprehensive review and revision of the training materials used to educate all service members about the homosexual conduct policy. I approved those training materials on February 1 and directed that they be incorporated promptly into Service training programs. The Army has undertaken a special effort to ensure that every member of the Army receives training on this policy by April 2000.

The Inspector General's report makes clear, however, that there is still more to do to fully address these issues. In that regard, I am establishing a working group, composed of senior military and civilian representatives from each of the Services, to review the Inspector General's report and any other pertinent material and propose a draft action plan that can be provided to each of the Services. This draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and the other issues raised by the results of the Inspector General's survey. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well.

I request that the Under Secretary of the Air Force, the Assistant Secretary of the Army (Manpower & Reserve Affairs) and the General Counsel of the Navy be made available to serve on this working group, and that the Under Secretary of the Air Force serve as chair. I also request that each Service designate a General/Flag officer from their respective services to join this group. The group should report to the Under Secretary of Defense for Personnel & Readiness by July 31, 2000.

I appreciate your assistance in this important endeavor.



Attachment:
As stated

FACT SHEET

August 12, 1999

- Service Secretaries asked to issue guidance that judge advocates should consult with senior legal officers at higher headquarters prior to investigations into alleged homosexual conduct. In addition, Military Department secretarial level approval must be obtained prior to initiating any substantial investigation into whether a service member made a statement regarding his or her homosexuality for the purpose of seeking separation.
Guidance issued.
- Service Secretaries asked to ensure that DoD guidance regarding the investigation of threats against or harassment of service members on the basis of homosexuality be effectively disseminated at all levels of command and is made part of the training programs for law enforcement personnel, commanders and supervisors, and is incorporated into the required training that members of the armed forces receive upon entry into the armed forces and periodically thereafter.
Guidance issued.
- Service Secretaries asked to ensure that their Inspectors General include, as an item of specific interest in their inspections, review of the training of those charged with the application of the policy on homosexual conduct, to include commanders, attorneys, and investigators.
Guidance issued.

December 13, 1999

- DoD Inspector General directed to assess the environment at representative installations with respect to the application of the Department's homosexual conduct policy and report in 90 days.
Report completed.

December 18, 1999

- Service Secretaries instructed to provide updated training materials, incorporating training regarding threats or harassment, to the Office of the Secretary of Defense by January 17, 2000 for review and approval.
Materials provided.
- Service leadership asked to issue a strong statement to the field that harassment for any reason will not be tolerated and that commanders are expected to take prompt, appropriate action in instances of harassment.
Strong statements issued.

January 10, 2000

- Secretary of the Army Caldera directed the Army Inspector General to review at Ft Campbell the implementation of the policy on homosexuals, review the command climate at Ft. Campbell, and conduct an Army-wide assessment of the Army's implementation of the policy on homosexuals in the military.

Review underway and due by May 1.

- Army leadership instituted Service-wide special additional training on the Department's homosexual conduct policy.

Army-wide training underway.

February 1, 2000

- Office of the Secretary of Defense approved improved training plans, incorporating training regarding threats or harassment, proposed by Services.

New plans being implemented.

March 16, 2000

- Department of Defense Inspector General delivers his report to the Secretary of Defense on the "Military Environment with Respect to the Homosexual Conduct Policy".

Report completed.

March 24, 2000

- Secretary of Defense directs establishment of a senior military and civilian working group with representatives from each Service to review the Inspector General's report, and any other pertinent material, and propose a draft action plan that can be provided to the Services. The draft action plan should focus on the measures necessary to address the problem of harassment based on perceived sexual orientation, and other issues raised by the report. The draft plan should concentrate on Department-wide measures, although it may contain Service-specific items as well. The group will report by July 31, 2000.

Guidance issued and working group formed.



Personnel and
Readiness

THE OFFICE OF THE UNDER SECRETARY OF DEFENSE**WASHINGTON, DC 20301-4000**

Facsimile Cover Sheet

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Date:	March 23, 2000
No. Pages with Cover:	3
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The following provides a more detailed explanation of some notable figures in the DoD IG report assessing the environment with respect to the application of the homosexual conduct policy:

80%: Question 12 asks, "How often have you heard offensive speech, derogatory names, jokes, or remarks about homosexuals in the last 12 months on your installation/ship?"

- 71,570 personnel responded to this question.
- 80.1% (57,355) personnel responded something besides "never" (either once or twice, sometimes, often or very often)
- Personnel answering "never" were told to skip a follow-on question (question 13) about tolerance of this offensive speech.

85%: Question 13 asks, "To what extent are the offensive speech, derogatory names, jokes, or remarks about homosexuals tolerated on your installation/ship?"

- 59,216 personnel responded to this question.
- 84.7% (50,154) personnel responded something besides "not at all"

37%: Question 14 asks, "How often during the past 12 months have you witnessed or experienced event(s)/behavior(s) involving military personnel, on or off duty, who harassed another military person(s) because of perceived homosexuality?" Several choices were presented: offensive speech, offensive or hostile gestures, threats or intimidation, graffiti, vandalism, physical assault, limiting or denying opportunities, or in disciplinary actions or punishment.

- 71,570 personnel responded to this question.
- 37.4% (26,791) personnel responded something besides "never" for every choice listed

5%: Of the responses to Question 14 (stated above), approximately 5% of the respondents answered something besides never.

- 71,570 personnel responded to this question.
- The specific detail for each of the three categories highlighted on page 10 of the report are:
 - Vandalism
 - .9% often/very often (670)
 - 4.2% once/twice/sometimes (2,994)
 - 94.1% never (67,358)
 - multiple response/no response (548)

- Physical assault
 - 1.1% often/very often (761)
 - 4.2% once/twice/sometimes (2,993)
 - 94.0% never (67,252)
 - multiple response/no response (564)
- Limiting/denying training/career opportunities
 - 1.2% often/very often (831)
 - 4.0% once/twice/sometimes (2,836)
 - 94.1% never (67,353)
 - multiple response/no response (550)

5%: Question 29 asks, "Do the persons below tolerate harassment based on perceived homosexuality?"

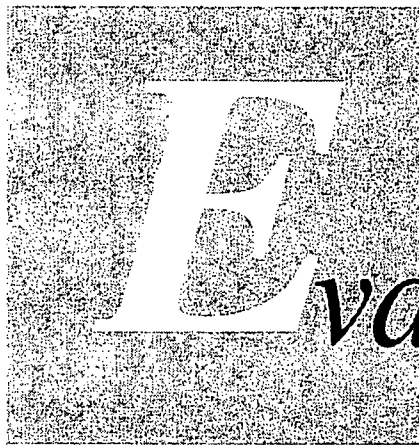
- 71,125 personnel responded to this question
- The specific responses are detailed as follows:
 - Commander of my installation/ship
 - 1.6%(1,154) yes
 - 57.8% (41,089) no
 - 40.3% (28,628) don't know
 - My unit commander
 - 1.9% (1,332) yes
 - 61.1% (43,420) no
 - 36.8% (26,137) don't know
 - My immediate supervisor
 - 4.0% (2,808) yes
 - 62.7% (44,625) no
 - 32.9% (23,431) don't know
 - Other unit members
 - 10.2% (7,263) yes
 - 46.2% (32,827) no
 - 43.2% (30,709) don't know
- 4.6% (3,241) personnel identified someone in their installation or ship chain of command by responding yes to one or more of the first three choices.

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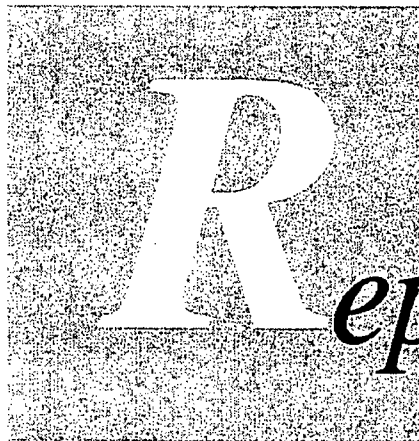
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valuation



report

MILITARY ENVIRONMENT WITH RESPECT TO THE
HOMOSEXUAL CONDUCT POLICY

Report No. D-2000-101

March 16, 2000

Office of the Inspector General
Department of Defense