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Folder Title:

Don't Ask, Don't Tell Binder [4]

Staff Office-Individual:

Defense Policy-Peterman, David/Beardsworth, Richard

Original OA/ID Number:

3480

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	To: Brian Peterman; From: Servicemembers Legal Defense Network; Re: Anti-Gay Harrasment against Fort Campbell Soldier [partial] (3 pages)	12/22/1999	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Peterman, David / Beardsworth, Richard)
OA/Box Number: 3480

FOLDER TITLE:

Don't Ask / Don't Tell Binder [4]

2015-0017-F

sb1256

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]
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.

MEETING NOTES

DRAFT

Possible Steps to Improve Implementation of Don't Ask/Don't Tell

Prohibiting Harassment of Service Members. In August 1999, DOD released a memorandum to the services reiterating the Pentagon's policy prohibiting threats or harassment on the basis of alleged homosexuality. The services are to disseminate this guidance to all levels of command and incorporate it into training. Only the Navy has disseminated guidance. The other services should do so as soon as possible.

More Effective Enforcement of the "Don't Ask" Prohibition. One straightforward step that can be taken is for the services to issue guidance to commanding officers reiterating this policy and for commanding officers at each base to make clear the importance of this requirement.

Another effective way to communicate the importance of this policy is to ensure that persons who violate it are held accountable. The record in the Winchell case suggests that there may have been violations of the existing bar on commanding officers asking about sexual orientation. Ft. Campbell has announced that, at the conclusion of the court martial proceedings arising out of the Winchell murder, it will initiate an inquiry regarding compliance with all aspects of the policy, including the bar on these inquiries. Although an investigation of any person must be conducted free of any command influence by the White House, DOD, or military commanders, DOD can conduct additional inquiries where appropriate to more effectively enforce this aspect of the policy.

Pre-trial Agreements. Existing DOD policy is unclear as to when pre-trial agreements in court martial proceedings can be contingent on one service member providing information about the consensual sexual conduct of other service members. There have been discussions within DOD about clarifying the policy to make clear that such agreements should not be contingent on providing such information unless the conduct of the other service member constitutes conduct that warrants a criminal investigation.

Protecting the Confidentiality of Communications. The "Don't Tell" prohibition in the statute does not define prohibited statements. However, the intent of the policy was to protect the confidentiality of service members' sexual orientation but to bar openly gay men and women from remaining in the military. Consequently, there should be sufficient flexibility in the implementation of the policy to recognize a category of confidential statements regarding sexual orientation that do not violate the "Don't Tell" prohibition. For example, these would include confidential statements to counselors and chaplains, etc. DOD has considered expanding confidentiality protections and we can work with them to do so.

Rebutting the Presumption of Homosexual Conduct. The statute provides a service member is separated if he or she makes a statement that he or she is a homosexual and fails to demonstrate "that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts." Consequently, a service member should be given a reasonable opportunity to make this demonstration. For example, if there is no evidence that a service member has engaged in conduct, an affidavit regarding the intent not to engage in conduct in the future should be sufficient. The infrequency with which this rebuttal provision has been used suggests that DOD needs implement this aspect of the policy in a more flexible way.

propensity - An inherent inclination:
Tendency

] homosexuality - 1. Sexual desire for others
of one's own sex. 2. Sexual activity with
another member of the same sex.]

Peterman, David (Brian) (DEFENSE)

From: Pimentel, Betsy J. (DEFENSE)
Sent: Friday, January 07, 2000 8:45 PM
To: Peterman, David (Brian) (DEFENSE); Binnendijk, Johannes A. (Hans) (DEFENSE)
Subject: DADT Meeting Results [UNCLASSIFIED]
Importance: High

The following summarizes the DADT meeting this afternoon:

Attendees: Julian Potter, Nancy Brown, Mary DeRosa, Hans Binnendijk, Eddie Correia, Betsy Pimentel, Matt Gobush, William Marshall, plus one (WH Press),

Topics:

1 - Upcoming trial at Fort Campbell

- Fisher trial begins this Saturday. Need to re-examine press guidance based on trial. **Gobush drafting.**
- Winchell's family expected to come to Washington D.C. after the trial with SLDN representatives and shift the focus of the issue toward the climate at Fort Campbell and who's responsible for allowing underage drinking, excessive violence, etc.
- Above Winchell family plans communicated to Rudy DeLeon by conference call with Hans.

2 - Follow-up with DOD on policy implementation plans

- Group wants to meet with DOD (DeLeon, Rush, Dworkin) on the DOD plans to improve the implementation of Don't Ask, Don't Tell.
- We will set up the session after Hans coordinates with Mara.

3 - Public Liaison and WH Counsel would like to get ahead of the Congressional involvement in this by contact Congressman Barney Frank's office to set up a meeting. If the meeting includes Congressman Frank, they would like NSC to be a part of it. Hans will coordinate this with Mara as well.

Also, I sent Eddie Correia an Email asking for a copy of the Presidential memo with his marks.

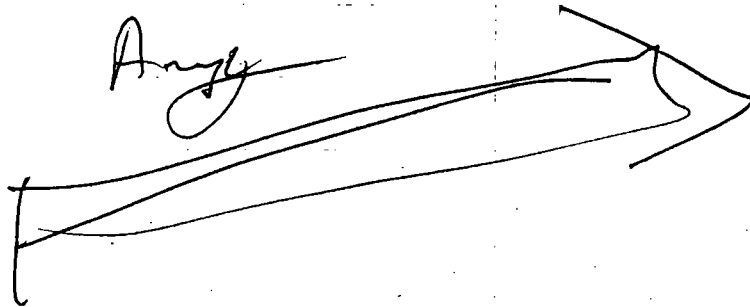
1/10/00



• Press guidance

group?

Any



2 meetings -

DOD IG this morning >

Frank Bush -

Random sample of units in
all services; feeling → survey
instrument; had out questionnaires;
turned in w/o ID.

Easy march target etc.

Spoken w/ service IGs.
Any problems → 13 March →
Beta test of earlier instrument →
good feedback.
IG had phone call w/ SERIC.
Maggie in process for → Family
Research Center! →
Other side?

Any few Council Club Blanchard →

Brief description →

Blanchard → See Any IG
review of info at
Ft Campbell →

Tarling

- 1) examines alleged ^{units} violations ^{part}
- 2) overall context
climate at Ft Campbell
- 3) Overall assessment
in Army.

DOD Gen Council w/ DOD IG

Fischer - Guilty to lesser
offense $\Rightarrow$ plea agreement -
Capped at $12\frac{1}{2}$ years -
only issue was $\Rightarrow$

Df - put on psychologists $\Rightarrow$
not pulled up

- drinking problem

- cross dressing since
age 14

- 3 abusive alcoholic

- Relationship w/ transvestite

Not in denial

Fischer

Fischer - statement to court $\Rightarrow$
felt badly $\Rightarrow$ I am no better
brought to gay bar.

14 $\Rightarrow$ $12\frac{1}{2}$

Winchell's family not happy -

Deal w/ Fisher w/ Glaser not willing
needed testimony vs Glaser.

2 local figures $\Rightarrow$ fax

in 17 - reports date $\Rightarrow$ Burns
Receive the material

Fudy - Scans

Army IG - May 1st

Quigley $\Rightarrow$ Rosker - CNN $\Rightarrow$ (*)

Elizabeth J. Potter
01/04/2000 05:22:33
PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Christine A. Stanek/WHO/EOP@EOP, Dag Vega/WHO/EOP@EOP, Jason H. Schechter/WHO/EOP@EOP

Subject: Don't Ask, Don't Tell

Meeting: Friday, January 7th, 11:00 am Room 117 RSVP to Potter

The military trial surrounding the beating death of Private Winchell will resume this week. His roommate, Spec. Justin Fischer, who has been charged as an accomplice, will stand trial this Saturday, January 8th.

Since the trial began last December we have seen almost daily editorials and letters commenting on the "DADT" policy. Support for and against the policy and its implementation seems to fall neatly along partisan lines. We can only expect that the trial this weekend will re-ignite news interest in this policy and commentary from interest groups and politicals.

In addition to the press guidance that may be required I think we should discuss how we can work with DOD to ensure adequate Administration follow-up from the President's call to focus on implementing the policy as it was intended. We need to track how the following directives and statements are being carried out:

- 1.) August 12 Memoranda issued by the office of the Secretary of Defense, which was intended to clarify application of the homosexual conduct policy. Among other issues, the memoranda address the circumstances under which an investigation of homosexual conduct is warranted and the policy prohibiting threats against or harassment of service members based on alleged homosexuality.
- 2.) Nov 12, 1999 ---DOD Press Release
The Fort Campbell command will undertake a review of compliance with applicable policies, procedures and regulations at Fort Campbell, and will take any steps warranted by the results of that review.
- 3.) Statements by Pentagon spokesperson Kevin Bacon that DOD will effectively enforce "don't harass" as part of the "DADT" policy and that each service branch will submit training guidelines to DOD by Jan 17th.

Also, Congress and others are interested in how the Administration is going to implement the "Don't Ask" portion of the policy:

- 1.) A Dec 21st letter from 15 members asserts that "An indispensable element in the lessening of hostility toward gays and lesbians in the military is for you to take action against those responsible for condoning and, in some cases, contributing to, that climate of hostility".
- 2.) This month, Congressman Frank and other lawmakers are expected to request a

file: Don't Ask
Don't Tell
Hers has seen
msg 1/6 11:00

meeting with Defense Secretary William S. Cohen; the White-House chief of staff, John Podesta; and Mr. Clinton's national security adviser, Samuel R. Berger, to discuss how the Pentagon can carry out its policy more effectively. This could mean imposing tighter guidelines on inquiries into homosexual conduct and barring health-care providers from turning in gay patients. ✓

Sequence of Recent Statements on DADT policy

December 8, 1999

Private Glover found guilty of premeditated murder for bludgeoning to death a fellow soldier, Private Barry Winchell, which prosecutors said was motivated by his hatred of homosexuals.

December 9, 1999

First Lady, Hillary Clinton said that she thought the implementation of the policy had been a failure and that "fitness to serve in the military should be based on one's conduct, not one's sexual orientation".

December 11-12, 1999

The President said "what I would like to do is to focus on trying to make the policy that we announce back in '93 work the way it was intended to, because it's way---it's out of whack now, and I don't think any serious person can say it is not."

December 13, 1999

Secretary Cohen orders a full review by the Pentagon's Inspector General into how the military's "DADT" policy is being carried out, with a report back in 90 days, (March 13th). Pentagon spokesperson said that spot checks would be made on bases and installations of all the services.

December 13, 1999

Vice President Gore "In light of the Winchell case and other evidence, I believe the "DADT" policy should be eliminated. Gays and Lesbians should be allowed to serve their country without discrimination...I will propose legislation to eliminate this...discrimination."

December 16, 1999

Steve Buyer, Chairman, Military Personnel Subcommittee issues a memorandum to Members of the Republican Conference in which he reiterates that the underlying law for the "DADT" policy does not allow for open homosexuals to serve in the military.

December 25

Barney Frank, John Kerry, Dick Gephardt, and a Congressional Delegation of 15 members send a letter "An indispensable element in the lessening of hostility toward gays and lesbians in the military is for you to take action against those responsible for condoning and, in some cases, contributing to, that climate of hostility".

Message Sent To: _____

Mary E. Cahill/WHO/EOP@EOP
Johannes A. Binnendijk/NSC/EOP@EOP
David B. Peterman/NSC/EOP@EOP
Laura S. Marcus/WHO/EOP@EOP
Edward W. Correia/WHO/EOP@EOP
William Marshall/WHO/EOP@EOP

Bruce forward ^{to log} Trial of 2nd person - Saturday
log in

{ grouped
monitors
in [unclear]

noted press
trip: pending

- Frank

Peterman, David (Brian) (DEFENSE)

From: Rudman, Mara E. (NSA)
Sent: Wednesday, December 01, 1999 10:00 PM
To: Peterman, David (Brian) (DEFENSE); @RUDMAN
Cc: Binnendijk, Johannes A. (Hans) (DEFENSE); Sargeant, Stephen T. (EXSEC)
Subject: RE: Don't Ask, Don't Tell memo [UNCLASSIFIED]

Brian, please call me. I don't want to handle this in the manner proposed below.

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

From: Peterman, David (Brian) (DEFENSE)
Sent: Wednesday, December 01, 1999 3:31 PM
To: @RUDMAN
Cc: Binnendijk, Johannes A. (Hans) (DEFENSE); Sargeant, Stephen T. (EXSEC)
Subject: Don't Ask, Don't Tell memo [UNCLASSIFIED]

Mara- SRB returned the "Don't Ask, Don't Tell" policy memo to Hans and asked that he re-craft the memo into an information memo for the POTUS. Hans plans to submit this memo very soon. Laura Marcus from the Chief of Staff's office is monitoring this policy issue for Podesta and has asked for two things:

- 1) A copy of the memo Hans sent to SRB;**
- 2) The opportunity for Podesta to review the POTUS memo before it is submitted by SRB.**

Hans does not think we should give the SRB memo to Laura but would like to have your guidance before we say no.

Hans will note Laura's second request on the cover memo to SRB forwarding the memo to POTUS.

Brian

Peterman, David (Brian) (DEFENSE)

From: Pimentel, Betsy J. (DEFENSE)
Sent: Wednesday, December 15, 1999 11:58 AM
To: Peterman, David (Brian) (DEFENSE); Binnendijk, Johannes A. (Hans) (DEFENSE)
Cc: @DEFENSE - Defense Policy
Subject: Next Steps [UNCLASSIFIED]

Importance: High

Hans - You asked me to take a look at the original recommendations and fold in the results from yesterday's meeting. Here is my view. Bullet #1 are steps the WH could push now. Bullets 2 and 3 are things DOD can and should do, but without POTUS (read WH) influence to avoid any "command influence" concerns. Bullet 4 outlines ideas of things a working group could begin to explore.

Next Steps:

- Increase training of servicemembers on the policy, on harassment and on the limits of gay investigation.
 1. Push DOD to disseminate the anti-harassment guidance Secretary Cohen promised in his August memo
 2. Push for DOD to the training materials promised to the field.
- Take additional steps to hold accountable those who inappropriately ask, pursue or harass. (must be DOD action - no POTUS involvement)
- Make commander's accountable for an environment in which harassment appears acceptable. (must be DOD action -- no POTUS involvement)
- Set up working group to address further modifications to the policy implementation without new legislation:
 1. Pursue a broader definition of the confidentiality protection (no requirement for a change in policy; would add medical personnel, clergy and private conversations to those protected from "Don't Tell")
 2. Provide recourse to accused Servicemembers to stop improper investigations by their commanders.
 3. Exclude evidence obtained illegally or inappropriately from use in administrative discharge boards.

Julian Potter

12/20/99
- Michelle

- Request to meet w/ President
- Crisis out of Ft Campbell; people scared + command doing nothing.

Lt Col → 29 Palms ;

→ Immediately doable:

(*)

-- Harassment Training →
Seen none

-- No mechanism for gays to
participate in IG -

-- Commanders - guidance for
the week.

Concerned Sec Def → ~~Def~~ Delay
to ethics.

Interim Guidelines in Day book

Ft Campbell Trustgate

- Accountability ;
Lt Col - Marine → e-mail ;
- Leadership message ;

(K) - Gen ~~Clark~~ Clark at Ft Campbell ;
→ Mordy of Winchell's death
2 Clients out of Ft Campbell
out for safety

allow him to be promoted?

Servers - different guidelines

(X) (X)

Why different standards

→ Bacon → Sent back to Tougher.

May learn from CNO.

Questions on IG →

How many —

~~SE~~ SLDN → wants to meet
w/IG.

Chiefs of Services need to
② speak out.

• they have been invited to talk
w/IG.

Implementation :

Privacy → health care providers

1) Ex Order Route

2) Prosecutorial discretion route

- Don't enforce
law

→ Harassed service members
need somewhere to go?

→ ?% in 1st year?

10

↓ Harassment

② Private space

2 pruned
process

PHOTOCOPY PRESERVATION

Cooling off $\Rightarrow$ gave them
a place to go.

- A F said that would
claim to be gay!
We did not find that!

① Training not adequate

② Harassment + Spec aims
trainees - occurring in
dorms.

③ No redress - could not go
to psychologist $\rightarrow$
can go to dispute other

New New process -

"just hammer"

Before - automatic discharge →
"can I be let out of

joy"

Now - private call

- info on policy
- see defense attorney!
- more detailed info.
- can take back statement

w/o reason

→ good faith effort

No epiphanies (★)

Eddie

→ Conduct or propensity to engage in
conduct →

"We prefer focus on how
to define statement."

- Biggest problem is harassment
- ② → Rebuttable presumption does not stop harassment. Once cut out of bag hard to put back in
- Diminish number of students that can be used.

Request for
Privacy

→ where to go

to deal w/ problem.

- Barry Winchell did not report harassment because was afraid he would be discharged.

(NO message, not realiser
step.

- Service Sec - enforcement free
- Ft Campbell Kentucky - will
make news - cover
- Tension between uniformed + civilian →
Same as leg + ex branch
- Trying to implement April 98 report
- Underserved members.

Lockland - read every discharge
for gay statement.

Were not saying gay - bisexual
experiences; Excused for
frang + 48 hours out.
Other services different. →
Not excused - 1 week.

"Cooling off period" - Ar
SLDN - 2nd chance.

Basic training bases - carefully
Scrutinized.

Lockland Dies for

From 99

- Persian Down man

- instructions on reemployment
cases

- JAG consult w/ legal chain

Jag - issued these }

Each Service → now

implementing -

AF - litigate most

1994 - Deutsch - in good

faith - say - do not
recomp educational

benefits. AF litigate.

2nd Set of Issues - still sorted

1) limits on JAG in offering
clemency - AF →

offer immunity + then ask to
name names. → contrary to

intent of 1993 policy. Fcpld
between OSD + AF camp

2) Medical Privileges - Right to
confidentiality → legal.

But not w/ doctor → report

when not ready for deployment.

Limited privilege on court martial?

Mental health care JGMS +

Surgeons.

SLDN - Wants new instructions
to field on when to
initiate investigation.

• So commanders only can
initiate with credible
info.

- Some commands discrete + others litigate quickly!

Bob Type + Judy Miller :

- get service sees to implement
- Be careful about USM5

→ "Climate investigators"

AOL Case - way further than needs
Way cases ~~BJ~~

get this data array ↑
Maines contact
A ↑ ↑ growth exp Lockland

→ by server

LDN's numbers →

SLDN Harassment data

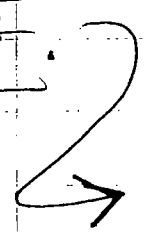
- AF case AWAL for 8 months.
Picked up by critics, → to
Mil Justice system →.
- Be careful w SLDN stats.

Tail Hood + Ft Campbell → alcohol 
Bosnia alcohol free.

Sandy → • fairly + professional

Good policy? - Flawed →
built in conflict

Process → Service Sec to
brief here to
implement.

- 
- 1) Command influence
 - 2).

Service Secs -

tell
plus
→

- Leadership is essential
- System on accountability of commander in field
- Designate SR people in each service to work these cases.

Get Chief's

Engagement or SR & involve
→ to JAG

- Authority of Commander to deal w/ cases?

Resistance w/in mil

- Morality - name
- Army - did not want to sanction gay rights.

→ Rebuttable Presumptions - say gay - ~~or~~
believe until proven otherwise.

Mil - implicit "don't ask".

Focus - live up to "don't ask"

Complex

Pressure to make changes:

How to change policy?

Legislative Environment? - Vote
it would.

1). Service of state gov? - tell, don't
act
overwhelm? not trigger decision

UCMS - prohibits right to
practice (rebuttable
presumption)

~~2)~~ Statute: Dispute about
threshold;

2). Change UCMS

Adm Zumwald
Sgt Drill
George Post

Dixon / Michele

- Policy - specific limits; ensure privacy. Violations each year.

Reasons: 1) Only thing that needed field
100 pages of legalese. Need
commander's intent.

Concise memo on investigation limits

2) In process - need help.
Anti gay harassment. - Don
never reached field.

Re-released copy + not to field
yet.

3 criteria)

1) all know anti gay harassment
was

2) leaders held accountable -
never done for asking, pursuing

- accountably for him
 - investigate ~~last~~ limits
 - ^{training for} harassment
 - purvey to statements —
states out area of privacy!
 - statements from "don't use
don't tell" - Bottle I lost - climb
- [? Scope of admissible preemption.]

• Private statements should not be shared

2) • Harassment -

→ cases doubled in last few months

3) • Integrity → they felt Pres would let them serve.

Used to lie every day -

Superiors ask + falsify diaries -

This is tip of iceberg.

→ Across services, + regions, overseas.

"Faggy" culture!

• Lockdown?

Labelled + did not know rules!

• Training on policy

Women - • Men retaliate for charges of sexual harassment.

• "Gay" a weapon

→ Bring them down!

3). Clear channels to report harassment.
Need support to get out there.

Ft Campbell - harassed for 4 months

UCOs - response to rumors to
investigate member;

Command did not say was wrong.

Now harassment at Ft Campbell

7FC Winchel's death;

⊛ Accountability → goes up.

"Faggot briefing".

Ft Campbell - baseball bat for for you

No faith in leaders.

Need to have safe areas to
report harassment. Everyone

thinks need to turn on.

Standard channels not open.

Document reasons : 1) lack of knowledge
or part of leaders. Once started
injuring, hard to stop.

DOD January 2000
Training Release



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JAN 25 2000

PERSONNEL AND
READINESS

MEMORANDUM FOR SPECIAL ASSISTANT TO THE PRESIDENT AND
SENIOR DIRECTOR FOR DEFENSE POLICY AND
ARMS CONTROL

FROM: UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS)

SUBJECT: Homosexual Conduct Policy

As we discussed, attached are the materials we will release to interested members of Congress and to the press in connection with the updated harassment training plans. Specifically, included are a draft press "reader" that Ken Bacon will read from the podium during a DoD press briefing and a "Blue Top" that will be made available to the press. We will also release the attached statements to the field from the Services' senior leadership reiterating that harassment will not be tolerated.

The training materials, which are voluminous, will be delivered to you separately, in the next day or so, once final editing has been completed.

We expect the Services will be asked to provide congressional briefings on the specifics of their plans and we have asked them to make copies of their training materials available if requested by the press.

Also attached are copies of the memoranda that requested the updated training materials for your reference.

We had hoped to release these materials today, but with the closure of government offices due to the snowstorm that was not possible. We now plan to release the materials as soon as the next DoD press briefing, currently scheduled for Thursday.

Attachments

1. Proposed Press Reader
2. Proposed Blue Top
3. Service Statements to the Field Concerning Harassment
4. August 12, 1999 Memoranda
5. December 18, 1999 Memorandum



READER - HOMOSEXUAL CONDUCT POLICY

Secretary Cohen has received and approved each of the Military Service's updated training plans on the Department's homosexual conduct policy. These plans incorporate the guidelines for investigating threats against or harassment of servicemembers based on alleged homosexuality and the plans make it very clear to all servicemembers, from recruits through commanders, that there is no room for harassment or threats in the military.

Additionally, each Service has issued guidance to the field that specifically stated that "servicemembers need to understand that harassment for any reason will not be tolerated and commanders will take prompt, appropriate action against individuals involved in such behavior."

Each of the Services developed its plan to meet its

specific training cycles and opportunities. Individual questions on the plans should be addressed to the appropriate service.

On the same subject, as you know Secretary Cohen directed the DoD Inspector General to initiate an assessment of the environment with respect to the application of the homosexual conduct policy at representative installations worldwide. These visits began this week and will involve service members from 38 military installations. As part of their assessment, these teams will review the extent to which the harassment of service members based on perceived or alleged homosexuality may occur. Secretary Cohen will receive the results of this assessment in mid-March.

DRAFT

No.
(703)695-0192(media)
(703)697-5737(public/industry)

IMMEDIATE RELEASE

**SECRETARY OF DEFENSE ACCEPTS SERVICE TRAINING PLANS FOR
HOMOSEXUAL CONDUCT POLICY**

Secretary of Defense William S. Cohen announced today that he has received and approved each of the Military Services' updated training plans on the Department's homosexual conduct policy. The updated plans incorporate the guidelines for investigating threats against or harassment of service members based on alleged homosexuality. "I am very pleased with the effort that went into updating the Services' training materials. These plans make it very clear to recruits, service members, and to law enforcement personnel, commanders, judge advocates, and investigators that are charged with implementing the policy, that there is no room for harassment or threats in the military."

Secretary Cohen also noted that he had directed the Department of Defense Inspector General to conduct an assessment of the environment at representative installations within each Military Department with respect to the application of the homosexual conduct policy. He said that, as part of that assessment, the Inspector General will review the extent to which harassment may occur and the extent to which disparaging speech or expression with respect to sexual orientation is tolerated. Secretary Cohen said, "I will receive the results of that review by March 13 and make a judgment as to whether any additional actions may be needed." He said that "service members need to understand that harassment for any reason will not be tolerated and commanders will take prompt, appropriate action against individuals involved in such behavior."

The Services' plans also included implementing guidance that require the following actions:

1. Inspectors general include as an item of specific interest in their inspections the training of those charged with application and enforcement of the homosexual conduct policy;
2. Installation staff judge advocates consult with senior legal officers prior to the initiation of an investigation into alleged homosexual conduct; and
3. Military Department secretarial level approval be obtained prior to the initiation of any substantial investigation into whether a service member made a statement regarding his or her homosexuality for the purpose of seeking separation.



SECRETARY OF THE AIR FORCE
WASHINGTON

JAN 10 2000

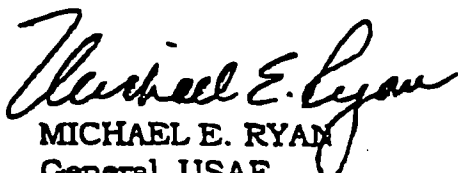
MEMORANDUM FOR ALL AIR FORCE PERSONNEL

SUBJECT: Air Force Policy on Harassment

The strength of our Air Force is its talented, dedicated, and diverse men and women working together as professionals to accomplish our mission. Threats, harassment or ridicule directed at others show a lack of self-control that discredits the person who engages in such conduct and, at the same time, erodes morale, good order and discipline. Our professionalism demands more. It dictates that we treat each other with dignity and respect. Every Air Force member deserves to work and live in an environment that is free of discrimination and harassment. Accordingly, harassment, threats or ridicule of individuals or groups based upon their real or perceived differences, including sexual orientation, have no place in the United States Air Force and will not be tolerated.

The Department of Defense has recently reemphasized its policy in regard to military members subjected to harassment based on alleged or perceived homosexuality. Members who are subjected to such harassment must be able to report that they are the victims of this behavior without fear that they will themselves become the subject of an inquiry simply for reporting the harassment. Commanders are expected to take prompt, appropriate action against individuals who engage in harassment.

We wholeheartedly endorse and support this policy. Each of us has an individual responsibility and a professional obligation to do his or her best to prevent harassment of any nature and to immediately correct it if it does occur.


MICHAEL E. RYAN
General, USAF
Chief of Staff


F. WHITTEN PETERS
Secretary of the Air Force

UNCLASSIFIED

OPERATIONS
SUPPORT DIRECTORATE

ROUTINE
R 101800Z JAN 00
FM HQDA WASHINGTON DC//DAPE-HR-L//
TO ALARACT
INFO HQDA WASHINGTON DC//DAP-HR-L//

ZYUW RUEADWD7977 0101914

FILE

UNCLAS ALARACT 008/00
SEC ARMY AND CSA SEND
TO ALARACT

SUBJECT: DIGNITY AND RESPECT FOR ALL

1. SERVICE IN OUR ARMY IS HONORABLE AND RESPECTED BY THE CITIZENS OF THIS COUNTRY. SOLDIERS WHO OFFER THEIR COMMITMENT AND THEIR LIVES IN THIS SERVICE SHOULD AND MUST BE TREATED WITH DIGNITY, HONOR AND RESPECT. RESPECT FOR OUR FELLOW SOLDIERS DEMANDS THAT WE SPEAK WITH RESPECT FOR ALL. ANY DEROGATORY WORDS ABOUT ANY GROUP, INCLUDING THOSE BASED UPON SEXUAL ORIENTATION, THAT ARE PREJUDICIAL TO GOOD ORDER AND DISCIPLINE, MAY SUBJECT THE SOLDIER TO ADVERSE ADMINISTRATIVE ACTIONS OR DISCIPLINARY MEASURES UNDER THE UCMJ. EVERY SOLDIER HAS THE RIGHT TO EXPECT TREATMENT CONSISTENT WITH OUR CORE VALUES, A SAFE AND SECURE ENVIRONMENT, AND THE SUPPORT OF THEIR CHAIN OF COMMAND. WHENEVER WE VIOLATE THE TRUST OF ANY SOLDIER, WE VIOLATE THE TRUST OF ALL SOLDIERS.

2. WE AFFIRM THAT TREATING SOLDIERS WITH DIGNITY AND RESPECT IS A BEDROCK VALUE FOR THE ARMY. WE DECLARE THAT THERE IS NO ROOM FOR HARASSMENT OR THREATS TO ANY SOLDIER IN OUR ARMY FOR ANY REASON. THEREFORE, AS THE SENIOR LEADERS OF THE ARMY, WE ARE DETERMINED TO CONTINUE TO IMPLEMENT THE "DON'T ASK, DON'T TELL" POLICY WITH EQUITY AND FAIRNESS TO ALL OF OUR SOLDIERS.

3. FINALLY, WE CONTINUE TO EXPECT THAT ALL SOLDIERS IN THE UNITED STATES ARMY WILL BE TREATED WITH DIGNITY AND RESPECT AT ALL TIMES, AND WILL BE AFFORDED A SAFE AND SECURE ENVIRONMENT IN WHICH TO LIVE AND WORK. HARASSMENT OF SOLDIERS FOR ANY REASON, TO INCLUDE PERCEIVED SEXUAL ORIENTATION, WILL NOT BE TOLERATED. WE EXPECT COMMANDERS AT EVERY LEVEL TO TAKE APPROPRIATE ACTION TO PREVENT HARASSMENT OF OR THREATS AGAINST ANY MEMBER OF OUR ARMY. ONCE AGAIN WE ARE DETERMINED

01 DA WASH DC

ACTION SAMR(1) DAAR(3) SAFM(1) DACH(1) DACS-1(1) (A,6,F)
DAEN-ZC-SMTP(1) RETURN TO MRO(1) DAEN-ZC(1) SAPA(1)
DAJA(1) DALO(3) DAMH(1) DAMI(1) DAMO(2) DAPE(3)
DASG(2) NGB(2) SASA(1) SAM-PT(1) SAAG(1)
SAM-PT-ANR(1) A&R SECTION(1) SAIS(1) SAAA(1)
SAILE(1) SACW(1) SARD(1) AOC-AHS(1) DAIM(2) SAGC(1)
DCSC'S SAT TERMINAL(1)
INFO SCB REVIEW(1) DACS-SA(1) DACS-SAUS(1) DACS-SM(1)
DACZ-ZD(1) DACZ-ZAA(1) DACZ-DMZ(1) DACZ-CAD(1)
DACZ-DCS(1) DACZ-SA(1) DACZ-SAUS(1) DACZ-SM(1)
DACZ-ZD(1) DACZ-ZAA(1) DACZ-DMZ(1) DACZ-CAD(1)
DACZ-DCS(1)
+NGIC INTEL CHARLOTTESVILLE VA

58

03 COE

ACTION
INFO CEHECIM(1)

(A)

1

04 DLA FT BLVR

ACTION
INFO DLATCC(1)

(A)

1

06 HONDURAS

ACTION
INFO JTFBTCC(1)

(A)

1

08 PUEBLO CO

ACTION PUEBLO DEPOT CO(1)

(A)

1

MCM-00010/18805 TOR-00010/1809Z TAD-00011/0038Z CDSN-MAJ391

UNCLASSIFIED

OPERATIONS
SUPPORT DIRECTORATE

TO CONTINUE TO IMPLEMENT THE "DONT ASK, DONT TELL" POLICY WITH
FAIRNESS TO ALL BECAUSE THAT IS THE RIGHT THING TO DO FOR OUR
SOLDIERS.
CALDERA AND SHINSEKI BT

MCN-00010/18805

TOR-00010/1909Z

TAD-00011/0038Z

CDSN-MAJ391

UNCLASSIFIED

PAGE 2 OF 2
101800Z JAN 00

ROUTINE R 281833Z OCT 99 ZYB MIN PSN 792903J30
FM CNO WASHINGTON DC//N1//

TO NAVADMIN UNCLAS //N01910// NAVADMIN 291499

MSGID/GENADMIN/NPC-06//

SUBJ/CONTINUING GUIDANCE CONCERNING PROPER APPLICATION OF DOD
/HOMOSEXUAL CONDUCT POLICY//

REF/A/DOC/10USC654/30NOV93//

REF/B/DOC/DODDIRECTIVE1332.30/14MAR97//

REF/C/DOC/DODDIRECTIVE1332.14/4MAR94//

REF/D/DOC/SECNAVINST1910.4B/29MAY96//

REF/E/DOC/NAVMILPERSMAN/12DEC97//

REF/F/MSG/CNO WASHINGTON DC/010300ZMAR94//

REF/G/MSG/CNO WASHINGTON DC/251253ZJUN99//

REF/H/DOC/OSD MEMO/12AUG99//

REF/I/DOC/OSD MEMO/12AUG99//

NARR/REF A IS 10 USC 654 POLICY CONCERNING HOMOSEXUALITY IN THE
ARMED FORCES; REF B IS DOD DIRECTIVE 1332.30 SEPARATION OF
REGULAR AND RESERVE COMMISSIONED OFFICERS; REF C IS DOD
DIRECTIVE 1332.14 ENLISTED ADMINISTRATIVE SEPARATIONS; REF D IS
SECNAV INSTRUCTION 1910.4B ENLISTED ADMINISTRATIVE SEPARATIONS;
REF E IS NAVAL MILITARY PERSONNEL MANUAL, ARTICLE 1910-148 OF
WHICH PERTAINS TO SEPARATION BY REASON OF HOMOSEXUAL CONDUCT;
REF F IS NAVADMIN 033/94 IMPLEMENTATION OF DOD POLICY ON
HOMOSEXUAL CONDUCT; REF G IS NAVADMIN 176/99 REVISED EQUAL
OPPORTUNITY AND SEXUAL HARASSMENT/SITREP REPORTING REQUIREMENTS;
REF H IS OSD MEMO ON GUIDELINES FOR INVESTIGATING THREATS
AGAINST OR HARASSMENT OF SERVICE MEMBERS BASED ON ALLEGED
HOMOSEXUALITY; REF I IS OSD MEMO ON IMPLEMENTATION OF
RECOMMENDATIONS CONCERNING HOMOSEXUAL CONDUCT POLICY//
RMKS/1. ON 28 FEB 94, THE SECRETARY OF DEFENSE ORDERED
IMPLEMENTATION OF ADDITIONAL POLICY CONCERNING HOMOSEXUAL
CONDUCT IN THE ARMED SERVICES AS MANDATED BY REF A. REFS B
THROUGH E PROMULGATED THIS POLICY. REF F PROVIDED COMPREHENSIVE
AND DETAILED GUIDANCE CONCERNING ESSENTIAL ELEMENTS OF THIS
POLICY WHICH REMAINS UNCHANGED. REF G PERTAINS TO SITREP
REPORTING REQUIREMENTS. PER REF H, PARAS 3 TO 5 OF THIS MSG
REISSUE GUIDANCE CONCERNING INVESTIGATING THREATS AGAINST OR
HARASSMENT OF SERVICEMEMBERS BASED ON ALLEGED HOMOSEXUALITY. PER
REF I, AND PENDING FINAL APPROVAL BY OSD, PARAS 6 TO 8 OF THIS
MSG ISSUE NEW INTERIM GUIDANCE ON AUTHORIZATION OF CERTAIN
INVESTIGATIONS FOR HOMOSEXUAL CONDUCT.

END SECRET

2. TODAY'S NAVY/MARINE CORPS TEAM IS COMPOSED OF DIVERSE
INDIVIDUALS FROM EVERY PART OF THE UNITED STATES. RESPECT FOR
THE INDIVIDUAL IS PARAMOUNT. COMMANDING OFFICERS MUST NOT
CONDONE HOMOSEXUAL JOKES, EPITHETS, OR DEROGATORY COMMENTS, AND
MUST ENSURE A COMMAND CLIMATE THAT FOSTERS RESPECT FOR ALL

INDIVIDUALS. REF G EXPLAINS REPORTING REQUIREMENTS FOR COMPLAINTS OF SEXUAL HARASSMENT.

3. PER REF H, THIS NAVADMIN REITERATES EXISTING POLICY REGARDING INVESTIGATION OF THREATS AGAINST OR HARASSMENT OF SERVICE MEMBERS ON BASIS OF ALLEGED HOMOSEXUALITY. SERVICEMEMBERS SHOULD BE ABLE TO REPORT CRIMES AND HARASSMENT FREE FROM FEAR OF HARM, REPRISAL, OR INAPPROPRIATE OR INADEQUATE GOVERNMENTAL RESPONSE. WHEN A MEMBER REPORTS INCIDENTS OF THREATS OR HARASSMENT, THE COMMANDING OFFICER MUST TAKE IMMEDIATE STEPS TO PROTECT THE SAFETY OF THE VICTIM, TO STOP OFFENSIVE OR THREATENING BEHAVIOR, AND TO HOLD THOSE RESPONSIBLE FOR THREATENING OR HARASSING CONDUCT ACCOUNTABLE FOR THEIR ACTIONS. A COMMANDER MAY INITIATE AN INVESTIGATION INTO ALLEGED HOMOSEXUAL CONDUCT ONLY UPON RECEIPT OF CREDIBLE INFORMATION OF SUCH CONDUCT. THE FACT THAT A SERVICEMEMBER REPORTS BEING THREATENED OR HARASSED BECAUSE HE OR SHE IS SAID OR PERCEIVED TO BE A HOMOSEXUAL SHALL NOT, BY ITSELF, CONSTITUTE CREDIBLE INFORMATION JUSTIFYING INITIATION OF AN INVESTIGATION OF THE THREATENED OR HARASSED SERVICEMEMBER. THE REPORT OF A THREAT OR HARASSMENT SHOULD RESULT IN PROMPT INVESTIGATION OF THE THREAT OR HARASSMENT ITSELF. INVESTIGATORS SHOULD NOT SOLICIT ALLEGATIONS CONCERNING SEXUAL ORIENTATION OR HOMOSEXUAL CONDUCT OF THE THREATENED OR HARASSED PERSON. IF, DURING THE COURSE OF AN INVESTIGATION, INFORMATION IS RECEIVED THAT THE SERVICEMEMBER HAS ENGAGED IN HOMOSEXUAL CONDUCT, COMMANDERS SHALL CAREFULLY CONSIDER THE SOURCE OF THAT INFORMATION AND THE CIRCUMSTANCES UNDER WHICH IT WAS PROVIDED IN ASSESSING ITS CREDIBILITY. SUCH INFORMATION DOES NOT NEGATE THE NEED TO INVESTIGATE THE ALLEGED HARASSER.

4. HOMOSEXUAL CONDUCT IS GROUNDS FOR ADMINISTRATIVE SEPARATION ONLY IF SERVICEMEMBER'S COMMANDING OFFICER HAS RECEIVED CREDIBLE EVIDENCE OF SUCH CONDUCT. RESPONSIBILITY TO DETERMINE WHETHER EVIDENCE IS CREDIBLE REMAINS EXCLUSIVELY WITH THE COMMANDING OFFICER. CREDIBLE EVIDENCE IS INFORMATION WHICH SUPPORTS A REASONABLE BELIEF THAT A SERVICEMEMBER HAS MADE A HOMOSEXUAL STATEMENT, ENGAGED, OR ATTEMPTED TO ENGAGE, IN A HOMOSEXUAL ACT, OR ENTERED INTO, OR ATTEMPTED TO ENTER INTO, A HOMOSEXUAL MARRIAGE, AS DEFINED AND PROHIBITED IN REF B THROUGH E. IN SHORT, IT IS RELIABLE EVIDENCE FROM A TRUSTWORTHY INDIVIDUAL WHO HAS FIRST-HAND KNOWLEDGE OF FACTS AND CIRCUMSTANCES SURROUNDING THE ALLEGED ACTIVITY OR STATEMENT. IT MAY ALSO CONSIST OF DOCUMENTS OR OTHER EVIDENCE THAT IS OBTAINED FROM A RELIABLE SOURCE. CREDIBLE EVIDENCE IS NOT BASED ON RUMOR, HEARSAY, OR SUSPICION.

5. IF THE COMMANDING OFFICER QUESTIONS THE CREDIBILITY OF EVIDENCE OF HOMOSEXUAL CONDUCT OR SINCERITY OF AN INDIVIDUAL MAKING AN ADMISSION OF HOMOSEXUALITY, A FACT-FINDING INVESTIGATION MAY BE NECESSARY. AN INVESTIGATION IS NOT

MANDATORY AND ONLY A COMMANDING OFFICER CAN AUTHORIZE IT. SOLE PURPOSE OF AN INVESTIGATION IS TO UNCOVER FURTHER INFORMATION TO ASSIST THE COMMANDING OFFICER IN DETERMINING WHETHER THE ALLEGED HOMOSEXUAL CONDUCT ACTUALLY OCCURRED. INVESTIGATION SHOULD GATHER ALL RELEVANT INFORMATION THAT DIRECTLY RELATES TO GROUNDS FOR POSSIBLE SEPARATION. INVESTIGATIONS SHOULD BE LIMITED TO FACTUAL CIRCUMSTANCES DIRECTLY RELATED TO SPECIFIC ALLEGATIONS.

6. PER REF I, BEFORE A COMMANDING OFFICER AUTHORIZES AN INVESTIGATION CONCERNING ALLEGED HOMOSEXUAL CONDUCT -- TO ENSURE CORRECT APPLICATION OF HOMOSEXUAL CONDUCT POLICY UNDER EXISTING STATUTORY AND REGULATORY STANDARDS AND TO PROVIDE COMMANDING OFFICERS WITH CONSISTENT, FAIR, AND APPROPRIATE ADVICE CONCERNING NEED FOR AN INVESTIGATION -- THE COMMANDING OFFICER'S JUDGE ADVOCATE SHOULD CONSULT WITH THE SENIOR JUDGE ADVOCATE ASSIGNED TO THE GENERAL COURT-MARTIAL CONVENING AUTHORITY OR HIGHER AUTHORITY. COMMANDING OFFICERS WITHOUT ASSIGNED JUDGE ADVOCATES SHOULD CONSULT DIRECTLY WITH A SENIOR JUDGE ADVOCATE IN THEIR CHAIN OF COMMAND, OR SEEK ASSISTANCE IN SECURING SUCH ADVICE FROM NAVY TRIAL SERVICE OFFICES OR COMMANDER, NAVY PERSONNEL COMMAND. SUCH CONSULTATION SHOULD OCCUR PRIOR TO INITIATION OF ANY INVESTIGATION.

7. IN MOST CASES WHERE A SERVICEMEMBER HAS STATED THAT HE OR SHE IS A HOMOSEXUAL OR BISEXUAL AND DOES NOT CONTEST SEPARATION, LITTLE OR NO INVESTIGATION SHOULD BE NECESSARY. A COMMANDER WHO SUSPECTS THAT A SERVICEMEMBER HAS MADE SUCH A STATEMENT FOR PURPOSE OF SEEKING SEPARATION FROM THE NAVAL SERVICE IN ORDER TO AVOID A SERVICE OBLIGATION, SUCH AS A DEPLOYMENT, OBLIGATED SERVICE, OR PAYBACK OF EDUCATIONAL BENEFITS, AND WHO BELIEVES THAT THE MEMBER IS NOT A PERSON WHO ENGAGES IN, ATTEMPTS TO ENGAGE IN, HAS A PROPENSITY TO ENGAGE IN, OR INTENDS TO ENGAGE IN HOMOSEXUAL ACTS, MAY INITIATE A MORE SUBSTANTIAL INVESTIGATION ONLY WHEN AUTHORIZED. A REQUEST FOR SUCH AUTHORIZATION SHOULD BE FORWARDED BY THE MOST EXPEDITIOUS MEANS, TO COMMANDER, NAVY PERSONNEL COMMAND (PERS-8) AND CHIEF OF NAVAL PERSONNEL WHO WILL ENSURE COORDINATION IS DONE IAW REF I. REQUEST WILL PROVIDE FACTS SURROUNDING DISCLOSURE, AN EXPLANATION OF WHY FURTHER INQUIRY IS APPROPRIATE, AND AN ASSESSMENT OF ANY POTENTIAL DISADVANTAGES OF AN EXPANDED INQUIRY. DIRECT QUESTIONS TO THE FOLLOWING OFFICES: POC FOR ENLISTED CASES IS PERS-832 AT DSN 882 4438/4433/4431, EMAIL P832"AT"PERSNET.NAVY.MIL. POC FOR OFFICER CASES IS PERS-834 AT DSN 882-4420/4417/4424, EMAIL P834"AT"PERSNET.NAVY.MIL. POC FOR LEGAL ADVICE IS PERS-06L6 AT DSN 882-3160, EMAIL PERS-06L6"AT"PERSNET.NAVY.MIL. COMMERCIAL PREFIX IS (901) 874-XXXX.

8. MEMBERS ARE REQUIRED TO RECEIVE BRIEFINGS ON THE UNIFORM CODE OF MILITARY JUSTICE UPON ENTRY INTO THE NAVY AND PERIODICALLY THEREAFTER. REF A REQUIRES THESE BRIEFINGS TO INCLUDE A DETAILED

EXPLANATION OF APPLICABLE LAWS AND REGULATIONS ON SEXUAL CONDUCT BY MEMBERS OF THE ARMED FORCES, INCLUDING HOMOSEXUAL CONDUCT POLICIES PRESCRIBED IN REFS B THROUGH F. PER REF H, TRAINING FOR ALL PERSONNEL SHOULD INCLUDE POLICIES IN THIS NAVADMIN WITH SPECIAL EMPHASIS ON INCORPORATING THIS IN TRAINING FOR COMMANDING OFFICERS, SUPERVISORS, JUDGE ADVOCATES, PARALEGALS, AND LAW ENFORCEMENT PERSONNEL. REF I DIRECTS THE SERVICE INSPECTOR GENERALS TO INCLUDE AS AN ITEM OF SPECIFIC INTEREST IN THEIR INSPECTIONS THE TRAINING OF THOSE CHARGED WITH APPLICATION AND ENFORCEMENT OF THE POLICY ON HOMOSEXUAL CONDUCT, I.E., COMMANDING OFFICERS, JUDGE ADVOCATES, AND INVESTIGATORS.

9. RELEASED BY VADM D. T. OLIVER, N1.//

BT

MARADMIN 014/00

R 070800Z JAN 00 ZYW

FM CMC WASHINGTON DC//MP//

MANPOWER Policy

TO MARADMIN

BT

UNCLAS//N01900//

MARADMIN 014/00

MSGID/GENADMIN/CMC MPO-40//

SUBJ/HOMOSEXUAL CONDUCT POLICY//

REF/A/10USC654/30NOV93//

REF/B/ALMAR 64/94//

REF/C/ALMAR 65/94//

REF/D/DOC/OSD MEMO/12AUG99//

REF/E/DOC/OSD MEMO/12AUG99//

REF/F/DOC/USD(P&R) MEMO/18DEC99//

REF/G/DOC/ASN(M&RA)MEMO/16DEC99//

RMKS/1. REF A IS THE FEDERAL STATUTE THAT ESTABLISHED DOD

POLICY ON HOMOSEXUALITY IN THE ARMED FORCES. THE POLICY IS

IMPLEMENTED IN REFS B AND C. REF D IS AN OSD MEMO ON GUIDELINES FOR INVESTIGATING THREATS AGAINST OR HARASSMENT OF SERVICE MEMBERS BASED ON ALLEGED HOMOSEXUALITY, AND REF E IS AN OSD MEMO ON IMPLEMENTATION OF RECOMMENDATIONS CONCERNING HOMOSEXUAL CONDUCT POLICY. REFS F AND G DIRECT SERVICE IMPLEMENTATION OF POLICY GUIDANCE IN REFS D AND E.

2. THE MARINE CORPS HAS PREVIOUSLY IMPLEMENTED THE FEDERAL POLICY ON HOMOSEXUAL CONDUCT IN THE ARMED FORCES EFFECTIVE FEBRUARY 1994. THE POLICY REMAINS UNCHANGED, BUT IN ORDER TO ENSURE ITS CONSISTENT APPLICATION, IT IS IMPERATIVE THAT ALL MARINES UNDERSTAND THE POLICY AND THAT ALL COMMANDERS, JUDGE ADVOCATES, AND MILITARY INVESTIGATORS ARE CLEAR ON PROPER ENFORCEMENT OF THE POLICY.

3. KEY PROVISIONS OF THE POLICY ARE:

- WE DO NOT ASK WHETHER A MARINE IS HETEROSEXUAL, HOMOSEXUAL OR BISEXUAL. SEXUAL ORIENTATION IS A PERSONAL AND PRIVATE MATTER. THE FOCUS OF THE POLICY IS ON HOMOSEXUAL CONDUCT, WHICH IS INCOMPATIBLE WITH MILITARY SERVICE.
- HOMOSEXUAL CONDUCT INCLUDES A HOMOSEXUAL ACT, A STATEMENT BY THE MEMBER THAT DEMONSTRATES A PROPENSITY OR INTENT TO ENGAGE IN HOMOSEXUAL ACTS, OR A HOMOSEXUAL MARRIAGE OR ATTEMPTED MARRIAGE.
- HOMOSEXUAL CONDUCT IS GROUNDS FOR DENYING ENLISTMENT OR APPOINTMENT AND FOR SEPARATION FROM THE SERVICE.
- COMMANDERS ALONE ARE AUTHORIZED TO INITIATE A FACT-FINDING INQUIRY INTO HOMOSEXUAL CONDUCT.
- THE INQUIRY IS AUTHORIZED ONLY WHEN CREDIBLE INFORMATION EXISTS THAT THERE IS A BASIS FOR DISCHARGE.

4. REPORTS OF MISTREATMENT. AS ALL MARINES LEARN IN THEIR EARLIEST BASIC TRAINING, MISTREATMENT OF ANY MARINE IS INCOMPATIBLE WITH OUR CORE VALUES AND IS UNACCEPTABLE CONDUCT THAT MUST BE DEALT WITH QUICKLY AND APPROPRIATELY BY COMMANDERS. THE FACT THAT A SERVICE MEMBER REPORTS BEING THREATENED OR MISTREATED BECAUSE HE OR SHE IS PERCEIVED TO BE A HOMOSEXUAL DOES NOT BY ITSELF CONSTITUTE CREDIBLE INFORMATION JUSTIFYING INITIATION OF AN INVESTIGATION OF THE REPORTING SERVICE MEMBER. ACCORDINGLY, NO COMMANDER WILL INITIATE INVESTIGATION OF A SERVICE MEMBER FOR HOMOSEXUAL CONDUCT SOLELY BECAUSE THAT SERVICE MEMBER REPORTS BEING THREATENED OR MISTREATED BECAUSE OF HIS OR HER ALLEGED HOMOSEXUALITY. MOREOVER, SUCH A REPORT WILL BE EVALUATED THE SAME AS ANY OTHER REPORT OF THREATENING CONDUCT OR MISTREATMENT, AND THE ALLEGED CONDUCT WILL BE INVESTIGATED AND PUNISHED AT THE COMMANDER'S DISCRETION ACCORDING TO THE SAME CRITERIA USED TO EVALUATE SIMILAR COMPLAINTS THAT DO NOT

INVOLVE ALLEGATIONS OF HOMOSEXUALITY.

5. JUDGE ADVOCATE CONSULTATION. JUDGE ADVOCATES ARE DIRECTED TO CONSULT WITH THE STAFF JUDGE ADVOCATE OF THE COGNIZANT GENERAL COURT-MARTIAL CONVENING AUTHORITY BEFORE ADVISING ANY COMMANDER REGARDING INITIATION OF AN INVESTIGATION INTO HOMOSEXUAL CONDUCT.

6. SUBSTANTIAL INVESTIGATION OF STATEMENTS. AS A GENERAL RULE, WHEN A SERVICE MEMBER STATES THAT HE OR SHE IS A HOMOSEXUAL OR BISEXUAL AND DOES NOT CONTEST SEPARATION, LITTLE OR NO INVESTIGATION IS NECESSARY. HOWEVER, IN THE EVENT THAT A COMMANDER SUSPECTS THAT A SERVICE MEMBER HAS MADE SUCH A STATEMENT FOR THE PURPOSE OF SEEKING SEPARATION FROM NAVAL SERVICE IN ORDER TO AVOID A SERVICE OBLIGATION OR UPCOMING DEPLOYMENT OR WHO BELIEVES THAT THE MEMBER IS NOT A PERSON WHO ENGAGES IN, ATTEMPTS TO ENGAGE IN, HAS A PROPENSITY TO ENGAGE IN, OR INTENDS TO ENGAGE IN HOMOSEXUAL ACTS, AND WHO DESIRES TO INITIATE AN INVESTIGATION INTO THE TRUTH OF THE STATEMENT, THE COMMANDER MUST OBTAIN AUTHORIZATION FROM ASN (M&RA) VIA THE CHAIN OF COMMAND BEFORE INITIATING A SUBSTANTIAL INVESTIGATION. A REQUEST FOR SUCH AUTHORIZATION SHOULD BE FORWARDED, BY THE MOST EXPEDITIOUS MEANS, TO ASN (M&RA) VIA CMC (MPO). THE REQUEST WILL PROVIDE THE FACTS SURROUNDING THE DISCLOSURE, AN EXPLANATION OF WHY FURTHER INQUIRY IS APPROPRIATE, AND AN ASSESSMENT OF ANY POTENTIAL DISADVANTAGES OF AN EXPANDED INQUIRY. SUCH AUTHORIZATION IS NOT REQUIRED FOR INVESTIGATION OF HOMOSEXUAL ACTS OR MARRIAGES, AS DISTINGUISHED FROM HOMOSEXUAL STATEMENTS.

7. POLICY BRIEFINGS. COMMANDERS ARE REMINDED OF THE REQUIREMENT UNDER PAR (D) OF REF A TO PROVIDE BRIEFINGS ON THE HOMOSEXUAL CONDUCT POLICY, AS ESTABLISHED UNDER PAR (B) OF REF A, AFTER SIX MONTHS OF ACTIVE DUTY AND UPON REENLISTMENT.//
BT

MarineLINK > MarAdmins > CHANGE 1 TO MARADMIN 014/00 HOMOSEXUAL CONDUCT POLICY >

MARADMIN 025/00

««—————»»

Date signed: 01/12/2000 MARADMIN Number: 025/00

R 121000Z JAN 00 ZYW

FM CMC WASHINGTON DC//MP//

TO MARADMIN

BT

UNCLAS//N01900//

MARADMIN 025/00

MSGID/GENADMIN/CMC MPO-40//

SUBJ/CHANGE 1 TO MARADMIN 014/00 HOMOSEXUAL CONDUCT POLICY//

REF/A/MARADMIN 014/00//

RMKS/1. PURPOSE. TO DIRECT PEN CHANGE TO THE REF.

2. ACTION. IN PAR 6 OF THE REF, THIRD SENTENCE, AFTER THE WORD DEPLOYMENT, CHANGE THE WORD "OR" TO READ "AND."

3. ALL OTHER PROVISIONS OF THE REF REMAIN THE SAME.//

BT



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



AUG 12 1999

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Guidelines for Investigating Threats Against or Harassment of Service Members
Based on Alleged Homosexuality

As recommended in the 1998 Report to the Secretary of Defense on the Effectiveness of the Application and Enforcement of the Department's Policy on Homosexual Conduct in the Military, this memorandum reiterates existing policy regarding the investigation of threats against or harassment of service members on the basis of alleged homosexuality. Service members should be able to report crimes and harassment free from fear of harm, reprisal, or inappropriate or inadequate governmental response. Commanders must take appropriate actions in such instances, with due consideration given to the safety of persons who report threats or harassment, and see that persons found to have made threats or engaged in threatening or harassing conduct are held fully accountable.

Under DoD policy, a commander may initiate an investigation into homosexual conduct only upon receipt of credible information of such conduct. The fact that a service member reports being threatened or harassed because he or she is said or is perceived to be a homosexual shall not by itself constitute credible information justifying the initiation of an investigation of the threatened or harassed service member. Credible information exists only when information, considering its source and the surrounding circumstances, supports a reasonable belief that a service member has engaged in homosexual conduct.

The report of a threat or harassment should result in the prompt investigation of the threat or harassment itself. Investigators should not solicit allegations concerning the sexual orientation or homosexual conduct of the threatened or harassed person. If, during the course of an investigation, information is received that the service member has engaged in homosexual conduct, commanders shall carefully consider the source of that information and the circumstances under which it was provided in assessing its credibility. Such information does not negate the need to investigate the alleged harasser.

Please ensure that this guidance is effectively disseminated to all levels of command and is made part of training programs for law enforcement personnel, commanders, supervisors and incorporated in the training required by section 654(d) of title 10, United States Code.

Rudy de Leon





PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D C 20301-4000



MAR 24 1997

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

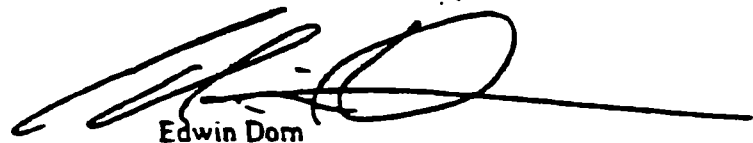
SUBJECT: Guidelines for Investigating Threats Against Service Members Based on Alleged Homosexuality

This memorandum reiterates existing policy regarding the investigation of threats against service members on the basis of alleged homosexuality. This guidance is issued because of information we have received that some service members have been threatened with being reported as homosexual after they rebuffed sexual advances or themselves reported acts of sexual misconduct by others. The information also indicates some service members reported threats of harm to their person or property based on perceived homosexual orientation.

Under DoD policy, a commander may initiate an investigation into homosexual conduct only upon receipt of credible information of such conduct. Credible information exists when information, considering its source and the surrounding circumstances, supports a reasonable belief that a service member has engaged in homosexual conduct.

The fact that a service member reports being threatened because he or she is said or is perceived to be a homosexual shall not by itself constitute credible information justifying the initiation of an investigation of the threatened service member. The report of such a threat should result in the prompt investigation of the threat itself. Investigators should not solicit allegations concerning the sexual orientation or homosexual conduct of the threatened person. If, during the course of an investigation, information is received that the service member has engaged in homosexual conduct, commanders shall carefully consider the source of that information and the circumstances under which it was provided in assessing its credibility.

Service members should be able to report crimes free from fear of harm, reprisal, or inappropriate or inadequate governmental response. Please ensure that commanders take appropriate actions in such instances, with due consideration given to the safety of persons who report threats, and see that commanders hold fully accountable persons found to have made threats or engaged in threatening conduct.



Edwin Dom





PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



AUG 12 1999

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Implementation of Recommendations Concerning Homosexual Conduct Policy

The Department of Defense is committed to the fair and even-handed application and enforcement of its policy on homosexual conduct in the military. An April 1998 report responded to the Secretary of Defense tasking to review how well the Department's policy on homosexual conduct is being applied and enforced. That report provided an analysis of the data on separations for homosexual conduct in Fiscal Year 1997, as well as a discussion of various issues arising under the policy, and made several recommendations. Since that time, my office has continued to analyze the data and issues discussed in the April 1998 report, as well as the data concerning separations based on homosexual conduct in Fiscal Year 1998. It is now appropriate to take the actions outlined below to ensure that the Department's policy is being properly applied and enforced.

First, as the April 1998 report makes clear, the majority of homosexual conduct discharge cases involve minimal or no investigation; that is also confirmed by the data that were analyzed for Fiscal Year 1998. As a result, many installation-level attorneys have not had occasion to build practical expertise in the special rules applicable in this area. Accordingly, the April 1998 report found that, in more complex investigations, it has become common practice for installation judge advocates to consult for advice with more experienced judge advocates in higher headquarters legal offices. The review recommended that the Department issue guidance specifying that such consultation is recommended before initiating investigations into alleged homosexual conduct.

Second, the April 1998 report concluded that little or no investigation should be necessary in most cases where a service member has made a statement acknowledging his or her homosexuality and does not contest separation. The report recognized, however, that it is appropriate in some circumstances to undertake an investigation to determine whether recoupment of financial benefits is warranted, or whether a service member's statement may have been fabricated in an effort to avoid a service obligation. To ensure appropriate review of such cases, the report recommended that prior authorization at the Military Department secretarial level be obtained for any substantial investigation of this nature.

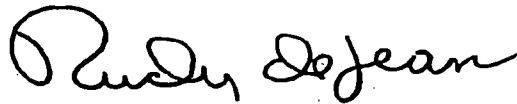
Third, the April 1998 report noted that each Service devotes substantial effort to training commanders and attorneys on the Department's homosexual conduct policy. Notwithstanding these efforts, some commanders, attorneys and investigators report that they have not received training. Accordingly, the report recommended that the Military Departments issue guidance directing that Service Inspectors General include as a specific item of interest for inspection the training of all those charged with implementing the homosexual conduct policy.



In order to implement the recommendations and findings of the April 1998 report, I request that you issue guidance as follows:

- * Recommend that, to promote consistent and fair application of the law and policy, installation level staff judge advocates consult with senior legal officers at higher headquarters prior to the initiation of an investigation into alleged homosexual conduct. This guidance should make clear that the responsibility to determine when credible information exists – i.e., to determine whether the information reported supports a reasonable belief that a service member has engaged in homosexual conduct, such that an investigation is appropriate – remains with commanders. Commanders are best equipped to assess the credibility of the information provided, taking into account, for example, whether the stress of basic training may affect the reliability of a statement.
- * Ensure that initiation of any substantial investigation into whether a service member made a statement regarding his or her homosexuality for the purpose of seeking separation be approved at the Military Department secretarial level.
- * Ensure that Service Inspectors General include as an item of specific interest in their inspections the training of those charged with application and enforcement of the policy on homosexual conduct – i.e., commanders, attorneys, and investigators.

Please provide your draft implementing guidance on these matters to Mr. Frank Rush, Principal Deputy Assistant Secretary of Defense for Force Management Policy, within 30 days.



Rudy de Leon



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

DEC 18 1999

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER & RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY
(MANPOWER & RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER, RESERVE AFFAIRS, INSTALLATIONS &
ENVIRONMENT)

SUBJECT: Implementation of Guidance Concerning Homosexual Conduct Policy

We agree with the approach that you have proposed for executing the Department of Defense guidance memorandum of August 12, 1999, entitled "Implementation of Recommendations Concerning Homosexual Conduct Policy." With respect to the other August 12 DoD guidance memorandum entitled "Guidelines for Investigating Threats Against or Harassment of Service Members Based on Alleged Homosexuality," it is important that all of the services fully implement as soon as possible the training required by that guidance. Accordingly, please submit to us no later than January 17, 2000, copies of all updated training materials concerning the homosexual conduct policy, including those materials that incorporate the training regarding threats or harassment.

We also think it is important that the leadership of each of the services issue a strong statement to the field that harassment of service members for any reason, to include alleged or perceived homosexuality, will not be tolerated and that commanders are expected to take prompt, appropriate action against individuals involved in such behavior. In your January 17 submission, please provide us with a copy of the statements that are issued on this subject.

Rudy de Leon
Under Secretary of Defense
(Personnel & Readiness)

Douglas Dworkin
Acting General Counsel

cc: General Counsels of the Military Departments



NATIONAL SECURITY COUNCIL

FAX COVER SHEET

**NATIONAL
SECURITY
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17th & Penn, N.W.
Washington, D.C.
20504

Did you get a complete,
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(202) 456-9188

From: CAPT Brian Peterman

To: CAPT Ken Ward

Agency: USCG

Fax Number: (202) 267-4823 4600

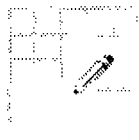
Date/Time: 2/1/00 -0930

No. of pages to follow: ~~12~~ 13

**Message: Ken- Per our TELCON. If you have any
questions or wish to discuss, please give me a call.**

Brian

SLDN MAR 1999 REPORT



Elizabeth J. Potter
02/15/2000 10:16:01
AM

Record Type: Record

To: David B. Peterman/NSC/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: On-line DADT poll: still no plurality 

The Harris Poll Election 2000

A Call To Attention on Gays in the Military:

Is it Time to Revise 'Don't Ask, Don't Tell?'

-- 46% of the Public Oppose 'Don't Ask, Don't Tell' Policy --

-- 48% of Public Favor Allowing Gays to Serve Openly in Military --

ROCHESTER, N.Y., Feb. 15 /PRNewswire/ -- Where do we go from "Don't Ask, Don't Tell?" That's what the civilian and military leadership of the country needs to figure out based on the public's opinion of the current policy toward homosexuals in the military. Overall, 46% of the public opposes the current "Don't Ask, Don't Tell" policy, 34% favor the policy and 20% are still undecided.

When asked to choose among three possible policies towards gays in the military, 48% of the public favor allowing gays to serve openly in the military. In addition, 18% support allowing gays to serve if they keep their homosexuality a secret, the same number (18%) favor prohibiting gays from serving in the military at all, and 16% are undecided. Thus, while a plurality favors open service by gays in the military, there is not a clear majority public opinion on this issue yet.

These are among the important results of a Harris Interactive Election 2000 national survey of 5,460 respondents conducted from January 19th to January 26th. The survey was conducted using the Internet and Harris Interactive's Internet panel of over 5 million cooperative respondents.

Further review of the current "Don't Ask, Don't Tell" policy and support for future policy options shows a diverse field of opinions. (See Table 3) Among those who oppose the current "Don't Ask, Don't Tell" policy, the vast majority (78%) favor a more lenient policy that would allow gays to serve openly. At the same time, 5% who oppose the current policy would support a similar policy that allows gays to serve if they keep their sexual orientation a secret. However, there are some who oppose the current policy (12%) but favor a more stringent policy that would bar all gays from the military. Even more surprising, of those who favor the current "Don't Ask, Don't Tell"

policy, 35% actually support a more stringent policy of prohibiting all gays from serving in the military. They may be willing to support "Don't Ask, Don't Tell" because they recognize that a more restrictive policy may be unobtainable. In addition, 39% of those who favor the current policy would support a policy similar to "Don't Ask, Don't Tell" and 16% would support a policy that allows gays to serve openly.

Taking political party into consideration, there are also some surprises. Contrary to what one might expect, almost one-third (32%) of Republicans favor allowing gays to serve openly in the military. However, 31% favor banning gays from serving in the military at all while 21% support a plan similar to the current policy.

Democrats are slightly more cohesive in their support for open military service for gays with 61% supporting it, 19% supporting a policy that allows gays to serve if they keep their homosexuality a secret, and 7% supporting the banning of gays from all military service. Independents, tend to fall in between the two parties, with 48% supporting open service, 13% backing service if their homosexuality is kept secret, and 19% in favor of banning gays from all military service.

Gender and race/ethnicity also influence positions on this issue. Women are much more supportive of gays and lesbians openly serving in the military than men, with 56% of women and 38% of men supporting open service for gays. In addition, men are almost three times as likely as women (28% vs. 10%) to say gays should not be allowed to serve in the military at all.

Race/ethnicity also has an interesting effect on support for gays in the military. While Hispanics wholeheartedly support gays serving openly in the military, Blacks are more divided in their views. While 64% of Hispanics and 42% of Blacks support gays serving openly in the military, slightly more than one-third (36%) of Blacks indicate that they are not sure which policy for gays in the military they support. Given the history of the civil rights movement within the black community, it will be interesting to see on which side of the fence Blacks fall on this policy issue.

Among Whites, almost half (48%) of respondents support open service for gays in the military. In addition, 20% favor gays being prohibited from serving in the military at all, and 18% favor allowing gays to serve if they conceal their sexual orientation. (See Table 2)

So, what does this mean for the military, the presidential contenders, and the parties?

First, it means the presidential candidates and the parties must build party platforms that consider the varied opinions of their members. Second, it means that any future policy must recognize the fact that society has changed over the past decade in its attitude towards gays and as a result the country is more supportive of gays serving in the military. Third, the military must also weigh the impact of its policy on its members and future recruits. Thus, developing a new policy on gays in the military will be a difficult balancing act for everyone involved.

TABLE 1

FAVOR OR OPPOSE "DON'T ASK, DON'T TELL"

Base: All Respondents

The current policy on gays in the military is called "Don't Ask, Don't Tell." This means the military can no longer ask personnel whether or not they are homosexual. If any personnel say they are homosexual or it has been found that they engage in homosexual activity, they will be discharged from the military. Do you favor or oppose this policy?

All Male Female White Black Hispanic

Favor

34 42 28 36 20 28

Oppose

46 43 49 47 43 49

Not Sure

20 15 24 17 37 23

All Republican Democrat Independent

Favor

34 45 30 28

Oppose

46 39 52 46

Not Sure

20 17 18 26

Table 2

Potential Policies Toward Homosexuals In The Military

Base: All Respondents

Which of the following statements best describes your Views on this issue?

All Male Female White Black Hispanic

Gays and lesbians should be allowed to service openly in the military

48 38 56 48 42 64

Gays and lesbians should be allowed to serve in the military only if they keep their homosexuality a secret

18 21 16 18 15 18

Gays and lesbians should not be allowed to serve in the military at all

18 28 10 20 8 6

Not Sure

16 13 18 14 36 12

All Republicans Democrats Independents

Gays and lesbians should be allowed to service openly in the military

48 32 61 48

Gays and lesbians should be allowed to serve in the military only if they keep their homosexuality a secret

18 21 19 13

Gays and lesbians should not be allowed to serve in the military at all

18 31 7 19

Not Sure

16 16 12 20

Table 3

Support For "Don't Ask, Don't Tell" Compared To

Potential Policies Toward Homosexuals In The Military

Base: All Respondents

All	Favor	Oppose	Not Sure
-----	-------	--------	----------

Gays and lesbians should be allowed to service openly in the military

48	16	78	34
----	----	----	----

Gays and lesbians should be allowed to serve in the military only if they keep their homosexuality a secret

18	39	5	14
----	----	---	----

Gays and lesbians should not be allowed to serve in the military at all

18	35	12	4
----	----	----	---

Not Sure

16	11	5	48
----	----	---	----

Methodology

This Harris Interactive Election 2000 study was conducted between January 19th and January 26th with a national sample of 10,928 respondents from the Harris Interactive Inc. panel of Internet users. Data for this release is based on a random sub-sample of 5,460 respondents. Data were weighted by age, sex, education, income, race/ethnicity, and region as well as propensity to be online, a composite of several factors, in order to generalize the results to the national population.

In theory, with a sample of this size and after weighting the data, one can say with 95 percent certainty that the results have a statistical precision of plus or minus 3 percentage points of what they would be if the entire adult population of the United States had been polled with complete accuracy. Unfortunately, there are several other possible sources of error in all polls or surveys that are probably more serious than theoretical calculations of sampling error. They include question wording and question order, non-response, and screening (e.g., for likely voters). It is

difficult or impossible to quantify the errors that may result from these factors.

These statements conform to the principles of disclosure of the National Council on Public Polls.

About Harris Interactive

Harris Interactive (Nasdaq: HPOL) is a leading market research and polling firm, using Internet-based and traditional methodologies to provide its clients with information about the views, experiences and attitudes of people worldwide. Known for its Harris Poll, Harris Interactive has over 40 years experience in providing its clients with market research and polling services, including custom research, multi-client research, service bureau research and customer relationship services. Harris Interactive conducts its Internet research using its Internet database of more than 5.3 million online panelists and its proprietary technology. For more information about Harris Interactive, please visit the corporate Web site at <http://www.harrisinteractive.com>.

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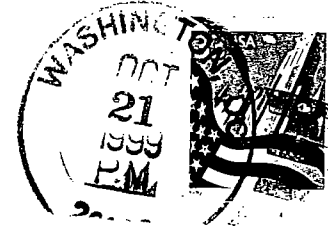
This media release includes statements that may constitute forward-looking information. Harris Interactive cautions you that these forward-looking statements are subject to risks and uncertainties that could cause actual results to differ materially from those discussed. Additional detailed information concerning a number of factors that could cause actual results to differ is readily available in the "Risk Factors" section of our Prospectus, dated December 6, 1999 and filed with the Securities and Exchange Commission pursuant to the Securities Act of 1933.

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SLDN
P.O. Box 65301
Washington, DC 20035-5301



Hans Binnendijk
Special Assistant to the President
Senior Director for Defense Policy
and Arms Control
National Security Council
The White House
Washington DC 20504

Servicemembers Legal Defense Network

★ ★ ★ ★ ★

Dear Hans,

Michelle and I very much enjoyed meeting you. If we can ever be of assistance, please do not hesitate to call.

Sincerely,
C. Dixon Osburn

Servicemembers Legal Defense Network

* * * * *

FAX COVER SHEETTO: Brian PetermanAt: National Security CouncilFAX: 202.456.9190FROM: Michelle M. Benecke, Esq., Co-Executive DirectorTo report any problems with this transmission, please call Steve Ralls at 202.328.3244.DATE: December 22, 1999PAGES (including cover): 8**COMMENTS:**

I thought you would be interested in seeing the enclosed materials documenting harassment against two of our clients, who ultimately were compelled to come out and leave the military in fear for their safety. The DoD counts these discharges as "voluntary" statements, notwithstanding that these members wanted to serve. These are just two of many examples of the harassment service members face everyday in the field. Any efforts to have military leaders stop harassment and implement this law consistent with its intent to respect people's privacy are greatly appreciated.

☐ Faxed _____
Initial and Date

WARNING:

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	To: Brian Peterman; From: Servicemembers Legal Defense Network; Re: Anti-Gay Harrasment against Fort Campbell Soldier [partial] (3 pages)	12/22/1999	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Peterman, David / Beardsworth, Richard)
OA/Box Number: 3480

FOLDER TITLE:

Don't Ask / Don't Tell Binder [4]

2015-0017-F
sb1256

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

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

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

RR. Document will be reviewed upon request.

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

Servicemembers Legal Defense Network

* * * * *

September 2, 1999

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

Re: Anti-Gay Harassment Against Fort Campbell Soldier

Dear Secretary Cohen.

I write to inform you that SLDN has been contacted by (b)(6) 001 (b)(6) a gay soldier stationed at Fort Campbell, Kentucky, who fears for his safety. (b)(6) fears for his safety due to anti-gay harassment from members of his unit. SLDN is in contact with the Fort Campbell chain of command. Due to the seriousness of the allegations, however, we want you to be aware of the situation.

(b)(6) fears for his safety because of the perception by many in his unit that he is gay and also because of similarities between the harassment directed towards him and that experienced by PFC Barry Winchell prior to his murder. According to (b)(6) two members of (b)(6) unit recently engaged in a conversation concerning (b)(6) perceived sexual orientation. (b)(6) states that the first soldier told the second that the first soldier thought that (b)(6) was a "faggot." The other soldier replied by stating "that's OK." The first soldier further stated, regarding (b)(6) perceived sexuality, "that's fucked up."

(b)(6) 001 of these comments which (b)(6) had overheard. (b)(6) states that the tone of the conversation sounded threatening, particularly in the context of the rampant, hostile rumors and speculation within (b)(6) unit regarding his private life. SPC (b)(6) felt that he had a duty to warn (b)(6) due to the potential seriousness of these threats. Enclosed is a copy of a letter written by (b)(6) regarding this incident.

(b)(6) reports that he has been asked if he is gay and that he has been directly harassed by other soldiers. (b)(6) reports that there is a vehemently anti-gay climate in his unit which is illustrated by such actions as (b)(6) often singing anti-gay cadences during the platoon's physical training runs. (b)(6) further reports that the company First Sergeant (b)(6) uses anti-gay language, when challenging soldiers to meet his task performance standards. The 1SG says that if a soldier is unable to meet the challenge, it is because "you're getting porked up the ass." (b)(6) also reports that he heard soldiers make comments such as "so what if he [PFC Winchell] was killed, he was gay," and "who cares, he was just a fag." While discussing the Winchell murder with other soldiers, (b)(6) was mocked by some of his peers who asked (b)(6) why he cared about PFC Winchell's death and taunted (b)(6) with comments that he, too, must be gay.

Sworn Affidavit

1. I, former (b)(6) 001 experienced constant anti-gay harassment and questions about my sexual orientation throughout my military career. This harassment, coupled with the beating death of PFC Barry Winchell, at Ft. Campbell, led me to make a statement of my sexual orientation to my command.

2. On at least one occasion from May 1999 until September 1999, while stationed at Ft. Campbell, I heard (b)(6) 001 sing anti-gay cadences during the platoon's physical training runs. The cadence that I recall (b)(6) 001 using was "Faggot, faggot, down the street. Shot him, shot him, till he retreats," or words to that effect. When he said this, I felt as if every soldier on that run was looking directly at me.

3. Also, on several occasions from May 1999 until September 1999, I heard 1SG (b)(6) use anti-gay language, to berate soldiers who might fail his task performance standards. I heard the 1SG state that soldiers who did not perform were "getting porked up the ass."

4. In July 1999, after PFC Barry Winchell was murdered, I heard soldiers in my unit state "So what if he [PFC Winchell] was killed. He was gay." and "Who cares? He was just a fag." Soldiers questioned me about my sexual orientation when I expressed concern about PFC Winchell - a fellow soldier who had been murdered.

5. In August 1999 (b)(6) 001 informed me that two members of my unit at Ft. Campbell had been having a conversation in his presence concerning my perceived sexual orientation. (b)(6) told me that one soldier told a second soldier that he thought that (b)(6) was a "faggot." The second soldier replied by stating, "that's OK." The first soldier then said, "that's fucked up." (b)(6) explained to me that because of the tone of the conversation, and because he believed that the soldier originally discussing my sexual orientation was angry, he was concerned for my personal safety.

6. In August 1999, (b)(6) 001 questioned my sexual orientation in front of several soldiers in my unit. I was the unit designated driver during an outing to a local strip club. I drove directly to the club without obtaining directions from others. Sergeant (b)(6) said to me, "I guess this means your heterosexuality is not in doubt." Later, on this same trip, we were at a dance club and a member of my unit asked me if I was comfortable dancing with women. When the woman with whom I was dancing asked why I wouldn't be, this soldier responded that I was gay. After my protests, he laughed and said that he was kidding. His comment, and other comments made on that trip, made me very uncomfortable, joke or no joke.

7. On or about August 31, 1999, after the murder of PFC Winchell (b)(6) briefed my unit on "Don't Ask, Don't Tell, Don't Pursue." He called the briefing a "fag

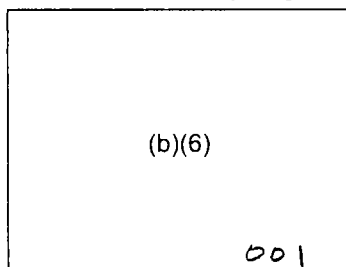
briefing." When he concluded the briefing, SGT ⁰⁰¹(b)(6) said "enough about the fags, let's move on" to the next subject.

8. In addition to the incidents listed above that occurred at Ft. Campbell, I have been harassed about my perceived sexual orientation at other Army bases. For example, when I was in basic training at Ft. Benning, I was harassed on an almost daily basis about my perceived sexual orientation by my peers. My drill sergeant, SGT (b)(6) called me a "faggot" when I did not complete roll marches due to physical ailment. SGT (b)(6) repeatedly raised questions about my sexual orientation and used anti-gay language. In the last week of basic training, trainee (b)(6) provoked a fight with me due to his constant anti-gay comments about "faggots" and his open taunting about my perceived sexual orientation.

9. When assigned to Ft. Knox, I also heard comments about my perceived sexual orientation. A female soldier on base, repeatedly insinuated that I was gay by asking me why I did not talk about girls and offering to set me up with her girlfriends. In addition, in March 1999, I overheard some soldiers in the shower discussing the fact that they thought I was gay, as did everyone in my unit.

10. These are not all of the anti-gay incidents that I encountered during the time that I was in the Army. However, I do think that it is representative of the pervasive hostile anti-gay climate that exists in the Army. In my experience, anti-gay comments and epithets are used routinely among the infantry in the Army, including from my direct supervisors.

11 Because of the hostile climate and direct harassment I endured, I chose to inform my command of my sexual orientation with the assistance of Servicemembers Legal Defense Network. This was the hardest decision I have ever had to make, but I felt it was necessary to protect my personal safety.



19 Oct 99

Subscribed and sworn to before me this 19th
day of October, 19 99.

Mary Lynn Mattei
Notary Public, State of Kentucky
My Commission expires 19

Embossed Hereon is My
State of Kentucky At Large, Notary Public Seal
My Commission Expires Jan. 5, 2001
MARY LYNN MATTEI

Let me start iff by saying if you think you're hiding it, you're dead wrong, yeah you know what I'm talking about, you dyke ass bitch. And if you don't care, well you're doing a good job so far. We all know about you and your butch ass girlfriend, the entire ship knowss. You homo's are sickening, the Navy, has no room for you twisted freaks. You queers, like being stared at, talked about, and laughed at? because it happens, whenever you show your faces!

You are so wrong in what your doing, we haven't, and never will stand for it, you know you bitches are ygoing to tott in hell. Your a perfect example of why theres decieses, and Aids, (hell you dykes started the freakin' thing).

Your constantly being watched, your every move, every step, you're getting closer and closer to what you vitchs deserve, it's only a matter of time before we to get you back, and teach you a lesson. One that you'll never, ever forget. Your pasrt overdue for a beatdown!!!!!! Theres no way to hide, you know theres no where to run! You live on the ship!

SO YOU BETTER WATCH YOUR ASS!!!!!!!!!!!!!!!!!!!!!!

We don't want you here, the Navy does'nt want you either. You should have just stayed in your own freakin homo world, with your own kind, at least then youd be somewhat safe, HERE YOUR NOT.....And as long as your in our world you never will be, you fuckin' Dykes.....

P.S. Did your bitch like her new paint job? Thats only a small part of your lessons BITCHES.....

[REDACTED]

Dear Lieutenant Commander [REDACTED]:

1. Recently I came to you for assistance because I found a threatening letter on the windshield of my car. At the time, I honestly told you that I did not know who put the letter on my car. However, I did not give you all the information necessary to protect me from this danger. Since I have been stationed on the USS [REDACTED], I have faced daily harassment from my shipmates based upon their perception of my sexual orientation. My harassers have been my peers and superiors who question my sexual orientation and make derogatory remarks about me and my perceived sexual orientation. This harassment comes from people I work with and others on the ship that I don't even know personally.

2. For example, while working in the galley, one sailor would always refer to me as a man. If someone had a conversation with him and I was mentioned, the sailor would always refer to me as "him" or "he." On another occasion, I was performing maintenance in the male berthing areas while accompanied by Petty Officers [REDACTED] and [REDACTED]. As required, PO [REDACTED] yelled "Female on deck." One of the sailors present said "Female. I don't see any female," while looking directly at me. Other sailors who are friends of mine have reported that they have been asked questions about my sexual orientation numerous times. Strangers have made comments about my perceived sexual orientation as well. On [REDACTED], while walking from the E-3 parking lot to the ship, someone in a truck yelled "Dyke" at me. On [REDACTED] I was alone on the smoke deck when a male sailor in civilian clothes passed by me and said something like "those fucking lesbians." I have had problems with sailors off base as well. Once, in the company of other sailors, one male sailor repeatedly told me he knew that I was gay and he sexually propositioned me. After making numerous refusals he said, "You're a fucking dyke" in front of the other sailors.

3. Other comments directed towards me in the passageways or on base include: "I don't know why they let them in the Navy if they know they're like that;" "You know she's gay, don't you;" "Stupid dykes;" "Gays aren't supposed to be here, why don't they get out;" "They have to be gay, they look too much like guys."

4. As a result of this repeated harassment, I feel that I must be honest with you as required by the Navy's core values. I am a lesbian. I am in constant fear that I will be physically threatened or harmed if this information is known on the ship. I am constantly harassed because of rumors and suspicion - I can only imagine what may happen to me if anyone were to find out that I am in fact gay. It is my belief that it is only a matter of time until I am attacked or investigated based upon the rumors that are circulating onboard this ship. I sincerely desire to fulfill my commitment in the Navy, but I am not willing to be placed in physical harm by my shipmates.

5. I recognize that there may be some consequences to disclosing my sexual orientation to you. However, I see this as my only opportunity to stop these events before I get hurt. This is the only statement I will make concerning my sexual orientation. If there are questions regarding my sexuality, I respectfully request that they be provided to me in writing so that I may consult with legal counsel. Due to concerns about my physical safety, should other sailors learn of my sexual orientation, I request that this matter be handled in a confidential manner and that I be removed immediately from the USS [REDACTED]. I await further instructions.

Sincerely,

[REDACTED]
[REDACTED]

SLDN

HANS - FYI.



Elizabeth J. Potter
01/11/2000 01:20:08
PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: SLDN call to action

SLDN Action Alert:

The Servicemembers Legal Defense Network (SLDN) asks you to contact President Clinton and military leaders to:

(1) call for the resignation of Major General Clarke, Commanding General of the 101st Airborne Division at Ft. Campbell, KY for permitting a climate of harassment and violence at the base that continues even after the murder of Private First Class Barry Winchell, and

(2) to protest the light sentence the Army has given to Specialist Justin Fisher, the second defendant in the murder of Private First Class Barry Winchell at Fort Campbell.

1. Resignation of Major General Clarke. Barry Winchell was harassed daily for more than 4 months prior to being murdered. Soldiers report that anti-gay harassment has continued in force at Fort Campbell even after Winchell's murder. In some cases, soldiers have even mocked Winchell's murder, making references to "faggots" and baseball bats, as a way to intimidate others. Soldiers have left Ft. Campbell recently (SLDN has assisted 2 soldiers) because they feared for their safety due to the continuing harassment at the base. SLDN has asked the Army and Department of Defense to take steps to stop the harassment, but nothing has been done.

Major General Clarke is the commander responsible for setting this command climate. Had he set the proper command climate, PFC Winchell might be alive today. Other soldiers would not have been forced to leave or face potential violence against them.

Major General Clarke is the commander responsible for the lack of supervision, lack of leadership and excessive drinking in the barracks that, with anti-gay harassment, created the conditions in which Private Calvin Glover could murder PFC Winchell.

2. Lenient Plea Agreement. Major General Clarke is the commander responsible for granting a lenient plea agreement to SPC Fisher that does not hold him accountable for his role in goading PVT Glover to attack Barry Winchell. The plea agreement is a travesty.

PFC Winchell faced 4 months of rumors, verbal gay-bashing and even being assaulted by SPC Fisher. On one occasion, SPC Fisher assaulted Winchell with a dust pan, opening a wound that required Winchell to receive stitches and that spattered blood on their barracks room door, which Fisher left as a "reminder." Instead of stopping the harassment, unit leaders launched an illegal investigation into Winchell's sexual orientation and directly questioned him about his sexual orientation.

According to testimony at PVT Glover's court-martial, Fisher played a primary role in Barry's murder including: giving PVT Glover the baseball bat; washing the blood off the bat; planning how to cover up the crime; being the primary soldier who taunted Barry about being gay and spread rumors about Barry; and prompting PVT Glover to kill Barry.

Today, SPC Fisher was sentenced to 12.5 years in prison for his role in PFC Winchell's murder. SPC Fisher plead guilty to two counts of obstructing justice (including washing blood off the murder weapon), three counts of false swearing and providing alcohol to a minor. The maximum sentence for these charges is 20 years in prison. The military judge, Colonel Pangburn, sentenced SPC Fisher to 14 years, but the sentence was capped at 12.5 years by the plea bargain agreement.

SPC Fisher originally faced additional charges including being a principal to premeditated murder by allegedly encouraging PVT Glover, to strike Winchell and acting as an accessory after the fact. In exchange for pleading guilty to the lesser charges against him, SPC Fisher agreed to testify against Glover, who was convicted on December 9, 1999, of premeditated murder for beating PFC Winchell to death with a baseball bat while Winchell slept on a cot outside his room. PVT Glover is currently serving a sentence of life in prison with a possibility of parole in 10 years.

WHAT YOU CAN DO TO HELP:

Ask President Clinton, the Secretary of Defense, the Secretary of the Army and the Army Chief of Staff for Major General Clark's resignation because he allowed an anti-gay climate to grow unchecked at the base and tell them that you are concerned that a soldier who was heavily involved in a brutal murder got such a lenient sentence.

President William Jefferson Clinton
1600 Pennsylvania Ave
Washington DC 20500
Call: 202.456.1111
Fax: 202.456.2461
<mailto:president@whitehouse.gov>

The Honorable William S. Cohen
Secretary of Defense
1000 Defense Pentagon

Washington DC 20301-1000

Call: 703.695.5261

Fax: 703.695.1219

Comment via the Army's web site:

<http://www.dtic.mil/armylink/comment.html>

<http://www.defenselink.mil/faq/comment.html>

The Honorable Louis Caldera

Secretary of the Army

101 Army Pentagon

Washington DC 20310-0101

Call: 703.695.3211

Fax: 703.697.8036

Comment via the Army's web site:

<http://www.dtic.mil/armylink/comment.html>

<http://www.defenselink.mil/faq/comment.html>

General Eric K. Shinseki

Army Chief of Staff

200 Army Pentagon

Washington DC 20301-0200

Call: 703.695.2077

Fax: 703.693.6290

Comment via the Army's web site:

<http://www.dtic.mil/armylink/comment.html>

<http://www.defenselink.mil/faq/comment.html>

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