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DoD News Briefing

Bernard D. Rostker, USD (Personnel & Readiness)

Friday, July 21, 2000 - 2:00 p.m. EDT

(Also participating in this briefing was Chief of Staff of the Army General Eric Shinseki and Under Secretary of the Air Force Carol DiBattiste)

Rostker: Good afternoon, ladies and gentlemen. My name is Bernie Rostker. I'm the under secretary of Defense for Personnel and Readiness. And today we will be releasing two studies on the issue of homosexual policy in the Department of Defense, the first being the Army's IG [report](http://www.army.mil/ig/cover.htm) on the climate at Fort Campbell, and the chief of staff will be making that presentation. He will be staying for some questions, and then we'll transition for the second report, which is the working group that responded to the DoD IG's report on harassment. That working group was chaired by Under Secretary of the Air Force Carol DiBattiste.

The IG's -- the Army IG report was made available to the Army leadership earlier in the month, and I asked Under Secretary DiBattiste if she could move up the activities of her group so that she might be able to consider that, the Army's findings, and then without delay in the Army report, bringing it forward to the public. And she was able to accomplish that.

I would remind you all that this is a continuing effort to refine the "don't ask, don't tell" policy. And last August, [Under] Secretary De Leon published [two memorandums](http://www.defenselink.mil/news/Aug1999/b08131999_bt381-99.html) to improve

the application of our homosexual policy. In December, Secretary Cohen asked the IG to look into the issue of command climate. That was followed -- that report was followed by a commission to Under Secretary DiBattiste and her group to present an [action plan](http://www.defenselink.mil/news/Jul2000/plan20000721.htm).

The secretary has accepted that action plan and I signed out its [implementation](http://www.defenselink.mil/news/Jul2000/memo20000721.pdf) this morning.

So without any further delay, let me introduce the chief of staff of the United States Army to talk about the Army's IG [report](http://www.army.mil/ig/cover.htm), General Shinseki.

Shinseki: Well, good afternoon, ladies and gentlemen. Let me make an opening statement. I'll take some questions, and for any of the detailed questions following, General Mike Ackerman, our inspector general, is here with members of his team to take any follow-on questions that may exist. Let me, in my

opening statement, frame the context within which the inspector general went to Fort Campbell to conduct his investigation.

You know, the death of a soldier, any soldier, whether in combat or in peacetime, is a great loss to the Army, a loss that's most keenly felt in that soldier's unit.

Now on 5 July 1999, the Army and the 101st Airborne Division (Air Assault), Fort Campbell, Kentucky, suffered such a loss, the loss of the soldier as the result of a senseless and a brutal crime. Two soldiers have been since tried and convicted for this needless tragedy, and both of them are today serving lengthy prison sentences. And our sympathy, as you will understand and hear, continues to go out to Private First Class Barry Winchell's family and friends.

Everything we are called upon to do in the Army requires teamwork. Teamwork is built on a foundation of trust and confidence within units -- trust and confidence within units, between soldier and soldier, between leader and led, and between units serving side by side.

That trust and confidence emerges from our day-to-day commitment to our Army values. We teach them in the force -- loyalty and duty and respect, selfless service, honor, integrity, personal courage.

Now without trust, there can be no dignity and respect for the individual soldier, and cohesion and morale in our units would suffer, visibly suffer.

In the Army, we know that on our most difficult days our lives may depend on the ability and the willingness of the person next to us to perform his or her duty. In combat, soldiers fight for each other, they die for each other, and they carry their fallen comrades out on their backs.

The essential questions that are asked in evaluating our peers, our subordinates, and our superiors are simple and pretty fundamental: Would I be willing to go to war with you? Would I be willing to put my life on the line for you? Would I be willing to die for you?

And when the answers are yes, that is a powerful statement of commitment. There is no higher compliment that one soldiers can pay to another. The answers to those questions rest upon the quality of trust in a unit. Trust is the confidence that soldiers have in the willingness of their fellow soldiers to faithfully do their duty when the time comes. It is about standing and delivering on one's duty to one's fellow soldiers. Teamwork and confidence-building are everyday devotions in the Army.

We have learned through some trying times that those questions are matters of fundamental importance in building trust soldier-to-soldier, and out of those individual relationships of trust grow the bonds that build unit cohesion.

When individual dignity and respect are violated, mutual trust and cohesion erodes. Harassment of any kind violates individual dignity and tears at the fabric of this trust and the cohesion of our Army. It will not be tolerated for any reason.

As a combat veteran, Major General Bob Clark understands the importance of that trust and what it means to unit cohesion and combat readiness. And for that reason, he decided it was important enough to ask the Army this past January to investigate his unit. And in response, the Army sent its inspector general to assess the overall command climate at Fort Campbell, as well as the implementation of the Department of Defense homosexual conduct policy.

During the course of that five-month investigation, the inspector general surveyed or interviewed over 2,000 people from Fort Campbell. Overall, the investigation concluded that the chain of command responded appropriately to matters with respect to enforcement of the policy and that the command climate at Fort Campbell before 5 July 1999 was a "positive environment."

In comparing the command climate that exists now to the command climate the year before, personnel who were asked indicated that the command climate was favorable. And moreover, those surveyed felt that the leadership at Fort Campbell was effective, concerned, and treated personnel fairly. They also believe that the leadership led by example. Although there are isolated instances of reported harassment, the inspector general found that the chain of command responded appropriately to issues presented to the m.

While the investigation found the overall command climate at Fort Campbell to be positive and healthy, it also determined, after interviewing 50 percent of unit personnel, that the command climate within the company to which Barry Winchell was assigned was poor. The investigation attributed this finding to personnel shortages, underage drinking in the barracks, and the presence of an abusive noncommissioned officer in a leadership position in that unit. The IG has carefully examined the actions of that company commander and found that he acted responsibly as the commander and, where

appropriate, held individuals accountable.

The leadership at Fort Campbell has taken appropriate action, to include removing that noncommissioned officer from the unit. The investigation discovered that since the chain of command took this corrective action, morale in the company has improved -- these corrective actions, morale in the company has improved dramatically.

The 101st Airborne Division remains an outstanding and combat-ready unit. The Screaming Eagles have a legacy of war-fighting readiness that continues to be widely respected. And I have complete confidence that they stand ready to answer the nation's calls whenever and wherever we may send them.

Now, I've provided you copies of my statement and also copies of my <http://www.army.mil/ig/default.htm> directive to implement the study's recommendations. And I will

take your questions at this time.

Q: General, these 13 points in the new plan -- I would ask you this, and I would ask Secretary Rostker, too -- the 13 points emphasize, stress that commanders and leaders will be held responsible for any harassment under their command. Is ignorance any excuse for that? The captain in that company and, in fact, the general commanding the 101st were ignorant of what was going on in that company. You did find that it was a problem in the company itself. Will ignorance be any excuse for harassment going on in a command?

Shinseki: Well, let me just tell you first, to understand the comprehensive nature of the inspector general's investigation: five-month look; 2,000 people talked to; and everyone in the chain of command, from that division commander to his assistant division commanders, 47 battalion and brigade commanders, 68 or so sensing sessions, and a sensing session was somewhere's nine to 10 people. So that tells you you've got a pretty good cut of various populations. And with nine to 10 people in a sensing session, you also had the ability to read people up close -- body language, reluctance to speak -- and the invitation to get people to share information. All of that done. Interviews conducted with civilian people from the community there that went beyond just the unit. People who would not be reluctant to speak. Twenty-seven members of the investigating team went and spent time at Fort Campbell, merged into formations early in the morning -- they were doing physical training. Went and ran with those units -- where their presence would not be noticed -- over and over again just to get the flavor for command climate. Public places, whether they were community centers, recreation centers, barracks, training areas, hangars -- looking for evidence of derogatory or demeaning graffiti.

All of that said and done, the inspector general's team focused then on that company in particular and took a very good look at that company commander. Fifty percent of that company interviewed. And the report back to the IG was that members of that unit are comfortable that that commander was competent, caring and executed his responsibilities properly.

One clear indication also, though, was that we had one senior non-commissioned officer, in a company that was short of its full officer complement, in a key leadership position, that was abusive not just to soldiers, but also to some of his subordinate, non-commissioned officers.

The company commander, understanding that this was an issue, took the non-commissioned officer aside, counseled him, told him what was wrong with this leadership style, gave him an opportunity to make corrective action. When that correction was not forthcoming, he was removed from that position. And my understanding is, since that change in leadership was taken, morale in that company has soared. So the use of the word "ignorance" on the part of the company commander, I think probably a bit shortsighted. I think he was aware of this and took action to address that leadership end.

Q: Well, if he wasn't ignorant, General, the problem escalated into murder, why wasn't he held responsible in some way for this? I mean, if you're going to -- if you say that this program is going to have to be true from top to bottom, on top command is going to have to answer here. Are you really going to get that straightened out until top commanders are punished if something goes on in the --

Shinseki: Well, I think the commanders did take action. This crime that occurred was a crime of violence, one soldier on another. The circumstances were there was excessive drinking. Two soldiers that were involved in that, both court-martialed -- as I indicated in my statement, have been put in jail for an extended period of time.

We went to look at the command climate at the invitation of General Clark. And the response, the feedback, that we have gotten -- this report -- this comprehensive look says that we have a strong command climate there at Fort Campbell. In this one unit that had a problem of low morale, corrective

action was taken, and the morale in that unit has improved.

Q: General, I am wondering where you think the Army would be on this whole issue if the policy moved to allowing gays to serving openly in the Army? Would it be better or worse?

Shinseki: Well, I don't know. That may be a good question for some future speculation.

But the fact is the policy is law -- it's the law of the land -- and we think it's an appropriate one that we can implement and enforce. And our responsibility now is to make sure that implementation, and the training that goes along with it, is fully taken care of.

Staff: Carol?

Q: Two questions.

Beyond the harassment, this report indicates that there were a series of other problems. Sixty-four percent of the junior enlisted soldiers said that there was a serious problem of lack of respect. And there are numerous complaints in here about housing, medical, low morale, continuing underage drinking. How concerned are you about these other ongoing problems at Fort Campbell, and what are you going to do about it?

Shinseki: Well, these are not just -- those kinds of problems that you cite are not just present at Fort Campbell. I mean, these are some issues -- whether it's underage drinking or excessive drinking in barracks, Tricare problems -- now, these are leadership issues. And in the case of underage and excessive drinking, these are prohibited. And I expect that leadership, when they encounter this, will take the corrective action to put controls in place. And the IG's report tells us that, when these conditions came to the leadership's attention, that in fact they did do that.

Q: And may I just follow up very quickly? If you tell us, as chief of Staff here, that there was an "abusive," to use your word, NCO, are there no charges that man should be brought up on? How can you have someone abusive in the military -- in the Army continue on in a job? Why is he not being brought up on charges?

Shinseki: Well, the report -- following today's release -- is being provided back to the commander at Fort Campbell and to other commanders, where evidence of some follow-up reviews are required -- provided to them for their look.

Q: So what is being followed up on here beyond this report?

Shinseki: Well, I'm putting out a series of directives that will change -- go back and look at our training programs. For example, the commander at TRADOC will have a requirement to look at our training packages, to make sure that the quality of training out there that clarifies the policy is appropriate.

Now --

Q: I guess what I'm trying to ask you -- is this abusive NCO liable for any charges, or is he completely off the hook?

Shinseki: I will have to see what the commander at Fort Campbell does with it.

Q: Sir, about once a year, the Pentagon holds a press conference in which it says it's getting serious about "don't ask, don't tell" and is really going to implement it this time.

But there's a striking contrast here. When Aberdeen happened, heads rolled. The Army blamed personnel shortages, as it is now. But also heads did roll. Why should anyone think the Army is serious about implementing "don't ask, don't tell" at this year's press conference, when heads aren't rolling and we're getting a lot of "yeah, we're going to do more training, and we'll take care of personnel problems"?

Shinseki: Well, I think you need to look at the details of the report. I think what the report will show you is that wherever evidence -- incidents of harassment were discovered or brought to the attention of chain of command, the chain of command did act.

Now in the case of -- I think you're referring to the murder of Private Winchell. The two soldiers who were involved in that were held accountable. They were taken to trial, and they were found guilty.

Q: The Service Members Legal Defense Network says that a number of gay and lesbian military personnel at Fort Campbell felt that if they spoke out, they might be identified as being homosexual and dismissed from their ranks. First of all, did that climate exist, or did that threat exist there? And if so, how confident can you be that you have an accurate assessment of what the climate is at Fort Campbell?

Shinseki: You mean speaking out with regard to the investigation? Well, I'll tell you, I would have no way of answering that, because, as you know, by the policy, there's no way for us to go on and decide who might be, you know, inclined homosexually or not.

But the members who were part of the team randomly selected from across the population there, the

2,000 soldiers who were included -- so hopefully there was a cross-section that represented the population there at Fort Campbell.

Q: The mother of Private Winchell has charged the Army with a cover-up and has filed a wrongful death lawsuit against the military. Would you, as a result of what you're saying, disagree with her characterization of your report as a cover-up? And is there any merit to her case?

Shinseki: Well, I will tell you, if this were a cover-up, I wouldn't be standing here today.

I do know about that lawsuit, and as I said, with respect to Mrs. Kutteles's statement, I will tell you that the Army sympathizes with her.

We take full responsibility for what happened to Private Winchell. But frankly, the cover-up of this is incorrect.

And I will tell you that whatever else Private Winchell may have been, he was one of us. He was a soldier in uniform, and a good soldier. My understanding is in the month of July a year ago, he was being considered for Soldier of the Month and was being prepared by his noncommissioned officer leadership to stand that selection process. And when it was time to take him home, those two noncommissioned officers were also those who escorted him home to Kansas. And there was a soldier formation serving at his funeral.

Q: If I could ask a follow-up based on my colleague's question, it's been a year since his death, and the Army still hasn't decided whether the NCO who was so abusive should be charged with any criminal charges?

Shinseki: Well, that noncommissioned officer was removed from his position for abusive behavior of a general nature, not in specific to the murder of Private Winchell.

Q: You have to excuse my ignorance; is he in the military still, or has he been --

Shinseki: He is. He has been --

Q: -- dishonorably discharged?

Shinseki: -- reassigned to other duties. He's been taken out of a leadership position.

Q: But he's still in the military, serving in good stead, and he has not been charged with anything --

Shinseki: He is in the military.

Maj. Gen. Meyer, chief of Army public affairs: We've got time for one more question, then General Ackerman will pick it up at the end.

Q: How is what you are doing now any different than what you've done in the past, then? Is the Army getting serious about enforcing "don't ask, don't tell" in a way that is different than we've seen in the last seven years?

Shinseki: Rick, I think what I would tell you is, a year ago when -- 5 July '99 -- Fort Campbell at that time was implementing the Army's homosexual conduct policy as it stood then. We have gone back and taken a look, and we find that there's a requirement for continuing training. So what you will see is an increase in both the frequency of training for soldiers and leaders. You'll find that the inspector general will on a recurring basis go to the field as part of their normal inspection process to check in to see the quality of the training, whether or not the policy is better understood, and the degree to which the chain of command is, in fact, implementing that policy fully. So there will be some changes.

Q: General Shinseki, I'm very sorry; could I just ask you to reclarify one thing because I'm afraid I just am not sure I understand.

Is the Army in any way, shape or form still considering any charges against the NCO?

Shinseki: I would have to leave that to the commanding general and the 1st Division, with this report going back to him.

Q: So it is still an open question as to whether than man faces charges?

Shinseki: I can't answer that. I would have to defer to the commanding general and the 1st Division.

Q: Could we get an answer to that by the end of the day?

Q: (Inaudible) -- take that question, sir, and give us an answer?

Meyer: We'll take the question and get back to you. General Ackerman is going to be here after the next briefing. Thank you all very much.

Shinseki: Thank you.

DiBattiste: Good afternoon. I'm Carol DiBattiste, under secretary of the Air Force, and I'd like to start by introducing the members of the working group that served with me in reporting to Secretary Cohen our action plan, our anti-harassment action plan. Other members that served with me on the working group

are the Honorable Stephen Preston, general counsel of the Navy; Mr. Patrick T. Henry, assistant secretary of Army for Manpower and Reserve Affairs; Major General Raymond D. Barrett, commanding general, U.S. Army Training Center, Fort Jackson, South Carolina; Major General John W. Brooks, who is special assistant to the Air Force chief of staff here in Washington, D.C.; Rear Admiral William L. Putnam, United States Navy, director, Military Personnel Plans and Policy Division, Office of the Chief of Naval Personnel; and Brigadier General Stephen Johnson, director of Manpower, Plans and Policy Division, Headquarters, United States Marine Corps, who is representing Major G!

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General Dennis McCarthy, who was a member of our working group from -- he's the director of the Reserve Affairs Division, Headquarters, Marine Corps, who is presently out of the country. The other members of the working group are here with me today.

Our original [charter](http://www.defenselink.mil/news/Mar2000/b03242000_bt146-00.html) that we received from Secretary Cohen was to develop a draft action plan focusing on measures necessary to address the problem of harassment based on perceived sexual orientation and other issues raised by the [results of the DoD IG survey](http://www.dodig.osd.mil/audit/reports/00101sum.htm). The scope of our working group and our charter was expanded later to include a review of the [Army IG report](http://www.army.mil/ig/cover.htm) into the 1999 murder of Private First Class Barry Winchell, a soldier at Fort Campbell, Kentucky. And we did consider the Army IG report much later in our working group deliberations, but we did consider that and that is incorporated into our action plan. Our charter did not include an examination of the law or DoD policy regarding homosexual conduct or whether that policy should be modified or repealed.

We met regularly for four months -- over the last four months -- several times and received briefings from both the DoD IG and the Army IG on their reports.

We also received briefings from the services on their anti-harassment methods that are currently in place, and from the behavioral science faculty at the United States Military Academy.

We first identified problems and issues contained in both the DoD and Army IG reports. We studied existing methods that the services have for dealing with harassment. And then we proposed additional actions, which are summarized -- and I'm going to go over today -- on this [action plan](http://www.defenselink.mil/news/Jul2000/plan20000721.htm), to help commanders and leaders at all levels to prevent and eliminate future harassment. Additionally, we gave the public an opportunity to comment, to provide written comment on our efforts, and we considered all of these comments during our deliberations.

The Working Group determined that the issues raised in both the DoD and the Army IG reports divided logically into five major areas. And you should have copies of the entire 13-point draft action plan before you, that is now our finalized action plan. The five areas are: First, principles for dealing with harassment; second, training; third, reporting of harassment; fourth, enforcement of standards; and fifth, performance measurement.

In action item one -- and again, this is just a summary -- we recommend that the DoD adopt an overarching principle regarding harassment, including harassment based on sexual orientation. Essentially, what this principle does is it emphasizes that treatment of all individuals with dignity and respect is essential to good order and discipline. It also focuses new and much needed attention not only on mistreatment and harassment, but on inappropriate comments and gestures. That's conduct that the DoD IG survey respondents considered most widespread -- inappropriate comments and gestures.

Third, as you'll see in the overarching principle, it places command as responsible. It requires commanders and leaders to develop and maintain a climate that fosters unit cohesion, esprit de corps, and mutual respect for all members of the command or organization.

We then concluded -- as action item number two -- that various pieces of the anti-harassment policy are currently scattered throughout statutes, service regulations, and DoD policy letters. In action item two, what we recommend is that DoD consolidate all of these policies, statutes, regulations and policy letters into a single DoD directive on harassment.

Next, our Working Group focused on training as an essential method for eliminating harassment. First, we concluded that no measures of effectiveness exist to determine whether the training programs we now have in place are working.

We recommend in action item No. 3 that the services measure training and they measure training

effectiveness in three areas: knowledge, whether people understand the policies; behavior and climate. Next, we found that service training programs contain all elements required by current law and policy; however, they don't address all the essential elements of the overarching principle. Remember, I just mentioned that we added "inappropriate comments and gestures" to the overarching principle. So we are recommending in action item four, that all elements of the overarching principle now be covered in all service training programs.

In action item five we recommend that, in order for any training to be effective, it has to be tailored to the audiences being trained and that services must review their training programs annually -- and again I stress that, annually -- to ensure that they comport with the law, with DoD policy, including the new overarching principle and implementing directive.

Together, we believe that action plan items three through five are intended to ensure that all personnel receive timely, tailored and effective training necessary to influence conduct -- and that's what we're trying to do here, influence conduct -- and eliminate harassment.

Next, we focused on reporting of harassment. What we did there was evaluate existing complaint-reporting processes by how likely they are to stop harassment and protect complainants, those who are reporting harassment.

In action item six, we concluded that the chain of command should remain the principal route for reporting harassment, and recommended that the most effective way to deal with harassment, quickly and effectively, is at the lowest possible level. On occasions when potential complainants feel uncomfortable reporting harassment within their chain of command -- and there may be occasion where that may happen -- the working group acknowledged that the services have presently, and should continue to have, alternate confidential and nonconfidential reporting avenues.

The working group recommends in action item six, that the services must ensure that all personnel are informed of both the nonconfidential and the confidential avenues and that they are encouraged to continue to use the chain of command in reporting harassment.

Next, we determined that training on reporting and receiving reports of harassment, can be improved. We concluded that people will be more willing to report harassment if they have a better understanding of the process. So you'll see in action item No. 7, we recommend that the services review the harassment-conduct policy training and anti-harassment training to ensure that all avenues to report mistreatment, harassment, inappropriate comments or gestures are addressed in their programs and that all persons receiving reports know how to handle them.

The working group also concluded that there is a lack of understanding by personnel across the services of the application of "don't ask, don't tell" policy in the context of reporting complaints of mistreatment, harassment, inappropriate comments or gestures. I think the Army IG report from Fort Campbell reiterates that point.

In action item eight, we recommend that the services ensure that, not just their training, but their directives and any guidance that they give, clearly explain that first, any complaint of harassment will be taken seriously, regardless of the actual or perceived sexual orientation of the individual.

Two, those receiving complaints of harassment must not ask about sexual orientation.

And three, those reporting harassment ought not tell or disclose sexual orientation.

Everyone must also be trained to understand the consequences of violating these principles.

Next, we focused on enforcement, and we have action items addressing the enforcement of standards. We found that enforcement of standards is essential to eliminating all forms of harassment across the board. It's also an important measure of a commander's commitment to fostering a climate of mutual respect within the command.

In action item nine, we recommend that the services ensure that commanders and leaders, that supervisors at all levels take appropriate actions against anyone who engages in mistreatment, harassment, inappropriate conduct, or -- comments -- excuse me -- or gestures.

Then you'll see, in action item 10, we are saying that they must take appropriate action also against anyone who ignores or condones harassment.

In action item 11, we're recommending that the services must review their training programs -- again, the homosexual conduct training programs and the anti-harassment training programs -- to ensure to provide tailored training to all levels of supervision on the various enforcement mechanisms that they have available to them today. That ranges from on-the-spot correction, administrative action, all the way

through to actions under the Uniform Code of Military Justice.

Finally, we focused on measurement. We concluded that current service training programs fail to measure training effectiveness and adherence to policy. As you'll recall, DoD, in an August 1999 policy [memo](http://www.defenselink.mil/news/Aug1999/b08131999_bt381-99.html), has already directed the service IGs to evaluate training on enforcement and application of the homosexual conduct policy.

In action item 12, what we recommend is that the service IGs add to their evaluations, when they go out, adherence now to the DoD overarching principle, which is new, and the implementing directive, which is action plan item number two, and that they add this to their inspections by measuring knowledge of these policies, behavior consistent with the policies, and climate on the installations.

Finally, in action item 13, we recommend that the services measure the extent to which their training programs and the implementation of this 13-point action plan -- how they're effective in addressing mistreatment, harassment, inappropriate comments or gestures.

And as Secretary Rostker mentioned to you earlier, Secretary of Defense Cohen has received this action plan and has approved this 13-point [action plan](http://www.defenselink.mil/news/Jul2000/plan20000721.htm), and an implementing [memo](http://www.defenselink.mil/news/Jul2000/memo20000721.pdf) to all service secretaries and

service chiefs has been issued today.

And at this time, I would like to take any of your questions. Yes, sir?

Q: I'd like to ask if you're uncomfortable at all putting forth these directives, which, again, call for responsibility and accountability by senior commanders for this, on the same day that the Army says that the command chain, all the way up and down, at Fort Campbell, Kentucky, was not responsible for the death of a soldier in a company where there was a problem with gay harassment.

And -- I'm sorry -- under the new rules, under the new rules, would the chain of command, including command of the 101st Airborne, be responsible, be held accountable for not having training properly, or whatever?

DiBattiste: Under this 13-point action plan, the responsibility can rest at any level of command. What you're seeing here -- what we are saying is we have to get the message out from the top command all the way down to the lowest supervisory level, so action can be taken at the lowest level of supervision all the way up through the top levels of command. And I think that is consistent with the Army IG findings, that they are assessing accountability at appropriate levels. And one of their recommendations, my understanding, is they are sending it back to the command to determine what further action is appropriate.

Q: So if a report is not made or a commander is ignorant of what's going on in the company or the battalion or the regiment, then he or she would be held responsible for whatever?

DiBattiste: With this action plan, with the training that we're implementing today, and enhanced training -- it will build on the training that's already out there -- and with clearly stating that we want all levels of command now to be totally engaged in addressing all forms of harassment, including mistreatment, inappropriate comments and gestures, we do believe that this is a step forward because we're getting everyone involved in it, not just the highest levels, not just the lowest levels, even the intermediate levels of command, and we're training people on what clearly will be expected of them.

And another key point is the measurement, the two measurement recommendations, because we are going to now be able to go out and measure to see if what we're doing is working.

Yes, ma'am?

Q: Could you kindly assess for us, your own personal analysis of the extent of the problem, the nature and extent of the problem?

DiBattiste: We reviewed the DoD IG survey, and they came in and briefed us. And they told us from the beginning that they could not positively say that their survey was statistically valid. And our Working Group, though, instead of going back and questioning every aspect of the DoD IG survey, we took every conclusion they made as valid.

And if you remember, one of the conclusions that came out of the DoD IG survey was that 80 percent of the people surveyed did say that they had heard an inappropriate comment or seen an inappropriate gesture -- I believe it was within the last year. We view that to be very serious, and that's where we started as the basis of our action plan. And that is one of the reasons why you'll see in this new overarching principle that inappropriate comments and gestures are included.

So yes, I can't tell you how widespread it is, because the survey I don't think accurately told us that. But we did take everything that the survey told us as serious, and that's how we took -- we viewed our task.

Q: If I could just follow up, that IG report concluded that disparaging and even hostile attitudes towards gay men and women remain a pervasive part of military culture. Do you agree with that assessment?

DiBattiste: I don't have -- I don't know if I agree with that, because I would want to do more measurements, and that's exactly what we're doing here. I think the IG survey was a first step and it did cause us great concern, and that's why we put the two last items of the action plan into effect, because we need to continue to measure to see if it is a problem, if it's a continuing problem and if this plan is going to work. We are confident that it will, for three reasons. And I go back to the overarching principle. First, we are saying that everyone has to be treated with dignity and respect. It's essential to good order and discipline. We can't function any other way. That includes homosexuals. They're included with everyone else in the armed forces. Second, we're saying -- we are now saying inappropriate comments and gestures will not be tolerated. And third, we're saying it is a command issue, but not just the highest levels of command; it's every level, down to the first line supervisor. We think those three things should really work to address the seriousness of the problem.

Q: If you can't answer the question, could one of your colleagues address the question about trend line? For example, is the problem as pervasive and widespread as it was a year ago? Is it getting worse? Is it getting better?

DiBattiste: We will be able to answer that after the services do their measurements, through the IGs, which you see in Action Item No. 12, and after the services come back and tell us if this action plan is effective. The only other measurement we have is the one from the DoD IG, which you have, that was done in February.

We did not go out and resurvey as part of our group. We took what the DoD IG said. The next measurement you will get will be part of Action Plan Item 12 and 13.

Yes, sir?

Q: I would just like to ask, in your opinion, which of the 13, if any, are more significant than the others, or are you going to look at them all as a collective body? Is there any one in particular that you would point to?

DiBattiste: The first one, the overarching principle, I think brings everything together. But every single one is important or we wouldn't have recommended it. We think when you put them all together, it becomes a very effective action plan if it's implemented according to our directives.

Q: Do you have a timing in all this? Immediate?

DiBattiste: The secretary of -- under secretary of Defense for personnel and readiness, Dr. Rostker, signed out a memo today to the services. Now the services have to go back and put this plan in action. There is no time period right now on the implementing memo. And I will tell you, from putting this plan together with my working group, it is going to take some work from the services to go back and do everything we're telling them to do.

Yes, sir?

Q: Two questions. First, on your recommendation number six, it says "personnel should be informed of other confidential and non-confidential avenues." Now, the Army IG report says that when Winchell went to the local IG, he was thrown back to the company commander. Under this recommendation, should Winchell then -- if he goes to the IG, would the IG, say, sit down and listen to him, or would they still -- should they still send him back to the company commander?

DiBattiste: Under this recommendation, the IG would send them back to the company commander. The confidential avenues that we are talking about in, I think it's action plan item six, seven or eight, are lawyer-client privilege in an attorney-client relationship, or privilege that exists with clergymen. They are the two established privileges, confidential. Any others are not established privileges, and we will train in this action plan item, the training will cover confidential avenues and non-confidential avenues.

But more important than that, and I need to stress this -- first and foremost, if you go to action plan item eight, what we're saying is no one should be asking about anyone's sexual orientation when they're receiving a report of harassment, and the person reporting harassment ought not be telling. We're going to get the training to be very clear; that's clear, that's simple, get that message out so there will be no need to hear about anyone's sexual orientation when they are reporting harassment or receiving reports of harassment.

Q: Second question, World War II didn't take as long as getting the policy implemented. Why is it so hard?

DiBattiste: We worked very hard over the last four months to develop an action plan where we think the key tools are in place: the overarching principle, which is key; training to teach the overarching principle; and then enforcement and measurement. I think we've put together a plan that will work. It took us a lot of work, a lot of deliberation and a lot of thought.

These are complicated issues, when we're trying to work with a homosexual conduct policy and the anti-harassment policy and ensure that we can get the word out to all of our members. And that's why you'll see another key part of this is tailored training to various grade levels and levels of responsibility, because different people understand different things about the policy, and a lot of what they understand are misconceptions. We found the best way to do this is through the principle, training, enforcement and measurement. We think we've got it right this time, and the measurement part of this will tell us.

Q: Just quickly -- but I don't quite understand how someone would report harassment without getting into the details of the nature of the harassment.

DiBattiste: They can get into the details of the nature of the harassment, but there is no need for them to say, "And I'm homosexual." They could say, "Someone harassed me and said I was homosexual." That's very different from saying, "And I am homosexual."

We are saying they report the circumstances of the harassment and nothing about their sexual orientation. I think that's pretty clear.

Q: It's pretty clear that you can make that distinction and you can come up and say they --

DiBattiste: I could make that distinction as an --

Q: Well, explain that, because I would like to know how.

DiBattiste: If I were a service member, which I was for 20 years, enlisted and officer, and someone told me those rules very clearly: If you get harassed and you are reporting harassment, you should not talk about your sexual orientation; tell the circumstances about the harassment, but there is no need to add to the end of that, "And by the way, I'm homosexual."

Q: How can you ensure that that doesn't spark an investigation, though, when SLDN has specifically said that part of what has triggered investigations of people is when they come forward and don't say, "I am gay," but say, "I'm being harassed for being gay." I mean, how does number eight not trigger the problem of an investigation against a person who happens to be gay but was trying to be closeted and live under the "don't ask, don't tell" policy?

DiBattiste: It does, because it clearly tells the people that we're asking to receive the reports of harassment that they shouldn't be asking. They know the rules, clearly, simply. And the people telling know the rules now clearly and simply.

So one knows: "Don't ask about sexual orientation. Get the details about the person that was harassed and what happened to them." The other knows: "You can tell the circumstances surrounding the harassment -- "They said this about me" -- that's very different from saying -- "And I am telling you about me." It's a clear distinction.

Q: Well, let's say that somebody did say, "This is what happened to me," not, "I'm saying who I am," and that did trigger an investigation, what would happen?

DiBattiste: The commander or the supervisor -- and we're hoping this will happen at the lower level of supervision -- would go to the person that was the harasser, ask them questions, the surrounding circumstances, and take disciplinary action if necessary. And there may --

Q: No, but what would happen if an investigation of the service member claiming about harassment, what if the complaint triggered an investigation of that person for being gay? I mean, you're saying it shouldn't, but what if it did? Because people have repeatedly -- critics of the policy have repeatedly said that's what is happening.

DiBattiste: We don't -- we have anecdotal evidence of that happening. With this reinforcement, it should not happen. Remember, we're going to train everyone now across the services at all levels of grade and responsibility. So in the cases where it does happen, you're asking, if someone does go in and says that they're homosexual, or during the course of investigating the harassment -- can you be more clear?

Q: Well, I'm saying they're not saying they're gay; the person goes in and says, "Somebody is harassing me who says I'm gay. They're leaving graffiti around. I'm frightened for my life." And rather than doing what you say, in the best of all circumstances, is supposed to happen, what ends up happening is an

investigation is launched against that person to see whether or not they're gay and whether or not they should be discharged from the military. I mean, how -- what if that ends up happening? What would happen to the people who --

DiBattiste: That should not be happening under this policy.

Q: And if it does?

DiBattiste: If it does, and -- first of all, the next level of command should be making sure that it doesn't happen, because under the August 1999 memo that Secretary de Leon mentioned, in order to even initiate an initial investigation, the JAG at the lower level has to consult with the judge advocate at the higher level of command. That's our check and balance.

And furthermore, if a commander is going to initiate what we call a substantial investigation -- and that would be one, if they're questioning a statement of a service member as to whether it's true, as to whether they're homosexual or not -- they have to come to secretarial level of each of the armed forces. So we have checks and balances in place to ensure that's not happening.

Q: You're focusing a lot today on conduct and not about attitude, and I understand why. But is there an internal contradiction that troubles you, as somebody who's trying to implement an anti-harassment policy and trying to prevent another Winchell killing? Is there an internal contradiction that you've concerned about that you're sending a message of "treat these people with respect, people who may be perceived to be gay, people who may be gay; treat all people with respect, but these are the very same people that, if we find out they're gay, we'll take them out of the service"?

DiBattiste: It's not an internal contradiction, but it is a difficulty in putting this together. That's why enforcement and measurement of enforcement is so important. It is a dilemma, and that's why we are regulating behavior and not attitude, as you so well pointed out.

We believe that if we can stick to ensuring that people treat everyone with dignity and respect, regardless of their race, creed, color, sex, religion, or sexual orientation, that's the high road that we need to take and enforce and make all supervisory levels aware of it and be committed to the enforcement of it.

But I mean, you point out some very good things. It's -- I don't see an inherent conflict; I just see it makes it more challenging to ensure that we get it right.

Yes?

Q: Excuse me. I would just like to ask Secretary Rostker, because I've asked this twice, and I don't feel I've gotten a straight answer yet. Perhaps I've done it poorly. One of the basic premises of this whole thing for me is that commanders are responsible for training, controlling people like the two people who killed the private. Is this going to work?

You warn here that commanders must be held accountable. Is this going to work if command heads don't roll when something like this happens?

Rostker: You know, I think a death is tragic. A death under these circumstances is extremely tragic. I think you have to look at the details of the situation, and that's why the Army -- that General Clark asked for the IG and why the secretary sent the IG in.

I can imagine, Charlie, that there are circumstances where dereliction of duty up and down the chain was possible. The IG looked for that, looked for a pervasive climate at Fort Campbell, and didn't find it. I was asked earlier today whether I endorsed or didn't endorse the IG's findings, and I put a great deal of weight on the objectivity of the methods he went through. He threw a wide net. He spoke to a great many people. He had all of the tools at his disposal to find that a pervasive climate existed, and yet he did not find that. And you'll have a chance to review the work and the raw data, if you will, from that report. And so I accept his judgment on the chain of command.

I can imagine that under different circumstances, that methodology might have come up with a different answer. So I think it depends upon the individual. I think it's very difficult to go to a tragic circumstance like this and then demand that heads roll without due consideration to what the facts are in the case, and the IG tried to provide those facts.

Q: Would you call this a crackdown? And I will ask you, too, that under the new rules, will the chain of command be responsible in a similar situation to what happened at Fort Campbell?

Rostker: I think the chain of command will be certainly responsible for the training, for the effectiveness of the training. But in the final analysis, can we control three soldiers in a barracks? If you get into the details of the case that are in the public domain, this is a very complicated case. It's a very tragic case. And ultimately, it comes down to the people who perpetrated the crime being apprehended and punished.

And then the question is, was their behavior really systemic? Was it really a problem? And some problems have been pointed out, the drinking in the barracks and the like, and I think those are serious things that we have to be accounted for. But whether or not this is a failure, as Tom talks about it, of "don't ask, don't tell"; "don't ask, don't tell" was a compromise policy that was designed to provide an opportunity for those who were gay to serve their country in a zone of privacy by not being asked a question and not telling an answer.

And our responsibility under "don't ask, don't tell" is to make it compatible to the harassment regulations. And it is very, very important that we provide protection to individuals from harassment, from hassles, from assaults, and that that protection is given absolutely, without regard to the nature of what the underlying facts are.

It is immaterial whether a soldier is homosexual or not, if he asks for protection from being harassed. The issue that a company commander -- the chain of command should go: Is he being harassed? If the answer is yes, it's knock it off. There is no excuse to harass based upon any additional facts.

There is an absolute right of a service member to tell the chain of command, if ever asked under any circumstance -- "Are you homosexual?" -- to tell them: That is an inappropriate question and I'm not going to answer it. And that answer should not be the basis -- cannot be the basis for any further inquiry. And the requirements we have for substantiation of information has always made it clear, from the beginning of the policy, that that is not the basis for an inquiry.

Now, I can't deal with the specifics of the cases that may or may not talk to this, but the policy is clear and our obligation to carry out that policy is clear. The question -- "Are you homosexual?" -- is never in order, ever. The requirement to answer that question is never required, not required to gain full protection from a hassle-free and harassment-free environment. And to the extent that there is any confusion about those answers, the inappropriateness of the question, the right not to answer that question, that will be cleared up in the training we're talking about here.

Q: Excuse me. The president has called this policy of "don't ask, don't tell" "out of whack". Do either of you --

Rostker: The president also has said this policy, or the underlining statement, which is homosexual conduct is incompatible with military service, is the law of the land. And this is a policy that was worked out as a compromise, and I would tell you I believe it has given a great deal of privacy to individuals throughout the services.

The vast majority of our separations are voluntary statements, which we largely do not challenge. The days of witch hunts, the days of stakeouts are really gone. And, yes, there are groups that would like to go further, but given where we are legally, and given the compromise that was worked out, we are trying to provide -- to meet that policy in a diligent, straightforward manner.

Q: If I could finish my sentence, please, sir?

Rostker: Yes.

Q: The president has said, has characterized the policy of "don't ask, don't tell" as "out of whack." Do you agree with that characterization?

Rostker: I don't agree with that characterization. I think the policy is working reasonably well to provide a degree of safety for those who want to serve in the military regardless of sexual orientation.

Tom?

Q: You are now instituting a massive program to ensure day-to-day respect for people who aren't allowed to say who they are. Isn't there a bit of a contradiction there?

Rostker: This is the policy that was worked out by all involved, including the United States Congress. It's the policy that we are -- will implement to the best of our abilities.

Q: Wouldn't it be easier simply to allow openly gay service?

Rostker: It's not the law of the land. And the policy is workable; it has been working for the vast majority of all service members. Unfortunately, we do get into a situation like this, and this is -- there have been other situations. I'm sure there will yet be other situations, because ultimately we can't control every person in every situation. But we can clearly make clear what our policy is, what our expectation is. And I think it's very important that we have held responsible those who perpetrated the crime and an inquiry into the organization. We've taken action to remove people who we feel -- from a leadership position -- who are not accomplishing what we want.

Whether that has reached a level of criminal culpability is yet to be determined, in terms of referring this

back. But the chain of command acted appropriately when they saw a leadership failure by removing the irritant from a leadership position.

Yes, ma'am.

Q: You -- both of you have pointed out that what we're focusing on is the issue of conduct and not attitudes, and you just pointed out that you can't always control what happens with three people in a barracks all alone. What is being announced today that would have in any way prevented the killing of Private Winchell? What would have prevented the kinds of attitudes and comments and feelings and et cetera that led to the actual beating of someone to death?

Rostker: I think you know, as the under secretary has briefed, that we have clarified and expanded, in these actions, the concept of harassment. For the vast majority of our people, you can read these statements and say they're common sense. I mean, this is the way I behave in my office; I'm sure it's the way you behave in your offices. And it's unfortunate that sometimes we have to take what we all understand is the way we should behave and put it down on a piece of paper for those few people who don't get it.

And that with the training, will hopefully help those who get it. But in the final analysis we can codify, we can train, we can hold people responsible. And if we have a tragedy like we had at Fort Campbell, we will hold people fully culpable. And that's what we did with the two people, who are now in jail.

Q: Haven't commanders always been responsible for the climate of their command and for reining in subordinates who are abusive to their subordinates?

Rostker: Absolutely. But what we found to -- I think -- our surprise here was that verbal abuse was not codified within our regulations, except in the Navy. And that largely came out of the Tailhook experience. And now we have corrected that oversight. But that doesn't mean that, for the vast majority of good officers and good NCOs, we needed that correction. And it almost is self-evident, but now we have closed that unfortunate loophole.

Staff: Thank you very much.

Thank you.

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Subject: Dignity, Respect at Heart of Anti-harassment Plan

By Jim Garamone
American Forces Press Service

WASHINGTON, July 21, 2000 -- DoD has adopted an overarching principle regarding all forms of harassment - including harassment based on sexual orientation, DoD officials announced July 21.

Defense Secretary William S. Cohen approved the Anti-harassment Action Plan and has forwarded it to the services for implementation, said Bernard Rostker, undersecretary of defense for personnel and readiness.

The plan is the result of a look at the military's don't ask, don't tell policy following the 1999 murder of an allegedly gay Army private at Fort Campbell, Ky.

DoD's overarching anti-harassment principle is that treatment of all individuals with dignity and respect is essential to good order and discipline. Mistreatment, harassment and inappropriate comments or gestures undermine this principle and have no place in our armed forces. Commanders and leaders must develop and maintain a climate that fosters unit cohesion, esprit de corps and mutual respect for all members of the command or organization.

Rostker said the statement should make it clear to service members that military officials will not tolerate any kind of harassment. Further, the plan makes it clear that DoD will hold commanders and leaders accountable for any failures to enforce this plan.

The action plan reiterates the DoD's commitment to harassment-free environment, Rostker said. To do that, we have formally extended the definition of harassment to include inappropriate comments and inappropriate gestures he said. Previously, only the Navy's definition of harassment included inappropriate comments and gestures.

We have to be sensitive to name-calling sometimes things are said as banter that can be hurtful and constitutes harassment, Rostker said.

Service members have an absolute right to a harassment-free environment," he said. "In seeking that right, they should never be asked about their sexual orientation. In seeking an end to harassment, they have an absolute right to define any such question about their sexual orientation as inappropriate and decline to answer it.

Rostker said the chain of command must deal with charges of harassment. We will hold them to that, he said. The fact that a person is being harassed is enough to cause actions to cease that harassment.

Air Force Undersecretary Carol DiBattiste, chair of the commission that came up with the Anti-harassment Action Plan, said other aspects of the plan will help commanders and leaders, at all levels, to prevent and eliminate future harassment.

The plan calls for the services to conduct homosexual policy training and measure the effectiveness of that training. DiBattiste said the military should assess the effectiveness of training yearly and measure service members' knowledge of the policy, their behavior and the command climate.

Under the plan, the services will review all don't ask, don't tell policy training and anti-harassment training programs to ensure they jibe with DoD's overarching principle and implementing directive.

DiBattiste said the plan calls for all service members to be informed of all confidential and non-confidential avenues to report harassment. The only confidential avenues service members have are through attorney-client privilege or through the clergy, she said. In most cases, the chain of command is the preferred avenue.

The plan calls for the services to ensure that commanders and supervisors take appropriate action against anyone that condones or ignores harassment.

In addition to DiBattiste, the DoD working group that developed the action plan were: Stephen Preston, Navy general counsel; Patrick Henry, assistant Army secretary for Manpower and Reserve Affairs; Army Maj. Gen. Raymond Barrett, commander Fort Jackson, S.C.; Air Force Maj. Gen. John Brooks, special assistant to the chief of staff; Rear Adm. William Putnam, with the office of the chief of Naval Personnel and Marine Maj. Gen. Dennis McCarthy, director,



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DoD News Briefing

Mr. Kenneth H. Bacon, ASD PA

Tuesday, July 18, 2000 - 1:38 p.m. EDT

Bacon: Good afternoon. Welcome to the briefing.

I'd like to start first by expressing my condolences and the condolences of the department to the family and friends of David Butler. He is the Stars and Stripes editor who apparently was killed as the result of a criminal assault coming home from work on early Saturday morning. As you know, Stars and Stripes is published for men and women who serve overseas, and its central editorial offices are here in Washington for both Pacific Stars and Stripes and European Stars and Stripes. And Mr. Butler worked in the central office, but he worked on the Pacific Stars and Stripes. So our condolences to his family and his friends.

Second, I'd like to welcome four visitors from the Slovak Republic who are at the briefing today. Where are you? There you are. Welcome, Slovaks. They are visiting here as guests of the State Department.

Finally, I'd like to welcome 30-odd -- not odd -- (laughter) -- 30 regular spouses of newly minted one-star generals and admirals going through the Capstone course, which is the course that trains people to be generals and admirals. And we're very glad that their spouses have been able to come. And I guess you're going through a mini-Capstone course of your own; is that right? Well, it's a great idea, and I'm glad you're here. And if you want to ask any questions, feel free to ask questions.

With that, Charlie, I'll give you the first question.

Q: Ken, how would you characterize the Pentagon's decision to yank back an industrial security award it had presented to Loral yesterday? Was it an oversight, a mistake, or what? And does it raise any concern, anxiety, anger upstairs in the secretary's office?

Bacon: I'd describe it as an embarrassment and something that was unfortunate. And I think it's seen upstairs as an embarrassment, and it was quickly corrected.

Q: Could you tell me why it happened? I mean, doesn't -- it seems to me that the Defense Security Service is responsible for security in this building. Wouldn't bells and whistles go off when a firm like Loral, which is under investigation by a federal grand jury, requests an award? Isn't there something in the computer system that would raise alarm?

Bacon: Well, apparently there wasn't, and that's one of the things that was embarrassing about it. I

don't consider this a major event. I consider it, as I said, an awkward event.

As soon as it was learned that Loral was under investigation, the award was withdrawn. And I don't have a good explanation for this. But I suspect that the award -- I know that the award was for a national industrial security program, which involves steps that companies take to deal with the way classified information is handled within their facilities. And the people who made this award were probably unaware of the fact that Loral was under investigation for another matter, which is an alleged violation of export-control policies. It's not necessarily the case that somebody who deals with the security of documents within facilities would know about an export-control violation that was under investigation that may or -- an alleged export control violation. So it was just a question of somebody not being omniscient enough to have a complete picture of Loral's dealings across the board.

Q: Could I ask, did this -- (inaudible) -- go through the SecDef's Office?

Bacon: I am not aware that it did go through the SecDef's Office. It was reported that it was cleared by somebody in the Office of Secretary of Defense, but there are over 2,000 people in the Office of the Secretary of Defense. And they include people who work for assistant secretaries and deputy assistant secretaries and assistants to deputy assistant secretaries, et cetera. So it's a big tent.

Q: Thanks.

Bacon: Bob?

Q: CBS reported on the findings of the Army IG in its look at the command climate at Fort Campbell and said that no commanders were found to be at fault for anti-gay behavior down there.

Is that accurate, and can you elaborate at all on the findings of the report?

Bacon: I cannot. I know it will disappoint you to know that I'm not going to comment on the Army's report until the report's actually released. And I anticipate it will be released relatively soon, but I can't give you a precise date. But when the report's out, obviously the Army, and I suspect top officials of the Army, will be willing to comment on it in some detail. But it would be premature to do that now.

Q: Will this coincide with the release -- or comment on the report by the group that the secretary appointed to look into the findings last spring?

Bacon: If we were smart, we would combine them because they both deal with don't ask, don't tell, don't pursue. So I hope we'll be smart and be able to combine them and release them at the same time. This is the review group that was headed by the under secretary of the Air Force, Carol DiBattiste.

Q: Has it been completed?

Bacon: I think if it's not completed, it's close to being completed. It could be in the review -- final stages --

Q: You had planned to release both at the same time?

Bacon: I'm hoping we will be able to release both at the same time, yes. I don't believe the secretary, who as you know has just returned from China and Australia, has had a chance to review the findings of the DiBattiste study yet.

Yes.

Q: The Greek under secretary of Defense, Dimitris Apostolakos, is arriving today in Washington D.C. for talks here at the Pentagon this coming Thursday and Friday. Do you have anything on that?

Bacon: I don't, except he is coming. These are regular consultations that take place at high level. I think this is the ninth annual consultative group meeting. And it's part of our ongoing relationship with the Greek Defense Ministry.

Q: The other day President Clinton signed a presidential determination for a nuclear cooperation between the United States of America and the Republic of Turkey. Do you know what this is all about, since the president stated it has also to do with the common defense and security?

Bacon: Well, that agreement had to do with peaceful uses of nuclear energy, and it falls under the ambit of the Energy Department, not our department. So I think you should talk to the Energy Department or the State Department about that. But it's not a Defense Department program.

Q: But the president mentioned it has to do also with the common defense, with security. So I was wondering if the Department of Defense is involved in this crucial issue?

Bacon: The answer is no.

Yes?

Q: Over the weekend, while you were on the trip, the Iranians successfully tested, apparently, a Shahab-3 missile. I just wanted to get your reaction to what this says about the state of their program,

and any information about what countries you think are assisting Iran in their missile program.

Bacon: Well, we're very concerned about help they've been getting on a variety of programs, some from Russia, some, we believe, from China as well. And we've voiced our concern both to the governments of Russia and China about this, and we will continue to voice our concern about efforts that aid the proliferation of missiles.

This is a missile with a range of 800 or 900 miles, as I understand it. And it puts Iran in a position to strike concentrations of our troops in the Middle East, and also to strike other countries in the Middle East. It depends, of course, where the missile is launched from. Iran is a rather large country. It could also put Iran in a position to strike parts of Russia, depending on where the missile would be based.

We have tried to argue with the Russians, and many other countries, that this type of proliferation is dangerous not just to us, but possibly to other countries as well, and we will continue to make that point.

This test was successful, as best we can tell, and therefore, it was unlike a previous test that failed. I don't know what their testing program is, how many tests they need to have confidence in their system. But clearly, for them it's a success and it moves them closer to the day when they may feel they can deploy the Shahab-3 missile.

But we're worried about more than just this missile, we're worried about longer-range missiles that they apparently have on their drawing books right now; that would be the Shahab-4 and Shahab-5 missile. And the Shahab-5 missile could have an intercontinental range and that, of course, would be worrisome.

There isn't any conceivable reason why Iran needs a missile of intercontinental range if it's worried about regional security issues. It already has, in the Shahab-3, a missile that should allow it to deter or intimidate, if that's its goal, its neighbors. So it's a little puzzling why they would want missiles of longer range, but apparently they are working on those. But we consider that -- the longer-range missile programs, of course, to be farther down the road than this one.

Yes?

Q: I'm sorry, you consider -- did I understand that? You consider the longer-range missile programs

--

Bacon: Less developed. Farther away. Farther from completion.

Q: Oh, I thought you meant farther down in the process.

Bacon: No, I meant farther away.

Q: Right. I misunderstood, I'm sorry.

Bacon: Farther away in terms of time.

Q: So those are -- do you see those still strictly in the R&D stage or just on paper or do you see anything really happening with their longer range?

Bacon: Well, obviously, as they succeed with shorter-range missiles, it helps them in addressing programs to develop longer-range missiles as well. I don't want to get into details of where they stand on the other programs, but any successful test adds to a cumulative body of knowledge that helps them with their missile program generally.

Q: Can I just ask on sort of the same area? Now that Iraq is back testing an allowable shorter-range missile, the Al-Samoud program, do you think that that lends any concern about Iraq also going down the road of longer-range missiles?

Bacon: Certainly General Zinni, when he was the commander in chief of the Central Command, voiced concern that it positioned them to move quickly to longer-range missiles, if they chose to do so.

You're right, the missile they have been working on is allowed. Longer-range missiles would not be allowed.

Yes?

Q: Has the recent test of the Iranian missile reinforced DoD's commitment to fast, deployable theater missile defenses, such as the Patriot, PAC-3 or the THAAD, to getting those things out there as soon as possible?

Bacon: Yes. I mean, our commitment is the same as it was before this test because we knew that Iran was working on such a missile, as are other countries. So this remains a top priority matter, particularly for the regional commanders, the CINCs -- CINCs in Europe and the Pacific Command, Southern -- not so much the Southern Command, because we don't face that threat there, but clearly in Europe, the Central Command and the Pacific Command, we're worried about missile developments.

Charlie?

Q: Housekeeping. Plans for SecDef and you, maybe, for holidays or vacation? Are you-all going to take some time off in August and be out of the building?

Bacon: Well, usually we don't brief the last two weeks of August, and I would anticipate that we'll follow the same rule this time. The secretary does plan to take some time off in August. I don't know exactly how much or when at this stage, but he does plan to take time off in August. And while he's gone, I'll probably be gone myself. And I would guess that both of us will be gone the last two weeks of August, and maybe more.

Yes?

Q: Ken, we were told last week that the restructured anthrax program was about 85 percent complete. Have you finished that other 15 percent?

Bacon: I think we know pretty much where we stand on the anthrax program right now, and that is that we are going to slow it down somewhat by narrowing the number of people who will get the vaccinations. People going to the highest-threat areas will continue to be vaccinated, and those areas are Southwest Asia, the Gulf, basically, and Korea. We will limit the shots to those who will be on the ground for 30 days or more in those areas.

And as soon as we have a certified approved source of supply -- that is, certified and approved by the Food and Drug Administration -- we'll expand the program again to encompass everybody, active and reserve. But that may take some time because, one, we've got to get the plant certified, and then, two, it's got to ramp up a supply that allows us to continue.

Q: Has the secretary completed his series of shots?

Bacon: I believe the secretary has completed his series of shots. Under this new program he probably would not receive his annual booster because he's not in one of the high threat areas of Korea or Southwest Asia for 30 days at a time.

Q: What's the status of the secretary's decision on NMD?

Bacon: The status is pending.

Q: He's awaiting the report, I guess, on this --

Bacon: Well, it'll take some time for the Ballistic Missile Defense Organization to complete its analysis of the last test. And then they will have to put together a more comprehensive report that looks not just at the last test, but at everything they've learned from all the tests they've done so far. And they'll present that to the secretary, the secretary will review it and reach a conclusion and then pass it on to the White House. He said that that will take -- well, he said at the time of the test it would take three or four weeks. One week has elapsed, more than a week has elapsed, so now we're down to two or three weeks. But this is approximate. Don't get your calendars out and check a date, because it could come a little sooner or a little later.

Q: The secretary said en route to China that this miss wouldn't necessarily be a killer for starting the program, from beginning the program next year. He does plan as of now, though, to make a definite recommendation and not to hold off on the recommendation.

Bacon: He does plan to make a recommendation, yes. Definitely.

Yes, Barbara.

Q: Can I go back to anthrax for just one second? There's a story in the Post this morning where a scientist was quoted who appears to be highly credentialed, at least, that the vaccine is not foolproof, and in fact soldiers would get sick, seriously ill for about two weeks if they came into exposure to anthrax. Your reaction to that? Does this scientist -- does this argument have any credence? Would soldiers become ill?

Bacon: Well, I thank you for asking that question because I found the article somewhat astounding.

The issue with anthrax vaccine is simple: it's whether the vaccine protects people from dying if they've been exposed to anthrax. The incident referred to in the Washington Post article is -- the Washington Post article quotes a scientist named Robertson, who is working with a lawyer who is opposing the anthrax vaccination program.

Apparently, in the course of discovery for a lawsuit, the lawyer has received large amounts of documents. Included in those documents were two pages of notes taken by a government scientist monitoring an experiment in 1991.

That experiment that took place in 1991 involved exposing monkeys to the anthrax vaccine. The results of the experiment were written up in a medical bulletin that came out in 1996, and you can get a

copy of it. This is the medical bulletin; it's called the "Salisbury Medical Bulletin, Special Supplement Number 87." And the conclusion of this bulletin article is that the vaccine is highly efficacious against inhalation anthrax in rhesus monkeys. That's the first conclusion.

The second conclusion of the article is that, based on their study, it may be possible to achieve protection from death by inhalation with a much lower dose than is currently called for in the Defense Department protocol. Now, the Defense Department protocol calls for six shots plus annual booster shots. And this article concludes that, based on the study's data, the human anthrax vaccine confers substantial protection against inhalation anthrax and the recommended immunization regimen may be able to be reduced with respect to the number of doses. That's the conclusion of the study. This wasn't exactly reflected in the Washington Post article which, as I said, was based on the comments of a scientist who is in league with a lawyer who is opposing the anthrax program.

In terms of monkeys getting sick, there is nothing in this medical journal article that refers to monkeys getting sick after being exposed to inhalation. But let me explain to you exactly what happened to these monkeys.

These monkeys were given -- they were vaccinated against anthrax, and then they were exposed to an enormous dose of anthrax spores, a dose that was from 250 to 760 times the expected dose that a soldier -- that would normally -- you know, adjusted for the fact that they're monkeys -- that would normally cause them death if they were unvaccinated.

So they were exposed to very large doses.

I think that the bottom line of this experiment was in the Washington Post article. It was in the ninth paragraph. And that is that these monkeys who had been vaccinated against anthrax survived a rather massive exposure to anthrax spores. And everything about this study confirms the effectiveness of the anthrax vaccine.

Now, the question that was raised earlier deals with the safety of our supplies of vaccines, and Secretary Cohen has always said that he wants to make sure that the vaccines we give are safe, sterile, pure, et cetera. And that's the reason that we've slowed down the program, because we want to make sure that we stick with vaccines that have been certified to be perfectly safe, pure, sterile, et cetera.

Q: Apologies for going on this, but I guess I'm still a little --

Bacon: Oh, I enjoy it. (Laughter.)

Q: I'm still a little bit confused. Would a soldier who has been inoculated, had the full series, but yet exposed to inhalation anthrax in the field, although he may not die, you say, would he become ill for some period of time? Would he experience -- or she -- experience symptoms?

Bacon: I think the correct answer to that is probably, in some cases, yes, depending on the amount of exposure that they were given. This study does not mention anything to do with sickness experienced by the monkeys who were exposed. I think, if you're talking about very large numbers of people being exposed to a deadly spore, even if they had been vaccinated, one or two may have a reaction to it.

But we believe that the vaccine will protect their lives, and generally that they will be -- that they will survive and should not get sick. But can I tell you beyond a matter of question that somebody wouldn't get sick? No. But I don't think that this is a problem that's been brought up. But as I say, the central element here is whether the vaccine protects people from death if they've been exposed to anthrax, and the study clearly shows that it does protect them.

Q: And isn't the normal protocol, if you were exposed to anthrax, to be administered antibiotics anyway? Right?

Bacon: Yes, well the protocol -- it is possible that if you had -- in some cases, if you had not been vaccinated and you were exposed and you knew you'd been exposed, that if you immediately started taking massive doses of certain types of antibiotics, that you could combat the anthrax and prevent death. The problem with anthrax is that it's odorless and colorless and that you may not know that you'd been exposed and, therefore, wouldn't be able to begin the massive doses of antibiotics.

Yes?

Q: Kosovo Albanians today destroyed by explosion a very old big Serbian Orthodox Church in Kosovo in an area under U.S. military supervision. Anything on that?

Bacon: I'm afraid I hadn't heard that. I'll look into it.

Q: And one more question. Any comment on the recent departure from Albania of the Greek military unit, which with the U.S. military cooperation played an important role for the stabilization of this volatile

area?

Bacon: In Albania?

Q: Yes.

Bacon: You're asking me to comment on how the Greeks are doing in stabilizing Albania?

Q: No, what I'm asking you is I understand that you are cooperating together for the stabilization of the area. And the other day they have been asked to leave from Albania. So I would like you to comment what is the position on this development.

Bacon: There are some Greek troops in the American sector, as I understand it, in Kosovo. In Kosovo. Not in Albania, but in Kosovo.

Q: In Kosovo, no. I'm talking about in Albania.

Bacon: Right. I'm afraid that this news didn't catch up with me in China, so I'll have to look into that as well.

Q: Thank you.

Bacon: You're welcome. Thank you.

END

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ARMED FORCES STRENGTH FIGURES FOR MAY 31, 2000,
SUMMARIZED BY THE DEPARTMENT OF DEFENSE

The total numerical strength of the armed forces on May 31, 2000, was 1,398,958. This is an increase of 955 from April 30, 2000, and a decrease of 1,045 from May 31, 1999.

These figures represent full-time military personnel comprising both regular and reserves on active duty and officer candidates, including cadets at the three military academies.

Excluded from these figures are approximately 65,000 full-time military personnel who are paid from other than active duty military personnel appropriations. This group is funded from appropriations for Reserve components and Corps of Engineers civil functions. A comparable figure for fiscal 1999 was also 65,000 military personnel.

May 2000 strength figures for each Service with month-ago and year-ago figures for comparison are:

5/31/00

4/30/00

Change From

Previous Month

5/31/99

Amount

Percent

Total DoD

1,398,958

1,398,003

955

0.07

1,400,003

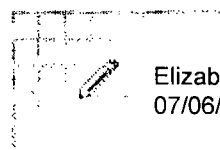
Army
471,727
472,026
-299
-0.06
467,899
Navy
368,056
366,799
1,257
0.34
365,909
Marine Corps
169,852
170,313
-461
-0.27
170,729
Air Force
353,591
353,237
354
0.10
360,216
Coast Guard
35,732
35,628
104
0.29
35,250

The active duty personnel strength data provided does not include Selected Reserve strength ordered to active duty by the President under Title 10, United States Code 12304.

-END-

page 1

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Elizabeth J. Potter
07/06/2000 04:37:50 PM

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cc:

Subject: [lgbt-politics] Gay-baiting in the military under "Don't Ask, Don't Tell"

FYI: fairly comprehensive overview on the history of the policy...

----- Forwarded by Elizabeth J. Potter/WHO/EOP on 07/06/2000 04:36 PM -----



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Subject: [lgbt-politics] Gay-baiting in the military under "Don't Ask, Don't Tell"

The Nation, July 10, 2000
(<http://www.thenation.com>)

Search and Destroy

Gay-baiting in the military under "Don't Ask, Don't Tell"
by Doug Ireland

In the wake of Lt. Gen. Claudia Kennedy's high-profile sexual harassment case against another Army general (who himself had just been put in charge of investigating sexual harassment!), the mainstream media have given a substantial amount of coverage to the appalling rates of sexual harassment of women in the armed forces. But you would be hard pressed to find in these news reports any mention of one of the principal spurs to this harassment: the policy on gays in the military, popularly known as Don't Ask, Don't Tell.

"You can't separate this policy from sexual harassment," says Michelle Benecke, a former captain of US Army defense artillery -- and a Harvard-trained lawyer -- who is the co-founder and co-director of the Servicemembers Legal Defense Network (SLDN). "A lot of the perception that women in the services are gay stems from the fact that they're not sleeping with anyone in their unit," Benecke says. "The Don't Ask, Don't Tell policy pressures young women into sexual activity with their superiors by making them subject to the threat of discharge as gay."

The Defense Department's own discharge figures support Benecke's contention that women are being disproportionately targeted by the policy:

Women accounted for 31 percent of the Don't Ask, Don't Tell discharges in 1999, even though they are only 14 percent of the uniformed services. The numbers are most striking in the Army, where women are only 15 percent of the force but 35 percent of the gay discharges; in the Air Force, where they are 18 percent, compared with 37 percent of discharges; and in the Marines, where women are 6 percent of the Corps but account for 21 percent of those discharged. Since lesbian-baiting is the military man's best defense against charges of sexual harassment, these numbers help explain why many women in the military are afraid to report such conduct, let alone tell their superiors about antigay harassment.

Nicole B. was 21 when she joined the Navy in 1995 and became a second-class petty officer in the weather-forecasting service. At a Navy forecasting school in Biloxi, Mississippi, her Marine instructor in oceanography "was constantly making antigay jokes. Rumors had circulated that I was gay, and this instructor would make cracks about 'dikes in the water' and turn to me saying, 'Don't get too excited about the word.'" Things got worse when Nicole was sent to a small base in Texas after she told her chief about the antigay harassment of a male sailor friend in her unit, who was constantly being "baited as a 'fag,' 'a woman,' a 'guy who wears makeup.'" Then someone "wrote a message on my car that said, 'You suck dick and eat pussy,'" Nicole says. "I was terrified and fearful for my life. It just got worse, and I cried every day." After Nicole finally reported the harassment to her chief, she says, "He told me, 'I just want to reach over and slap your face.'" Since three superior officers had harassed Nicole, she "didn't feel there was anybody among my chiefs who'd back me up if I was assaulted. I loved the Navy, but it's so difficult when you have to hide, make up a boyfriend, censor your social conversation. Then I got into a relationship, and that's when it became clear to me that I wasn't going to be able to deal with this, that I had to give it up. That was very hard." Nicole got in touch with SLDN, which helped her write a coming-out letter to her commanding officer. She was discharged last year, but says, "I still miss the Navy -- I'm encouraging my little nephew to become a Navy pilot."

Petty Officer Nicole B.'s experiences typify the ways in which even gays who try to be discreet have been increasingly subject to harassment and expulsion under the current policy. Not only has the policy -- its correct name is "Don't Ask, Don't Tell, Don't Harass, Don't Pursue" -- failed to diminish discharges of gay servicemembers; it has actually increased them, from 617 in 1994 to 1,034 in 1999, at a cost of more than \$161 million (based on General Accounting Office figures) in training replacements for those discharged. And the policy has spurred soaring rates of verbal abuse and physical violence, even murder.

* * *

This disastrous policy was born out of Bill Clinton's refusal to honor his 1992 campaign pledge to let gays serve openly in uniform. In large part because of his own reputation as a draft dodger, Clinton knuckled under to pressure from the generals and admirals and their allies in Congress, thus betraying the principle of civilian control of the military and sending a signal to the Pentagon crowd that he could be rolled (as ever-increasing military-procurement budgets in his two terms have shown).

Moreover, Clinton's capitulation forced the gay movement to fight on a battleground not of its own choosing. The 1993 gay-run Campaign for Military Service not only strained the movement's limited resources; the losing effort was also a PR disaster for gay politics that undercut the chance to pass the critically important Employment Non-Discrimination Act (ENDA) while Democrats

still controlled the Congress.

Many left-wing gays were uncomfortable at seeing precious energies squandered in combat for the right to serve in a military they disdained and distrusted. But once the issue was joined, the movement had no choice but to confront the tidal wave of slurs against same-sexers deployed by four-star homophobes like Colin Powell and bigoted politicians like Senate Armed Services Committee chairman Sam Nunn. And all the more so because military homophobia is also a class issue: The overwhelming majority of its victims are young recruits who joined up to get an education or career, lured by the bright promises of flashy ad campaigns and aggressive high school recruiting, often before they admit to themselves they're gay.

Even the Department of Defense itself has now been forced to admit that harassment of uniformed gays remains widespread. In March the DoD Inspector General released a survey of 71,570 active-duty servicemembers revealing that 80 percent of those who filled out questionnaires reported hearing "offensive" antigay remarks. Nearly 10 percent said they had witnessed physical assault. Significant numbers also reported "offensive or hostile gestures," "threats or intimidation," graffiti, vandalism, "limiting or denying training and/or career opportunities," and "disciplinary actions or punishment" not of the bigots but of their victims ("for example, being punished for something when others were not"). Most telling, of those who said their "cited situation" was witnessed by someone senior to either the person being harassed or the harasser, 73 percent said "the senior person did nothing to immediately stop the harassment."

If the Clinton Administration had really been serious about protecting gays in the military, the Pentagon would have conducted such a survey long ago. That it happened at all was due to two things: increased pressure from SLDN, which has documented rising harassment and discrimination in a series of meticulous annual reports for the past six years; and the particularly grisly antigay murder of a soldier at Fort Campbell, Kentucky, on July 5, 1999.

Pvt. Barry Winchell was only 21 when, after enduring four months of verbal and physical assault, he was bludgeoned to death with a baseball bat by a fellow soldier. Winchell, who had been asleep in his cot, was left with his skull shattered "like an eggshell," according to an Army investigator, his eyes black and swollen shut, his brains oozing from his head. Winchell had confided to two friends that he was afraid to report the escalating daily harassment that led to his murder, because he would risk being kicked out of the Army.

It was five months after Private Winchell's murder when Defense Secretary William Cohen finally ordered the IG survey of antigay harassment throughout the armed services. But even now, the Army is refusing to release its IG's report on the antigay climate of terror that reigned at Fort Campbell under its commander, Maj. Gen. Robert Clark. "We provided a lot of evidence of antigay harassment there and how it was tolerated by superior officers," says SLDN's Benecke.

* * *

To take just two examples: Fort Campbell Pvt. Javier Torres gave a sworn statement to SLDN that, just months after Private Winchell was murdered, his unit's staff sergeant led them on a run singing in cadence, "Faggot, faggot, down the street/Shot him, shot him, till he retreats." Another Fort Campbell sergeant, assigned to brief a unit on the Don't Ask, Don't Tell policy, repeatedly called the training session the "fag briefing" and referred to gay soldiers as "fags."

"We asked the IG conducting the Fort Campbell investigation, 'How can servicemembers contact you?' and he told us to our faces that he believed that he was obliged to turn in as gay any servicemember who said he was a victim of antigay harassment," says Benecke. Although the IG report on Fort Campbell was due to be released on May 1, the Army has postponed giving the report to the Secretary of the Army until July 1 -- conveniently after General Clark's June 9 advancement to a prestigious Pentagon post as Vice Director (J3) of Plans and Operations for the Joint Chiefs of Staff. As Benecke points out, "This is the man who allowed the harassment at Fort Campbell to exist, and to continue even after Private Winchell's murder. As of February 20, twenty soldiers at Fort Campbell have come out because of their fear. Clark deserves to be dismissed." Retaining Clark in uniform -- and even rewarding him -- sends a clear signal that servicemembers can continue to harass with impunity.

That's certainly the impression that Clinton Administration policy has left with many military commanders and their subordinates. Not until March 1997 did the DoD get around to issuing "Guidelines for Investigating Threats Against Service Members Based on Alleged Homosexuality," by Under Secretary of Defense Edwin Dorn, designed to implement the 1993 Don't Harass, Don't Pursue policy. But SLDN forced the Pentagon to admit in April 1998 that it had never distributed the guidelines to the field. And it was not until after Private Winchell's murder fifteen months later that the Dorn report was finally distributed. In the IG harassment survey this past March, 57 percent of respondents said they had received no training on the policy; of the 54 percent who claimed they understood it, only 26 percent were able to answer the three most basic questions about it.

* * *

"The new policy is worse than the old, much worse," says Professor Janet Halley of Harvard Law School, who last year published *Don't: A Reader's Guide to the Military's Anti-Gay Policy* (Duke). "Under the old policy, you could be discharged if it was found out you had a 'homosexual orientation.' The new policy says you can be discharged if you have manifested a 'propensity' to engage in homosexual acts. 'Propensity' is judged by 'conduct,' but that can mean anything from having a Melissa Etheridge poster on your wall to wearing short hair and a thick, black watchband to refusing to have sex with a man," she says, citing real examples from discharge cases. Moreover, Halley says, to escape expulsion "you have to prove that you have no propensity, so the only defense is an identity defense, a status defense -- you have to prove you're straight." And the judgment about "propensity" is an entirely subjective one, which means treatment of gay military personnel varies greatly from command to command.

That was the experience of Petty Officer First Class Larry Glover, who was discharged February 25 from the Navy after fifteen years for being gay: "I went from two commands that were not too bad to one that was pure hell," he says. Like so many others, Glover says he "didn't figure out that I was gay until I'd been in the Navy for three years -- I had fought it up until then." For Glover, joining one of the uniformed branches was an escape route from both a stunted economic situation and from "a small town in East Tennessee in the middle of the Bible Belt -- for me, it was a way of getting out to see the world." Glover has earned ten medals -- "I rattle when I walk," he chuckles. He even has a Navy and Marine Corps Achievement Medal for having risked his life to save a \$77 million plane from going over the side of an aircraft carrier in high seas.

In his first two commands, Glover was eventually accepted by the sailors

he worked with -- "Once I told them, 'Yes, I'm gay, so what?' the issue went away." But on his last shipboard posting, the antigay atmosphere was particularly virulent. Glover found himself having to stand up for younger sailors who were being harassed as gay: "It was my job as a person in a leadership position. I put myself on the line every day. I witnessed spray-painting of the word 'fag,' destruction of private property or of uniforms in lockers -- things like filling the lock with glue so sailors couldn't get to their uniforms, which caused them to be late, which got them punished. I witnessed chief petty officers using terms like 'the little fag,' 'the little butt-bandit,' 'ball breath.' One kid had a complete nervous breakdown -- I took him off the ship crying." Glover's attempts to protect younger sailors led to his "being threatened" with negative performance evaluations. By this time he was in a relationship, and the effects of harassment and the pressure to be closeted "limits your compatibility with your partner; the job just wasn't worth what I was putting in. A friend high up in the military that I'd met at a gay bar told me about SLDN and gave me their number. They helped me write my coming-out letter to my commander. The day I heard they were going to process my discharge papers, I put a rainbow sticker on my locker." Glover, who had to give up \$850,000 in pay and retirement benefits when he chose to stop hiding, now says, "I'm distraught with the Defense Department and government in general," adding, "We've got to fix this policy -- we just have to."

Most of America's major NATO allies now allow gays to serve openly in the military, including France, Germany, Spain, Belgium, the Netherlands and Canada. Denmark, Norway, Finland, Sweden, Switzerland and Israel do as well. Britain was forced last fall by the European Court of Human Rights to end its military ban on gays and has now embraced them, even inviting gay soldiers who had been discharged to apply for reinstatement. Dr. David Segal, who directs the University of Maryland's Center for Research on Military Organization -- which studies comparative military institutions -- says that "there is no evidence from any country we've looked at that lifting the ban on gays impacts negatively on either unit cohesion or performance." He adds, "There's no question that the direction of social change will eventually deal with sexual orientation as irrelevant in terms of the military."

The Pentagon's brass hats know this is true. Aaron Belkin, who directs the Center for the Study of Sexual Minorities in the Military at the University of California, Santa Barbara, points out that "gay discharges always go down in wartime. During the Korean and Vietnam wars there were about half as many such discharges as in peacetime. In World War II the discharge rate was substantially lower than in the postwar period. In the Persian Gulf War, the military had a 'stop-loss' order that suspended gay expulsions. What the Pentagon is saying is, when unit cohesion is most important and our survival is at stake, we'll keep them in. There is no intellectually honest case to be made that gays undermine cohesion in the military." Quite the reverse: The current US policy saps unit cohesion by subjecting gay servicemembers to career-ending blackmail.

The hypocrisy of the Pentagon's attitude is underscored by one of the Army's first African-American generals, Maj. Gen. Vance Coleman, who retired in 1989: "Gays have been serving honorably in the military ever since it existed. It's never a problem until the leadership makes it one." Coleman compares the arguments against openly serving gays to those deployed against lifting the ban on racial segregation in the armed forces: "It's the same thing. Close your eyes, sit in a room and listen to the generals' discussions -- you hear the same reasons." The right of gay people to serve

openly is, Coleman says, "a legitimate civil rights and human rights question. It shouldn't even be an issue."

However, given the current conservative composition of our judiciary, it is unlikely that court challenges to the military's antigay policy will prevail in the foreseeable future. The Supreme Court has declined to hear five cases challenging the constitutionality of Don't Ask, Don't Tell, and all four of the eleven federal circuit courts in which the policy has so far been challenged have upheld it. That kicks the ball back into the political arena.

* * *

In the most recent Gallup poll on the question, in January, 41 percent of Americans said gays should be allowed to serve openly; 38 percent -- most of whom wrongly believe the Don't Ask, Don't Tell policy is a tolerant one -- said gays should be able to serve under the current policy; while only 17 percent think gays should not be able to serve under any circumstances.

The issue flared into the news briefly during the presidential primary campaigns. Bill Bradley, who in 1993 had voted as a senator for outright repeal of the military ban before Clinton signed Don't Ask, Don't Tell into law, reiterated his position in his campaign last September and said he'd expect the military to follow his policy. Until then, Al Gore had said only that he'd implement Don't Ask, Don't Tell with "more compassion."

But competing with Bradley for the gay vote, in December Gore finally came out against Don't Ask, Don't Tell and said he would lift the ban entirely and make this a litmus test for his appointees to the Joint Chiefs of Staff (after the Republicans jumped on him for that last statement, Gore backpedaled somewhat, saying there would be no "political opinion" test for his military appointees). Even President Clinton got around in December to admitting that the current policy was "out of whack" (an unfortunate locution that led to a spate of raunchy jokes by late-night TV comedians). On the GOP side, George Bush declared in the primary debates that "I'm a Don't Ask, Don't Tell man," while John McCain likewise supported the current policy because it's "working."

But, of course, it isn't, as the rising discharge rates and the DoD's own harassment statistics show. Moreover, the Don't Ask and Don't Pursue elements of the current policy are continually violated by commanders, investigating officers and even legal personnel. SLDN, in its March annual report, "Conduct Unbecoming," documented 194 Don't Ask violations from February 1999 to February 2000, a 20 percent increase from the preceding year and the sixth consecutive increase since the policy began. In the same period the SLDN report also detailed 470 Don't Pursue violations, a 34 percent increase. This year, there was an antigay witch hunt at the Defense Language Institute in Monterey, California, which ensnared fourteen enlisted personnel, mostly female. And at the beginning of June, SLDN forced the Navy to admit that for the past two years it has been sending undercover agents into five Washington, DC, gay bars and nightclubs to seek out patrons who are in the military. The Navy claims it's only going after illegal drug use, but SLDN's Benecke calls this "a ruse -- our information shows they're only targeting gay establishments."

Congressional supporters of lifting entirely the ban on open gays in the military are deeply pessimistic about any positive legislative changes. "This Congress is not going to overhaul this policy," declares Representative Marty Meehan, the liberal Massachusetts Democrat who is a member of the House Armed Services Committee and the ranking member of its subcommittee on personnel. Meehan says that "there's no way even to have hearings on

harassment now -- we'd go backward, not forward." On the Senate side, another longtime opponent of the ban, Massachusetts's John Kerry, likewise paints a bleak picture, at least "until we [the Democrats] get a majority." About all he and his like-minded colleagues can do at this point, he says, is "turn up the heat a notch" on the Pentagon and the Administration. Kerry says that "what's missing is the investigative component" to identify those who engage in or tolerate harassment, and he wants Clinton to issue an executive order for an investigation that would root out violations of the Don't Ask, Don't Harass and Don't Pursue sections of the policy and hold military leadership accountable. In May he and Senator Max Cleland, a paraplegic veteran from Georgia, sent a tart letter to Defense Secretary Cohen pointing up the failure to implement antiharassment training in the armed forces in a meaningful way.

Even Representative Barney Frank, one of the Administration's most visible defenders, says he is "deeply disappointed with the way Bill Cohen has handled the harassment issue." On June 7 Frank and thirty colleagues (including minority leader Dick Gephardt and two GOPers -- Connie Morella and Mark Foley) sent an even stronger letter to Cohen calling the Pentagon's failure to curb harassment "disgraceful"; denouncing the promotion of General Clark, the Fort Campbell commander; attacking the Navy and Air Force for trying to recoup training costs from servicemembers discharged as gay, even though this violates the DoD's own policy; and asking for a White House meeting. To date, neither the Kerry/Cleland nor the Frank et al. letters have received anything more than a "we'll get back to you" acknowledgment.

* * *

Coming to grips with one's homosexuality when already in uniform is a terrifying experience. The Pentagon has to be forced to take seriously its obligation to provide comprehensive antiharassment training (the training materials are thoroughly confused); to provide a safe way in which victims can report harassment without fear of losing their careers; and to punish not only harassers but those commanders who tolerate harassment (not a single one has been disciplined). Until then, SLDN is the gay servicemembers' only protection.

It's amazing how much this small legal-aid group has accomplished already. Founded in 1993 on a shoestring, SLDN -- which has already handled 2,300 cases -- is today struggling along on a \$1.4 million budget and desperately seeking additional funds for more legal staff to handle the soaring number of harassment complaints. Its "Survival Guide" is the only document that tells military gays how to cope with the current policy and what their rights are (the DoD provides no such material). Jeff Cleghorn, a retired major in US Army military intelligence who got a law degree after he left the service in 1996, is one of SLDN's legal-aid intake staff; he says that the organization's clients "are mostly young people concerned about, if not their physical well-being, then their emotional well-being." SLDN counsels active targets of investigation on "what they can do to minimize the risk of those investigations being either initiated or expanded," Cleghorn says. "If there's harassment or physical threats, we contact base commanders and legal officers and remind them of the investigative limits in the current policy." The group has just under 200 open cases at any one time -- but the number is growing. And there's no question that SLDN has saved lives. "Just the other day I had a call from a kid at a naval base in Florida who'd been assaulted physically by several sailors," says Cleghorn; "he was in tears and suicidal. I called the Metropolitan Community Church [a gay denomination] in the city he was in to arrange counseling in a safe space, and contacted the

chaplain at his base. He survived. We go with what's there -- even if it's just someone who'll give 'em a big hug and listen to their problems."

Bill Clinton, Bill Cohen, Al Gore and their lame-duck Administration still have six months to do something to protect kids like that sailor in Florida. But will they act?

For information or to make a contribution to SLDN: Servicemembers Legal Defense Network, PO Box 65301, Washington, DC 20035-5301 (or www.sldn.org). For free, confidential counseling, call (202) 328-3244.

-- Doug Ireland writes frequently on politics for The Nation. Research support was provided by the Investigative Fund of the Nation Institute.

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**“Don’t Ask, Don’t Tell”
February 1, 2000**

Background: Today Secretary Cohen announced he had 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 service members based on alleged homosexuality. The plans make it clear that harassment, for whatever reason, will not be tolerated. In addition, it was announced that the Department of Defense Inspector General had begun his climate assessment that will poll service members at 38 military installations. The results of this assessment will be delivered to Secretary Cohen by mid-March.

What does the White House think of this latest development at the Department of Defense regarding the “don’t ask, don’t tell” policy?

- The President agrees with the Secretary of Defense that harassment must be strictly prohibited. He has said that he would like to see DoD’s implementation of the “Don’t Ask, Don’t Tell” policy improved. The promulgation of these Service training plans is an important step forward in ensuring all of our service members can live and work in an environment free from harassment.

What else is DoD doing to improve implementation of the “don’t ask, don’t tell” policy?

- Senior leadership of all of the Services has made strong statements condemning harassment of service members based on perceived sexual orientation.
- I refer you to DoD for additional information on other investigations or initiatives.

THE WHITE HOUSE

Office of the Press Secretary
(New York, New York)

For Immediate Release

October 7, 1999

REMARKS BY THE PRESIDENT
TO THE EMPIRE STATE PRIDE GALA

Sheraton New York Hotel and Tower
New York, New York

9:56 P.M. EDT

THE PRESIDENT: Thank you very much for your energy and your enthusiasm, your passion and your wonderful welcome. I want to begin by thanking Jeff, who has been a wonderful friend and advisor, a prodder and supporter to me. And I thank him so much. (Applause.)

Thank you, Kate Callivan, for your work tonight. Thank you, Matt Forman, for your leadership of Empire State Pride. (Applause.) And thank you, Chuck Schumer, for running and winning and for all you have done to make this a better state and a better country. (Applause.)

I'd also like to thank two other members of the Congress who are here, Congressman Jerry Nadler and Congressman Anthony Weiner, for the work they do for you. Thank you. (Applause.) I'd like to thank my longtime friend, the New York public advocate, Mark Green, who is here, for his steadfast support of your agenda. Thank you, Mark. (Applause.)

I understand the borough President of Manhattan is here, Virginia Fields. Thank you, Virginia. We're glad to have you. (Applause.) There are members of the State Assembly and members of the City Council here. Emily Gish (phonetic), the Vice President of the State Democratic Party, is here. I thank her. (Applause.) And we've got all these great people from the administration -- a lot of them stood up, but I want to mention their names -- the two highest ranking openly gay and lesbian appointees in the House, Sean Maloney and Karen Tramontano -- (applause) -- my good friend, Richard Soccarides, who is leaving -- (applause) -- Fred Hochberg, the Deputy Administrator of SBA -- (applause) -- and two former appointees, Roberta Eichenberg and Ginny Apuzzo are here. I thank them for what they did. (Applause.)

I'd also like to thank Marsha Scott, who was my first liaison to the gay and lesbian community this year. (Applause.) And the head of our anti-HIV and AIDS efforts, Sandy Thurman, who's done a wonderful job this year. I thank her for being here. (Applause.)

Let me begin by saying something I need to say a lot in the time I have left as President: thank you. (Applause.) Thank you for the support, the guidance, and the urging you have given to the Vice President and me, and to our administration and our families. Thank you for the example you have set. Thank you for helping Chuck Schumer to get elected. Thank you for giving us the opportunity to learn and grow, and do our jobs better, and serve all Americans better.

Jeff said that, you know, last year the Vice President came, and this year Chuck and I are here. And you're looking for a speaker. I

think, you know, you ought to invite a woman to speak next year. (Applause.) And if you want, I have a suggestion. (Laughter.)

Actually I talked, as chance would have it, to both the Vice President and to Hillary this afternoon -- (laughter) -- not so I could tell you that I did, either. (Laughter.) But they asked me what I was doing -- there's a lot more attention on what they're doing than what I'm doing now, but they did ask me what I was doing, which was nice, that someone, somewhere in America still cared what I was doing. (Laughter and applause.) So when I told them what I was doing, they said to give you their best wishes, and they wish they were here. (Laughter.)

Jeff mentioned that seven years ago, when I first ran for President, I said I had a vision for America and you were a part of it. I met with a group of activists from your community here in early 1992, and in California in late 1991. And I began to try to listen and to learn and to understand why so many of these issues have presented such big problems for America.

One couple came through to see me earlier tonight, two men; one was from Australia, the other from New Zealand and they said that as a couple, they hadn't the same immigration rights coming into America as they did in either Canada or New Zealand. I don't think that's right; I think that ought to be changed. (Applause.)

But I think the first thing I want to say to you -- I want to talk more about this, but I'm obviously giving a lot of thought these days to what happens to America over the long run. We enter a new century, we enter a new millennium, the way we work and live and relate to each other and relate to people around the world is changing in profound and speedy ways. It's almost difficult to grasp. More of it is good than bad.

But we all have to be much more open to each other if we want this to work. We've got to learn to listen as well as to talk. We've got to learn to feel as well as to think. We have to learn as we're all told we should do from childhood, to stand in the other person's shoes. We have done what we could to make the future one of equal opportunity and equal responsibility and equal membership in our American community, whether it is in fighting to pass the hate crimes law or the employment nondiscrimination act or to invest more in research, prevention and treatment for HIV patients.

I would like to take just a few moments tonight to try to put all the things you care about into a larger context of where America is and where I hope America will go. When I started running for President, I did so because I thought the country was in trouble and without direction and growing more divided. First, economically. Unemployment was too high, job growth was too low, incomes were stagnant, inequality was increasing. And there was a sense of literal despair about it in many places.

I worried about social division. You remember, we had a riot in Los Angeles. But everywhere, there was this quiet sense of unease. And every campaign, it seemed to me, was yet another example of how we could sort of carve up the electorate and make one group resent another, and hope that your group was a larger group of resenters than the other group. And it seemed to me that that was a bad way to run a country.

And it wasn't just anti-lesbian and gay, it was tensions between the races, tensions between immigrants and citizens. And it built on this whole pattern of thought that had accumulated in Washington over decades that everything had to be divided into hostile camps. You

couldn't be pro-labor if you were pro-business, and vice versa. You couldn't be pro-economic growth and be in favor of improving the environment. You couldn't be pro-work and pro-family. We had to have these divided views. You couldn't have an urban policy if you really cared about what was going on on the farm.

You know, we don't think like that. None of us do, instinctively. We always try to think of how we can live an integrated life, and how our minds will think in an integrated way that pulls things together and moves things forward. But everything about our politics was about how to pit us against one another.

And since we all wake up every morning -- I know maybe none of you do, but some days I wake up on the wrong side of the bed, in a foul humor. (Laughter.) I'm sure you don't ever do that, but I do sometimes. (Laughter.) And it has occurred to me really that every one of us has this little scale inside, you know. On one side there's the light forces and the other side there's the dark forces in our psyche and our makeup and the way we look at the world. And every day we wake up and the scale is a little bit tilted one way or the other. And life is a big struggle to try to keep things in proper balance.

You don't want to have so much light that you're just a fool for whatever comes along. But if the scale tips dark even a little bit, things turn badly for people and those with whom they come in contact. And it can happen for communities and for a whole country.

So, anyway, when I ran I thought maybe I could change the way we think about politics. And if we do, maybe we can change what we do and how we do it.

And, you know, there's an old adage that the Lord never gives you more than you can handle, but I have been severely tested in this resolve. (Laughter and applause.) But most days, you know, it's been kind of fun, but bewildering. (Laughter.)

So anyway, we came up -- Al Gore and I -- (applause.) Well, for whatever reason -- and the American people took a chance on me and Al Gore in 1992. And we got the Democrats together, and we tried to reach out to the Republicans. And usually they said no; sometimes they said -- a few of them would say yes.

But we said, look, let's take a different direction -- on the economy, on crime, on welfare, on the environment. Let's try to think of a way to integrate the things that we want to achieve, and build a creative tension so we could move the country forward. And let's try to build a country where everybody has a place. And we just made an argument in 1992. It was just an argument. You -- no one could know for sure whether it would work.

You know, I'm rethinking my position about wanting everybody to have a cell phone in this country. (Laughter and applause.) He's a good guy, don't worry about it. (Applause.)

But anyway, so we made this argument, you know, and you guys took a chance. And New York really stood behind us, gave us a chance to serve.

But it's not an argument anymore. Those of you who've been with us six and a half years, when you go out to discuss citizenship and issues, and the future, say, look, whatever you want to say about that crowd, there are certain things that you can't dispute. We now have the lowest unemployment rate in 29 years; the lowest welfare rolls in 32 years; the lowest crime rates in 26 years; the lowest poverty rates in 20 years; the first back-to-back surpluses in 42 years; the longest peacetime

expansion in history; and 19.5 million new jobs. You can't argue; that happened. (Applause.)

And every time -- (applause) -- every time -- (applause) -- every time we did something that tried to reconcile our economic objectives with our other objectives -- whether it was family and medical leave or vetoing the first two welfare bills because they didn't have guaranteed food and medicine coverage for poor children and enough money for child care, or trying to clean up the air and the water, or saying that the system we had for taking care of little kids and immunizing them -- we were nuts and we were determined to reach 90 percent immunization, which we did, by the way. All of these things -- people would say -- or, raising the minimum wage, or you name it. That was always going to be something that would hurt the economy. It turned out that that was wrong, that putting things together made all of our efforts reinforce one another.

I feel even more strongly about that when it comes to putting people together. One of the things I've spent an enormous amount of time doing in the last two years is trying to make sure America is Y2K ready. I've even got these little things that look like beanie babies that are Y2K bugs I have around just to remind me that we don't want there to be one.

You know, to most people, that's about adjusting a computer. But if you think about it, there is a lot more than mechanics involved in being ready for the new millennium, and a lot more than economics involved in being a successful country.

When I signed the executive order to prohibit discrimination in the federal work force based on sexual orientation, I thought I was helping us to come together. (Applause.) I think ENDA will help us to come together.

I think the fact that we have gay and lesbian Americans, like Jim Hormel and over 200 other openly gay and lesbian people serving in appointed positions in our government throughout the administration, doing normal jobs -- (applause) -- I got so tickled when you were reading -- you know, if you look at our people and what they do, they do real jobs. They're out there showing up. And every time they come in contact with somebody, they destroy another stereotype. They rob people of another attack. (Applause.)

You know, when we were in that awful battle that I waged and didn't win over the military service issue, there was a national survey run which showed that the most significant factor tilting people in favor of the so-called gays in the military policy was whether they consciously were aware that they had known a gay person. And those who said they were consciously aware that they had a personal relationship, contact with a gay person were two to one in favor of the policy. (Applause.)

Now, I say that because I believe that our whole society is like all of us are individually. We've got these scales always tilting back and forth between the forces of hope and the forces of fear. And what people do not know, they more easily fear. What they fear, they can easily hate. And what they hate, they quickly dehumanize. And it is a slippery slope.

So I say to you, this hate crimes legislation is important. People say, well, you know, the killers of James Byrd got the death penalty in Texas, and maybe you don't need it. But we do need it, because there are 8,000 reported hate crimes in 1997 alone -- about one an hour. And people need to focus on it.

When those kids got shot at the Jewish Community Center school, and then that Filipino postal worker got murdered, and then the former basketball coach at Northwestern, and the young Korean Christian walking out of his church got shot in the heartland of Illinois and Indiana. And all of those things happened. And all of you know that we are now observing the one-year anniversary of the death of young Matthew Shepard, and I want to say I am honored beyond words that his mother, Judy, is with us tonight. And I'd like to ask her to stand. (Applause.)

I thanked her tonight before I came out for her continuing work. And she looked at me and she said, I'm just a mom. (Applause.) But when I was in Los Angeles last week, speaking to the ANGLE group, a young person came up to me and said that I had given her more legitimacy and sense of security and self-worth than she had gotten in her own family.

And I said to this child -- I want you to know, because this is the point I'm trying to make; I'm not bragging on me, here, I'm here to make this point about our country -- I said, you've got to be patient with them; they're afraid. You've got to stay with them; they're scared.

And it is amazing to me -- I have spent so much time as President, on the one hand trying to maximize your access to the wonders of the modern world -- you know, we're hooking up all the classrooms to the Internet; we got this E-rate, so that the poor schools can reach across the digital divide, and all the kids can work computers in every classroom in America; we have passed the Telecommunications Act, and we've got over 300,000 new high-tech jobs just in a couple of years; and we're trying to invest in a new generation Internet; and we're about to break the human genome code, and when we do that, when mothers bring their children home from the hospital after giving birth, they'll have little genetic maps that may -- some people believe literally may help to raise life expectancy for children born early in the next century to as much as 100 years.

And, you know, it's all so exciting. But it is profoundly sobering to consider that at the time of greatest technological change in all of human history, we are most bedeviled at home and around the world by the most primitive of human failings -- the fear of the other. (Applause.)

Think about what I have done as your President, how much time I've spent trying to help the nation heal up from all these school shootings, or what happened in Oklahoma City, and the hate crimes I mentioned. And then think about the parallels we have -- they're all individual instances; I recognize that. But think about the parallels in terms of the failings of the human heart and mind with the ongoing problems in the Middle East, in the Balkans, in Bosnia and Kosovo, in Northern Ireland, in the tribal slaughters of Rwanda and other places in Africa -- where people really can't believe they matter unless they have somebody to look down on that they can dehumanize and justify killing. So that's how their life counts -- when we ought to be trying to tell people that they should be excited by the differences between people, secure in the knowledge that our common humanity is more important than all the differences that we have. (Applause.)

And somehow we have to do this. And words alone won't do it. And laws are important, but laws alone won't do it, either. And we've got to go out and confront our neighbors, including our own families. We've got to ask people to listen as well as to talk. And we have to help people to get beyond their fears.

You know, when I go and give speeches to political groups, I tell them that I want America to continue to change, that I myself would not

vote for anyone who ran for President saying, vote for me, I'll do just what Bill Clinton did, he did a good job -- because things are changing. And I talk about meeting the challenge of the aging of America and reforming Social Security and Medicare, and meeting the challenge of the children of America, the largest and most diverse group ever, and giving them all a world-class education, and meeting the challenge of a 21st century economy by putting a human face on globalization and trade by investing in the markets of America that had been left behind in the poor areas. By giving everybody access to the Internet so we can fully bridge the divide, and by paying the country's debt off.

I talk about these things. I talk about meeting the challenge of global warming. And it's mostly modern stuff looking to the future, and it's all profoundly important. But if you look at the journey of a country to find its true spirit, the most important thing is that we try to be one America that is a force for the common humanity of the world.

It was, I think, a very human feeling that led the Congress finally to work with us to dramatically increase funding for all elements of the AIDS fight, so that now we have continued reductions in AIDS-related deaths and a commitment to genuinely find a cure and a vaccine. I think it was a human thing. We've still got a long way to go. You know we do.

And we pick our targets when we, as a country, when we're defensive. I was outraged this week when the first African American ever to serve on the State Supreme Court of Missouri was voted down after having been handily voted out of the judicial committee of the Senate with the Republicans voting for him; they voted him down on the floor of the Senate by misrepresenting his record on capital punishment so that the Republican senator from the home state would have an issue to run against the Governor on relating to commuting the sentences to life without parole for those who murdered other people.

So who cares about the symbolism of the first African American judge ever on the Missouri Supreme Court. You know, not many people, African Americans, are going to vote for this guy anyway. Throw him to the wolves. Destroy his career. Distort his record. Who cares? I need a political issue. And we all have to be afraid of that, of objectifying others for short-term gain.

On the other hand, look at the number of people who are in the government, in all forms of our economic and social life. There's a reason the President is here, besides my heart. It is the right thing to do, and you have been heard. You have been heard. You have been heard. (Applause.)

There is a reason -- there is a reason the Senator is here. There is a reason Al Gore came here last year, apart from his passionate conviction about the moral propriety of being here, and the right thing to do. We now know that because you are willing to work and speak and stand, we can move the body politic in the right direction.

People are fundamentally good, but they're paralyzed when they're scared. And in spite of all these issues that I go around advocating, that I passionately believe in, if I were told that I was going to have to leave this old world in 72 hours and I could just do one thing for America -- and that was it, and I just had to pick one thing, I would try to leave one America. Because if we were together; if we were willing to have all of our differences be differences of opinion, and not to be afraid of one another, and never to dehumanize one another, we would be not only a better country here, our influence for good abroad would be exponentially greater even than it is today. And we would have a chance -- (applause) -- we would have a chance to give our children

the millennium that they deserve.

So I say again, the most important thing I want to say to you is thank you. I'm proud of what we've done together. I wish we could have done better. I hope we can do more.

But never forget, you deserve most of the credit. And you will get more as you fight harder, but also as you are human to people who do not see you. (Applause.) You must -- you've got to believe in this great country, that this is fundamentally a good country; that Alexis de Tocqueville was right when he said America is great because America is good.

But you know, we've done a lot of things that were pretty lousy, starting with slavery, as Thomas Jefferson said. So we all are always in the process of learning to be better; of learning how our attitudes and our actions are in conflict with what we believe. Life is a constant struggle, therefore, for true integrity, for integrating your mind and your body and your spirit. And so is the life of a nation.

I am indebted to you because I happened to be President, and to seek this job, at a time when you were raising these issues, and you gave me a chance to make a contribution. You made me a better President; you made me a better person.

Don't give up, and don't you ever turn dark. Don't do it. We can still make the America of our dreams.

Thank you, and God bless you. (Applause.)

END 10:53 P.M. EDT

the Advocate

The national gay & lesbian newsmagazine

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January 18, 2000

Dag Vega

Presidential Press Office

Via Fax: 202/ 456-5698, cc: Julian Potter Via Fax: 202/ 456-6218

Franklin

323-860-6080

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Dear Dag Vega,

First of all, thank you very much for considering our request to interview the president for *The Advocate's* Millennium March Commemorative Issue.

The Advocate is the official print sponsor for the April 30 March on Washington. This is the fourth historic gathering in D.C. of one million gays and lesbians, along with their family, friends, and supporters. To mark this important event, we will be distributing more than 300,000 copies of this special issue before and during this groundbreaking occasion. Because *The Advocate* is the magazine of record (34 years old) for this community, we are honored to be the only magazine distributed at the march. Additionally, the official program of events will be stitched into this special issue, so in order for people to know what to do while they're in D.C., they have to pick up this issue. We will also send 88,000 copies to our subscribers.

As I mentioned to Julian Potter last week, when the magazine ran a survey of its readers recently, trying to determine the most important event impacting the gay & lesbian community over the past decade, the results were very clear and impressive: **The election of Bill Clinton, The death of Matthew Shepard, The coming out of Ellen DeGeneres.**

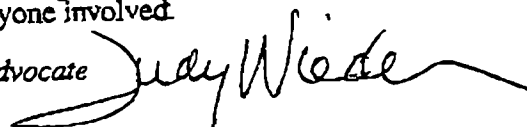
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I honestly believe this interview will be the perfect way for the president to address this community for this great occasion. I also think it will do a lot of good for everyone involved.

Thank you so much, Judy Wieder, Editor in Chief: *The Advocate*



the Advocate

The national gay & lesbian newsmagazine

Judy Wieder Editor in Chief

The Advocate, Advocate Books, www.advocate.com

Sr. Vice President, Corporate Editorial Director, Liberation Publications

| (323) 860-6022 | FAX (323) 467-6805 | jwieder@advocate.com

/80

Franklin

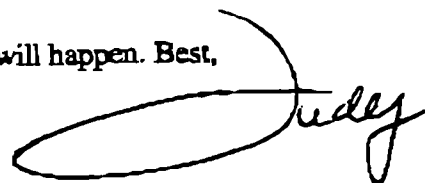
To: Dag Vega
 Presidential Press Office
 Via Fax: (202) 456-5698

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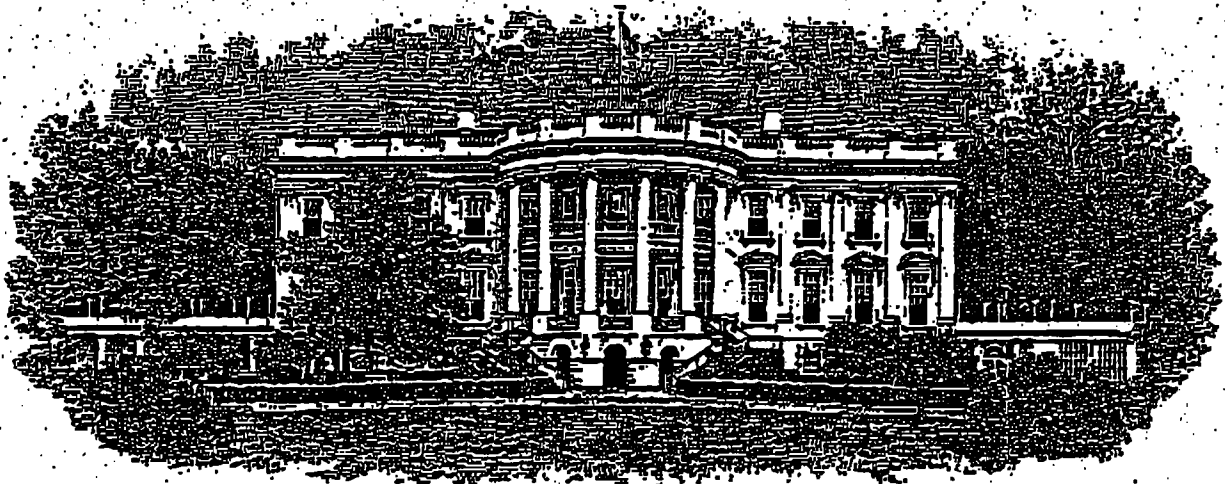
1. Looking back over the past eight years, what are the most important changes you've seen, politically and culturally, for gays and lesbians?
2. Which of those changes cannot be eroded and which of them may not be lasting?
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4. What has been your single greatest disappointment in dealing with gay issues? Why is it a disappointment?
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Thank you. Please call me soon to let me know if/when this will happen. Best,

Judy Wieder, Editor in Chief, *The Advocate*



THE WHITE HOUSE



PRESS OFFICE

FAX: (202) 456-6201

PHONE: (202) 456-7150

TO:

Dave Stockwell

FROM:

Dori

DATE:

RECEIVER FAX:

69270

RECEIVER PHONE:

NUMBER OF PAGES (INCLUDING COVER SHEET):

1 5

COMMENTS:

the Advocate

The national gay & lesbian newsmagazine

69270

Judy Wieder Editor in Chief

The Advocate, Advocate Books, www.advocate.com

Sr. Vice President, Corporate Editorial Director, Liberation Publications

| (323) 860-6022 | FAX (323) 467-6806 | jwieder@advocate.com

January 18, 2000

Franklin

323-860-6080

Dag Vega

Presidential Press Office

Via Fax: 202/ 456-5698, cc: Julian Potter Via Fax: 202/ 456-6218

910

97

Dear Dag Vega,

First of all, thank you very much for considering our request to interview the president for *The Advocate's* Millennium March Commemorative Issue.

The Advocate is the official print sponsor for the April 30 March on Washington. This is the fourth historic gathering in D.C. of one million gays and lesbians, along with their family, friends, and supporters. To mark this important event, we will be distributing more than 300,000 copies of this special issue before and during this groundbreaking occasion. Because *The Advocate* is the magazine of record (34 years old) for this community, we are honored to be the only magazine distributed at the march. Additionally, the official program of events will be stitched into this special issue, so in order for people to know what to do while they're in D.C., they have to pick up this issue. We will also send 88,000 copies to our subscribers.

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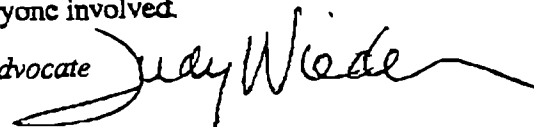
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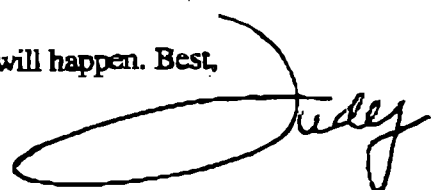
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the Advocate



THE WHITE HOUSE
WASHINGTON

August 11, 1997

Congratulations to the staff and supporters of The Advocate as you celebrate your 30th anniversary.

By striving for fair, accurate, and inclusive representation of lesbian and gay people in the media, The Advocate has helped to advance unity and understanding. Throughout America's history, we have overcome tremendous challenges by drawing strength from our great diversity. The talents, knowledge, and contributions of people from so many different backgrounds have enriched our national life and enabled us to fulfill our common hopes and dreams. As the 21st century approaches, America's continued success will depend on our ability to appreciate and understand one another.

For 30 years, The Advocate has played a vital role in this endeavor. I salute you for helping to replace fear with knowledge and for keeping your readers interested, informed, and involved.

Best wishes for a memorable anniversary and for every future success.

Bill Clinton

the Advocate

The national gay & lesbian newsmagazine. Since 1967.

Franklin Aquilina
Editorial Assistant

FAX TRANSMITTAL

To: Mr. Dag Vega
The White House
202-456-5698

From: Franklin Aquilina
The Advocate Editorial Dept.
Total Number of Pages:7

DEC-14-1999 10:16

ASD Public Affairs

P.02

Memorandum

DATE: December 14, 1999
TO: Sandy Berger
FROM: Ken Bacon
RE: Don't Ask, Don't Tell
CC: David Leavy

Secretary Cohen asked me to send you the following information on the Defense Department's implementation of the Don't Ask, Don't Tell policy that Congress passed in 1993.

- In 1997 Secretary Cohen ordered the first comprehensive review of how the policy was being administered.
- Released in April 1998, the review found that for the most part the policy was being properly applied and enforced.
- However, the report recommended several steps to improve the clarity and consistency of policy implementation. The review also recommended that a 1997 memo protecting service members who report threats against gays in the military be revised and re-issued. The first of these steps were taken in August of 1999.
- In January 1999 DoD announced that 1,145 people had left the military in Fiscal Year 1998 under the Don't Ask, Don't tell policy, up from 997 in FY 1997. Analysis revealed that 87% of the separations resulted from statements by service members about their sexual orientation.
 - About 400 of the separations came during Air Force basic training at Lackland AFB. Under Secretary de Leon studied the cases and worked with the Air Force to change procedures, leading to a sharp decline in discharges under the policy this year.
- PFC Winchell was murdered at Fort Campbell, KY on July 5, 1999, and the Army began a criminal proceeding.
 - In the wake of charges by the Servicemembers Legal Defense Network that the murder was an anti-gay hate crime, the command at Fort Campbell said it would review compliance with the policy and other regulations at the conclusion of the legal proceedings.

DEC-14-1999 10:16

ASD Public Affairs

P.03

- In August 1999, the Department took several actions:
 - Secretary Cohen issued a statement that said: "The Department is determined to implement the homosexual conduct policy with fairness to all concerned. I've made it clear there is no room for harassment or threats in the military. I've instructed the military services to make sure that the policy is clearly understood and fairly enforced."
 - Under Secretary de Leon issued a stronger version of 1997 guidelines for investigating anti-gay threats against or harassment of service members.
 - It said that "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."
 - In addition, the guidelines required that training programs make clear that harassment of gays is wrong and violates regulations.
 - At the same time Under Secretary de Leon issued new guidance to commanders and legal officers designed to prevent inappropriate or improper investigations into alleged homosexual conduct
- On Dec. 13, 1999 Secretary Cohen directed the Department's Inspector General to conduct assessments of military installations in each service to gauge compliance with the policy, whether or not gays are harassed and the command's response to any instances of harassment.
- On Dec. 14 or 15, the Department plans to approve new training plans by each service to stress that DoD policy prohibits harassment of gay and lesbian service members.

the Advocate



THE WHITE HOUSE
WASHINGTON

August 11, 1997

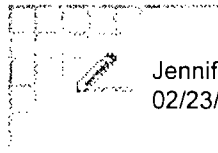
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Best wishes for a memorable anniversary and for every future success.

Bill Clinton



Jennifer M. Palmieri
02/23/2000 06:27:04 PM

Record Type: Record

To: David C. Leavy/NSC/EOP@EOP, Michael A. Hammer/NSC/EOP@EOP

cc:

Subject: Advocate Interview

POTUS is likely to do an interview with the Advocate on March 2 -- Dont Ask, Dont Tell will definitely come up. FYI.

Dori

Salcido

-WH 65771

Press

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PHOTOCOPY
PRESERVATIONMilitary cooperating with activists
in scrutiny of 'don't ask, don't tell'By Rowan Scarborough
THE WASHINGTON TIMES

The U.S. military has become the target of an international human rights group, which is investigating how the military enforces its ban on open homosexuality in the ranks.

The military has opened two bases to an investigator from Human Rights Watch, the largest U.S.-based human rights group. It annually issues scathing reports on abuses worldwide, including in the United States.

The organization is already on record as a critic of the Pentagon's prohibition on open homosexuality, known as "don't ask, don't tell." In its most recent annual report, the group states that same-sex troops cannot hug or hold hands.

Human Rights Watch World Report 2000 also links the policy to "incidents of anti-gay hate crimes against service members, on and off bases." The report does not document such abuses.

The investigator, Allyson Collins, has visited the sprawling Navy base in Norfolk, Va., and Fort Jackson, S.C., one of the Army's two mixed-sex recruit-training bases. She has asked the Air Force to let her enter one of its air bases and has interviewed Pentagon officials and service members.

"We were just doing what we were asked to do," said Fort Jackson spokesman Karen Soule. Ms. Collins observed "how we train soldiers in basic on 'don't ask, don't tell,'" she said.

Mrs. Soule said Ms. Collins attended a class on military justice, which included a talk on "don't ask, don't tell." She also attended a class for recruits on core values and treating colleagues with dignity and respect.

An Army spokesman at the Pentagon said allowing Human Rights Watch to enter the base was not a difficult decision. "The hardest thing we had to do was find a time to get them there," he said.

Ms. Collins described her investigation this way: "It's looking at

"I am satisfied that the policy generally is being implemented effectively."

—William S. Cohen

this policy. It's looking at allegations of harassment and the reported difficulty service members have in raising questions about harassment due to the fact they fear they may be investigated if they discuss the content of the harassment."

In its annual report, the New York-based Human Rights Watch singles out "don't ask, don't tell" as a human rights abuse. The report also cites the death penalty and cases of police brutality as other U.S. abuses.

The report states: "In addition to the direct effects of the policy, incidents of anti-gay hate crimes against service members, on and off bases, went unreported because the victims feared their sexual orientation would be disclosed in the course of any investigation — information that would end their careers. The policy also undermined efforts at curtailing sexual harassment."

The report also criticizes U.S. legislators and religious leaders who condemn homosexuality or the political agenda of homosexual activists.

Human Rights Watch operates a \$14 million annual budget, employs about 300 people worldwide and accepts only private donations.

"We definitely support any gay rights that have to do with civil rights," a spokesman said.

It is currently backing a global move to create an international criminal court. The Clinton administration opposes membership because military personnel could face charges and trial outside American jurisdiction.

The organization's large board

of directors includes:

- Gary Sick, a former national security official in the Carter administration who spawned the never-proved theory that Ronald Reagan's aides conspired with Iran to delay the release of U.S. hostages in 1980;

- Orville Schell, dean of the journalism school at the University of California at Berkeley;

- Peter Osnos, a former Washington Post reporter who now heads a new publishing house, PublicAffairs.

Human Rights Watch's ongoing investigation is the latest in a series of probes targeting the Pentagon's homosexual ban.

As the election season heated up, a number of Democrats, including President Clinton, first lady Hillary Rodham Clinton and Vice President Al Gore lambasted the exclusion policy. Mrs. Clinton and Mr. Gore, who are courting the homosexual vote in their runs for a New York Senate seat and president, respectively, have vowed to scrap the regulation and open the ranks to homosexuals.

Mr. Clinton called the policy "way out of whack" but said he is powerless to end the ban without Congress' consent.

But Defense Secretary William S. Cohen and Gen. Henry H. Shelton, chairman of the Joint Chiefs of Staff, generally back enforcement.

"I am satisfied that the policy generally is being implemented effectively," the defense secretary said recently.

Much of the criticism of "don't ask, don't tell" stems from the fact discharges have more than doubled since the policy took effect in 1994.

Mr. Cohen has ordered each military branch to administer sensitivity training to troops to ensure they know the policy's limitations. "Don't ask, don't tell" allows homosexuals to serve as long as they keep their conduct private. Commanders may not inquire about a person's sexual orientation in the absence of evidence of homosexuality.

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07/21/2000 10:06:07 AM

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To: David B. Stockwell/NSC/EOP

cc:

Subject: WAVES Appt. U19586 Confirmation for STOCKWELL, DAVID

ADDRESSEES: DAVID_B_STOCKWELL@NSC.EOP.GOV
SUBJECT: WAVES Appt. U19586 Confirmation for STOCKWELL, DAVID
FROM: WAVES OPERATIONS CENTER - ACO: KELSEY
Date: 07-21-2000
Time: 09:03:32

This message serves as confirmation of an appointment for the visitors listed below.

Appointment With: STOCKWELL, DAVID
Appointment Date: 7/21/00
Appointment Time: 7:15:00 PM
Appointment Room: WW
Appointment Building: WH
Appointment Requested by: STOCKWELL DAVID
Phone Number of Requestor: 69301

WAVES APPOINTMENT NUMBER: U19586

If you have any questions regarding this appointment please call the WAVES Center at 456-6742 and have the appointment number listed above available to the Access Control Officer answering your call.

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SIMPKINS, KATERINA
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The Army IG ^{report} found the climate at Fort Campbell acceptable in the wake of the Winchell murder. Winchell's family and others have voiced outrage ~~and~~ ~~claim~~ at the findings and characterize the report as a cover up, particularly since no officer in the chain of command was held accountable. What is the Administration opinion of the Army findings?

Harass unaccept

2900 Randy #2 5439
757

How do you feel about the Army IG findings of Fort Campbell acceptable in the wake of the Winchell killing?



● Michele Ballantyne

07/22/2000 03:18:02 PM

Record Type: Record

To: David B. Stockwell/NSC/EOP@EOP

cc: Mara E. Rudman/NSC/EOP@EOP

Subject: Re: Guidance 

Podesta's home fax: 7-3116 (not secure). I also left the number with the SitRm. Page me if you need me or call me at home 301-907-8054. Pls page me when you're sending it, so I can tell him to check his fax machine (I also gave this message to the SitRm).

Thanks so much for your help on this -- it's much appreciated.



FOR IMMEDIATE

RELEASE RELEASE #00-61

July 21, 2000

ARMY RELEASES REPORT ON ALLEGATIONS OF VIOLATIONS OF THE DEPARTMENT OF DEFENSE HOMOSEXUAL CONDUCT POLICY

AT FORT CAMPBELL, KY

The Army today released a report by its Inspector General containing findings and recommendations resulting from his investigation of allegations of violations of the Department of Defense (DoD) Homosexual Conduct Policy and the command climate at Fort Campbell, Ky.

In approving the report and the recommendations made by the IG, Secretary of the Army Louis Caldera stated, "The tragic murder of Pfc. Barry Winchell shocked the Army and prompted this review. This report gives us an opportunity to reassess our implementation of the Homosexual Conduct Policy, as well as our policies regarding harassment of any type. The report also challenges us to renew our efforts to ensure that every soldier is treated with dignity and respect."

Among other things, the IG Task Force found that:

- Most officers, non-commissioned officers and soldiers at Fort Campbell lacked an understanding and working knowledge of the Homosexual Conduct Policy prior to July 5, 1999.
- The command climate of Fort Campbell as a whole was positive with certain exceptions unrelated to implementation of the Homosexual Conduct Policy. The command climate in Pfc. Winchell's unit, however, was described as poor.
- There were some incidents where violations of policy occurred. However, as a general rule, the command responded appropriately to such issues. The policy itself is being evenly and fairly applied throughout units on Fort Campbell, although the general understanding of the policy needs improvement.

The exhaustive investigation was conducted over five months by the Army Inspector General's Fort Campbell Task Force and was based on assessments and interviews that occurred between January and June of this year.

Secretary Caldera, in directing the Chief of Staff to implement the Inspector General's recommendations, said, "Commanders must understand how the policy relates to their overall responsibility to create a positive command climate, free of harassment of any type, and must be accountable for creating and maintaining a positive working environment for all soldiers under their charge."

"Harassment of soldiers for any reason, to include perceived sexual orientation, will not be tolerated," said Army Chief of Staff Gen. Eric K. Shinseki. "We expect commanders at every level to take appropriate action to prevent harassment of or threats against any member of our Army."

The Chief of Staff holds all commanders responsible for the readiness of their units. The quality of trust in a unit directly impacts on readiness. With that in mind, the Chief of Staff has directed the following actions be taken:

- Commanders will ensure that all soldiers are treated with dignity and respect and that harassment of or threats to soldiers for any reason are not tolerated. Those who engage in, ignore, or condone harassment or threats will be held accountable.
- Commanders will review distribution plans for authorized grade fills for company and platoon leadership positions and establish priority of fill to these positions to assure sufficient leaders are available to build unit cohesion.
- Commanders will review policies related to the chain of command's responsibility for barracks life and alcohol consumption and take appropriate action to ensure compliance with applicable laws, regulations and policies.
- Commanders will review funding priorities for Well Being initiatives with the intent of identifying those areas that will improve good order and discipline within units.

In addition to the directives outlined above, the Chief of Staff also directs the following actions:

- The Commanding General, Training and Doctrine Command (TRADOC) and the Deputy Chief of Staff for Personnel (DCSPER) will review the current policies and training materials for compliance with DOD and Army directives and guidance, in particular the Homosexual Conduct Policy, for adequacy, clarity and appropriateness of training for different target audiences. Army training will be "audience appropriate," reflecting the varying ranks and levels of responsibility necessary to understand and implement the policies.
- The Commanding General, TRADOC will incorporate training during Initial Entry Training and all leader development courses of instruction. Training must equip our soldiers and leaders with the necessary tools to fulfill their responsibilities. More specifically, training will:
 - distinguish between inquiries and investigation;
 - provide greater clarity on what is credible information;
 - provide leaders with the spectrum of responses available to address violations of DOD and Army policies; and
 - provide guidance on implementation of DOD Homosexual Conduct Policy and what to do when a soldier is suspected of claiming homosexuality solely for the purpose of attaining separation.
- The Department of the Army Inspector General (DAIG) will inspect units and validate the effectiveness of training and conduct periodic visits to assess whether the training meets the Army's needs and whether soldiers at all levels understand the policies well enough to be able to comply with them. Training effectiveness will be evaluated in three areas: knowledge,

behavior and climate.

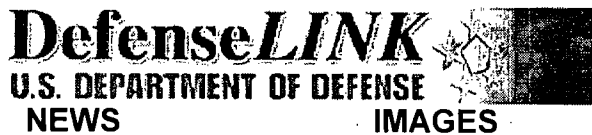
All reviews required by the Chief of Staff of the Army's directive will be conducted within 30 days. All actions directed or required at the conclusion of the reviews will be fully implemented within 90 days.

General Shinseki reiterated that commanders at every level are expected to take appropriate action to prevent harassment of or threats against any soldier. The Army will continue to implement the DoD Homosexual Conduct Policy with fairness to all.

- 30-

For more information, please contact Army Public Affairs media Relations Division (703) 697-7550. Internet availability: This document is available on ArmyLink, a World Wide Web Site on the Internet at <http://www.dtic.mil/armylink>



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**NEWS RELEASE**

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

**IMMEDIATE
RELEASE**July 21,
2000

No. 432-00
(703)695-0192(media)
(703)697-5737
(public/industry)

DEPARTMENT OF DEFENSE ISSUES ANTI-HARASSMENT GUIDELINES

Secretary of Defense William S. Cohen received and approved the Department of Defense working group's action plan to eliminate all forms of harassment today. As recommended in the plan, the Department adopted an "overarching principle" that emphasizes that harassment for any reason undermines good order and discipline and has no place in the armed forces.

In addition, the Department intends to adopt the rest of the 13-point "action plan" that focuses needed attention on the problems of mistreatment generally and harassment of alleged or perceived homosexuals in particular. The plan ensures that commanders are ultimately responsible for training personnel on the Department's anti-harassment policies and holding accountable harassers and those who tolerate harassment. It also clearly states that information regarding sexual orientation is never necessary for a harassment complaint to be taken seriously. In that regard, it encourages the Services to teach all personnel, especially supervisors, that persons who receive such complaints must not ask about sexual orientation and persons who report harassment ought not disclose such information. Everyone must also be trained to understand the consequences of violating these principles.

A Department-wide directive will be issued outlining the key tenets of the overarching principle. It will emphasize that mistreatment, harassment and inappropriate comments or gestures, including those based on sexual orientation, are not acceptable.

Training and its effectiveness also featured prominently in the working group's deliberations and recommendations. One new initiative is the action plan's requirement that the Services must review their training programs annually to ensure they contain all information required by law and policy. It also requires them to tailor their programs to their audiences. To measure training effectiveness and compliance with DoD policy, the Services will be required to ensure feedback or reporting mechanisms are in place to measure knowledge, behavior, and climate.

Under Secretary of the Air Force Carol DiBattiste chaired the working group which was established by Cohen on March 24, 2000, to examine the findings of a Department of Defense Inspector General report on harassment of military personnel who are alleged or perceived to be homosexual. The group was comprised of senior civilian and military officials from each Service who met regularly for four months to consider such issues as eliminating mistreatment, harassment, and inappropriate comments or gestures; training; reporting of harassment; enforcement of policies prohibiting harassment; and measurement of anti-harassment program effectiveness.

In the course of its review, the working group requested and reviewed public comment, information on individual Service anti-harassment efforts, and briefings on the DoD survey from the DoD Inspector General and principles of behavior from the Behavioral Science Faculty at the U.S. Military Academy. At Secretary Cohen's request, it also considered the Army Inspector General report of investigation into PVT Winchell's death. The working group's recommendations address problems regarding harassment identified in the Army report.

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PERSONNEL AND
READINESS

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

21 JUL 2000

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

SUBJECT: Approval and Implementation of the Action Plan Submitted in Response to
the DoD Inspector General's Report on the Military Environment With
Respect to the Homosexual Conduct Policy

On 24 March, Secretary Cohen established a working group, composed of senior military and civilian representatives from each of the Services, to review the DoD Inspector General's "Report on the Military Environment With Respect to the Homosexual Conduct Policy." The working group was also tasked to propose a draft action plan outlining the measures necessary to address the findings of the report.

Secretary Cohen received and approved the working group's proposed action plan and has directed that it be forwarded to the Services for implementation. As you execute this plan, please ensure that all personnel understand the importance of these measures. They are critical to eliminating all forms of harassment and are essential to maintain the good order and discipline necessary of our forces. My office will oversee those tasks required of the Office of the Secretary of Defense.

I appreciate your leadership and assistance in implementing the attached action plan.

Attachment:
As stated



Anti-Harassment Action Plan

General Recommendations:

1. The Department of Defense should adopt an overarching principle regarding harassment, including that based on sexual orientation:

"Treatment of all individuals with dignity and respect is essential to good order and discipline. Mistreatment, harassment, and inappropriate comments or gestures undermine this principle and have no place in our armed forces. Commanders and leaders must develop and maintain a climate that fosters unit cohesion, esprit de corps, and mutual respect for all members of the command or organization."

2. The Department of Defense should issue a single Department-wide directive on harassment.

- It should make clear that mistreatment, harassment, and inappropriate comments or gestures, including that based on sexual orientation, are not acceptable.
- Further, the directive should make clear that commanders and leaders will be held accountable for failure to enforce this directive.

Recommendations Regarding Training:

3. The Services shall ensure feedback or reporting mechanisms are in place to measure homosexual conduct policy training and anti-harassment training effectiveness in the following three areas: knowledge, behavior, and climate.

4. The Services shall review all homosexual conduct policy training and anti-harassment training programs to ensure they address the elements and intent of the DoD overarching principle and implementing directive.

5. The Services shall review homosexual conduct policy training and anti-harassment training programs annually to ensure they contain all information required by law and policy, including the DoD overarching principle and implementing directive, and are tailored to the grade and responsibility levels of their audiences.

Recommendations Regarding Reporting:

6. The Services shall review all avenues for reporting mistreatment, harassment, and inappropriate comments or gestures to ensure they facilitate effective leadership response.

- Reporting at the lowest level possible within the chain of command shall be encouraged.
- Personnel shall be informed of other confidential and non-confidential avenues to report mistreatment, harassment, and inappropriate comments or gestures.

7. The Services shall ensure homosexual conduct policy training and anti-harassment training programs address all avenues to report mistreatment, harassment, and inappropriate comments or gestures and ensure persons receiving reports of mistreatment, harassment, and inappropriate comments or gestures know how to handle these reports.

8. The Services shall ensure that directives, guidance, and training clearly explain the application of the "don't ask, don't tell," policy in the context of receiving and reporting complaints of mistreatment, harassment, and inappropriate comments or gestures, including:

- Complaints will be taken seriously, regardless of actual or perceived sexual orientation;
- Those receiving complaints must not ask about sexual orientation -- questions about sexual orientation are not needed to handle complaints; violators will be held accountable; and
- Those reporting harassment ought not tell about or disclose sexual orientation -- information regarding sexual orientation is not needed for complaints to be taken seriously.

Recommendations Regarding Enforcement:

9. The Services shall ensure that commanders and leaders take appropriate action against anyone who engages in mistreatment, harassment, and inappropriate comments or gestures.

10. The Services shall ensure that commanders and leaders take appropriate action against anyone who condones or ignores mistreatment, harassment, and inappropriate comments or gestures.

11. The Services shall examine homosexual conduct policy training and anti-harassment training programs to ensure they provide tailored training on enforcement mechanisms.

Recommendations Regarding Measurement:

12. The Services shall ensure inspection programs assess adherence to the DoD overarching principle and implementing directive through measurement of knowledge, behavior, and climate.

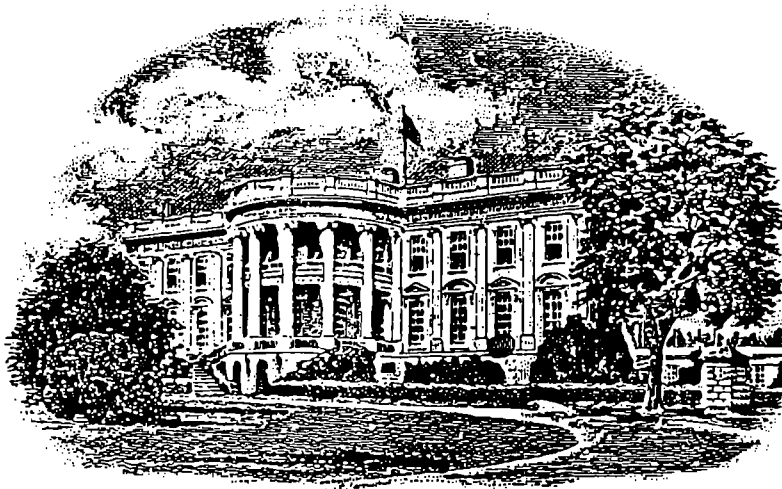
13. The Services shall determine the extent to which homosexual conduct policy training and anti-harassment training programs, and the implementation of this action plan, are effective in addressing mistreatment, harassment, and inappropriate comments or gestures.

July 21, 2000

*** ACTIVITY REPORT ***

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WHITE HOUSE/NSC PRESS OFFICE

TO: John Podesta

FAX: _____

TELEPHONE: _____

FROM: Dave Stockwell

FAX: (202) 456-9270

TELEPHONE: (202) 456-9271

DATE: _____

TIME: _____

NUMBER OF PAGES TO FOLLOW: 7

COMMENTS: _____

Fort + Campbell

CHIEF OF STAFF Q&A
Follow-up Information
July 22, 2000

Background on Fort Campbell Incident

David Stockwell, NSC, prepared these notes from a lengthy discussion with U.S. Army Lt. Gen. Mike Ackerman, the Army Inspector General. This has been cleared by NSC's Defense and Legal Directorates, and OSD Public Affairs (Adm. Quigley for Ken Bacon). If you need to speak directly to Ackerman, page Stockwell through the WH switch.

Context: Prior to Friday's release of the Army IG findings at Fort Campbell and the OSD senior working group's anti-harassment recommendations to the Secretary of Defense, Lt. Gen. Ackerman had provided copies of both reports to Pat Kutteles, Private Barry Winchell's mother. Ackerman will travel to Kansas City to see Kutteles on Wednesday, July 26, to discuss the reports with her in depth.

Ackerman provided a synopsis of the sequence of events that led to Winchell's murder:

- News reports have centered on "constant, rampant" harassment of Winchell by the unit. In fact, the harassment was conducted by a small group of soldiers within the unit, including Winchell's roommate, Justin Fisher (later convicted and sentenced in connection with Winchell's murder). Fisher reportedly had repeatedly teased Winchell and called him derogatory, anti-homosexual names. Curiously, it was Fisher who had taken Winchell to gay bars and introduced Winchell to a transvestite. Shortly before his death, Winchell had gotten into a fistfight with Private Calvin Glover, a member of Winchell's unit, and Winchell had won. Fisher allegedly teased Glover that he had lost a fight to a homosexual and urged Glover to seek revenge, an act which resulted in Winchell's death. Glover was convicted of pre-meditated murder and received a life sentence. Fisher initially was charged with pre-meditated murder, but cooperated with authorities. Fisher had a pre-trial agreement; he was convicted of obstruction of justice, making false statements and providing alcohol to a minor. Fisher was sentenced to 12-1/2 years. Information on potential clemency/parole follows.

According to Ackerman, Kutteles has expressed other concerns besides characterizing the IG report as a cover-up:

- Kutteles recently received Winchell's personal belongings. She said they appeared to have been thrown haphazardly into a box. In fact, a portion of one of Winchell's medals was protruding through the box when the package arrived. Ackerman looked into the matter and learned that Fort Campbell's practice is to have a commercial packer assemble a deceased soldier's belongings, not the chain of command. Unknown whether the chain of command supervised the packing, but I conclude that there should have been more attention given to the process.
- Kutteles noted some of her son's personal items were missing from the belongings she received. Ackerman looked into the matter, and assured her that the personal items that Fort Campbell retained were still being held for evidence purposes and would be sent to her when appropriate. I do not know the specific nature of these items or how they are connected as evidence.
- At one point, Kutteles and her lawyers believed that Winchell's roommate, Fisher, had been arrested in conjunction with the murder investigation but then was "released for two weeks" because of the insistence of "Fisher's congressman." This is not true. Fisher was questioned in the initial stages of the investigation, but was not a suspect then. Some 10 days into the investigation he was arrested. Although this has been explained to Kutelles, she may bring the subject up.
- Kutteles told Ackerman she has filed suit against the Army because she felt that Maj. Gen. Clark [Winchell's commanding general who recently was replaced on a normal change-of-command rotation] did nothing to enforce anti-harassment/homosexual policies in the wake of her son's death. [Note that when Clark recently left command, he was reassigned to the deputy J-3 position at the Joint Chiefs of Staff in the Pentagon even though he wasn't promoted, a move that SLDN and others have criticized.] When Ackerman visits Kutteles next week, he will present her the following evidence: 1) a Clark policy letter dated October 14, 1999, that reminds soldiers in the command of the procedures for obtaining discharge under Chapter 15 (which includes self-declaration of homosexuality) and which also addresses health and safety issues and reiterates Don't Ask/Don't Tell; 2) a Clark policy letter dated November 30, 1999, that reminds all soldiers in the command for the need to respect one another's dignity and reiterates Don't Ask/Don't Tell; and 3) that Clark had ensured all soldiers in his command had undergone **updated** Don't Ask/Don't Tell training **prior to** the Army's release of the updated training to the rest of the force on January 10, 2000.

Wasn't the Army IG report just a whitewash that let leaders in Winchell's unit and on Fort Campbell off the hook? When will Army leadership be held accountable?

- The death of a soldier -- regardless of circumstances -- is a terrible, tragic loss.
- This was a senseless, brutal crime.
- The two soldiers responsible have been convicted and are serving lengthy prison sentences.
- While the IG found the overall command climate at Fort Campbell to be positive and healthy, the climate in Winchell's unit was found to be poor. There were various factors for this poor climate: personnel shortages [Winchell's company was allotted five lieutenants, but only had two -- Winchell's platoon had been without a lieutenant for many months, and the platoon's top sergeant position was held by a sergeant of lesser rank and experience], underage drinking in the barracks, and the presence of an abusive non-commissioned officer in a leadership position in that unit.
- The IG report did **not** conclude that there were **no** instances of harassment, anti-homosexual or otherwise. There were, but they were not the norm. Those cases of harassment that were substantiated are being returned to Fort Campbell for appropriate review and action.
- Specific to the survey throughout Fort Campbell, 47 percent of those surveyed claimed to have observed some sort of "personal harassment" (of which anti-homosexuality is a part), but added that when the matter was brought to the chain of command's attention, the issue was promptly and properly resolved.
- Specific to Winchell's unit, the Army IG interviewed more than half of the assigned soldiers. The interviews revealed that a small group was responsible for anti-homosexual rhetoric. The majority of the unit considered Winchell a superb soldier who was the best marksman in the unit and who was being coached to appear before a Soldier-of-the-Month board.
- The company commander was found to have acted responsibly. Where appropriate, he held individuals accountable. [The abusive NCO was his acting first sergeant -- we don't want to say that -- whom the company commander had

learned had exhibited poor leadership through practices such as berating other sergeants in front of the troops, in addition to calling soldiers under his charge derogatory anti-homosexual names. In fact, some members of the unit [which I believe Winchell was a part] had filed an IG complaint against the acting first sergeant in May 1999 for poor leadership as described above, **not** for anti-homosexual comments.]

- The leadership at Fort Campbell removed the abusive NCO from his leadership position and reassigned him to a non-leadership position. Whether any further disciplinary action may be taken against this individual in the future is a matter for the leadership of Fort Campbell to decide. [I do not know whether the abusive NCO already has received administrative or non-judicial punishment for this or other alleged offenses.]
- The IG report is being provided to the commanding general of Fort Campbell where evidence of some follow-up reviews are required.
- There was no cover-up. The Army has taken full responsibility for what happened to Private Winchell, punished those responsible, took a sensing of the command climate, is reviewing problems associated with that sensing, and continues to accelerate anti-harassment training.

[If asked]

The U.S. Air Force has a program to counsel airmen who declare their homosexuality to determine whether the individual merely wants an administrative discharge for factors other than homosexuality and for which corrective action may result in the retention of the individual. Why doesn't the Army do this?

- I understand the Air Force example has proven to be positive and that the Army is studying the concept. Don't have any more details.

*

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The following three pages is the Army's lined-in response provided to Senator Olympia Snowe on the topic of potential clemency/parole.

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1777 NORTH KENT STREET
ROSSLYN, VIRGINIA 22209-2194

February 16, 2000



REPLY TO
ATTENTION OF:

Criminal Law Division

Senator Olympia J. Snowe
U.S. Senate
250 Russell Senate Office Building
Washington D.C., 20510-1903

Dear Senator Snowe:

Thank you for your recent letter to Assistant Secretary of Defense Stuart concerning the sentences and potential parole of two soldiers at Fort Campbell, Kentucky who were involved in the death of Private First Class Barry Winchell. Your letter was referred to the Office of the Judge Advocate General, Criminal Law Division because this office has special expertise in military criminal law and the Uniform Code of Military Justice. Initially, allow me to provide the results in the two court-martial cases referred to by your constituent. <ocjae; DeAngelos.

Private First Class Winchell died as a result of injuries received on July 5, 1999. Two soldiers from Private First Class Winchell's unit were charged in connection with his death. Private Calvin Glover was charged on July 8 and Specialist Justin R. Fisher was charged on July 18 with the premeditated murder of Private First Class Winchell. On December 9, 1999, Private Glover was found guilty contrary to his pleas by a court-martial composed of at least one third enlisted members of premeditated murder, in violation of Article 118, Uniform Code of Military Justice, 10 U.S. Code Section 918, and sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for life, and to a dishonorable discharge. On January 8, 2000, Specialist Justin Fisher was found guilty consistent with his

pleas of two specifications of obstruction of justice, three specifications of making a false statement, and one specification of providing alcohol to a minor, in violation of Article 134, Uniform Code of Military Justice, 10 U.S. Code Section 934. Specialist Fisher was sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for fifteen years, and to a dishonorable discharge. A pretrial agreement limits the confinement that may be approved in Specialist Fisher's case to 12 1/2 years.

The Rules for Courts-Martial are part of the Manual for Courts-Martial, which is a Presidential Executive Order implementation of the UCMJ. Rules for Courts-Martial 306 and 401, ~~which are Executive Orders by the President,~~ require consideration of many aspects of cases before the commander's disciplinary decision is made. One key component in the decision whether to accept a pretrial agreement is the cooperation of the accused in the apprehension and conviction of others. Specialist Fisher's cooperation and assistance was crucial in the prosecution of Private Glover, the soldier who struck Private First Class Winchell with the baseball bat.

Your constituent expresses concern that Private Glover may be released from confinement after serving 10 years of his sentence. Prisoners with an approved sentence of confinement for life will be automatically first considered for clemency after serving five years of their confinement and for parole after serving 10 years of their confinement and annually thereafter for offenses occurring before December 17, 1999. Although a prisoner becomes first eligible for clemency and parole consideration at these times, merely becoming eligible does not mean that either clemency or parole will be granted. Another provision of military law, Uniform Code of Military Justice Article 74, 10 U.S. Code Section 874, provides that the Secretaries of the Military Departments may, "remit or suspend any part or amount of the unexecuted part of any sentence," without regard to the amount of confinement approved or served.

On December 17, 1999, Department of Defense Instruction 1325.7 prospectively changed the point of automatic consideration for clemency and parole. Prisoners with an approved sentence of confinement for life will be automatically first considered for clemency after serving ten years of confinement and for parole after serving twenty years of confinement and annually thereafter. Again, the fact that a prisoner becomes first eligible for clemency and parole at these times does not mean that either would then be granted.

Early release from confinement for parole or clemency is discretionary. In the last four years no soldier with an approved life sentence has been released from confinement based upon the application of clemency or parole to their sentences.

Our ~~unique~~ military justice system has served the military and our nation well. One of the central features of this system is the discretion vested in the Secretaries of the Military Departments to modify court-martial sentences through the clemency and parole systems. This discretion allows the Secretaries of the Military Departments to modify sentences, when appropriate, to better serve the needs of the military and further the legitimate

purposes for which the prisoner was incarcerated ~~sentencing offenders. Placing unnecessary limitations on their authority would dilute~~ Maintaining Secretarial discretion furthers the vitality and flexibility of the military justice system.

It would be inappropriate to comment further about these specific cases because at some point in the military justice process this office may be called upon to review the findings, sentence or other issues in the cases. Allow me to reassure you that these cases will be handled properly and professionally by the military justice system and that the rights of the accused, the Army, and the family of the victim will be carefully protected.

I trust that this responds to your question.

Sincerely,

Mark W. Harvey
Colonel, Judge Advocate
Criminal Law Division



"Harvey, Mark W COL OTJAG" <Mark.Harvey@hqda.army.mil>
07/22/2000 07:16:02 PM

Record Type: Record

To: David B. Stockwell/NSC/EOP

cc:

Subject: Glover & Fisher

The two attached letters provide the information you seek. It has been sent to Congress and numerous others over the last 6 months. I have also included it below. (Another common question is why was Fisher first charged with premeditated murder and then given a pretrial agreement dealing away the murder charge. Glover was the one who actually committed the murder. Fisher encouraged Glover to attack Winchell, and then obstructed the investigation. Fisher's testimony was needed to obtain a conviction of Glover. Anyway the standard answer to the question appears below.

My home phone number is 703-588-6745, if there are any questions.

<<PFC Winchell-pretrial agreement.doc>> <<Snowe Reply on Ft Campbell Cases_1.doc>>

Private First Class Winchell died as a result of injuries received on July 5, 1999. Two soldiers from Private First Class Winchell's unit were charged in connection with his death. Private Calvin Glover was charged on July 8 and Specialist Justin R. Fisher was charged on July 18 with the premeditated murder of Private First Class Winchell. On December 9, 1999, Private Glover was found guilty contrary to his pleas by a court-martial composed of at least one third enlisted members of premeditated murder, in violation of Article 118, Uniform Code of Military Justice, 10 U.S. Code Section 918, and sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for life, and to a dishonorable discharge. On January 8, 2000, Specialist Justin Fisher was found guilty consistent with his pleas of two specifications of obstruction of justice, three specifications of making a false statement, and one specification of providing alcohol to a minor, in violation of Article 134, Uniform Code of Military Justice, 10 U.S. Code Section 934. Specialist Fisher was sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for fifteen years, and to a dishonorable discharge. A pretrial agreement limits the confinement that may be approved in Specialist Fisher's case to 12 1/2 years.

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Early release from confinement for parole or clemency is discretionary. In the last four years no soldier with an approved life sentence has been released from confinement based upon the application of clemency or parole to their sentences.

Our military justice system has served the military and our nation well. One of the central features of this system is the discretion vested in the Secretaries of the Military Departments to modify court-martial sentences through the clemency and parole systems. This discretion allows the Secretaries of the Military Departments to modify sentences, when appropriate, to better serve the needs of the military and further the legitimate purposes for which the prisoner was incarcerated. Maintaining Secretarial discretion furthers the vitality and flexibility of the military justice system.





- Snowe Reply on Ft Campbell Cases_1.doc

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1777 NORTH KENT STREET
ROSSLYN, VIRGINIA 22209-2194

January 25, 2000



REPLY TO
ATTENTION OF:

Criminal Law Division

Mr. David E. Lewis
12425 Old Hickory Boulevard
Antioch, TN 37013-1623

Dear Mr. Lewis:

Thank you for your recent letter to the Chief of Staff of the Army concerning the treatment of homosexual soldiers at Fort Campbell, Kentucky. Your letter was referred to the Office of the Judge Advocate General, Criminal Law Division because this office has special expertise in military criminal law and the Uniform Code of Military Justice.

Private First Class Winchell died as a result of injuries received on July 5, 1999. Two soldiers from Private First Class Winchell's unit were charged in connection with his death. Private Calvin Glover was charged on July 8 and Specialist Justin R. Fisher was charged on July 18 with the premeditated murder of Private First Class Winchell. On December 9, 1999, Private Glover was found guilty contrary to his pleas by a court-martial composed of at least one third enlisted members of premeditated murder, in violation of Article 118, Uniform Code of Military Justice, 10 U.S. Code Section 918, and sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for life, and to a dishonorable discharge. On January 8, 2000, Specialist Fisher was found guilty consistent with his pleas of two specifications of obstruction of justice, three specifications of making a false statement, and one specification of providing alcohol to a minor, in violation of Article 134, Uniform Code of Military Justice, 10 U.S. Code Section 934. Specialist Fisher was sentenced to forfeit all pay and allowances, to be reduced to Private (E-1), to be confined for fifteen years, and to a dishonorable discharge. A pretrial agreement limits the confinement that may be approved in Specialist Fisher's case to 12 1/2 years.

Rules for Courts-Martial 306 and 401, which are Executive Orders by the President, require consideration of many aspects of cases before the commander's disciplinary

decision is made. One key component in the decision whether to accept a pretrial agreement is the cooperation of the accused in the apprehension and conviction of others. Specialist Fisher's cooperation and assistance was crucial in the prosecution of Private Glover, the soldier who struck Private First Class Winchell with the baseball bat.

It would be inappropriate to comment further about these cases, including Specialist Fisher's pretrial agreement, because at some point in the military justice process this office may be called upon to review the findings, sentence or other issues in the cases. Allow me to reassure you that these cases will be handled properly and professionally by the military justice system and that the rights of the accused, the Army and the family of the victim will be carefully protected.

Your letter expresses concern regarding reports of harassment of homosexuals at Fort Campbell. These allegations are currently under review. As such, it would be inappropriate to comment about the facts, circumstances or disposition of such allegations. The Under Secretary of Defense, Mr. Rudy de Leon, issued clarifying guidelines for investigating threats against or harassment of service members based on alleged homosexuality on August 12, 1999. It is crucial to morale and mission accomplishment that those who make threats or harass others be investigated and appropriately held accountable. A copy of Mr. Rudy de Leon's guidelines are provided for your consideration (Enclosure).

In the process of arriving at a just resolution of allegations, the Army considers several aspects of a case. All soldiers are required to obey the same rules and regulations. All soldiers, regardless of rank uphold the same values and are accountable for his or her actions. Each case is evaluated and disposed of on an individual, case by case basis. All allegations of misconduct are treated seriously. All persons, regardless of rank or status, are entitled to be treated fairly, and with dignity and respect.

Allow me to reassure you that all aspects of the allegations regarding abuse of homosexuals at Fort Campbell will be given careful consideration and that the legal rights of all and the interests of the Army will be carefully protected.

I trust that this responds to your question.

Sincerely,

Mark W. Harvey
Colonel, Judge Advocate
Criminal Law Division

Enclosure

Letter from Under Secretary of Defense dated August 12, 1999