

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Trandahl, Jeff ("Trandahl, Jeff" <Jeff.Trandahl@clerk.house.gov> [UNKNOWN])

CREATION DATE/TIME:10-APR-1998 13:32:03.00

SUBJECT: RE: gays in the military

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

Thanks for the note. Depressing.

What are doing in the office on Good Friday?

> -----

> From:

> Daniel_C._Montoya@opd.eop.gov[SMTP:Daniel_C._Montoya@opd.eop.gov]

> Sent: Friday, April 10, 1998 8:55 AM

> To: Gonzaloa@poz.com; Bcrow@worldbank.org; pddfcaa@aol.com;

> rdupaix@aol.com; dan.eckhardt@mci.com; agarner72@aol.com;

> sean.m.grimes@bankamerica.com; zguerra@admissions.caltech.edu;

> dharvey@aidspolicycenter.org; dc@nrharural.org; gjones1@os.dhhs.gov;

> kkavanaugh@nccbuscc.org; pkawata@nmac.org; kelly_wilson_kent@hud.gov;

> dkinch@hotmail.com; Marklacy@flash.net; Jeffrey_Levi@compuserve.com;

> clord@aimsaction.org; markeyop@aol.com; MARTINB@dmdbb.com;

> mmartin@os.dhhs.gov; HMolina451@aol.com; joneill@hrsa.dhhs.gov;

> palmer1@us.ibm.com; texjmp@aol.com; msmolinski@osophs.dhhs.gov;

> rsorian@osaspe.dhhs.gov; Trandahl, Jeff; Ktuerff@4env.com;

> paul_yandura@hud.gov

> Subject: gays in the military

>

>

> April 9, 1998

>

>

> Undone by 'Don't Ask, Don't Tell'

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>

> By ANDREW SULLIVAN

>

>

> WASHINGTON -- "I think it's working," said Defense Secretary William

> Cohen,

> referring to the Pentagon's "don't ask, don't tell" policy for gay

members

> of the armed services. He said this while announcing that discharges of

> homosexuals have increased by 67 percent since 1994. When you factor in

> the

> military's downsizing, the real figure is closer to 80 percent. If this

is

> Mr. Cohen's definition of success, one wonders what failure would look

> like.

>

>

> The real picture is actually grimmer. Although "don't ask, don't tell"

> forbids military commanders from pursuing investigations of suspected

> homosexual conduct without compelling evidence, violations of the policy

> not to ask, pursue or harass homosexuals have soared, according to the

- > Servicemembers Legal Defense Network, the only watchdog group tracking
- > discharge cases under this policy.
- >
- >
- > The organization has documented 563 violations by military authorities of
- > "don't ask, don't tell" in 1997, a jump from 443 violations in 1996.
- > Reported cases of physical and verbal harassment of gay service members
- > rose 38 percent from 1996 to 1997; cases in which military authorities
- > illegally "asked" troops if they were gay increased 39 percent.
- >
- >
- > Until August of last year, the military was still even using enlistment
- > forms that directly asked about a person's sexual orientation. In its
- > report, the Pentagon said the original form was preserved for four years
- > "as a cost savings measure."
- >
- >
- > Witch hunts have continued. In 1996, an airman convicted of forcible
- > sodomy
- > at Hickam Air Force Base had a life sentence reduced to 20 months in
- > return
- > for outing 17 other allegedly gay servicemen. All the accused air force
- > men
- > were discharged; the rapist served less than a year.
- >
- >
- > Secretary Cohen's improbable defense is that the vast majority of

> discharges were voluntary. The proof? None in the Pentagon report, except

> for this: "The Services believe that most of the [cases involving a

> disclosure of homosexuality] -- although not all of them -- involve

> service

> members who voluntarily elected to disclose their sexual orientation to

> their peers, supervisors or commanders."

>

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> That's what it comes down to: "the Services believe . . . " The report

> later concedes that "because extensive inquiries or investigations are

not

> conducted in most of these cases, the reasons for [the increase in

> numbers]

> are not known and would be difficult to ascertain." Compare this with the

> documentation of the Servicemembers Legal Defense Network.

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> The Pentagon further claimed that 80 percent of discharges were

> "statement"

> cases, implying that individuals were discharged after spontaneously

> declaring their orientation to their superiors. But that is misleading at

> best. All that a "statement" case means is that the grounds for discharge

> arose from what a service member allegedly said, and not what he or she

> did.

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> Such "statements" can include private confessions to therapists, friends,

> peers or family members that were subsequently reported to military

> authorities.

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> I asked Michelle Benecke, co-director of the Servicemembers Legal Defense

> Network, how many of the 1,300 people her group has helped in the last

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> years have truly voluntarily disclosed their orientation. "None that I've

> come across," she said.

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> To its credit, the Pentagon does admit in its report that it has a

> problem.

> While insisting that the policy is "generally being implemented

> properly,"

> the military concedes that it has not been vigilant enough in policing

> anti-gay harassment. As it now stands, someone attacked for being gay

> cannot report the abuse without risking discharge as a result.

>

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> The report also acknowledges that some women have been intimidated into

> not

> reporting sexual harassment, because they are sometimes accused of being

> lesbians if they reject male advances. More needs to be done to inform

> commanders of the regulations, the report adds.

>

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> These admissions would be more encouraging if the record was not so
> damning. Last year, despite the 563 reported violations of "don't ask,
> don't tell," not a single military commander was disciplined for
> misconduct.

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> It's now clear that the policy has not simply failed. It is far worse
than

> what went on before. Gay service members are now allowed into the
> military,

> only to face a series of tripwires intended to flush them out. They have
> become, in effect, the unintended bait of rogue military commanders.

> Other,

> more decent officers (and there are many) simply do not know the rules,
> since the Pentagon has done a poor job of telling them.

>

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> What to do about this? The Pentagon has embraced a mix of spin, denial
and

> confession. The President has other options. Last year, he denounced
> employment discrimination against homosexuals. But as Commander in Chief,
> Bill Clinton has now fired more homosexuals than any other employer in
> America. Is it too much to ask that this President finally live up to his
> own words? Or with this President, is that now utterly beside the point?

>

>

> Andrew Sullivan, a senior editor at The New Republic, is the author of

the

> forthcoming ``Love Undetectable."

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>

>

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: gjonesl (gjonesl@os.dhhs.gov [UNKNOWN])

CREATION DATE/TIME:13-APR-1998 14:11:12.00

SUBJECT: re: gays in the military

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:
Daniel -

Since Sean Donohue has moved to the HHS Executive Secretariat, I have been informed that I will be covering HIV/AIDS legislative issues for our office. I will fill in as necessary until a replacement is found for the issues I currently am assigned, but anticipate the permanent change within 4-6 weeks.

Please continue to forward info to me. I'd also welcome the opportunity to meet with you (and folks from Sandy Thurman's office) over at OEOB sometime in the near future to get input on the status of legislation and what issues you all see as heating up before close of Congress later this fall. Let me know if such a meeting would be useful (from your perspective) and if so, when it might be scheduled.

Thanks. I'm looking forward to working you and the others.

Greg Jones <gjonesl@os.dhhs.gov>

(202) 690-6047 / fax: (202) 690-8425

Office of the Assistant Secretary for Legislation

U.S. Department of Health and Human Services

Original Text

From: <Daniel_C._Montoya@opd.eop.gov>, on 4/10/98 8:55 AM:

April 9, 1998

Undone by 'Don't Ask, Don't Tell'

By ANDREW SULLIVAN

WASHINGTON -- "I think it's working," said Defense Secretary William Cohen, referring to the Pentagon's "don't ask, don't tell" policy for gay members of the armed services. He said this while announcing that discharges of homosexuals have increased by 67 percent since 1994. When you factor in the military's downsizing, the real figure is closer to 80 percent. If this is Mr. Cohen's definition of success, one wonders what failure would look like.

The real picture is actually grimmer. Although "don't ask, don't tell" forbids military commanders from pursuing investigations of suspected homosexual conduct without compelling evidence, violations of the policy not to ask, pursue or harass homosexuals have soared, according to the Servicemembers Legal Defense Network, the only watchdog group tracking discharge cases under this policy.

The organization has documented 563 violations by military authorities of

"don't ask, don't tell" in 1997, a jump from 443 violations in 1996.

Reported cases of physical and verbal harassment of gay service members rose 38 percent from 1996 to 1997; cases in which military authorities illegally "asked" troops if they were gay increased 39 percent.

Until August of last year, the military was still even using enlistment forms that directly asked about a person's sexual orientation. In its report, the Pentagon said the original form was preserved for four years "as a cost savings measure."

Witch hunts have continued. In 1996, an airman convicted of forcible sodomy at Hickam Air Force Base had a life sentence reduced to 20 months in return for outing 17 other allegedly gay servicemen. All the accused air force men were discharged; the rapist served less than a year.

Secretary Cohen's improbable defense is that the vast majority of discharges were voluntary. The proof? None in the Pentagon report, except for this: "The Services believe that most of the [cases involving a disclosure of homosexuality] -- although not all of them -- involve service members who voluntarily elected to disclose their sexual orientation to their peers, supervisors or commanders."

That's what it comes down to: "the Services believe . . . " The report

later concedes that "because extensive inquiries or investigations are not conducted in most of these cases, the reasons for [the increase in numbers] are not known and would be difficult to ascertain." Compare this with the documentation of the Servicemembers Legal Defense Network.

The Pentagon further claimed that 80 percent of discharges were "statement" cases, implying that individuals were discharged after spontaneously declaring their orientation to their superiors. But that is misleading at best. All that a "statement" case means is that the grounds for discharge arose from what a service member allegedly said, and not what he or she did.

Such "statements" can include private confessions to therapists, friends, peers or family members that were subsequently reported to military authorities.

I asked Michelle Benecke, co-director of the Servicemembers Legal Defense Network, how many of the 1,300 people her group has helped in the last four years have truly voluntarily disclosed their orientation. "None that I've come across," she said.

To its credit, the Pentagon does admit in its report that it has a problem. While insisting that the policy is "generally being implemented properly,"

the military concedes that it has not been vigilant enough in policing anti-gay harassment. As it now stands, someone attacked for being gay cannot report the abuse without risking discharge as a result.

The report also acknowledges that some women have been intimidated into not reporting sexual harassment, because they are sometimes accused of being lesbians if they reject male advances. More needs to be done to inform commanders of the regulations, the report adds.

These admissions would be more encouraging if the record was not so damning. Last year, despite the 563 reported violations of "don't ask, don't tell," not a single military commander was disciplined for misconduct.

It's now clear that the policy has not simply failed. It is far worse than what went on before. Gay service members are now allowed into the military, only to face a series of tripwires intended to flush them out. They have become, in effect, the unintended bait of rogue military commanders. Other, more decent officers (and there are many) simply do not know the rules, since the Pentagon has done a poor job of telling them.

What to do about this? The Pentagon has embraced a mix of spin, denial and confession. The President has other options. Last year, he denounced

employment discrimination against homosexuals. But as Commander in Chief, Bill Clinton has now fired more homosexuals than any other employer in America. Is it too much to ask that this President finally live up to his own words? Or with this President, is that now utterly beside the point?

Andrew Sullivan, a senior editor at The New Republic, is the author of the forthcoming ``Love Undetectable."

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: bob_hattoy (bob_hattoy@ios.doi.gov [UNKNOWN])

CREATION DATE/TIME:21-APR-1998 20:39:57.00

SUBJECT: Re: needle exchange/shalala press statement

TO: bgw2 (bgw2@npl.em.cdc.gov [UNKNOWN])
READ:UNKNOWN

TO: BigBob411 (bigbob411@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: ctroupe (ctroupe@services.state.mo.us [UNKNOWN])
READ:UNKNOWN

TO: debaids (debaids@isdn.net [UNKNOWN])
READ:UNKNOWN

TO: fatema (fatema@womens-health.org [UNKNOWN])
READ:UNKNOWN

TO: HARND C (harndc@aol.com [UNKNOWN])
READ:UNKNOWN

TO: helenmm (helenmm@itsa.ucsf.edu [UNKNOWN])
READ:UNKNOWN

TO: hornor (hornor@hsc.usc.edu [UNKNOWN])
READ:UNKNOWN

TO: isbell (Isbell@hugheshubbard.com [UNKNOWN])
READ:UNKNOWN

TO: jedelheit (jedelheit@templeisrael.com [UNKNOWN])
READ:UNKNOWN

TO: jerryc (jerryc@wizard.com [UNKNOWN])
READ:UNKNOWN

TO: katgerus (katgerus@sprynet.com [UNKNOWN])
READ:UNKNOWN

TO: kinseyvi (kinseyvi@aol.com [UNKNOWN])
READ:UNKNOWN

TO: lynnemc (lynnemc@aol.com [UNKNOWN])
READ:UNKNOWN

TO: MMDORIAN (mmdorian@aol.com [UNKNOWN])
READ:UNKNOWN

TO: mojo1025 (mojo1025@aol.com [UNKNOWN])
READ:UNKNOWN

TO: MRA1019 (mra1019@aol.com [UNKNOWN])
READ:UNKNOWN

TO: nadg (nadg@erols.com [UNKNOWN])
READ:UNKNOWN

TO: NavDocSF (navdocsf@aol.com [UNKNOWN])
READ:UNKNOWN

TO: NBOLLMAN (nbollman@irvine.org [UNKNOWN])
READ:UNKNOWN

TO: NSG999 (NSG999@msn.com [UNKNOWN])
READ:UNKNOWN

TO: RAPANUIJER (RAPANUIJER@aol.com [UNKNOWN])
READ:UNKNOWN

TO: raragon (raragon@sfaf.org [UNKNOWN])
READ:UNKNOWN

TO: rev_alta (rev_alta@juno.com [UNKNOWN])
READ:UNKNOWN

TO: rwstaff (rwstaff@uswest.net [UNKNOWN])
READ:UNKNOWN

TO: Scotthitt (scotthitt@aol.com [UNKNOWN])
READ:UNKNOWN

TO: SHENOVICE (shenovice@aol.com [UNKNOWN])
READ:UNKNOWN

TO: SNABEL (snabel@mem.po.com [UNKNOWN])
READ:UNKNOWN

TO: stevelew2 (SteveLew2@aol.com [UNKNOWN])
READ:UNKNOWN

TO: terje (terje@worldnet.att.net [UNKNOWN])
READ:UNKNOWN

TO: thenders (thenders@glo.state.tx.us [UNKNOWN])
READ:UNKNOWN

TEXT:

Hi Folks- Good message , but wimpy. Here's what I told the press-

The desision is immoral . . . It's like telling starving people that after alot of study we've determined that food can save you, but. . . we're not giving you any. Good luck scavaging! This is even worse than the lousy "Don't ask don't tell" policy because this just doesn't ruin lives it kills people. The President was either ill informed or has decided that a certain class of Americans with HIV should die. This is a sad day for a President that thought he had any moral authority regarding AIDS prevention.

Reply Separator

Subject: needle exchange/shalala press statement

Author: <Daniel_C._Montoya@opd.eop.gov > at ~internet

Date: 4/20/98 1:59 PM

it is being faxed, please let me and/or ann borlo know if you do not receive it.

dcm

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: bob_hattoy (bob_hattoy@ios.doi.gov [UNKNOWN])

CREATION DATE/TIME:21-APR-1998 20:40:46.00

SUBJECT: Re[2]: needle exchange/shalala press statement

TO: bgw2 (bgw2@nip1.em.cdc.gov [UNKNOWN])
READ:UNKNOWN

TO: BigBob411 (bigbob411@aol.com [UNKNOWN])
READ:UNKNOWN

TO: bob_hattoy (bob_hattoy@ios.doi.gov [UNKNOWN])
READ:UNKNOWN

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: ctroupe (ctroupe@services.state.mo.us [UNKNOWN])
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READ:UNKNOWN

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READ:UNKNOWN

TO: HARNDY (harndy@aol.com [UNKNOWN])
READ:UNKNOWN

TO: helenmm (helenmm@itsa.ucsf.edu [UNKNOWN])
READ:UNKNOWN

TO: hornor (hornor@hsc.usc.edu [UNKNOWN])
READ:UNKNOWN

TO: isbell (isbell@hugheshubbard.com [UNKNOWN])
READ:UNKNOWN

TO: jedelheit (jedelheit@templeisrael.com [UNKNOWN])
READ:UNKNOWN

TO: jerry (jerry@wizard.com [UNKNOWN])
READ:UNKNOWN

TO: katgerus (katgerus@sprynet.com [UNKNOWN])
READ:UNKNOWN

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TO: terje (terje@worldnet.att.net [UNKNOWN])
READ:UNKNOWN

TO: thenders (thenders@glo.state.tx.us [UNKNOWN])
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Reply Separator

Subject: needle exchange/shalala press statement

Author: <Daniel_C._Montoya@opd.eop.gov > at ~internet

Date: 4/20/98 1:59 PM

it is being faxed, please let me and/or ann borlo know if you do not receive it.

dcm

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: bob_hattoy (bob_hattoy@ios.doi.gov [UNKNOWN])

CREATION DATE/TIME:21-APR-1998 20:47:23.00

SUBJECT: Re[3]: needle exchange/shalala press statement

TO: bgw2 (bgw2@nip1.em.cdc.gov [UNKNOWN])
READ:UNKNOWN

TO: BigBob411 (bigbob411@aol.com [UNKNOWN])
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Author: <Daniel_C._Montoya@opd.eop.gov > at ~internet

Date: 4/20/98 1:59 PM

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dcm

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Mail Delivery Subsystem (Mail Delivery Subsystem <MAILER-DAEMON@aol.com> [UNKNOWN])

CREATION DATE/TIME:18-MAY-1998 17:31:16.00

SUBJECT: Returned mail: User unknown

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

The original message was received at Mon, 18 May 1998 13:30:46 -0400 (EDT)

from gatekeeper.eop.gov [198.137.241.3]

Your mail is being returned due to one or more non-delivery conditions

listed below:

(Refer to the " ----- Transcript of session follows ----- " section)

1: SMTP 550 User Unknown

Your recipient no longer exists on AOL.

2: SMTP 552 Mailbox Full

Your recipient's mailbox is full.

3: SMTP 550 is not accepting mail from this sender

Your recipient has blocked mail from you.

4: SMTP 550 ... Delivery not authorized

Your site has been blocked from sending mail to AOL.

-AOL Postmaster

----- The following addresses had permanent fatal errors -----

<mmdorian@aol.com>

----- Transcript of session follows -----

... while talking to air13.mail.aol.com.:

>>> RCPT To:<mmdorian@aol.com>

<<< 550 MAILBOX NOT FOUND

550 <mmdorian@aol.com>... User unknown

----- Original message follows -----

Return-Path: <Daniel_C._Montoya@opd.eop.gov>

Received: from gatekeeper.eop.gov (gatekeeper.eop.gov [198.137.241.3])

by relay07.mx.aol.com (8.8.5/8.8.5/AOL-4.0.0)

with SMTP id NAA29081;

Mon, 18 May 1998 13:30:46 -0400 (EDT)

From: Daniel_C._Montoya@opd.eop.gov

Received: from lngate3.eop.gov by gatekeeper.eop.gov;

(5.65v3.2/1.1.8.2/17Oct95-0424PM)

id AA31375; Mon, 18 May 1998 13:23:26 -0400

Received: by lngate3.eop.gov(Lotus SMTP MTA SMTP v4.6 (462.2 9-3-1997))

id 85256608.005F7F59 ; Mon, 18 May 1998 13:23:05 -0400

X-Lotus-Fromdomain: EOP

To: snabel@mem.po.com, terje@worldnet.att.net, raragon@sfaf.org,

nbollman@irvine.org, jerryc@wizard.com, bigbob411@aol.com,

katgerus@sprynet.com, fatema@womens-health.org, NSG999@msn.com,

BHattoy@ios.doi.gov, thenders@glo.state.tx.us, scotthitt@aol.com,

Isbell@hugheshubbard.com, RAPANUIJER@aol.com, hornor@hsc.usc.edu,
helenmm@itsa.ucsf.edu, rev_alta@juno.com, navdocsf@aol.com,
harndc@aol.com, debaids@isdnet.net, mojo1025@aol.com,
kinseyvi@aol.com,
shenovice@aol.com, ctroupe@services.state.mo.us,
bgw2@nip1.em.cdc.gov,
SteveLew2@aol.com, jedelheit@templeisrael.com, mra1019@aol.com,
rwstaff@uswest.net, lynnemc@aol.com, mmdorian@aol.com,
nadg@erols.com,
dbone@irvine.org, Judtaral@aol.com

Message-Id: <85256608.005F34AD.00@ingate3.eop.gov>

Date: Mon, 18 May 1998 13:20:09 -0400

Subject: fwd: SLDN's Response to DoD Review

Mime-Version: 1.0

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Content-type: text/plain; charset=us-ascii

fyi -

dcm

----- Forwarded by Daniel C. Montoya/OPD/EOP on 05/18/98

01:22 PM -----

(Embedded

image moved LAGomez @ efaches.navfac.navy.mil

to file: 05/15/98 05:13:00 PM

PIC08729.PCX)

Record Type: Record

To: Daniel C. Montoya

cc:

Subject: fwd: SLDN's Response to DoD Review

fyi

Original Text

From: "SLDN1" <SLDN1@aol.com>, on 5/15/98 4:31 PM:

To:

May 15, 1998

ACTION ALERT.

Please write, call, fax, or e-mail Secretary Cohen, President

Clinton

and

Vice President Gore with the following critical message:

The DoD report on the implementation of "Don't Ask, Don't Tell,

Don't

Pursue"

is not and cannot be credible until DoD lets commanders know what the rules are. Reports show that many commanders do not know that the current policy contains limits on investigations and was intended to protect people's privacy. The result: gay discharges soared to 997 last year, their highest level since 1988. DoD needs to act and to act now.

Attached you will find SLDN's letter to Secretary Cohen regarding

DoD's

report on the implementation of "Don't Ask, Don't Tell, Don't Pursue."

Also,

attached is a one page list of talking points.

We are coordinating this action with the members of the Human

Rights

Campaign

and the National Lesbian & Gay Task Force. As always, thank you for your assistance.

Secretary of Defense William Cohen, comment via DoD web page:

<http://www.defenselink.mil/faq/comment.html>; voice: (703) 697-5737; fax:

(703) 695-1219; snail: 1000 Defense Pentagon, Washington, D.C. 20301-1000

President William J. Clinton, email: president@whitehouse.gov; voice:

(202)

456-1111; snail: White House, 1600 Pennsylvania Ave., NW, Washington, DC

20500

Vice-President Albert Gore, vicepresident@whitehouse.gov, White House, 1600

Pennsylvania Ave., NW, Washington, DC 20500

TALKING POINTS

DOD REPORT ON THE IMPLEMENTATION OF

"DON'T ASK, DON'T TELL, DON'T PURSUE"

+ Gay Discharges Are Up 67%. Discharges soared to 997 in 1997, a 67% increase

under the policy, and the highest level of discharges since 1988.

+ DoD Misrepresents Report Findings. The DoD report admits that the

reasons

for increased discharges "are not known." Yet, officials publicly

represented

that increased discharges are due to gays "opting out" of the military.

This

unsupported and offensive generalization raises questions about DoD's

credibility and commitment to fair enforcement of the policy.

+ Commands Continue To Ask, Pursue and Harass. SLDN documented 1379

instances

in four years where commanders did not follow the rules under this policy.

DoD's report is non-responsive to these documented command violations.

+ DoD Fails To Address Limits To Investigations and Intent of Policy To

Protect People's Privacy. A major problem is that personnel do not know

the

rules. DoD cannot be deemed credible until it issues guidance on the

limits

to investigations and the intent of the policy.

+ DoD Ignores Coercive Tactics. The DoD report fails to respond to

documented

instances where commanders threatened service members with prison unless

they

confessed to being gay or accused others as gay, as occurred on the USS

Simon

Lake. The report also ignored the practice of seizing personal diaries to

find out if someone is gay, as in the case of West Point Cadet Nicole Galvan, and the practice of questioning parents and siblings per Air Force instructions. Secretary Cohen should end these practices.

+ DoD Fails To Address Issues of Accountability and Recourse. The report omits the issues of accountability for command violations and recourse for personnel harmed by improper inquiries.

+ DoD Did Not Interview Service Members Affected by The Policy. The Department failed to contact one of the primary sources of information on this subject for its review.

+ DoD Agrees That Health Care Providers Are Not Required To Turn In Gay People. Providers should be informed of this important clarification, a step the DoD report fails to recommend. Secretary Cohen should further clarify that information confided in a health care provider should not be used for purposes of discharge.

+ Some Recommendations are Problematic. Recommendations concerning training evaluations, the use of lawyers to police command actions and service Secretary approval for some investigations raise many questions and contain

loopholes that could do more harm than good.

+ DoD Should Implement its Good Recommendations Now. The Department should implement (1) guidance against anti-gay harassment, and (2) an end to pretrial agreements to solicit names of suspected gay service members, as recommended in the DoD report.

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Content-transfer-encoding: base64

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id <01IX2JDT9J5S006YG6@PMDf.EOP.GOV> for montoya_dc@a1.eop.gov; Fri,
15 May 1998 17:16:09 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

with ESMTP id <01IX2JDNMZHS006RN5@PMDf.EOP.GOV> for montoya_dc@a1.eop.gov;
Fri, 15 May 1998 17:16:02 -0400 (EDT)

Received: from ches02.efaches.navfac.navy.mil ([138.145.175.3])

by STORM.EOP.GOV (PMDF V5.1-10 #22921)

with SMTP id <01IX2JDA52NM001GKZ@STORM.EOP.GOV> for montoya_dc@a1.eop.gov;
Fri, 15 May 1998 17:15:43 -0400 (EDT)

Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Fri,

15 May 1998 17:14:33 -0400 (EDT)

X-Incognito-SN: 410

From: LAGomez@efaches.navfac.navy.mil, "Letitia A Gomez"@STORM.EOP.GOV

Errors-to: LAGomez@efaches.navfac.navy.mil

X-Incognito-Version: 4.11.23

X-Priority: 3 (Normal)

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===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

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===== ATTACHMENT 3 =====

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TEXT:

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The following is a HEX DUMP:

===== END ATTACHMENT 3 =====

May 25, 1998

Dear Secretary Cohen:

The number of discharges under "Don't Ask, Don't Tell, Don't Pursue" climbed last year to its highest level since 1988. Most members of Congress, like us, believed that "Don't Ask, Don't Tell, Don't Pursue" would result in a decline in discharges, not an increase.

We are concerned by the report that the Department of Defense misrepresented to the public the findings of its year-long review of the policy. The public representation was that gay discharges are increasing because more gays are "coming out," though the report clearly states that the reasons for the increasing discharge numbers "are not known."

Reports the past four years have suggested that one of the reasons gay discharges have climbed is that military personnel are not following the rules and guidelines agreed to by Congress. We understand that Servicemembers Legal Defense Network has made a very reasonable suggestion to correct this problem. The recommendation is for the Department to issue guidance on the limits to gay investigations and the intent of the policy to respect people's privacy using exact quotes from the existing regulations. This is a sensible recommendation that deserves your fullest consideration.

Sincerely,

SENATE

Sen. Jeff Bingaman

Sen. Barbara Boxer

Sen. Ben Nighthorse Campbell

Sen. John Chafee

Sen. Max Cleland

Sen. Alfonse D'Amato

Sen. Christopher Dodd

Sen. Richard Durbin

Sen. Russell Feingold

Sen. Dianne Feinstein

Sen. Slade Gorton

Sen. Tom Harkin

Sen. Daniel Inouye

Sen. Ted Kennedy

Sen. Bob Kerrey

Sen. John Kerry

Sen. Herb Kohl

Sen. Mary Landrieu

Sen. Patrick Leahy

Sen. Carl Levin

Sen. Joseph Lieberman

Sen. McCain

Sen. Barbara Mikulski

Sen. Carol Moseley-Braun

Sen. Patty Murray

Sen. Jack Reed

[Tape Restoration Project Hex-Dump Conversion]

Sen. Charles Robb

Sen. Paul Sarbanes

Sen. Olympia Snowe

Sen. Arlen Specter

Sen. Robert Toricelli

Sen. Paul Wellstone

Sen. Ron Wyden

HOUSE

Rep. Neil Abercrombie

Rep. Gary Ackerman

Rep. Bentsen

Rep. Howard Berman

Rep. George Brown

Rep. Sherrod Brown

Rep. Tom Campbell

Rep. John Conyers

Rep. Peter DeFazio

Rep. Diana DeGette

Rep. William Delahunt

Rep. Rosa DeLauro

Rep. Eliot Engel

Rep. Anna Eshoo

Rep. Lane Evans

Rep. Vic Fazio

Rep. Bob Filner

Rep. Thomas Foglietta

Rep. Mark Foley

Rep. Tillie Fowler

Rep. Barney Frank

Rep. Elizabeth Furse

Rep. Dick Gephardt

Rep. Jane Harman

Rep. Hinchey

Rep. Eleanor Holmes Norton

Rep. Joseph Kennedy
Rep. Patrick Kennedy
Rep. Jim Kolbe
Rep. Tom Lantos
Rep. John Lewis
Rep. Nita Lowey
Rep. Carolyn McCarthy
Rep. Jim McDermott
Rep. Cynthia McKinney
Rep. Marty Meehan
Rep. Carrie Meek
Rep. Patsy Mink
Rep. Constance Morella
Rep. Patrick Moynihan
Rep. Nadler
Rep. John Olver
Rep. Nancy Pelosi
Rep. Charles Rangel
Rep. Jack Reed (Westpoint grad)
Rep. Lynn Rivers
Rep. Lucille Roybal - Allard
Rep. Bobby Rush
Rep. Loretta Sanchez
Rep. Martin Sabo
Rep. Jose Serano
Rep. Christopher Shays
Rep. David Skaggs
Rep. Louise Slaughter

Rep. Pete Stark

Rep. Ellen Tauscher

Rep. John Tierney

Rep. Edolphus Towns

Rep. Maxine Waters

Rep. Henry Waxman

Rep. Lynn Woolsey

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: SPRIGGS_J (SPRIGGS_J@PMDF.EOP.GOV [UNKNOWN])

CREATION DATE/TIME:19-MAY-1998 17:04:12.00

SUBJECT: no such user SUMMERS_T at node EOPMRX

TO: Todd A. Summers (CN=Todd A. Summers/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

From: IN%"postmaster@PMDF.EOP.GOV" "PMDF e-Mail Interconnect"

15-MAY-1998 18:07:24.00

To: IN%"SLDN1@aol.com", IN%"postmaster@PMDF.EOP.GOV"

CC:

Subj: Delivery Notification: Delivery has failed

Return-path: <

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15 May 1998 18:07:17 EDT

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id <01IX2L65BGYO006OYB@PMDF.EOP.GOV>; Fri, 15 May 1998 18:07:13 -0400

(EDT)

Date: Fri, 15 May 1998 18:07:13 -0400 (EDT)

From: PMDF e-Mail Interconnect <postmaster@PMDF.EOP.GOV>

Subject: Delivery Notification: Delivery has failed

To: SLDN1@aol.com, postmaster@PMDF.EOP.GOV

Message-id: <01IX2L66A16U006OYB@PMDF.EOP.GOV>

MIME-version: 1.0

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REPORT-TYPE=DELIVERY-STATUS

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Content-type: text/plain; CHARSET=ISO-8859-1

This report relates to a message you sent with the following header fields:

Message-id: <ee32cab7.355cbb2a@aol.com>

Date: Fri, 15 May 1998 18:01:13 -0400 (EDT)

From: SLDN1 <SLDN1@aol.com>

To: summers_t@EOP.GOV

Subject: SLDN Responds to DoD Review

Your message cannot be delivered to the following recipients:

Recipient address: summers_t@PMDf.EOP.GOV

Reason: %MAIL-E-NOSUCHUSR, no such user SUMMERS_T at node EOPMRX

--Boundary_(ID_zDfcdKL9CaYRu5WAcHeVeQ)

Content-type: message/DELIVERY-STATUS

Original-envelope-id: 01IX2L5338MK001GV7@STORM.EOP.GOV

Reporting-MTA: dns; PMDF.EOP.GOV

Action: failed

Status: 5.0.0 (%MAIL-E-NOSUCHUSR, no such user SUMMERS_T at node EOPMRX)

Original-recipient: rfc822;summers_t@PMDF.EOP.GOV

Final-recipient: rfc822;summers_t@PMDF.EOP.GOV

--Boundary_(ID_zDfcdKL9CaYRu5WAcHeVeQ)

Content-type: MESSAGE/RFC822

Return-path: SLDN1@aol.com

Received: from PMDF.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

id <01IX2L65BGYO006OYB@PMDF.EOP.GOV>; Fri, 15 May 1998 18:07:13 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

with ESMTP id <01IX2L5VHTHC0079OI@PMDF.EOP.GOV> for

summers_t@PMDF.EOP.GOV;

Fri, 15 May 1998 18:07:01 EDT

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15 May 1998 18:06:26 -0400 (EDT)

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by STORM.EOP.GOV (PMDF V5.1-10 #22921)

with ESMTP id <01IX2L52NFKA001GV7@STORM.EOP.GOV> for summers_t@EOP.GOV;

Fri,

15 May 1998 18:06:24 -0400 (EDT)

Received: from SLDN1@aol.com by imo15.mx.aol.com (IMOV14.1) id 6JQP25760;

Fri,

15 May 1998 18:01:13 -0400 (EDT)

Date: Fri, 15 May 1998 18:01:13 -0400 (EDT)

From: SLDN1 <SLDN1@aol.com>

Subject: SLDN Responds to DoD Review

To: summers_t@EOP.GOV

Message-id: <ee32cab7.355cbb2a@aol.com>

MIME-version: 1.0.

X-Mailer: AOL 3.0 for Windows 95 sub 18

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Content-type: text/plain; charset=US-ASCII

Content-transfer-encoding: 8BIT

Dear Friend:

Attached is a one-page summary of a letter Michelle Benecke and I sent to Secretary of Defense William Cohen responding to the Department of Defense's internal review of the implementation of "Don't Ask, Don't Tell, Don't Pursue" released recently.

In sum, the Department of Defense stated that the reason gay

discharges have

soared to their highest level since 1988 is that gay people are "opting

out "

of the military. The report provides no data, even anecdotal, to back up

its

claim. The DoD report even concedes, contrary to public representations by

DoD, that the reasons for the soaring discharges "are not known. "

One of the reasons that discharges are increasing has been

well-documented in

SLDN 's four annual reports: military personnel simply do not know the

rules.

"Don 't Ask, Don 't Tell, Don 't Pursue " is 100 pages long and contained in

five

separate regulations that are not readily accessible at the unit level.

What

is lost in the translation is that no one has gotten the message that the

current policy limits the sorts of investigations that can take place. In

our

letter, we urge Secretary Cohen to issue guidance to military personnel on

the

limits to gay investigations and the intent of the policy to protect

people "

privacy, using exact quotes from current regulations.

If the opportunity arises, please feel free to weigh in on this

important

issue. Please do not hesitate to contact Michelle or me if we can be of assistance.

Sincerely,

C. Dixon Osburn

~~~~~  
C. Dixon Osburn ~ Co-Executive Director  
Servicemembers Legal Defense Network  
PO Box 65301~ Washington, D.C. 20035-5301  
Voice (202) 328-3244 ~ Fax (202) 797-1635  
cdo@sldn.org ~ <http://www.sldn.org>  
~~~~~

--Boundary_(ID_ob9SUhHyNa+0KEv9o/O+rw)

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Content-transfer-encoding: base64

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===== END ATTACHMENT 1 =====

TALKING POINTS

DOD REPORT ON THE IMPLEMENTATION OF “DON'T ASK, DON'T TELL, DON'T PURSUE”

- **Gay Discharges Are Up 67%.** Discharges soared to 997 in 1997, a 67% increase under the policy, and the highest level of discharges since 1988.
- **DoD Misrepresents Report Findings.** The DoD report admits that the reasons for increased discharges “are not known.” Yet, officials publicly represented that increased discharges are due to gays “opting out” of the military. This unsupported and offensive generalization raises questions about DoD’s credibility and commitment to fair enforcement of the policy.
- **Commands Continue To Ask, Pursue and Harass.** SLDN documented 1379 instances in four years where commanders did not follow the rules under this policy. DoD’s report is non-responsive to these documented command violations.
- **DoD Fails To Address Limits To Investigations and Intent of Policy To Protect People's Privacy.** A major problem is that personnel do not know the rules. DoD cannot be deemed credible until it issues guidance on the limits to investigations and the intent of the policy.
- **DoD Ignores Coercive Tactics.** The DoD report fails to respond to documented instances where commanders threatened service members with prison unless they confessed to being gay or accused others as gay, as occurred on the *USS Simon Lake*. The report also ignored the practice of seizing personal diaries to find out if someone is gay, as in the case of West Point Cadet Nicole Galvan, and the practice of questioning parents and siblings per Air Force instructions. Secretary Cohen should end these practices.
- **DoD Fails To Address Issues of Accountability and Recourse.** The report omits the issues of accountability for command violations and recourse for personnel harmed by improper inquiries.
- **DoD Did Not Interview Service Members Affected by The Policy.** The Department failed to contact one of the primary sources of information on this subject for its review.
- **DoD Agrees That Health Care Providers Are Not Required To Turn In Gay People.** Providers should be informed of this important clarification, a step the DoD report fails to recommend. Secretary Cohen should further clarify that information confided in a health care provider should not be used for purposes of discharge.
- **Some Recommendations are Problematic.** Recommendations concerning training evaluations, the use of lawyers to police command actions and service Secretary approval for some investigations raise many questions and contain loopholes that could do more harm than good.
- **DoD Should Implement its Good Recommendations Now.** The Department should implement (1) guidance against anti-gay harassment, and (2) an end to pretrial agreements to solicit names of suspected gay service members, as recommended in the DoD report.