

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 1-APR-1998 02:53:00.00

SUBJECT: NC6518: Navy to Appeal McVeigh Victory

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

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FOR IMMEDIATE RELEASE

Tuesday March 31, 1998 - 7:30pm EST

Contacts: John Aravosis, 202/328-5707

Barbara Bode, 202/588-9598

NAVY GIVES NOTICE OF APPEAL IN MCVEIGH CASE

Advocates Fear Government Plans to Continue Cyber-Snooping

The Justice Department filed a notice of appeal today on behalf of the US Navy, indicating it would appeal the cyber-snooping case of decorated sailor Timothy R. McVeigh, according to press sources. Advocates fear the government's move to be part of a concerted strategy to enshrine its ability to spy on American citizens using the Internet.

McVeigh's plight gained international attention earlier this year after the Navy announced its intentions to discharge the 17-year veteran based on illegally-obtained evidence suggesting he might be gay. Federal Judge Stanley Sporkin, a Reagan appointee, ruled against the Navy on January 29th, 1998, finding that DOD investigators violated federal wire-tap law (the Electronic Communications Privacy Act, or ECPA) and the President's "Don't Ask, Don't Tell" policy in seeking and obtaining Mr. McVeigh's confidential email account information from America Online by subterfuge, and without a court order.

Online advocates said the Navy appeal was off-base. "The Navy got caught red-handed, and rather than make amends, continues to attack," said John Aravosis, a lawyer and online political consultant advising Senior Chief McVeigh on his case. "This guy is a decorated American sailor, and they're treating him like Saddam Hussein." Senior Chief McVeigh was the top enlisted man on the nuclear attack submarine USS Chicago, but as a result of the case has been relegated to odd-jobs such as trash disposal and librarian duties, while facing a \$450 per month cut in pay.

McVeigh's defenders are growing increasingly surprised by the ill-will shown by the Clinton Administration in this battle. In court last week, David Glass, the Department of Justice attorney representing the Clinton Administration, said the Navy had no intent to return the Senior Chief to his former submarine job due to concerns about "the notoriety of the case" and "the confined conditions aboard a submarine."

Aravosis commented on the Navy's latest arguments concerning the notoriety of McVeigh's case. "The public was justifiably outraged that the Navy broke the law, and now the military is using that outrage as an excuse to punish McVeigh. Senior Chief McVeigh has spent his entire adult life in the Navy, and this is the thanks he gets. There is no honor in trying to gratuitously destroy the career of a decorated American."

"As for the 'confined conditions on a submarine,' I would hope the Clinton Administration would think twice before making such blatantly homophobic arguments in federal court," Aravosis continued. "The simple fact is that the Navy broke the law, and Senior Chief McVeigh has been exonerated. He has served his country honorably for 17 years and deserves an apology not an appeal."

Advocates also expressed concern that the Navy appeal could signal an Administration desire to preserve its options to use new technology to eavesdrop on US citizens. "The government wants to use the Internet, computers, telephones and other new technology to spy on American citizens," said Aravosis. "McVeigh's case is a threat to that effort, and the Administration is going to silence him any way they can. This case is a terrible precedent for the civil liberties of all Americans."

Today's move in court could spell trouble for the Administration's credibility in the upcoming encryption battle. "The Administration can't say 'trust us, we won't use computers to spy on Americans,' and then go to court and defend such spying. That kind of hypocrisy may work in Washington, but it doesn't fly in Peoria," said Aravosis. "The simple

truth is that this Administration can't be trusted with our
cyber-liberties."

#

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

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 1-APR-1998 03:26:00.00

SUBJECT: Gay rights and CA gubernatorial electin

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

The Sacramento Bee, March 30, 1998

GAY RIGHTS

By Dan Walters

SACRAMENTO, Calif. - Assemblywoman Sheila Kuehl, the first openly homosexual member of the state Legislature, effusively introduced Lt. Gov. Gray Davis to this month's state Democratic convention in Los Angeles.

But Davis never specifically mentioned gay rights as he sought support for his uphill campaign for governor. And later, in response to a reporter's question, Davis refused to say he'd sign legislation legalizing marriages between same-sex couples. "I don't think America is ready yet," Davis explained.

What made Davis' declaration even odder is that he portrays himself as the contest's only real Democrat while characterizing rivals Al Checchi and Jane Harman as quasi-Republicans. Yet both Checchi and Harman embrace gay marriage - perhaps at their political peril - and publicly support other gay rights

goals.

If abortion rights are a political minefield for Republicans, gay rights present similar threats to Democrats this year. While the Republican Party and its candidate for governor, Dan Lungren, are out of step with most voters on abortion, the Democratic Party is somewhat to the left of the voting public on gay rights.

The trick for high-level candidates in both parties is to keep anti-abortion or pro-gay activists placated without alienating middle-of-the-road voters who would be decisive in a close election.

Davis apparently believes that he can't afford to endorse a high-priority item on the gay rights agenda, recognizing same-sex marriages. Kuehl and other gay leaders later confronted Davis about his refusal, and he agreed to include a statement supporting gay rights in a future speech - but will still stop short of endorsing gay marriage, terming it a "more difficult" issue.

Checchi and Harman, however, appear less troubled. The day before the convention began, Checchi appeared before a major gay rights group in West Hollywood and pledged as governor to extend state workers' medical benefits to same-sex couples, sign legislation to bar employment discrimination against

gays and support adoptions by gay couples.

"One of the principal challenges of leadership is bringing people together," Checchi said. "A good starting point is not discriminating against them based on sexual orientation."

During her speech to Democratic delegates, meanwhile, Harman cited her 1993 congressional confrontation with the Joint Chiefs of Staff over the "don't ask, don't tell" policy toward gays in the military.

Harman said she told the military leaders the policy "was wrong and wouldn't work" though she acknowledged later that she didn't raise the issue with the Clinton White House, which ordered the policy.

If, as now seems likely, Checchi or Harman is the eventual Democratic nominee, Lungren probably will make their support for gay marriage an issue - just as Democrats will be blasting Lungren on abortion.

But the issue is not confined to gubernatorial politics. In the wake of Checchi's West Hollywood speech, state Sen. Pete Knight, a Republican, introduced a bill to prohibit adoptions by same-sex couples. The Wilson administration has adopted a policy against such adoptions, though critics say it has been subverted by lower-level staffers in the Department of Social Services. The Knight bill could become a tough vote for Democratic legislators in swing districts.

The state Supreme Court's unanimous ruling that the Boy Scouts can bar

gays

from becoming Scout leaders, meanwhile, has quieted those on the right who were calling for the ouster of three justices because they had ruled that minors could obtain abortions without parental consent.

Abortion rights and gay rights are the twin plagues of vote-seeking politicians this year.

Dan Walters writes for the Sacramento Bee in California. Mail: P.O. Box 15779, Sacramento, CA 95852; phone: (916) 321-1195

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31 Mar 1998 23:24:03 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 6-APR-1998 19:07:00.00

SUBJECT: NC6554: Don't Ask Don't Tell update

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

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Homosexuals Opting Out of Military

.c The Associated Press

By SUSANNE M. SCHAFER

WASHINGTON (AP) - More people are opting out of the military by declaring they are homosexual, Defense Secretary William Cohen said Monday, but he denied that there has been any increase in sexual harassment.

Cohen insisted the military's policy on homosexuals is working properly.

``We intend to continue to emphasize the fact that this policy should not be abused, that there should be no attempt to hunt or seek out those who

are - may be - homosexual, and that we intend to strictly enforce the 'don't ask, don't tell' policy," Cohen said, appearing at a photo session in the Pentagon.

The secretary was asked about a Pentagon study of the issue, which is now in a draft form and has not been made public.

``There are some indications that there has been an increase as far as some of the people who have declared themselves to be homosexual and have opted to getting out of the military," Cohen said. ``But in terms of the policy itself overall, I think it's working."

He did not elaborate.

However, the number of people who have either left or been kicked out of the service on grounds of homosexuality rose from 850 in 1996 to nearly 1,000 in 1997, according to a Pentagon official familiar with the study. The official, like Cohen, declined to say how many of those voluntarily said they were homosexuals so that they would be discharged.

A second official, who also spoke on condition of anonymity, said a variety of reasons appears to explain the increase. He said it appears many of those who are volunteering to disclose their homosexuality do so shortly after entering the service. Some officers speculate that homosexuality may be used as an excuse by people who are unhappy with being in the military.

Those dismissed for homosexuality receive an administrative discharge, which does not carry a bad-conduct stigma.

The 'don't ask, don't tell' policy, adopted soon after President Clinton entered office, is supposed to allow gays to serve if they keep their sexual orientation private, but it punishes those who engage in homosexual acts or take actions that call attention to their orientation.

Commanders are not to ask about sexual orientation or launch investigations without credible evidence.

But critics of the Pentagon's approach say they believe that harassment of homosexuals is on the increase.

“We think they are not following their own rules,” said Dixon Osburn, the co-executive director of the Servicemembers Legal Defense Network, a gay rights advocacy group. “We think there is a huge amount of harassment going on. ... Commanders are asking questions they are not supposed to be asking.”

Osburn said the number of service members who were kicked out of the military on grounds of homosexuality steadily increased from 597 in 1994, to 722 in 1995 and 850 in 1996.

In its annual report released in February, the group said service members reported 563 “command violations” in 1997, including instances where they said they were asked about their sexual orientation or harassed in

direct violation of the administration's policy.

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

The report attributed the upsurge to a lack of commitment to the policy by top military and civilian authorities. Commanders in the field never received specific instructions on the limits on investigations, and service members were left with no recourse when their rights were violated, it said.

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06 Apr 1998 16:07:24 -0700 (PDT)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 19:56:00.00

SUBJECT: NC6561: Military discharges up ... HRC

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
NEWS from the

Human Rights Campaign

1101 14th Street NW

Washington, DC 20005

email: hrc@hrc.org

GAY DISCHARGES UP SHARPLY, ACCORDING TO PENTAGON LEAKS
OF 'DON'T ASK, DON'T TELL' REPORT

HRC Says Report Underscores Why 'Don't Ask, Don't Tell, Don't Pursue'
Doesn't Work

WASHINGTON -- Discharges of gay service members are up sharply, according to early accounts of a Department of Defense internal review of the Clinton administration's "don't ask, don't tell" policy barring openly gay people from serving in the U.S. armed services. In response to Pentagon-orchestrated leaks of key aspects of the report, the Human Rights

Campaign said today that the report's recommendations for fixing problems underscore why the policy is not working.

"Any policy that asks people to lie is bound to fail," said Winnie Stachelberg, HRC's political director. "The policy itself is not being followed down the chain of command and the core problem of anti-gay bias goes completely unaddressed."

Leaked accounts of the some of the contents of the report show that there was an increase of 67 percent in the number of gay-related discharges since "don't ask, don't tell" was implemented in 1994. Department of Defense spokespeople claimed the increase was due to servicemembers' using the policy in their first year of service to get out early.

"The policy is not working because commanders in the field are continuing to ask and pursue, hunting down gay service members unabated," said Stachelberg. "The military's explanations for the dramatic increase in discharges are self-serving and disingenuous. Anti-gay bias continues to be the core issue, and the Pentagon has done nothing to address it."

HRC pointed to a ruling by U.S. District Judge Stanley Sporkin in January, who found that the Navy went on a "search and out mission" by pursuing Senior Chief Petty Officer Timothy McVeigh. The Navy pursued McVeigh after learning the word "gay" was in his personal America Online profile.

The internal review was ordered by Defense Secretary William Cohen in response to three annual reports from Servicemembers Legal Defense Network, an advocacy group that works to assist gay and lesbian servicemembers and monitors the "don't ask, don't tell" policy. The reports for the past three years have shown dramatic increases in discharges and reveal that witch hunts and unauthorized inquisitions continue to take place at U.S. military installations throughout the world.

The "don't ask, don't tell" policy was adopted by the Clinton administration and Congress in 1993 as a so-called compromise measure that would allow gay people to serve as long as they did not admit to being gay.

"Lying cannot be the cornerstone of any U.S. policy. We need a policy that respects performance, ability, commitment and privacy," Stachelberg said.

The Human Rights Campaign is the largest national lesbian and gay political organization, with members throughout the country. It effectively lobbies Congress, provides campaign support, and educates the public to ensure that lesbian and gay Americans can be open, honest, and safe at home, at work, and in the community.

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CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 02:23:00.00

SUBJECT: NC6556: GLAADLines April 6, 1998

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
GLAADLINES

FOR IMMEDIATE RELEASE: April 6, 1998

News and Breaking Stories about the Lesbian, Gay, Bisexual and Transgender
Community

contact: Don Romesburg

(415) 861-2244

romesburg@glaad.org

<http://www.glaad.org>

GLAAD COMMENDS LESBIAN AND GAY PEABODY WINNERS: GLAAD congratulates both

ABC's Ellen and San Francisco public television station KQED's documentary

The Castro, after the University of Georgia announced each as honorees of

the prestigious George Foster Peabody Award. The award, considered the

broadcast and cable industries' most prestigious, describes Ellen's "Puppy

Episode" as "a landmark moment in television history notable not only for

the frequent laughter the situation provoked but also for portraying the

importance of tenderness and caring to all relationships." The Castro is

hailed as "an informative, unusual and provocative look at San Francisco's

Castro District that reveals how one neighborhood became the cornerstone for a social and political movement." GLAAD Executive Director Joan M. Garry said, "ABC and KQED should be proud of this outstanding achievement. GLAAD hopes this commitment to thought-provoking lesbian- and gay-inclusive programming inspires more of such work in the future." For more information contact Cathy Renna (GLAAD Interim Communications Director) at (202) 986-1360 or pgr. (301) 215-1354.

CORETTA SCOTT KING APPEALS FOR JUSTICE FOR ALL: On March 31, Coretta Scott King told a Chicago audience that her slain husband's memory demanded a strong stand for equal rights for lesbians and gay men. "I still hear people say that I should not be talking about the rights of lesbian and gay people and I should stick to the issue of racial justice," King said, "But I hasten to remind them that Martin Luther King, Jr. said, 'Injustice anywhere is a threat to justice everywhere.' I appeal to everyone who believes in [King's] dream to make room at the table of brother- and sisterhood for lesbian and gay people." She also noted that lesbians and gay men "stood up for civil rights in Montgomery and Selma, [Alabama], in Albany, Georgia, and St. Augustine, Florida, and many other campaigns of the civil rights movement," and saluted those gay people who fought "for my freedom at a time when they could find few voices for their own." For more information contact Len Cothren (Assistant to Mrs. King at the MLK, JR. Center for Nonviolent Social Change) at (404) 526-8900, ext. 8883.

NGLTF FAMILY TOUR CELEBRATES LESBIAN AND GAY FAMILIES: Beginning March 26 in Toledo, Ohio, the National Gay and Lesbian Task Force (NGLTF) kicked off a 15-city tour entitled, "Celebrating Our Families: The NGLTF Families

Tour," to implement strategies to combat the increasing right-wing attacks on lesbian, gay, bisexual and transgender families. During the tour, which will last through the summer, NGLTF will co-host town forums with state and local groups. According to the NGLTF, of the 40 current gay or HIV/AIDS-related state legislative bills it considers "hostile," over half relate to family issues. "More than ever before, we will focus on the areas of parenting, custody, adoption and foster care, domestic partnership, and schools," said NGLTF Executive Director Kerry Lobel. "We will continue to work for the day when our families will be afforded the same rights and sense of security which our friends and neighbors enjoy." For more information contact Tracey Conaty (NGLTF Communications Director) at (202) 332-6483, ext. 3303 or pgr. (800) 757-6476.

GAYS IN MILITARY COURT STRUGGLES CONTINUE: Two high-profile cases currently within federal courts call for critical examination of the abuses-and possible unconstitutionality-of the Clinton Administration's "Don't Ask, Don't Tell, Don't Pursue" policy. On April 2, the U.S. Second Circuit Court of Appeals heard arguments from the government appealing the first full defeat of the military's anti-gay statute in *Able v. USA*. On July 2, 1997, an Eastern District Circuit Court judge found the ban unconstitutional. "It is time for the court to call an end to the military's 'don't ask, don't tell' charade," said Lambda Legal Defense and Education Fund (Lambda) Legal Director Beatrice Dohrn, adding that the circuit court judge "said it best when he noted that 'don't ask, don't tell' creates a 'degrading and deplorable condition for remaining in the Armed Services.'" In addition, on March 31 the Justice Department appealed a federal court ruling against the Navy in the case of Senior Chief

Timothy McVeigh. In the original decision on January 29, a federal judge found the Department of Defense in clear violation of both "Don't Ask, Don't Tell, Don't Pursue" and the Electronic Communications Privacy Act in seeking and obtaining McVeigh's confidential America Online e-mail account information by subterfuge and without a court order. Since then, the Navy has announced it has no intention to return McVeigh to his former post in spite of the ruling, citing "the confined conditions aboard a submarine."

"I would hope the Clinton Administration would think twice before making such blatantly homophobic arguments in federal court," noted John Aravosis, McVeigh's lawyer. For more information contact Kathy Strieder (Lambda) at (212) 809-8585 and John Aravosis (for McVeigh) at (202) 328-5707.

NATIONAL DAY OF SILENCE UNITES CAMPUSES FOR GAY AWARENESS: On April 8, thousands of supporters of equal rights for lesbian, gay, bisexual and transgender people from more than 100 high schools, colleges and universities will take a nine-hour vow of silence to draw attention to the silence that homophobia causes. Instead of speaking, participants hand out cards stating, "People who are silent today believe that laws and attitudes should be inclusive of people of all sexual orientations. The Day of Silence is to draw attention to those who have been silenced by hatred, oppression and prejudice. What can you do to end the silence?"

National Day of Silence Co-chair Maria Pulzetti notes, "The strength in this event lies in the fact that it fills a real need for solidarity among youth concerned about LGBT rights. The National Day of Silence is the only national event created and organized by youth. The collective statement we make is staggering." For more information contact David Mariner (Advocates

for Youth) at (202) 347-5700.

The Gay & Lesbian Alliance Against Defamation (GLAAD) is the nation's
lesbian & gay multimedia advocacy organization. GLAAD promotes fair,
accurate, and inclusive representation as a means of challenging
discrimination based on sexual orientation or identity. To subscribe
contact Don Romesburg at (415) 861-2244 or at romesburg@glaad.org.

"GLAAD" and "Gay & Lesbian Alliance Against Defamation" are registered

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 19:31:00.00

SUBJECT: NC6558: Cohen on DADT: No pursuit, no harassment

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
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Cohen Orders Gays Rule Explanation

.c The Associated Press

By SUSANNE M. SCHAFER

WASHINGTON (AP) - Defense Secretary William Cohen acknowledged Tuesday

``some commanders haven't gotten the message" about the Clinton

administration's policy barring the pursuit and harassment of homosexuals

in the military. He ordered new guidelines to explain and enforce it.

``I have tried to make it very clear that we want this policy fully and

fairly implemented. That means there's to be no pursuit, there's to be no

harassment, and if it's taking place, its something I'm very concerned

about," Cohen said in an interview on National Public Radio.

The "don't ask, don't tell, don't pursue" policy was initiated in 1994 amid great controversy, attempting to strike a balance between prohibited homosexual conduct in the military and attempts to maintain the privacy of those who choose not to declare their sexual orientation.

Meanwhile, the Department of Defense released a report showing that the number of people discharged for homosexuality climbed from 850 in 1996 to 997 last year. The lowest number discharged was 617 in 1994, while the highest in recent years numbered 1,998 in 1982, the report said. The high number amounted to 0.095 percent of the total force.

The report also said that 80 percent of those discharged for homosexuality in 1997 had made a statement that they were homosexual. More than 80 percent of those discharged had less than four years of service, the study said.

"In the most common case, a discharge under the homosexual conduct policy involves a junior enlisted member who makes a statement declaring his or her homosexuality to a commander, supervisor or peer relatively early in the member's first term of service," the report stated.

The secretary said he does not believe the new figures indicate that harassment is on the rise.

The report argued that the policy was being fairly and properly enforced,

Cohen noted, but he added, ``It's conceivable, and it's possible, that some commanders haven't gotten the message."

Those who do engage in witch hunts, Cohen warned, will themselves ``be the subject of their own investigation," and potentially charged with sexual harassment.

Some of Cohen's other recommendations include:

Military commanders should consult with their superiors and military legal authorities before embarking on investigations of suspected homosexuals.

Authorization for investigations in situations dubbed ``coming-out" cases must be approved by the service secretaries.

Commanders and investigators need more training about the policy.

The report said without elaboration that in only three cases had the policy not been properly enforced.

Critics of the policy said Cohen would not have issued the directives, if indeed the policy was being properly enforced.

``The policy itself is not being followed down the chain of command and the core problem of anti-gay bias goes completely unaddressed," said a statement issued by Winnie Stachelberg, political director of the Human Rights Campaign, a national gay political organization. ``The policy is

not working because commanders in the field are continuing to ask and pursue, hunting down gay service members unabated."

AP-NY-04-07-98 1658EDT===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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07 Apr 1998 16:31:48 -0700 (PDT)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 19:58:00.00

SUBJECT: NC6562: Military discharges up 67% ... New York Times

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

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NEW YORK TIMES, April 7, 1998

229 W. 43rd Street, NY, NY,10036

(Fax 212-556-3622, print run 1,209,225)

(E-mail letters@nytimes.com) (<http://www.nytimes.com>)

Military Discharges of Homosexuals Soar

By Tim Weiner

WASHINGTON -- The military is discharging 67 percent more gay and lesbian troops today than when the Clinton administration adopted its "don't ask, don't tell" policy, according to a Defense Department report to be issued later this month.

A total of 997 military personnel were discharged for homosexuality last year, the report says, compared with 597 in 1994, the first full year that

the policy was in effect.

Gay rights advocates see those figures as evidence for their contention that homosexuals are being outed and ousted in ever-larger numbers. They say gay and lesbian personnel are still subject to interrogation and harassment by commanders.

But Pentagon officials say they think the increase in discharges may be due to voluntary declarations of homosexuality -- which the policy forbids -- by men and women who want out of the military, although these officials acknowledge that nearly five years after the policy's adoption, some commanders still do not seem to understand it.

The policy -- more fully, "don't ask, don't tell, don't pursue" -- was intended to allow homosexuals to serve in the armed forces, while protecting not only troops' privacy but also the morale that the military says would be compromised by avowed homosexuality in the ranks.

Under it, recruiters are forbidden to ask prospective enlistees about their sexual orientation, gay and lesbian troops are forbidden to disclose their homosexuality, and commanders are forbidden to pursue investigations of suspected homosexual conduct in the absence of compelling evidence.

Pentagon officials said Monday that the forthcoming report, prepared by the office of the under secretary of defense for personnel, would recommend that commanders consult more closely with military lawyers before undertaking such investigations and that some senior officers receive retraining in the policy.

But the secretary of defense, William S. Cohen, suggested that the rise in discharges might be due in part to an increasing number of voluntary statements to commanders by homosexuals who want to leave the military, rather than to hostility directed at gay and lesbian troops.

"There are some indications," Cohen said, "that there has been an increase as far as some of the people who have declared themselves to be homosexual and have opted to get out of the military."

Elaborating on that remark, Kenneth Bacon, the Pentagon spokesman, said in an interview: "We think the rise is almost exclusively explained by the increase in the numbers of people stating they are homosexuals. We think they are voluntary statements. We can only speculate as to why they are doing this."

Michelle M. Benecke, a former Army captain who is an advocate for gay and lesbian military personnel, disagreed.

"The discharges result from the fact that military leaders have not stopped asking and telling and pursuing," Ms. Benecke said. "We are nearly five years into this policy, but military leaders have not seen fit to tell commanders what this policy is and what its intent is."

Ms. Benecke, co-director of the Servicemembers Legal Defense Network, said there was little formal training on the policy and the rules resulting from it.

"It is well documented that command violations are widespread in the field and that commanders have not been trained on the intent of the policy," she said. "Commanders are in the driver's seat without a road map. Others know the rules and are deliberately violating them."

Ms. Benecke cited the case of Senior Chief Petty Officer Timothy R. McVeigh, a 17-year sailor with a sterling record. The Navy's investigation of McVeigh went so far as to pry his e-mail messages out of his America Online account last year, before the service moved to discharge him.

"The Navy has gone too far," a federal district judge, Stanley Sporkin, ruled in blocking the discharge in January. "The Navy impermissibly

embarked on a search and 'outing' mission" against the sailor, the judge found. The Navy filed a notice of appeal on March 31.

The "don't ask, don't tell" policy bars military personnel not only from avowal of homosexuality but also from homosexual acts and marriages. Discharges for acts and marriages have declined by about 20 percent in the last three years. Statements -- declarations or acknowledgment of homosexuality -- account for the rise in discharges, Bacon said.

Charles Moskos, a professor of sociology at Northwestern University who as a Pentagon consultant was widely regarded as the architect of the "don't ask" policy, said, "The core question is, Are the statements being generated by asking?"

Cohen commissioned the Pentagon report last year after the Servicemembers Legal Defense Network documented a surge in what it described as violations of the policy.

"I think it's working," Cohen said of the policy Monday. "We intend to continue to emphasize the fact that this policy should not be abused, that there should be no attempt to hunt or seek out those who may be homosexual, and that we intend to strictly enforce the 'don't ask, don't tell' policy."

The report will recommend that commanders "consult with legal officials before initiating investigations, in order to make sure they are carried out with proper respect for the subject's rights," Bacon said.

"It calls for reiterating an earlier guidance about how to deal with threats against service members accused of being homosexuals," he said. "And it recommends better training for all people involved in implementing the policy, to make sure everybody understands what the policy is."

Ms. Benecke said that under the policy, "harassment and witch hunts were

supposed to end."

"But Pentagon leaders have not sent this message to the field," she
said. "We have asked the Pentagon as a first step to inform commanders of
the intent of this policy to respect people's privacy. Leaders need to
hold their subordinates accountable for violations. Nearly five years into
this policy, that has not occurred." ===== ATTACHMENT 1 =====
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===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Lori L. Anderson (Lori L. Anderson@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 13:14:00.00

SUBJECT: Revised Don't Ask, Don't Tell talking points

TO: Estela Mendoza (Estela Mendoza@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Message Creation Date was at 7-APR-1998 13:14:00

----- Forwarded by Lori L. Anderson/WHO/EOP on 04/07/98

01:14

PM -----

Richard Socarides 04/07/98 01:13:18 PM

Record Type: Record

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

cc:

Subject: Revised Don't Ask, Don't Tell talking points

These reflect input from DOD. Pls disregard earlier versions.

Message Sent

To: _____

Michael D. McCurry/WHO/EOP

Barry J. Toiv/WHO/EOP

Nanda Chitre/WHO/EOP

Lori L. Anderson/WHO/EOP

Joseph P. Lockhart/WHO/EOP

Amy W. Tobe/WHO/EOP

LUZZATTO_A @ A1 @ CD @ VAXGTWY

Kevin S. Moran/WHO/EOP

Ann F. Lewis/WHO/EOP

Laura S. Marcus/WHO/EOP

===== ATTACHMENT 1 =====

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

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

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REVISED 4-7-98 1pm

PENTAGON DON'T ASK / DON'T TELL REPORT

Background:

- The Pentagon will issue a report which shows a record number of discharges under the don't ask, don't tell policy. The report says this is because more service members are voluntarily "coming out."
- Secretary Cohen said yesterday that he believes the policy is working well.
- However, the report concedes that implementation of the policy "has posed a challenge to the services" and makes several recommendations which, if implemented, would curtail the ability of the military to pursue gay people in significant ways. These recommendations are consistent with the approach the gay groups have been calling for.

Talking Points:

- The report acknowledges that the policy has posed challenges to the Services and recommends several significant actions be taken to ensure that the policy is fairly implemented.
- Implicit in these recommendations is an acknowledgment that there is room for improvement and we applaud Secretary Cohen for his willingness to exercise the leadership required to see to it that this policy is fairly enforced.
- [If asked if the WH agrees with DOD's explanation for the increase in discharges]: I don't think you can generalize about such things. The important point is that clearly there is room for improvement in the implementation of the policy.

4-7-98
Socarides
6-1611

[Automated Records Management System Hex-Dump Conversion]

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 20:02:00.00

SUBJECT: NC6564: SLDN: Pentagon leaks misinformation

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
From: SLDN1 <SLDN1@aol.com>

To: rwockner@netcom.com

Subject: PENTAGON LEAKS MISINFORMATION

April 7, 1998

ACTION ALERT:

PENTAGON LEAKS MISINFORMATION

On Friday, unnamed Pentagon Officials leaked offensive and untrue statements about gay servicemembers under the guise of explaining why gay discharges have risen 67% since the implementation of the "Don't Ask, Don't Tell, Don't Pursue" policy. The number of discharges this year was 997, the highest number since 1989. These officials implied that gay servicemembers are using the "Don't Ask, Don't Tell, Don't Pursue" policy in order to escape their military obligations and that gay people simply cannot "hack it" in the military.

This spin is contrary to the report itself. In the report, the Department of Defense acknowledges that implementation of the policy has indeed been problematic. It recognizes that DoD does not know what is causing the rise in discharges. SLDN knows that the problem is continuing anti-gay harassment, witch-hunts, and improper investigations and asking. Recommendations contained in the report include reissuing guidance concerning anti-gay threats and violence and ensuring that those implementing the policy receive proper training. These recommendations are good first steps, however their existence has been lost in the offensive leaks to the press.

Your help is needed. Please contact Secretary of Defense Cohen, Vice-President Gore, and President Clinton.

Let them know that you are outraged by the offensive misinformation leaked to the press by the Pentagon. Tell Secretary of Defense Cohen that he should stick to the facts and fix the problem rather than launch a smear campaign against gay people. Tell them the Pentagon should instead be focusing on the real problems of anti-gay violence, harassment, witch hunts, and "asking" by commanders.

Those individuals serving our country should be praised instead of slandered.

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

Vice-President Albert Gore, vicepresident@whitehouse.gov, voice: (202)

456-1111, White House, 1600 Pennsylvania Ave., NW, Washington, DC 20500

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

(202) 456-1111; snail: White House, 1600 Pennsylvania Ave., NW,

Washington, DC 20500===== ATTACHMENT 1 =====
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===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: LAGomez (LAGomez@efaches.navfac.navy.mil@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-APR-1998 16:42:00.00

SUBJECT: fwd: PENTAGON LEAKS MISINFORMATION

TO: Daniel C. Montoya (Daniel C. Montoya@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

FYI

Original Text

From: "SLDN1" <SLDN1@aol.com>, on 4/7/98 1:56 PM:

To:

April 7, 1998

ACTION ALERT:

PENTAGON LEAKS MISINFORMATION

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about gay servicemembers under the guise of explaining why gay discharges have

risen 67% since the implementation of the "Don't Ask, Don't Tell, Don't

Pursue" policy. The number of discharges this year was 997, the highest

number since 1989. These officials implied that gay servicemembers are using

the "Don't Ask, Don't Tell, Don't Pursue" policy in order to escape their

military obligations and that gay people simply cannot "hack it" in the military.

This spin is contrary to the report itself. In the report, the Department of Defense acknowledges that implementation of the policy has indeed been problematic. It recognizes that DoD does not know what is causing the rise in discharges. SLDN knows that the problem is continuing anti-gay harassment, witch-hunts, and improper investigations and asking. Recommendations contained in the report include reissuing guidance concerning anti-gay threats and violence and ensuring that those implementing the policy receive proper training. These recommendations are good first steps, however their existence has been lost in the offensive leaks to the press.

Your help is needed. Please contact Secretary of Defense Cohen, Vice-President Gore, and President Clinton.

? Let them know that you are outraged by the offensive misinformation leaked to the press by the Pentagon.

? Tell Secretary of Defense Cohen that he should stick to the facts and fix the problem rather than launch a smear campaign against gay people.

? Tell them the Pentagon should instead be focusing on the real problems of anti-gay violence, harassment, witch hunts, and "asking" by commanders.

Those individuals serving our country should be praised instead of slandered.

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

Vice-President Albert Gore, vicepresident@whitehouse.gov, voice: (202)

456-1111, White House, 1600 Pennsylvania Ave., NW, Washington, DC 20500

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

(202)

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

20500

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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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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 8-APR-1998 16:08:00.00

SUBJECT: NC6573: British army to alter gays-in-the-military policy

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])
READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

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Sunday Times

London

April 5, 1998

Army to lift ban on gay soldiers

by Hugh McManners

Defence Correspondent

THE army is to allow homosexuals to join up
for the first time. Senior generals are set to
approve proposals reversing the ban on
homosexuals in the armed forces, allowing
gay men and women to enlist.

The policy change, which will cause controversy throughout the services, is expected to be endorsed by the executive committee of the Army Board, consisting of six generals and one senior civil servant.

The Royal Navy and Royal Air Force are not immediately expected to follow suit, and gay activist groups may oppose the army's move on the grounds that it discriminates against "active" homosexuals.

The proposal coincides with increasing political and legal pressure on the military to reverse the ban on gays in service. More than 50 cases alleging sexual discrimination against the forces by gay personnel are being taken to the courts. The first is expected to be heard in the European Court of Human Rights this autumn.

The new proposals would allow homosexual men and women to serve in the army on the strict condition that they do not engage in sexual activity while in service. Under current rules, any soldiers known to be gay - whether they are sexually active or not -

must automatically be dismissed.

Senior officers say the switch in policy is the only sensible way forward after the apparent failure of "don't ask, don't tell" policies in other countries that have attempted to turn a blind eye to homosexuality among their troops.

One senior military lawyer said the army's position towards homosexuals was sympathetic but that regulations left officers with little room for manoeuvre once a soldier's sexuality became known. "We don't believe in witchhunting. We don't seek out gays and we certainly don't persecute them," he said.

"But the policy is very clear. Anybody identified as a homosexual is required to leave immediately, whether or not there has been improper behaviour."

The source said the new wording would allow the army to operate more sensitively and retain those gay members who were prepared to abide by rules on sexual

activity. "There always will be gays in the forces - provided they don't behave in that manner, it really doesn't matter to us."

The Army Board, however, will not immediately consider whether the ban on homosexual relations should apply only when soldiers are on duty or should be extended to include their private lives off-base.

Another source said that the latest proposal was the only acceptable way forward between the hardline position taken by some senior military figures and modern-day realities. "A number of gays are serving in the army at the moment but knowing someone's sexuality constitutes the problem. Under the new policy, it is their behaviour that counts, not their private sexual inclinations," said the source.

The defence ministry has become increasingly concerned at the prospect of huge compensation payouts to former servicemen who were ejected from the forces for being homosexual.

However, ministers are also wary of the "don't ask, don't tell" compromise policy operated in America after President Bill Clinton vowed to lift the ban on gays in the military but ran into fierce opposition from service chiefs.

Officers were not permitted to ask service members about whether they were gay or investigate their private sexual lives.

However, Service Members Legal Defence Network, an American watchdog looking at how the policy is enforced, says there has been a significant increase in expulsions from the army as the compromise policy is more vigorously enforced. It has also reported a rise in complaints against commanders for violating the policy by asking intrusive questions.

The British government has previously supported senior officers who say ending the ban on gays in the military will seriously undermine operational capabilities, and has pledged to fight the pending court cases.

However, John Wadham, legal director of
Liberty, the human rights group which is
taking two gays-in-the-military cases to the
European court, said that while any advance
on homosexual rights in the forces was to
be welcomed, the new proposals were
half-baked. "This is a feeble attempt to
move to equality," he said. "What lesbian
and gay people want is to be treated fairly
and equally. These proposals do not do

that."===== ATTACHMENT 1 =====
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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: news-errors (news-errors+1.0.0.reich_b#a1.eop.gov@mx.lodo.infobeat.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 8-APR-1998 03:08:00.00

SUBJECT: News - Morning Coffee Edition @ 04/08/98

TO: Brian A. Reich (Brian A. Reich@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
Morning Coffee Edition for Wednesday, April 08, 1998

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U.S. Front Page Stories

*** Clinton seeks debate on how to save Social Security

President Clinton launched a national debate Tuesday on how to save the Social Security system from being swamped by the retirement of the baby boom generation. Striving for a bipartisan approach, Clinton took part in the first of four forums arranged by the American Association of Retired Persons and the Concord Coalition, a grass roots group that is urging an end to federal budget deficits. The administration hoped to spark a national debate on the various options this year, hold a final White House conference in December and put together a legislative package for next year's new Congress to consider. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553655121-50b>

*** U.S. safety board seeks mandatory 747 wiring checks

The top U.S. safety investigator called Tuesday for mandatory checks of wiring in most Boeing 747 fuel tanks in response to faults found in the wreckage of the TWA flight 800 and on other aircraft. National Transportation Safety Board Chairman Jim Hall said the probe into the precise cause of the TWA 800 crash continued but the damage to the fuel quantity indicator system found in several planes demanded

action. TWA 800 plunged into the sea off New York in July 1996, killing all 230 people on board, when an explosion of fuel and air fumes in its center fuel tank ripped the plane apart. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653189-2ee>

*** Jet engine maker says suspect blades withdrawn, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553651351-3a7>

*** White House brushes off Arney's criticism

House Republican Leader Dick Arney said Tuesday he stands by his belief that President Clinton's conduct would warrant his resignation and has made him poor role model for the nation's children. "If it were me that had documented personal conduct along the lines of the president's, I would be so filled with shame that I would resign," the Texas Republican said he told high school students outside Dallas Monday. The White House immediately dismissed the caustic remarks and one Clinton adviser called his ideas "goofy." See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553652676-b4e>

*** White House volunteer appears at Starr's grand jury, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553652595-b42>

*** Monica Lewinsky's out and about, but still silent, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553651211-25b>

*** Starr report on Clinton under way - Wash Post. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553655746-29a>

*** Two dozen hurt in Texas school bus crash

At least two dozen people, 23 of them children, were injured on Tuesday when a truck ran into the back of a school bus on a rural Texas highway, police said. The children ranged in age from six to 18, a spokeswoman for the Brenham, Texas Independent School District said. Two of them were flown by helicopter to a Houston hospital, where one was in critical condition and the other was stable, officials said. The cause of the accident was not yet known, Texas Department of Public Safety spokesman Mike Cox told reporters. He said the crash occurred near the town of Chappell Hill, about 50 miles northwest of Houston. (Reuters)

*** More gays leave U.S. military, most voluntary

The number of people discharged from the U.S. military for homosexuality has risen sharply since the administration began its "Don't Ask, Don't Tell" policy in 1994, a Pentagon report said Tuesday. But most of them left the military without dishonorable discharges after voluntarily announcing that they were gay, Pentagon spokesman Kenneth Bacon told a briefing. The number of people discharged increased to 997 in 1997, 67% up on 597 in 1994, said the internal report. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553651985-5de>

*** Striking tug pilots warn of danger on Mississippi

Three barge accidents in four days prompted a warning Tuesday from striking tugboat pilots that unqualified replacements were creating a

dangerous situation on the Mississippi River. The three mishaps involving nine barges have occurred since the river pilots walked off the job Saturday in what they say is a bid to improve pay and working conditions. More than 2,000 people had to be evacuated and 50 suffered minor injuries when three barges rammed into a riverboat casino in St. Louis on Saturday. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553653929-0fe>

Crime and Catastrophe

*** Student attacks teacher with hammer in New York suburb

A high school teacher suffered two skull fractures Tuesday when she was attacked with a hammer by a 15-year-old female student, police said. Dawn Jawrower, 27, was allegedly assaulted by the girl when she answered a knock on the door of her classroom during an early morning class. When Jawrower opened the door and looked down at a backpack that was lying on the floor outside, the girl struck her on the head and shoulders with the hammer, Yonkers police said. Some of her students at Roosevelt High School rushed to intervene and Jawrower was brought to a local hospital. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653216-abe>

*** U.S. student with school death list expelled, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553651439-b22>

*** Stiff sentences trigger courtroom brawl in Ohio

Stiff jail sentences given four black youths described by the judge as "racist savages" triggered a full-scale brawl Tuesday between their supporters and police, resulting in four more arrests. "I've been in the court system 26 years and it's the worst disorder I've ever seen," said Andrew Conlon, bailiff for Hamilton County (Ohio) Common Pleas Court Judge Thomas Crush. The melee began after Crush handed down sentences of up to six years against the four defendants, whom he described as "a pickup gang of racist savages." The melee spilled into the hall outside the courtroom where several police officers helped subdue the angry protesters. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651962-70e>

*** 33 charged in Long Island biker roundup

Thirty members of a national motorcycle gang were arrested Tuesday on a host of charges ranging from conspiracy to commit murder to extortion, and arson charges, officials said. Federal charges were filed against 33 members and associates of the Pagan Outlaw Motorcycle Club, a national organization with four Long Island chapters, the focus of the joint law enforcement effort, the U.S. Attorney's office said. Twenty-seven defendants were arrested on Long Island Tuesday, three were arrested in Florida, Virginia or Pennsylvania and three remained at large, Uniondale, N.Y., officials said. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651871-c1d>

*** Fla. murder rate lowest since 1933

The crime rate in Florida, the tourism-dependent state scarred by a string of tourist killings in the 1990s, dropped 2.6% last year and the murder rate hit its lowest level since 1933, officials said Tuesday. It was the sixth consecutive annual drop in the crime rate in Florida, according to statistics released by the Florida Department of Law Enforcement. Violent crime fell by 2.4% from 1996, the fifth consecutive drop. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553650971-aff>

*** Inmates in scam to sue New York City from prison

Three inmates at a New York prison have been indicted on assault and weapons charges after one smuggled a gun into the jail and another shot the third as part of a scheme to sue the city, officials said Tuesday. Hector Muniz, 25, Carlos Martinez, 21, and Troy Jennings, 33, were indicted on charges of assault, criminal use of a firearm, criminal possession of a weapon and promoting prison contraband, Bronx District Attorney Robert Johnson said. According to the indictment, the inmates at Rikers Island prison, which sits in the middle of the East River off Manhattan, arranged for Muniz, who had an outside work detail, to smuggle a loaded handgun into the jail. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553654136-02>

*** N.J. thieves take car sticker booty

Police discovered an unusual booty when they checked the sealed cartons thieves stole from a state Motor Vehicle inspection station, officials said Tuesday - 6,000 motor vehicle inspection stickers.

Three men broke down the door of the inspection station in a residential neighborhood of the northeastern New Jersey town of Montclair Saturday night, Police Chief Thomas Russo said. The men, all from Paterson, N.J., made off with 15 sealed cartons containing the blue and yellow 1998 and 1999 inspection stickers, which are required for motor vehicles. The stickers were worth between \$60,000 and \$120,000, police said. A witness who saw the break-in called police and two detectives arrested them a few miles away, Russo said.

See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652350-24c>

The U.S. Political Scene

*** Update: CBO says U.S. 1998 surplus may be still higher

The U.S. budget surplus could be higher than expected this year - \$18 billion - if the second half of fiscal 1998 matches last year's performance, the Congressional Budget Office said Tuesday. "If the cumulative surplus for April through September matches last year's performance, the fiscal year will end with an \$18 billion surplus," the CBO's monthly budget review said. The CBO's last formal projection was an \$8 billion surplus for the current fiscal year

which ends Sept. 30. It would be the first time in nearly 30 years that the United States would be without a deficit. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651710-848>

*** U.S. raises pressure on Senate on test ban

A day after Britain and France took the lead in ratifying a treaty banning all nuclear weapons testing, the Clinton administration Tuesday turned up the heat on the U.S. Senate to ratify the landmark accord. With a key senator threatening to defer voting on the pact indefinitely, Acting Undersecretary of State John Holum said the U.S. by inaction was in danger of diluting its authority to press for tough non-proliferation efforts in Iraq and elsewhere. He called for the Senate to ratify the Comprehensive Test Ban Treaty before it adjourns its legislative session next October and stressed the need to bring public pressure to bear on the lawmakers to ensure that happens. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651699-b11>

*** Conservative ratings show liberal shift in Congress

A conservative ratings group Tuesday blamed Senate Republican leaders for permitting a liberal shift in the current Congress. According to an annual voting scorecard compiled by the American Conservative Union (ACU), both the Senate and the House shifted to the left of the political spectrum in 1997. The House, however, saw a moderating trend, where Republicans voted less conservative and the Democrats

less liberal, in a search for the political center. The Senate, the ACU survey said, showed both parties becoming more liberal. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651775-fed>

*** Giuliani declines NYC predecessor's peace offer

Former New York City Mayor David Dinkins Tuesday offered political rival Mayor Rudolph Giuliani "a very large olive branch" in a dispute over 1991 racial riots, but Giuliani spurned him. Democrat Dinkins and Republican Giuliani have waged an increasingly bitter battle over Giuliani's apology last week for the city's handling of the riots and for settling a lawsuit filed against the city by Hasidic Jewish families who alleged police protection had been withheld. The apology was controversial because rioting in the Crown Heights neighborhood of Brooklyn occurred during the mayorship of Dinkins, the city's first black mayor who was defeated by Giuliani in 1993 elections. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553653771-d00>

*** Code of conduct urged for broadcasters

A U.S. senator and a crusader for moral values told the nation's broadcasters Tuesday that their promotion of shows like the "Jerry Springer" program was making the country violent and vulgar. They also did not like the idea of "shock jock" Howard Stern getting his own program on network television. Sen. Joseph Lieberman, D-Conn., and former Republican Secretary of Education William Bennett told a press conference at the National Association of Broadcasters

convention the industry should bring back its code of conduct. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553654733-fee>

*** 3 Republicans file to challenge Daschle

Three Republicans will seek their party's nomination to run against Senate minority leader Tom Daschle in the June 2 South Dakota primary. The lineup was set when the deadline for filing ballot petitions passed at the close of business Tuesday. Daschle drew no opposition from within his party. The three GOP contenders are Alan Aker and John Sanders, both of Rapid City, and Ron Schmidt of Pierre. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553653198-1ff>

The Courts

*** Court refuses to telecast McVeigh's appeal

A federal appeals court said Tuesday it will not allow proceedings from convicted Oklahoma City bomber Timothy McVeigh's appeal to be telecast by closed circuit television to victims in Oklahoma City. The 10th Circuit Court of Appeals gave no reason for its decision. Prosecutors had asked the court to make an exception to its rules and allow a closed-circuit telecast of oral arguments to Oklahoma City so that victims and relatives of people who died in the April 19, 1995, bombing of the Alfred P. Murrah federal building would be able to

view the proceedings. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653726-ea1>

*** Tommy Lee pleads no contest to Pamela Anderson abuse

Rock drummer Tommy Lee pleaded no contest Tuesday to felony spousal abuse charges stemming from an attack on his now-estranged wife, former "Baywatch" star Pamela Anderson. Lee, who plays with the heavy metal group Motley Crue, faces up to 12 months in jail following his plea, which is an admission of guilt under California law. He was arrested in February after Anderson complained he had struck her as she was holding the couple's son Dylan, then 7 weeks old. They also have a 22-month-old son Brandon. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653728-e2e>

*** Judge quits after charge he drank beer with jurors

A municipal judge resigned Tuesday after Washington state authorities charged he drank beer while a jury was deliberating a drunken-driving case and then asked jurors to stay and join him for a "cold one." In his resignation letter, Lakewood Municipal Judge Ralph Baldwin apologized for his conduct, which he said stemmed from a "misguided sense of congeniality and extremely poor judgment." Baldwin had been appointed late last year as the only judge in the newly incorporated suburb of 63,000 residents south of Tacoma. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653927-b27>

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<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653927-b27>

*** Jury to decide fate of California Death Row inmate

Jury selection began Tuesday in a California civil trial that will determine whether a convicted triple murderer is sane enough to be executed by lethal injection next week. In what could become a race against time, the jury will decide whether the state can proceed with its scheduled April 14 execution of Horace Kelly, who has been on Death Row for nearly 12 years for murdering three people in 1984. The trial, based on a 19th-century law that bars the state from executing anyone who is insane, was prompted after a Marin County judge Monday refused to delay Kelly's execution. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553652059-97f>

U.S. Business and Financial News

*** Dow tumbles by close, investors fret over profits

The Dow was toppled from its 9000 point pedestal on Tuesday after investors, unnerved by upcoming earnings reports, grabbed some profits as Monday's blockbuster banking merger boost waned. The Dow closed off 77 points at 8957. Monday, the Dow closed above 9000 points for the first time. The S&P500 index ended off 12 points at 1110. Declining issues led advancers by almost 3-to-1 on volume of 669 million shares. Technology stocks suffered the worst falls as their earnings were seen among the most vulnerable to earnings

slowdown due to financial turmoil in Asia in past months. The tech-heavy Nasdaq fell 30 points, or 1.66%, to 1799. The long bond was off 9/32 to yield 5.84%. The dollar fell to 133.26 yen and 1.8371 marks. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553652330-ad0>

World Front Page Stories

*** N. Ireland killing ahead of key peace talks

Republican gunmen were reported to have claimed responsibility for killing a man in Northern Ireland early on Wednesday in an attack apparently designed to rock the already shaky peace process. Police said the man died from injuries suffered when two masked men opened fire on his car in the driveway of his house shortly after midnight in the city of Londonderry. The British Broadcasting Corporation (BBC) said the man's wife and several children were thought to have been present during the attack. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553655234-d11>

*** Freed Cuban prisoners plan to leave Canada for U.S.

Some of the newly-exiled Cuban refugees, with only a few hours of freedom on Canadian soil, were already talking Tuesday about moving to the United States or even back home. The group of 12 Cubans and

family members, who arrived from the Communist island's jails in the early hours of Tuesday morning, were accepted into Canada after Pope John Paul appealed for clemency for Cuba's prisoners of conscience. Despite the cruelty they faced in Cuban prisons, they told reporters Tuesday that they have "special arrangements" with the Cuban government to return home after one year, and expressed strong desires to live in Miami's Cuban exile community in the meantime. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652835-f15>

*** Varied fruits of pope's trip divide Cuban exiles, see <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651490-f3b>

The World Political Scene

*** Serbia backs referendum after talks snub

Albanian separatist leaders boycotted Kosovo peace talks with Serbian President Milan Milutinovic Tuesday while his government hardened its opposition to foreign mediation. Milutinovic called the Albanian snub to his presence in Pristina, the Kosovo capital, "irresponsible" and stressed he was ready to negotiate an autonomy agreement at any time. But the Serbian parliament voted 193-4 for a national referendum on April 23 to back the Belgrade authorities' rejection of international mediation in the crisis, which the Albanians say is indispensable.

See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553650864-8cc>

*** Chirac tells Bosnians to look to future, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553650723-139>

*** S. Korea confirms Beijing as direct talks venue

South Korea formally accepted Beijing as the venue for direct talks with North Korea on Saturday, the South's unification ministry said Wednesday. "We still believe it is not desirable to hold bilateral talks in a third country, but after taking your position into consideration we have decided to accept Beijing as the venue for the talks," said a telephone message by the head of the South Korean Red Cross to its northern counterpart. Seoul had indicated Tuesday it would accept Pyongyang's proposal. North Korea on Tuesday confirmed that it preferred Beijing as the place for bilateral talks after Seoul on Monday said it favored a site on the Korean peninsula. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553655277-03e>

*** U.S., Mexico moving away from drug certification

Mexico and the United States announced Tuesday they were hammering out new ways to measure progress in the drug war that would throw the controversial U.S. policy of certification on the scrapheap. Officials of both nations said they wanted to move away from the U.S. policy of annually passing judgment on other countries' anti-drug efforts, a process that has angered U.S. allies in Latin America and clouded other issues, such as trade and immigration. White House anti-drug chief Gen. Barry McCaffrey ended two days of work with top Mexican officials developing concrete ways to evaluate performance in

stopping the multibillion-dollar flow of drugs from South America to the U.S. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553655508-7f4>

*** Mexico faults U.S. for not nabbing drug lords, see

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553652300-da3>

*** Yeltsin, Duma still split over PM ahead of vote

Boris Yeltsin and his parliamentary foes remained at odds Wednesday over the president's choice of prime minister despite Kremlin talks that tried to end Russia's political crisis. Two days ahead of a parliamentary debate on Sergei Kiriyenko's nomination, deputies were weighing up whether to risk Yeltsin's wrath and vote against the 35-year-old former banker whom many regard as too young for the job. Yeltsin has said he will dissolve the State Duma lower chamber and call early parliamentary elections if it rejects Kiriyenko. The Duma has three chances to approve the president's candidate. The first vote is expected after Friday's debate. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553656737-ec0>

Sports

*** Suns' Manning hurts knee

(AP) - Phoenix Suns forward Danny Manning left Tuesday night's game

against the Sacramento Kings in the first quarter after suffering a knee injury. Manning, who is averaging 13.7 points per game in his 10th NBA season, was carried off the court at the 4:07 mark after falling to the floor during a fast break by the Suns. According to Suns spokeswoman Julie Fie, Manning injured his right anterior cruciate ligament. He is to be examined Wednesday. Manning previously underwent major reconstructive surgery on his left knee in 1995 and the right knee in 1989. Playing the first eight minutes, Manning had two points and one rebound and Phoenix went on to win 103-97.

*** Clemens strains right groin

(AP) - Four-time Cy Young winner Roger Clemens strained his right groin and pulled himself after only seven pitches Tuesday night in the Toronto Blue Jays' game at Minnesota. The Blue Jays described the strain as mild, and listed him as day-to-day. Clemens hurt himself while warming up in the bullpen. He walked leadoff man Matt Lawton on five pitches, then threw two pitches to Brent Gates and called time. Manager Tim Johnson met Clemens on the mound and brought in Robert Person to relieve. Person was roughed up and the result was a 12-2 blowout in which Clemens was given the loss. It was the shortest start of Clemens' career. Clemens was out nearly four weeks in 1993 because of a strained right groin.

*** Augusta honors 6-time champion Nicklaus

(AP) - Clad in a green jacket, basking in applause, Jack Nicklaus

choked back tears Tuesday as Augusta National Golf Club honored his 40th appearance in the Masters. Augusta National chairman Jack Stephens displayed a plaque summarizing the Golden Bear's exploits. Rather than announcing the end of his major championship career ahead of time and making it a walk down memory lane, Nicklaus says that he'll retire when he feels he can no longer contribute or compete. Nicklaus' plaque will be placed by a water fountain between Augusta's 16th green and 17th tee. He has a record six victories at Augusta.

*** Cardinals acquire 1,000-yard rusher Murrell from Jets

(AP) - The Arizona Cardinals filled a need Tuesday by trading their third-round draft pick to the New York Jets for Adrian Murrell, a 1,000-yard rusher the last two years. The Cardinals were last in the NFL in rushing, averaging 78.4 yards per game - less than Murrell averaged in 1996, when he had 1,249 yards in 301 carries. He ran for 1,086 yards in 300 attempts last season. Murrell became expendable when the Jets signed New England's Curtis Martin as a free agent. Murrell has 3,447 yards and 15 TDs on 850 carries - a 4.1-yard average - in his five-year career. He also has caught 127 passes for 729 yards and three TDs.

Science and Medicine

*** Americans plagued by anxiety disorders - experts

When he was a child, Marc Summers would spend hours obsessively cleaning his room, hanging his clothes at precise intervals in the closet. A mother's dream? More a nightmare: Summers was medically ill, with obsessive-compulsive disorder. On Tuesday the cable talk-show host helped the National Institute of Mental health (NIMH) launch an education campaign about anxiety disorders, which include obsessive-compulsive disorder. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652967-8a4>

*** More than 600,000 women die in childbirth - agencies

More than 600,000 women die every year giving birth - one woman every minute - yet just \$2 a day in health spending would save them, the World Bank said Tuesday. The agency, which funds development, said it was joining forces with the World Health Organization, the United Nations and other groups to press for more help for women, especially mothers, in developing nations. "Why is it that a woman dies every minute? The answer is that people don't care," James Wolfensohn, president of the World Bank, told a meeting called to mark World Health Day. The theme this year is safe motherhood. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652084-862>.

*** U.S. study says hyperactivity not over-diagnosed

A review of medical research published Tuesday concluded that U.S. children are not being misdiagnosed with attention-deficit

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When he was a child, Marc Summers would spend hours obsessively cleaning his room, hanging his clothes at precise intervals in the closet. A mother's dream? More a nightmare: Summers was medically ill, with obsessive-compulsive disorder. On Tuesday the cable talk-show host helped the National Institute of Mental health (NIMH) launch an education campaign about anxiety disorders, which include obsessive-compulsive disorder. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652967-8a4>

*** More than 600,000 women die in childbirth - agencies

More than 600,000 women die every year giving birth - one woman every minute - yet just \$2 a day in health spending would save them, the World Bank said Tuesday. The agency, which funds development, said it was joining forces with the World Health Organization, the United Nations and other groups to press for more help for women, especially mothers, in developing nations. "Why is it that a woman dies every minute? The answer is that people don't care," James Wolfensohn, president of the World Bank, told a meeting called to mark World Health Day. The theme this year is safe motherhood. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652084-862>

*** U.S. study says hyperactivity not over-diagnosed

A review of medical research published Tuesday concluded that U.S. children are not being misdiagnosed with attention-deficit

hyperactivity disorder or being given too much of the most common drug used to treat it. The finding comes from the Council on Scientific Affairs of the American Medical Association and was published in the AMA's journal this week. The review covered studies done from 1975 to March 1997. The authors said they found little evidence of widespread over- or misdiagnosis of the disorder or of widespread overprescription of methylphenidate, the most commonly prescribed drug, sold as Ritalin by Novartis and under generic formulations by several other companies. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652620-f19>

*** U.S. study finds hearing loss in many children

Nearly 15% of U.S. youngsters between ages 6 and 19 may have high- or low-frequency hearing loss for reasons ranging from illness to noise exposure, according to a study published Tuesday. Researchers at the Centers for Disease Control and Prevention in Atlanta said they based the estimate on a review of hearing tests given to 6,166 children between 1988 and 1994. Most of the losses found were not severe and often affected only one ear, said the report published in this week's Journal of the American Medical Association. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553649880-9d9>

*** U.S. issues stamp to raise breast cancer funds

The U.S. Postal Service said Tuesday it had approved a 40-cent stamp that would raise money for breast cancer research. The design of the

stamp, which will only be usable in place of a 32-cent first-class stamp, will be revealed in May, it said in a statement. The stamp will be issued nationwide in August. "Seventy percent of net proceeds will be given to the National Institutes of Health (NIH) and 30% will be given to the Department of Defense," the Postal Service said. The Pentagon is helping to develop technology for breast cancer research.

(Reuters)

Technology

*** Justice, Microsoft trade barbs about court adviser

The Justice Department and Microsoft Corp. traded written barbs Tuesday over the qualifications of a special court adviser, paving the way for arguments on the case before appellate court judges April 21. The appellate court has temporarily suspended the work of Harvard Law Professor Lawrence Lessig, who was serving as a "special master" in a Justice Department case against Microsoft by the Justice Department. The government has alleged Microsoft is in violation of a 1995 consent decree which requires it to open up the market for software. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553653471-7ca>

***** S. Africa firm wins rights to build Titanic replica**

A race to build a replica of the Titanic heated up Tuesday when a South African company said it has secured the original plans of the ill-fated ship from its British builders. The replica would cross the Atlantic on the eve of the new millennium, using the same route taken by the luxury liner which sank in April 1912, killing 1,523 people, RMS Titanic Shipping Holdings director Sarel Gous said. That would be two years earlier than the voyage planned by White Star Line Ltd., a Swiss-U.S. partnership looking to set sail with a rival replica to mark the 90th anniversary of the Titanic's doomed maiden voyage. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553652179-12b>

***** Food drop delayed for pair trekking to North Pole**

Bad weather has delayed efforts to deliver food to a pair of North Pole-bound adventurers, but a base camp official said Tuesday the two were in no immediate danger. David Hampleman-Adams, a British businessman, and Rune Gjeldnes, a member of an elite group of Norwegian marines, were about halfway into their 600-mile trek over the Arctic Ocean to the Pole. Adams and Gjeldnes have between three and six days' food supply after being forced to abandon some of their supplies because of equipment problems, according to John Perrins, manager of their base camp in Resolute, Northwest Territories. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553654113-885>

*** Tennis star's father Graf must sit out jail term

A German court rejected an application from Peter Graf, the jailed father of tennis star Steffi Graf, for his early release from prison in Stuttgart, Germany. Graf was convicted in January 1997 of evading 12 million marks (US\$6.5 million) tax on his daughter's earnings and sentenced to three years nine months jail. He had already spent 472 days in remand, which was deducted from that jail term. Anyone sentenced to more than two years jail in Germany can under certain circumstances be released after completing half of the term and it was on this basis he applied for an early release. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553647056-28a>

*** Bangkok governor gets taste of rough street life

Bangkok Governor Bichit Rattakul had a first hand experience of how rough it is to walk along the Thai capital's harsh streets. He fell into an open manhole. The governor was walking with an entourage on Monday to lay a wreath at a famous king's monument to commemorate the founding of the ruling Chakri dynasty, when he suddenly almost disappeared from view, local media reported. "I was a little bruised. My left leg fell into the hole. If I were thinner, I could have fallen deeper into the sewage water," the Bangkok Post newspaper quoted Bichit as saying. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=2553655411-b29>

*** Russian taxman says 'thanks for paying up'

Honest Russians received a warm message of thanks Tuesday from an unexpected quarter - the taxman. In an unusual statement, the head of Russia's federal tax service expressed his gratitude to the growing number of citizens he said were paying their taxes in full and on time. Echoing recent remarks by President Boris Yeltsin, Alexander Pochinok said people were increasingly aware that without taxes there could be no pensions, schools or hospitals. Pochinok also thanked Russia's mass media for helping to broadcast his service's campaign. See <http://www.infobeat.com/stories/cgi/story.cgi?id=2553651197-d24>

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id <01IVM10QX1JK005L84@PMDf.EOP.GOV> for reich_b@a1.eop.gov; Wed,
8 Apr 1998 03:09:00 EDT

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08 Apr 1998 03:08:57 -0400 (EDT)

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CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 11:11:00.00

SUBJECT: NC6581: Full DoD report on DADT

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

The charts at the end are messed up in this ascii-text version of the

report but all the prose is fine. Rex

Report to the Secretary of Defense

Review of the Effectiveness of the Application and

Enforcement of the Department's Policy on Homosexual

Conduct in the Military

Office of the Under Secretary of Defense (Personnel and Readiness)

April 1998

INTRODUCTION;

On February 28, 1994, after extensive hearings in Congress, the enactment

of a federal statute, and coordination with Congressional Oversight Committees, the Department of Defense instituted its current policy on homosexual conduct in the military. As required by the federal statute (10 U.S.C. § 654), the DoD policy provides that engaging in homosexual conduct is grounds for discharge from the military. Congress expressly found that service by those who have a propensity to engage in homosexual conduct creates an unacceptable risk to morale, good order and discipline, and unit cohesion, and that the long-standing prohibition of homosexual conduct therefore continues to be necessary in the unique circumstances of military service.

The DoD policy also provides, however, that sexual orientation is a personal and private matter that is not a bar to military service unless manifested by homosexual conduct. It was the sense of Congress that applicants should not be asked about homosexuality as part of the processing of individuals for accession into the Armed Forces.

Consequently, under the policy, applicants for military service may no longer be asked about their sexual orientation. Moreover, the services may not initiate investigations solely to determine a member's sexual orientation. Commanders may initiate an investigation only upon receipt of credible information that a service member has engaged in homosexual conduct, i.e., stated his or her homosexuality, committed a homosexual act, or entered into a homosexual marriage. ;

In April 1997, the Secretary of Defense tasked the Under Secretary of Defense for Personnel and Readiness to conduct a review of how well the Department's policies on homosexual conduct in the military are being

applied and enforced. The Department of Defense periodically reviews many of its personnel policies. Since the homosexual conduct policy had been in place for three years, a review was appropriate. Part of the tasking was to review the issues raised in a 1997 report by the Servicemembers Legal Defense Network and issues which members of Congress and others had brought to the Department's attention. The purpose of the review was to assure ourselves that we are doing all we can to ensure that our policy is faithfully executed.

The Under Secretary of Defense directed the Principal Deputy Assistant Secretary of Defense for Force Management Policy to head the review. A working group was formed consisting of legal and personnel representatives from each of the Military Services and from the Office of the Secretary of Defense. The working group met several times to evaluate the range of matters raised concerning application and enforcement of the Department's policy on homosexual conduct in the military. ;

Subsequently, senior representatives from each of the Services met with senior legal and personnel officials in the Office of the Secretary of Defense on several occasions to discuss policy implementation details. In addition, discussions were held on the Services', handling of individual incidents, their conduct of individual investigations and their processing of individual separation cases which were cited to the Department of Defense as possibly non-compliant with the Department's policy. The Services provided Office of the Secretary of Defense staff with selected case files, including commander directed investigations, records of administrative discharge hearings, and Inspector General investigations.

Each such matter was carefully reviewed. New issues and cases brought to the attention of the Department between April 1997 and February 1998 were also reviewed. ;

The Defense Manpower Data Center was also tasked to provide various statistics about discharges based on homosexual conduct for Fiscal Years 1980 through 1997. The complete Fiscal Year 1997 statistics provided in this report were not available and verified by the Services until February 1998. ;

Proper implementation of the policy on homosexual conduct has been a high priority at the Department of Defense since the policy was instituted. The balance that the policy strikes between the prohibition of homosexual conduct in the military and the privacy rights of our service members has posed a challenge to the Services. Commanders must enforce the statutory ban on homosexual conduct while at the same time respecting the limits that the policy imposes on investigations of such conduct. Secretary Cohen has strongly stated that harassment or threats of violence against service members will not be tolerated; that fact finding inquiries into homosexual conduct may be initiated only when a commander has received credible information that there is a basis for discharge; that fact finding inquiries must be limited to the factual circumstances directly relevant to specific credible information received; and that fact finding inquiries must not be unduly intrusive. ;

This report presents the major conclusions of the review as well as a discussion of many of the matters considered in reaching those conclusions.

In order to protect the privacy of current and former service members, this report does not discuss individual cases by name. ;

SUMMARY OF FINDINGS

I. Data on Discharges for Homosexual Conduct

;The review examined the available statistical data concerning homosexual conduct discharges and found that the number of service members discharged for homosexual conduct has in fact risen since the new policy became effective in 1994. We believe that this increase is cause for some concern, although it continues to be an extremely small percentage of the total force. The review did not provide a complete explanation for the increase, but several facts did emerge upon closer analysis of the discharge data.

;First, we found that the large majority of the discharges for homosexual conduct are based on the statements of service members who identify themselves as homosexual, as opposed to cases involving homosexual acts. The Services believe that most of these statement cases -- although not all of them -- involve service members who voluntarily elected to disclose their sexual orientation to their peers, supervisors or commanders. The increase in the number of discharges for homosexual conduct since Fiscal Year 1994 is attributable to this increase in statement cases. Discharges for homosexual acts and marriages have declined by 20 percent over the past three years. Second, most of those discharged under the policy are junior personnel with very little time in the military, and most of the increase

in discharges for homosexual conduct has occurred in this sector. The number of cases involving career service members is relatively small. Third, the great majority of discharges for homosexual conduct are uncontested and are processed administratively. Finally, more than 98 percent of all members discharged in Fiscal Year 1997 under the policy received honorable discharges, general discharges under honorable conditions or uncharacterized discharges. (Separations of enlisted members in their first 180 days of military service are generally uncharacterized.) Discharges under other than honorable conditions or courts-martial for consensual homosexual conduct are infrequent and have invariably involved aggravating circumstances or additional charges.

;II. Application and Enforcement of the Homosexual Conduct Policy

;As noted above, Department of Defense policy specifies that commanders may initiate investigations of suspected homosexual conduct only after receiving specific, credible information concerning the conduct of the service member in question. In the cases reviewed, we identified only isolated instances in which inquiries were made without the requisite factual basis, or in which the scope of an investigation was expanded in a way that was inconsistent either with the express terms of the policy or with its spirit. We concluded that concerns that there have been widespread "witch hunts" against suspected homosexuals and that there have been numerous other abuses in the course of investigations are unfounded, and Secretary Cohen has strongly emphasized that such abuses will not be tolerated.

Although we conclude that the Department's policy on homosexual conduct is generally being implemented properly, a number of areas were identified in which the policy could be usefully clarified or implementation could be otherwise enhanced. Steps have already been taken to address some of these issues. For example, last March, former Under Secretary of Defense Dorn issued a directive providing guidance on how threats against alleged homosexuals in the Armed Forces should be investigated. As explained below,

this guidance made clear that the report of a threat should result in the prompt investigation of the threat itself, that investigators must not solicit allegations concerning the sexual orientation of the threatened member, and that the report of a threat alone is not credible information and is not a basis to initiate an investigation against the victim. The Department has also eliminated obsolete enlistment forms that could have resulted in improper questions by military recruiters.

;III. Recommendations

;We recommend that the Department take action in several areas to address other concerns that have been raised with the implementation of the policy. These areas include:

the use of pretrial agreements, or "plea bargains," to obtain evidence of consensual homosexual conduct;

the scope of investigations in "coming out" cases, including cases where recoupment of financial benefits is at issue;

the importance of consultation with higher headquarters before initiating investigations into alleged homosexual conduct;

the need to reissue and expand the directive guidance issued by former Under Secretary Dorn concerning threats against service members based on their alleged homosexuality; and

the need to ensure that the training of those charged with enforcing the Department's homosexual conduct policy is effective.

We believe that these are areas in which clear guidance to the field will be of significant benefit in ensuring a fair and even-handed application of our policies.

DISCUSSION

I. Statistics on Homosexual Conduct Discharges

A. General Statistics

Statistics on homosexual conduct discharges both before and after the current policy was instituted were studied in detail. Table No. 1 sets out the total number of service members discharged for homosexual conduct in each year since 1980, and the percentage of the personnel strength of the Armed Forces that these numbers represent. Although the trend from the

early 1980s to the early 1990s reflected gradually decreasing numbers and rates of discharges, culminating in a historic low in Fiscal Year 1994, both the number and rate of discharges for homosexual conduct have increased each year since that time. Whereas 597 service members were discharged for homosexual conduct in 1994, representing 0.037 percent of the total force, 997 members were discharged in Fiscal Year 1997, which represented 0.069 percent of the total force. While these numbers still remain much lower than the numbers prevalent in the early 1980s and represent a smaller percentage of the total military population than in the 1980s, the consistent upward trend from 1994 to 1997 raises questions about how our policy is working in practice.

Some of the increase in the number of individuals discharged for homosexual conduct, as compared to the pre-1993 numbers, is attributable to changes in counting methods instituted by the Air Force since the new policy was implemented. Under the former policy, Air Force recruits who answered "no" when asked if they were homosexual on the enlistment forms in use at that time, and then subsequently declared their homosexuality early in their service, were discharged for "fraudulent enlistment" rather than for homosexual conduct. Under the new policy, however, questions concerning homosexuality are no longer permissible and are no longer included on enlistment forms. Thus, Air Force members who during their first six months of military service, state that they are homosexual are now discharged on the basis of homosexual conduct, rather than on the basis of a "fraudulent enlistment." This change in counting methods by the Air Force makes the post-1993 numbers higher than they would have been under the old system.

This change, however, does not explain the increase in homosexual discharges that has occurred since 1993.

In an effort to gain a better understanding of this issue, we closely studied the available information concerning the nature of homosexual discharge cases last year. This review revealed that more than 80 percent of the discharges for homosexual conduct in Fiscal Year 1997 were "statement" cases, i.e., cases where the service member made a statement that he or she was homosexual, as opposed to homosexual act or marriage cases. (See Table No. 2.) The Services believe that a large majority of the "statements" cases involve service members who voluntarily identify themselves to their commanders, supervisors or peers as homosexual. Moreover, 58 percent of those discharged for homosexual conduct in 1997 were junior enlisted personnel with less than one year of military service. (See Table No. 3.) The early discharges occurred most frequently in the Air Force, where 212 of the 309 discharges for homosexual conduct occurred in basic training. Only 68 of the 309 discharges involved members who had completed their first year of service. Across all the Services, more than 80 percent of those discharged had less than four years of service. Finally, most of the increase in the number of service members discharged for homosexual conduct in recent years has occurred among service members who are discharged early in their first term of service. ;

Thus, in the most common case, a discharge under the homosexual conduct policy involves a junior enlisted member who makes a statement declaring his or her homosexuality to a commander, supervisor or peer relatively early in the member's first term of service. This is the type of discharge

that has been increasing in recent years. Because extensive inquiries or investigations are not conducted in most of these cases, the reasons for this increase are not known and would be difficult to ascertain. It is possible that the number of discharges could have increased somewhat as a result of the fact that applicants are no longer asked about their sexual orientation when enlisting in the Armed Forces. ;

It bears mentioning that, notwithstanding the recent increases, the number of discharges for homosexual conduct is a very small percentage of total discharges. For example, in the first year of military service, where discharge for homosexual conduct is most frequent, such discharges represented only seven tenths of one percent of the total discharges of members in their first year of service in Fiscal Year 1997. Increasing involuntary discharge rates -- whether for homosexual conduct or for any other reason -- are a cause for concern. We saw no evidence, however, that the increases that have occurred in separations based on homosexual conduct indicate that our policy is not being properly or fairly implemented.

B. Statistics on Women

The statistics on homosexual conduct discharges indicate that women have been discharged under the policy at rates that exceed their representation in the force. Women made up just over 13 percent of the military strength of the Services but accounted for 29 percent of homosexual conduct discharges in Fiscal Year 1996. In Fiscal Year 1997, the relative number of women discharged for homosexual conduct was down to 22 percent of the

total, with the representation of women increasing to nearly 14 percent of the force. ;

The reasons for the gender disparity in homosexual conduct discharges are unknown. It has been argued that women are sometimes accused of being homosexual in retaliation for their reporting of sexual harassment or other misconduct, and therefore are discharged in greater numbers than men. In reviewing the complaints that were received last year, we found very few specific instances in which women were reportedly accused of being homosexual in retaliation for their reporting of sexual harassment or other misconduct, but could not substantiate any instance where a commander ,s investigation improperly targeted the victim of sexual harassment rather than the perpetrator. ;

Nonetheless, it is critical that military service women feel free to report sexual harassment or threats without fear of reprisal or inappropriate governmental response. As discussed below, we recommend that the Department reissue guidance to make clear that when sexual harassment is reported, the focus of the investigation must be on the harassment or threat. ;

II. Investigations of Homosexual Conduct ;

Although extensive investigations of homosexual conduct are the exception rather than the rule, there are a significant number of cases in which such investigations have been conducted. Based on the cases reviewed, we

concluded that the vast majority of investigations that have occurred have been properly initiated, i.e., an investigation has been opened only after the commander had determined that there was credible information that the member had engaged in homosexual conduct. ;

We concluded that many of the criticisms made last year about improper initiation of investigations reflect a misunderstanding of the Department's policy. In practice, credible information has sometimes been provided to commanders in ways that service members might not have expected would occur, or has been based on communications or behavior that the service member might have expected would remain private. For example, current or former partners, roommates, or unrelated third parties have sometimes come forward on their own to report information or evidence of homosexual conduct to commanders against the wishes of the service member in question. Photographs or written communications that evidence homosexual conduct have sometimes been revealed to civilians who then brought this evidence to the attention of a commander, without any inquiry having been conducted by the commander. Credible information has also been incidentally discovered in the course of proper, entirely unrelated criminal or disciplinary investigations of the member or of others. It is not a violation of Department policy for a commander to initiate an investigation when information has been reported in any of these circumstances, provided that the information received is credible. Indeed, because federal law requires that those who engage in homosexual conduct must be discharged from the military, commanders are obligated to investigate whenever they receive credible evidence of homosexual conduct. ;

We also concluded that, for the most part, the investigations that have been initiated have been conducted properly. Allegations of widespread abusive investigatory practices have not been substantiated. ;

However, in reviewing the cases referred to our attention, we concluded that three investigations did not fully comply with Department policy. In two of those cases investigators asked service members questions concerning their sexual orientation without credible information or without the requisite determination by a commander that credible information was present or an investigation against a service member was improperly expanded because investigators asked for the identities of others who may have engaged in homosexual conduct. In one of these cases, there was a failure to properly advise service members of their rights prior to being questioned. The recommendations set out below pertaining to consultation and to the training of investigators and others charged with implementing the homosexual conduct policy should help to preclude further errors of the type we noted. ;

We concluded, however, that the instances in which improper practices have been identified in homosexual conduct investigations were isolated occurrences. The few errors that were made were generally committed by investigators rather than by commanders. Still, such situations are unacceptable. The Services are committed to proper implementation of the policy and are working hard to ensure that both commanders and investigators understand and abide by the limits on homosexual conduct investigations. ;

The Military Service representatives on the working group indicated that it has become common practice for installation judge advocates to consult with more senior, more experienced judge advocates in higher headquarters legal offices for advice in those cases involving more complex issues or investigations. As noted, the Services reported that the vast majority of homosexual discharge cases involved no or minimal investigation. In many cases, where a service member had informed his or her commander or supervisor of his or her homosexuality, any ensuing investigation usually consisted of only limited questioning of the service member. As a result, installation-level attorneys have had little opportunity to build practical expertise in providing advice on more complex investigations related to the homosexual conduct policy. We recommend that the Department issue guidance clarifying that consultation with higher headquarters legal offices is recommended before initiating investigations into alleged homosexual conduct. ;

III. Threats Against Suspected Homosexuals

Perhaps the most troubling allegation addressed by the working group was reported threats against, or harassment of, suspected homosexuals in the military. Concerns have been expressed that suspected homosexuals in the Services have been harassed or threatened with violence by other service members and that service members have been reluctant to report such harassment or threats for fear that their commanders would launch investigations against them for homosexual conduct. ;

Of the cases we reviewed, we found four cases in which anti-gay threats or harassment directed towards specific individuals were reported by service members. We found that, in those cases in which service members complained to their commanders, the commanders promptly took appropriate actions in response to the reported threat or harassment and did not target the victim. In two cases the threats took the form of anonymous notes and investigators could not identify those who were responsible. ;

The Department has been concerned about the possibility that service members may sometimes not report anti-gay threats or harassment for fear of being targeted with an investigation. In March 1997, the Under Secretary of Defense for Personnel and Readiness issued directive guidance designed to make clear that service members must be able to report harassment or threats free from fear of harm, reprisal, or inappropriate or inadequate governmental response. The guidance provides that the report of harassment or a threat should result in the prompt investigation of the threat itself, and that investigators should not solicit allegations concerning the sexual orientation or conduct of the threatened person. If, during the course of an investigation, information is received that the service member has engaged in homosexual conduct, commanders are directed to consider carefully the source of that information and the circumstances under which it was provided in assessing its credibility. The fact that a service member reports being threatened because he or she is alleged to be a homosexual shall not in itself constitute credible information justifying an investigation of that service member. During the course of the review, it was discovered that there were instances where the effective dissemination of the Under Secretary's directive guidance could not be

documented. Also, the Under Secretary's directive does not expressly make clear that, in addition to threats, harassment of service members based on their alleged or presumed sexual orientation is unacceptable, and that service members who engage in such conduct will be held accountable. Since harassment or threats of violence against our service members will not be tolerated, we recommend that the memorandum be reissued by the Under Secretary and widely distributed to the field. ;

IV. Special Issues Concerning the Homosexual Conduct Policy

A. Selective Prosecution ;

It has been alleged that the Services have criminally prosecuted service members for consensual homosexual misconduct but have not prosecuted consensual heterosexual misconduct. We found no evidence to support this allegation.

;The Department's policy is that administrative separation procedures are the preferred method of addressing homosexual conduct. This does not prevent disciplinary action or trial by courts-martial, when appropriate. In accordance with this policy, the vast majority of homosexual conduct discharges have been processed administratively. Most cases have been uncontested and resulted in honorable discharges. According to the Services, the cases in which service members have been criminally prosecuted for homosexual conduct have involved aggravating circumstances such as fraternization, sex with minors or sex for compensation, lack of

consent, or additional charges against the individual.

B. Pretrial Agreements ;

One issue that has arisen concerns the use of pretrial agreements to obtain information concerning homosexual conduct. In what is, to our knowledge, a unique case a service member who was being prosecuted for homosexual rape offered, in exchange for a limitation on his sentence, to provide the names of others in the Armed Forces with whom he had engaged in consensual homosexual acts. The service member claimed to have information concerning an officer who had been engaging in homosexual acts with a number of young enlisted men under circumstances which also constituted fraternization.

Both fraternization and the commission of the sexual acts are violations of the UCMJ. The convening authority accepted the offer of a pretrial agreement and obtained evidence concerning the officer as well as several others with whom the service member had engaged in homosexual acts.

Investigations ensued, and the officer who had been identified resigned in lieu of facing a court-martial for fraternization and conduct unbecoming

an

officer. Other enlisted personnel were administratively discharged. ;

Complaints were made that this incident was a violation of the Department's policy limiting investigations of homosexual conduct. An inspector general investigation was conducted which concluded that no Department of Defense regulation or policy prohibited the convening authority from entering into a pretrial agreement and subsequently investigating those members who were

alleged to have had engaged in homosexual acts. ;

Nonetheless, we concluded that agreeing to limit or reduce the sentence of a service member charged with serious criminal offenses in return for information concerning the consensual homosexual conduct of others is inappropriate in most cases. Pursuant to Department of Defense regulations, homosexual conduct cases are generally processed administratively and do not warrant criminal prosecution. Under our policy, we believe that it is generally inappropriate to agree to limit or reduce the sentence of a criminal defendant in order to obtain information that will not result in a court-martial. Moreover, Department of Defense regulations provide that criminal investigations of any type of adult private consensual sexual misconduct should be limited to the factual circumstances directly relevant to the specific allegations. Reducing a criminal sentence in order to obtain more allegations and thereby expand an investigation is inconsistent with the spirit of this policy. ;

For these reasons, we recommend that the Department issue additional guidance to make clear that pretrial agreements should generally not be used to obtain information on consensual sexual conduct. Our view is that such agreements should not be employed unless the conduct that the accused offers to report would warrant criminal prosecution. In determining whether to accept such an agreement, the convening authority should take into account the seriousness of the crime with which the accused has been charged. ;

C. Health Care Providers/Chaplains ;

Another matter we considered was the use of statements made by service members to military health care providers and chaplains. It has been alleged that Department of Defense doctors, psychotherapists and chaplains are required to, and do, disclose confidential communications concerning homosexual conduct to commanders. ;

We found that none of the Services require health care professionals to report information provided by their patients unless, in the judgment of the health care professional, it is necessary to do so in order to protect the patient or to ensure the safety or security of military personnel or the accomplishment of the military mission. Moreover, Service representatives were able to identify only one case in which a military doctor may have, without the patient's consent, reported to a commander that one of his patients had stated that he was homosexual.

It is, however, important to bear in mind that there is a fundamental distinction between the physician/patient relationship in the military context and that in the civilian context. There is currently no physician-patient privilege for communications of any kind between service members and their military doctors because military doctors must remain free to report information on military necessity grounds. Of course, the lack of a privilege does not mean that doctors must report information provided by their patients (including information concerning homosexual statements or acts) to commanders, but that they may do so if they deem it appropriate under the circumstances. Also, we note that the Department has

proposed the issuance of an Executive Order that would change the Manual for Courts-Martial to recognize, for the first time, a limited psychotherapist-patient privilege in proceedings under the UCMJ, with exceptions for military necessity and other special circumstances. ;

A military chaplain's privilege already exists; we are aware of no case in which a military chaplain has improperly reported homosexual conduct of a service member in violation of the privilege. ;

D. Recoupment/"Coming Out" Cases ;

We also considered the matter of the recoupment of benefits from service members who are discharged for homosexual conduct. It has been alleged that service members who acknowledged to their commanders that they were gay and were subsequently discharged were unfairly required to repay benefits that had been provided to them in connection with their service. ;

Several different statutes authorize recoupment when a service member does not serve the full period of active duty that he or she had agreed to as a condition of receipt of financial assistance or benefits. Pursuant to these statutes, the Services may seek to recover educational assistance (e.g., ROTC, military academy, or law or medical school tuition), bonuses (e.g., reenlistment bonuses), or special pays (e.g., for medical officers) from service members who, for whatever reason, fail to complete obligated terms of service. These statutes authorize recoupment of funds from service members who are discharged for a wide variety of reasons, not just those

alleged to have had engaged in homosexual acts. ;

Nonetheless, we concluded that agreeing to limit or reduce the sentence of a service member charged with serious criminal offenses in return for information concerning the consensual homosexual conduct of others is inappropriate in most cases. Pursuant to Department of Defense regulations, homosexual conduct cases are generally processed administratively and do not warrant criminal prosecution. Under our policy, we believe that it is generally inappropriate to agree to limit or reduce the sentence of a criminal defendant in order to obtain information that will not result in a court-martial. Moreover, Department of Defense regulations provide that criminal investigations of any type of adult private consensual sexual misconduct should be limited to the factual circumstances directly relevant to the specific allegations. Reducing a criminal sentence in order to obtain more allegations and thereby expand an investigation is inconsistent with the spirit of this policy. ;

For these reasons, we recommend that the Department issue additional guidance to make clear that pretrial agreements should generally not be used to obtain information on consensual sexual conduct. Our view is that such agreements should not be employed unless the conduct that the accused offers to report would warrant criminal prosecution. In determining whether to accept such an agreement, the convening authority should take into account the seriousness of the crime with which the accused has been charged. ;

C. Health Care Providers/Chaplains ;

Another matter we considered was the use of statements made by service members to military health care providers and chaplains. It has been alleged that Department of Defense doctors, psychotherapists and chaplains are required to, and do, disclose confidential communications concerning homosexual conduct to commanders. ;

We found that none of the Services require health care professionals to report information provided by their patients unless, in the judgment of the health care professional, it is necessary to do so in order to protect the patient or to ensure the safety or security of military personnel or the accomplishment of the military mission. Moreover, Service representatives were able to identify only one case in which a military doctor may have, without the patient's consent, reported to a commander that one of his patients had stated that he was homosexual.

It is, however, important to bear in mind that there is a fundamental distinction between the physician/patient relationship in the military context and that in the civilian context. There is currently no physician-patient privilege for communications of any kind between service members and their military doctors because military doctors must remain free to report information on military necessity grounds. Of course, the lack of a privilege does not mean that doctors must report information provided by their patients (including information concerning homosexual statements or acts) to commanders, but that they may do so if they deem it appropriate under the circumstances. Also, we note that the Department has

proposed the issuance of an Executive Order that would change the Manual for Courts-Martial to recognize, for the first time, a limited psychotherapist-patient privilege in proceedings under the UCMJ, with exceptions for military necessity and other special circumstances. ;

A military chaplain's privilege already exists; we are aware of no case in which a military chaplain has improperly reported homosexual conduct of a service member in violation of the privilege. ;

D. Recoupment/"Coming Out" Cases ;

We also considered the matter of the recoupment of benefits from service members who are discharged for homosexual conduct. It has been alleged that service members who acknowledged to their commanders that they were gay and were subsequently discharged were unfairly required to repay benefits that had been provided to them in connection with their service. ;

Several different statutes authorize recoupment when a service member does not serve the full period of active duty that he or she had agreed to as a condition of receipt of financial assistance or benefits. Pursuant to these statutes, the Services may seek to recover educational assistance (e.g., ROTC, military academy, or law or medical school tuition), bonuses (e.g., reenlistment bonuses), or special pays (e.g., for medical officers) from service members who, for whatever reason, fail to complete obligated terms of service. These statutes authorize recoupment of funds from service members who are discharged for a wide variety of reasons, not just those

processed under the homosexual conduct policy. ;

As a matter of policy, the Department has stated that homosexual conduct constitutes a basis for recoupment if it is punishable under the UCMJ or if an other than honorable discharge is authorized under the circumstances. Statements acknowledging homosexual orientation generally do not provide a basis for recoupment unless it is expressly determined that the service member made the statement for the purpose of seeking separation from the military. For example, there have been cases in which medical and law school students, whose education had been financed by the government in return for a commitment to military service, made statements of homosexuality shortly after graduation. In such circumstances, if it is determined that the service members who had received taxpayer funds were not acting in good faith, our policy authorizes recoupment in order to protect the public purse from abuse. ;

Allegations have also been made that commanders sometimes conduct unnecessary and intrusive investigations of service members who "come out" as gay and do not contest separation. In particular, it has been argued that commanders often conduct needless investigations for the purposes of seeking recoupment, rather than taking statements of homosexuality at face value. ;

The decision whether to initiate an investigation when a service member acknowledges his or her homosexuality and does not contest separation has generally rested with the individual commander. We concluded that, in most of these cases, little or no investigation should be conducted. As we have

noted above, however, it is appropriate in some instances for a commander to undertake an investigation to determine whether recoupment of financial benefits is warranted. In other cases, commanders may properly initiate investigations of service members who "come out" because of a concern that the service member's statement was fabricated in an effort to avoid a deployment or a service obligation. ;

We believe that the decision to initiate an investigation in a "coming out" case inevitably depends to a large extent on the facts of the individual case. To ensure appropriate review of such cases, we recommend that the Department issue guidance specifying that prior authorization for investigations in "coming out" cases will be obtained from the Service Secretaries of the Military Departments if the investigation will involve anything other than asking questions of the service member or individuals whom the member names for the purpose of corroboration. This requirement should help ensure that such investigations will not be initiated without careful review and an appropriate basis. ;

E. Enlistment Forms ;

There have been complaints that the Services (primarily the Coast Guard on the East Coast) continue to employ obsolete enlistment forms promulgated in 1989 that include questions on sexual orientation. ;

The Department had authorized the continued, temporary use of the older enlistment forms as a cost savings measure. Although recruiters were

trained and instructed to mark through the questions on sexual orientation, it is possible that in some instances they neglected to do so. In August 1997, the Department promulgated new recruiting forms, also used by the Coast Guard, that do not include questions on sexual orientation and directed the Services to discard all the old forms. Thus use of obsolete recruiting forms should no longer pose a problem.

F. Training ;

It has also been alleged that the training of service members on the homosexual conduct policy is inadequate. ;

Each member of the Armed Forces is expressly informed of the Department's policy on homosexual conduct as part of the accession process. Moreover, each of the Services devotes substantial efforts to training their commanders and attorneys on the policy, and in particular, on the limits the policy imposes on investigations of homosexual conduct. Such training is a permanent module for judge advocate officer courses, and regular presentations are made at commander courses and the Service war colleges. It is also a part of many continuing professional military education programs for both officer and enlisted personnel. ;

In conjunction with the implementation of the homosexual conduct policy, the Department of Defense published training guidance to the Services to assist them in the education of personnel on the policy. The Department directed that the training focus towards commander/leader orientation

programs, courses for legal and personnel staff, recruiting and accession programs and professional military education and training. The Office of the Secretary of Defense reviewed and approved the Services', training plans prior to their implementation. In April 1995, the Office of the Secretary of Defense requested Service assessments of the implementation of training programs. The Service assessments indicated full implementation of training objectives. ;

Notwithstanding these efforts, we found that some commanders, attorneys and investigators report that they have not received training on the homosexual conduct policy. A lack of familiarity with the policy has likely been a contributing factor in those cases in which the policy has not been fully followed. Proper training of commanders, attorneys and investigators is essential to ensure that the privacy rights of our service members are respected in accordance with the policy. We recommend that the Service Inspectors General make the training of those charged with implementing the homosexual conduct policy--commanders, attorneys and investigators--a specific item of interest for inspection.

CONCLUSION AND RECOMMENDATIONS

This review was conducted by the Office of the Under Secretary of Defense for Personnel and Readiness in response to the direction of Secretary of Defense Cohen. The objective, as specified by the Secretary, was to

determine how well the Department's policies are being applied and enforced. ;

We conclude that, while the balance that the policy strikes between the prohibition of homosexual conduct in the military and the privacy rights of service members has posed a challenge to the Services, proper implementation of the policy has been a priority and that the policy has, for the most part, been properly applied and enforced. We also believe, however, that there are specific steps that are warranted to enhance the implementation of the policy. Two such steps have been taken in recent months *the directive on how threats against alleged homosexual in the military services are to be handled, and the elimination of obsolete enlistment forms that could have resulted in unwarranted questions. ;

We recommend the following additional actions: ;

First, to help ensure that investigations fully comply with the policy, the Department should issue guidance specifying that consultation with higher headquarters legal officials is recommended before initiating investigations into alleged homosexual conduct. ;

Second, the Department should issue additional guidance on the use of pretrial agreements to obtain information on consensual sexual conduct. Since Department of Defense regulations provide that criminal investigations of any type of adult private consensual sexual misconduct should be limited to the factual circumstances directly relevant to the specific allegations, reducing a criminal sentence in order to obtain more

allegations and thereby expand an investigation is inconsistent with the spirit of this policy. Therefore, pretrial agreements should take into account the seriousness of the crime with which the service member has been charged and should generally not be employed unless the conduct at issue would warrant criminal prosecution. ;

Third, in response to the concern that intrusive investigations have been conducted in "coming out" cases, our policy should provide that prior authorization for any substantial investigation in such cases should be established at the Service Secretary level in the Military Departments. ;

Fourth, in reissuing the memorandum providing guidelines for investigating threats against service members based on alleged homosexuality, the Department should include language to make clear that harassment of service members based on their alleged or presumed sexual orientation is unacceptable and that service members who engage in such harassment will be held accountable. ;

Finally, we recommend that the Department issue guidance directing that Service Inspectors General make the training of all those charged with implementing the homosexual conduct policy *commanders, attorneys and investigators *a specific item of interest for inspection. ;

As stated above, the Department's policy on homosexual conduct represents a balance of the competing interests of personal privacy and good order and discipline in our Armed Forces. The Office of the Secretary of Defense, the Military Departments and the Services must continue to monitor this policy

carefully to ensure that it is implemented properly, effectively and fairly. We believe that the actions recommended above will help ensure that our policy is faithfully executed.

TABLE I

DISCHARGE FOR HOMOSEXUAL CONDUCT

FISCAL YEAR 1980-1997

;

FISCAL YEAR

TOTAL DISCHARGED

PERCENT OF
END STRENGTH

APPROXIMATE NUMBER
PER 10,000

1980

1754

0.086%

1981

1817

0.088%

9

1982

1998

0.095%

10

1983

1815

0.086%

9

1984

1822

0.086%

9

1985

1660

0.078%

8

1986

1643

0.076%

8

1987

1380

0.064%

6

1988

1101

0.052%

5

1989

996

0.047%

5

1990

941

0.046%

5

1991

949

0.047%

5

1992

730

0.039%

4

1993

682

0.040%

4

1994

617

0.038%

4

1995

757

0.050%

5

1996

858

0.058%

6

1997

997

0.069%

;

TABLE II

;

BASIS FOR HOMOSEXUAL CONDUCT SEPARATIONS BY GENDER

FISCAL YEAR 1997

;

STATEMENT

;

ACT/MARRIAGE

;

;

;

;

;

;

;

MALE

FEMALE

TOTAL

;

MALE

FEMALE

TOTAL ;

626

194

820(82%)

;

147

30

177 (18%)

;

;

TABLE III

SEPARATIONS IN FIRST YEAR OF SERVICE BY YEARS OF SERVICE (YOS)

FISCAL YEAR 1997

;

LESS THAN 1 YOS

LESS THAN 4 YOS

MORE THAN 4 YOS

TOTAL

576 (58%)

816 (82%)

181 (18%)

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SUBJECT: Frontiers Feature Story on Jane Harman

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READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

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Harman Sets Out to Prove

She's More Than Feinstein's Stand-In

by Tracy Sybert

If U.S. Rep. Jane Harman succeeds in her quest to take the California governor's mansion, one thing is certain to follow her from Washington to Sacramento.

It is a photo of Tim Furlong, a gay lobbyist and Harman's partner at the law firm where she worked in the 1980s. Furlong died of AIDS in 1988.

"He was my best friend in the firm," Harman said, recalling a dinner she had with Furlong in 1984. "I was all excited because I was about to tell him I was pregnant with my fourth child and I was so full of life. And we

sat down to dinner and he said, 'I have something to tell you.' And I said ... 'Tim, you go first.' And he said, 'OK, I'm HIV positive.' It was an absolutely devastating moment."

When Harman's fourth child, Justine, was born, Furlong was there "with the most extravagant, lavish presents," Harman said. "And, of course, I was there when he died in 1988, just after the November election in which he worked hard for the Democratic ticket. You don't forget your best friends and, in my office in Washington, there's a picture of Tim."

Harman also recalled attending the 1960 Democratic National Convention where she and her "high school buddy," Richard Kaplan, worked as ushers. Kaplan, who died of AIDS several years ago, was one of the founding members both of the Human Rights Campaign (HRC) and the Municipal Elections Committee of Los Angeles (MECLA), a gay political action committee.

"I've had the same painful personal experiences that you have all had," Harman said in a March 21 interview with Frontiers during the state Democratic Convention in Los Angeles. "Two of my very closest friends have died of AIDS."

In an age when it's become a stock response for politicians to "feel the pain" of whatever constituency they happen to be speaking to, such stories can often have a ring of insincerity. But Harman, 52, speaks with a steely intensity that leaves little doubt about the impact these men had on her life. More importantly, her record during three terms as South Bay's representative in the 36th congressional district backs up her commitment

to the memories of her old friends.

In 1996, when notoriously anti-gay Congressman Bob Dornan succeeded in passing an amendment to the Defense Authorization Bill that would have mandated the discharge of HIV-positive service members, Harman was one of four representatives to introduce a measure to repeal the ban. Later that year, when many of her Democratic colleagues were ducking for cover, Harman was one of only 67 House members to vote against the Defense of Marriage Act. According to the Human Rights Campaign's legislative ratings for her first two terms, Harman had a perfect record on gay and lesbian issues. That record extends to her employment practices. Sexual orientation is included in her nondiscrimination policy for her congressional staff and Mike Monasmith, a gay man, was Harman's chief of staff until he left recently to work on Harman's gubernatorial campaign.

When asked where a married, multimillionaire mother of four got such a commitment to gay rights, Harman all but shrugged: "When I was elected to Congress, I took an oath and I swore to uphold the Constitution. The Constitution contains [an] Equal Protection clause and I haven't noticed that it says equal protection of the laws to everybody except gays and lesbians."

Earlier this year, Harman was planning to spend the governor's race supporting her political mentor, Sen. Dianne Feinstein. But with Feinstein's decision not to run, Harman announced her own campaign just days before the filing deadline. Despite her late entry and her low profile outside Southern California, Harman--with the help of a \$3 million TV ad

blitz--has already taken an early edge over her Democratic rivals, multimillionaire businessman Al Checchi and Lt. Gov. Gray Davis. A March 18 Field Institute Poll found Harman supported by 17 percent of all voters surveyed, compared to 15 percent for Checchi and 11 percent for Davis. Attorney General Dan Lungren led the poll with 24 percent among all voters. Among Democrats surveyed, 27 percent said they preferred Harman, while 20 percent chose Checchi and 19 percent sided with Davis. The poll of 1,143 voters had a 3.8 percent margin of error.

"I think I have the right message. I think people have been waiting to hear someone talk about unifying the state," said Harman, who is positioning herself as the candidate with the most realistic chance of beating presumptive Republican nominee Lungren. In addition to being the only woman in the race, Harman expects her fiscal conservatism to play well with swing voters statewide, just as it has helped her win two close re-elections in a South Bay district that is mostly Republican. She also has access to a private fortune to spend on her campaign. Her net worth has been estimated at \$15 million, while her husband, Sidney Harman, 79, is reported to be worth around \$200 million.

A product of Los Angeles public schools, Harman earned her bachelor's degree at Smith College in Massachusetts and was one of only 22 women to earn her law degree in Harvard's class of '69. Her political career stretches back to the early 1970s, when she worked as legislative director for California Sen. John Tunney. Since then she has served as counsel and staff director for two subcommittees of the Senate Judiciary Committee and as a deputy White House cabinet secretary and defense department special

counsel for the Carter administration. In the private sector, she has worked as an attorney and served as director of Harman International Industries, her husband's hi-fidelity equipment manufacturing company. In Congress, she currently sits on the National Security Committee and Select Committee on Intelligence.

Harman's strong stands on gay and women's rights, and her frequent invocation of John F. Kennedy in her television commercials and speeches may often make her sound like a traditional, liberal Democrat. But Harman's record on most issues places her much more in the mold of a Bill Clinton-style New Democrat.

She is a fiscal conservative who backs the death penalty, term limits and the balanced budget amendment. In a comment that drew criticism from her Democratic rivals, Harman recently described herself as "the best Republican in the Democratic Party." Harman is also one of Congress' strongest advocates for the defense industry--not surprising since her district, which stretches from Venice to San Pedro, has the country's largest concentration of defense contractors. In 1996, Mother Jones magazine named Harman one of its "Dirty Dozen" lawmakers and called her "a zealot when it comes to the care and feeding of military contractors." Harman counters that her top priority is retaining and building high-skill, high-wage jobs.

As with Human Rights Campaign, Harman has received 100 percent ratings from the National Abortion Rights League and the American Association of University Women. She co-sponsored the Freedom of Choice Act, helped lead

investigations of sexual harassment in the military and pressed for a larger role for women in combat. But her support for bills such as those to require use of English only in federal offices, to outlaw "flag desecration" and to make it easier to prosecute juveniles as young as 13 as adults, have drawn mixed reactions from some civil liberties groups. For her last full term, she received a 44 percent rating from the National Association for the Advancement of Colored People; 47 percent from the American Civil Liberties Union; 50 percent from the National Hispanic Leadership Agenda; and 60 percent from the Leadership Conference on Civil Rights. Still, Harman's standing among these groups may improve with her recent vows to seek the repeal of Prop. 209, the anti-affirmative action measure state voters passed in 1996, and her opposition to Prop. 227, an initiative on this year's ballot that would sharply curtail bilingual education programs.

Harman's resistance to easy labeling is likely to be one of her greatest assets in winning the governor's race, according to Assemblywoman Carole Migden, a lesbian who has endorsed Harman.

"I am convinced she would be a victorious candidate," Migden said. "She's conservative enough to be elected governor of this rather vast and right-leaning state. But she's a good Democrat and she'll support us on our issues."

INTERVIEW WITH JANE HARMAN:

Q: You were one of the few members of the House to vote against DOMA. Do

you ever think that vote may come back and haunt you?

A: I am very proud of that vote. It was the right vote. I'd make it again.

I hope I never have to make it again.

Q: You're not anticipating Dan Lungren running television ads saying...?

A: Fine with me. I don't support unconstitutional legislation and that was clearly unconstitutional. It says in the Constitution, in addition to the Equal Protection Clause, that states shall afford full faith and credit to the laws of other states and here we were trying to pass a law, not a constitutional amendment, that said states shall not do that.

Q: If you were governor and a similar bill came through that would ban recognition of same-sex marriage, would you veto it?

A: Yeah, but I was just asked whether I would sign a [law legalizing] gay marriage ... and I said I don't think a law like that would pass in California. I support domestic partnerships. And they said, well, 'Would you sign it,' and I said, 'I don't think it would pass.' And that's my statement, I don't think it would pass. Would I sign a law that banned them? No, I would not.

Q: So, are you saying that, if by some miracle, one did pass or if there was a ballot initiative to legalize same-gender marriage, would you support that?

A: That's an interesting question. I would seriously look at it. I hadn't thought about a ballot initiative.

Q: During Pete Wilson's tenure, a lot of our bills have made it through the Legislature only to be vetoed. I wanted to ask you about some of these issues. Domestic partner benefits for gay and unmarried partners?

A: Strongly support.

Q: A bill, introduced by Carole Migden, that would require all insurance companies to include domestic partner benefits as part of their package?

A: I think the goal is to provide stability in relationships. I don't want to choose who you should be with. I don't want you to choose who I should be with or how I conduct myself in a consensual adult relationship, so I want policies that reinforce that goal.

Q: Would you go as far as to require that state contractors offer benefits to their employees?

A: I don't know what we require them to do now. I would want to think all of that through. But I support the concept of domestic partners and domestic partners benefits because they promote stable relationships and they are equitable for people who've been together a long time. I can't imagine why the surviving partner shouldn't share in some fair way. But what are all the spin-offs and permutations, I don't know.

Q: One more spin-off was a bill that was recently introduced to extend the family leave law for gay and lesbian partners.

A: I think that's consistent with the purpose of the law, to care for a sick family member. If you consider domestic partners as family it seems to make sense. I'd want to think about that a little more, but it certainly seems right.

Q: Gay adoption?

A: Again, I think the goal is to raise kids in stable families and I certainly have known many gays and lesbians who are marvelously nurturing people. And I can't think of a reason why, consistent with a background check and a real look at who these people are, the same checks that would go with heterosexual adoption, why conceptually it's a bad idea. There may be some people who would be unqualified to be parents, but their sexual orientation I wouldn't view as an automatic disqualification.

Q: Hate crimes?

A: I've co-sponsored every bill I could find.

Q: One issue that came up with a murder that happened in San Francisco recently is that there's apparently a discrepancy in the state's hate crimes law. If you use racial epithets in the commission of a murder it can lead to the death penalty. If you use homosexual slurs, it's three years added on....

A: What? I don't know anything about that. I'd want to understand what the reasons are for that. ... Racial-inspired hate and sexual orientation, inspired hate are still hate. ... It's bizarre. We're ranking hate crimes.

Q: This probably isn't an issue you're going to deal with as governor, but because you were once considered for secretary of the Army, I wanted to ask you about gays in the military.

A: I think the "don't ask, don't tell" policy has constitutional problems and anyway I think it's the wrong policy. I think the right policy is how somebody's performing the job. That's what we care about. The role of the military is to fight and win America's wars. Who are the best fighters? I think that can be whoever has the most talent and dedication. This test is the wrong test.

Q: On AIDS. There's greater hope now with the new treatments out there, but the price of the drugs puts them beyond the reach of a lot of people and there's also an access problem of having to wait until you're sick to qualify for aid. What approaches might you pursue?

A: I've certainly voted federally for increased AIDS research funding every time we've been given the opportunity. I've also voted for special research on pediatric AIDS, which is totally tragic. I'm open to strategies within budget parameters to make drugs more available to folks and to fund the right stuff and hopefully defund the wrong stuff because money's not infinite.

Q: There was a proposal for California to participate in a pilot program that would allow drugs to be available earlier through MediCal to people who don't yet have an AIDS diagnosis. Would you support that?

A: I'd need to know more about it. Certainly, I have no problem with it. But in terms of equal protection, do we want other drugs to be available sooner, too, and what are the costs for that? If we can prove that they perform in some preventative way and prevent the onset and reduce the cost of treatment and all that, I think there would be a cost-benefit argument that would be very, very positive. But I don't know enough about it.

Q: One of the biggest debates going on is whether we should change our HIV reporting system and have mandatory names reporting.

A: That's extremely hard. On the one hand there's a huge privacy issue. On the other hand there's a huge public health issue. How to find the right balance has eluded me for the moment.

Q: Needle-exchange?

A: I voted for needle exchange programs. ... Why wouldn't you want to protect people if you could?

Q: Medical marijuana?

A: I voted against Prop. whatever it was because I thought it was

overbroad. If it can be worked out for very targeted limited legal use of marijuana or whatever for medicinal purposes [I am supportive]. I want to relieve suffering, but I don't want to promote drug use. Some more fine-tuning needs to occur. I'm very sad about this standoff between the feds and the city of San Francisco. I hope something sensible can be worked out.

Q: On most of the issues we've talked about, both of your Democratic opponents would probably give mostly similar answers. It's a nice situation for the community to be in, but it does make it hard to choose. Where are some of the distinctions you would draw?

A: I'm not knocking my opponents, but I would point out that two of us have walked the walk. ... I am very impressed by Gray Davis' long history of commitment to equal protection of the laws and I compliment him for it. [But] I have a long history, too, and I believe that I would be the best governor. And I can beat Dan Lungren.

Q: What factors would allow you to defeat Dan Lungren?

A: I think that the cutting issues in the fall [will benefit me]. Equal protection may be one, but I think choice, guns and tobacco will be the issues. I think I can deliver the message on choice very effectively and I also have a strong record of opposing assault weapons and guns that kill innocent people on the street. ... And on tobacco, I'm strongly opposed to hooking kids on smoking. My own mother died of cancer from a life-long smoking habit and I'm rather rabid on the issue. [Lungren] has, as attorney

general, not engaged in this nationwide effort to finally find a way to settle the ongoing tobacco litigation and produce a huge revenue stream that can fund some health-care programs and other safety net programs for kids.

Q: In the gay community we sometimes see a pattern, we get a lot of attention in the primary but often during the general election our issues are soft-pedaled or avoided. How are you going to deal with the need to appeal to a wider audience in the general election?

A: Same way I always have. I have a record on this. I've never ducked these issues. I'm proud of my votes. I'm very principled about them and I'll talk about them anywhere you want. Gays and lesbians are good friends of mine. Gays and lesbians serve on my government staff and my campaign staff and I think that's right. I can't see why we would want to compartmentalize any of this and I don't.

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id RAA28618; Thu,

09 Apr 1998 17:34:02 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 18:09:00.00

SUBJECT: DoD Report Update

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

April 9, 1998

Greetings. Thank you if you have already responded to our last action alert

by contacting the Secretary of Defense, Vice President and President. If you

have not had the opportunity to do so, please weigh in now. Its important.

Message points and contact info are below. Now, here's the latest on the Pentagon review.

The Pentagon has officially released its review of Don't Ask, Don't Tell, Don't Pursue. If we were grading the report, we would give the recommendations a "B." They address many, though not all, of our concerns.

In particular, the Pentagon will instruct commanders that anti-gay harassment

will not be tolerated and they will reissue the Dorn memo we obtained last year telling commanders to investigate reported harassment, not those who are

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up to 997 from 850 the year before -- is due to people who come out in

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to avoid their service obligation. This is not contained in the report,

probably because it is simply not true. The report itself actually admits

that the Pentagon has no way to ascertain the facts of these cases. We do,

and we have proven that commanders are asking, pursuing and harassing

servicemembers out of the closet.

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It can be found at <http://www.nytimes.com/yr/mo/day/oped/09sull.html>.

Your help is needed. Please contact Secretary of Defense Cohen, Vice-President Gore, and President Clinton.

© Let them know that you are outraged by the offensive misinformation leaked to the press by the Pentagon.

© Tell Secretary of Defense Cohen that he should stick to the facts and fix the problem rather than launch a smear campaign against gay people.

© Tell them the Pentagon should instead be focusing on the real problems of anti-gay violence, harassment, witch hunts, and "asking" by commanders.

Those individuals serving our country should be praised instead of slandered.

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

Vice-President Albert Gore, vicepresident@whitehouse.gov, voice: (202)

456-1111, White House, 1600 Pennsylvania Ave., NW, Washington, DC 20500

President William J. Clinton, email: president@whitehouse.gov; voice: (202)

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

20500

M. Benecke

Michelle M. Benecke

Co-Executive Director

Servicemembers Legal Defense Network

PO Box 65301 ~ Washington DC 20035-5301

202.328.3244 ~ 202.797.1635 fax

sldn@sldn.org ~ www.sldn.org

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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RFC-822-headers:

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id <01IVO8LJ18VK0060JG@PMDF.EOP.GOV>; Thu, 9 Apr 1998 17:07:23 EDT

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with ESMTTP id <01IVO8LCSGO0002U7M@PMDF.EOP.GOV>; Thu,
09 Apr 1998 17:07:18 -0400 (EDT)

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by STORM.EOP.GOV (PMDF V5.1-10 #22921)
with ESMTTP id <01IVO8KWA5IW000M62@STORM.EOP.GOV>; Thu,
09 Apr 1998 17:06:52 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id OAA29422; Thu,
09 Apr 1998 14:06:10 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: LAGomez (LAGomez@efaches.navfac.navy.mil@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 17:43:00.00

SUBJECT: fwd: DoD Report Update

TO: Daniel C. Montoya (Daniel C. Montoya@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

FYI

Original Text

From: "SLDN1" <SLDN1@aol.com>, on 4/9/98 4:40 PM:

To:

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20301-1000

Vice-President Albert Gore, vicepresidente@whitehouse.gov, voice: (202)

456-1111, White House, 1600 Pennsylvania Ave., NW, Washington, DC 20500

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

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sldn@sldn.org ~ www.sldn.org

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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id <01IVO9X3BSTC005T4U@PMDF.EOP.GOV> for montoya_dc@al.eop.gov; Thu,
9 Apr 1998 17:45:47 EDT

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Thu, 09 Apr 1998 17:45:37 -0400 (EDT)

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by STORM.EOP.GOV (PMDF V5.1-10 #22921)
with SMTP id <01IVO9WLCFYE000IHA@STORM.EOP.GOV> for montoya_dc@al.eop.gov;
Thu, 09 Apr 1998 17:45:19 -0400 (EDT)

Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Thu,
09 Apr 1998 17:43:58 -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)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 11:44:00.00

SUBJECT: NC6585: Andrew Sullivan: Undone by DADT

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

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NEW YORK TIMES, April 9, 1998

229 W. 43rd Street, NY, NY, 10036

(Fax 212-556-3622)(E-mail letters@nytimes.com) (<http://www.nytimes.com>)

Opinion: 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

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

the forthcoming ``Love Undetectable.")===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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RFC-822-headers:

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09 Apr 1998 11:46:48 -0400 (EDT)

Received: (from rwockner@localhost)

by netcom2.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id IAA17028; Thu,

09 Apr 1998 08:44:12 -0700 (PDT)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 18:11:00.00

SUBJECT: Opinion: Undone by 'Don't Ask, Don't Tell'

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

NEW YORK TIMES, April 9, 1998

(<http://www.nytimes.com>)

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not publish, or post in a public place on the Internet, copyrighted

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Forwarding of this material should not necessarily be construed as an

endorsement of the content. In fact, sometimes messages from anti-gay

organizations are forwarded as "opposition research."

===== ATTACHMENT 1 =====

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

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id <01IVO8ORZ6K00060JG@PMDF.EOP.GOV>; Thu, 9 Apr 1998 17:10:01 EDT

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with ESMTP id <01IVO8OMD57K005YGJ@PMDF.EOP.GOV>; Thu,

09 Apr 1998 17:09:52 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])

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

with ESMTP id <01IVO8NX9974000IHA@STORM.EOP.GOV>; Thu,

09 Apr 1998 17:09:19 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id OAA29880; Thu,
09 Apr 1998 14:08:07 -0700 (PDT)
X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 11:40:00.00

SUBJECT: NC6584: USA Today: Don't Ask Don't Tell Don't Work

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

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USA TODAY, April 9, 1998

Send letters to the editor to: editor@usatoday.com

EDITORIAL

Discharges do tell

Crudely put: "Don't ask, don't tell" don't work. The rule was first implemented in 1994 as a way of protecting loyal and skilled soldiers and sailors from being run out of the military simply because they were gay. But according to a Defense Department study released this week, the number of homosexuals discharged from the military as a consequence of their sexual orientation has grown 67% since 1994, to 997 last year - just opposite the law's desired effect.

Defense officials say one problem is that a few commanders "haven't

gotten the message" to lay off. The report recommends heightened training and closer legal review of so-called "coming out" cases. Officials also say some enlistees are using homosexuality as an excuse to get out of the military early. The most common discharge, says the report, "involves a junior enlisted member who makes a statement declaring his or her homosexuality . . . early in the member's term of service."

Either way, the don't-ask compromise so carefully hammered out by Congress, the White House and the Pentagon continues to distinguish between gays and straights with a prejudice against gays. If you even claim to be gay, you are excused from your enlistment. That's just another way of expressing the prejudice that homosexuals aren't suitable for military service.

More to the point, the don't-ask statute institutionalizes other prejudices. It states that homosexuality per se is not reason for discharge; there must be homosexual conduct. But if you are gay, the law automatically presumes that you have engaged in such conduct.

The study says the number of discharges resulting from actual "acts" of homosexuality is down 20%, as if this is evidence that investigations of gay service members have declined and the law is working. But the law makes those investigations moot. To stay in the service, an outed gay or lesbian has to prove he or she has not had homosexual relations, a requirement that turns the notion of innocent until proven guilty right on its ear.

You might argue that the don't-ask statute has at least started to
change military attitudes. And in some narrow ways, that may be true. But
the benefits would be easier to celebrate if discharges weren't rising. As
it is, the right conclusion is not that don't-ask is working, but that it

never will truly work at all. ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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by netcom2.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id IAA12616; Thu,
09 Apr 1998 08:40:04 -0700 (PDT)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: papers-bounces (papers-bounces@microsoft.nwnet.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 9-APR-1998 06:57:00.00

SUBJECT: Today's Papers - April 9, 1998

TO: Charles F. Stone (Charles F. Stone@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Today's Papers From Slate Magazine (<http://www.slate.com>)

Butt Heads Butt Heads

By Scott Shuger

The en masse defection of the major tobacco manufacturers from Congress' efforts at a settlement leads everywhere. The industry promises to immediately launch a public relations offensive against a "coercive, Big Brother-type Congress." The WP says the campaign kicks off today with newspaper ads reading, "We Agreed To Change The Way We Do Business . . . Not To Go Out Of Business." Everybody quotes President Clinton's determined reaction: "They can be part of it or they can fight it," although oddly, USAT leaves out the most important part of his quote: "We're going to get this done."

The tobacco stance became official with a speech against the tough and expensive Senate bill by the RJR CEO, Steven Goldstone, described by the papers as "aggressive" and "defiant." Goldstone is widely quoted as saying, "Washington has rushed to collect more tobacco revenues while playing the politics of punishment." USAT quotes him describing the process as "broken beyond repair." The LAT

adds that Goldstone raised the specter of a thriving black market in cigarettes if the Senate bill were to become law.

The NYT and USAT point out that while Congress can proceed unilaterally in many areas of the proposed legislation, this is problematic with the provisions that touch on the curtailment of free speech, such as advertising restrictions. Goldstone is quoted in the Times saying that if Congress imposes these anyway, the companies "will fight in court." Feelings are running just as high on the other side. The paper quotes the reaction of Sen. Kent Conrad: "Poor babies." Both the NYT and WP note that Conrad expressed the idea that all this tobacco manufacturer stridency is a stratagem designed to get the current deal accepted without the addition of any harsher conditions.

The NYT is admirably clear about the context producing such skepticism: "The tobacco industry has dissembled so often in the past--about whether cigarettes cause diseases, about whether nicotine is addictive, about whether they market their product to children--that people are never sure what to make of the companies' pronouncements." Now, if only the Times had said "lied" instead of "dissembled".

The WSJ seems a little less surprised by all this, claiming that "the reality is that tobacco companies for weeks have been closed out of the legislative process." The Journal also sends along word that Mississippi Attorney General Michael Moore, an architect of last

summer's original tobacco deal, says he understands the industry position and calls on President Clinton and Congress to convene new negotiations.

And lest we forget what this is all about, the WP reports that a study in today's New England Journal of Medicine suggests that non-smokers not only live longer, but have less sickness and dependence on others in their last years.

The WSJ and WP each run stories describing a new study purporting to show that the differences between black and white investors are considerable. Among those with incomes above \$50,000, only 57 percent of the blacks had money in the stock market, compared to 81 percent of the whites. And while only 13 percent of the whites believed Social Security will provide at least half their retirement income, 25 percent of blacks thought this.

The NYT front reports that President Clinton has ordered the Departments of Defense, State, and Justice to devise plans for the arrest and trial of Pol Pot, the Khmer Rouge leader responsible for the death of perhaps a million Cambodians in the 1970s. According to the paper, the opportunity presents itself because the Khmer Rouge, which has Pol Pot under house arrest, is in complete disarray. Hmmm....wonder if the Khmer Rouge subscribes to the Times.

In a NYT op-ed, Andrew Sullivan assesses the career thus far of the military's "don't ask, don't tell" policy. Sullivan notes that under

the policy, discharges of homosexuals have increased 67 percent (80 percent if you figure in downsizing). Bill Clinton, Sullivan observes, has now fired more homosexuals than any other employer in America.

The front page of the NYT national edition brings word that, buoyed by the soaring approval ratings of the sex-scandalized Bill Clinton, the sex-scandalized Bob Packwood wants to get back in the game. He's thinking about running for the Oregon state legislature. "Today's Papers" has just the campaign slogan for him: "Still Packing Wood."

Also in today's Slate:

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