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TEXT:

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 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%

9

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%

7

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%)

997

===== ATTACHMENT 1 =====
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with ESMTP id <01IVO6MPJHGG001RRG@PMDF.EOP.GOV>; Thu,
09 Apr 1998 16:11:05 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-10 #22921)
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09 Apr 1998 16:10:45 -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 NAA19546; Thu,
09 Apr 1998 13:09:16 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

To: (LGBT Political Activists, QueerPolitics, QueerLaw)

===== 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 21:09:00.00

SUBJECT: Cohen writes to Reno on McVeigh

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Forwarded From: Barbara Bode <bb@bode.org>

Subject: Cohen writes Reno on McVeigh

My colleague, the ever-insightful John Aravosis, just sent me this report
on the latest outrage from the Department of Defense vis a vis Tim
McVeigh.

Thought you should know about it.

bb

=====>

An interesting report from PlanetOUT (below)
says that the Washington Times
obtained a letter from Sec. Cohen to AG Reno
detailing DOD's position on
the McVeigh case, and reportedly ruling out
the payment of retirement
benefits in any future settlement with McVeigh.

McVeigh is 3 years short of 20 years,
and wanted to stay in until he had 24
years under his belt, until the Navy
broke the law. DOD has to this day
refused to reinstate McVeigh to an equal
position he occupied before the
scandal broke -- despite a federal judge's
explicit orders -- and has given
him odd jobs including trash disposal and
base librarian duties.

For them to now say "tough luck Timmy" when
they are the ones to have broken the
law, and ruined McVeigh's stellar career,
is petty beyond belief.

It is simply incredible that DOD can't
simply apologize, compensate
McVeigh, and move on.

And does Cohen's letter, which apparently
states that DOD did nothing wrong
in illegally obtaining confidential email account information on McVeigh,
mean that the Secretary believes that DOD,
and the federal government,
intends to continue violating the law by
using the Internet to spy on

American citizens?

Anyone familiar with the encryption debate
should find that declaration quite telling,
and alarming. I wonder if Vice President
Gore agrees?

=====snip!

>From PlanetOUT's WEb site -- www.planetout.com

Wednesday April 8 5:58 PM ET

Cohen Wants McVeigh Out

Clearly on the defensive, Bill Cohen's "don't keep, don't pay, do
pursue" instructions to Justice concerning Tim McVeigh have been
revealed.

The right-wing "Washington [DC] Times" newspaper says it's obtained a
copy of an April 1 letter from Secretary of Defense William Cohen to
Attorney General Janet Reno with instructions for the Department of
Justice's legal battle with Senior Chief Petty Officer Timothy
McVeigh, whom the Navy attempted to discharge for homosexuality based
on an America Online profile. Although many letters have been written
to Cohen calling for his intervention in the case, the "Washington
Times" says that Cohen's letter to Reno makes clear that his concern

is exclusively for the Navy rather than McVeigh. Assuming that the letter is valid despite its April 1 date and the not always completely objective publisher, it dims already-slim hopes for fair enforcement of the policy as indicated in Cohen's remarks this week about "Don't Ask, Don't Tell" (see yesterday's NewsPlanet).

U.S. District Court Judge Stanley Sporkin found that the Navy's investigation of McVeigh had violated both the federal Electronic Communications Privacy Act and the so-called "Don't Ask, Don't Tell" policy, in the first court ruling ever to find the policy violated by any branch of the military. The Justice Department, representing the Navy, filed its intent to appeal that ruling on March 31, the day before the date of the presumed Cohen letter. The letter also followed meetings between Cohen and chief of naval operations Admiral Jay Johnson and between Reno and Navy brass.

The "Washington Times" quotes the letter to Reno as saying, "We feel strongly that the district court's decision in that case is plainly erroneous in numerous respects, and that it should be appealed." It continues that, "We understand that you share our view that the [Sporkin] decision is erroneous, and that the Navy's action with respect to Senior Chief McVeigh were [sic] fully consistent with the statute governing homosexual conduct in the military and with our own regulations on that subject."

Speaking of McVeigh's case in these terms seems to undermine Cohen's

statement this week that, "We intend to emphasize the fact that this ["Don't Ask, Don't Tell"] policy should not be abused, that there should be no attempt to hunt or seek out those who may be homosexual...." Sporkin's ruling likened the McVeigh investigation to a "search-and-destroy mission."

The letter says, "We support the approach to the McVeigh case that you have recommended, so long as it is clear that any settlement of this case must be on terms acceptable to the Navy," referring to Reno's plans to discuss a settlement agreement with McVeigh's attorney. The letter adds the caveat that any settlement must not "represent any diminution of your support for that ["Don't Ask, Don't Tell"] policy, and that you and your colleagues would be prepared to assist us in communicating that fact to the field."

But the key issue for Cohen and the Navy, according to the "Washington Times" unnamed sources in the administration, is that retirement benefits should not be included in any settlement with McVeigh. He's currently about three years short of the 20-year mark required for full retirement benefits. The reason suggested is that it would set a precedent for other discharged personnel to seek those benefits. There appears to be no recognition whatever of McVeigh's case being one in which a court found wrongdoing on the part of the Navy and none on his.

John Aravosis

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=====>

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id <01IVOEVW1JK0006C38@PMDF.EOP.GOV>; Thu, 9 Apr 1998 20:07:34 EDT

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09 Apr 1998 20:07:24 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-10 #22921)
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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id RAA25903; Thu,
09 Apr 1998 17:05:52 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Mike Monasmith (Mike Monasmith <monasmit@pacbell.net> [UNKNOWN])

CREATION DATE/TIME:10-APR-1998 07:53:29.00

SUBJECT: My boss

TO: boilers ("boilers@pacbell.net" <boilers@pacbell.net> [UNKNOWN])

READ:UNKNOWN

TO: carrollk ("carrollk@erols.com" <carrollk@erols.com> [UNKNOWN])

READ:UNKNOWN

TO: Eric Timm ("Eric Timm@warnerbros.com" <Eric_Timm@warnerbros.com> [UNKNOWN])

READ:UNKNOWN

TO: rbuntrock ("rbuntrock@bellboyd.com" <rbuntrock@bellboyd.com> [UNKNOWN])

READ:UNKNOWN

TO: Uccello, Joe ("Uccello, Joe" <juccello@ellstreet.com> [UNKNOWN])

READ:UNKNOWN

TO: Cesar Portillo (Cesar Portillo <cesarp@aidshhealth.org> [UNKNOWN])

READ:UNKNOWN

TO: Chad Daugherty (Chad Daugherty <CPDAUGHE@hewitt.com> [UNKNOWN])

READ:UNKNOWN

TO: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO: Doug Case (Doug Case <Doug.Case@sdsu.edu> [UNKNOWN])

READ:UNKNOWN

TO: Hart Research (Hart Research <hartdc@ix.netcom.com> [UNKNOWN])

READ:UNKNOWN

TO: Ken.Kero (Ken.Kero@mail.house.gov [UNKNOWN])

READ:UNKNOWN

TO: laurie.mcbride (laurie.mcbride@lifelobby.org [UNKNOWN])

READ:UNKNOWN

TO: LOPACH (LOPACH <LOPACH@aol.com> [UNKNOWN])

READ:UNKNOWN

TO: Mark Spengler (Mark Spengler <Spengler@smtp.democrats.org> [UNKNOWN])

READ:UNKNOWN

TO: Paul_Yandura (Paul_Yandura@hud.gov [UNKNOWN])

READ:UNKNOWN

TO: ppiga (ppiga@pbs.org [UNKNOWN])
READ:UNKNOWN

TO: Robert Morgan (Robert Morgan <morganr@enews.com> [UNKNOWN])
READ:UNKNOWN

TO: Sheehan Kerri (Sheehan Kerri <sheehan-kerri@dol.gov> [UNKNOWN])
READ:UNKNOWN

TEXT:
Hey all --

Recent article on Jane that ran in Frontiers Magazine, FYI. Hope everyone is doing well.

Take it easy and drop me a line when you can,

MIKE

- Frontiersweb Feature Article.htm===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
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<CENTER><h1><u>FEATURES</u></h1></CENTER><p>

<CENTER>No Plain Jane

=

Harman Sets Out to Prove

She's More Than Feinstein's Stand-In<P>

<I>by Tracy Sybert</I></CE= NTER>

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If U.S. Rep. Jane Harman succeeds in her quest to take the California gov= ernor's mansion, one thing is certain to follow her from Washington to Sa= cramento.<P>It is a photo of Tim Furlong, a gay lobbyist and Harman's par= tner at the law firm where she worked in the 1980s. Furlong died of AIDS = in 1988.<P>"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 abo= ut to tell him I was pregnant with my fourth child and I was so full of l= ife. And we sat down to dinner and he said, 'I have something to tell you= =2E' And I said ... 'Tim, you go first.' And he said, 'OK, I'm HIV positi= ve.' It was an absolutely devastating moment."<P>When Harman's fourth chi= ld, Justine, was born, Furlong was there "with the most extravagant, lavi= sh presents," Harman said. "And, of course, I was there when he died in 1= 988, just after the November election in which he worked hard for the Dem= ocratic ticket. You don't forget your best friends and, in my office in W= ashington, there's a picture of Tim."<P>Harman also recalled attending th= e 1960 Democratic National Convention where she and her "high school budd= y," Richard Kaplan, worked as ushers. Kaplan, who died of AIDS several ye= ars ago, was one of the founding members both of the Human Rights Campaig= n (HRC) and the Municipal Elections Committee of Los Angeles (MECLA), a g= ay political action committee.<P>"I've had the same painful personal expe= riences that you have all had," Harman said in a March 21 interview with = <I>Frontiers</I> during the state Democratic Convention in Los Angeles. "= Two of my very closest friends have died of AIDS."<P>In an age when it's = become a stock response for politicians to "feel the pain" of whatever co= nstituency they happen to be speaking to, such stories can often have a r= ing of insincerity. But Harman, 52, speaks with a steely intensity that l= eaves little doubt about the impact these men had on her life. More impor= tantly, her record during three terms as South Bay's representative in th= e 36th congressional district backs up her commitment to the memories of = her old friends.<P>In 1996, when notoriously anti-gay Congressman Bob Dor= nan succeeded in passing an amendment to the Defense Authorization Bill t= hat would have mandated the discharge of HIV-positive service members, Ha= rman was one of four representatives to introduce a measure to repeal the= ban. Later that year, when many of her Democratic colleagues were duckin= g 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 legisla=

tive ratings for her first two terms, Harman had a perfect record on gay = and lesbian issues. That record extends to her employment practices. Sexu= al orientation is included in her nondiscrimination policy for her congre= ssional staff and Mike Monasmith, a gay man, was Harman's chief of staff = until he left recently to work on Harman's gubernatorial campaign.<P>When= asked where a married, multimillionaire mother of four got such a commit= ment to gay rights, Harman all but shrugged: "When I was elected to Congr= ess, I took an oath and I swore to uphold the Constitution. The Constitut= ion contains [an] Equal Protection clause and I haven't noticed that it s= ays equal protection of the laws to everybody except gays and lesbians."<= P>Earlier this year, Harman was planning to spend the governor's race sup= porting 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 S= outhern California, Harman--with the help of a \$3 million TV ad blitz--ha= s already taken an early edge over her Democratic rivals, multimillionair= e businessman Al Checchi and Lt. Gov. Gray Davis. A March 18 Field Instit= ute Poll found Harman supported by 17 percent of all voters surveyed, com= pared to 15 percent for Checchi and 11 percent for Davis. Attorney Genera= l Dan Lungren led the poll with 24 percent among all voters. Among Democr= ats surveyed, 27 percent said they preferred Harman, while 20 percent cho= se Checchi and 19 percent sided with Davis. The poll of 1,143 voters had = a 3.8 percent margin of error.<P>"I think I have the right message. I thi= nk 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 a= ddition to being the only woman in the race, Harman expects her fiscal co= nservatism to play well with swing voters statewide, just as it has hel= ped 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 cam= paign. Her net worth has been estimated at \$15 million, while her husband= , Sidney Harman, 79, is reported to be worth around \$200 million.<P>A pro= duct of Los Angeles public schools, Harman earned her bachelor's degree a= t 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 bac= k to the early 1970s, when she worked as legislative director for Califor= nia Sen. John Tunney. Since then she has served as counsel and staff dire= ctor for two subcommittees of the Senate Judiciary Committee and as a dep= uty White House cabinet secretary and defense department special counsel = for the Carter administration. In the private sector, she has worked as a= n 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.<P>Harman's strong stands on gay and women's rights, and he= r frequent invocation of John F. Kennedy in her television commercials an= d 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.<P>She is a fiscal conservative who back= s the death penalty, term limits and the balanced budget amendment. In a = comment that drew criticism from her Democratic rivals, Harman recently d= escribed herself as "the best Republican in the Democratic Party." Harman= is also one of Congress' strongest advocates for the defense industry--n= ot surprising since her district, which stretches from Venice to San Pedr= o, has the country's largest concentration of defense contractors. In 199=

6, <I>Mother Jones</I> 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.<P>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 cosponsored 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.<P>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.<P>"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."<P>

<CENTER></CENTER><P>

<I>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?</I><P>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.<P><I>You're not anticipating Dan Lungren running television ads saying...?</I><P>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.<P><I>If you were governor and a similar bill came through that would ban recognition of same-sex marriage, would you veto it?</I><P>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.<P><I>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?</I><P>That's an interesting question. I would seriously look at it. I hadn't thought about a ballot initiative.<P><I>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?</I><P>Str

ongly support.<P><I>A bill, introduced by Carole Migden, that would requi=
re all insurance companies to include domestic partner benefits as part o=
f their package?</I><P>I think the goal is to provide stability in relati=
onships. 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 ad=
ult relationship, so I want policies that reinforce that goal.<P><I>Would=
you go as far as to require that state contractors offer benefits to the=
ir employees?</I><P>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 relat=
ionships and they are equitable for people who've been together a long ti=
me. I can't imagine why the surviving partner shouldn't share in some fai=
r way. But what are all the spin-offs and permutations, I don't know.<P><=
I>One more spin-off was a bill that was recently introduced to extend the=
family leave law for gay and lesbian partners.</I><P>I think that's cons=
istent 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.<P><I>Ga=
y adoption?</I><P>Again, I think the goal is to raise kids in stable fami=
lies and I certainly have known many gays and lesbians who are marvelousl=
y 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 id=
ea. There may be some people who would be unqualified to be parents, but =
their sexual orientation I wouldn't view as an automatic disqualification=
=2E<P><I>Hate crimes?</I><P>I've co-sponsored every bill I could find.<P>=
<I>One issue that came up with a murder that happened in San Francisco re=
cently is that there's apparently a discrepancy in the state's hate crime=
s law. If you use racial epithets in the commission of a murder it can le=
ad to the death penalty. If you use homosexual slurs, it's three years ad=
ded on....</I><P>What? I don't know anything about that. I'd want to unde=
rstand what the reasons are for that. ... Racial-inspired hate and sexual=
orientation, inspired hate are still hate. ... It's bizarre. We're ranki=
ng hate crimes.<P><I>This probably isn't an issue you're going to deal wi=
th as governor, but because you were once considered for secretary of the=
Army, I wanted to ask you about gays in the military.</I><P>I think the =
"don't ask, don't tell" policy has constitutional problems and anyway I t=
hink it's the wrong policy. I think the right policy is how somebody's pe=
rforming 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.<P><I>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?</I><P>I've ce=
rtainly voted federally for increased AIDS research funding every time we=
've been given the opportunity. I've also voted for special research on p=
ediatric AIDS, which is totally tragic. I'm open to strategies within bud=
get parameters to make drugs more available to folks and to fund the righ=
t stuff and hopefully defund the wrong stuff because money's not infinite=
=2E<P><I>There was a proposal for California to participate in a pilot pr=
ogram that would allow drugs to be available earlier through MediCal to p=
eople who don't yet have an AIDS diagnosis. Would you support that?</I><P>=
>I'd need to know more about it. Certainly, I have no problem with it. Bu=

t 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.

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

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.

Needle-exchange?

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

Medical marijuana?

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.

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?

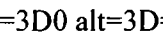
I'm not knocking my opponents, but I would point out that two of us have walked the walk. ... I am very impressed by Gray Davis' long history of commitment to equal protection of the laws and I compliment him for it. [But] I have a long history, too, and I believe that I would be the best governor. And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

What factors would allow you to defeat Dan Lungren?

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.

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?

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:10-APR-1998 04:03:00.00

SUBJECT: NC6589: Berkeley lets Scouts stay at Marina

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

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])
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Waterfront panel backs scout ship

Thayer C. Scott

SPECIAL TO THE EXAMINER

Berkeley youth group vows gays, atheists won't be barred or ejected

A seafaring affiliate of the Boy Scouts may keep its free berths at the Berkeley Marina despite its parent organization's refusal to admit gays and atheists.

In an emotionally charged meeting Wednesday, Berkeley's Waterfront Commission narrowly recommended to the City Council that the Sea Scouts,

who have berthed three boats at two slips for the past 60 years, keep doing so for another year.

The City Council has the final say on the berths and could overturn the commission's vote later this year.

One City Council member who will not rubber stamp the commission's vote is Diane Woolley.

"Better to teach young people not to be bigots than how to sail boats," she said, to jeers from the large group of scouts and parents assembled at the commission meeting.

A stream of parents and students praised the roughly 100-scout program that trains Bay Area boys and girls in navigation, lifesaving and naval communications. Most said that the Sea Scouts, who are 60 percent minority, provided much-needed mentoring and leadership training that was available nowhere else.

"Boating is for everyone, not just people who can afford boats," said Julio Angelo, reading a letter from his mother.

"I think it's possible to support the Sea Scouts and condemn the national policy," said Ron Brill, whose son has trained on one of the scouts' boats for two years.

Facing slip fees topping \$600 per month, the local troop produced its own version of a "don't ask, don't tell" ordinance to get around Berkeley's policy that precludes giving free access to groups that exclude people based sexual orientation or religious beliefs.

"We do not ask either adults or youths to divulge this information," read the local Sea Scout ordinance. "We believe that sexual orientation is a private matter."

Scout parents said officials with the Mount Diablo Council of the Boy

Scouts of America, who ban gays and atheists outright from joining troops, had agreed not to interfere or pull the Sea Scouts' charter.

Patricia Francis-Lyon, speaking on behalf of the Sea Scouts, said no one had ever been asked about sexual orientation nor would the troop ever kick anybody out who came out of the closet or rejected the existence of God.

"It's more like, 'We don't ask, and we don't care,' " she said.

But that was not enough for commissioner Guy Thomas, who said the Sea Scouts had never had to reject any gays or atheists precisely because those groups were deterred from joining in the first place.

"Regardless of what the effect will be, sometimes you have to make a decision on what is right," he said, before joining two other board members on the losing side of a 5-to-3 vote.

The California Supreme Court gave the Boy Scouts a major victory last month by ruling that the group could deny Timothy Curran a scoutmaster position because the former Eagle Scout is gay. ===== ATTACHMENT 1

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

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with ESMTP id <011VOVK9U5DS00662K@PMDF.EOP.GOV>; Fri,
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Received: (from rwockner@localhost)

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10 Apr 1998 01:03:25 -0700 (PDT)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:10-APR-1998 01:41:00.00

SUBJECT: Military Discharges of Homosexuals Soar

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 7, 1998

(<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."

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA19656; Thu,
09 Apr 1998 21:38:31 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:10-APR-1998 01:43:00.00

SUBJECT: Cohen Orders Gay Rule Explanation

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

ASSOCIATED PRESS, April 7, 1998

Cohen Orders Gays Rule Explanation

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, it's 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."

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA19778; Thu,
09 Apr 1998 21:40:45 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME: 11-APR-1998 01:02:00.00

SUBJECT: NC6603: GLAADAlert April 10, 1998

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

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

TEXT:
GLAADALERT

April 10, 1998

The GLAADAlert is the weekly activation tool of the Gay & Lesbian Alliance
Against Defamation

Sheehan Comes Out in Golf World

In a March 27 Golf World column by LPGA golfer Patty Sheehan, the champion pro athlete comes out as a lesbian who is raising her adopted daughter with her partner, Rebecca Gaston. "I didn't really know how well others would deal with the idea of Bryce having two moms, but I've decided if they have a problem with it, it's their problem, not mine," writes Sheehan. "There are too many children in this world who don't have an equal chance in life and who aren't loved to worry about what other people think. We have the means to provide Bryce with a comfortable upbringing and, more importantly, we have the desire to be loving and devoted mothers....Bryce knows that she's loved and wanted now." She also says, "I think there are a lot of men and women like me-people who spent much of their 20s and 30s devoting themselves to their careers, and put off

starting a family until their 40s. After years of believing we would make ideal parents-and having many of our friends and family tell us the same thing-it's been wonderful to finally take on this new challenge."

Sheehan, who is an 18-year veteran of the Ladies Professional Golf Association (LPGA) and inductee to the LPGA Hall of Fame in 1993, won the Nabisco Dinah Shore title in 1996, has twice won the U.S. Women's Open, and has more than 35 total career titles to date. "Patty Sheehan is breaking down barriers in sports and in society," said GLAAD Executive Director Joan M. Garry. "For a professional athlete to come out as a lesbian mom takes a great deal of courage. As a mother myself, I greatly appreciate her stance on this issue: Love is at the heart of parenting, and lesbian and gay people are as committed to that ideal as anyone. Her voice resonates to many thousands of fans, and she is sending an accurate, positive message about our community."

Please commend Patty Sheehan for her courage to step out of the closet and thank Golf World for providing her a forum in which to do it.

Contact:

(Al Tays, Managing Editor, Golf World Magazine, 5520 Park Ave., Trumbull, CT 06611-3426, fax: 203.373.7062

(Patty Sheehan, c/o Rebecca Gaston, P.O. Box 11675, Reno, NV 89510

Will A Gay Teacher Be the Object of America's Affection?

20th Century Fox's new film, Object of My Affection, stars Paul Rudd as George Hansen, a young, gay schoolteacher living in New York. When

George's boyfriend Joely (Tim Daly) breaks up with him, George needs a place to stay, and moves in with a young social worker, Nina Borowski (Jennifer Aniston). Nina and George quickly become friends, and as they begin to spend more time together, Nina falls for him. When Nina learns that she is pregnant by boyfriend Vince (John Pankow), she asks George to help her raise the baby. Their relationship continues to grow and change through Nina's pregnancy and through George's new romance.

Object of My Affection compassionately explores the nuances of George and Nina's relationship. From the numerous scenes which show George in the classroom interacting with his first-grade students to those in which he and Nina are most intimately connected, George is shown to be a character of integrity and personality. He is comfortable in his sexual orientation and is a well-liked and successful teacher. Vince and Nina's step-sister both provide stereotyping comments, but in a manner which serves only to lessen their credibility. In one scene, George and new boyfriend Paul (Amo Gulinello) kiss on the street, with no more fanfare than George saying, "I'll call you tomorrow." Unlike other recent films, the kiss is less a shock than simply an ordinary display of their affection. Object shows many facets of the community and many of the real issues gay men deal with.

Check out the film and then please thank 20th Century Fox and the producers of Object of My Affection for this fresh, honest film.

Contact:

(Laurence Mark, Producer, The Object of My Affection, Laurence Mark

Productions/Twentieth Century Fox, 10 Columbus Circle, New York, NY 10019

(Twentieth Century Fox, 10201 W. Pico Blvd., Los Angeles, CA 90035

"Militant Lesbians" on Parade?

In the "Personality Parade" column of the April 5 Parade magazine, gossip columnist Walter Scott makes several bizarre assertions about openly bisexual rock star Ani DiFranco and her fans. The question asked of Scott is "I thought Grammy nominee Ani DiFranco was gay. Now I hear she's dating a guy. What's up?" Scott responds, "DiFranco, 27, is bisexual. She won't say if the relationship [with Andrew Gilchrist] is monogamous or if she has given up women for the time being. Her fans-many of whom are militant lesbians-may be upset by her current sexual preference."

Clearly, Scott harbors a host of misconceptions about lesbians and bisexuals. First, by focusing on the issue of monogamy, Scott assumes that bisexuals are more likely to be promiscuous than any of the heterosexual celebrities he discusses each week. Second, by juxtaposing monogamy against "giv[ing] up women for the time being," Scott is bringing out the stereotype that being bisexual means having relations with men and women concurrently, as opposed to what it really means, which is having sexual interest in both genders, regardless of the number or genders of current romantic partners. Third, the phrase "militant lesbians" is meaningless, since Scott fails to explain what these lesbians might be "militant" about, or, for that matter, why bisexuality would upset them. By saying "may be upset," Scott reveals he is just speculating based on his own preconceived notions. While some lesbian DiFranco fans, and other fans, for that matter, may be upset by her being bisexual, many more are not,

and they celebrate DiFranco's courage to be honest publicly about her sexual orientation. Lastly, by calling her sexual orientation a "current sexual preference," Scott seems to be under the wrong-headed impression that bisexuality is a "phase" or a choice undertaken by DiFranco, as opposed to a sexual orientation. For someone who has been inclusive of accurate lesbian and gay celebrity talk in the past, it is disappointing to see Scott pack so many misconceptions about bisexuals into one gossip item.

Tell Walter Scott that he needs to reevaluate his own assumptions about bisexuality before he begins writing about it and perpetuating damaging and false stereotypes.

Contact: Walter Scott, "Personality Parade," c/o Parade Magazine, 711 Third Ave., New York, NY 10017

Two Articles on Teaching Tolerance

In the first week of April, both the Chicago Tribune and the Associated Press featured strong articles on the challenges faced by lesbian and gay teachers in public schools. The April 5 Chicago Tribune piece begins by discussing the struggle of Los Angeles middle school physical education teacher Cathy Figel, who came out to her students during a lesson on respect. "A new principal disciplined Figel for introducing her personal life into the classroom. Figel fought back, arguing that heterosexual teachers bring their lives into the schoolroom through wedding rings and family photographs. Now Figel is on medical leave because of the stress," it says, but adds, "In other cases, the response has been positive." It

then looks at several teachers who have had only positive experiences to coming out, and cites reasons for coming out, including honesty, and support for lesbian and gay youth. "While gay and lesbian teachers struggle with their decisions, many parents and religious authorities have little trouble in formulating their response," it says, allowing several leaders of anti-gay groups to make statements about the "concern" of "sexual contact" and the influence of teachers "living in a homosexual lifestyle." Finally, it ends with a psychologist noting how positive a teacher's coming out can be for lesbian, gay and bisexual youth, but how for conservative religious youth such "'information about a teacher they respect might not fit into their beliefs.' But," the article states, "such experiences could not be avoided. 'It is a bit like a child learning that Santa Claus is not all that real,' [the psychologist] said. 'It may be disturbing, but it is part of growing up.'"

The Associated Press article begins by comparing the reactions to lesbian and gay educators coming out in San Francisco to the hostility faced by a former science teacher in San Leandro [California], even though "only the San Francisco Bay separates them." It continues, "There is nothing new about gay and lesbian teachers. Although exact numbers aren't available, authorities say there are probably thousands nationwide. Most are closeted...[yet] a small but growing number of teachers are coming out-sometimes by directly telling students, and, more often, by simply refusing to edit themselves when talking about their partners." It then goes into some of the legal issues, pointing out that a federal Employment Non-Discrimination Act could help protect teachers, and all Americans, from being discriminated against in the workplace solely based on sexual

orientation. It also interviews several parents opposed to teachers coming out in the classroom or discussing anything related to lesbian or gay issues, including the show Ellen. However, going a step further than the Chicago Tribune article, it also highlights parents who support gay teachers and the discussion of relevant, age-appropriate lesbian and gay subject matter.

Please thank both the Chicago Tribune and the Associated Press for these engaging articles on the increasing presence of openly lesbian and gay teachers.

Contact:

(Ann Marie Lipinski, Managing Editor, Chicago Tribune, 435 N. Michigan Ave., Chicago, IL 60611-4003, fax: 312.222.2598, email: tribletter@aol.com

(John Dowling, News Editor, Associated Press - Chicago Bureau, 230 N. Michigan Ave., Suite 1400, Chicago, IL, 60601-5960

Gay Issues are Kids' Stuff

The March 30 Minneapolis Star Tribune features an excellent article for heterosexual parents who, nowadays, find the need to address lesbian and gay issues with their kids at an early age. "Parents are facing the 'there's -a-rainbow-of-families' talk a lot earlier than they'd expect," it says. "The consensus among child development specialists and religious leaders is that parents do need to share their moral view on the subject-but only when the time is right." Writer H.J. Cummins interviews several kids and parents who have discussed gay people, and notes, "Experts say it makes sense to wait until your children bring up the

issue...[and] clarify what they know, what they want to know. Does a classmate have 'two moms?' Did someone use the word 'queer?'" Cummins then goes through age-appropriate examples for preschool, elementary age and pre-teens, including one for people who have "religious objections to homosexuality." Then Cummins discusses the issue with therapist Virginia Stone, who conducted a study on heterosexual couples discussing gay issues with kids. "Every parent mentioned one constant: These things come up in the car," Cummins writes. "And when the children raised the issue, [Stone] found they were curious not about sex, but about the myriad relationships that may be popping up in their worlds: Two moms? Two boys getting married?"

While the media is increasingly realizing that lesbian and gay parents and their children exist in the United States, it rarely addresses the struggles of heterosexual parents to discuss lesbian and gay matters with their kids in a world that is increasingly embracing people of all sexual orientations. This article stands out as an important part of that dialogue, and reveals that the kids get it right more often: The fixation some adults have on the sexual acts of lesbians and gay men shows much less of the big picture than the perspectives of kids, who are more interested in the ways that people, regardless of sexual orientation, relate to each other as couples, partners and friends.

Please thank the Star Tribune for a helpful and encouraging article on an underdiscussed issue.

Contact: Pamela Fine, Managing Editor, Star Tribune, 425 Portland Ave., Minneapolis, MN 55488-0001, fax: 612.673.4359, e-mail:

opinion@startribune.com (must include name, address, and daytime phone with all submissions)

Cut the Life Line

Greensboro, North Carolina News & Record Columnist Edward Cone, in his April 9 piece, discusses a frightening new long-distance service called Life Line that "has gay-bashing as [a] sales strategy." According to Cone, "Life Line says you should switch because the big-name phone companies provide benefits to gay workers. These guys should hire Reggie White as a spokesperson." He notes how, increasingly, "attacking corporations over social issues" has become a mainstay of radical religious attacks on equal rights for gay people. "Earlier this year, Amoco and Mobil were targeted by the American Family Association. The Oil companies, known as bastions of conservative politics and good-old-boy management, were outed for offering [domestic partner] benefits to employees." He notes that the use of economic power for political ends is an American tradition, and "even the Life Line approach is grounded in unfettered capitalism. Life Line's profit-making exploitation of homophobia is cynical-even hypocritical, since the company leases its lines from World Com, which is buying gay-friendly MCI." Still, "the top marketing executive at one of the nation's very largest companies told me that boycotts by the 'Religious Right' have very little economic effect," Cone says. He adds, "Who do the protests and boycotts hurt? The GOP, which has thrived on the alliance between business and social conservatives. But hardest hit of all may be the individual boycotter. You can't drive, lest you purchase gasoline from a gay-friendly oil company and you can't fly any major airline. You stay

at home, but you can't surf the Web, because computer makers tend to be progressive. With MCI getting folded into World Com, you can't even make a long-distance call. You are isolated by intolerance."

Life Line is also trying to promote its service by giving out free copies of a video featuring "Not Natural," the anti-gay song by Angie and Debbie Winans. Perhaps it is fitting that one group profiteering from fueling intolerance towards lesbian, gay, bisexual and transgender people would employ a music pair which makes its money from the same ends.

Please commend the News & Record for this eye-opening commentary. Contact: John Robinson, Editorial Page Editor, News & Record, 200 E. Market Street, Greensboro, NC 27401-2950, fax: 910.373.7067, e-mail: edpage@greensboro.com (specify if intended for publication).

Tulsa World Says Anti-Gay Teacher Bill Not OK

An April 7 Tulsa [Oklahoma] World editorial entitled "Rank Electioneering" calls attention to an unanimous vote by the Oklahoma House to ban schools from hiring anyone "who is a known homosexual or lesbian." Rep. Bill Graves (R-Oklahoma City) added the anti-gay language to a bill that would prohibit school districts from hiring convicted sex criminals in support jobs. "The provision is unenforceable, is not unconstitutional, and most of the House members probably know that. It is likely that many of them do not even agree with the amendment. After all," the editorial states, "statistics on sex crimes do not suggest that homosexuals are any more likely than heterosexuals to be child molesters." But because House

members are afraid of being called "pro-homosexual" in upcoming elections, "it was easier to go along with a patently unfair provision than to deal later with smear campaigns," it says. "It is now up to the Senate to remove the offensive language so that an otherwise worthwhile bill-one that would prevent convicted sex criminals from having contact with schoolchildren-can become law."

Please let the Tulsa World know that their call for sanity in this worst kind of electioneering is appreciated.

Contact: Ken Neal, Editorial Page Editor, Tulsa World, 318 South Main Mall, Tulsa, OK 74103-3674, fax: 918.581.8353 (all letters must be signed, and include address and phone)

GLAADAlert Round-up: "Don't Ask, Don't Tell" Don't Work

A flurry of media coverage has followed several weeks of high-profile news about lesbians and gay men in the military, the "Don't Ask, Don't Tell, Don't Pursue" policy, and a new report released by the Department of Defense citing a 67 percent rise in discharges for gay people since the policy was adopted. While Defense Secretary William Cohen has claimed this rise is mostly attributable to gay people coming out as a way of getting out of service, it seems neither the public or the media for the most part is buying it. Following are several examples: (An April 8 editorial in the New York Daily News notes that the high number of discharges "raises serious questions about adherence to the rule," and insists "the Pentagon must be sure there are no witch hunts. Commanders must be trained in the full letter of the policy." (Andrew Sullivan's opinion piece in the April

9 New York Times quips that Cohen's asserts that the policy is "working."

"If this is Mr. Cohen's definition of success, one wonders what failure would look like," Sullivan says, adding, "The policy has not simply failed. It is far worse than before.... 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, [he] has now fired more homosexuals than any other employer in America. Is it too much to ask that this President finally live up to his own words?" (An April 9 USA Today editorial states, "The don't-ask compromise continues to distinguish between gays and straights with a prejudice against gays. [It also] institutionalizes other prejudices. It states that homosexuality is not a 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 right conclusion is not that don't-ask is working, but that it never will truly work at all." Contact: (Michael Goodwin, Editorial Page Editor, Daily News, 450 West 33rd St., New York, NY 10001-2681, fax: 212.643.7832, e-mail: letters@dailynews.com (Howell Raines, Editorial/Opinion Page Editor, New York Times, 229 West 43rd St., New York, NY 10036-3959, fax: 212.556.3690, e-mail: letters@nytimes.com (include phone number when sending e-mails) (Karen Jurgensen, Editorial/Opinion Page Editor, USA Today, 1000 Wilson Blvd., Arlington, VA 22209-3901, fax: 703.247.3108, e-mail: editor@usatoday.com

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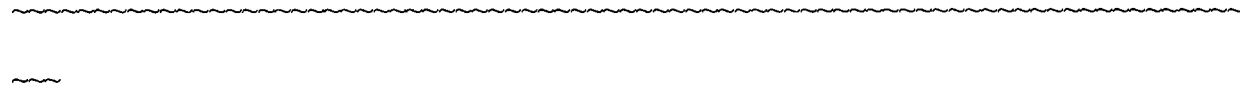
GLAAD promotes fair, accurate and inclusive representation in the media as a means of challenging homophobia and all forms of discrimination based on sexual orientation or identity.

Contact GLAAD by e-mail at glaad@glaad.org or by phone at 213.658.6775 (Los Angeles), 212.807.1700 (New York), 415.861.2244 (San Francisco), 202.986.1360 (Washington, DC), 404.607.1204 (Atlanta) and 816.756.5991 (Kansas City)

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Report defamation in the media by calling GLAAD's Toll-Free AlertLine!
1-800-GAY-MEDIA (1-800-429-6334)

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Gay & Lesbian Alliance Against Defamation (GLAAD) glaad@glaad.org

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10 Apr 1998 22:02:43 -0700 (PDT)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1998 02:52:00.00

SUBJECT: NC6627: GLAADLines April 13, 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 13, 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>

L.A. GALA CONCLUDES 9TH ANNUAL GLAAD MEDIA AWARDS: On April 19, GLAAD will conclude its three-city, 9th Annual GLAAD Media Awards at the Century Plaza Hotel in L.A.. Expected at the gala are Jennifer Aniston, Nell Carter, Cher, Jamie Lee Curtis, Ellen DeGeneres, Dana Delaney, Fran Drescher, Anne Heche, Larry King, Garry Marshall, Dionne Warwick and many others. "The Media Awards reflect a years' growth by the entertainment and news media in how they represent lesbian and gay lives," said Joan M. Garry, GLAAD Executive Director, "and highlights the work GLAAD has contributed to this important process. The awards bring industry and

community advocates together to celebrate the power of positive change."

The awards were created in 1989 to honor individuals and projects in the media and entertainment industries for their balanced and accurate representations of the lesbian, gay, bisexual and transgender community and the issues that affect their lives. For ticket sales, please contact Levy Pazanti and Associates at (888) 655-6529. For press credentials, please contact Susan DuBow (Bragman Nyman Cafarelli) at (310) 274-7800.

GLAAD COMMENDS GEORGE MICHAEL FOR COMING OUT: Following George Michael's coming out during an April 10 CNN interview, GLAAD congratulated the pop star for his honesty and courage. In the interview, coming on the heels of what he called an "extremely stupid" act leading to a lewd conduct arrest in Los Angeles, Michael said, "I'm in a relationship with a man right now. I have not been in a relationship with a woman for almost 10 years." GLAAD Executive Director Joan M. Garry commented, "GLAAD congratulates George Michael on his courageous decision to publicly come out. Obviously, the circumstances were less than ideal. But Michael's honesty and openness will serve as an inspiration for countless lesbian, gay and bisexual people. It will help foster a safer atmosphere within the music industry for all artists." For more information contact Assistant Entertainment Media Director Bill Horn (GLAAD) at (213) 658-6775 or pgr. (800) 946-4646, pin # 1423528.

DESPITE PENTAGON SPIN, REPORT SHOWS HUGE PROBLEMS WITH ANTI-GAY POLICY: The Servicemembers Legal Defense Network (SLDN) is encouraged by a Department of Defense report identifying the drastic increase in discharges of gay servicemembers under "don't ask, don't tell" and

suggesting ways to address the issue, but SLDN adds that the Pentagon used "false and misleading rhetoric" to announce it. The report revealed that a 67 percent increase in discharges under "don't ask, don't tell" amounts to the highest number of discharges since 1989 and the highest percentage increase since 1986. It suggests that commanders be told that anti-gay harassment will not be tolerated and instructed to investigate reported harassment, not those victimized by it. In addition, commanders will be told to seek guidance from higher headquarters prior to launching any investigations. Also, commanders will be evaluated annual on their adherence to the "don't ask" policy." "If implemented, these would be good first steps," said SLDN Co-Executive Director Michelle Benecke. "However, we would give the Pentagon an 'F' for the false and misleading rhetoric they have employed in the press, where they have asserted with no basis whatsoever that the significant increase in gay discharges is due to people who come out in order to avoid their service obligation. This is not contained in the report, which admits the Pentagon has no way to ascertain the facts of these cases." She added that, "SLDN has, however, proven that commanders are asking, pursuing and harassing servicemembers out of the closet. It is disappointing to see the Pentagon using such evasive and gay-baiting tactics within the media." For more information contact Co-Executive Director Michelle Benecke (SLDN) at (202) 328-3244.

RADICAL ANTI-GAY EXTREMISTS TARGET OPENLY GAY OREGON LEGISLATOR: According to the Gay and Lesbian Victory Fund, "radical political extremists" seek to unseat Oregon State Representative Chuck Carpenter--the nation's first and only openly gay Republican state legislator--by running a radical religious front man against him in the May 10 primary. Last year, as chief

sponsor of a statewide employment nondiscrimination bill, Carpenter forced the state House of Representatives to a standstill until the Republican leadership allowed his bill a fair hearing. After passing the House, the bill failed by one vote in the Senate, bringing Oregon closer to passing an employment nondiscrimination bill inclusive of sexual orientation than ever before. For the upcoming election, Bill Witt, a founding member of the Oregon Christian Coalition and a major donor to the virulently anti-gay Oregon Citizen's Alliance, has announced his candidacy. A Victory Fund release noted that Witt's "exposure as an anti-gay activist and former congressional candidate gives him immediate access to a huge national base of donors." Victory Fund Political Director Kathleen DeBold said, "This is much more than a race for the Oregon State House. This is a battle for the soul of the Republican Party." For more information contact Political Director Kathleen DeBold (Victory Fund) at (202) 842-8679.

TRANSPeople, Youth Take Action in Nation's Capital: Both transgendered people of all ages and lesbian, gay, bisexual and transgender youth will hold events next weekend in Washington, D.C., April 19-21. GenderPAC will sponsor the Third National Lobbying Day, in which over a hundred gender activists will head for Capitol Hill to address a number of concerns including employment discrimination, hate crimes, HIV funding and same-sex marriage. In addition, the Second Annual Youth Pride Day, hosted by the Youth Pride Alliance, is expected to draw nearly a thousand lesbian, gay, bisexual and transgender youth and their supporters to promote awareness, visibility and pride. For more information contact Riki Anne Wilchins (GenderPAC) at (212) 645-1753 and Christopher Dyer (Youth Pride Alliance) at (202) 588-8008.

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.

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1998 22:46:00.00

SUBJECT: Backlash in the Ranks

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

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

TEXT:
NEWSWEEK

Nation Section

April 20, 1998

The Pentagon:

Backlash in The Ranks

A disturbing report on 'don't ask, don't tell'

By Gregory L. Vistica and Evan Thomas

It was definitely not the result President Bill Clinton had in mind when he instituted the "don't ask, don't tell, don't pursue" policy toward gays in the military in 1993. Last week the Pentagon disclosed that the number of soldiers, sailors and airmen discharged for homosexuality had increased by 67 percent--from 597 in 1994 to 997 in 1997. The architects of the policy had hoped to foster a live-and-let-live attitude. But they may have underestimated the ingrained resistance against gays and lesbians--as well as the resentment uniformed soldiers feel toward civilian policymakers who seek to impose new values on the military culture.

The Pentagon tried to put a benign spin on the numbers. Defense Secretary William Cohen declared that most of the discharged gays had voluntarily opted out. But his spokesman, Kenneth Bacon, acknowledged that "we can only speculate as to why they are doing this." Edwin Dorn, a former under secretary of Defense who helped implement the policy, suggested to NEWSWEEK that more gays were coming forward because a military discharge for homosexuality carries less of a stigma these days. Northwestern University professor Charles Moskos, an expert on military sociology and one of the designers of "don't ask, don't tell," noted that a disproportionate number declaring their homosexuality are young women serving their first tours of duty. The military can no longer ask new recruits if they are gay, and some enlistees, who are typically only 19 or 20 years old, apparently don't decide on their sexual orientation until they are already in uniform. In an interview with NEWSWEEK, Moskos said he thought some troops disliked the military and believed that declaring themselves homosexuals could be a quick way out.

A backlash in the ranks against "don't ask, don't tell" may also help explain the rising discharge rate. One recent survey of men in the Army shows that well over half would "feel uncomfortable" with gays in their unit and believe that "allowing openly gay soldiers in the Army would be very disruptive of discipline." Declarations of homosexuality can be extracted in subtle and not-so-subtle ways. In January, a federal judge ordered the Navy to reinstate Timothy R. McVeigh (no relation to the Oklahoma City bomber), a senior chief petty officer accused of soliciting homosexual lovers on the Internet. McVeigh, the "Chief of Boat" aboard the nuclear submarine Chicago, used only his first name and made no mention of his military service while surfing in cyberspace, but investigators learned

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X-Sender: dcase@mail.sdsu.edu
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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1998 03:10:00.00

SUBJECT: NC6630: Newsweek: Backlash in the Ranks

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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NEWSWEEK

Nation Section

April 20, 1998

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Thenders (THENDERS@wpgate.glo.state.tx.us@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:15-APR-1998 16:51:00.00

SUBJECT: NEEDLE EXCHANGE

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

READ:UNKNOWN

TEXT:

Dear Paul:

I understand that the discussions on needle exchange may soon be reaching the decision stage. I also understand that there is some discussion of splitting the decision by having the Secretary of HHS make the scientific determination that needle exchange programs reduce the instance of new HIV infections while not encouraging illegal drug use but then not actually lifting the existing ban on the use of federal funds for such programs.

In my opinion, that would be a political disaster on the order of the "Don't Ask, Don't Tell" decision. The opponents of needle exchange would be unhappy because the Administration had done too much and the proponents would be unhappy because it had not done enough.

Even if the judgment is made that it is likely that Congress would immediately overturn a lifting of the ban on the use of federal funds, the Administration should go the full route of making the scientific determination AND lifting the funding ban. Anything short of that will draw considerable fire from both the AIDS

community and the President's Advisory Council.

I hope we will soon be able to move on to less contentious
issues and to use the time the President has left in office to do
great things.

Best personal regards.

Sincerely,

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

TEXT:
===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1998 00:55:00.00

SUBJECT: Defense secretary favors ouster of McVeigh

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

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

TEXT:
Washington Blade, April 17, 1998

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

Defense secretary favors ouster of 'AOL sailor'

by Lou Chibbaro Jr.

DOD chief William Cohen believes the Navy acted properly when it went through AOL to prove a sailor is Gay.

Secretary of Defense William Cohen said in an April 1 letter to Attorney General Janet Reno that he strongly believes the Navy acted properly last year when it used a private, online computer profile to determine that a sailor is Gay and should be discharged.

To the dismay of Gay activists, Cohen also told Reno that a federal judge made

a mistake by ordering the Navy not to discharge the sailor. Then he urged Reno to reject any effort by the sailor to obtain retirement benefits if he leaves voluntarily.

The Washington Times published excerpts of Cohen's letter in its April 8 edition. The newspaper said it obtained a copy of the letter from

sources which the paper did not identify.

The ruling Cohen objects to was a preliminary but emphatic one: that the Navy had gone "too far" in pursuing information to enable the military to discharge McVeigh for being Gay. U.S. District Court Judge Stanley Sporkin ruled Jan. 26 that the Navy violated the Pentagon's "don't ask, don't tell" policy on Gays in the military when an investigator went to America Online and (according to AOL officials) claimed to be a friend of McVeigh's. An AOL representative gave the person McVeigh's supposedly private member profile (and the online service has subsequently acknowledged its error). The military, however, used the profile as

evidence that McVeigh is Gay. McVeigh had entered the word "Gay" in a space on the profile that asks for members' marital status. Sporkin ordered the Navy to allow McVeigh to resume his regular duties on a submarine pending the final outcome of

McVeigh's lawsuit to fight the discharge proceedings and for violating his privacy.

The Navy said it would appeal Sporkin's ruling, but shortly thereafter the New York Times reported that McVeigh offered to retire with full benefits rather than face discharge proceedings.

DOD officials reportedly balked at the idea of paying him full benefits, which are normally granted only after 20 years of service. McVeigh has been in the military for 17 years. According to the Washington Times, Clinton administration sources said Cohen's letter was aimed at discouraging the Justice Department - which represents the Navy in civil litigation - from agreeing to such a settlement with McVeigh. "The sources said this would leave the door open for other discharged personnel to gain retirement pay," the Washington Times said in its April 8 story.

Richard Socarides stressed that the secretary of defense opposes abuses of the military's anti-Gay policy.

The newspaper quoted Cohen as saying in his letter that he did not object to Reno's suggestion that a settlement be considered "so long as it is clear that any settlement of this case must be on terms acceptable to the Navy." Cohen asked Reno to make sure a proposed settlement does not "represent any diminution of your support for [the don't ask, don't tell] policy, and that you and your colleagues would be prepared to assist us in communicating that fact to the field."

The Washington Times quoted Cohen as saying in his letter to Reno, "We feel strongly that the District court's decision in [the McVeigh case] is plainly erroneous in numerous respects, and that it should be appealed. ... We understand that you share our view that the decision is erroneous, and that the Navy's action with respect to Senior Chief McVeigh were fully consistent with the statute governing homosexual conduct in the military and with our own regulations on that subject."

The Washington Times reported that Cohen sent his letter to Reno shortly after he met with Adm. Jay Johnson, the chief of naval operations, and that Johnson persuaded Cohen that the Navy acted within the rules of "don't ask, don't tell" when it sought to oust McVeigh. Cohen's views on the McVeigh case are expected to raise strong concerns among Gay civil rights leaders, who have expressed outrage over the action by naval investigators to investigate a sailor's private, online computer profile.

Richard Socarides, an openly Gay White House special assistant who serves as President Clinton's liaison to the Gay community, said Cohen's statements to Reno should not be interpreted as a "hard-line" position against the idea of Gays serving in the military.

"This was a private letter that was leaked to the Washington Times," Socarides said. "Its main point was that the secretary of the navy should be allowed to decide on whether or not a settlement is agreed to in the McVeigh case."

Socarides noted that Cohen has stated repeatedly to the press that military investigators should not be allowed to abuse the "don't ask, don't tell" policy by improperly investigating Gay service members. Cohen told reporters last week that "there should be no attempt to hunt or seek out those who may be homosexual" in the military.

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Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01IW17JCK0SW00108G@PMDf.EOP.GOV>; Sat, 18 Apr 1998 23:57:40 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTP id <01IW17JATBU00013OV@PMDf.EOP.GOV>; Sat,
18 Apr 1998 23:57:38 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-10 #22921)
with ESMTP id <01IW17ILL794001QAD@STORM.EOP.GOV>; Sat,
18 Apr 1998 23:57:04 -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 UAA21154; Sat,
18 Apr 1998 20:55:54 -0700 (PDT)
X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: owner-gbook (owner-gbook@MAILHOST2.AUDIONET.COM@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:23-APR-1998 18:06:00.00

SUBJECT: NASCAR & CART Excitement on AudioNet

TO: Anne M. Edwards (Anne M. Edwards@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

AudioNet Newsletter

April 24, 1998 - April 27, 1998

<http://www.audionet.com/>

==+=+=+=+=+=+=+=+=+=+=+=+

"Win Millions of Dollars, Cars, Cruises or Computers and Help the Red Cross."

The International Federation of the Red Cross announces the launch of Millions 2000, The Millenium Draw. The biggest world-wide prize draw ever will create 2000 millionaires, has a jackpot of \$50 million and big prizes every month. Millions 2000 is also expected to raise over \$1 billion dollars for Red Cross and Red Crescent Societies.

One ticket costs \$10 but literally gives you hundreds of chances to win every month up to the Millennium PLUS 10 chances to win the big prizes on Millennium night.

<http://www.pluslotto.com/default.asp?urlref=3300006213227>

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4. MUSIC - Dave Matthews Band on Live X
5. SPECIAL INTEREST - C-SPAN's Booknotes
6. ALWAYS ON AUDIONET - Emily Post's Guide to Business Etiquette

Audiobook

==+=+=+=+=+=+=+=+=+=+=+

+ All times Central Time +

==+=+=+=+=+=+=+=+=+=+=+

1. FEATURED EVENT - AUTO RACING ON AUDIONET

The Bosch Spark Plug Grand Prix Presented by Toyota - ride along with Forsythe Racing's Greg Moore and Patrick Carpentier for race #4 in CART's 1998 season from Nazareth Speedway. Brought to you by Forsythe Racing.

+Fri. April 24 - 7:45 am - Practice

+Sat. April 25 - 8:00 am - Qualifying

+Sun. April 26 - 8:00 am - Warm Up

+Sun. April 26 - 11:30 am - Race

<http://www.audionet.com/sports/autoracing/cart/>

Bosch Spark Plug Grand Prix Presented by Toyota - the inaugural event for CART fans to experience FanScan Online. For \$9.95, one-fourth the cost of renting a scanner at the race, you can listen *live* to top drivers as they strategize with their teams and battle for position. Our new FanScan service identifies each

car number as the mic is keyed, so you'll always know who you're listening to.

Sun. April 26 - 11:30 am

<http://www.audionet.com/sports/autoracing/fanscan/cart/boschgp/>

NASCAR DieHard 500 - The action is always exciting at the Talladega Superspeedway. AudioNet and FanScan offer you the next best thing to sitting in the stands! For \$9.95 per race, listen **live** to the top drivers as they strategize with their team and battle for position.

Sun. April 26 - 12:00 pm

<http://www.audionet.com/sports/autoracing/fanscan/nascar/diehard500/>

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2. SPORTS

Greater Greensboro Chrysler Classic - John Inman and Roman Gabriel host a live hourly audio show with tournament updates, analysis and interviews live from Greensboro, North Carolina, exclusively for PGA TOUR.com.

Fri. April 24 - 11:00 am

<http://www.audionet.com/sports/golf/pgatour/tournaments/greensboro/>

On Frozen Pond - Erik Rossi and Drew Hamilton, AudioNet's resident sports gurus, keep you up-to-date on the NHL Playoffs.

Fri. April 24 - 11:30 am

<http://www.audionet.com/sports/hockey/pond/>

1998 IU Student Foundation Little 500 Bike Race - don't miss the largest collegiate bike race in the United States, live from Indiana University.

+Fri. April 24 - 4:00 pm - Women's race

+Sat. April 25 - 2:00 pm - Men's race

<http://www.audionet.com/schools/indiana/iusf/>

1998 USTA Cyber Circuit Webcasts - live coverage of many of harness racing's best events, carrying an estimated \$6.3 million in purses.

Brought to you by The United States Trotting Association.

Fri. April 24 - 6:00 pm

<http://www.audionet.com/sports/horseracing/usta/>

NHL Stanley Cup Playoffs - the action is heating up as the hottest teams on the ice fight for their playoff lives. Don't miss out on all the action live plus original shows from NHL.com. Visit the page for a complete schedule of games and programming, and don't miss these great match-ups:

+Fri. April 24 - 6:30 pm - Detroit Red Wings vs. Phoenix Coyotes

+Sat. April 25 - 6:30 pm - St. Louis Blues vs. Los Angeles Kings

+Sun. April 26 - 1:00 pm - New Jersey Devils vs. Ottawa Senators

+Mon. April 27 - 6:30 pm - Pittsburgh Penguins vs. Montreal Canadiens

<http://www.audionet.com/sports/nhl/intro/>

Yahoo! Sports/AudioNet Game of the Week and Chat - NHL Playoffs

Dallas Stars vs. San Jose Sharks

Fri. April 24 - 7:30 pm

<http://www.audionet.com/sports/yahoosports/>

NFL Europe League Football

+Sat. April 25 - 12:00 pm - Amsterdam Admirals vs. Frankfurt Galaxy

+Sun. April 26 - 12:00 pm - England Monarchs vs. Scotland Claymores

+Sun. April 26 - 5:00 pm - Rhein Fire vs. Barcelona Dragons

<http://www.audionet.com/sports/nfl/nfleurope/>

The Road to the World Cup - a weekly report of the events leading to World Cup France '98 hosted by Florian Kempf. Available in French and English.

Mon. April 27 - 8:00 am

<http://www.audionet.com/sports/worldcup98/>

NCAA Baseball - can't make it back home to support your alma mater?

Let AudioNet bridge the gap for you! Listen to over 50 live college baseball games this weekend.

<http://www.audionet.com/acsn/baseball/>

Click here to receive a FREE \$50 simulated baseball software account:

http://www.sportbet.com/sim_account.htm

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3. BUSINESS & PUBLIC AFFAIRS

Texaco Quarterly Earnings Call - listen in live to Texaco's first quarter 1998 earnings announcement. Stay tuned as Texaco's

executives discuss the earnings results and answer questions from the financial analyst community.

Fri. April 24 - 10:30 am

<http://www.events.audionet.com/events/texaco/q1earnings/>

The Freedom Forum presents:

+Fri. April 24 - 12:00 pm - International Author Series - "Chechnya:

Calamity in the Caucasus" with

authors Carlotta Gall, journalist, "Moscow Times" and Thomas Day Wall, reporter, "Moscow Times" and the "Times of London."

+Fri. April 24 - 1:00 pm - Electronic Field Trip from the Newseum - join

junior high and high school students from across the U.S. for a "virtual visit" to the Newseum, the world's only interactive museum of news.

+Sat. April 25 - 2:00 pm - Walter Anderson, Editor-in-Chief, Parade magazine, on Newseum TV.

+Sun. April 26 - 2:00 pm - Helen Thomas, White House Bureau Chief, United Press International. on Newseum TV.

+Mon. April 27 - 8:00 am Technology Seminar - Federal Communications Commissioner Michael Powell discusses telecommunications reform and the Internet.

<http://www.events.audionet.com/events/freedomforum/april98/>

AfterHours Trading - Tiger Investment - tune in to the world's forum for after-hours, real-time quotes, stock analysis and trading strategies of the active investor.

Fri. April 24 - 3:00 pm

<http://www.audionet.com/shows/tigerinvestment/>

Let's Talk Business Network - CBS Emmy award-winning TV anchor Donna Jordan motivates and entertains in her new book, "Failure Is Not An Option: 10 Sure Fire Steps to Success," on the radio show for entrepreneurs.

Sat. April 25 - 11:00 am

<http://www.audionet.com/shows/ltbn/>

Experience Albion - tune in as Albion College in Albion, Michigan will formally observe the installation of its new president Peter T. Mitchell during inauguration ceremonies.

Sat. April 25 - 2:00 pm

<http://www.audionet.com/edu/albion/experience/>

Philosophy: Who Needs It - Leonard Peikoff brings Ayn Rand's ideas to the radio.

Sun. April 26 - 1:00 pm

http://www.pwni.com/affiliates_shell.html

Yom Hashoah: Holocaust Remembrance - a community-wide remembrance of the 6 million Jews who died in the Holocaust, live from the Memorial Plaza of the Simon Wiesenthal Center in Los Angeles.

Sun. April 26 - 9:30 pm

<http://www.events.audionet.com/events/swc/yomhashoah/>

Millennium Chemicals Inc. Quarterly Earnings Announcement - view slides of and listen to a presentation on Millenium Chemicals 1998 Q1 Earnings.

Mon. April 27 - 10:15 am

<http://www.events.audionet.com/events/millennium/qlearnings98/>

GartnerGroup presents 1998 Internet & Electronic Commerce Conference and Exposition - listen to live keynotes and sessions from the world's largest event dedicated to electronic commerce.

+Mon. April 27 - 9:00 am - Halsey Minor, Chairman and CEO, CNET: The Computer Network.

+Mon. April 27 - 1:00 pm - Jim McCann, President, 1-800-FLOWERS, Inc.

<http://www.gartner.com/gartnerlive.html>

CMP Net Insider - guest Timothy McVeigh. Don't ask, don't tell, don't look at my AOL profile. After 17 years in the Navy, the man who was once the top enlisted man on submarine duty finds himself doing boring tasks because AOL revealed his identity to Navy investigators. Net Insider talks to McVeigh about the importance of online privacy and confidentiality.

Available on demand

<http://www.audionet.com/shows/cmp/insiders/>

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4. MUSIC

Dave Matthews Band - the chart topping Alternative jam band plays an acoustic set including songs from their soon-to-be-released album, "Before These Crowded Streets," live from the studios of 99X in Atlanta.

Fri. April 24 - 12:00 pm

Sun. April 26 - 7:30 pm

<http://www.audionet.com/music/shows/livex/>

Sessions TV Compilation CD Volume 1.0 CD Listening Party - check out this multimedia CD with digital video containing wave after wave of Punk, Ska, Reggae and Rock digitally remastered to sonic perfection.

Fri. April 24 & Mon. April 27 - 12:00 pm

<http://www.audionet.com/events/listeningparty/stv/>

Francis Dunnery Listening Party - get a sneak preview of Dunnery's latest CD, "Let's Go Do What Happens," slated for release on April 28. Tune in to hear the album in its entirety, and check out video and interview footage on demand.

Fri. April 24 - Mon. April 27 - 2:00 pm & 8:00 pm

<http://www.audionet.com/events/listeningparty/dunnery/>

Festival International - listen to the best French speaking music from around the world live from Lafayette, Louisiana.

+Fri. April 24 - 6:00 pm

+Sat. April 25 - 3:30 pm

+Sun April 26 - 3:30 pm

<http://www.audionet.com/concerts/fil98/>

Jake Trout and the Flounders Listening Party - professional golfers Peter Jacobsen, Mark Lye and Payne Stewart make their musical debut singing hilarious golf parodies as Jake Trout and the Flounders. Check out their CD "I Love to Play" and video footage.

Sat. April 25 & Monday April 27 - 1:00 pm & 5:00 pm

<http://www/events/listeningparty/jaketrou/>

Peter Frampton - the Rock legend joins Q102 DJ Redbeard "In the Studio" to discuss his forthcoming greatest hits collection, "Shine On."

Sun. April 26 - 9:00 am

<http://www.audionet.com/shows/inthestudio/>

Junko Onishi - enjoy the jazz piano stylings of Junko when she performs live from The Blue Note Jazz Club in New York City.

Mon. April 27 - 8:00 pm

<http://www.audionet.com/concerts/bluenote/>

Willie Nelson's New CD - listen to and buy "Tales Out of Luck (Me & The Drummer)," the latest CD from Country legend Willie Nelson, exclusively on the Internet. You can also chat with other Willie Nelson fans, and enter to win a trip to Willie's famous 4th of July picnic!

<http://events.audionet.com/willie/>

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5. SPECIAL INTEREST

Johns Hopkins Medicine Rounds - watch this week's presentation "Renovascular Hypertension" live from Baltimore to earn CME credits.

Sat. April 25 - 8:45 am

<http://www.audionet.com/edu/jhmr/listen/>

The Man Who Knew Too Much - don't miss this Alfred Hitchcock classic, starring Leslie Banks and Peter Lorre.

Sat. April 25 - 8:00 pm

<http://www.radio.audionet.com/television/shows/movies>

RadioFreeDocs - a live, weekly interactive talk program for physicians about the management and business aspects of medical practice. The program combines audio-visual presentations by experts with live telephone questions, answers and discussion.

Sun. April 26 - 8:30 am

<http://www.events.audionet.com/events/radiofreedocs/>

C-SPAN's Booknotes - Molly Ivins talks about her book "You Got to Dance with Them What Brung You: Politics in the Clinton Years."

Sun. April 26 - 7:00 pm

<http://www.audionet.com/books/booknotes.stm>

Stein Online - check out exciting topics on the show covering everything from entertainment to politics to the paranormal.

+Mon. April 27 - 6:00 pm - "America on Wheels: The First 100 Years," a companion to the PBS television special.

<http://www.audionet.com/shows/stein/>

How Good Can you Stand It? - lessons in unifying body, mind and spirit.

Mark Victor Hansen's live webcast seminar "Living Your Dreams."

Beginning April 27

<http://www.audionet.com/shows/howgood/>

Ozzie and Harriet - take a trip back to the 60's suburbia where all front lawns are neatly mowed, all cars are huge gas guzzlers and all teenage boys are well-mannered and respectful, even if they are on the brink of becoming rock stars. Spend some quality time with Ozzie, Harriet, Ricky and David.

Weekdays - 10:00 pm

<http://www.audionet.com/television/shows/ozzieandharriet/>

Jeffrey Lyons Movie Reviews - listen to the latest Hollywood news and reviews, interviews with your favorite stars and other special Showbiz news, straight from the Lyons Den.

Available on demand

<http://www.audionet.com/entertainment/reviews.stm>

Parody Commercials - Premiere Radio Networks brings you hilarious commercial parodies based on current events.

Available on demand

<http://www.premrad.com/comedy/comm.html>

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6. ALWAYS ON AUDIONET

Shabazz3 "Live or Die" in the CD Jukebox - Shabazz3 is a smooth, jazzy, laid back hip-hop trio whose goal is to let people know

you can achieve anything you put your mind to.

http://www.audionet.com/jukebox/Albums/L/LiveorDie_S3LOD.stm

Discover the best news, talk and business radio stations on AudioNet:

WISN - 1130 AM, Milwaukee, WI

WINZ - 940 AM, Miami, FL

WIBC - 1070 AM, Indianapolis, IN

WHMP - 1400 AM, Springfield, MA

WGOW - 102.3 FM, Chattanooga, TN

WMVP - 1000 AM, Chicago, IL

WMFR - 1230 AM, Greensboro, NC

KWKH - 1130 AM, Shreveport, LA

KOGO - 600 AM, San Diego, CA

<http://www.radio.audionet.com/radio/>

Emily Post's Guide to Business Etiquette Audiobook - find out what's appropriate in the work place. Get this book and three others for just 1 cent!

<http://www.audionet.com/books/>

World Travel Corner - The Puerto Rican Parrot and Other Bird Calls of "El Yunque," The RainForest of Puerto Rico - Part 1. Visions begins a 2-part, 3-zone look at a drought-stricken Rainforest called "El Yunque."

<http://www.audionet.com/books/visions.stm>

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****Attention America Online Users - You can now access AudioNet**

directly on AOL through Digital City Dallas-Fort Worth! Keyword:

AudioNet or DFW. Check it out!

****Show the music business the power of the Net - when you hear a song you like on the Jukebox, call up your local radio station and request it.**

Make sure you tell them you heard it first on AudioNet!

****Check out the AudioNet channel on Microsoft Internet Explorer 4.0.**

Download IE4.0 now to get "the Web the way you want it."

<http://www.audionet.com/ie40/>

****Purchase logo items from your favorite school or team!**

<http://www.prowebwear.com/ads/audionet.cgi>

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SUBSCRIPTIONS

To unsubscribe to this newsletter, send an email to:

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Please turn off all signatures and type only the following text in

body of the note:

SIGNOFF gbook

In other words:

Your "To" line should read: listserv@mailhost2.audionet.com

Your "From" line should have your email address.

The "Subject" line can be blank or have a descriptive message.

The "Body", that is the actual text of your reply should contain

only one line with EXACTLY this text: SIGNOFF gbook

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QUESTIONS AND COMMENTS

newsletter@audionet.com

TEXT:

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id <01IW7WDGLV1C001PNN@PMDF.EOP.GOV> for edwards_a@al.eop.gov; Thu,
23 Apr 1998 18:53:10 EDT

23 Apr 1998 18:53:01 -0400 (EDT)

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

Received: from mailhost2 (206.190.32.53) by mailhost2.audionet.com

Thu, 23 Apr 1998 17:07:39 -0500

(LISTSERV-TCP/IP release 1.8c)

23 Apr 1998 17:07:24 -0500

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Thu, 23 Apr 1998 17:06:05 -0500

X-Sender: newsletter@mailhost2.audionet.com

X-Mailer: Windows Eudora Pro Version 3.0 (32)

Approved-By: newsletter@MAILHOST2.AUDIONET.COM

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1998 01:07:00.00

SUBJECT: Editorial: Needle Pricks

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

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

TEXT:
BAY AREA REPORTER

San Francicso, CA

April 23, 1998

<http://www.ebar.com/>

Editorial

Needle pricks

The Clinton Administration has apparently decided to base all future controversial decisions upon the worst travesty it has ever promulgated: now America has a "Don't Ask, Don't Tell" policy on needle exchange, too.

That's not exactly how Health and Human Services Secretary Donna Shalala announced the new position, but it has all the earmarks of the ridiculous military policy covering gay and lesbian servicemembers. Both are shameful "compromises" that don't really satisfy anybody; redactive and reactive cave-ins to intolerant far right nuts; and based upon superstitions and attitudes instead of science.

There is no reason why the federal government should not fund needle exchanges, and its lack of willingness to do so shows, again, how little our policymakers in Washington care about those without strong political voices. Shalala, who professes to be a woman, should know how disproportionately needle-sharing affects women. The San Francisco AIDS Foundation, which has always done (and continues to do) admirable work to get dirty needles off the street, recently studied data showing just how disproportionate the problem is. One thing they learned was that cultural norms among needle-sharing heterosexual partners are such that the man almost invariably uses the needle first. The woman follows, sharply escalating her risk of HIV infection.

Unfortunately, drug-injecting women don't have a PAC and don't attend \$10,000-a-plate dinners for either party, so their voices don't get heard much in this debate. And despite a lot of swell-sounding rhetoric, the same is true of their HIV-positive kids. (Social satirist Fran Liebowitz once wrote that the problem with children is that few of them are in a position to offer to lend you a truly interesting amount of money. There are exceptions to that rule, she pointed out, and they are a welcome addition to any party. Although we thought it was a funny Dorothy Parkeresque line when we read it nearly 20 years ago, now it just breaks our hearts because of how true it really is in the corridors of Congress.)

Intravenous drug use is the single biggest contributing factor to HIV infections today. The official statistic is that 33 seroconversions every day can be traced to dirty needles, but it is almost certainly much higher.

Science clearly shows that needle exchange programs do not add to IV drug use, and in some cases, causes it to fall. All of which Shalala and Clinton know, but none of which was enough to carry through fully on the recommendations of the president's own AIDS advisors. Instead, there's the sneaky back door approach that is literally too little, too late.

Meanwhile, the right wing has characteristically -- as if "character" is an appropriate word to apply to them -- begun shrieking about how the sky is falling and doom is upon us. Considering the ruckus they are making, it's obvious Clinton should have gone the full measure and authorized federal funding; the squeals of outrage from Newt Gingrich and the Family Research Council could not have been much louder or more unpleasant if he had.

On Tuesday, Gingrich stood beside Republican Representative Roger Wicker of Mississippi who told the press that "The Vancouver study, the Montreal experience, both [needle exchange studies] have shown that when this type of experiment has been tried, HIV has gone up and illegal drug use has gone up in the community. So it's not solved the problem, it's made the problem worse."

As B.A.R. readers are aware, last week the Canadian researchers to which Wicker referred held their own press conference to say that their data showed the exact opposite, and that conclusions like Wicker's are false, either through ignorance or intentional misrepresentation. Wicker must know that; Gingrich must know that; the rest of the right wing crackpots who intentionally lie to the American people know that, but they persist in the falsehoods.

And that is how you spread AIDS orally.

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) 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 =====
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TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
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Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTP id <01IW9NTOP1F4003COB@PMDF.EOP.GOV>; Sat,
25 Apr 1998 01:10:28 -0400 (EDT)

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with ESMTP id <01IW9NSS7Q8U002B70@STORM.EOP.GOV>; Sat,
25 Apr 1998 01:09:45 -0400 (EDT)

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id WAA15644; Fri,
24 Apr 1998 22:09:17 -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:26-APR-1998 12:53:00.00

SUBJECT: NC6722: 1. Deb Price. 2. R.I. sex law struck down

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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DETROIT NEWS, April 25, 1998

615 W. Lafayette,Detroit,MI,48226

(Fax 313-222-6417)(E-MAIL: Letters@detnews.com)(http://detnews.com/)

Gays refuse to retreat from war with Pentagon

By Deb Price / The Detroit News

; ; The furniture was being carted away in July 1993. The Campaign for Military Service, a temporary squadron formed to fight the military's gay ban, was closing up shop. With President Clinton's disappointing announcement of "Don't Ask, Don't Tell," the Campaign was finished. But the phones were still ringing.

; ; Confused and upset by the new policy, gay Americans in uniform were deluging the nearly deserted Campaign office with calls. Former Army Capt.

Michelle Benecke looked at fellow Campaign volunteer Dixon Osburn and firmly declared, "Somebody has to do something!"

; ; Together they became that "somebody." They persuaded a veterans' legal aid group to lend them office space. Using a borrowed room, borrowed computers and borrowed phones, Benecke and Osburn founded the Servicemembers Legal Defense Network (SLDN). In less than a year, their watchdog group had a \$200,000 war chest. (Call 202-328-3244)

; ; Under Benecke and Osburn, SLDN is spotlighting twin national disgraces -- the policy that destroys the military careers of anyone found to be gay and the Pentagon's failure to end the anti-gay witch hunts, harassment and snooping outlawed by "Don't Ask, Don't Tell."

; ; By relentlessly bombarding the news media with evidence of the military's maliciousness, SLDN has repeatedly forced the Pentagon not just to take notice but to change. Defense Secretary William Cohen last year ordered an inquiry into SLDN's charges. The official Pentagon response was released this month.

; ; Although Pentagon spin doctors played down the abuses they confirmed, their report revealed they know far less than SLDN about how field commanders actually treat people suspected of being gay. But even a superficial understanding of the problem was enough to persuade Pentagon investigators to recommend changes SLDN has long demanded.

; ; For example, SLDN established that field commanders were unaware of a

1997 Pentagon memo instructing them to investigate anti-gay threats, not the targets of such threats. SLDN has documented rampant anti-gay harassment. The Pentagon's new recommendation: Reissue the memo after adding a warning against anti-gay harassment. (The original memo, of course, was sparked by SLDN evidence as well.)

; ; Together, Osburn and Benecke have kept alive a battle that many Americans counted as lost the day "Don't Ask, Don't Tell" was foisted upon us. "Our perspective was this was the first step in a long road march," says Benecke, still sounding like an Army officer.

; ; SLDN's righteous war against the gay ban is far from won. But the Pentagon now knows it's being watched. Gay servicemembers have a powerful ally in Washington. And the phones just keep on ringing.

; ; Deb Price's column usually appears Fridays in Accent. Write her in care of The Detroit News, Accent, 615 W. Lafayette, Detroit 48226. You can reach her by e-mail at accent@detnews.com, or by fax at 313-222-2451.

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ASSOCIATED PRESS, April 25, 1998

SOUTH KINGSTOWN, R.I. (AP) - A Superior Court judge on Friday declared

unconstitutional a law forbidding oral and anal sex, adding impetus to an effort to abolish the dusty old statute.

The 109-year-old law forbidding ``abominable and detestable crimes against nature" is unconstitutional because it singles out unmarried people for prosecution, while the courts have chosen to protect the privacy rights of married couples, Judge Frank Williams wrote.

He cited U.S. and state Supreme Court cases in his ruling, which came during the trial of two men accused of raping a woman in a Block Island bar. Edward McGovern was accused of putting his mouth on the woman's genitalia.

Williams said that justices in previous rulings have sheltered married couples from the law, which means it only can be applied to single people. It's unconstitutional for an act to be legal for some people, but illegal for others, he said.

``Unmarried adults are subject to (the law) not because of the conduct in which they engage but because" they are single, he wrote.

``Such a distinction bears no rational relationship to the purported objective of the statute."

A spokesman for Attorney General Jeff Pine said Williams' ruling wouldn't be appealed.

Opponents of the law said they hope Williams' ruling would convince

lawmakers to repeal it.

The House is to take up a bill to repeal the abominable and detestable law next week, the first time lawmakers have not killed the measure in committee. A similar bill is being considered by the Senate.

"I think our chances are very good this year," said Rep. David Cicilline, D-Providence, a critic of the law.

Steven Brown, executive director of the state chapter of the American Civil Liberties Union, said the law poses a problem for defendants in a rape trial. He said that if a defendant argues that oral sex was consensual and not forced, he is admitting guilt under the abominable and detestable law.

The Rhode Island Supreme Court has upheld the law twice in the last 15 years.

Fourteen other states have laws banning oral or anal sex, while six others have statutes forbidding the sex acts between homosexuals, according to the American Civil Liberties Union.

Rhode Island's law carries a prison sentence of up to 20 years.

Last year, North Smithfield police arrested two men, accusing them of consensual sex in the woods near Route 146. Pine's office refused to prosecute.

A spokesman for Gov. Lincoln Almond said the governor will wait to

make a decision on the bill if it gets to his desk. ===== ATTACHMENT 1

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