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Servicemembers Legal Defense Network

July 26, 1999

President William Jefferson Clinton
The White House
1600 Pennsylvania Ave., NW
Washington, D.C.

Dear President Clinton:

CC: Julian Potter FYI

Six years ago, on July 19, 1993, you announced the "Don't Ask, Don't Tell, Don't Pursue" policy. You promised to end anti-gay harassment, asking and pursuits, and to respect service members' privacy. These promises have not been fulfilled. We write to request your personal intervention to fulfill them now.

Lesbian, gay and bisexual service members across the military endure a pervasive anti-gay climate every day. The incidence of anti-gay harassment in the military is alarming. In March 1999, we published *Conduct Unbecoming: The Fifth Annual Report on 'Don't Ask, Don't Tell, Don't Pursue.'* We documented a 120% increase in reports of anti-gay harassment. These reports included verbal gay-bashing and death threats.

Recently, PFC Barry Winchell, a twenty-one-year-old soldier at Fort Campbell, Kentucky, was allegedly bludgeoned to death with a baseball bat by other soldiers in his barracks. Serious concerns have been raised that this alleged murder may have been an anti-gay hate crime, and these concerns deserve a proper and fair investigation. Regardless of whether this is ultimately determined to be a hate crime, it has greatly exacerbated the existing fear among soldiers at Ft. Campbell and elsewhere that they might be the next victims of an attack.

Service members have no real recourse when harassed. Service members cannot safely report harassment to their commanders without triggering speculation and possible investigations into their private lives. Service members cannot even seek help from their best friends, psychologists or parents because the military is kicking out service members who confide their orientation in these private settings, contrary to the intent of this policy.

As early as SLDN's first annual report on "Don't Ask, Don't Tell, Don't Pursue," published in February 1995, we warned, "It is reasonably foreseeable that if the Department of Defense does not take corrective actions now, deaths of actual and perceived homosexual service members, like slain sailor Allen Schindler, will occur."

SLDN has attempted to obtain guidance against anti-gay harassment and hate crimes from your Administration for nearly six years.

In March 1997, then Undersecretary of Defense for Personnel and Readiness Edwin Dorn issued a policy called *Guidance For Investigating Threats Against Service Members Based on Alleged Homosexuality*. According to the guidance itself, it was intended to permit "service members [to] report crimes free from fear of harm, reprisal, or inappropriate or inadequate governmental response." The services, however, never distributed the guidance to the field, as SLDN documented in two subsequent annual reports. This fact was acknowledged by the Pentagon

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Letter to the President
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in its April 1998 *Review of the Effectiveness of the Application and Enforcement of the Department's Policy on Homosexual Conduct in the Military*. To this day, the Pentagon has failed to distribute the guidance on anti-gay harassment to the field, despite repeated assurances to SLDN as recently as January and March 1999 that it would be forthcoming within weeks.

In May 1997, the Joint Services Committee on Military Justice proposed that the *Manual for Courts-Martial* be amended to allow sentence enhancement in anti-gay hate crimes. SLDN submitted public comments urging the swift adoption of the proposed amendment. The Department of Defense submitted the proposal to the White House as a proposed Executive Order. The proposed Executive Order has yet to be signed.

In November 1997, SLDN raised the issue of anti-gay harassment and hate crimes in the military to Attorney General Janet Reno at the White House Conference on Hate Crimes, and subsequently raised the same concern in a letter to you in December 1997.

We have repeatedly expressed concern -- to you, Pentagon officials and others -- that service members cannot safely report anti-gay hate crimes and harassment.

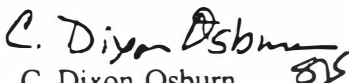
Likewise, we have repeatedly expressed concern that commanders in the field do not know the limits to investigations generally, nor have they been told the intent of this policy to respect service members' privacy. We have even gone so far as to extract the general limits to investigations from the lengthy -- more than 100 pages -- Department of Defense directives and organize them into a two-page memorandum that could easily be distributed to the field. Yet, each year, military leaders have refused to send such guidance to their subordinates. Meanwhile, in each of the last five years, SLDN has documented significant increases in command violations of "Don't Ask" and "Don't Pursue." No one has been held accountable for these violations.

It is time for your Administration to take action. We ask that you:

- ensure that the guidance on anti-gay harassment is sent to the field and that proper training is done to stem the increasing tide of anti-gay harassment in the military;
- sign the Executive Order amending the *Manual For Courts-Martial* to provide for sentence enhancement in anti-gay hate crimes;
- inform all service members of the limits to investigations and the intent of this policy to respect service members' privacy; and
- protect the privacy of conversations with health care providers -- these should not be a basis for discharge under "Don't Ask, Don't Tell, Don't Pursue."

Finally, Mr. President, we ask that you personally inform Secretary Cohen and the Joint Chiefs that you will not tolerate violence or harassment against any service member for any reason.

Sincerely,


C. Dixon Osburn
Co-Executive Director


Michelle M. Benecke
Co-Executive Director

Servicemembers Legal Defense Network

202-797-1635

FAX COVER SHEET

TO: Richard Socarides
Sean Maloney
John Podesta
Karen Tramantano

At: The Whitehouse

FAX: 456-6682
456-2215
456-1907
456-2030

FROM: Michelle Benecke

To report any problems with this transmission, please call Josie **at 202.328.3244.**

DATE: July 26, 1999

PAGES (including cover): 3

COMMENTS:

C.I.D

☒ **Faxed** MB 7/26
Initial and Date

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**Gay & Lesbian
Activists Alliance of Washington**

W.

DAN —
SHOULD GET A
RESPONSE, IF
IT DIDN'T
ALREADY
[Signature]

September 21, 1999

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

As representatives of the leading local gay and lesbian political groups in our Nation's Capital, we are writing to urge you to veto the District of Columbia Appropriations bill for FY 2000.

The bill that has emerged from Congress is laden with social riders that are obnoxious and objectionable. Among the worst of these are provisions that would:

- (1) forbid the use of the District's own funds to implement a needle exchange program, and even the use of private funds for such programs sponsored by any entity receiving federal funding;
- (2) forbid the implementation of the medical marijuana initiative that passed in November 1998 by better than a 2-to-1 margin, winning every precinct; and
- (3) forbid the use of the District's own funds to implement a domestic partnership program for D.C. government employees.

These provisions violate the fundamental principles of self-government that our nation was founded upon. It is as true now as in 1776: Taxation without representation is tyranny. There is no legitimate federal interest that would excuse this flagrant abuse of Congressional powers, in shameless contempt for the expressed will of the people of the District of Columbia.

During the Congressional debate, members of your staff publicly warned that you would veto the D.C. budget if it came to your desk burdened with arbitrary and insulting amendments. This has regrettably come to pass. We urge you to send this measure back to Capitol Hill promptly, and to work with responsible Congressional leaders to have the objectionable riders removed before the budget returns to your office.

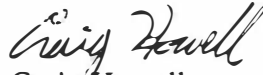
Thank you for your consideration and attention.

web: www.glaa.org

email: outproud@glaa.org

Fighting for Equal Rights Since 1971

Sincerely,



Craig Howell

President

Gay & Lesbian Activists Alliance
of Washington



Paul Dionne

President

Capital Area Log Cabin



Everett E. Hamilton, Jr.

President

D.C. Coalition



Loyal T. R. Snyder

President

Gertrude Stein Democratic Club

cc: Honorable Eleanor Holmes Norton

Honorable Anthony A. Williams

Honorable Linda Cropp

Human Rights Campaign

National Gay & Lesbian Task Force