

SEX IN THE MILITARY

Clinton's defense chief hands him another no-win military scenario



Air Force Gen. Joseph Ralston is an outstanding officer, and "I am gratified he remains under consideration."

Former Defense Secretary William Perry, who nominated Ralston to his current position as vice chairman of the Joint Chiefs of Staff



"The Pentagon is employing a double standard. . . . We cannot have one set of

rules for the big boys in the Pentagon and another for the rank and file."

Rep. Nita Lowey, D-N.Y.



"If we're going to disqualify people with outstanding records of service with one mistake,

then we're going to have difficulty keeping good people in the military."

Sen. John McCain, R-Ariz.

ANALYSIS

By R.W. APPLE JR.
The New York Times

WASHINGTON — Right from the start, Bill Clinton has had trouble with the Pentagon.

A few days after his inauguration, he stumbled over the question of homosexuals in the military; the incident helped create an image of bumbling in the new administration.

Offended by his avoidance of service in Vietnam, military critics mocked his saluting style. He was burned in Somalia, then in Haiti. Finally, he felt he had no choice but to throw the late Les Aspin, his first defense secretary, a respected defense intellectual, to the wolves.

Now it is threatening to happen all over again, this time on the watch of the new man at the Pentagon, former Sen. William Cohen of Maine, a Republican brought onto the Clinton team in January as a token of bipartisanship. This week, leading politicians of both parties said yesterday, he has waded into a political maelstrom as a result of his effort to "draw a line" against what he termed a "frenzy" of sexual misconduct charges.

Whatever the legal and military merits of the cases he has been dealing with, involving such sexual issues as assault and adultery, whatever the differences in the facts, Cohen and his department have given the impression of following one rule for guys at the top, another for guys in the middle and a third for those who occupy bottom rungs on the ladder.

As is so often the case in Washington, the problem is not so much what is happening, but how it looks, especially outside Washington.

"The Uniform Code of Military Justice has not been very uniformly applied," said a lawyer who once held high office in the administration.

"How are things this morning at the Department of Double Standards?" asked a prominent Republican politician, with experience both at the White House and in state government.

"He (Cohen) says things are getting out of hand with this sex-offense witch-hunt. Maybe so. But why didn't he say that before? Why did he have to wait until a four-star general, his candidate for chairman of the Joint Chiefs, gets involved? This stuff has been going on for weeks."

It has been going on longer than that. According to Pentagon figures, 163 men and women were court-martialed in 1996 in adultery cases.

MILITARY LEADERS DRAWN INTO SEX-RELATED CONTROVERSIES

■ Air Force Gen. Joseph Ralston, vice chairman of the Joint Chiefs of Staff, admitted having an adulterous affair while a student at the National War College in the mid-1980s.

■ Army Sgt. Maj. Gene C. McKinney, now suspended from his post as the Army's top enlisted soldier, is accused of a wide range of sexual offenses, including sexual assault and harassment.

■ Army Maj. Gen. John E. Longhouser, commander of Aberdeen Proving Ground, decided to retire after admitting he committed adultery more than five years ago.

■ Rear Adm. R. M. Mitchell Jr. was relieved of his duties as commander of the Navy's supply system after coming under investigation for allegations that he made repeated advances to a subordinate.

■ Army Brig. Gen. Stephen N. Xenakis was relieved of the command of all Army medical operations in the Southeast region because of an apparent "improper relationship" with a civilian nurse who was caring for his ailing wife.

Although Cohen said on Wednesday that Air Force Gen. Joseph Ralston remained in the running for the chairman's job, despite an adulterous affair some 13 years ago, the view on Capitol Hill was different.

While important senators such as Dianne Feinstein of California, a Democrat, and John McCain of Arizona and John Warner of Virginia, both Republicans, issued statements backing Cohen, many said the going would be difficult if President Clinton sent Ralston's name up for confirmation as chairman.

"IT WAS A LONG time ago," McCain said, "and you don't want to crucify him for a single mistake. But it looks inconsistent, and I'm not trying to rationalize that."

Another senator, a Clinton supporter, added: "I think he's toast."

If so, asked someone with longstanding connections to the military, who would be nominated instead?

"Whoever came next would have to have a perfect record on sex," this person said, "and I'm not at all sure you could find anyone like that."

In discussing his support of Ralston, Cohen said aphoristically, "We need to come back to a rule of reason instead of a rule of thumb." But some would argue that a rule of reason means a rule of law, equally and systematically enforced, not a series of ad hoc administrative judgments as to how stringently the rules or the law should be applied in each case.

The fact is that the military, confronted with adulterous affairs, has often looked the other way when that served its purposes, especially when high-ranking officers were involved. The most famous case, perhaps, was

that involving Gen. Dwight Eisenhower, who had a long-running relationship with Capt. Kay Summersby, his driver and subordinate, when he was the supreme Allied commander in Europe during World War II.

Cohen and his aides sought to suggest yesterday that Ralston's case was different from those of two other generals and an admiral who have been nudged into retirement, stripped of command or relieved of duties this month. But one of the generals, an Army brigadier, was disciplined for an apparent "improper relationship" with a civilian nurse — a case somewhat analogous to Ralston's, which involved a civilian employee of the CIA.

YESTERDAY, the defense secretary was forced to begin an investigation of Ralston's involvement in cases in which lower-ranking officers and enlisted men, serving under the general, had been punished for adultery. In 1995, less than a decade after the end of his own affair, Ralston ended the career of a three-star general in his command who had had an adulterous affair with a civilian.

Cohen has had a reputation for independence, caution and political sure-footedness. He will need all of those qualities to fight his way out of the thicket he finds himself in now.

The challenge is to devise a set of rules, applicable to everyone, that will preserve good order in the military but also reflect the realities of the sexual revolution.

One possible approach: a freeze on deciding all such cases until a blue-ribbon commission can study the issues and recommend new approaches.