

National News

Executive order due in 'next several weeks'

by Lou Chibbaro Jr.

A presidential executive order banning discrimination against Gays who apply for government security clearances is being revised and will likely be signed by President Clinton in the "next several weeks," said the White House this week.

News of the planned executive order surfaced in April when the *Washington Blade* and other news organizations obtained copies of a draft of the order. At the time, the White House said the president was expected to sign and issue the order by the middle of June.

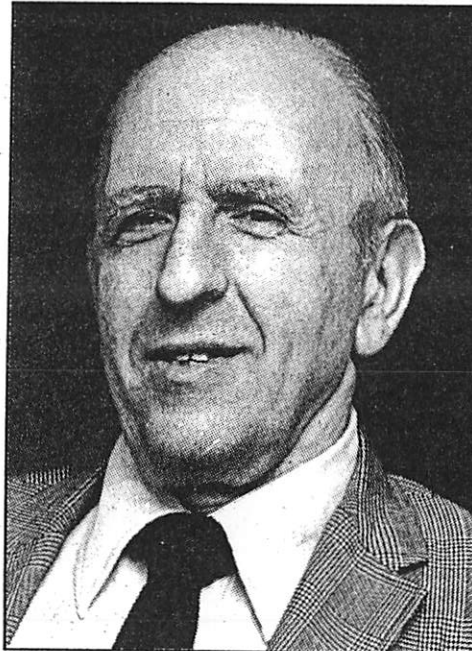
Clinton directed his national security advisers to prepare the executive order as a means of preventing future security breaches similar to the 1994 CIA scandal involving Soviet spy Aldrich H. Ames.

If Clinton retains the draft's language pertaining to Gays, the order will mark the first time a U.S. president has included a pro-Gay clause in an official presidential executive order. Executive orders carry the full weight of law.

White House press spokesperson Mary Ellen Glynn said Tuesday that the draft, which circulated widely throughout the government in March, has been sent back to various agencies and departments for comment following a decision by the National Security Council and other government officials to propose changes.

Glynn said the White House could neither disclose nor comment on the nature of the changes.

But at least one White House source said the language prohibiting sexual orientation discrimination in the issuance of security clearances is expected to remain



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unchanged.

Mark Lowenthal, staff director for the Republican members of the House Permanent Select Committee on Intelligence, said he is unaware of any controversy or dispute over the substance of the draft. Steve Aftergood, an official with the Federation of American Scientists, who has discussed the draft order with government officials, said the proposed changes appear to be based on technical and administrative issues rather than substantive ones.

"I have not heard anyone raising any complaints about the sexual orientation language," Aftergood said.

Much of the language of the draft order

calls for the disclosure of personal financial information by those who apply for clearances and those seeking to renew them. The draft order also calls for re-vamping and streamlining various procedures for issuing security clearances and evaluating those applying for clearances.

Gay activists noted that Aldrich Ames, as well as all others known to have breached U.S. secrets, have been heterosexual. Gay leaders have complained that, in the past, Gays were unfairly denied security clearances on grounds that they were susceptible to black mail.

The clause in the draft pertaining to Gays states, "The United States government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information."

The draft order states that security officials shall retain the authority to investigate "any matter" deemed relevant to determining whether a person should be granted access to secret information. But it adds, "No inference concerning the standards [of eligibility] of this order may be raised solely on the basis of the sexual orientation of the employee."

D.C. Gay activist Frank Kameny, who is recognized as an expert on security clearance issues involving Gays, has sent the White House a letter praising the draft order while calling for some changes. Kameny called the clause in the draft banning sexual orientation discrimination a "ground-breaking" development for which President Clinton deserves the "highest possible praise."

But he said he was also troubled by another section of the draft that calls for retaining — and making the new order subordinate to — a 1954 executive order issued by President Dwight Eisenhower.

The 1954 order, Executive Order 10454, prohibits the granting of security clearances to persons who engage in "sexual perversion." Kameny notes that the 1954 order had been used to oust Gays from government service in what he calls anti-Gay "witch hunts." He said he is fearful that homophobic officials in government security agencies will use the old order to circumvent the intent of Clinton's new order.

Kameny said the new order also limits its anti-discrimination language to a person's "status" as a Gay person. He notes that it does not explicitly ban discrimination based on that person's "conduct," such as consenting Gay sex.

"[T]he conceptual dichotomy and the mindsets which go with it between homosexual status and homosexual conduct are deep and pervasive" within the government's security clearance establishment, Kameny said. "Language protective of celibate Gays only is not sufficient," he said.

Rep. Barney Frank (D-Mass.) has said he disagrees with Kameny's assessment on both the relevance of Executive Order 10450 and the Gay "status" versus Gay "conduct" issue. Frank has said the totality of the language in the new order, along with the Clinton Administration's overall policy of non-discrimination for Gays, will ensure that Gays receive fair treatment when they seek clearances. ▼

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