

Fired agent, FBI reach deal on gays

By Jerry Seper
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The Justice Department and attorneys for an FBI agent fired after he said he is a homosexual have reached a tentative settlement prohibiting the bureau from discriminating on the basis of sexual orientation or conduct.

The settlement, which will be submitted Jan. 3 to a U.S. District Court in San Francisco for final approval, reiterates a policy position by Attorney General Janet Reno.

Miss Reno issued a statement Dec. 2 barring all kinds of discrimination throughout the Justice Department. Among others things, it reversed a long-standing FBI policy that had made it difficult for homosexuals to be hired. Until 1979, the FBI had banned homosexuals outright.

Attorneys for former FBI agent Frank Buttino, 48, said yesterday the settlement had been reached on a class-action suit brought by Mr. Buttino against the bureau. It will be reviewed by U.S. District Judge Sandra Brown Armstrong.

Under terms of the settlement, the FBI is not required to admit any wrongdoing in its hiring practices but agreed to adopt guidelines "prohibiting discrimination against applicants or employees on grounds of sexual orientation or homosexual conduct among consenting adults in private."

The attorneys said the FBI also had agreed to hire Dana Tillson, a lesbian, when a position within the bureau becomes available. Ms. Tillson, 32, now a San Francisco private investigator, had testified in the Buttino suit that she applied to the FBI in 1987, received high marks and was rejected after her sexual orientation became known.

Under terms of the settlement, Mr. Buttino, who originally had sought to be reinstated, will instead accept an undisclosed cash settlement, his attorneys said. He also remains eligible for his retirement benefits.

The lawyers said Miss Reno's statement, which they initially criticized for what they said was a failure to specifically address the homosexual issue, had helped pave the



Attorney General Janet Reno barred discrimination this month.

way for a settlement.

A decorated 20-year FBI veteran, Mr. Buttino sued the bureau after he was fired in 1990. The firing came after his supervisors at the San Diego field office had been alerted to his sexual orientation in an anonymous note.

After he acknowledged his homosexuality, he lost his security clearance and then his job. The FBI said Mr. Buttino was fired because he lied, not because he is a homosexual.