

MORTON KONDRACKE

# Incoming fusillade . . . fired in haste?

Bill Clinton must know by now that ending the ban on homosexuals in the military was not the right matter to place at the top of his transition agenda. It's clearly not just a civil rights issue, but a defense issue as well.

It's wrong for the services to conduct witch hunts to rid themselves of gays. On the other hand, it will interfere with discipline, morale and fighting efficiency if sexual tensions divide straight and gay soldiers in military units.

One of those trying to invent a smooth way through the conflict at some immediate political cost to himself is Rep. Dave McCurdy, Oklahoma Democrat, who earlier encouraged the Central Intelligence Agency to liberalize its employment policies on homosexuals.

Senior intelligence officials say that, with Mr. McCurdy's encouragement, CIA Director Robert Gates early this year stopped the practice of asking potential employees in polygraph tests whether they are gay and stopped investigating employees' sexual preferences as part of updating their security clearances.

The decision followed a 1991 study, ordered by Mr. Gates and encouraged by Mr. McCurdy, that found no case of a CIA employee's ever having been blackmailed into committing espionage on account of homosexuality.

Mr. McCurdy is chairman of the House Intelligence Committee, a member of the House Armed Services Committee and is rumored to be a top candidate for defense secretary in the Clinton administration.

To help Mr. Clinton fulfill his campaign promise to end the ban on gays and still pacify top military commanders who oppose the move, Mr. McCurdy is proposing to Clinton transition advisers an immediate

end to what he calls the services' "search and destroy efforts" to root out suspected gays, plus appointment of a panel of "distinguished outsiders" to recommend how to implement a policy of acceptance of gays in the service.

"The blanket policy of discrimination is wrong," says Mr. McCurdy, "but [Clinton] has to be careful implementing his plan to reverse the policy. The military has legitimate concerns about privacy, morale, and the ability of the services to perform."

One of McCurdy's rumored rivals for the Defense job, Sen. Sam Nunn, Georgia Democrat, has defended the existing policy of banning gays. Another, the House Armed Services chairman, Rep. Les Aspin, Wisconsin Democrat, has yet to speak out on the subject.

Aspin aides say their boss thinks a change is "inevitable" and Mr. Clinton "has it just right in saying that 'conduct' and not 'orientation' ought to be the services' concern." But they say Mr. Aspin "is not going to give Clinton public advice until he has studied it."

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, adamantly opposes a change in the anti-gay ban and reportedly hopes that veterans and family values groups will pressure Congress to prevent it from being lifted.

One of Mr. McCurdy's early interventions was to warn top military commanders that Mr. Clinton meant to change the policy and to urge them to begin thinking how to do it.

A Nov. 18 article in the Daily Oklahoman quoting Mr. McCurdy as supporting an end to the ban on gays, but omitting his qualifications as to timing and process has led to an influx of negative mail from Oklahoma.

Mr. McCurdy is generally considered a conservative Democrat. He supported the use of force against Saddam Hussein, for instance, but helping end investigations of gays in the CIA and the military is a liberal move.

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At the CIA, homosexuals were routinely denied security clearances and expelled from employment until the courts declared the practice unconstitutional in

1988. That year, Mr. Gates, as deputy director of the agency, presided over the first decision by the agency to retain an avowed homosexual once her identity was known.

Nevertheless, officials say, the CIA refused to hire gays and investigated to learn whether applicants were homosexual. The theory was that gays could be blackmailed by a foreign nation into committing espionage against their country. CIA officials say Mr. Gates, with Mr. McCurdy's encouragement, ordered the study that established that the theory was unfounded.

For more than a year, CIA recruiters have informed persons inquiring about CIA jobs that sexual preference is not a bar to employment.

Officials emphasize that "lifestyle" remains a determinant in an applicant's fitness for employment and that promiscuity, bad judgment

and violations of law remain grounds for dismissal.

The military clearly has concerns beyond espionage, including the fact that troops often live together in close quarters for long periods. Sexual friction could disrupt the unity of an organization.

Mr. McCurdy said it's conceivable that avowed homosexuals may be barred from certain military specialties. Mr. Clinton's solution seems to be that sexual contact or favoritism in military units will be banned.

According to the General Accounting Office, the services discharged 17,000 men and women from duty during the 1980s on account of homosexuality at a cost of more than \$500 million in investigations and legal procedures.

Investigations often involve surveillance, use of clandestine listening devices, hostile interrogations and threats to extract confessions and the names of sexual partners.

