



HIGH TECH GAYS

P.O.Box 6777 San Jose, California 95150

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Mr. Paul M. Rosa
The Washington Post
1150 15th Street, N.W.
Washington, DC 20071

Dear Mr. Rosa:

I would like to thank you for the major piece you did on "Gays and the Security Myth" which appeared in the Sunday, July 10, edition of the Washington Post. It is only when the mainstream press covers such an issue that the gay community starts to make progress towards changing behavior and attitudes in the various security agencies.

I am disappointed, however, that you never contacted High Tech Gays directly before writing your story. You wrote that "it was frustration over this exclusion [from security positions] that led to the creation of High Tech Gays, a loose-knit coalition of gay scientists and engineers in the San Francisco Bay area."

Actually, we were formed in 1983, as a social, political and recreational organization, with no particular awareness of the security clearance issue at the time. We have since, of course, jumped into the fray with considerable vigor and success. The impetus for our involvement came from DISCO's refusal of a clearance to one of our members simply because he was a member of HTG.

Also, we are located in San Jose (a.k.a. "Silicon Valley") where the high tech businesses abound, not San Francisco, though we do have some membership from that city. Our membership roles now stand at approximately 700, including a dozen different States, Canada and Saudi Arabia. And we are about as "loose-knit" as the National Press Club, or any other special constituency, membership organization.

Perhaps this appears nit-picking, but I would be pleased to discuss HTG with you at any length, if you have occasion to write another piece on gay and lesbian professionals in the high tech industries.

Very truly yours,

Rick Rudy
President

Gays and the Security Myth

Finally They're Being Trusted With Secrets and Sensitive Jobs

By Paul M. Rosa

HOMOSEXUALITY has always triggered alarms in the national-security community—raising concerns about traps, spies and blackmail. These anxieties created an invisible security-clearance barrier that has effectively excluded known homosexuals from the world of state secrets.

But the times are changing. Gays are chipping away at this cornerstone of counterintelligence policy with a series of lawsuits in the federal courts. They are gaining and keeping secret and top-secret security clearances. Litigation has broken new ground, giving applicants for "classified" jobs equal protection regardless of sexual orientation, and the right to retain security clearances after disclosing a gay lifestyle.

On June 15, the Supreme Court ruled in *Webster v. Doe* that a CIA electronic technician could sue the CIA if it violated his constitutional rights in dismissing him after he admitted he was gay. But it skirted the issue of whether gays, as a class like blacks or women, are entitled to constitutional protection from discrimination.

The battle between the gays and the government is far from over. But Cold War myths and sexual stereotypes are crumbling, replaced by a cautious admission that alternative sexual lifestyles do not necessarily pose a threat to national security.

For 40 years, security policy excluded gay Americans from entire areas of the corporate world where a government security clearance was required. Classified technologies—automated warfare, overhead reconnaissance and the Strategic Defense Initiative—have historically been at the leading edge of applied science. For an engineer or technician, getting a clearance for access to these fields can be the key to a successful career. Yet, in the case of gays, the decision often turns not on skill or talent but on sexual preference. There was a time when even a whisper of a homosexual encounter was enough to ruin careers and destroy families, but in an era when gays are an active political force, fear of blackmail is no longer a valid reason to bar applicants.

It was frustration over this exclusion that led to the creation of High Tech Gays, a loose-knit coalition of gay scientists and engineers in the San Francisco Bay area, which brought a class action suit in 1984 known as *High Tech Gays v. Defense*

Industrial Security Clearance Office (DISCO). HTG claimed its members were harmed financially and professionally when security clearances were denied or delayed.

The typical HTG member, who admitted to his or her homosexuality, had to submit to lengthy investigations, which often took twice as long as the procedure used for heterosexuals or gays who did not disclose their sexual preference. Furthermore, homosexuals were forced to reveal the most sensitive intimacies of their sex lives, an indignity not suffered by straight applicants. High Tech Gays argued that in the absence of a rational connection between their admitted sexual preference and espionage, the heightened scrutiny inflicted on them was unjust and discriminatory.

The Justice Department argued that the reasons for the scrutiny were "too obvious to call for enlarged discussion." But eventually the government was forced to admit it lacked evidence of gays "who have been victims of blackmail or blackmail attempts based on their sexual orientation."

This admission squares with testimony at Senate hearings in April 1985 in which the FBI and Defense Intelligence Agency were unable to produce evidence of people blackmailed because of homosexuality. Of the approximately 50 "significant" espionage prosecutions brought in the United States since World War II, two involved gay people and neither involved blackmail. Most known cases of homosexual entrapment have been British and date back to the 1950s.

High Tech Gays won its case. The judge ruled that under the Constitution, investigations of job applicants should be justified "not merely on the basis of the person's sexual orientation, but only upon an individualized

showing that there is a factor in the person's background that renders them susceptible to blackmail." The government's policies "represent outmoded notions about homosexuality," wrote U.S. District Court Judge Thelton E. Henderson, and are "founded upon deep-seated prejudice, not rational basis." His 1987 ruling, now before the 9th Circuit Court of Appeals, barred DISCO from subjecting gays to "expanded investigations, mandatory adjudications or any other procedures based on sexual orientation, homosexual activity or membership in gay organizations."

The belief that homosexuals may be exploited by blackmail still lies at the core of counterintelligence philosophy. One notable case involved Margaret A. Padula, an applicant for an FBI special-agent position who was rejected after admitting she was a lesbian, although she ranked 39th of 303 female applicants and 279th out of 1,273 combined male and female contenders. The D.C. Court of Appeals turned a deaf ear on her equal-protection claims and held that the FBI's concerns had a rational basis.

Surprisingly, the National Security Agency, the super-secret electronic eavesdropping agency, has taken the lead in granting gays "special compartmented information" (SCI) clearances, one of the highest classifications for access to secrets. One advocate specializing in security cases counts at least half a dozen gay NSA employees among his clients, some of them both married and highly placed in the agency. The NSA, however, is also arguing a gay clearance case before the Supreme Court filed by a former technician seeking an administrative hearing to reconsider the revocation of his clearance. The NSA director testified that it was not the employee's explicit homosexuality that prompted the withdrawal of his clearance but the "indiscriminate pattern of activity which invites the risk of security exploitation."

Pete Nelson, a Pentagon security official, acknowledges that gays who are "out of the closet" are receiving clearances. "Our concern," Nelson says, "basically is that they lead a mature and responsible life." The exact number of gay security-clearance cases is unknown, but Richard Gayer, lawyer for High Tech Gays in San Francisco, estimates the number in the "thousands each year." Although he agrees that gays are now receiving ordinary secret and top-secret clearances, he says that with the exception of the NSA, they are still having trouble getting the more sensitive "special access required" and "special compartmented information" approvals. "For the moment," Gayer says, "the courts are the only forum gays have."



THOMAS HOFFMAN FOR THE WASHINGTON POST

Paul Rosa writes on technology and national-security affairs.