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Richard Rudy of High Tech Gays, Timothy Dooling and attorney Dick Gayer.

Judge OKs Suit on Security Clearances

Federal Judge Approves Class Action Suit for Gays Denied Job Clearances

by George Mendenhall

A fighter for the security clearance rights of Gay people for 16 years had a significant victory here on June 24. Attorney Dick Gayer told reporters outside a federal courtroom, "Break out the champagne." U.S. District Judge Thelton Henderson had granted a class-action status in a 10-month old security clearance case. The case involves engineers and technicians who perform professional tasks for firms under contract to the federal government.

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Security Clearance

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Gayer estimates at least 20,000 Gay people are involved who have had security clearances held up, often without explanation, for years. Without the clearances, many have been denied advancement in rank and pay. The class status begins "a whole new ball game," according to Gayer.

The initial case involved the claims of Timothy Dooling and Robert Weston, of Lockheed, and Joel Crawford of SRI International. They have been openly involved in Gay organizations and have been investigated by the Defense Industrial Security Clearance Office (DISCO). The federal government has contended that Gay people are security risks.

While Henderson did not rule on the merits of the three cases, he is permitting Gayer to expand his claim to include all of those who are similarly affected. Indirectly, his action forces the federal government to give its rationale in court for a national policy which discriminates against Gay people rather than react only to individual lawsuits as they arise.

"Homosexual behavior," the DISCO investigative manual says, "tends to cast reasonable doubt on the individual's morality and emotional or mental stability, and raises questions as to his or her susceptibility to coercion or blackmail." It calls for an investigation into the private lives of suspected Gay people that includes information on frequency of sexual activity, the nature of the sex, types of meeting places, and whether friends and relatives know about the activity.

"We will continue to demand," Gayer stated, "that the government stop treating us as a class of undesirables. DISCO groups Gay people with criminals and alcoholics so the processing of our applications is hardly fair.

"The class action will allow us to pressure the government to explain its policy of discrimination, to explain why we are being treated differently. The government will now have to explain in court what it is doing, even if it claims what it is doing is justified. This will make things more difficult for them and easier for us. They will now begin to sweat."

Gayer explains that Judge Henderson will soon define the limits on the class he is allowing.

Meanwhile, Gayer will again ask the government a series of questions about their policy that they have refused to previously answer and go to court to halt an action by Lockheed of Sunnyvale. Lockheed is attempting to block Gayer's attempt to question its Government Security Manager, Richard Olinger, about security clearance policy.

The attorney, who is also an engineer, left refreshed after Henderson's ruling and was eager to go back to court with a new demand that the government halt its anti-Gay discrimination. ■

G. Mendenhall