

DISCO MOVES FOR RECONSIDERATION OF HTG CASE
Story by Rick Rudy

In papers filed in Federal District Court on September 2, 1987, US Attorney Joseph Russoniello moved for reconsideration of High Tech Gays vs DISCO (Defense Industrial Security Clearance Office). Russoniello cited new evidence, including recently released testimony by convicted Marine Corps spy Sgt Clayton Lonetree, as justification for a rehearing.

In a ringing defense of civil liberties, Judge Thelton Henderson on August 19 had ordered that the Government cease "subjecting [gays] to expanded investigations [for security clearances]... based upon sexual orientation, homosexual activity or membership in a gay organization." Plaintiff Tim Dooling had been denied his clearance, in part, because of admitted membership in High Tech Gays.

In his order, Henderson stated that there was no evidence that gays were especially subject to entrapment by foreign agents because of their homosexuality. Russoniello submitted statements from Sgt Lonetree, a convicted spy, John Donnelly, Assistant Deputy of Defense for Counterintelligence and Security Policy, and John Barron, a government "expert" on Soviet intelligence operations, all attempting to refute Judge Henderson.

Lonetree is quoted as saying, "[the KGB] also asked me about the other Marines...[they] wanted to know what Marines had problems with alcohol or drugs or those who were homosexual." But no homosexual activity was ever mentioned as being relevant to the Lonetree spy case; heterosexual activity, however, was.

John Donnelly submitted a declaration in which he states, "I am aware of the established 'modus operandi' of hostile intelligence services..."

"Hostile intelligence efforts directed at the recruitment of individuals often involve the exploitation of what those agencies consider to be human weaknesses, indiscretions and vices. Hostile intelligence agencies, with great consistency, consider sexuality to be a potentially exploitable vulnerability. This does not mean that hostile intelligence always seek out homosexuals to target. Rather, they usually spot individuals with the desired access and then assess them in order to determine the most effective approach..."

"Blackmail may sometimes be used after the person is already compromised, but generally the initial efforts of exploitation center around enticing the targeted individual with money..."

Not much of a convincing argument against gays.

He also cited a case of a member of the US military whom the KGB threatened to expose because they discovered she was a homosexual. However Donnelly concedes "the subject refused to cooperate and, instead, contacted the proper US authorities."

Donnelly also admitted that an ongoing study has been unable to develop a satisfactory "profile" for a potential spy.

In total, Donnelly's arguments seemed to bolster HTG's case rather than harm it, and nowhere was there any support for his conclusion that "the court's order creates a substantial potential for grave harm to our national security."

(CONT., OVER)

John Barron's testimony is reported via Francis R. Short, US Marine Corps Judge Advocate. "The KGB will attempt to identify those who are ideologically sympathetic, experiencing career difficulties, unsuccessful in social relationships, or experiencing problems with narcotics, alcohol, homosexuality, or marital difficulties."

Barron also cited a Canadian Ambassador to the Soviet Union who had been entrapped by the KGB through the exploitation of a homosexual relationship.

Russoniello argues that these fact are new and sufficient cause for reconsideration. However, should Henderson deny the request, Russoniello also prepared papers requesting a stay of the Order pending a decision from the Solicitor General on whether or not to appeal the decision.

Dick Gayer, attorney for High Tech Gays, will submit written arguments opposing Russoniello's motions in mid September. When questioned, Gayer stated that the submitted declarations support the position that heterosexuals need more scrutiny than gays. He expects Judge Henderson will neither reconsider his Order nor grant a stay, forcing the US Attorney to seek the stay from the Ninth Circuit Court which would have to hear the appeal, if one is filed.

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