ABSTRACT

Federal policies denied security clearances to lesbians and gay men until the 1980s and subjected gay applicants to intrusive questioning about their sex lives until the 1990s. Administrators argued that homosexuals made poor risks because of their susceptibility to blackmail, but the government has never made a strong public case for that claim. The courts rejected a charge of immorality as a legitimate basis for firing gay federal employees by the mid-1970s, but they deferred to administrative expertise on the issue of security risks even though arguments about blackmail and immorality have always been intertwined. Public opinion data from the 1990s shows that those who disapprove of homosexuality and would limit the civil liberties of gay people are much more reluctant to issue security clearances to them, providing further evidence that morality concerns work their way into at least some federal personnel decisions. Though Executive Order 13087 prohibits discriminating against federal employees on the basis of sexual orientation, the continuing high levels of disapproval of homosexuality suggest that eliminating such discrimination will be difficult.

Historically, the federal government has been a far-from-model employer of lesbians and gay men. It officially prohibited their employment in the 1950s, did not remove homosexuality as grounds for dismissal until the mid-1970s, did not pledge equal treatment in the granting of security clearances until the mid-1990s, and continues to deny equal pay for equal work by denying the same benefits to domestic partners of gay employees that it grants to spouses of heterosexual employees. This article focuses on federal policies that denied security clearances to homosexuals until the 1980s and subjected gay applicants for clearances to intrusive questioning about their sex lives until
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the 1990s. Because approximately two hundred thousand federal employees and federal contractors require clearances to do their jobs (GAO 1995), and because clearances are essential for advancement toward the top of several federal agencies, these policies created a so-called lavender ceiling for gay employees in some agencies and firms. A concern that closeted homosexuals could be blackmailed into revealing the nation’s secrets justified the policy, but both administrative documents and survey data indicate that distaste for homosexuals undergirded it.

I begin this article with a brief history of federal policy, showing that although explicit bans on both security clearances and federal employment emerged at the same time from the same roots, court actions led the policies along different trajectories. I will then look at the weak evidence that gay people were at increased risk of betraying the nation’s secrets and the reasons that evidence was sufficient to uphold the policy. Although the courts rejected immorality as grounds for dismissing gay employees, their deference to administrative expertise and administrators’ reliance on a common sense standard meant that distaste for homosexuals bolstered national security concerns. In the third section I will use survey data from the 1990s to show that those who disapprove of homosexuality and gay rights are more likely than others to support intense questioning about sexual orientation before granting security clearances.

A BRIEF HISTORY OF FEDERAL POLICY

Although immoral conduct was grounds for dismissing homosexuals from the civil service by Theodore Roosevelt’s administration (Johnson 1994-95), federal employment of homosexuals did not become a political issue until the Cold War, when heightened American fears about national security led to increased restrictions on all federal employees. President Truman instituted a loyalty program for federal employees in 1947, then four years later he lowered the standards for denying appointments and firing employees from “reasonable grounds for belief that the person is disloyal” (Ex. Or. 9835) to “reasonable doubt as to the loyalty of the person involved” (Ex. Or. 10241). In 1953, President Eisenhower tightened restrictions further, ordering that the government hire and retain employees only when “clearly consistent with the interests of national security” (Ex. Or. 10450).

Homosexuals were a special target of these restrictions. A series of Senate committee reports concluded that “moral perverts are bad national security risks . . . because of their susceptibility...
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to blackmail" (Wherry 1950, 2), that homosexuals were “vulnerable to interrogation by a skilled questioner” due to their emotional instability and moral weakness, and that they were “easy prey to the blackmailer” (U.S. Senate 1950, 5). The Senate committees called for enhanced efforts to eliminate all homosexuals from the federal service. In response, the Civil Service Commission and the Federal Bureau of Investigation developed procedures to gather information on homosexuals from police departments around the country, share the information with other federal agencies, and monitor the actions that agencies took. In the early 1950s, a thousand gay federal employees were fired and two thousand gay applicants were denied jobs (Lewis 1997). Eisenhower’s Executive Order 10450 explicitly listed “sexual perversion” (largely a codeword for homosexuality) as grounds for denying both federal employment and security clearances. Both the Truman and Eisenhower loyalty/security programs led to far more dismissals of homosexuals than of communists (Lewis 1997), and in 1950s and 1960s State Department nomenclature, “the term ‘security risk’ . . . functioned largely as a euphemism for homosexual” (Johnson 1994-95, 48).

In the 1960s, the Mattachine Society of Washington publicly protested the federal government’s treatment of its gay employees and attempted to pressure elected and appointed officials to change federal policies. Its head, Frank Kameny, who had unsuccessfully fought his own dismissal from the U.S. Army Mapping Service, worked with a long string of gay federal employees to bring judicial and administrative pressure on the bureaucracy. The first major victory came in 1969, the same year as the Stonewall Riots, which are widely credited with sparking the gay liberation movement. Although federal law prohibited dismissing a veteran from a federal job unless the dismissal promoted “the efficiency of the service” (5 U.S.C. §863 [1964]), in the 1950s and 1960s the courts traditionally deferred to administrative expertise on what promoted efficiency. During the Warren Court years, federal courts at least partly rejected that deference. One result of that rejection was a ruling that, to justify firing a homosexual veteran, the government had to “demonstrate some rational basis for its conclusion that a discharge ‘will promote the efficiency of the service’” (Norton v. Macy 1969, 1164-66). The Norton court would not accept immorality or embarrassment to the federal service as a “rational nexus” between homosexuality and the efficiency of the service, but it suggested that “the potential for blackmail” might justify banning homosexuals from positions where they would “jeopardize the security of classified communications” (Norton v. Macy 1969, 1166).
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The courts generally remained deferential on security clearances, repeatedly denying their right to second guess the decisions of the experts, but, in a series of cases largely coordinated by Kameny, they subtly injected a weak rational nexus test into their decisions in the 1970s. In Adams v. Laird (1969, 239), the Washington, D.C., Court of Appeals expressed an unwillingness to question a clearance decision "unless the Constitution commands us to do so," but still concluded that the government had a rational basis for revoking Adams's security clearance, due to his criminal and immoral conduct, his untrustworthiness, his poor judgment and instability, and his susceptibility to blackmail. All those conclusions arose directly from his homosexuality, however, rather than from any independent evidence, and the dissent decried the lack of "facts as distinguished from unsupported assumptions" (Adams 1969, 241). In Gayer v. Schlesinger (1973, 751), the court told administrators denying clearances to explain their decisions "in such a manner that a reviewing court may be able to discern whether there is a rational connection between the facts relied upon and the conclusion drawn," but it easily found the nexus in fears of blackmail (citing Norton). In Marks v. Schlesinger (1974), the court went further, holding that if Marks had answered the government's questions about his sex life, "the burden would have been on the government to offer proof of a rational nexus between Marks's alleged homosexuality and his ability to safeguard classified information."

The Supreme Court's decision that Georgia's sodomy law was constitutional, because there is no fundamental right to homosexual sodomy (Bowers v. Hardwick 1986), discouraged lower courts from aggressively pursuing anti-gay discrimination issues. The Court also directly undercut even the weak rational nexus test for security clearances, deciding that Congress had given the CIA director nearly absolute discretion to terminate an employee whenever he deemed it advisable in the national interest (Webster v. Doe 1987) and that the president's right to control access to classified information came primarily from the Constitution rather than from legislation. This gave the president broad discretion (Department of the Navy v. Egan 1988). The Court then reasoned that "no one has a 'right' to a security clearance. The grant of a clearance requires an affirmative act of discretion on the part of the granting official" (Egan 1988, 524). Because judgments about who could be trusted with national secrets required expertise, "an outside nonexpert body" could not review the merits of the decision or decide the appropriate margin of error (Egan 1988, 529). Although the Court explicitly restricted only reviews of security clearances by the U.S. Merit Systems Protection Board (MSPB), the Ninth Circuit Court of Appeals concluded that the logic of Egan also ruled out judicial review of
the merits in these cases (*Dorfmont v. Brown* 1990). *Dorfmont* (1990, 1401) also emphasized the inappropriateness of the rational basis standard: "Because of the extreme sensitivity of security matters, there is a strong presumption against granting a security clearance. Whenever any doubt is raised about an individual's judgment or loyalty, it is deemed best to err of the side of . . . security."

Though recent case law seems to make clear that federal employees and contractors have no property or liberty interest in their security clearances, and therefore no constitutional right to due process, the Court also seemed to open a related constitutional claim: equal protection of the law. Although no one has a right to a security clearance, the government may not discriminate between groups without an adequate basis. Essentially, there are three standards of scrutiny in equal protection cases. If government action injures a "suspect" class (e.g., African Americans) or impinges on a fundamental right, the courts are to submit it to "strict scrutiny," to insure that it is "precisely tailored to serve a compelling governmental interest." If it injures a "quasi-suspect" class (e.g., women), the courts use "heightened scrutiny," insuring that it is "substantially related to a legitimate state interest." In other cases, courts analyze the government action on a "rational basis review" to determine whether it is "rationally related to a legitimate state interest." The higher the standard of scrutiny, the more likely that the courts will rule a policy unconstitutional.

In one major, but short-lived victory (*High Tech Gays v. Defense Industrial Security Clearance Office* 1987, 1362), a district court concluded that lesbians and gay men constituted a quasi-suspect class because "homosexuals have historically been the object of pernicious and sustained hostility, and it is fair to say that discrimination against homosexuals is 'likely . . . to reflect deep-seated prejudice rather than . . . rationality,'" but ruled that federal policy did not pass even rational review. The reversal of *High Tech Gays* three years later relied on another security-related case rejecting quasi-suspect status for gays based on *Bowers v. Hardwick*: "If the Court was unwilling to object to state laws that criminalize behavior that defines the class, it is hardly open to a lower court to conclude that state sponsored discrimination against the class is invidious. After all, there can hardly be more palpable discrimination against a class than making the conduct that defines the class criminal" (*Padula v. Webster* 1987, 103). Because protecting the nation's secrets is a legitimate government purpose, and since the government had presented evidence in *High Tech Gays* that the KGB targeted homosexuals, the government had established a rational basis for
subjecting lesbians and gay men to special barriers to security clearances even in the absence of strong evidence that homosexuals were a greater security risk.

In the absence of pressure from the courts, most federal agencies refused security clearances for homosexuals until the 1980s, and a few did so until the 1990s. The National Security Agency, for instance, first knowingly granted a security clearance to a homosexual in 1980 (Bamford 1982, 114-17; Kameny 1995). “The Federal Bureau of Investigation has always had an absolute policy of dismissing proven or admitted homosexuals from its employ,” the agency stated in 1979 (Ashton v. Civiletti 1979, 926). It reiterated that position in 1989, indicating that it had “no plans underway to change the FBI's policy regarding homosexuals” (Buttino v. F.B.I. 1992, 305). Although the CIA argued in court that it did not have a blanket policy denying security clearances to gay people, it presented no evidence in Dubbs v. CIA (1989) that it had ever granted a clearance to a known homosexual.

By the 1980s, agencies typically denied that homosexuality was an absolute bar to a security clearance, saying instead that they considered it a negative factor that necessitated detailed investigations of gay applicants’ sex lives. The Defense Industrial Security Clearance Office (DISCO), for instance, concluded that “[p]articipation in deviant sexual activities may tend to cast doubt on the individual’s morality, emotional or mental stability and may raise questions as to his or her susceptibility to coercion or blackmail” (High Tech Gays 1990, 568). DISCO eventually granted security clearances to most gay and lesbian applicants, but the investigations imposed two major costs on them. First, the questioning about their sex lives was highly intrusive, at a time when “DIS[CO would] not ordinarily ‘investigate allegations of heterosexual conduct between consenting adults’” (High Tech Gays 1990, 568). DISCO investigators attempted to determine the “nature and full extent of deviant acts engaged in,” the types of individuals they had sex with, whether they maintained “lasting relationships or effect[ed] numerous transient and temporary liaisons with a variety of individuals through chance meetings,” the types of places where they met and had sex, and whether applicants and their partners had “disclosed their deviant proclivities to friends, family, associates, and the like” (High Tech Gays 1990, 568). Second, lengthy investigations limited gay applicants’ job opportunities even when they led to approvals. Clearances are not licenses that one can display when applying for a job; instead, one must have a job that requires a clearance.
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before applying for a job. If a company does not have enough non-secret work to keep employees busy until they receive clearances, delays can easily become denials.

Democratic administrations have generally attracted more gay voters and treated gay employees better than Republican administrations: practices loosened under Carter, tightened up again under Reagan, then relaxed under Bush (Gayer 1995; Kameny 1995). By 1991, such discriminatory treatment had largely disappeared; the U.S. General Accounting Office (1995) found several cases of clearances denied or revoked based on sexual orientation in the 1980s, but none after 1991. Clinton essentially formalized policy as it then existed when he issued Executive Order 12968 in August 1995, which stated that the government does not discriminate on the basis of sexual orientation in access to classified information and that no inference concerning eligibility “may be raised solely on the basis of the sexual orientation of the employee” (Sec 3.1(c) and (d)).

JUSTIFICATIONS FOR DENYING SECURITY CLEARANCES TO HOMOSEXUALS

In the 1950s and 1960s, the federal government used a combination of morality and national security concerns to justify both dismissals from the federal service and denials of security clearances. In 1969, the Norton court invalidated the immorality justification, because “the notion that it could be an appropriate function of the federal bureaucracy to enforce the majority’s conventional code of conduct in the private lives of its employees is at war with elementary concepts of liberty, privacy, and diversity” (Norton 1969, 1165). The Civil Service Commission (CSC) could not develop a satisfactory alternative justification and bowed to a class action suit in 1975, pledging equal treatment of heterosexuals and homosexuals in dismissals (Society for Individual Rights v. Hampton 1973; CSC 1973). The government waited another twenty years to pledge equal treatment in security clearances, however, largely because the courts accepted the claim that homosexuals were especially vulnerable to blackmail.

The publicly available evidence to support that claim has never been very strong, however. The 1950 Senate hearings cited only one alleged example of a homosexual revealing state secrets as a result of blackmail, and most accounts of that case conclude that Colonel Raedl betrayed Austria in 1912 not due to blackmail but for “money, which he needed to pay for a sybaritic homosexual life” (Buranelli and Buranelli 1982, 261; see also Dulles 1963, Ind 1963, Sith 1975; Maclean 1978). The Navy’s
secret Crittenden Report, a 1957 study of its policies toward homosexuals, found no "sound basis in fact" for the concept that homosexuals posed greater security risks than others (U.S. Navy 1957). The High Tech Gays district court (1987, 1375) concluded that the government had "produced no evidence on the record that lesbians and gay men are particularly subject to blackmail. . . . Of approximately 40 'significant' espionage cases, two involved gay people; neither of these involved blackmail." A DOD-commissioned study, "Homosexuality and Personnel Security," conducted by its Defense Personnel Security Research and Education Center (PERSEREC) found that only 7 of 117 American cases of espionage or attempted espionage involved homosexuals and that their motives were money or revenge, not blackmail (Sarbin 1991).

The argument that homosexuality is such an awful secret that one would betray one's country to protect it became less persuasive as gay people became more open about their sexual orientations and American attitudes toward homosexuality changed. Yet many administrators and courts proved impervious to evidence that individual lesbians and gay men were open enough about their sexuality to eliminate the blackmail danger. In 1973, one man whose clearance had been revoked held a press conference to proclaim his homosexuality, but the court concluded that "even were the [press] releases to have received wide publicity, that fact would serve only to accentuate applicant's susceptibility as a target for possible efforts to obtain classified information" (Gayer v. Schlesinger 1973, 745). One woman stated on her FBI application that she was a lesbian, but the court concluded that "even 'open' homosexuals . . . risk . . . possible blackmail to protect their partners, if not themselves" (Padula v. Webster 1987, 104). In Dubbs v. C.I.A. (1989), both Dubbs and her partner were out, but the government raised the possibility of blackmail if a future partner of Dubbs were not.

Why did the blackmail argument remain so persuasive despite such weak evidence? One possibility is that although good evidence of blackmail dangers existed, agencies were not willing to share it with the courts. A more likely explanation is that betrayal of national secrets is quite rare (especially given the huge number of people with access to at least some of them), making it extremely difficult to determine the sources of security risks. Evidence about security risks is almost necessarily anecdotal; therefore, according the PERSEREC study, policy positions on security clearances depend heavily on the "beliefs we hold about human nature[, which] are more theory-driven than data-driven" (Sarbin 1991, 8). Because we have no good
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measures of trustworthiness or susceptibility to blackmail, clearance decisions rely largely on “the social construction of morally suspect classes,” groups to whom we attribute “negative traits such as dishonesty, unreliability, untrustworthiness, cowardice, etc.” (Sarbin 1991, 2-3). Because federal policy is that security clearances are to be granted based on “an overall common sense determination” of the applicant’s trustworthiness, beliefs that homosexuals are immoral, criminal, or sexually perversed are likely to influence judgments about whether they can be trusted with the nation’s secrets.

Indeed, even at the height of the Cold War, the blackmail charge seemed to carry less weight than concerns that “indulgence in acts of sex perversion weakens the moral fiber” and that homosexuals would try to seduce “normal people” (U.S. Senate 1950, 4). In the 1950s, the government fired many homosexuals who had little conceivable link to national security, and the vast majority of dismissals of employees and rejections of applicants were on the basis of “suitability” rather than “national security.” A 1950 White House staff memo stated that “the country is more concerned about the charges of homosexuals in the Government than about Communists” (D’Emilio 1983, 13). Johnson (1994-95, 47) argued that publicity about its dismissals of homosexuals “rendered the State Department a dirty joke” in the 1950s, and he presented a New Yorker cartoon in which a job applicant assures a potential employer, “It’s true, sir, that the State Department let me go, but that was solely because of incompetence.” A 1965 official justification of the federal ban on gay employees did not mention security risks, relying instead on “revulsion” at homosexuality and “apprehension . . . of homosexual advances” (Macy 1966, 44; Lewis 1997).

When Norton v. Macy (1969) eliminated immorality as a legitimate justification for firing a federal employee, the blackmail argument had to stand alone, but beliefs that homosexuality was immoral undergirded fears about blackmail (see DISCO’s explanation of the need for heightened investigations). Even in 1991, when then-Secretary of Defense Cheney rejected the blackmail argument as “a bit of an old chestnut” (Chicago Tribune 1991), a DOD spokesperson supported that position (“There is no empirical data of which the Department is aware that suggests that gays present a greater [or lesser] risk to the national security than heterosexuals”) and also justified the need for an in-depth investigation in each case, because homosexuality raised questions about criminality, immorality, sexual perversity, instability, poor judgment, and vulnerability to blackmail (U.S. DOD 1991).
OPINIONS ABOUT HOMOSEXUALITY AND SECURITY CLEARANCES FOR GAY PEOPLE

In this section I will use responses to the 1994, 1996, and 1998 versions of the General Social Survey (GSS) to provide another test of the importance of disgust at homosexuality in decisions to deny security clearances to gay people. In those years, the GSS asked respondents whether “the government should have the right to ask . . . detailed, personal questions” on seven topics before granting secret or top secret clearances (Davis, Smith, and Marsden 1999, 1036-38; see exhibit 1 for exact question wording). I wanted to know whether respondents viewed all seven questions similarly (so that the same variables predicted responses to all seven questions) or whether attitudes toward asking detailed questions about sexual orientation largely reflected attitudes toward homosexuality and the civil liberties of gay people.

To check this, I regressed responses to all seven questions on a variety of attitudinal and demographic variables, using two techniques. I used ordinary least squares (OLS) regression on the 4-point ask sexual orientation scale (ranging from 1, “definitely should not,” to 4, “definitely should”) and on a 7-point intrusiveness scale, which counts how many of the other six items respondents thought the government “definitely should” ask about.4 I also used logit analysis using dummy variables for each question (coded 1 for those who thought the government “definitely should” have the right to ask and 0 otherwise) as the dependent variables.

The key independent variables were attitudes toward homosexuality and the civil liberties of gay people. Wrongness of homosexuality is a 3-point scale, coded 2 for those who said that “sexual relations between two adults of the same sex . . . [are] always wrong,” 0 for those who said they are “not wrong at all,” and 1 for everyone else. Intolerance for gays is a 4-point scale counting the number of civil liberties (out of three) the respondent would deny to “a man who admits that he is a homosexual.” Those who said he should not be allowed “to make a speech in your community . . . to teach in a college or university . . . [or to have] a book he wrote in favor of homosexuality . . . [in] your public library” received a score of 3; those who would allow all three scored 0 (Davis, Smith, and Marsden 1999, 236, 109-13). Those scoring high on wrongness of homosexuality may perceive a stronger blackmail threat, because they are more likely to view homosexuality as a filthy secret whose revelation would lead to both general and self-disgust. None of these civil liberties relates to blackmail, however, so a strong relationship between
**Barriers to Security Clearances for Homosexuals**

**Exhibit 1**
**Percentage Supporting Detailed, Personal Questioning before Granting Security Clearances**

Before giving an individual a SECRET or TOP SECRET clearance, the government should have the right to ask him or her detailed, personal questions in the following areas:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Criminal arrests and convictions</td>
<td>88</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>91</td>
<td>90</td>
</tr>
<tr>
<td>C. Illegal drug use</td>
<td>85</td>
<td>12</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>86</td>
<td>88</td>
</tr>
<tr>
<td>D. Mental health history</td>
<td>77</td>
<td>19</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>77</td>
<td>81</td>
</tr>
<tr>
<td>F. Alcohol use</td>
<td>70</td>
<td>23</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>70</td>
<td>72</td>
</tr>
<tr>
<td>A. Financial and credit history</td>
<td>52</td>
<td>28</td>
<td>12</td>
<td>7</td>
<td>1</td>
<td>56</td>
<td>52</td>
</tr>
<tr>
<td>E. Foreign relatives and friends</td>
<td>49</td>
<td>30</td>
<td>14</td>
<td>6</td>
<td>2</td>
<td>48</td>
<td>51</td>
</tr>
<tr>
<td>G. Sexual orientation</td>
<td>29</td>
<td>19</td>
<td>27</td>
<td>25</td>
<td>0</td>
<td>29</td>
<td>30</td>
</tr>
</tbody>
</table>

Sample size: 959

For gays and support for detailed questioning about sexual orientation would suggest a willingness to repress gay people more than fear of extortion.

I controlled for a broader political intolerance scale to be sure that the effects of intolerance for gays were gay-specific rather than just reflecting general intolerance. The GSS political tolerance series asked about allowing members of four additional unpopular groups (communists, atheists, racists, and militarists) to teach college, give public speeches, or have their books in public libraries. The political intolerance scale reaches the maximum of 12 for those who would deny all three civil liberties to members of all four groups.

People who think that keeping military secrets is important to America’s safety should be more likely to favor intrusive questioning on all seven topics. One-third of the respondents strongly agreed, and another two-fifths agreed, that “[i]n order to maintain America’s leadership in the world, the government should maintain a high level of secrecy surrounding technology with military uses.” I coded support for military secrecy as two dummy variables, coded 1 for those who strongly agreed or for those who agreed with the statement.

To control for the possibility that the apparent effects of beliefs about homosexuality and gay rights are really the effect of

*In a single-factor model, all twelve items loaded at least .50 on a factor that explained 42 percent of the variation. Cronbach’s alpha was .89 and all items added to the scale reliability.*

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the demographic characteristics that predict those beliefs, I included a full set of control variables. In general, acceptance of homosexuality is higher among better educated, less religious, younger, and more liberal women in the Northeast and on the Pacific Coast (for reviews of the research, see, e.g., Herek 1988; Lewis and Rogers 1999). I controlled for education, year of birth, conservatism, family income, sex, race, religion, frequency of religious attendance, region, and city size.

**FINDINGS**

By the late 1990s, Americans were nearly evenly divided on whether sexual orientation should be an issue in granting security clearances. Only about one-quarter said that the government definitely should have the right to ask detailed, personal questions about sexual orientation and nearly the same number said it definitely should not. In contrast, Americans had no doubts that the government should ask detailed, personal questions about criminal arrests and convictions, illegal drug use, mental health history, and alcohol use; in each case, over two-thirds said that the government definitely should have the right to ask, and fewer than 10 percent said it probably or definitely should not. The public was less sure about asking about financial and credit histories and about foreign relatives and friends—for both, half said

**Exhibit 2**

Percentage Supporting Asking Detailed, Personal Questions about Sexual Orientation

<table>
<thead>
<tr>
<th>Wrongness scale</th>
<th>Ask Sexual Orientation</th>
<th>Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Definitely Should Not</td>
<td>Probable Should Not</td>
</tr>
<tr>
<td>Not wrong at all</td>
<td>42</td>
<td>32</td>
</tr>
<tr>
<td>Other response</td>
<td>26</td>
<td>32</td>
</tr>
<tr>
<td>Always wrong</td>
<td>18</td>
<td>23</td>
</tr>
</tbody>
</table>

\[
gamma (\gamma) = .394, p < .0001
\]

**Intolerance for gays**

(number of intolerant responses)

<table>
<thead>
<tr>
<th>gamma (\gamma) = .370, p &lt; .0001</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

Sample size 689 735 523 796 2743

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Barriers to Security Clearances for Homosexuals

the government definitely should ask and another third said it probably should, but about 20 percent said it probably should not.

Opinions on asking about sexual orientation were clearly, but not overwhelmingly, related to attitudes toward homosexuality and gay rights (exhibit 2). Those who said that homosexual relations were always wrong were nearly three times as likely as those who said they were not wrong at all to say the government definitely should have the right to ask detailed, personal questions about sexual orientation ($\gamma = .39$), and those who opposed all three civil liberties for gays were more than twice as likely to support detailed questioning than were those who supported all three ($\gamma = .37$). Comparably strong relationships between whether people thought that marijuana should be made legal and whether the government should ask about illegal drug use ($\gamma = .40$; not shown) and between whether people ever went to bars and whether they thought the government should ask about alcohol use ($\gamma = .30$; not shown) suggest that people were less likely to support government investigations into activities they approved of.

In the regression and logit models, many control variables had different effects on asking about sexual orientation than on asking about other items. Those who supported high levels of secrecy were more likely to support intensive questioning on every topic; based on the t- and z-statistics, this support was the strongest predictor in all models except that for asking about sexual orientation. Conservatism, being male, and attending church frequently all increased support for detailed questioning most when the topic was sexual orientation, even after controlling for attitudes toward homosexuality and civil liberties for gay people. Younger people were less likely to favor questioning on all topics, but the effect of age was strongest for sexual orientation: younger people may not even have been aware of the argument that homosexuals' susceptibility to blackmail made them special security risks. The weaker effect of support for secrecy on questioning about sexual orientation suggests more room for political or moral judgments, and older people, conservatives, men, and church attenders are all more likely to hold anti-gay attitudes.

Security clearances appear to be at least partly a civil liberties issue. Respondents who scored high on political intolerance were significantly more likely to support detailed questioning about sexual orientation, alcohol use, foreign relatives, and mental illness; those who were willing to deny civil liberties to unpopular minorities were also more likely to support restricting
Barriers to Security Clearances for Homosexuals

Exhibit 3
Multiple Regression Coefficients (t-statistics in parentheses)

<table>
<thead>
<tr>
<th></th>
<th>Ask Sexual Orientation</th>
<th>Intrusiveness Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wrongness (0-2)</td>
<td>.192***</td>
<td>.075</td>
</tr>
<tr>
<td></td>
<td>(6.63)</td>
<td>(1.59)</td>
</tr>
<tr>
<td>Intolerance for gays (0-3)</td>
<td>.120***</td>
<td>-.094*</td>
</tr>
<tr>
<td></td>
<td>(4.56)</td>
<td>(-2.21)</td>
</tr>
<tr>
<td>Political intolerance (0-12)</td>
<td>.028***</td>
<td>.021</td>
</tr>
<tr>
<td></td>
<td>(3.85)</td>
<td>(1.80)</td>
</tr>
<tr>
<td>Secrecy—strongly agree</td>
<td>.269***</td>
<td>1.134***</td>
</tr>
<tr>
<td></td>
<td>(4.80)</td>
<td>(12.45)</td>
</tr>
<tr>
<td>Secrecy—agree</td>
<td>.184***</td>
<td>.559***</td>
</tr>
<tr>
<td></td>
<td>(3.46)</td>
<td>(6.49)</td>
</tr>
<tr>
<td>Conservatism scale (1 to 7)</td>
<td>.074***</td>
<td>.080**</td>
</tr>
<tr>
<td></td>
<td>(4.56)</td>
<td>(3.08)</td>
</tr>
<tr>
<td>Year of birth</td>
<td>-.009***</td>
<td>-.009***</td>
</tr>
<tr>
<td></td>
<td>(-6.80)</td>
<td>(-4.13)</td>
</tr>
<tr>
<td>Male (0,1)</td>
<td>.263***</td>
<td>.104</td>
</tr>
<tr>
<td></td>
<td>(6.13)</td>
<td>(1.49)</td>
</tr>
<tr>
<td>Attends church weekly (0,1)</td>
<td>.126*</td>
<td>.068</td>
</tr>
<tr>
<td></td>
<td>(2.55)</td>
<td>(.85)</td>
</tr>
</tbody>
</table>

***p < .001; **p < .01; *p < .05

Model also controls for education, religious denomination, race, income, region, city size, and year. (Coefficients were not statistically significant.)


access to security clearances. Those who thought homosexuality was always wrong favored more intensive questioning on sexual orientation, drug use, mental illness, and probably alcohol use, suggesting the impact of a general moralism that sees all four as moral failings. Beyond that, those willing to deny civil liberties to gay men were also significantly more skeptical of granting them clearances, suggesting that barriers to security clearances for gays partly reflect a more general willingness to repress homosexuals. This conclusion is bolstered by the significant, negative coefficients on intolerance for gays in the intrusiveness, criminal records, and mental health models and its negative coefficients in the other logits: people who were more inclined to deprive gays of civil liberties favored less intrusive questioning on other topics. Attitudes toward gay people are an important predictor of attitudes toward questioning on sexual orientation. The logit model suggests that while an individual who supported
### Exhibit 4

**Logit Coefficients for Definitely Should Ask About (asymptotic Z-statistics in parentheses)**

<table>
<thead>
<tr>
<th></th>
<th>Sexual Orientation</th>
<th>Finances and Credit</th>
<th>Foreign Family</th>
<th>Criminal Record</th>
<th>Alcohol Use</th>
<th>Drug Use/History</th>
<th>Mental Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wrongness (0-2)</td>
<td>.29***</td>
<td>-.04</td>
<td>.01</td>
<td>.04</td>
<td>.10</td>
<td>.23**</td>
<td>.16*</td>
</tr>
<tr>
<td></td>
<td>(4.06)</td>
<td>(-.62)</td>
<td>(.09)</td>
<td>(.43)</td>
<td>(1.68)</td>
<td>(2.85)</td>
<td>(2.36)</td>
</tr>
<tr>
<td>Intolerance for gays (0-3)</td>
<td>.24***</td>
<td>-.02</td>
<td>-.02</td>
<td>-.29***</td>
<td>-.09</td>
<td>-.13</td>
<td>-.18**</td>
</tr>
<tr>
<td></td>
<td>(4.24)</td>
<td>(-.33)</td>
<td>(.45)</td>
<td>(-3.65)</td>
<td>(-1.52)</td>
<td>(-1.67)</td>
<td>(-2.78)</td>
</tr>
<tr>
<td>Political intolerance (0-12)</td>
<td>.036*</td>
<td>-.015</td>
<td>.031*</td>
<td>.017</td>
<td>.043**</td>
<td>.034</td>
<td>.035*</td>
</tr>
<tr>
<td></td>
<td>(2.21)</td>
<td>(-1.30)</td>
<td>(2.11)</td>
<td>(.76)</td>
<td>(2.71)</td>
<td>(1.59)</td>
<td>(1.96)</td>
</tr>
<tr>
<td>Secrecy—strongly agree</td>
<td>.75***</td>
<td>1.07***</td>
<td>.95***</td>
<td>1.56***</td>
<td>.81***</td>
<td>1.33***</td>
<td>1.25***</td>
</tr>
<tr>
<td></td>
<td>(5.59)</td>
<td>(9.31)</td>
<td>(8.32)</td>
<td>(8.01)</td>
<td>(6.75)</td>
<td>(7.72)</td>
<td>(9.10)</td>
</tr>
<tr>
<td>Secrecy—agree</td>
<td>.26</td>
<td>.46***</td>
<td>.42***</td>
<td>.69***</td>
<td>.37***</td>
<td>.44**</td>
<td>.59***</td>
</tr>
<tr>
<td></td>
<td>(1.92)</td>
<td>(4.27)</td>
<td>(3.92)</td>
<td>(5.39)</td>
<td>(3.41)</td>
<td>(3.31)</td>
<td>(5.11)</td>
</tr>
<tr>
<td>Conservatism scale (1 to 7)</td>
<td>.141***</td>
<td>.078*</td>
<td>.114***</td>
<td>-.072</td>
<td>.085*</td>
<td>.109*</td>
<td>.093*</td>
</tr>
<tr>
<td></td>
<td>(3.73)</td>
<td>(2.35)</td>
<td>(3.47)</td>
<td>(1.41)</td>
<td>(2.41)</td>
<td>(2.35)</td>
<td>(2.37)</td>
</tr>
<tr>
<td>Year of birth</td>
<td>-.019***</td>
<td>-.014***</td>
<td>-.007*</td>
<td>-.003</td>
<td>-.012***</td>
<td>-.014***</td>
<td>-.002</td>
</tr>
<tr>
<td></td>
<td>(-5.87)</td>
<td>(-5.11)</td>
<td>(-2.52)</td>
<td>(-.60)</td>
<td>(-3.97)</td>
<td>(-3.47)</td>
<td>(-.58)</td>
</tr>
<tr>
<td>Male (0,1)</td>
<td>.38***</td>
<td>.28***</td>
<td>.33***</td>
<td>.05</td>
<td>-.14</td>
<td>-.27*</td>
<td>.13</td>
</tr>
<tr>
<td></td>
<td>(3.82)</td>
<td>(3.24)</td>
<td>(3.83)</td>
<td>(.34)</td>
<td>(1.56)</td>
<td>(2.22)</td>
<td>(1.30)</td>
</tr>
<tr>
<td>Attends church weekly (0,1)</td>
<td>.25*</td>
<td>.11</td>
<td>.12</td>
<td>.33*</td>
<td>.09</td>
<td>-.05</td>
<td>-.13</td>
</tr>
<tr>
<td></td>
<td>(2.25)</td>
<td>(1.14)</td>
<td>(1.16)</td>
<td>(2.01)</td>
<td>(.82)</td>
<td>(.35)</td>
<td>(1.07)</td>
</tr>
<tr>
<td>Income ($10,000s)</td>
<td>.013</td>
<td>.041*</td>
<td>.040*</td>
<td>.063*</td>
<td>.010</td>
<td>.013</td>
<td>.035</td>
</tr>
<tr>
<td></td>
<td>(.65)</td>
<td>(2.41)</td>
<td>(2.32)</td>
<td>(2.14)</td>
<td>(.57)</td>
<td>(.52)</td>
<td>(1.67)</td>
</tr>
<tr>
<td>Education (years)</td>
<td>.019</td>
<td>.042*</td>
<td>-.020</td>
<td>.082***</td>
<td>.018</td>
<td>.020</td>
<td>-.002</td>
</tr>
<tr>
<td></td>
<td>(.99)</td>
<td>(2.50)</td>
<td>(-.17)</td>
<td>(3.12)</td>
<td>(1.01)</td>
<td>(.84)</td>
<td>(.12)</td>
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<tr>
<td>Other religion</td>
<td>.01</td>
<td>-.12</td>
<td>-.51*</td>
<td>-.74*</td>
<td>-.19</td>
<td>-.36</td>
<td>.01</td>
</tr>
<tr>
<td></td>
<td>(.08)</td>
<td>(-.54)</td>
<td>(-2.37)</td>
<td>(-2.49)</td>
<td>(-.89)</td>
<td>(-1.27)</td>
<td>(.02)</td>
</tr>
</tbody>
</table>

***p < .001, **p < .01, *p < .05

Model also controls for conservatism, religion, race, income, region, city size, and year. (Coefficients were not statistically significant.)
all three civil liberties for gay men and thought homosexuality was not wrong at all had, for instance, a 20 percent chance of saying the government definitely should have the right to ask detailed personal questions about sexual orientation, a demographically and politically comparable individual who said it was always wrong and opposed all three civil liberties had a 47 percent chance of saying so.

**CONCLUSION**

Cold War fears that homosexuals were disloyal or susceptible to blackmail sparked prohibitions on federal employment and security clearances for gay men and lesbians, but the homosexual’s presumed moral weakness and emotional instability played at least as important a role. The courts had rejected immorality as grounds for firing gay federal employees by 1975, but claims of immorality continued to appear in justifications for treating gays differently in security clearances until the 1990s. The courts were less clear about whether agencies needed to demonstrate a rational nexus between homosexuality and denial of security clearances, but they typically accepted the blackmail argument as plausible on its face.

Given the shortage of hard evidence on who is likely to betray national secrets, the courts granted substantial deference to the expertise of administrators, but administrators also suffer from that shortage of evidence. Their *common sense* standard allows a substantial role for prejudice for the “social construction of morally suspect classes” (Sarbin 1991, 2). Survey data from the 1990s confirm that those who think homosexuality is wrong and would limit civil liberties for gay people are also more likely to support obstacles to their access to security clearances. (The recent nine-month imprisonment of Wen Ho Lee on suspicion of espionage has raised questions about racial profiling in national security cases and suggests that the problem faces many groups other than gay people.) The percentage of the American public who label same-sex sexual relations as always wrong has dropped substantially in the past two decades, but 58 percent continued to give that answer even in 1998 (Lewis and Rogers 2000). The trend suggests real improvement in the lives of gay people, but disapproval of homosexuality remains quite high. That disapproval influences willingness to grant security clearances and, presumably, a variety of other personnel decisions.

This raises questions about the efficacy of prohibitions on anti-gay discrimination in federal employment contained in Executive Order 13087 (1998), recent equal employment opportunity policies of most federal departments, and the U.S. Office
of Personnel Management’s interpretation of prohibited personnel practices in the Civil Service Reform Act of 1976 (Lewis 1997). Repeated empirical studies show that female and minority federal employees earn substantially less than similarly educated and experienced white males—after years of federal and state laws prohibiting sexual and racial discrimination in employment. The federal prohibitions on anti-gay discrimination have less legal standing and popular support than those laws, and the executive orders might be overturned by the new Republican administration. Congress defeated the Employment NonDiscrimination Act (ENDA) in 1996 and, though 80 percent of the public supports the general principle of equal job opportunities for gay people, near majorities still oppose hiring homosexuals in a variety of occupations (Lewis and Rogers 2000). State and local laws against discrimination on the basis of sexual orientation appear to have limited effectiveness (Riccucci and Gossett 1996; Colvin 2000). Two studies of the general economy suggest that gay men earn substantially less than comparably educated and experienced heterosexual men (findings are less conclusive for lesbians; see Badgett 1995; Klawitter and Flatt 1998), but nearly insurmountable data problems—most importantly, identifying gay people—give these studies less credibility than the vast array of studies on racial and sexual pay disparities.

Public administration scholars need to find creative means to assess the impact of disapproval of homosexuality on the careers of lesbians and gay men, and to develop policy responses to it. We should pressure the MSPB to survey federal employees on their attitudes toward gay employees and perceptions of anti-gay discrimination, or perhaps we should do the surveys ourselves. Someone should interview lesbian and gay public employees on their perceptions of the impact their sexual orientation has had on their careers. Others could write case studies of the actions of lesbian and gay public employees groups.

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