

Judge rules dismissal of gay CIA employee permissible

By Bruce Robinson
Staff Writers

In a ruling applauded by some conservative groups and decried by gay-rights organizations, the U.S. Court of Appeals in Washington D.C. upheld Tuesday a lower court's decision that the Central Intelligence Agency's 1982 dismissal of a homosexual spy was per-

missible.

The decision stated that the CIA had legitimate concern regarding the agent's "trustworthiness since he hid information about his involvement in homosexual activity despite suspecting or knowing that the agency considered such involvement to be a matter of security significance."

The spy, dubbed John Doe in the

decision, entered the CIA in 1973 and was promoted to a job as an electronics technician. Although he received excellent ratings, he was fired in 1982 "in the interests of the United States" after disclosing he was gay to a CIA security official. Doe disclosed the information because he feared he would be fired.

Doe appealed the case to the U.S. Supreme Court, contending that he had

been fired because of his homosexuality. In 1988, the Supreme Court ruled that if a CIA agent was denied equal protection and property rights under the Constitution, courts could then intervene. The Doe case then was returned to the lower courts.

After a lower court ruled in favor of Doe, U.S. Court of Appeals Judge David Sentelle reversed the decision. Sentelle

wrote that Doe had not proven he was fired because of his homosexuality rather than "his clandestine and deliberately concealed activity."

"Doe's oft-expressed concern for the privacy of his partners has led the agency to conclude that he might well be susceptible to threats of exposure directed against his past, present or future homosexual partners," Sentelle wrote.

David Christian, a media spokesman for the CIA, said the agency did not have a blanket policy of discrimination against homosexuals.

"We do not reject, disqualify, or assign people or make any other personnel decision on the basis of sexual orientation," he said. "We have homosexuals on our work force."

However, gay-rights groups remain unconvinced of the CIA's disclaimer that it did not discriminate. Gregory King, communications director for the Human Rights Campaign Fund, said discrimination still existed in the agency.

"They have discriminated on the basis of sexual orientation in the past," he said.

King said he felt sexual orientation should not be a matter of discussion during the CIA selection process. "I don't think the question should be asked," he said. "Being gay isn't something that constitutes a security risk."

However, some conservative groups feel homosexuals should not be allowed into sensitive positions in government.

Peter Flaherty, chairman of the Conservative Campaign Fund, applauded the dismissal of the agent and said he was concerned that homosexuals would be less reliable agents. "I think it's a bad policy to allow homosexuals in the CIA," he said. "It's one of the most sensitive areas of government."

Flaherty said homosexual CIA agents could compromise national security because they were more likely to be targeted by some groups.

"If you'll forgive the pun, it's a place where we should have straight arrows," he said. "They could be more subject to blackmail."

Flaherty also said homosexuals should not be allowed government jobs because they placed a great burden on taxpayers who must fund the employees' health care. "I'm very concerned about homosexuals in government jobs because if they catch AIDS, the taxpayers will have to pay for their health care," he said.

Christian said that the CIA's policy towards homosexuals had evolved since the 1970s and that the current policy had been in place since the mid-1980s.

Sexual orientation is discussed in background checks on all prospective CIA employees, Christian said. The checks include a long statement on personal history, an interview and a polygraph test.

"In the course of that rather extensive process, most everything comes out."

"Sexual orientation doesn't matter, but sexual conduct does if there is anything in a person's conduct that would render that person subject to coercion or exploitation ... to expose secrets or have adverse information disclosed," he said.

Although Doe was fired for clandestine behavior, Christian said the initial failure to disclose homosexuality would not lead to dismissal in every circumstance.

King said that he was disappointed with the decision but that he believed any discrimination would end under the Clinton administration.

Salaries

from page 1

ilities, research and public service.

The most recent AAUP data for 1991 shows that full professors at UNC-CH receive salaries that are in the 60th percentile of major U.S. research universities. While that total is about average, it does represent a significant drop from 1981, when University professors were in the top 20th percentile.

The most dramatic drop in rank is in assistant professor salaries. In 1981, assistant professors at the University ranked in the top 20th percentile. The 1991 report ranked UNC assistant professor salaries in the 80th percentile, well below average.

The National Academy of Sciences also recently compared UNC-CH with 30 other institutions nationwide in teaching, research and public service facilities.

The academy found that UNC salaries rank near the bottom. Full professors are the 25th-worst-paid in the nation, associate professors are eight from the bottom, and assistant professors are at the bottom, according to the report.

John Hood, research director of the

Locke Foundation, said the Locke report reflected the cost of living in its analysis, as opposed to other reports, which consider salaries only.

"We took the salaries of all the professors nationwide and adjusted them as if these professors were living in North Carolina," he said.

Taking straight salary figures without considering the cost of living in certain areas makes other reports less accurate, Hood said. Professors elsewhere get paid more because their cost of living is higher, he said.

Richard Soloway, chairman of the UNC department of history, said the salary averages quoted in the Locke report were grossly overestimated. At least nine of the full professors in the history department are being paid less than \$50,000 a year, Soloway said.

The Board of Governors has proposed a 6-percent faculty pay increase this year effective in July and another 6-percent pay increase effective in July 1994. The General Assembly, which convenes Jan. 27, will consider the proposed increase sometime this session.

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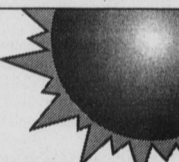
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