

Gay People and Government Security Clearances: A Social Science Perspective

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Abstract

Lesbian and gay male applicants routinely are denied government security clearances or are subjected to unusually lengthy and intensive investigation. This article reviews social science data relevant to the principal justifications that have been offered for this policy and presents the following conclusions: (a) Lesbians and gay men are no more likely than heterosexuals to suffer from a personality disorder or emotional stress, or to be psychologically unstable; (b) lesbians and gay men are no more likely than heterosexuals to be unduly sensitive to coercion, blackmail, or duress; (c) lesbians and gay men are no more likely than heterosexuals to be unwilling to respect or uphold laws or regulations, or to be unreliable or untrustworthy. Three major flaws are discussed that underlie current government policies toward gay applicants for security clearances: (a) Groups rather than individuals are screened for undesirable characteristics; (b) applicants are rejected on the basis of problems created by government policies themselves; and (c) homosexual applicants are scrutinized according to criteria that are not applied similarly to heterosexual applicants. An alternative hypothesis, that experience with stigma actually may increase a gay applicant's ability to maintain secrecy, is discussed. Finally, some consequences of current policies are noted.

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Many Americans working in defense-related industries have access to sensitive compartmented information (SCI), more popularly known as classified information. Because unauthorized disclosure of SCI could interfere with the ability of the United States to defend itself against foreign enemies, the government has instituted procedures for screening employees on the basis of their trustworthiness, reliability, and good judgment. These procedures are intended to prevent individuals from having access to sensitive information if they are judged likely to leak it.

Although SCI clearance criteria have changed frequently since a centralized program to protect the security of classified information first was established in 1949 (see McCrary & Gutierrez, 1979/1980), they consistently have been hostile toward homosexuality. Early policies, formulated in the midst of post World War II purges of homosexuals from military and government service, automatically denied a clearance to anyone believed to be gay (Bérubé, 1990). More recent directives treat homosexuality as one of many factors to be considered. Director of Central Intelligence Directive Number 1/14 (hereafter referred to as DCID 1/14, 1987) states that "to be eligible for SCI access, individuals must be stable" and that

“homosexual conduct is...to be considered as a factor in determining an individual’s...stability” (p. 10).

This directive is applied variously by different government entities. Some agencies, such as the CIA, appear to reject all clearance applications by gay applicants (see *Dubbs v. Central Intelligence Agency*, 1989; hereafter referred to as *Dubbs v. CIA*, 1989). Others grant them, although frequently only after appeal (F. Kameny, personal communication, August 1, 1989). When not rejected outright, gay male and lesbian applicants usually are subjected to more intensive investigation than are heterosexual applicants (see *High Tech Gays v. Defense Industrial Security Clearance Office*, 1987; hereafter referred to as *High Tech Gays v. DISCO*, 1987).

The present article considers current government policies concerning security clearances for gay civilians from a social science perspective. Do scientific data indicate that lesbians and gay men should be denied security clearances on the basis of their sexual orientation? Should gay applicants be subjected automatically to more intensive investigation than are heterosexual applicants? In addressing these questions, I have examined the three most frequently raised objections to granting security clearances to gay people: (a) that gay people are more likely than heterosexuals to manifest psychological disorders, (b) that gay people are more susceptible than heterosexuals to blackmail, and (c) that gay people are less likely than heterosexuals to be trustworthy and respectful of rules and laws.¹

¹Although the question of the suitability of lesbians and gay men for military service is related to the issue of security clearances for civilian personnel, consideration of the former topic is beyond the scope of the present paper. Readers are referred to Bérubé (1990), McCrary and Gutierrez (1979/80), Melton (1989), Sarbin and Karols (1988), Sciolino (1989), and Williams and Weinberg (1971). Readers interested in the legal issues associated with security clearance procedures for gay people are directed to McCrary and Gutierrez (1979/80), Rivera (1979), and to the written opinion of Judge Thelton E. Henderson in *High Tech Gays v. DISCO* (1987). Readers interested in the origins of the government’s current

Homosexuality and Psychological Functioning

As already noted, DCID 1/14 (1987) states that homosexual conduct is to be considered as a factor in determining an individual’s stability for a security clearance. A subsequent section, Emotional and Mental Disorders, in the same document somewhat clarifies the basis for this requirement: “Emotional and mental disorders which interfere with an individual’s perception of reality or reliability are of serious concern...in determining whether an individual is able or willing to protect SCI information” (DCID 1/14, 1987, p. 12). The intent clearly is to assure that persons with SCI access are free from psychopathology. Applicants who engage in homosexual conduct automatically are suspected of being psychologically unstable, personally unreliable, or impaired in perceiving reality.

Such suspicions are based on outdated prejudices and unfounded stereotypes. A large body of empirical research now clearly refutes the notion that homosexuality per se is indicative of or correlated with psychopathology. The classic study in this area was conducted by Hooker (1957). She administered the Rorschach, Thematic Apperception Test, and Make-A-Picture-Story Test to 30 homosexual and 30 heterosexual men recruited through community organizations. The two groups were matched for age, IQ, and education; none of the men were in therapy at the time of the study. Outside experts on projective tests, unaware of each subject’s sexual orientation, evaluated his overall adjustment using a 5-point scale. The experts categorized two thirds of the heterosexual men and two thirds of the homosexual men in the three highest categories of adjustment. When asked to assess which protocols were obtained from homosexual respondents the experts were unable to identify the men’s sexual orientation at a level better than chance. Hooker concluded from her data that homosexuality as a clinical entity does not exist and that homosexuality is not inherently associated with psychopathology.

anti-gay stance regarding security clearances within the context of its post-World War II policies concerning lesbians and gay men in the military are referred to Bérubé (1990).

Since Hooker's pioneering work, dozens of subsequent empirical studies have supported her conclusion that no correlation exists between sexual orientation and psychopathology. Gonsiorek (1982), for example, reviewed published studies comparing homosexual and heterosexual samples on psychological tests. He found that, although differences have been observed in test results between homosexuals and heterosexuals, both groups consistently score within the normal range. Gonsiorek concluded that "Homosexuality in and of itself is unrelated to psychological disturbance or maladjustment. Homosexuals as a group are not more psychologically disturbed on account of their homosexuality" (Gonsiorek, 1982, p. 74).² Similar conclusions were reached by Hart et al. (1978) and Reiss (1980).

Confronted with the overwhelming empirical evidence refuting the linkage of homosexuality with psychopathology, psychiatrists and psychologists have radically altered their views of homosexuality. In 1973, the American Psychiatric Association removed homosexuality as a diagnosis from the third edition of the Diagnostic and Statistical Manual of Mental Disorders; (DSM -III; American Psychiatric Association, 1980), replacing it with the more restrictive ego-dystonic homosexuality. In 1986, even the ego-dystonic homosexuality diagnosis was eliminated; consequently, the revised DSM III contains no diagnostic category for homosexuality (American Psychiatric Association, 1987; see Bayer, 1987, for an account of the events leading up to the 1973 and 1986 decisions; see Bérubé, 1990, for discussion of the original inclusion of homosexuality in DSM I). The American Psychological Association (APA) endorsed the psychiatrists' actions, and has worked intensively to eradicate the stigma historically associated with a homosexual orientation (APA, 1975, 1987).

Although the position that homosexuality is

² A revised version of the Gonsiorek chapter is forthcoming (Gonsiorek, in press). In a personal communication (August 10, 1989) Gonsiorek indicated that his updated review of the literature has yielded the same conclusions as those in his original article.

indicative of psychopathology is now widely considered to be scientifically indefensible, a variation of the argument recently has gained popularity. Gay people are claimed to be more susceptible to psychopathology, not because of their sexual orientation per se, but because of society's negative reaction to them. In *High Tech Gays v. DISCO* (1987), for example, the U.S. government argued that a "homosexual may face emotional tension, instability, or other difficulties since society has not recognized his sexual practice as mainstream [*italics added*]" (p. 1374). The roots of this argument can be traced at least to 1950, when military intelligence officers testified before Senator Clyde Hoey's Subcommittee on Employment of Homosexuals and Other Sex Perverts in Government that homosexual personnel were dangerous because, among other reasons, they were high-strung and neurotic from leading double lives (Bérubé, 1990).

Members of any stigmatized minority may indeed experience psychological stress because of their hostile treatment by the societal majority (see Crocker & Major, 1989; Goffman, 1963; Jones et al., 1984). This observation applies to Blacks and other people of color, religious and ethnic minorities, people who are physically disfigured or unattractive, and disabled people. Because of continuing patterns of gender discrimination in American society, women also could be considered a group at risk for psychological instability within this line of reasoning. Unlike gay people, however, Blacks, women, physically unattractive people, and other minority group members are not systematically excluded from SCI clearances. The government's fears about the deleterious effects of being out of the mainstream are suspiciously selective.

Even if the government consistently attempted to screen out members of all stigmatized groups, however, the policy would not be valid because experiencing stigma does not necessarily lead to psychopathology. In the previously cited studies comparing the mental health of heterosexuals and homosexuals (Gonsiorek, 1982, in press; Hart et al., 1978; Reiss, 1980), most research subjects, heterosexual and homosexual alike, scored

within the normal range on a variety of psychological tests. Like other minority group members, most gay people function effectively in American society. Indeed, as members of a stigmatized group, lesbians and gay men probably develop a variety of strategies for coping with their status and minimizing its negative psychological consequences (see Crocker & Major, 1989; Freedman, 1971). Such strategies can protect one's self-esteem, "not only from explicit prejudice or discrimination, but also, in some cases, from daily setbacks, failures, and rejections" (Crocker & Major, 1989, p. 612). Some lesbians and gay men undoubtedly experience emotional problems adjusting to their sexual orientation, just as some Blacks undoubtedly experience problems in dealing with racism. Similarly, some heterosexuals experience emotional problems adjusting to their adult sexuality or to their status as wife or husband. Those few cases, however, do not provide a basis for disqualifying all homosexual people, or all Blacks, or all heterosexuals from security clearances, or even for subjecting their applications to unusually intensive review.

Homosexuality and Susceptibility to Blackmail

The second major argument against granting security clearances to lesbians and gay men is that they are at greater risk for blackmail than are heterosexuals. In order to be justified, this concern requires two conditions: The gay person must be hiding her or his own sexual orientation or that of a partner, and the threat of exposure must be so frightening or repellant that the individual is willing to betray her or his country in order to avoid it. Although the first of these conditions is somewhat plausible, the second is not.

Susceptibility to coercion or blackmail is a characteristic of individuals who attempt to conceal their stigma and "pass" as a member of the majority (see Goffman, 1963, for an extended discussion). Gay men and lesbians who pass (and are "discreditable," in Goffman's terminology) must be concerned with managing potentially damaging information about themselves (i.e., their sexual orientation). Gay people whose status is known to others, in

contrast, need not manage that information (they already are "discredited"). An openly gay person, therefore, cannot be coerced by threats of exposure of her or his sexual orientation. Nor can a gay person be coerced by threats to expose her or his partner's homosexuality if that partner is openly gay.

A significant proportion of gay people in the United States have not disclosed their sexual orientation to others and consequently might be considered potential targets for blackmail. In a 1989 national telephone survey of 400 lesbians and gay men,³ between 23% and 40% of the respondents (depending upon geographical region) had not told their family of their sexual orientation, and between 37% and 59% had not told their coworkers ("Results of poll," 1989).⁴ No estimates are available for the number of gay people with partners who pass as heterosexual; at least some partners, however, can be assumed to do so.

Surveys conducted during the 1970s with nonrepresentative samples indicate that some gay people indeed have been the target of a blackmail attempt (Bell & Weinberg, 1978; Harry, 1982). Most attempts involved demands for sexual favors or small amounts of money; in some cases, the would-be blackmailer was a lover attempting to keep the relationship from ending (Bell & Weinberg, 1978). The majority of the blackmail attempts reported to Harry were

³ In March and April of 1989, the San Francisco *Examiner* commissioned Teichner Associates to conduct telephone interviews with a gay male and lesbian national sample (n = 400) as well as a sample of gay residents of the San Francisco Bay Area (n = 400). Approximately 27,000 calls were made to obtain 800 responses; 6.2% of the national respondents and 10% of the Bay Area respondents identified themselves to the interviewer as lesbian, gay male, or bisexual (Hatfield, 1989). Although the sample is biased by the willingness of respondents to identify themselves as gay to a telephone interviewer, the poll represents the first published study of its kind in the United States.

⁴ Because of ambiguities in item wording, it remains unclear whether respondents answering in the negative meant that they had not disclosed to any family members or coworkers, or had disclosed to some but not all.

described as unsuccessful (i.e., the intended victim did not accede to the perpetrator's demands). Bell and Weinberg did not provide data on how many of the blackmail attempts reported by their respondents succeeded.

Although these observations indicate that lesbians and gay men attempting to hide their sexual orientation have been targets for blackmail attempts, they do not support the government's contention that gay men and women pose a heightened risk for disclosing SCI through blackmail attempts. Most gay people's experiences with blackmail attempts have involved very minor stakes related to personal deprivation (e.g., money, sexual favors), and most of these attempts appear not to have succeeded.

The most meaningful data for assessing whether gay Americans are likely to disclose classified information as a result of blackmail are the government's past experiences with security breaches. In the approximately four decades during which the United States has had security clearance programs, no instance has been recorded of successful blackmail of an American for espionage in which homosexuality was involved. Of the 40 significant espionage cases documented by the FBI and Defense Intelligence Agency for the Senate Permanent Subcommittee on Investigations, none involved blackmail of a gay person (Federal Government Security Clearance Programs, 1985, cited in *High Tech Gays v. DISCO*, 1987).⁵

⁵ The argument cannot be made that the lack of cases results from the effectiveness of screening homosexuals from SCI access. Many lesbian and gay male Americans have served in the U. S. military and in defense-related civilian jobs, often with distinction, despite official policies treating them as undesirables (Bérubé, 1990; Harry, 1984; Dubbs v. CIA 1989; *High Tech Gays v. DISCO*, 1987). Two of the 40 cases documented for the Senate subcommittee involved gay people, but in neither of them was the breach of security related to blackmail. The motivations were monetary (Eugene Lee Madsen in the 1980s, p. 920) and ideological (James Allen Minktenbaugh in the 1950s, p. 915). (I am grateful to Franklin Kameny, who reviewed this 1,341-page document for cases involving homosexuality, and who shared his notes with me.)

No evidence exists to suggest that gay Americans have betrayed their country in order to avoid disclosure of their sexual orientation, even in times when public disclosure of homosexuality carried more serious negative consequences than it does today.

Perhaps because the data indicate that gay people do not pose a threat to national security, the government has extended its argument to purely hypothetical situations. In a letter denying approval for SCI access to a lesbian applicant, William Kopatish, Director of Security for the CIA, cited a risk to national security posed by "the clear possibility that any future [italics added] relationships that you establish may [italics added] involve a partner who is not an open homosexual, and who fears public exposure" (*Dubbs v. CIA*, 1989, p. 1116). This charge is based on several major assumptions, including (a) that the applicant will someday establish a relationship with a partner who is passing as a heterosexual, (b) that she will be the target of a blackmail attempt, and (c) that she will reveal classified information to a foreign government in order to protect her partner from involuntarily coming out as gay.

The government is willing to accept all of these hypothetical circumstances in the case of gay SCI applicants. Yet they are not equally thorough in considering the possible future vulnerabilities of heterosexual applicants. A spouse or partner (current or future) might wish to conceal many stigmatized conditions other than homosexuality, such as a cancer diagnosis, a history of mental illness, an "illegitimate" birth, or the suicide of a family member. None of these conditions are rare, and all continue to be sufficiently stigmatized in our society that some people try to prevent their public disclosure. But the government does not reject applicants for SCI clearances on the grounds that a partner or loved one might someday bear such a stigma and wish to conceal it. Once again, the government's criteria for SCI clearance are suspiciously selective.

In summary, although lesbians and gay men with access to SCI hypothetically might be susceptible to blackmail if they were attempting to hide their sexual orientation (or that of a partner), no cases of security leaks resulting

from such blackmail have been documented. As the American social climate becomes more tolerant and gay people feel less pressured to hide their homosexuality, opportunities for such coercion will decrease even further. If the government truly is concerned about blackmail, it should take positive steps toward protecting gay employees and their partners from discrimination or harassment and, once such safeguards are in place, encouraging gay employees to disclose their homosexuality.

Homosexuality, Trustworthiness, and Respect for Laws

In addition to specific allegations that they are psychologically impaired or unduly susceptible to coercion, gay women and men have been targeted as security risks because the government alleges that they manifest a variety of character flaws, in particular that they are prone to illegal conduct and to dishonesty. As with the previously stated governmental arguments, no data exist to support these allegations.

Homosexuality and Illegal Conduct

DCID 1/14 (1987) requires that any record of law violations by an applicant must be weighed carefully in determining whether that individual is “stable, trustworthy, and of excellent character, judgment, and discretion” (p. 13). Convictions for criminal activity clearly are relevant considerations in evaluating applications for security clearances. The government has argued, however, that an applicant’s homosexuality in itself can be considered an indicator of criminal conduct or disregard for the law (*High Tech Gays v. DISCO*, 1987). This argument was based on the existence of sodomy laws in one half of the states and the District of Columbia (Melton, 1989). Technically, lesbians and gay men who engage in certain forms of homosexual activity in those jurisdictions are violating statutes, whether or not they are prosecuted.

In examining this argument, scrutiny first should be directed to the statutes themselves. All but four outlaw only those acts involving the genitalia of one person and the mouth or anus of another (*High Tech Gays v. DISCO*, 1987). Without cataloging the entire repertoire of

sexual behaviors available to two men or two women, it can be stated simply that many people engage in forms of homosexual conduct that are not prohibited by these statutes. Such noncriminal homosexual activity is especially common among gay men in this era of AIDS (acquired immunodeficiency syndrome) and safer sex (Delaney & Goldblum, 1987; Preston & Swann, 1986; Sisley & Harris, 1977).

Even if we assume that many gay people engage in specific illegal sexual acts, however, we must ask whether violation of these obscure and rarely enforced statutes somehow reflects “adversely upon the individual’s reliability or trustworthiness” (DCID 1/14, p. 13). No evidence exists, however, to indicate that violating state sodomy statutes generalizes to an overall disrespect for law or authority. Rather, empirical research dating back to the classic studies by Hartshorne and May (1928-1930) suggests that rule violation in one situation is a poor predictor of behavior in other situations (see also Burton, 1976). More generally, empirical research has demonstrated repeatedly that possession of a particular disposition or trait poorly predicts an individual’s other behaviors in different situations (Snyder & Ickes, 1985). According to some theorists, a principled choice to violate a law that is perceived as unjust may even indicate an unusually high level of moral development (Kohlberg, 1976). Thus, knowledge that a gay man or woman has violated a state sodomy statute does not permit inferences about her or his respect for other laws, general adherence to rules, or overall morality.

A double standard is evident here in the government’s practices. All but six of the state statutes outlaw heterosexual as well as homosexual sodomy (*High Tech Gays v. DISCO*, 1987). Consequently, in most states with sodomy statutes, heterosexuals are lawbreakers to the same extent as are gay people if they engage in fellatio, cunnilingus, or anal intercourse. These heterosexual practices are not uncommon, and no evidence indicates that heterosexuals avoid them in states in which they are prohibited by statute (see, e. g., Brecher, 1984; Hite, 1976, 1981; Hunt, 1974; Kinsey, Pomeroy, & Martin, 1948; Kinsey, Pomeroy,

Martin, & Gebhard, 1953; Wolfe, 1981). In contrast to its treatment of gay SCI applicants, however, the government does not presume heterosexuals who engage in illegal sexual practices to be unreliable or untrustworthy, nor does it subject them to intensive investigation; indeed, the government does not collect information about heterosexual behavior in most cases (*Dubbs v. CIA*, 1989; *High Tech Gays v. DISCO*, 1987). The government does not consider heterosexual conduct as a negative factor in security clearance determinations unless “promiscuity or extra-marital relations actually reflect lack of judgment or discretion or actually offer a potential for exploitation by a foreign intelligence service” (*Dubbs v. CIA*, 1989, p. 1119).

In summary, current data do not demonstrate any relationship between engaging in illegal, private, consensual sexual conduct and an overall propensity to disrespect laws or regulations in some manner that constitutes a security risk. If the government were able to establish such a connection, it also would have to explain why the relationship holds for gay people but not for heterosexual people.

Homosexuality and Honesty

The government has contended that a homosexual applicant may be unfit for a security clearance because of her or his “acts of omission or commission that indicate poor judgment, unreliability or untrustworthiness” (DoD 5200.2-R, II-1-II-3, 32 C.F.R., § 154.7, 1987, cited in *High Tech Gays v. DISCO*, 1987). This accusation arises from the fact that lesbian and gay male applicants for security clearances do not always volunteer the information that they are gay. The government’s position is articulated in the previously cited letter from CIA Security Director Kopatish:

You have acknowledged that you have been an active homosexual since your teenage years and that you have had lasting relationships with various women lasting from four months to two years. However, this information does not appear to have been volunteered or in any way acknowledged by yourself, or your partner, during the course of your initial security investigation. Only

during the course of another security investigation was this information disclosed by you. The initial silence of both you and your partner regarding such highly significant security information indicates a perception of vulnerability, on your part and a willingness to engage in deceptive behavior in order to prevent the disclosure of possibly damaging personal information. These factors raise serious doubts about your reliability and your susceptibility to compromise by a hostile intelligence service. (*Dubbs v. CIA*, 1989, p. 1116)

The questionnaire completed by applicants for a security clearance does not include a question about sexual orientation. If, nevertheless, an applicant volunteers information about her or his homosexual orientation, the consequences are likely to be negative. For example, one individual in the *High Tech Gays v. DISCO* (1987) lawsuit, on his own initiative, submitted with his application for a secret clearance a statement affirming that he was gay and that this information was known by his family, friends, coworkers, and supervisors. He subsequently was subjected to an in-depth interview regarding his sexual activities, and his application for a clearance then was delayed for months. Similarly, Lloyd Andrew Leifer, a gay man who had disclosed his sexual orientation on his SCI application, testified before a congressional subcommittee that his clearance interview included irrelevant and highly personal questions about his private sexual behavior. These included whether he was “on top or on bottom” during sex and whether he engaged in anal or oral sex (*Committee on the Judiciary*, 1989).

Gay people clearly are caught in a double bind. If they volunteer the information that they are gay, their application will be subjected to extensive and time-consuming investigation, at the least (*McCrary & Gutierrez*, 1979/1980). Sometimes this process takes so long that the applicant loses the job for which a security clearance was sought (as happened to at least one of the plaintiffs in *High Tech Gays v.*

DISCO, 1987).⁶ With agencies such as the CIA, disclosure of one's homosexuality eliminates or severely reduces the chances of receiving a security clearance (Dubbs v. CIA, 1989). If, on the other hand, applicants fail to volunteer that they are gay, even though they were not asked about their sexual orientation, they can be accused of withholding relevant information. Their security clearance then might be denied on that basis.

Does failure to volunteer the information that one is homosexual under these circumstances indicate general unreliability or untrustworthiness? Judge Thelton Henderson answered this question in the negative. After noting that heterosexuals are not expected to volunteer information about their sexual conduct, even if they have violated state sodomy statutes, he stated

The fact that people have aspects of their lives that they do not on their own initiative tell supervisors, associates, or even close family members does not imply that those people are security risks. All people have aspects of their lives, often private consensual sexual activities, that they prefer to keep private. This fact does not mean that those people would be susceptible to blackmail if someone were to learn of the private information. (High Tech Gays v. DISCO, 1987, p. 1376)⁷

Three Errors in SCI Screening of Gay Applicants

The arguments against granting security clearances to gay people or in favor of subjecting them to more intensive scrutiny than heterosexuals display three patterns of error. First, the government screens groups, rather than

individuals, for characteristics that are manifested by individuals, rather than groups. A group (gay people) is presumed to be more likely than the rest of the population to manifest an undesirable characteristic (e.g., psychopathology); consequently, all members of the group are denied security clearances or are more intensively investigated as a strategy for screening out the undesired characteristic.

Gay women and men, however, do not uniformly share any characteristic except their sexual orientation. The correlation between being gay and possessing any other characteristic is likely to be moderate or low. Consequently, screening on the basis of group membership is an unacceptably inefficient strategy for eliminating applicants with the undesired characteristic. It inevitably results in many false positives (i.e., denying SCI clearance to group members who do not manifest the characteristic) and false negatives (i.e., granting SCI access to applicants who manifest the undesirable characteristic but are not members of the group). If a particular characteristic is judged undesirable, screening should be for that characteristic.

Consider, for example, Blau's (1989) argument that gay people should be subjected to more intensive SCI clearance investigation than heterosexuals because, he contended, they are more likely to manifest drug or alcohol dependence. Blau's allegation, based on studies with nonrepresentative samples (Craig, 1987; Saunders & Valente, 1987), has not been supported by empirical data. Ignoring this fact for purposes of the present argument, screening for homosexuality rather than screening directly for chemical dependence clearly is an inefficient strategy. Even if a disproportionate number of gay people were substance abusers, eliminating all members of the group would exclude a large number who do not manifest the undesired characteristic and would miss many (heterosexual) others who did manifest it. Instead, investigations for SCI clearance should directly assess applicants' use of alcohol and other drugs, not their sexual orientation, in order to screen for substance abuse.

Another problem with the group-screening approach is that selection of homosexuality as

⁶ Personal communication from Richard Gayer, San Francisco (8/8/89). Gayer is the attorney for the plaintiffs in High Tech Gays v. DISCO (1987) and Dubbs v. CIA (1989).

⁷ Judge Henderson's ruling for summary judgment in favor of High Tech Gays subsequently was overturned by a higher court decision which, at the time of this writing, was not yet final.

the criterion variable for screening is arbitrary. Other demographic groups invariably can be identified that also are disproportionately likely to manifest the undesired characteristics. Black Americans, for example, are statistically more likely than Whites to be infected with the Human Immunodeficiency Virus (HIV; Institute of Medicine, 1988). Race, however, would not be considered a legitimate screening variable for SCI clearances even if, as Blau (1989) also suggested, HIV status were somehow a relevant consideration in determining SCI clearance.

The second major flaw in policies surrounding security clearances for gay applicants is that they themselves create many of the problems that they supposedly are needed to address; if the policies were changed, many of the arguments for denying SCI clearance to gay applicants also would be eliminated. As already detailed, for example, gay people are susceptible to blackmail only to the extent that their sexual orientation remains hidden. But much of the motivation for gay people to keep their sexual orientation a secret (and, therefore, much of the basis for blackmail) derives from existing discriminatory employment policies. Many lesbians and gay men justifiably fear or have directly experienced employment discrimination and, consequently, keep their homosexuality hidden or carefully control disclosures to others (Bell & Weinberg, 1978; Levine, 1979; Levine & Leonard, 1984; Schneider, 1986; Wells & Kline, 1987). If the opportunities for discrimination were eliminated, gay people would feel encouraged to disclose their sexual orientation to others, thereby eliminating any basis for blackmail. Similarly, gay people are considered suspect because they don't volunteer information about their sexual orientation, even though to do so would destroy or significantly decrease their chances for SCI clearance. If homosexuality were no longer used as a justification for denying clearance, however, gay applicants could disclose that information freely during the investigation. Ironically, such a change in policy also would make knowledge of an employee's homosexuality largely irrelevant to the entire application process.

A third major weakness in the rationale underlying denial of SCI clearances to gay

people is the pervasive use of a double standard. Heterosexuals as a group are not subjected to the same sorts of inquiry and scrutiny as are gay people. Their possible violation of state sodomy statutes is not investigated, nor would their admission of violating such statutes automatically render suspect their reliability or trustworthiness. They are not expected to disclose aspects of their private lives to the same extent as are gay applicants. In the congressional testimony of Lloyd Andrew Leifer cited earlier (Committee on the Judiciary, 1989), the interviewer was described as readily acknowledging that he would not ask questions about personal sexual behavior of a nongay applicant. Nor is a heterosexual person's membership (or that of her or his partner) in a stigmatized group automatically considered grounds for denial of clearance. No concern is raised about the possibility that a hypothetical future partner might belong to a stigmatized group and might wish to keep that information private. This double standard clearly reflects prejudice against lesbians and gay men (see Herek, 1984, 1990, in press).

An Alternative Hypothesis: Experience With Stigma Provides Skills for Protecting Security

No empirical or logical grounds exist for expecting lesbians and gay men to pose a security risk because of their homosexuality. A credible argument can be made, however, that gay people actually can be better suited to protecting government security than are many heterosexuals.⁸ This is because most lesbians and gay men, like members of other stigmatized minorities, inevitably acquire some experience with "passing" (concealment of one's stigmatized condition during social interaction) and "covering" (minimizing the obtrusiveness of a stigmatized condition so that it does not disrupt social interaction) in order to avoid harassment, persecution, discrimination, and physical violence (Goffman, 1963; Herek, 1989; Humphreys, 1972). The government has viewed

⁸ I am grateful to Allan Bérubé for suggesting this argument.

attempts to pass in negative terms, as indicating a “willingness to engage in deceptive behavior in order to prevent the disclosure of possibly damaging personal information” (Dubbs v. CIA, 1989, p. 1116; Blau 1989, also made this argument). Yet, their experience at passing may well enable gay people to maintain the confidentiality of SCI more effectively than others.

Effective passing and covering require defining a particular aspect of one’s life as private and managing others’ access to information about it (Goffman, 1963). Gay people, like other stigmatized individuals, must learn to be close observers of social situations, attending to details of social interactions usually taken for granted by the nonstigmatized. Whereas everyone delimits certain aspects of their lives as private, stigmatized people often must privatize information that the nonstigmatized routinely disclose and expect to be disclosed by others in normal social interaction. Examples include the gender of one’s romantic partner, one’s favorite establishments for socializing and entertainment, and one’s place of worship. Disclosure of any of these might reveal an individual’s homosexuality.

In the course of effectively managing private information about themselves, lesbians and gay men must learn to monitor their conversation and behavior to avoid disclosing particular bits of information. They must learn to anticipate social situations that might make concealment of private information difficult, and to avoid or manage them. And they must learn to do this while maintaining relationships with individuals who are not privy to the protected information, which may include relatives, friends, and neighbors. These skills can be highly useful for maintaining security. In American society, the questions of “What do you do for a living?” or “What did you do at work today?” generally are considered innocuous and inoffensive. Individuals whose work involves access to SCI, however, must be able to answer such questions without disclosing classified information and also without severely disrupting their routine social interactions.

Instead of rejecting gay people as likely

security risks, therefore, the government could alternatively consider members of stigmatized minority groups as potentially superior to the nonstigmatized in safeguarding secret information. This argument is not based on any characteristic inherent in sexual orientation (or race, religion, or physical status). Rather, it is based on the experiences and skills that most stigmatized people acquire as a result of their membership in a minority group.

Consequences of Current Policies

The policy of denying SCI clearances to lesbians and gay men or subjecting applications to unusually intensive scrutiny has far-reaching negative consequences. Most obviously, it adversely affects the employment and careers of countless gay people. Those who try unsuccessfully to get SCI clearance may subsequently be isolated from their coworkers and may find their opportunities for career advancement severely limited. Others may consciously choose an alternative but less satisfying career that does not require SCI clearance. Gay people who must endure the prolonged investigation likely to accompany their SCI application undoubtedly experience considerable psychological stress, as well as an intensified sense of being the target of stigma and prejudice.

Also, policies that promote discrimination on the basis of sexual orientation in security clearances have adverse effects for heterosexual applicants. Such policies simultaneously reinforce antigay prejudice among heterosexual employees and pressure them to monitor their own behavior to avoid any possibility of being labeled homosexual. This includes even nonsexual behaviors such as dress, mannerisms, hobbies, and displays of physical affection with same-sex friends. By reinforcing rigid norms for behavior, current policies inevitably limit all employees’ opportunities for psychological growth (Herek, 1986).

Finally, antigay security clearance policies ultimately hurt the government and the nation as a whole by preventing many patriotic, intelligent, dedicated Americans from serving in jobs for which they are qualified. For all of these reasons, current policy should be changed.

Sexual orientation per se should not be a relevant criterion for denying security clearances nor for subjecting applicants to extensive investigation.

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