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NORTHWEST news

JUDGE RULES AGAINST DISCHARGED SHRINK

U.S. District Judge William Alsup ruled May 25 that former Lake Oswego resident John Hensala must reimburse the Air Force for more than \$71,000 in medical school scholarships.

The psychiatrist was discharged involuntarily in 1994 for stating he is gay under the "don't ask, don't tell" policy. This is the first time a court has ruled on the administration of the military's recoupment policy for homosexuals.

The Pentagon's "Deutch memorandum" provides that recoupment is not warranted when servicemembers are discharged involuntarily for stating they are gay, lesbian or bisexual unless evidence indicates the statement was made solely for the purpose of seeking separation. Although the court found Hensala had made repeated statements that he wished to serve, Alsup ruled that the Air Force could substitute its opinion about his sincerity.

"The court has misunderstood the basic precept of recoupment policy, and by doing so it has helped the Air Force pour salt into the wound of rejection," said C. Dixon Osburn, Servicemembers Legal Defense Network executive director. "The salt is the financial penalty; the wound is having been fired from one's chosen career."

Osburn said the recoupment policy is not supposed to apply to servicemembers who come out of the closet. One of the few exceptions is when fraud clearly has been committed in order to obtain a scholarship with no intent to fulfill a service obligation, he added.

"The Army and Navy have understood and applied this policy correctly," Osburn said. "The Air Force has consistently been the outlier. It is deeply disappointing that the court would miss the mark so thoroughly and, in doing so, revictimize the plaintiff."

According to The Associated Press, attorney Clyde Wadsworth said he and Hensala were "deeply disappointed" with Alsup's ruling and planned to appeal.

RECRUITING SHORTFALLS SEEN AS SELF-INFLICTED

Just one week after the Portland Public Schools board heard arguments about the need for more recruiters, military experts said the Pentagon's problems might be of its own making.

The remarks came in response to the announcement June 1 that 1,231 servicemembers were discharged under "don't ask, don't tell" during fiscal year 2000—the highest number since 1987. This means the Pentagon is firing three to four people a day for being lesbian, gay or bisexual.

Elizabeth Kier, a University of Washington political science professor, said this practice will exacerbate the growing divisions between military and civilian life and contribute to recruiting shortfalls. "The persistence of an anti-gay bias...has the potential to erode the American public's confidence in the military."

According to Alan Dowd, former associate editor of *American Legion*, high schools denied military recruiters access to their campuses on 19,228 separate occasions in 1999. A professional staff member of the House Armed Services Committee called this "the single biggest obstacle to carrying out their recruiting mission."

Meanwhile, the United Kingdom, which lifted its gay ban in January 2000, is finding that the more inclusive policy has helped recruitment by making the services seem more enlightened. In Italy, a retired brigadier general said June 6 that sexual minorities could be the answer to the country's declining ranks.

"The lack of professionals could easily be resolved by recruiting immigrants and gays," Luigi Caligaris told Milan's *Corriere Della Sera* newspaper. "We should recruit gays as long as they promise to conduct themselves properly in the barracks."

This year, the Air Force is short by about 1,200 pilots, the Navy is short by about 12,000 sailors, and the Army has lowered traditional standards of admission to attract high school dropouts. Yet "commanders continue to fire capable and experienced soldiers simply because they are gay," said Aaron Belkin, director of the Center for the Study of Sexual Minorities in the Military at the University of California in Santa Barbara.

Total Army discharges of 573 represent a dramatic increase over the 271 men and women discharged in 1999. According to Servicemembers Legal Defense Network, more than 200 of the discharges were from Fort Campbell, Ky., where Pfc. Barry Winchell was killed by fellow soldiers because of his perceived sexual orientation in 1999.

"We believe these numbers reflect the anti-gay legacy of Fort Campbell's former commanding general, Robert Clark," executive director C. Dixon Osburn said. "The environment per-



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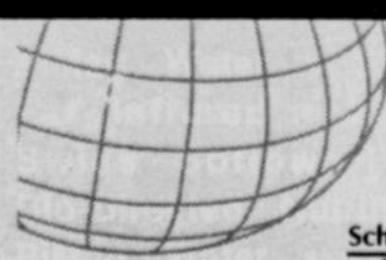


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