

HOMOSEXUAL POLICY STATEMENT

1. The Department of Defense (DoD) regulations on homosexual conduct in the armed forces are as follows and will remain in effect until supplemented or changed by the Department of Defense:

a. **Accession Policy:** No applicant will be asked about his or her sexual orientation as part of the accession process. Sexual orientation is considered a personal and private matter, and homosexual orientation is not a bar to service entry or continued service unless manifested by homosexual conduct.

b. **Separation Policy:** The DoD judges the suitability of persons to serve in the Armed Forces on the basis of conduct, not sexual orientation. The three bases for separation are **homosexual acts, same-sex marriages, and statements by an individual that he or she is a homosexual or bisexual.** In the latter case, the individual has the opportunity to rebut the presumption of homosexual acts by demonstrating that he or she does not engage in homosexual acts and does not have a propensity or intent to do so. Activities such as association with known homosexuals, presence at a gay bar, possessing or reading homosexual publications, or marching in a gay rights rally in civilian clothes will not, in and of themselves, constitute creditable information that would provide a basis for initiating an investigation or serve as the basis for an administrative discharge under this policy.

c. **Criminal Investigation:** No DoD criminal investigative organization or other DoD law enforcement organization will conduct a criminal investigation of sexual misconduct solely to determine a servicemember's sexual orientation. The DoD will conduct investigations in an evenhanded manner, without regard to whether the alleged sexual misconduct involves homosexual or heterosexual conduct.

d. **Personal Security:** No investigation or inquiry will be conducted solely to determine a subject's sexual orientation and that questions pertaining to an individual's sexual orientation will not be asked on personnel security questionnaires. Information about homosexual orientation or conduct obtained during a security clearance investigation will not be used by the military departments in separation proceedings.

POST ON BULLETIN BOARDS

HOMOSEXUAL POLICY STATEMENT

- e. **Training:** Training on the DoD policy on sexual conduct, including homosexual conduct will occur upon entering the service and periodically thereafter.
2. The Adjutant General of the New Hampshire National Guard requires all commanders to review applicable directives and regulations with the Army or Air Judge Advocate General prior to initiating any personnel or administrative action with regards to homosexuals in the New Hampshire National Guard.
3. The point of contact for the Army Guard is LTC McGandy at (603) 225-1205 and for the Air Guard is Capt Domingue at (603) 430-3509.

//Signed//
JOHN E. BLAIR
Major General, NHNG
The Adjutant General

*This Homosexual Policy Statement supersedes Homosexual Policy statement dated 1 January 1996.

POST ON BULLETIN BOARDS