The Bisexual and The Navy

Ensign Vernon Berg III, 24, is Navy all the way—son of a Navy chaplain, and a 1974 Annapolis graduate who once dated the daughter of the academy’s former superintendent Vice Admiral William P. Mack. He is also an avowed bisexual fighting dismissal from the service for homosexual behavior. At his discharge hearing before a five-officer review board, Berg was labeled as being mentally unbalanced and having a sexual orientation which would not be consistent with the standards of the Navy. Berg was not the first homosexual service member to be discharged, but he is the first to challenge it in court. The case has been tentatively settled, and the Navy has agreed to pay Berg $8,000 and to release him from the service.

Discreet Victory

While American feminists are still smarting from 1975 setbacks to the drive for federal and state equal-rights amendments, British women are celebrating — discreetly, of course — a major victory on the same front. Traditionally a bastion of male privilege, the new laws, and unions are preparing test cases for female members. In its first two weeks the commission was inundated with more than 2,500 inquiries about sexual discrimination.

Nerving Women. One big catch to British-style equal rights is that the new laws are not the result of a militant feminist campaign or a change in public sentiment, but rather have been passed through Parliament by progressive Laborites. Feminist leaders say it may take years before social attitudes catch up with the laws. The commission is also finding it difficult to nerve women for court battles over their grievances.

With decorum the unwritten law of the land, the acts so far have produced the first ripples of change. London’s Sotheby’s, the internationally famed art auction house, has named Libby Howe, 24, as the first female auctioneer in its 232-year history. Linette Simms, 43, black and the mother of six, is now tooting along as the first woman among 350 male London school-bus drivers after previously being turned down because of her sex. And in advertising, notices now solicit “secretaries” instead of “dolly birds.”

The one well-publicized exception to dignified behavior, an invasion of all-male drinking territory, washed out completely. When four female journalists plunked down a five-pound note and ordered a round of drinks at a well-known club, the bartender refused to serve them as long as there were men present. A lengthy argument ensued, and word of it spread rapidly. The next day the club tried and failed to get a new bartender.
Homophobia In Uniform: Fighting Back

GET OFF MY SHIP: Ensign Berg vs. the U.S. Navy, by E. Lawrence Gibson. Avon books, 1978, $4.95 (Paperback original)

by Craig Howell

The U.S. Air Force dismissal of Sergeant Leonard Matlovich for being openly homosexual is a well-known story within Gay liberation circles. One of the more unusual aspects of this case was that Matlovich himself initiated the sequence of events leading to his involuntary separation when he announced his sexual orientation in a letter to his commanding officer. To some extent then, Matlovich was mentally prepared for what happened to him.

The usual pattern for Lesbians and Gay men who are "uncovered" in the military is a more traumatic experience. Official investigators will play a host of dirty tricks to develop evidence they can use to confront suspected homosexuals. These investigators browbeat their victims into dooming their own careers by convincing them to "cooperate" with their tormentors. Despite the investigators' assurances that everything will be fine if they just sign a few simple statements and if they name other homosexuals, the victims invariably find themselves kicked out of the service anyway. Most gay victims of military homophobia have been too demoralized to fight back.

Get Off My Ship tells the story of one man who decided to resist: U.S. Navy Ensign Vernon E. ("Copy") Berg III. His story explores the myth that military homophobia is justified by the dictates of national security.

Written by Copy Berg's lover Lawrence Gibson (and illustrated by Copy himself), Get Off My Ship is a detailed and usually absorbing account of the circumstances surrounding Berg's dismissal. Much of the book is taken from the record of the Navy's administrative hearing in Norfolk on Ensign Berg's suitability to continue as an officer after investigators "accused" him of being homosexual. Author Gibson frequently provides some highly useful critical commentaries on the significance of what was going on both inside and outside of the hearing room.

What emerges is a disheartening portrait of how easily homophobes can exploit the ready-made inequities of so-called "military justice."

From the very beginning of the case, author Gibson makes clear, the Navy's top echelons were determined to dismiss Ensign Berg at whatever cost. They were willing to listen to someone who would claim that the accusations of homosexuality were unfounded, but they could not tolerate a man like Berg who freely spoke of his bisexuality as a good thing which was none of the Navy's business.

The procedures followed by the board of high-ranking naval officers conducting the hearing reflected their prejudgment of the case. To note but one example: Berg's lawyers failed in their efforts to have the Navy provide witnesses favorable to his case from the Italian base where he had been stationed. Yet the Navy managed to fly in to Norfolk a former associate of Berg's who testified damningly—and probably falsely—that Berg had tried to seduce him. The most fundamental aspects of due process were systematically flouted with the excuse that an administrative hearing is not a court of law. That much is brutally evident. What is not clear is why this should be allowed when such a body enjoys the power to end a person's military career and make it all but impossible for that person to find a civilian job by issuing a dishonorable discharge.

Perhaps even more chilling is Gibson's account of how the Navy avenged itself on those officers who had dared to testify on Berg's behalf against the policy of automatic exclusion of homosexuals. Berg's own father, for example, had spoken out from his perspective as a career Navy Chaplain. He scandalized the board by observing that he personally knew many homosexuals at all levels of command, even among admirals—and had never turned any of their names in to the authorities. For his integrity, Chaplain Berg was rewarded with a torrent of abusive mail from his comrades. More to the point, before his recent retirement Chaplain Berg was twice passed over for what should have been a routine promotion.

Although the administrative hearing board quickly voted to order a dishonorable discharge for Ensign Berg, that was not the end of the tale. In what author Gibson considers a patent bribery effort, the top Navy command decided to upgrade Berg's discharge to honorable status, in the apparent hope of forestalling Berg's appeal to the civilian courts. Ensign Berg took the upgrading, but is not giving up. The final chapter of Get Off My Ship cannot yet be written. For better or for worse, that chapter will probably be written by the U.S. Supreme Court. And when Ensign Berg gets his day in those chambers, his case will be joined with the case of Sergeant Matlovich.

Let us hope that they will enter the Supreme Court Building hand in hand—and that they leave with two big victory gears.
Berg is angry at the response his case has evoked in the gay media compared to the generally favorable press treatment of the case all over the country.

Naval Academy, known for a forgiving impatience with military routine. The Academy's byzantine, no-nonsense supervisor, Vice Admiral William P. Mack, forgave Berg for ceasing to date his daughter and personally swore in the new officer, the Academy's lover. Gibson, the ward of the family.

Berg was assigned to the Sixth Fleet and rapidly promoted to Assistant Public Affairs Officer on the Admiral's staff, with top security clearance. He was responsible for directing all transportation and for briefing arrangements for NATO officials and other VIPs in contact with the fleet's 50 ships.

These were big assignments for a 23-year-old recent Annapolis graduate. As Berg and Gibson have since learned, a more senior non-Academy officer resentful being passed over for promotion in Berg's favor and privately accused the ensign of being gay. Once the charge was leveled, the Naval intelligence machine began its inexorable grind.

When confronted by the Navy's civilian investigators, Berg admitted his homosexuality and at first agreed to resign. But both he and Gibson (who was also interrogated immediately and illegally fired) balked at the insulting tone of their accusers, the violation of their privacy and the "indiscreet" questions.

Gibson's repeated, unself-conscious use of the quaint adjective is a key to his stubborn individualism. Throughout his written account, centering on the courtroom drama of Berg's discharge hearing, Gibson lets the reader supply the anger and the expostulations. But in the privacy of their sprawling Boerum Hill apartment, he almost jumps out of his chair with emotion.

"They wanted to know, 'Did you ever have an orgasm with Ensign Berg?' Who made the first approach?"

Copy adds, in a cool, disdainful tone:

"And how often? How many times a week? How many times a month? How many times...."

But Gibson won't be interrupted. "They had the audacity to read that in court, when Copy had already admitted he was homosexual. It was just sensationalism, as if he was going to stumpl the press, to let the whole world know whether we had had fellatio, whether we were homosexuals or not.

His determination to fight for his own rights, his own life, his own ideals, the Navy's way.

2 Gays Confront the Navy

Barry Youngerman

Though former ensign Vernon E. ("Copy") Berg III has spent the better part of three and a half years fighting his discharge from the Navy on grounds of homosexuality, he still looks and talks like the genuine, less prettified original of John B. Walters, with whom he fought for the cause of gay rights.

In a companion case, an Air Force sergeant was discharged. But the military's frail response to the case is a jolt to the gay community.

Whoever the eventual outcome, Berg will at least have his full day in court, after the parody of an administrative hearing, perfunctory review and summary judgment he's faced until now.

His determination to fight for his own rights, his own life, his own ideals, the Navy's way.

Final裁决
Banned from the Navy, 'Copy' Berg never wanted to be gay rights crusader

By Pamela Constable

New York—The first thing you notice about Vernon E. (Copy) Berg, 34, is that he doesn't seem particularly well-groomed. His posture is erect, his voice firm, his manner understated. On his right hand is a United States Naval Academy ring.

That, or the fact that he still wears a pair of gloves when he is discharged for being a homosexual, once an enunciated a senior Navy officer that he reportedly lifted in pub.

"Faggot should have his finger cut off,"

Although he has found himself labeled as a crusader during his two-year legal battle, in the Navy, Mr. Berg hardly wears the ring as a political issue. It is simply a token of the military life he has chosen and wants to continue.

A week ago, Mr. Berg, after he had lost from the Navy, he was discharged for being a homosexual, was discharged for being a homosexual. His discharge from the Navy, he says, was because he had married another man.

A 1971 case of the Navy and Air Force about the case of Ensign Berg and Air Force Sergeant Donald Milutin, saying that both officers of the military had to show respect for their fellow officers, that he would drop the suit, Mr. Berg concludes.

"I can't imagine what more the Navy can produce," Mr. Berg said last week. "The evidence they gave included every document they had, and there was a lot of testimony as to my capability as an officer." The court has called the Navy's bluff.

If the Navy cannot show other reasons why he should not serve, the court could very well agree to be discharged with back pay and benefits. His discharge already has been upgraded to honorable—it hopes

his early 40's, met Mr. Berg when he taught drama at the Naval Academy and then lived with the former ensign as a civilian Navy officer in Italy, where Mr. Berg was serving on a cruiser.

Since moving to New York two years ago, Mr. Gibson has been unable to find a teaching job, and the men say they are "living on a shoestring." They are quick to point out that much of the furniture and art works decorating their apartment have been donated by Mr. Berg's discharge.

See BERG, E.C., Col. 1.
Service Dismissal Of Homosexuals Limited by Court; Court Limits Homosexual Dismissals

BYLINE: By Kenneth Bredemeier, Washington Post Staff Writer

SECTION: First Section; A1

LENGTH: 774 words

The U.S. Court of Appeals here told the Pentagon yesterday it cannot discharge homosexuals from the military without offering specific reasons in addition to their homosexuality.

The appellate court, noting that some homosexuals are allowed to remain in the military, overturned a lower court ruling upholding the discharges of Air Force Tech. Sgt. Leonard P. Matlovich and Navy Ensign Vernon E. Berg III, two homosexual rights activists.

The military may be able to justify the discharges, the court said, but neither man was given any "reasoned explanation . . . which is intelligible to this court or permits any meaningful judicial review."

The unanimous decision throws the controversial issue of homosexuals serving in the armed forces back to the Defense Department, which only this year changed a long-standing policy so that homosexuals kicked out of the service with less-than-honorable discharges could apply for honorable discharges.

Neither that Air Force nor Navy had any immediate comment on the ruling, but both Matlovich, 35, and Berg, 27, said they were delighted with the decision. Both men are seeking reinstatement in the service and back pay for the years since their dismissals.

Matlovich, who lives in San Francisco, is seeking appointment to the city's Board of Supervisors to replace Harvey Milk, the homosexual rights activist who was slain last week. The former serviceman said that "like a dictatorship, the Air Force did what it wanted" in cases involving homosexuals. "Now they have to tell homosexuals and the American public their reasons."

Berg, a Naval Academy graduate who now is working on a master's degree at Pratt Institute in Brooklyn, said that "the military has never been confronted about who they keep" in the armed forces. "I've always maintained that all the services can discharge individuals whose sexual acts interfere with their job performances or who have committed some sexual crime.

"But they should not have the right to discharge someone on the mere existence of a homosexual past," Berg said.

Under both Air Force and Navy policies, homosexuals, when their sexual preferences are known, generally are dismissed from the services. But that policy is discretionary.
"What disturbs us," the appellate court said in the Matlovich case, "is that it is impossible to tell on what grounds the service refused to make an exception or how it distinguished this case from the ones in which homosexuals have been retained."

Both Air Force and Navy spokesmen said yesterday they did not know how many homosexuals have been kept in their services after the service member's homosexuality became known.

The appellate court decision written by Court of Claim Judge Oscar H. Davis and concurred in by Chief Appeals Court Judge J. Skelly Wright and Judge Spottswood W. Robinson III, noted that the Air Force had acknowledged that Matlovich had an "outstanding" service record.

The appeals court said that various Air Force review panels had concluded that Matlovich's outstanding record was not sufficient to allow him to keep his assignment at Langley Air Force Base in Hampton, Va. But several Air Force decisions have "no hint why it would not be appropriate to retain" Matlovich, the ruling said.

"The almost total lack of specificity in the Air Force's determination leads one to consider the possibility, for instance, whether Matlovich's failure of retention may have been affected by his 'going public' with his homosexuality and the publicity surrounding his case, and that if his homosexuality had been discovered and handled by the Air Force, without Public notice the result might have been different," the decision said. Matlovich's discharge hearing was widely covered by the news media in September 1975.

In Berg's case, the Navy Administrative Discharge Board "found that his record in the service did not reflect such an outstanding potential as a naval officer as to militate against separation," the appeals court said.

The appellate court ruled, however, that the Navy's decision on Berg was so imprecise that it could not tell what were the "actual considerations which went into the Navy's ultimate decision not to retain Berg."

Both Matlovich and Berg have remained active in homosexual rights causes since their discharges. Matlovich said he raised money nationwide this year to help defeat Proposition 6 in California, a measure that would have banned homosexual teachers in the California public school system. *Berg said his companion, Lawrence Gibson, has recently published a book about his dispute with the Navy entitled "Get Off My Ship."*