

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY RESERVE PERSONNEL COMMAND
1 RESERVE WAY
ST. LOUIS, MISSOURI 63132-5200

ARPC-ZJA

16 January 2001

MEMORANDUM FOR CPT Elizabeth Recupero, 955 Easton Rd,
Apt H95, Warrington, PA 18976

SUBJECT: Command Directed Fact-Finding Inquiry; Statement
Disclosing Homosexual Orientation made by CPT Elizabeth
Recupero, 022-40-7980

1. In a 20 December 2000 memorandum you sent to COL Timothy Cannon, Commander AR-PERSCOM, St. Louis, MO, you stated that you were "in a committed relationship with another woman"; you intended "to live as an open married couple", and that you further stated that you are a lesbian and "in the last eight years... have lived as an openly gay woman".
2. As a result of your memorandum, COL Cannon, has directed that a fact-finding inquiry be conducted to determine if it is appropriate to initiate action to separate you from military service. I am conducting this inquiry at the direction of the commander. To allow you to consider this matter, I am submitting my questions to you in writing. If you wish to speak to me regarding the inquiry, you may contact me at AR-PERSCOM, Office of the Command Judge Advocate, (314) 592-0678.
3. The Army is required to investigate your statement to determine if it is credible, or if it is being made for the purpose of avoiding military service. This inquiry is the first step in the investigative process. Depending on the results of this inquiry, further investigation and/or an administrative separation board may follow. At any point in the process, witnesses may be questioned to support or refute your statement. Since the inquiry is related to possible separation action, you have the right to consult with an attorney before answering my questions. Although you may refuse to answer any questions that you believe may incriminate you, please be advised that you are required to respond to this correspondence within 10 days, even if your response is a refusal to answer my questions.

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4. Under current Department of Defense (DoD) policy, "Homosexual conduct is grounds for separation from the Military Services. Homosexual conduct includes homosexual acts, a statement by a member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a member that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation, not because it reflects the member's sexual orientation, but because the statement indicates a likelihood that the member engages in, or will engage in, homosexual acts. A member's sexual orientation is considered a personal and private matter, and is not a bar to continued service unless manifested by homosexual conduct in the manner described. A statement that a member is a homosexual or bisexual, or words to that effect, means that a reasonable person would believe the individual intends to engage in homosexual acts."

5. Because false statements and/or some homosexual acts may violate the Uniform Code of Military Justice (UCMJ), articles 107 (False Official Statements) and/or 125 (Sodomy), I want to ensure that you understand your rights in regard to answering questions related to such violations. However, please understand that acts committed when you are not in a military status (i.e., not in an active duty or drill status) are not punishable under the UCMJ. You are not currently suspected or accused of any UCMJ violations. In regard to any questions which you believe could cause you to incriminate yourself in regard to a violation of the UCMJ; you do not have to answer my questions or say anything. Anything you say or do can be used as evidence against you in a criminal trial. You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the government or (in the event that you are accused or suspected of criminal misconduct while in a military status, and are being asked