

V Under Suspicion: Homosexuality as a Security Risk

As with any other soldier, a homosexual disposition in a general can lead to security concerns if it gives rise to the possibility of extortion. A homosexual disposition in and of itself does not constitute a security risk.¹

Even if homosexuality did not come up explicitly in the security review questionnaires of the Bundeswehr's Military Counterintelligence Service (MAD), the service would quickly come across soldiers' sexual tendencies in the course of researching their personal backgrounds. The way in which the service handled such sensitive information formed a central research interest in the present work.

It is in the nature of secret services to keep their movements or documents hidden. Every secret service shields its internal workings, methods, technical capabilities and especially its sources from overly inquisitive eyes. The same applied for MAD, making even a brief glimpse behind the scenes all the more revealing.²

1. "Personnel Security Risks": Security Review Guidelines

In its assessments, counterintelligence drew a fundamental distinction between "feature relevant" and "incident relevant." Soldiers were not explicitly asked about their sexual orientation during security reviews; there was nowhere for them to state or check it off in the long questionnaires they had to fill out. Former MAD employees emphasized the fact that same-sex orientation was not an attribute that was screened for, and thus was not "feature relevant." A soldier was denied security clearance only when issues that touched on criminal law arose, sex with minors for

1 BArch, BW 2/31224: BMVg, P II 1, Az 16-02-05/2 (C) R 4/84, 13 March 1984. A copy is also available in BArch, BW 2/38355.

2 This chapter, as with this study overall, only drew on sources that weren't categorized as classified documents. Documents marked "Classified – For Official Use Only" were only reviewed if more than thirty years had elapsed. Helmut Hammerich also goes into MAD's security clearances in a detailed history of the organization, but does so somewhat generally and with a great deal of statistical information. The work doesn't consider the concrete process of conducting security reviews, much less cast an eye toward the aspect of sexual orientation, with only a single reference to a case from the fall of 1981. Hammerich, "*Stets am Feind!*" 240–60.

example. In that case, knowledge that was “incident relevant” had come into play.³ One such incident came from within MAD’s own ranks in 1967.

Any MAD employees who had to conceal their same-sex preferences were at particular risk of grooming by enemy intelligence services. One of the few cases that reached the press involved Petty Officer 2nd Class Walter Gant. The naval officer served at MAD’s Group IV in Mainz, and came under police investigation in 1967 for crimes related to §175 StGB. To avoid a subpoena for questioning by Mainz’s criminal investigations unit, that December he fled to the GDR. The petty officer had deserted, but that was not all. He passed along his internal knowledge of MAD to the GDR’s Ministry for State Security, and went on East German television as a propagandist.⁴ The normally well-informed *FAZ* reported on the MAD employee’s flight in April 1968, and it did not fail to mention the reason for his flight: a criminal investigation under §175 StGB.⁵ Gant did not hold out long in the GDR, however, filing three applications to return to the Federal Republic in 1973 alone. After they were rejected, Gant used his post in the GDR merchant marine to jump ship in Denmark and return to West Germany, where he found the Mainz police waiting for him. Gant was sentenced to three years in prison for “aggravated illicit sexual acts with men.”⁶

a.) “Enemy of the State”?

Incidents with a bearing on security are highly complex affairs, often involving not a single isolated motive but a “bundle,” as one BMVg employee phrased it in a 1966 report entitled “Sexual perversions as factors threatening security.”⁷ Nonetheless, based on “our experience in the intelligence service” and having evaluated some 200 security-related incidents, “sexual perversions tended to [take on] a privileged role” within this context, with homosexuality posing a “pivotal threat to security” even more than “exhibitionism/pornography,” “hypersexuality/indecency with

3 Phone interview with Ret. Sergeant S., 27 March 2017. S. was active in MAD for over ten years beginning in 1990, including as an interviewer and assessor for ongoing security reviews.

4 BArch (MAD Archives), BW 31/1203: Final Report on Chief Petty Officer Gant, 9 July 1974. Thanks to Lieutenant Colonel Dr. Helmut Hammerich of the ZMSBw for the reference. For a detailed account of Officer Gant, see Hammerich, “*Stets am Feind!*” 352–354.

5 *Frankfurter Allgemeine Zeitung*, “Der Fluchtgrund des MAD-Manns.”

6 BArch (MAD Archives), BW 31/1203: Final Report on Chief Petty Officer Gant, 9 July 1974.

7 BArch, BW 24/3736: “Sexuelle Perversionen als sicherheitsgefährdende Faktoren.” In BMVg, InSan: “Beurteilung der Wehrdiensttauglichkeit und Dienstfähigkeit Homosexueller,” 1966, sheets 78–81, here 78–79.

minors” and “sodomy.” Pressing forward despite the absence of any sufficiently reliable studies to substantiate such a connection, the presenter posited a “positive correlation between homosexuality and criminality.” What was more, “we tend toward the view that homosexuality is overwhelmingly associated with other unfitting forms of behavior.”⁸ The “we” in this instance would have referred to the presenter, as well as the psychologists working for an intelligence service that went unnamed.

Specific security concerns included homosexuals’ criminal coercion, wrongly referred to in the report as blackmail. Homosexuals’ ostracization, their feelings of shame and fear of possible reprisal laid the foundation for their coercion, which opposing intelligence services exploited “wantonly” along with other, similar factors. What was more, “the homosexual [...] [tended toward] disingenuousness, aggression toward those with a different nature, [and] feelings of hatred.”⁹ A psychologist picked up on the torrent of prejudices, reporting homosexuals had a stronger “penchant for perverted tendencies” than “feelings of responsibility toward one’s ethical obligation to the state.” It was not just homosexuals who ran the risk of coercion, but their families. The decisive step in safeguarding against the possibility was recognizing the “danger spots”¹⁰ – in other words, a person’s homosexual disposition if they were employed in a security field.

The psychologist speaking for the secret service at the BMVg conference certainly was not alone in his estimation. A Bundeswehr psychiatrist followed a similar, if much less drastic, line of argumentation in 1969 – this time not behind closed doors but in a journal. Soldiers who engaged in homosexual conduct gave “the agents of other powers the opportunity to coerce them into betrayal by threatening to reveal their homosexual activities.”¹¹ Senior Field Physician Dr. Brickenstein went on to explain that “homosexuals do not turn into traitors because they are asocial or criminal by nature, but because when faced with choosing between shame and punishment or betrayal, these often insecure and fearful men, lacking self-confidence, tend to go with the latter.”¹² Brickenstein’s article comes across as much more mild and understanding than the position of his secret service colleague three years prior. As always, the lessons drawn were the same: Homosexuals were unfit to serve as superiors and especially to handle confidential documents, as they were at perpetual risk of blackmail and betrayal. This echoed a common ste-

⁸ Ibid.

⁹ Ibid., 80.

¹⁰ Ibid.

¹¹ Brickenstein, “Probleme der Homosexualität im Wehrdienst,” 150.

¹² Ibid.

reotype echoed in countless states and eras that was constantly retrofitted to match the latest fashion.¹³ Historically, suspicions concerning the “homosexual enemy of the state” have run deep within secret services.¹⁴

In the U.S., self-stylized “communist hunter” Senator Joseph McCarthy also took homosexuals into his scope in the early 1950s. For McCarthy and his team investigating “un-American” machinations in the government, armed forces and society, homosexuals stood directly alongside purported or actual leftists as a security threat. Especially in the State Department, those suspected of homosexuality fell subject to McCarthy’s maneuvers and those of his chief assistant, Roy Cohn.¹⁵ The irony here was that Cohn, who was surprisingly young for his post, was himself gay. Cohn brought his close friend G. David Schine into his office and thus to McCarthy’s side, despite Schine’s just having turned twenty-five and holding no qualifications. When Schine was drafted Cohn tried to get his friend out of the Army, putting pressure on the military brass with the force of his investigations. This triggered a direct confrontation with the Army which brought about McCarthy’s rapid downfall, and ultimately the end of his political career. Even at the time rumors circulated alleging the homosexuality of the senator and the two good-looking young men at his side; at least for Roy Cohn, it can be assumed as a foregone conclusion.¹⁶

b.) 1971: “Abnormal Tendencies in the Sexual Realm”

The underlying issue sketched briefly here regarding homosexuality was not specific to MAD alone; the positions found consistent reflection in the security clearance guidelines enacted for all federal employees in 1971. It was not BMVg or MAD, but the Federal Ministry of the Interior that was responsible for the guidelines, which applied to every governmental department.

Among other “security risks that lie within the person of the employee,” point 7.3 of the guidelines lists:

¹³ For a broad historical arc, from the Eulenburg scandal in 1907–08 and Colonel Redl to the alleged “secret homosexual clubs and spy groups” during the Cold War, see Schwartz, *Homosexuelle, Seilschaften, Verrat*.

¹⁴ For more see Nieden, “Der homosexuelle Staatsfeind.”

¹⁵ For more see Marquez, “Persecution of Homosexuals in the McCarthy Hearings.”

¹⁶ “Mr. Cohn, Mr. Schine and Senator McCarthy, all bachelors at the time, were themselves the targets of what some called ‘reverse McCarthyism.’ There were snickering suggestions that the three men were homosexuals, and attacks such as that by the playwright Lillian Hellman who called them ‘Bonnie, Bonnie and Clyde.’” Krebs, “Roy Cohn.”

- a.) serious mental or psychological disorders
- b.) abnormal tendencies in the sexual realm
- c.) Alcoholism or drug addiction¹⁷

“Abnormal tendencies in the sexual realm” was listed again as a security risk in the BMVg’s catalog of special security threats under Appendix C 1 No. 3 (again as b.) of ZDv 2/30.

In 1980, at a working conference for the BMVg’s medical advisory board, governmental director Arthur Waldmann cast some light on the set of practices that had developed within the secret services out of the terse wording of the guidelines. When determining whether a security threat was present in a given case, employees let three questions guide their work:

- Does a potential for “kompromat” exist? (“Kompromat” means evidence or knowledge that was fit to compromise a person when divulged to third parties)
- Can a relationship of dependency based on homosexual activity be ruled out?
- Is it certain that unauthorized sharing of a subject’s homosexual disposition will not lead to their disregard or ostracization within society, service or their circle of colleagues, even if and despite the fact that the disposition is known to MAD and immediate superiors?¹⁸

Another member of MAD, Lieutenant Colonel Oskar Schröder, added subsequently that recruitment by means of kompromat “assumed the candidate’s fear of disclosure, revelation and discrimination. It [...] generally precludes a relationship of trust from developing between the lead officer and agents.”¹⁹ More than by way of footnote, three years later both Colonel Schröder and Waldmann would play a key role in resolving the Wörner–Kießling affair.

Bundeswehr psychiatrist Dr. Brickenstein, mentioned repeatedly in this study as specializing in cases of homosexuality, also spoke from experience at the meeting. On the topic of blackmail Brickenstein reported that cases of “severe coercion” were “not all that rare” among homosexual superiors, whatever that might have meant in specific numbers. “Their susceptibility to blackmail as superiors alone means they cannot be entrusted with secrets. I have ample experience in this

¹⁷ Federal Ministry of the Interior: Guidelines for the security clearance process for federal employees from 15 January 1971, point 7. Available in BArch, BW 1/378197: BMVg, Abt. KS to Secretary of State Dr. Rühl, 25 January 1984.

¹⁸ BArch, BW 24/5553: Governmental Director Arthur Waldmann, “Sachverständigenreferat aus sicherheitsmäßiger Sicht,” at a meeting of the BMVg medical advisory board’s committee on preventative health and care and military examinations, 18 April 1980. Also available in BArch, BW 2/31225.

¹⁹ Ibid.

regard.”²⁰ Brickenstein gave the example of a staff officer: “Thirty-eight years old, a top staff position, dazzling qualifications, married, three children – revealed to his superior that he had been blackmailed into paying off his homosexual partner, who had threatened to make his homosexual activity public if he did not, marking the end of his career.” His superior had thanked him for his candor and assured him he would not have any professional repercussions to fear. Yet it was now no longer the officer but his deputy who was now brought into confidential or secret negotiations. Eventually the officer was advised to transfer. He was initially “welcomed” at other posts given his qualifications, but rejected without fail “upon inquiries as to why his previous post had wanted to detach itself from the officer.” The officer fell into a deep depression and had to retire due to inability to serve. Later, he succumbed to alcohol.²¹

Writing in 1970, one year after reform of the criminal code, the lawyers at the BMVg’s administrative and legal department affairs department found that “liberalization of the criminal law on morality cannot obscure the fact that the majority of the population continues to disapprove of homosexual activity morally, and that homosexuals, knowing this, shy away from their tendencies becoming known.” This in turn provided “points of departure for the Bundeswehr to be spied on by intelligence agencies.”²²

Ten years later, MAD now found that relaxing criminal and service law had significantly lessened homosexuals’ risk of being compromised (“service law” likely meant the restricted application of disciplinary law to homosexual activity conducted in private).²³ Nonetheless, there was “solid intelligence” that “enemy intelligence services sought contact with homosexually inclined members of the Bundeswehr.” These agents tended to be homosexual themselves, and sought to establish a “relationship of dependency based on homosexual activity.”²⁴

Waldmann reported in 1980 that “in nearly every [known and reviewed] instance” of homosexuality in soldiers, MAD had either been forced to deny or

20 BArch, BW 24/5553: Lt. Col. (MC) Dr. Rudolph Brickenstein, “Sachverständigenreferat aus psychiatrischer Sicht,” delivered at a meeting of the BMVg medical advisory board’s committee on preventative health and care and military examinations, 18 April 1980. Also available in BW 2/31225. Summarized in 1985 in Lindner, “Homosexuelle in der Institution Bundeswehr.”

21 BArch, BW 24/5553: Lt. Col. (MC) Dr. Rudolph Brickenstein, “Sachverständigenreferat.”

22 BArch, BW 24/7180: BMVg, VR IV 1, 29 September 1970.

23 See chapter 3 for greater detail.

24 BArch, BW 24/5553: Governmental Director Arthur Waldmann, “Sachverständigenreferat aus sicherheitsmäßiger Sicht,” at a meeting of the BMVg medical advisory board’s committee on preventative health and care and military examinations, 18 April 1980. Also available in BArch, BW 2/31225.

revoke their security clearance, a practice supported by the Federal Administrative Court.²⁵

Fulfilling the defense mandate can only be safeguarded by granting access to classified information exclusively to soldiers for whom no type of security concerns exist. The resulting need to review Bundeswehr members for security concerns is taken as a precautionary measure intended to preclude security risks. Security concerns arise whenever the soldier in question is viewed as a potential target by foreign services.²⁶

The result meant homosexual soldiers' exclusion from nearly every elevated or higher-ranking service post. The BMVg had already described the effects in 1973 with reference to Rainer Plein's case: "Without level 1 security clearance, an officer can, aside from exceptions, only receive limited assignments within the area corresponding to his rank. Limitations of this sort on an officer's ability to serve are fundamentally unacceptable."²⁷

Waldmann was frank in admitting the "considerable" consequences of the measures. For both career and fixed-term soldiers with more than four years in the service, it often meant

removal from their current post and subsequent transfer away from their current place of service; removal from [...] a course of instruction; ineligibility for promotion in the future, since no longer fully fit for assignment; assignment to a post that is not security-sensitive, which may mean that a lieutenant colonel is assigned to an A 11 [captain's] service post until retirement, or that a captain is no longer promoted despite qualifications.²⁸

The explicit mention of restrictions placed on fixed-term soldiers with more than four years in the service was an important one. For soldiers who had served a shorter period of time, the consequences of having their security clearance denied or revoked were graver still: They would be released under §55 (5) SG in the event

²⁵ A security clearance, or *Sicherheitsbescheid*, confirms the results of a security review and, depending on the level of clearance, provides the basis for access to secret or top secret documents. This makes holding it a requirement for many important posts.

²⁶ BVerwG, 2 WB 60/79: Federal Administrative Court, 1st Military Service Senate, ruling on 12 January 1983, found on www.jurion.de.

²⁷ BMVg, P II 7, to Münster Administrative Court, 16 July 1973. The author holds a copy in his possession.

²⁸ BArch, BW 24/5553: Governmental Director Arthur Waldmann, "Sachverständigenreferat aus sicherheitsmäßiger Sicht," at a meeting of the BMVg medical advisory board's committee on preventative health and care and military examinations, 18 April 1980. Also available in BArch, BW 2/31225.

that “the homosexual relations also constituted a breach of duty.” Extending one’s period of service was not possible, as a valid security clearance was required to do so.²⁹

In short, the MAD representative described a bleak, nearly hopeless landscape for homosexuals serving in the armed forces, bluntly describing their depressing reality and the pressures to which they were exposed. The governmental director did see one small ray of hope, noting that security concerns could be put aside in the event that a person was involved “as it were in a steady living arrangement” with his partner and could “demonstrate” this. The conditions in this case were to include the partner in the security check and for the check to conclude “without adverse findings,” no discernible negative impact on the official realm and an “obligation to report a new partner to MAD in case of separation.”³⁰

On this point as well, Waldmann was surprisingly critical of the approach taken by his service. The “issue,” as he described it, lay in reconciling Articles 1 and 2 of the Basic Law (a person’s dignity and his right to the free development of his personality). The “particular (coercive) situation” in which homosexuals in the Bundeswehr found themselves left it “an open question” whether the information MAD demanded was “still compatible with our legal system.” Yet what at first glance came across as unexpected criticism and sympathy for homosexuals’ predicament was then immediately used against them. In the event that the requested information were to be classified as unlawful, “security risks identified for any homosexual in the Bundeswehr would [necessarily] lead to nonretractable security concerns,” bringing denial or revocation of their security clearance with all the attendant consequences.³¹

The BMVg had drawn the very same conclusions the year before in 1979 in responding to Bundestag deputy Hertha Däubler-Gmelin. “As a general rule,” a soldier whose homosexuality became known had his security clearance withdrawn “because there is a risk that he would be more easily blackmailed by opposing intelligence services.” Withdrawal of a security clearance in turn “considerably” restricted the range of assignments for which the soldier was eligible.³²

A BMVg paper from several years later in August 1982 left it open as to whether a soldier who voluntarily disclosed his same-sex “disposition” should be seen as a security risk, finding that “in such cases the risk of blackmail by an intelligence

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² BArch, BW 1/304284: BMVg, VR I 1, 15 February 1979, as well as BMVg, parliamentary state secretary to Deputy Herta Däubler-Gmelin (SPD), 23 February 1979.

service should be considered low.”³³ This assessment, which came from the personnel department rather than the legal department that supervised MAD and was responsible for questions of the sort, was rather ahead of its time, anticipating as it did the eventual amendment to the guidelines. Under the version in effect at the time, any sort of “abnormal tendency in the sexual realm” was still considered a security risk. This meant the regulations governing security checks, or rather their application in the real-world, ignored the fact that homosexuality between adults had been decriminalized in 1969. “Is no one brought up short?” asked the *Nürnberg Nachrichten* in the wake of the Wörner–Kießling affair in January 1984. “Has not this society long since taken some credit perhaps for classifying homosexuality as ‘different’ but at least no longer as ‘abnormal’?”³⁴ Setting the regulations within the broader context of how the armed forces handled homosexuality, the editors at the Nuremberg paper called on the Bundeswehr “finally to dismantle the taboo surrounding homosexuality.”³⁵ It was not until 1983 – fourteen years after the 1969 changes – that the armed services revised the guidelines to at least partially mirror the evolution in criminal law.

c.) 1988: “Sexual Conduct That Can Lead to Blackmail”

A revised draft of the guidelines came out in November 1983, which among other “criminal acts” that constituted “personnel security risks,” like alcoholism or drug addiction, listed “sexual behavior that can lead to extortion” under §5 (2).³⁶ The proposed change in phrasing was more than a mere formality. The draft effectively meant that a soldier who openly admitted to his homosexuality was no longer relevant to MAD in matters of security. Cases in which soldiers or civil servants kept their homosexual or bisexual orientation from their families, spouses, friends and most importantly the service itself were another question; here MAD spotted a potential risk of contact and subsequent blackmail by enemy intelligence services. The threat of blackmail existed anytime the external image on offer did not match the underlying reality, independently of sexual orientation. If the constructed image was material, even indispensable to one’s career, the threat of its destruc-

³³ BArch, BW1/304286: BMVg, P II 1, 12 August 1982.

³⁴ Fh, “Das Tabu: Bundeswehr und Homosexualität,” cited in Schwartz, *Homosexuelle, Seilschaften, Verrat*, 302.

³⁵ Cited in Schwartz, *Homosexuelle, Seilschaften, Verrat*, 303.

³⁶ BArch, BW 1/378197: Federal Ministry of the Interior: Guidelines for the security clearance process at federal agencies, draft as of 10 November 1983.

tion by the revelation of facts to the contrary took on existential importance – the greater a person's interest in keeping up appearances, the greater his susceptibility to extortion.

The timing of the guidelines' revision is worth noting. One source gives the date of the draft as 10 November 1983, about two months after the MAD office in Düsseldorf began its investigations into General Kießling's involvement in Cologne's gay scene.³⁷ It remains an open question whether a causal link also existed in the striking temporal proximity, or whether the investigation simply happened to run in parallel to revisions that were anyway already under consideration.

When the planned revisions were announced in 1984, they were viewed in public as a consequence (and lesson) drawn from the Wörner–Kießling affair. There was more – the FDP, at the time part of the governing coalition, took ownership of the push toward new regulations, announcing in that July that “at the initiative of the FDP, [the new guidelines] would be written so as not to discriminate against minorities. The focus should fall instead on general life circumstances that may lead to blackmail. The target of assessment [...] should be the specific case at hand.”³⁸ The author of this study was not able to determine whether the impetus behind the scenes came from the FDP-led Ministry of Justice. Sources do date the revised draft back to November 1983, however, meaning that it could not have been due to the public uproar surrounding the scandal. The FDP at any rate managed to communicate the context in clever fashion, and to its own benefit. They went further, interjecting during the fierce Bundestag debates of January 1984 to remind former Federal Chancellor Brandt it had been under his watch as chancellor that the security guidelines now under such heavy criticism had taken effect in 1971.³⁹

As the scandal surrounding General Kießling culminated in January 1984, the BMVg section responsible for supervising MAD laid out the new position explicitly in a commentary to State Secretary Lothar Rühl:

Sexual behavior should only be regarded as a “personnel security risk” *if it can lead to blackmail*. While this viewpoint has also been observed up until now, the new version is likely to result in fewer cases of security concerns being brought up when assessing homosexual conduct, for example. (It must be kept in mind, however, that heterosexual behavior and cases of sodomy can also lead to susceptibility to blackmail [...])⁴⁰

³⁷ See section 3 in this chapter for a full account.

³⁸ Cs, “FDP setzt sich mit rechtstaatlichen Forderungen durch” in *Die neue Bonner Depesche*, July 1984, cited in Schwartz, *Homosexuelle, Seilschaften, Verrat*, 315.

³⁹ Schwartz, *Homosexuelle, Seilschaften, Verrat*, 317.

⁴⁰ BArch, BW 1/378197: BMVg, Abt. KS to Parliamentary State Secretary Dr. Rühl, 25 January 1984 (original emphasis).

The BMVg desk stressed that “sexual behavior that can lead to blackmail” occupied fifth place out of a total of ten characteristics in the new regulations, whereas “abnormal tendencies in the sexual realm” had previously ranked second out of nine. This in turn presented the conclusion “that the significance of such behavior should not (any longer) be regarded as ‘extraordinary’.”⁴¹

Rühl’s extensive handwritten commentary reveals the extent of his skepticism toward the new regulations, which he notes might become “a burden for us,” i.e. the BMVg and its subordinates, “out of all proportion to the real security risks and the effort involved.”⁴² In essence the new version should “only eliminate discrimination against homosexual inclinations,” yet the updated formulation regarding “sexual behavior that can lead to blackmail” would now also bring heterosexual behavior into the fold. Within the federal administration, the Bundeswehr and the BMVg would bear the full brunt of the revisions. “We have around 700,000 employees, the vast majority of whom should be considered sexually normal.”⁴³ “For those with normal sexual behavior, ‘susceptibility to blackmail’” was linked to extramarital intercourse. Here State Secretary Rühl saw a “Pandora’s box” being opened and “a real problem in the security provisions’ relationship to the essence and concept of personal freedoms, and safeguarding the private sphere in our liberal constitutional state.”⁴⁴ In this the secretary did not err. Yet the very tension he was problematizing, between security interests on the one hand and personal freedoms and the private sphere on the other hand, was inherent in the work of the secret services, and remains so today. It was also precisely the sort of encroachment that homosexuals had been forced to endure on their private and intimate lives. It was now with regard to heterosexuals, those deemed “sexually normal,” that it struck BMVg leadership as an issue, likely for the first time. It is possible that the adage about peoples’ tune changing once things get personal applies here as well.

The new guidelines were put into place, reservations of the state secretary notwithstanding, though not in 1984. A ruling at the Federal Administrative Court in April 1985 was still citing the previous wording of the security risks inherent in an “abnormal tendency in the sexual realm” as the applicable regulation.⁴⁵ In October 1985, the responsible information security officer at the BMVg noted that along with other data protection regulations, the Federal Constitutional Court’s

⁴¹ Ibid.

⁴² Ibid., handwritten notes from Parliamentary State Secretary Dr. Rühl on the document BMVg, Abt. KS to State Secretary Dr. Rühl, 25 January 1984.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ BArch, BW 2/31224 and BW 2/31225, BVerwG, 1st Military Senate, Az 1 WB 152/84 from 11 April 1985.

landmark decision on the controversial topic of the December 1983 census had also delayed the revised regulations for security screenings.⁴⁶ It now seemed that the new regulations could take hold only once the Constitutional Protection Act had been amended.⁴⁷ One paper from the Federal Ministry of the Interior has the new guidelines taking effect on 1 May 1988.⁴⁸ Under §4 (2) of the new version, a security risk was “only then” assumed in the presence of circumstances that substantiated “a heightened risk of attempts at grooming or solicitation by foreign intelligence services” and possible blackmail.⁴⁹ The BMVg division responsible for overseeing MAD viewed it in the same light: On its own, the “abstract circumstance” of homosexuality “was not enough to raise security concerns.”⁵⁰ The wording in a set of internal Bundeswehr publications from 1991 gives one indication of the broad scope of discretionary powers at MAD’s disposal. As anyone interested in soldiers or the Bundeswehr could read in *Heer, Luftwaffe* and *Blaue Jungs*, “What is decisive in any case is that it might be possible – not that it actually is the case. The same applies for security clearances being downgraded or revoked in the event of ‘security concerns’.”⁵¹ “Many gays are even understanding of this. But this makes somebody who has intercourse with prostitutes just as ‘susceptible to blackmail’ in their eyes [...] as someone who is a known right-extremist or drinker.”⁵²

In 1983, the 1st Military Service Senate at the Federal Administrative Court ruled that denying security clearances was warranted in the event of same-sex activity which held relevance under criminal law, due to the associated potential for compromise. The judges left it “explicitly” open, however, as to whether a same-sex disposition in and of itself was sufficient grounds for rejection.⁵³

Every internal BMVg paper that has been preserved echoes this position verbatim, as with the 1986 G1 memo draft seeking to regulate all matters pertaining to homosexuality. “Homosexuality is not generally regarded in the Bundeswehr as a

46 Federal Constitutional Court, BVerfG, ruling on 15 December 1983, Az. 1 BvR 209, 269, 362, 420, 440, 484/83.

47 BMVg, Security Information Officer; Org 6, to Captain P., 4 October 1985. The author owns a copy of the document.

48 BArch, BW 2/31224: Federal Ministry of the Interior; Section O I 4, 6 December 1988, draft response to the major inquiry from Deputy Ms. Oesterle-Schwerin, Bundestag printed material 11/2586, annex.

49 BArch, BW 1/546375: BMVg Org 6, 14 November 1991.

50 Ibid.

51 Haubrich, “Schwul und beim Bund?!”

52 Ibid.

53 BVerwG, 1st Military Service Senate, ruling on 12 January 1983; see also BArch, BW 1/502107: Report from Doctor of Law Armin Steinkamm, Bundeswehr University Munich, 25 January 2000, here p. 2. See the following for a detailed account of the military service senate’s ruling.

security risk. It is not an abnormal tendency in the sexual realm that is viewed as a security risk, but rather sexual behavior that can lead to blackmail. A finding to this effect is only permissible after review and assessment on an individual basis.”⁵⁴ An initial draft composed by the same department three months previously had envisioned much more detailed regulations:

Deciding whether a risk to military security is present in the soldier’s person must be made by the Bundeswehr authorities appointed for this purpose, taking into account and with appreciation for the specific military concerns involved. Yet the decision by the responsible military post as to whether or not a soldier represents a security risk must not be unreasonable or arbitrary in its effects on the rights of the person concerned; it must always be based on the individual case, and not the result of improper generalization.⁵⁵

The planned G1 memo was never adopted, either in its long or short form. There was little point anyway where assessing security risks were concerned, as it was the regulations under ZDv 2/30 and departmental guidelines for security reviews that were decisive.

2. Security Reviews in Practice

We owe an unusual and rare glimpse behind the scenes of MAD security screenings to a first lieutenant’s legal complaint after his security clearance was denied in 1977. Two years prior, both the lieutenant’s level 1 and 2 security clearances had been revoked when “it was discovered in the course of investigations against civilians that the claimant had carried on homosexual relations, including with minors.”

The lieutenant now applied to have both security clearances reinstated, a motion that was turned down by the Bundeswehr Security Office (Amt für Sicherheit der Bundeswehr, ASBw). The petitioner appealed this decision in writing as well, which was in turn rejected by the Bundeswehr deputy chief of defense. In the appeal, the lieutenant argued that he was wrongly being seen as a security risk.

⁵⁴ BArch, BW 2/31225: BMVg, Füs I 4 to the minister via the parliamentary state secretary, 22 October 1986, annex. Identical to BArch, BW 2/31224: BMVg, Füs I 4, July 1986. The formulation followed the wording of a suggestion by the BMVg’s head of information security. BArch, BW 1/378197: BMVg Org – Security Information Officer, 18 June 1986.

⁵⁵ BArch, BW 2/31224: BMVg, Füs I 4, July 1986, adopted again in BW 1/378197: BMVg Org – Security Information Officer, 18 June 1986.

His homophobic tendencies are known, which removes his susceptibility to blackmail. He has had no homophobic contact for over two years now, nor does he intend to resume. He takes his career as a soldier seriously and wishes to continue it. Potential blackmail attempts could be deflected by immediately reporting any grooming attempts to the responsible authorities.⁵⁶

The BMVg also rejected his appeal, on the grounds that the claimant “continued to represent a security risk.”

The claimant’s statement that he has not had any homosexual contact for two years is of no decisive importance because the tendency in question continues to exist. The fact that this tendency is known about within the official sphere may diminish the possibility of compromise, but does not preclude it.⁵⁷

The lieutenant applied for a decision at the Federal Administrative Court, and it is this circumstance that research has to thank today for the fact that the proceedings can be accessed like any other administrative court decision. The first lieutenant opened his argument before the court by arguing it was “incorrect that an abnormal tendency in the sexual realm was present in his case.” He could not accept such an “assessment by non-experts.” Reports obtained previously from Bundeswehr neurologists and psychiatrists had already confirmed his ability to serve as an officer.

He had never brought his tendency with him into the official line of duty. It was a private matter; it did not affect the interests of the Bundeswehr. He would be able to deflect any attempts at grooming or compromise by an intelligence agency with composure. He will report any attempts at grooming.⁵⁸

In its response, the BMVg insisted that the claimant continued to pose a security risk.

The deficit in trusting and comradely contact that necessarily results from a homosexual tendency leads to officers with such a tendency being forced into circles that stand at a distance from the Bundeswehr. Such officers are not shown the requisite trust by their comrades. It

56 Plaintiff’s grounds for complaint from 18 August 1978, cited in: BVerwG, 2 WB 60/79: Federal Administrative Court, 1st Military Service Senate, ruling on 12 January 1983, found on www.jurion.de.

57 BMVg notice of rejection from 6 October 1978, cited in: BVerwG, 2 WB 60/79: Federal Administrative Court, 1st Military Service Senate, ruling on 12 January 1983.

58 BVerwG, 2 WB 60/79: Federal Administrative Court, 1st Military Service Senate, ruling on 12 January 1983.

would be seen as inappropriate if these officers were granted security clearances like everyone else and given access to classified material.⁵⁹

In plain language, the BMVg's position amounted to nothing less than assessing even openly gay soldiers as a security risk. The previous mantra about the risk of blackmail was not applied, as it was not an issue for gays who were open about their orientation. Instead, in the Federal Administrative Court the BMVg now declared all homosexual officers outsiders, unworthy as it were of being put on the same tier as others – i.e. soldiers with “normal sexuality” – when it came to matters of security. As much as this line of reasoning reveals, it does not show up in other publicly accessible sources.

The judges at the court broke through the back-and-forth in unorthodox fashion, looking to set the matter back on factual grounds by instructing MAD and the ASBw to conduct a new security check on the lieutenant, obviously without informing him before. MAD opened an investigation into the gay scene in a nearby city, and found what it was looking for: The first lieutenant was contacting “hustlers he would seek out in local bars and other hangouts,” potentially including minors. His “extensive sexual activity” (“nearly every night”) made it likely that “the hustlers and a wide swath of the scene were aware of his affiliation with the Bundeswehr and of his status as a career officer.”⁶⁰

Based on these discoveries, in 1982 the ASBw decided that the lieutenant's security clearances still could not be reissued. This was a clear win on points for MAD, as the officer had stated repeatedly in his appeals that he had refrained from all homosexual activity since 1976, and broken off with all previous contacts.

At least on the surface, the lieutenant did not give any impression of being swayed by the results of the MAD investigation, and attempted to regain the argumentative high ground.

2. The affirmation that my behavior is supposed to pose a heightened security risk must be categorically denied, as infiltration of homosexual circles by [male] agents of enemy intelligence services is conducted on a much smaller scale than is the case with female agents. How is it that an unmarried man (heterosexual) [who frequently exchanges partners] is not classified as just as great a security risk by the ASBw and BMVg?
3. Nor can susceptibility to blackmail be spoken of in this case, as my tendencies are already known about at the responsible Bundeswehr authorities [...]
- 6.b) [...] How does one justify having a perpetual security risk, since I would hardly be able to change or cast aside my homosexual disposition by the end of my service?⁶¹

⁵⁹ Written statement from the BMVg from 15 March 1979, *ibid.*

⁶⁰ ASBw decision from 16 July 1982, *ibid.*

⁶¹ Written statement from the plaintiff on 30 August 1982, *ibid.*

The lieutenant then brought the career and assignment disadvantages threatening soldiers known to be homosexual to bear on his argument, tying them to his own unalterable homosexual orientation and thus the unalterable fact of a continued security risk. He closed by citing Articles 1 and 3 of the Basic Law: “7. I feel discriminated against in all of this. I feel my human dignity has been violated (Art. 1 GG) and that Article 3 of the Basic Law has not been observed.”⁶²

The administrative court judges did not find the lieutenant’s arguments persuasive. His petition was unfounded; the claimant was not entitled to receive a security clearance. As they explained,

deciding whether a risk to military security is present in the soldier’s person must be made by the Bundeswehr authorities appointed for this purpose, taking into account and with appreciation for the specific military concerns involved. As with all questions of fitness, they are limited legally as to the scope their review can take [...] It can be left aside in the present case whether or not the claimant’s homosexual disposition constitutes an abnormal tendency in the sense determined by letter b. [of ZDv 2/30 Annex C 1 No. 3], and must therefore be considered a security risk from the outset. The claimant has not been able to contest the fact in any case that his shifting sexual contacts have included men under the age of eighteen, and thus that he has made himself liable to prosecution under §175 (1) of the Criminal Code (letter i.). This leaves him considerably more vulnerable to compromise than a man engaged in homosexual practices that are not punishable by law. In the case of unstable personalities or highly unfavorable circumstances, even the threat of criminal proceedings based on criminal forms of sexual behavior can, when seen objectively, provide opposing services with a point of departure. It is not objectionable if the risk the claimant poses is not dispelled in the eyes of the ASBw and BMVg by the claimant’s declaration that he would immediately report any such attempts by enemy services. For one thing, given the right circumstances such contacts may only become recognizable to the claimant once entrapment has already occurred, or the claimant may find himself in a psychological state that does not (or does not any longer) permit him to behave in the way imagined at present.⁶³

In concluding, the judges stressed that “the claimant is not unreasonably or arbitrarily affected by having his security clearances denied. The negative decision is based on objective conditions and does not constitute a targeted discrimination against the claimant and his disposition.”⁶⁴

As a part of the expanded screenings required for level 3 security clearance, MAD would question personal references of the person under review. Former MAD employees recall that sexual orientation and tendencies were routinely asked after in connection with the candidate’s private life, always with the aim of identifying

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

potentially compromising material, i.e. weak points that other intelligence services might use to then try to initiate contact with or blackmail the person. By no means did this have to entail homosexuality; it might also include womanizing, visiting swinger's clubs with a spouse, etc. While no references were interviewed in the simplified procedures for level 1 and 2 security clearances, if the candidate's homosexuality came out in conversation with MAD, either from the person themselves or by other means, MAD would as a matter of routine again screen for potential "kompromat" (evidence or knowledge that was fit to compromise a person when divulged to third parties). The service saw this as a possibility in cases where the candidate was not "out" in private. MAD interviewers from the era recall it as usually being enough for the service to rule out the possibility of blackmail if the soldier was open in private about his homosexuality, even if they were not in the official realms.

Other eyewitness confirm that MAD actively investigated soldiers whose alleged homosexuality had become "conspicuous." In the second half of the 1970s one company head, a captain in Albersdorf's ABC Defense Battalion 610 not yet out at the time, recalls asking a MAD employee how the office actually handled cases of homosexuality after the latter had sought him out on another topic. Evidently on the basis of this question alone, two MAD employees later called on the S2 officer in the Albersdorf battalion, asking for information about the captain and his private life.⁶⁵ After the captain's homosexuality became public knowledge by 1979 at the latest, the G2 staff officer responsible for matters of security in the 6th Mechanized Infantry Division heading the battalion went to the battalion commander and recommended the captain's security clearance be revoked. The commander turned down the recommendation and informed the captain of the G2's request.⁶⁶

A master sergeant who was himself relatively open about his homosexuality during his time in service recalled that a sergeant in his company, himself homosexual, had once identified himself as an (alleged) MAD informant and attempted to sound him out about a captain in another post who was reportedly gay.⁶⁷ An isolated incident?

The notion that homosexuals were susceptible to blackmail as such was not completely unfounded, as a look back into the not-so-distant past reveals. In a

⁶⁵ Interview with Michael Lindner, Hamburg, on 7 and 14 February 2017. The facts of the matter were confirmed over the phone on 20 April 2017 by the S2 officer at the time.

⁶⁶ The conversation between the G2 officer and the battalion commander evidently took place on 25 February 1980. Interview with Michael Lindner, Hamburg, on 7 and 14 February 2017.

⁶⁷ Interview with S., Freiburg, 21 June 2017. The alleged MAD informant expressly denied having done so to the author.

series of 1922–23 articles on the history of the gay movement, Magnus Hirschfeld presents an unsparing account of blackmail in a chapter on the topic:

Just one generation ago, nearly every urning [an expression Hirschfeld used for homosexual men] had his blackmailer, attached to him like the parasite that lives in and from a living creature. Like a mortal threat, the confidant of a weak moment accompanied the urning throughout his life. There were well-to-do homosexuals who included a substantial line item in their yearly budgets from the outset under the name “blackmail expenses,” albeit usually under a different title. Much more revealing is the fact that when the Berlin office of criminal investigations was divided into different departments, the blackmail squad was merged with the homosexual squad to form a single unit, a connection that continues into the present day and has proven highly practical.⁶⁸

Hirschfeld did not fail to identify the root cause of the extortionism, which was society’s rejection of homosexuality, and in particular its criminal prosecution. The author quoted the former head of the blackmail and homosexual department at Berlin criminal investigations in this regard, who found that “what set Paragraph [175] apart from all the others was really that it was only of value to the extortionist.”⁶⁹ Throughout the Federal Republic of the 1950s and 1960s the situation remained the same; a former police officer sentenced to death for homosexuality prior to 1945 who barely survived the war in the Neuengamme concentration camp recalled that in 1946 a former lover tried to blackmail him. “It was loathsome [...] thank God I held out.”⁷⁰

Codifying homosexuals as a threat to security was perceived in the media of the day as coinciding with a broad social consensus. “Whenever murder, manslaughter, blackmail or betrayal of one’s country is reported on in connection with homosexuality [...] the majority sees its own views confirmed,” *Der Spiegel* found in 1969.⁷¹

MAD also became involved in a case described previously, where by an unhappy twist of fate a man was transferred into the company led by his partner, a captain.⁷² After the two were identified as gay by East German security when crossing the border into West Berlin, the captain had reported the incident to MAD so as to forestall any possibility of compromise by enemy intelligence. Since his partner was not yet a soldier at the time, the officer did not see any potential risks for his professional future. Yet as the officer would later find out, after evaluating his report MAD had reported his relationship with a direct subordinate to the division,

⁶⁸ Hirschfeld, *Von einst bis jetzt*, 23.

⁶⁹ *Ibid.*, 29.

⁷⁰ Interview with Hans G. in Stümke and Finkler, *Rosa Winkel, Rosa Listen*, 301–6, here 306.

⁷¹ “Späte Milde,” 58.

⁷² See chapter 4, section 4.e.

with the consequences that ensued.⁷³ By August 1981, three days before division ordered the captain to be removed immediately as company head and provisionally removed from service, MAD revoked his level 1 and 2 security clearances. At the time, ASBw justified the measures with “security concerns as defined in Annex C 1 to ZDv 2/30.”⁷⁴

After acquittal in the second instance by the 1st Military Service Senate, the captain reentered service in June 1982, albeit no longer in his old company but on brigade staff. This was followed by his assignment to the G3 department at division staff, which among other things is responsible for planning exercises and maneuvers. Yet he continued to be denied access to documents classified as confidential or secret throughout, an obstacle that MAD justified on account of his homosexuality. The armored brigade had already petitioned military counterintelligence in June 1982 for the captain to receive a supplemental review with the express aim of reinstating his level 1 security clearance. This lowest level of clearance entitles the holder access to documents categorized as “classified material-confidential” and is practically indispensable for work in the G3 department. The ASBw initially rejected the application, though in April 1983 it decided to reinstate the captain’s level 1 clearance after all. In the meantime the captain had decided to go higher up the chain and seek a level 2 clearance from the deputy chief of defense, an appeal that was rejected in October 1983. The BMVg turned down a further appeal in August 1984, at which point the captain sought a decision before the Federal Administrative Court.

In court the officer argued he had already furnished proof of his sense of responsibility in 1980 by immediately reporting the incident on the GDR border, and therefore would not represent a “potential target for enemy intelligence services” in the future. By having his level 2 security clearance withheld, a career soldier “is practically excluded from further promotion”; “such a drastic measure” was “unwarranted” in his case.⁷⁵

The BMVg shored up its own line of argumentation with reference to the regulations stipulated under ZDv 2/30, which cited an “abnormal tendency in the sexual realm” as a heightened security risk in Annex C 1 No. 3 b. This threshold expressly did not “require any sexual pathological disturbance, [but rather] any form of homosexual activity was sufficient, as a mode of sexual conduct that deviates

⁷³ Ibid.

⁷⁴ ASBw, 4 August 1981, cited in: BArch, BW 2/31224 as well as BW 2/31225: Ruling at BVerwG, 1st Military Service Senate, Az 1 WB 152/84 on 11 April 1985.

⁷⁵ Plaintiff’s statement, cited in BArch, BW 2/31224: Ruling at BVerwG, 1st Military Service Senate, Az 1 WB 152/84 from 11 April 1985.

from the practices and opinions of the majority.”⁷⁶ “As a general rule,” the soldier had a special interest in keeping circumstances secret which might result in his being compromised “due to the feared drawbacks if [those circumstances] became known.”⁷⁷ With this, the BMVg’s legal staff had laid its finger on the great dilemma facing homosexual soldiers – leaving aside, of course, the notion of resolving it by prompting a change in those “feared drawbacks.” Instead, the jurists concentrated on whether or not the claimant’s sexuality continued to pose a security risk, leading in the end to a legal battle over the formulations included in a specially commissioned medical report by a Bundeswehr psychiatrist regarding the captain’s sexuality and their interpretation. The lawyers from Hardthöhe also did not accept the captain’s argument that he had demonstrated a sense of responsibility in reporting to MAD. On the contrary, the captain had initially tried to conceal his homosexual relationship, stating that his partner was in fact a family relation. The claimant also continued to “deny” an “abnormal tendency in the sexual realm as defined in ZDv 2/30 Annex C 1 Sentence 1 in connection with No. 3 b.”⁷⁸ What was more, the BMVg saw an “increased risk” in the GDR authorities now knowing about the captain’s orientation.

The 1st Military Service Senate ruled that the captain’s motion was admissible but unfounded. The petitioner was not “entitled” to a security clearance. The judges turned to the broader context in their decision by citing the defense mandate enshrined in the constitution, much as they had when ordering the transfer of soldiers identified as homosexual or declaring them no longer fit for service. “Fulfilling the defense mandate can only be safeguarded by granting access to classified information exclusively to soldiers for whom no type of security concerns exist. The resulting need to review [...] for security concerns is taken as a precautionary measure [...] Security concerns arise whenever the soldier in question is viewed as a potential target of foreign services.”⁷⁹

At present it could be “left aside whether or not the claimant’s homosexual disposition constitutes an abnormal tendency as defined by letter b. [under ZDv 2/30 Annex C 1 No. 3], and must therefore be considered a security risk from the outset.” The ASBw and BMVg’s shared assumption of the claimant posing a security risk was not legal grounds for objection, nor was their refusal to consider those concerns allayed by a soldier stating that he would immediately report any relevant attempts

⁷⁶ BArch, BW 2/31224: Response to the motion by the BMVg.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ BArch, BW 2/31224: Ruling at BVerwG, 1st Military Service Senate, Az 1 WB 152/84 on 11 April 1985.

by enemy services. “Under the right circumstances, such contacts may only become recognizable to the claimant once entrapment has already occurred, or the claimant may find himself in a psychological state that does not (or does not any longer) permit him to behave in the way imagined at present.”⁸⁰

The judges found no “legal error” in the captain’s being denied a level 2 security clearance, as he would not be “unreasonably or arbitrarily affected.” The decision was based on “objective conditions,” and did not constitute “targeted discrimination against the claimant and his disposition.”⁸¹

The judges provided a detailed litany of rationales taken from military service senate rulings on disciplinary issues and personnel measures against homosexual soldiers (drawing in particular from the ruling on 25 October 1979, which has already been analyzed elsewhere).⁸² They then went on to clarify that whether or not a soldier committed a breach of duty by pursuing homosexual activity outside of service should be kept separate from whether a security risk was present or not.

Up into the present day, the prevailing negative view of homosexuality in the Bundeswehr has hardly changed. This explains why a homosexually inclined soldier will generally make an effort not to reveal himself as such. If his disposition does become known about at his assigned post, he will be forced to reckon with the difficulties laid out in greater detail in the ruling of 25 October 1979. And it is precisely here where the risk of blackmail sets in. It is not simply potential or actual sexual partners, not simply his subordinates who are liable to pose a threat, but anyone who is aware of his disposition – and not only for those of particularly frail constitution. If [the blackmailer] reveals what he knows, it often entails highly consequential, at times existential problems for the person concerned. Susceptibility to blackmail can provide enemy intelligence services with a point of departure [...] The Senate does not thereby overlook the possibility of cases in the Bundeswehr for which a substantially lower risk of blackmail exists because the homosexual soldier has consciously and emphatically admitted to his disposition.⁸³

The explicit mention of the October 1979 ruling in this instance is noteworthy. In the ruling the judges had based their decision against a lieutenant on the significant reservations that continued to exist among the citizenry, and thus among soldiers, despite homosexuality’s decriminalization. By this logic, actual or anticipated rejec-

⁸⁰ Ibid. Nearly identical in wording to a previous ruling from the 1st Military Service Senate on 12 January 1983, BVerwG, 2 WB 60/79.

⁸¹ BArch, BW 2/31224: Ruling at BVerwG, 1st Military Service Senate, Az 1 WB 152/84 on 11 April 1985.

⁸² Ruling at BVerwG, 1 WB 113/78, on 25 October 1978, see chapter 4, section 2.

⁸³ BArch, BW 2/31224: Ruling at BVerwG, 1st Military Service Senate, Az 1 WB 152/84 on 11 April 1985.

tion from one's fellow soldiers became yet another reason to hide one's true orientation, in addition to the stance of the service.

The same reservations that had justified personnel measures against the lieutenant as a gay superior now served to block the captain's security clearance. What the military service senate effectively put in writing in 1985 was that a virtually impenetrable thicket of restrictions existed for homosexual superiors: The manifold sanctions threatened by the Bundeswehr, paired with the reservations and rejection they would receive from fellow soldiers, made it necessary for soldiers to conceal and deny their sexuality. Yet doing so left them potentially subject to blackmail, and thus a security risk in the eyes of MAD.

To return to the case at hand, however: It was not until 1989, or four years later, that a report from the head doctor of a Bundeswehr hospital reopened the door to the captain receiving a security clearance. The doctor, who in 1994 went on to become the famously resolute first female Surgeon General of the Bundeswehr, emphasized in her assessment that homosexuality did not harbor any potential for blackmail when lived out in the open, and thus did not pose a security risk. MAD ultimately used this to grant the captain access to documents classified as secret.⁸⁴

In 1986 Military Service Court North in Kiel had to rule on a captain's motion to protest the revocation of his access to "top secret" classified material. The court found the captain's commander had made an error in judgement, laying out their rationale in unusually clear terms that bear repeating at length:

An error in judgement should be assumed for cases where a measure [...] leads to a serious violation of the constitutional prohibition on excessiveness [the principle of proportionality]. In this case the commander has justified [...] his decision exclusively on the grounds that the claimant is homosexually inclined. He possessed no other sort of [...] knowledge that this meant a security risk was present. The opposite was the case. The claimant had made his disposition known to his superior. With the revelation, he has eliminated discernable points of departure for a conceivable blackmail threat impacting the security of the Bundeswehr [...] Moreover, the measure brought about a considerable intrusion into the legal sphere of the petitioner without the existence of a reason material to security concerns. Admittedly it is not the mission of the Bundeswehr to settle social tensions and development within its domain [...] However this cannot lead to a situation in which unreasonable intrusions are tolerated in order to fulfill the defense mandate, especially when there is no identifiable security risk. Reducing authorization from "top secret" to "secret" on the sole grounds that the petitioner is a homosexual without any further findings touching on security constitutes a serious intrusion on a person's identity and a soldier's career in the service. It must therefore be concluded that the measure reached by the commander [...] was an error in judgement.⁸⁵

⁸⁴ Interview with Ret. Lieutenant Colonel N., 20 July 2018.

⁸⁵ BArch, BW 2/31224: Military Service Court North, 12th Division, ruling, Az N 12 BL a 3/86 on 16 December 1986. A copy is available in BArch, BW 1/531591.

The claimant in this case was a captain and career soldier who had been assigned a sensitive post as the head of a communications center. In October 1985 he had informed the personnel department at the BMVg that he had homosexual tendencies “through official channels,” i.e. via his direct superior the regiment commander, and requested a career prognosis. That November the regiment commander filed for MAD to revoke the captain’s level 2 security clearance, at the same time reducing the captain’s access from “top secret” to “secret” by his own decree.⁸⁶

In December 1985 the captain was dispatched to the other side of Germany to serve in a higher-ranking position on staff headquarters, then transferred in March 1986 to a post at a higher learning institute. The captain filed a complaint “about his superiors’ discriminatory behavior once they had found out about his homosexual disposition,” referring specifically to comments made by his regiment commander during his personnel interview.

To his mind, sexuality had been intended by nature to guarantee the preservation of the species. As such, men and women belonged together – not least before God. Everything else was at the most a cultural phenomenon and thus “unnatural.” What was more, sexuality in general and homosexuality in particular was a purely private matter for him, not something you could take out in public.⁸⁷

In the end the colonel had ruled out the possibility of assigning the claimant any further positions on site, because his homosexuality was common knowledge and the “talk of the town.” He, the colonel, “had a regiment to lead and had to heed public opinion.”⁸⁸

As quoted at length above, the military service court in Kiel actually upheld the petitioner’s complaint, ruling his commander’s decision to reduce the captain’s authorization from “top secret” to “secret” unlawful. This addressed just one of many objections, however – the captain’s petition also sought decisions regarding his dismissal as commander of the communications center, as well as his subsequent commandeering and transfer. The court referred the case to the military service senate at the Federal Administrative Court, citing its own range of jurisdiction. For

⁸⁶ Authorization to view “top secret” material is equivalent to a level 3 security clearance. It remains unclear why the captain evidently only had a level 2 clearance but was still authorized as “top secret.” It is possible that he had been granted temporary authorization in the course of his review to qualify for level 3.

⁸⁷ Complaint from the Captain to Air Force Operation Command on 8 November 1985, cited in BArch, BW 2/31224: Military Service Court North, 12th Division, ruling, Az N 12 BL a 3/86 on 16 December 1986. A copy is available in BW 1/531591.

⁸⁸ Ibid.

its part, the service senate found the complaint brought against the commander's request for MAD to revoke the captain's level 2 security clearance inadmissible; such a petition would be justified "under certain circumstances" only if the security clearance had in fact been revoked. The court similarly found the complaint leveled against the commander's comments during the personnel interview to be inadmissible, regarding them not as service related "but a private opinion uttered in an official context. This sort of private opinion may well be [...] subject to complaint from the standpoint of §12 SG. It cannot, however, be challenged in the context of court proceedings initiated upon petition."⁸⁹

It had all started out with a conversation between the captain and a MAD officer in May 1985 about the "highly disagreeable 'Kießling affair'," as the captain recalled. When the captain asked the MAD man's take on homosexuals in the Bundeswehr, the latter had responded that "people like that were unacceptable in a male society like the Bundeswehr, especially as officers."⁹⁰ He, the captain, had been "truly taken aback by the extremely discriminatory position toward homosexuals." When he followed up by asking "whether [the MAD officer] would want to universally dismiss all homosexuals from the Bundeswehr provided he was able to find them," the captain remembered the officer's "Yes." Horrified and incensed about what he had heard, the captain decided to write directly to Defense Minister Wörner: "I am asking you whether you endorse the MAD officer's statements."⁹¹ The captain went on to detail the constraints homosexual soldiers came up against, albeit without revealing that he was himself gay.

Regarding susceptibility to blackmail and the associated security risks, it is certainly interesting to reflect for a moment as to why many homosexuals do not seek to make their tendencies public. As a general rule it is the fear of professional, and thus social consequences. Is not it up to you as the highest ranking authority to lead by setting a good example and nip any possible forms of discrimination under your jurisdiction in the bud?⁹²

The ministry's answer came in early October. The BMVg's security officer rehashed the ministry's well-known positions on homosexuals in positions of authority in painstaking detail. At the center of his own field of responsibility, the officer wrote to the captain, the decision about "whether a military security risk lay in the person

89 BArch, BW 2/31224, Military Service Court North, 12th Division, Ruling, 12 Az N 12 BL a 3/86 on 16 December 1986. A copy is available in BW 1/531591.

90 Letter from Captain P. to the minister of defense on 15 May 1985. The author holds possession of a copy.

91 Ibid.

92 Ibid.

of the soldier had to be made under consideration and in appreciation of specific military interests.” In doing so, those responsible were “legally limited as to the scope their review can take.” The decision should “be neither unreasonable nor arbitrary in its effects on the rights of the person in question,” “always based on the individual case” and “not the result of improper generalization.” In his response, the security officer repeated word for word the position taken by the BMVg and the administrative courts so oft before.⁹³

“MAD cannot leave off gay hunt” blared a *taz* headline from May 1988 in large letters, followed by the teaser: “Gay sergeant in the Bundeswehr forcibly transferred for the second time / Security officer believes homosexuality makes one susceptible to blackmail and becomes a security risk, even if openly admitted.”⁹⁴ Using the officer’s real name, the piece recounted the case of a sergeant at an air force communications center who had his clearance “for the strictest secrecy level 2” revoked in August 1986 and was subsequently transferred to another post “where there was apparently less to hide.” According to *taz*, he was given the reason that “in keeping with the sexual conduct determined, [he could not] warrant that he would handle the contents of classified information [...] in accordance with the regulations on maintaining secrecy.”⁹⁵ Nor could the possibility of blackmail be ruled out, even though the sergeant had long since made his homosexuality known.

The sergeant himself took quite a different view of the matter. He sought protection against his transfer from the Federal Administrative Court, only to be denied. The court ruled that provided there was an official need, a superior could decide about a soldier’s transfer at will. The plaintiff’s transfer was neither disproportionate nor did it constitute an error in judgement.⁹⁶ The sergeant also filed a motion against his security clearance being revoked at Military Service Court South in Karlsruhe; this time he was vindicated.⁹⁷ His clearance was reinstated, or as *taz* put it, “the soldier again gained access to overheard radio conversations from the East.”⁹⁸ Still,

93 BMVg, Security Information Officer, Org 6 to Captain P., 4 October 1985. The author holds possession of a copy.

94 Thomas, “MAD kann Schwulen-Hatz nicht lassen.” A copy is available in BArch, BW 2/31224.

95 Ibid.

96 BVerwG, 1st Military Service Senate, Az 1 WB 11/87, 18 March 1987. A copy is available in BArch, BW 1/531591.

97 Military Service Court South, 4th Division, Az S 4-BLa 1/87, ruling on 27 August 1987. A copy is available in BArch, BW 1/546375 und BW 2/31224.

98 Thomas, “MAD kann Schwulen-Hatz nicht lassen.”

the notion that a gay man should still have access to secret classified material evidently vexed the security officer at Hardthöhe so greatly that in February – scarcely six months after the ruling in Karlsruhe – [...] he gave orders for the game to begin all over again. Once again, the twenty-five-year-old had the magic slip of paper taken away from him [...] Inquiries by MAD had brought to light that “in addition to a long-term partnership [the soldier] had sought out a number of different short-term relationships in Trier’s gay scene.” The whole world knew about [X.]’s homosexuality, leading Hardthöhe to the conviction that he was liable to blackmail and a security risk – and all because he wanted to protect his partner. “The claimant is willing to refrain from anything that might detract from his partner’s professional development or further knowledge of their partnership – and acts accordingly.”⁹⁹

Several days after the piece came out Südwestfunk radio picked up the story, broadcasting a detailed report on its popular SWF 3 program along the lines of the *taz* article and including an interview with the staff sergeant.¹⁰⁰ Multiple sections within the BMVg kept after the media trail, maintaining a fastidious archive. Unfortunately, ministry documents do not reveal the outcome of the renewed efforts to revoke the sergeant’s security clearance, though they do show the military service court verdict mentioned in *taz*. The newspaper had told the story in hyperbolic but accurate fashion: The court ruled that taking away the captain’s security clearance, and thus his access to classified material, was unlawful and the decision should be repealed. The judges failed to see any blackmail potential or security risks in the sergeant, who was open about his homosexuality.¹⁰¹ The ruling left the chief of the air force unable to reject the sergeant’s motion against his transfer, and had to reverse the decision.¹⁰²

MAD showed greater caution and restraint on other occasions, as with one case which can only be sketched here due to the involved parties’ privacy rights. In September 1981, MAD received confidential information from a criminal investigations department that a high-ranking staff officer was sexually involved with a young male prostitute. Right around the same time, a separate MAD office received a similar, but much more highly-charged account of the goings-on from the officer’s wife. When MAD confronted the officer, he denied having homosexual tendencies in general, and his wife’s reproaches in particular.¹⁰³ Given the serious nature of

99 Ibid.

100 Broadcast on SWF 3 at 8:40 am (broadcast script in BArch, BW 1/546375 and BW 2/31224).

101 Military Service Court South, 4th Division, Az S 4-BLa 1/87, decided 27 August 1987. A copy is available in BArch, BW 1/546375 and BW 2/31224.

102 BMVg, Chief of the Air Force, 20 November 1987. Copies are available in BArch, BW 1/546375 and BW 2/31224.

103 BArch, N 724/42: MAD office, 5 December 1984. A former high-ranking MAD officer confirmed the facts of the case in an email to the author on 15 January 2017.

the accusations, which went straight to the heart of family life, the state prosecutor brought charges against the officer in the first half of 1982, with the BMVg initiating parallel disciplinary proceedings on the same matter. Later that year, local court halted proceedings against a large fine.¹⁰⁴ The disciplinary action was brought to an end in early 1983 at the behest of the deputy chief of defense “despite continuing suspicions,” when “a serious loss in [the staff officer’s] respectability and trustworthiness could not be established with final certainty.”¹⁰⁵ As a result, MAD decided that the officer did not represent a security risk, that no vulnerable points existed where enemy intelligence might make an approach, and that the staff officer should continue to receive access to top secret documents.

In 1984, MAD again received information alleging the staff officer’s homosexuality. The office found that repealing a security clearance required evidence with a “likelihood verging on certainty.” “To this extent suppositions are not sufficient.”¹⁰⁶ Any further investigation of the officer would have to be conducted “applying means of intelligence,” yet those were impossible out of legal considerations. What was more, the officer under scrutiny had not drawn any attention for homosexual tendencies throughout his entire military career. In weighing the matter, the service came to the decision that the state of the investigation at present did not justify declaring the presence of a security risk, and the officer again retained his security clearance.¹⁰⁷ In this case MAD acted according to the Latin legal principle *in dubio pro reo* (“when in doubt, for the accused”). It is possible that the high rank of the officer entered the calculus here, as did the ripple effects of the General Kießling affair, which lay only a few months in the past. Multiple former MAD employees interviewed for this study concurred that the service “burned its finger” on the Kießling affair and afterwards would only handle the subject of homosexuality “with kid gloves” or – if it was “in any way defensible” – not at all.

Numerous homosexual soldiers interviewed for this study corroborated this version when asked whether they ran into trouble with MAD. Of those who replied in the affirmative, some faced considerable difficulties and disadvantages in the service (see the case studies later in this chapter). Erich Schmid – introduced last chapter in the context of his removal from command of a platoon after writing a letter to the defense minister and the chief of defense on BASS letterhead – reported

¹⁰⁴ Nolle prosequi from local court, mentioned in BVerwG, 21 WB 73/83: Federal Administrative Court, 1st Military Service Senate, ruling on 29 May 1984.

¹⁰⁵ Nolle prosequi for disciplinary proceedings, cited in BVerwG, 21 WB 73/83: Federal Administrative Court, 1st Military Service Senate, decided 29 May 1984.

¹⁰⁶ BArch, N 724/42: MAD office, 5 December 1984.

¹⁰⁷ Ibid.

that MAD had also been active during his dispute with the BMVg and the personnel office. For a short while between May and August 1998, MAD had “observed” his residential surroundings and leisure activities on multiple weekends, posing questions to neighbors on multiple occasions. The public presence of BASS in the weeks surrounding Christopher Street Day in Berlin, Cologne, Munich and Hamburg, as well as the group’s member meetings, similarly drew MAD’s attention.¹⁰⁸ (It should be noted that the author was not able to verify these memories, which were not part of a routine security review but linked to a dispute between the first lieutenant, BASS and the BMVg that was partially carried out in public.)

Yet the vast majority of those interviewed did not recall any problems with MAD, some simply because they lacked a steady partner and did not have to list one in the forms and thus “out” themselves, others because they only underwent security reviews after 2000. One lieutenant colonel thus recalled that he had not been required to list a life partner because he did not have one, although MAD had not asked about his sexual orientation, either.¹⁰⁹ A former master sergeant recalled he had not had to apply for a level 2 security clearance until 2000, after the service had changed its position on homosexuality. When a MAD employee did come to speak with him, the sergeant recalled he had cheekily asked whether MAD knew at least which man he was with at the moment. “Well then, you’re up to date,” the former sergeant had replied when the employee gave the right name.¹¹⁰

Many other interviewees could similarly attest to never running into difficulties with MAD on account of their homosexuality. Another former master sergeant still recalled with some surprise that the service had not made an issue of it even after he first began to list his partner during security checks in 2006, effectively allowing MAD to determine in retrospect that his earlier statements had been false (since 1991 at any rate).¹¹¹

Another eyewitness since retired as a high-ranking staff officer could not recall any issues with MAD either, even when the service discovered in 1999 that the officer did in fact live with his partner, contradicting the statements he had made during a security review. A long conversation with two men from MAD had followed in his office. The officer explained that while several people knew about it within the line of duty, he saw “no discernible reason” “to insist on making a

108 Email from Erich Schmid to the author, 5 December 2017.

109 Interview (anonymized), Berlin, 17 December 2017. Nearly identical to the recollections of Master Sergeant R. of Potsdam, 5 January 2018.

110 Interview with Ret. Master Sergeant W., 29 March 2018.

111 Interview with Ret. Master Sergeant S. of Freiburg, 21 June 2017.

private affair public.”¹¹² When asked whether he would be willing to inform his superiors and personnel manager (the MAD men had indicated the officer’s potential susceptibility to blackmail if he kept it a secret in service), the officer repeated his “basic standpoint” that he could not figure out why he should “aggressively” reveal his “normal living circumstances” or sexual orientation. He would not lie if asked of course, but he failed to see why it would be necessary to go to his superiors. In the end he agreed to inform his superiors and report back to MAD afterward. He reconsidered over the next several days, however; when he informed MAD of this, the office requested that the officer at least refill out the security statement and Annex C 11 to ZDv 2/30 and list his partner, which he did.

a.) The Principles of “Legality” and “Opportunity”

MAD received countless tips (referred to internally as “Troop Reporting Incident”), both anonymously and from soldiers’ circles of friends and acquaintances, 90–95% of which a former colonel in a lead role at MAD described as “nonsense.”¹¹³ Within the remaining 5–10% was one anonymous tip that concerned one of MAD’s own, an officer who frequently patronized a gay sauna in Cologne. The report was confirmed by on-site verification. The officer was not publicly known to be homosexual, which according to the guidelines meant a security risk. The parties reached a solution: The officer could search out a new post and line of activity, but no longer stay on at MAD. And the new post could not require any sort of security review. Working in conjunction with the Bundeswehr personnel office, the transfer went off quickly and without complications.¹¹⁴

Former mid-level MAD employees unanimously emphasized adhering strictly to the “principle of legality”: If the Security Review Act did not permit it, it did not happen. There were no “tricks” to get soldiers to confess, or even act in a way that they would not have done on their own. In short, “no smoke, no fire.”¹¹⁵ Another former MAD officer stressed that the service relied exclusively on open questions its during security reviews, never subversive methods.¹¹⁶

¹¹² Email from a retired colonel to the author on 17 December 2017, as well as a memo from 1999 from the former lieutenant colonel. Also cited in what follows.

¹¹³ Interview with Ret. Colonel Heinz Kluss, Wachtberg, 13 February 2018.

¹¹⁴ Ibid.

¹¹⁵ Interview with a captain, Potsdam, 18 January 2018.

¹¹⁶ Interview with Captain H., 12 June 2018.

Another high-ranking MAD officer since retired painted a broader picture, recalling that and that he himself had operated in a “gray zone,” with the “principle of opportunity” applying for leadership roles. Consensual arrangements were sought when possible, which included deviating from standard doctrine and regulation or “smearing ointment on the wound,” as the officer phrased it.¹¹⁷ Ultimately, the principle of opportunity meant nothing other than freedom to act within the confines of a given legal framework.

A solution MAD found for an older, high-ranking staff officer in the early 1980s gives one example of this principle in action. The officer had been arrested by police in Cologne after becoming involved in a physical altercation with a young man at the central train station; MAD was brought in after the man’s high military rank came out during police questioning. It turned out the young man had been offering sex for money as a hustler, when, as became clear in questioning, the young man was “his [i.e. the officer’s] hustler.” The two had been involved in a long-term sexual relationship, with the officer paying the young man’s flat and living expenses in exchange for his supposed “fidelity.” When the officer found his partner, who he had believed was his alone, continuing to ply his trade around the train station he flew into a rage and boxed the young man’s ears. “The swine is earning some on the side.” The threat of the incident becoming public presented a security risk for MAD; the high-ranking staff officer was married, the father of a family and leading a double life. Facing the loss of his security clearance, which would have necessarily meant the loss of his post, MAD worked with the officer to reach a joint solution.¹¹⁸ The officer would retire several years early; a decision personnel management would “arrange.”

b.) Pragmatic Solutions from 1916

Coming up with pragmatic solutions for employees whose homosexuality had come out was not specific to MAD alone; earlier sources relay a very similar instance from 1916. The recently published diary entries of Colonel Walter Nicolai, head of Department IIIb in Supreme Army Command and thus of German intelligence

¹¹⁷ Interview with Ret. Colonel Heinz Kluss, Wachtberg, 13 February 2018.

¹¹⁸ Ibid. In his history of MAD, Helmut Hammerich mentions the case of a staff officer who had “come to the attention of a special police unit within the ‘hustler scene’ around the Cologne train station” in fall 1981. MAD investigations had not uncovered “any sufficiently incriminating material” and thus been unable to determine that a security risk was present. The officer’s security clearance had not been revoked. See Hammerich, “*Stets am Feind!*” 274. It remains unclear whether this is the same case, based here on the contemporary witness’ account, although it is likely.

in World War I, provide a credible account of a practical resolution that the secret service found when an officer within its own ranks was discovered to be homosexual. Cavalry Captain Hans Freiherr von Gebsattel served on the Western Front as an intelligence officer to Wilhelm, the crown prince of Germany and Prussia. In May 1916 Colonel Nicolai received a request from the cavalry captain's personal secretary asking to be released from his post. The secretary, Reserve Captain von Heimendahl, declined to give his reasons. When the head of intelligence persisted, the captain explained that he had "become a chance witness to the fact that [the cavalry captain] was unhealthily predisposed as defined by §175." This made it "impossible to continue to serve under Cavalry Captain v.G." Colonel Nicolai decided "the opposite would occur," namely that the reserve captain would remain and it was "v.G. who would go."¹¹⁹ Removing the cavalry captain was not as simple as that, however. The matter was significantly complicated by the friendship that had sprung up in the meantime between the Crown Prince and Freiherr von Gebsattel. The Crown Prince's chief of staff, General Konstantin Schmidt von Knobelsdorff, categorically opposed the cavalry captain's removal from service, or even his post. Colonel Nicolai recorded von Knobelsdorff's reasoning in his diaries.

The Crown Prince would take it very badly if v.G. were taken from him without any reason given. Naming the reasons would mean the destruction of v.G.'s existence, which had to be avoided out of consideration for the family and especially the father, as well as the strong reaction this would elicit in both the father and the Crown Prince out of consideration of the fierce battles before Verdun. [Von Knobelsdorff told me] I should have responded to von Heimendahl by saying "Move out, you stool pigeon!" While I can understand the reasons he cites, I find this last opinion incomprehensible. When I think back to the events surrounding Prince Philipp von Eulenburg, whose removal from the emperor's side was set in motion by the Crown Prince himself, I think that my view would match his own, and that Knobelsdorff is not right to let him unknowingly bestow his friendship on someone who is unworthy [...] The first in line of responsibility is the chief of staff for the Crown Prince, however, so at the moment I cannot prevail against him.¹²⁰

From the postscript to this diary entry from 30 May 1916, it can be gleaned that Nicolai was in fact able to bring about the cavalry captain's transfer. That summer, a new post for intelligence officer opened up in Romania; neither Knobelsdorff nor the Crown Prince were involved but presented with a *fait accompli* by "cabinet decree." When an upset Knobelsdorff came calling, Nicolai informed him of his discovery in the meantime "that similar events had caused v.G. to leave military

¹¹⁹ Nicolai, *Geheimdienst und Propaganda im Ersten Weltkrieg*, 255–57. Thanks to Lieutenant Colonel Dr. Christian Stachelbeck of the ZMSBw for the reference.

¹²⁰ *Ibid.*

service before the world war.”¹²¹ Cavalry General Ludwig Freiherr von Gebsattel, the cavalry captain’s father and head of the III Bavarian Army Corps, had come to Nicolai himself previously in October 1915 and told him “his son had already caused him worry and [he] hoped that he would prove his worth.”¹²²

The captain’s transfer to far-off Romania under official pretext might have ended the matter agreeably for the captain and the Army alike without the actual reasons ever coming to the fore. Yet here the captain and the Crown Prince himself both stood in the way, making plain use of the encrypted long distance telephone channels between Romania and the Western Front to keep up personal contact, which now concerned exclusively private matters. The new intelligence officer for the Crown Prince had to encrypt and decode every message, and reported to his boss. Nicolai forbid von Gebsattel from using official telegrams for unofficial personal ends. Gebsattel complained to the new head at Supreme Army Command, Field Marshal Paul von Hindenburg, who in turn demanded an explanation from Nicolai.

“You will be sure to know why, and would I suppose be so kind as to send me an answer?” The answer was that G. [Gebsattel] had been transferred to a new position. I had no choice but to explain the decision based on what had gone on. He agreed with me and thanked me for my views and the way it was carried out, with condolences for [Gebsattel’s] father, who was a friend of his.¹²³

Ultimately, a pragmatic solution protecting all those involved had been found before it was torpedoed by the undiscerning persistence of some. As so often when high- or higher-ranking officers were involved, the “principle of opportunity” received preference over the “principle of legality,” first with von Gebsattel’s transfer to Romania, and more clearly still with Knobelsdorff’s opposition to his removal. Under the principle of legality, a captain reporting an “unhealthy disposition under §175” would necessarily have resulted in a criminal investigation.

¹²¹ Ibid., 257.

¹²² Ibid., 256.

¹²³ Ibid., 257.

c.) An “Admissible, Requisite and Imperative Measure with a Great Sense of Proportion”

The case of Lieutenant Winfried Stecher has already been considered in some detail; he was relieved of his post as platoon commander in an air force base battalion in 1998 “after military counterintelligence discovered his homosexual tendencies.”¹²⁴ This study succeeded in reconstructing the events concealed behind this terse clause. In reproducing them, the scholarly pursuit of knowledge had to be weighed against both the involved parties’ right to privacy as well as the interests of MAD.

Rumors about the lieutenant’s homosexuality had begun to circulate among the air force squadron in 1997. Eventually MAD was informed, and their investigators spoke with the squadron soldiers responsible (in a secondary capacity) for security matters, as well as the squadron chief. They agreed to report any future discoveries about the lieutenant to the service. In a later incident report, MAD assumed that it had been the conversations with the intelligence service that subsequently prompted the squadron boss to question the lieutenant about his homosexuality.

MAD concluded that its staff had taken the “measures necessary” following on from such a report “with a great sense of proportion,” thereby adhering to the Security Review Act. Consulting the lieutenant’s disciplinary superior had been “admissible, requisite and imperative” as a way of “verifying potentially security-related information with the slightest possible intrusion on the rights of the individual.” The report explicitly dismissed the need for any investigation or direct conversation with the lieutenant; the service did not see a risk of blackmail after his “confession of homosexuality” (to the squadron chief), and thus no security threat, meaning there was no need to take action.

In its statement to the Minister of Defense, the personnel department agreed with the section responsible for MAD oversight that the intelligence agency’s questions to the squadron chief had been decisive in the chief subsequently asking the lieutenant about his homosexuality. Without making any investigations of its own, MAD had limited its involvement solely to “inquiries about the state of affairs” to the squadron chief.¹²⁵

So what went awry in the lieutenant’s case? When asked about the chain of events, MAD staff who were unfamiliar with the specific instance themselves stressed that the service had acted correctly and in accordance with its own rules

¹²⁴ *Frankfurter Allgemeine Zeitung*, “Homosexueller darf nicht ausbilden.”

¹²⁵ BArch, BW 1/502107, no pagination: BMVg, PSZ III 1 to the Minister via the State Secretary, 29 November 1999.

and regulations. Bringing up any tips that came from within the ranks with the relevant disciplinary superior was standard procedure; other soldiers in the squadron were not questioned “to safeguard the interests of the involved party that warranted protection.” As a general rule the disciplinary superior, in his position of trust, was the first and only person contacted by MAD in the unit. Counterintelligence had approached the superior merely as a way of verifying sensitive personal information confidentially, and had under no circumstances done so with the aim, much less instructions, to involve the lieutenant’s personnel manager. This, however, was precisely what the squadron chief did, passing along the suspicions against his platoon head to the battalion leader. The battalion leader reported to his superior, who turned it over to the personnel office. This put an official file on the desk of the lieutenant’s personnel manager that was then treated and decided according to the prevailing ministerial orders. The BMVg’s 1984 orders certifying known homosexual officers’ lack of fitness to serve as a direct superior or instructor have been closely analyzed elsewhere in this study.¹²⁶ In his position Stecher was both, and was now transferred to a position on staff.

Former MAD employees also pointed out the limitations on using collected data stipulated in §21 of the Security Review Act. The section strictly forbade any sharing of personal living circumstances that surfaced during a security review with offices outside of MAD except for security officers at command posts and the BMVg. This, the employees stressed, would have made it unlawful for the personnel office or a commanding officer to receive information about a soldier’s homosexuality or other characteristics related to his personality, including indirect information, or to show indiscretion toward other members of the company, the battalion or at higher levels of staff. Safeguarding personal interests that warranted protection took top priority. While every MAD staff member had (and still has) the importance of §21 impressed upon them during training, it was and remains common practice to initially consult with the soldiers’ direct disciplinary superior upon receiving a report or otherwise learning of suspicions against a soldier for purposes of verification. Other soldiers from the unit or battalion are not questioned at first “to prevent rumors from circulating.” It is for this same reason that MAD generally does not tell the person themselves what the service has learned about him from others; the soldier should not be made to feel unsure by what is being said about him in his company. At the same time, this also makes disciplinary superiors privy to sensitive, sometimes quite delicate information about subordinates they must evaluate every two years. While this could certainly be seen as contradicting the ban on sharing information, it does not violate the limitations §21 establishes for using collected

126 See chapter 4, section 4.

data. Speaking with the soldier's superiors, the former MAD interviewers stressed, served as a way to determine the credibility and integrity of reports they received.

Lieutenant Stecher's case shows that even from this constellation, serious problems could easily arise. The squadron chief appears first on the list in the search for a "guilty party"; he had an obligation to treat the information from MAD confidentially and discretely rather than report it "upstairs," in which case the sensitive information would have remained with the squadron chief and MAD. If further substantiating evidence came to light MAD would either have opened or continued a security review, issuing a decision upon completion that did not state the reasons for a security clearance being revoked if it were. The MAD staff consulted for this study made a special point of emphasizing that a disciplinary superior who had been informed about investigations conducted during or prior to a security review should also handle them confidentially, or better still discretely, and definitely not share with personnel management. "Everything had gone wrong" in the case of the air force lieutenant; the squadron chief's report to the battalion commander set off a chain reaction that ultimately meant the regulations took hold at personnel office. Still, it would miss the mark to fault the squadron chief alone. The overall pattern of response to homosexuality at the Bundeswehr, the BMVg, MAD and personnel leadership was set up in such a way that sooner or later it had to end in serious conflict, as it did with the lieutenant.

d.) "It's Nobody's Business Who I Go to Bed With"

In 1998 a staff sergeant took his own case before the public, reporting to *Focus* magazine that when his homosexuality first came out in an official context, his existing offer to enter career service was rescinded.¹²⁷ MAD had come across the sergeant's sexual orientation during a routine security review and passed it along; the sergeant had not previously identified himself or ever drawn notice as a homosexual in the service. The ruling at Lüneburg Administrative Court made reference to the security review as the origin of the sergeant's sexual orientation being discovered;¹²⁸ *FAZ* similarly held "MAD's investigations" responsible.¹²⁹ The former sergeant provided greater insight in his *Focus* interview.

¹²⁷ "Schwule in die Bundeswehr."

¹²⁸ Lüneburg Administrative Court, ruling from 3 June 1999. Az.: 1 A 141/97, here p. 2.

¹²⁹ *Frankfurter Allgemeine Zeitung*, "Homosexueller darf nicht ausbilden."

I never openly admitted my homosexuality. It's nobody's business who I go to bed with [...] MAD performed a security check and came sniffing around my personal life, which included talking to acquaintances of mine. One of them said I did not have a girlfriend but a boyfriend. With that I became a security risk to the Bundeswehr, despite excellent [work] assessments. Leadership rejected me for career service even though I already had a written promise of acceptance. But I do not take this discrimination lying down.¹³⁰

Here too the service's course of action is only given in brief, as research findings had to be weighed against the interests of MAD standing in need of protection. Sources confirm that the sergeant filed for a security review as part of an official requirement, in the course of which MAD informed the officer of contradictions that arose between his own statements and other interviews the service had conducted as a routine part of its reviews for higher ranks. The "contradictions" pertained to the subject's homosexuality, of which he had not yet informed MAD. By MAD's account, its staff informed the staff sergeant about the standard assessment of unacknowledged homosexuality as a potential source of blackmail, and thus a security risk. The investigators had also explained the consequences that any negative results would entail, although they had not discussed any future career impacts – the conversation had revolved exclusively around the security review itself and MAD's possible assessment of a security risk. After "admission of homosexuality," the service reached the conclusion that no threat of blackmail and with it no security risk now existed, and issued the sergeant a security clearance.

When BMVg leadership asked the personnel department whether MAD had induced the sergeant to declare his homosexuality by assuring him that he stood under no threat of punishment, the department coordinated its response with the division responsible for overseeing the counterintelligence agency. MAD investigators had not given the sergeant any assurances that "no disadvantages under career law would threaten if he admitted his disposition." What was more, "at no point had the conversation reached beyond security review proceedings to touch on aspects such as career law."¹³¹ This study was not able to establish with sufficient certainty how it was that the sergeant's "admission of homosexuality," as MAD and the BMVg phrased it, then became known to personnel management, and ultimately a barrier to his acceptance for career service. The MAD staff interviewed for this study stated unequivocally that the service had never demanded someone to out themselves in the official sphere – "under no circumstances."¹³²

¹³⁰ "Schwule in die Bundeswehr."

¹³¹ BArch, BW 1/502107, no pagination. BMVg, PSZ III 1 to the Minister via the State Secretary, 29 November 1999.

¹³² Among others, an interview with a captain, Potsdam, 18 January 2018.

A former MAD officer who long concealed his own homosexuality reported no fear of discovery or consequence where the service's internal procedures regarding homosexuality as a security risk were concerned. Daily experience as an investigator and interviewer had left him certain "that the service didn't dare tackle the subject."¹³³ Yet homosexual soldiers in the troops did "of course show deference, even fear of discovery by MAD." To them, the service seemed "all-knowing and omnipresent," even though "MAD also put its pants on just one leg at a time." The topic of how to approach homosexuality "surfaced only briefly at the far margins" of conversation during internal training, and the officer held the impression that MAD "made a long detour around the subject."

The highly sensitive nature of MAD's work placed heightened demands on employees' private lives, making it especially important for them to ward off any potential blackmail threats. Living as a closet homosexual ranked as one such threat, and ultimately brought the officer to cease making a secret altogether of his homosexuality in the late 1990s: One day, a rainbow flag fluttered from the flag pole of his home plot. To anyone in the service who asked him "straight away" whether he was gay he would likewise "straight away" reply in the affirmative. By contrast, anyone who "pussyfooted" about the question – as did his MAD superior, surprisingly – would receive like treatment. In 2003 the officer decided "to come clean with it," reporting to his superior that the rumors about him were true.

Lesbian soldiers were subject to the same guidelines and demands: Right at the beginning of her service in 1991, a prospective troop physician still being assessed for suitability had to decide whether to reveal that she lived with her partner to her post's security officer, thus revealing her sexual orientation. She decided to do so, "dutifully" entering the real information about her life partner on the questionnaire. As the officer read through the form, the prospective doctor openly asked him whether he "had a problem." The master sergeant had been left speechless, his complexion had changed colors. A conversation with the S2 officer followed, as well as three separate visits by MAD employees. The doctor recalled the MAD men's demeanor as "inappropriate, even impertinent, something along the lines of 'I'd lay any woman'."¹³⁴ In the end the service decided to give her a security clearance on the condition that the medical officer come out as lesbian to her current disciplinary superior and all future superiors. During their initial conversations the security officer had been content with a sealed envelope containing the officer's required confession of her homosexuality, and explicitly forbade "access to people

¹³³ Interview with Captain H., 12 June 2018. In what follows as well.

¹³⁴ Eyewitness interview, 28 November 2019.

unrelated to the security review.”¹³⁵ It was left instead “to [the doctor’s] discretion” to “inform [future disciplinary superiors] herself in due course and as necessary.” After this initial confrontation the doctor never ran into another problem with the service. “They left me in peace.” She did as she was ordered and reported to her superior, revealing her homosexuality after being received with a friendly and cheerful “What’s up, Doc?” Her superior, a colonel, took it fully in stride: “As long as [she] didn’t go around like Hella von Sinnen,” he did not have any problem with it.¹³⁶

The doctor stressed for emphasis that she never had any problems with her sexual orientation in the service aside from the initial friction with MAD. Looking back in 2019, she found that “many young soldiers today have no idea what §175 was. They can hardly believe the earlier restrictions against same-sex relationships when they hear about them.”¹³⁷ Another female sergeant who served from 1994 to 2008 was not able to recall any problems with MAD.¹³⁸

3. A Hurricane Whirls about the Taboo: The General Kießling Affair, 1983–84

A general is given provisional retirement under §50 SG – not an everyday occurrence, but a completely normal procedure nonetheless. On the long list of generals released in this way, one name sticks out: Günter Kießling. The terrific scandal surrounding Kießling’s retirement in 1983 is the greatest in the history of the Bundeswehr, and is closely linked to the taboo of homosexuality and its (supposed) security risks. The general defended his honor against false accusations of homosexuality by means of an excellent lawyer, a handful of supporters in the officer corps and especially the media – which in the end achieved, or rather forced, Kießling’s restitution by bringing the scandal to public attention. Information and rumors leaked to the public led to an affair that culminated in a show of force by the Ministry of Defense in January 1984, after it found itself so backed into a corner by Kießling’s campaign that it threw its full institutional weight behind continuing investigations of the general.

It was this – not the twentieth “revelation” or twenty-first piece of tacked-on “evidence” – that served as the actual topic of debate on television in those days, where all the talk of open

¹³⁵ The Bundeswehr academy for medical and health services, S2, 6 February 1991.

¹³⁶ Eyewitness interview, 28 November 2019.

¹³⁷ Ibid.

¹³⁸ Interview with Sergeant First Class Martina Riedel, Hamburg, 23 January 2020.

bathrobes, bar stools, fixtures on the scene and seedy company, of a major sense of duty and minor set of tendencies rarely ever approached the crux of the matter: the ability to stigmatize a person one believed could be counted as possessing the existence and type of a fringe group.¹³⁹

Historian Heiner Möllers, a specialist on the Kießling affair, described it succinctly as “essentially revolving around the Bundeswehr’s self-image: the notions of civilians in uniform and the much-vaunted [concept of] ‘leadership development and civic education’.”¹⁴⁰

It all began with rumors circulating in NATO circles that four-star general Günter Kießling, deputy to the Supreme Allied Commander in Europe, was “homosexually inclined” and had been spurned by his boss, U.S. General Bernhard W. Rogers. Kießling’s imputed homosexuality meant further that the highest-ranking German general in NATO was susceptible to blackmail, and thus a security risk.

On 29 July 1983, the Bundeswehr Security Office ordered a security review and commissioned military counterintelligence to investigate the general “on suspicion of homosexuality.” Yet the commander of MAD group S in Bonn, the group assigned the task, ordered “no action to be taken whatsoever.” The review would have involved one of the highest-ranking generals in the military; the nature of the case meant it should not be assigned without “briefing political and military leadership first.” Nor was the task “clearly defined enough, it was lacking in content, even superficial and thus unqualified.”¹⁴¹

This in turn brought about an investigation into Cologne’s gay scene by MAD’s Group III in Düsseldorf. But why Cologne? Would not Hamburg have presented the obvious choice, where Kießling had made his home since 1979 in nearby Rendsburg? Or Brussels, with its proximity to NATO headquarters? Or had there been a concrete tip-off? According to the former head of MAD’s Düsseldorf unit, retired Colonel Heinz Kluss, the service had settled on Cologne because it had the largest gay

139 *Die Zeit*, “Ein kleiner Fall Dreyfus.”

140 Möllers, *Die Affäre Kießling*, in this case from the book cover description. Heiner Möllers has rightly pointed to the fact that “differently from many other procurement scandals,” in this case it was the “military’s image of people that stood at the center of public perception.” Aside from a monograph published in 2019, Möllers has composed numerous works of research on the Kießling affair. Analyzing what Möllers calls the “greatest scandal in the Bundeswehr” in detail here would go beyond the framework of the study and distract from its central area(s) of concern. The sketch of the complex affair that follows is supported by (and limited to) the author’s own research findings, many of which appeared between 2014 and 2018, as well as new findings that are presented here for the first time. See Storkmann, “Cui bono?” and Storkmann “Der General-Verdacht.” On the scandal and especially its future implications for MAD, see Hammerich, “*Stets am Feind!*” 261–83.

141 BArch, Bw 32/5, no pagination. Commander of MAD Group S, note from 30 January 1984.

scene and was regularly frequented by foreign nationals and passers-through.¹⁴² This meant without any concrete information and on the off-chance as it were, MAD had selected a random, if near-by, city and chosen bars to search for clues at will, no matter how well popular they might have been. Be that all as it may, it would still be difficult to classify MAD's course of action as proceeding in "incident-relevant" fashion. Rather, the service opened an investigation even though it had only been presented with "feature-relevant" information, i.e. vague rumors about the generals' homosexuality. At least in the initial stages of a security review, it would seem that the line dividing "feature relevant" from "incident relevant" was not maintained all that strictly, after all.

As the investigating committee in the Bundestag and the press later found out, a master sergeant at MAD now got in touch with a personal contact at criminal investigations in Cologne, who brought in another colleague. This colleague then took a retouched photo of Kießling around to two gay bars: Both owners instantly recognized the man. He was "from the Bundeswehr," his name was Günter or Jürgen, "something with ü anyway."¹⁴³ An internal note from MAD reads "Through targeted investigations into the Cologne gay scene [...] the subject of investigation was clearly identified out of a series of photos as 'Günter' from the Bundeswehr."¹⁴⁴ The "subject [had also] clearly been identified as 'Günter from the Bundeswehr'" at a "relevant" local bar that was known as a "disco for young hustlers and criminals." Günter still frequented the club on a monthly basis and consorted with young hustlers in exchange for money.¹⁴⁵ MAD's purported probe of Cologne's gay scene, or rather the probe conducted on its behalf, was announced in eye-catching fashion on a *Spiegel* cover in 1984.¹⁴⁶ Kluss, the head of MAD's Düsseldorf branch, wrote in retrospect that "while this firmed up initial suspicions, all that was involved was a

¹⁴² This came out of a series of interviews with Ret. Colonel Heinz Kluss by email between 2014 and 2016, as well as an in-person discussion on 13 February 2018. Kluss was the head of MAD's Group III in Düsseldorf from 1981 to 1985.

¹⁴³ The phrase "something with ü" was frequently bandied about in subsequent press reports about Kießling, turning into something of a catchphrase. See among others Range, "Irgendwas mit ü."

¹⁴⁴ Note from MAD office III, Division III-1 E B, Düsseldorf 9 September 1983, reproduced in an unpublished manuscript by Heinz Kluss entitled "Kein Versöhnungsbier in Moskau. Die Affäre Kießling und der Militärische Abschirmdienst. 30 Jahre danach als Lehrstück von einem mitverantwortlichen Akteur ausufernd erzählt" [No make-up beer in Moscow: The Kießling affair and military counterintelligence, a didactic tale told 30 years after the fact by one of those responsible.] First published in facsimile in Storkmann, "Der General-Verdacht," 294–307 and later in Möllers, *Die Affäre Kießling*, 75.

¹⁴⁵ Ibid.

¹⁴⁶ *Der Spiegel*, 4/1984.

photo. Mix-ups were always a possibility, and mistakes could easily creep in over the telephone – that’s known the world over. The credibility of the contacts (bartenders, chance guests) was also dubious.”¹⁴⁷

These doubts are likely what led Kluss to note in a separate field to the right of the form that

everything within this red-bordered box was considered half-baked information that should remain internal to MAD [...] It is a vague lead that must be followed up on, nothing more [...] That way I was certain I had done everything in my power to protect the general against [sic] indiscretions [...] With the exception of General Behrendt [the head of ASBw, which ranked above MAD], none of our people had learned the name of the ‘subject under investigation’.”¹⁴⁸

Brigadier General Behrendt had no choice but to immediately inform the Minister of Defense.

As an aside, in a letter to State Secretary Dr. Günter Ermisch from April 1984 MAD confirmed there had been “insufficient processing within ASBw Department I’s field of activity connected to General Kießling’s security review.” This, along with “continued serious deficiencies in another case that have come to the attention of BMVg leadership,” made it necessary from the service’s point of view at least to lessen, “if not to avoid the fatal consequences of faulty processing for the Bundeswehr members involved.”¹⁴⁹

a.) “No Fritsch Affairs”

The private notes of Jörg Schönbohm, at the time a colonel on the joint staff serving as adjutant to Minister of Defense Manfred Wörner, shed some light on the conversations and reflections occurring behind closed ministry doors at the time. On 14 September 1983 Schönbohm noted that Brigadier General Helmut Behrendt, in charge of MAD as the head of ASBw, had first met privately with the minister in his office (“subject not mentioned,” “something out of the ordinary,” the adjutant

¹⁴⁷ Kluss, “Kein Versöhnungsbier in Moskau,” 15. For Kluss’ recollections and the MAD memo, see Storkmann, “Cui bono?” and later Möllers, *Die Kießling-Affäre*, 517–50.

¹⁴⁸ Kluss, “Kein Versöhnungsbier in Moskau,” 16. For a source history of Kluss’ note, see Möllers, *Die Affäre Kießling*, 74–76. The formula, internal to MAD, is only briefly alluded to in the investigative committee’s report on the Kießling affair in the Bundestag, with the technical term “source-protected report.” See German Bundestag, “Diskussion und Feststellung,” 91.

¹⁴⁹ MAD, Dept. KS to BMVg StS Dr. Ermisch, 18 April 1984, Az 06-24-00, marked “Classified – For Official Use Only” (declassified as of 1 January 2015). Copy is in possession of the author.

wrote regarding the MAD chief's urgent request for an audience with the minister). When Schönbohm joined the conversation "several minutes after," the minister had appeared "upset."¹⁵⁰

With Schönbohm now present, Behrendt continued with the minister: "Gen. K. [Kießling] immediately + clearly identified by photo as a regular visitor to 2 gay bars – Günter from the Bw [Bundeswehr]; – appears monthly, buys hustlers for money – no further investigation possible at present to protect the informant + avoid unrest in the scene; wait at least 2 weeks (scene highly criminal)."¹⁵¹ The colonel noted again at the beginning "BM [Minister of Defense] upset."¹⁵² Behrendt's reference to an "informant" indicates actual ties to the gay scene in Cologne, something that if it were the case would explain why the investigating officers instantly made two "hits" in their search for witnesses. For his part, Colonel Kluss recalled thirty-three years later including a three-week deadline in his report to the MAD chief, to signal to the minister that he had three weeks to find an agreeable solution.¹⁵³ In that case Behrendt as the head of the secret services would have added the informant himself in his report to the minister, possibly to lend his presentation greater gravity. Schönbohm's notes communicate the deep doubts that Defense Minister Wörner had concerning the information he was receiving, although the head of the intelligence service dismissed them as groundless. "*When questioned by BM – mixed identity ruled out + confirmed by police/criminal investigations.*" Later, one reads "Kluss tasked by Waldmann whether K.'s homo tendencies can be verified,"¹⁵⁴ resulting in "confirmation by Cologne criminal investigations, according to MAD Group III report." Among Schönbohm's notes on a conversation with State Secretary Rühl, one finds "StS [State Secretary] Dr. Rühl asks about police," "certainty of identification," and "Evidence: Officers in criminal investigations."¹⁵⁵

The notes repeatedly quote Wörner with the words "no Fritsch affairs." While this can be read as an admonition against allowing a scandal similar to the one that enveloped Army Commander in Chief Werner Freiherr von Fritsch when he

¹⁵⁰ Estate of Ret. Lieutenant General Jörg Schönbohm, presented to the ZMSBw, Research Unit Military History after 1945, provisional call number VJS 07, notes from 14 September 1983. Original emphases.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Email from Heinz Kluss to the author, 23 June 2017.

¹⁵⁴ For more on Governmental Director Arthur Waldmann, who played a key role in precipitating the scandal, see his presentation on homosexuality "from a security standpoint" on 18 April 1980, BArch, BW 1/378197.

¹⁵⁵ Sketch by the adjutant to the minister of defense on 14 September 1983, from the Schönbohm estate in ZMSBw, provisional call number VJS 07.

was accused of homosexuality in 1938, the comment can also be read as a form of self-assurance that things would not come to that. The complete memo for the meeting, which aside from Wörner, Behrendt and Rühl now brought in Chief of Defense General Wolfgang Altenburg as well as the head of the personnel department, reads “Same presentation of facts from office head as before! Discussion of credibility / possibility of confused identity; conclusion: no doubts as to the certainty of investigation results; suspicion well-founded, but gather more info; avoid indiscretion! *No Fritsch affairs*.”¹⁵⁶

By Schönbohm’s account, Wörner’s immediate circle came back repeatedly to the security threats the case presented. The minister tasked the head of ASBw with collecting more information “in conjunction with criminal investigations” and apprising criminal investigations leadership of the explosive nature of the matter. The conversation memo includes multiple warnings from Wörner against indiscretion. In the end it was agreed “the chief of defense will speak with Gen. K + then BM as necessary on the 15th [of September].” The notes under “concluding questions” bear witness once again to Wörner’s doubts, only to be dispelled once again by MAD: “– possible intrigue; – possibility of mixed identities ruled out; – police are sure – indiscretions.”¹⁵⁷

The defense minister’s closest circle and the chief of defense now turned to the difficult relationship between General Kießling and the supreme NATO commander in Europe, U.S. General Bernhard W. Rogers. “1. Relationship to SACEUR [Supreme Allied Commander Europe]: Breach [in the relationship] known!” as well as potential risks that could arise, beginning again with warnings about “2. Possible indiscretions; Implications for the [...] reputation of NATO, the Bundeswehr; Dr. K. no authority any longer; 3. [...] potential blackmail; 4. Security risk; check / reject any ties that would threaten security.” Point number 5, repeated almost as a group mantra, again emphasizes “no Fritsch affairs.”¹⁵⁸ Minister Wörner, Chief of Defense Altenburg and MAD chief Behrendt were thus all fully aware of the risk of escalation. “The problem wasn’t the [alleged] homosexuality; the problem was the [supposed] security threat,” Altenburg stressed in retrospect.¹⁵⁹

The Minister of Defense acted quickly. In the presence of the chief of defense, on 19 September 1983 he and Kießling agreed to Kießling’s early retirement on 31 March of the following year. Kießling set great store by the fact that the deal should not be seen as an “admission of guilt.” Wörner reciprocated by ordering a

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ret. General Wolfgang Altenburg to the author during a phone call on 5 July 2017.

halt to all MAD investigations, including his previous instructions to collect more information.

Then, in a surprise turn, State Secretary Joachim Hiehle, now returned to his desk after months of illness, ordered MAD to resume its investigations in early November 1983. He thus counteracted the minister's initial decision, having convinced Wörner beforehand. As a jurist, Hiehle was of the opinion that a general was not entitled to receive different treatment than any other soldier, rejecting agreements like the one reached by Wörner and Kießling on principle.

The report ASBw presented on 6 December 1983 ultimately repeated its previous findings from September as no new investigations had taken place per Wörner's last instructions, although the report did now (wrongly) list the State Office of Criminal Investigation for North Rhine-Westphalia as a source. Brigadier General Behrendt strongly suggested "not to take the common course of action in continuing to handle the matter," as its discovery by the public "would be detrimental to the reputation of the Federal Republic of Germany in light of General K.'s exposed position and cause great damage." This meant revoking Kießling's security clearance was "not expedient."¹⁶⁰ Just how prescient the MAD chief was with his warning would reveal itself in the ensuing scandal, which brought enormous damage to the standing of the Bundeswehr, the Ministry of Defense and MAD alike. BMVg leadership, however, heeded neither Behrendt's advice nor the timeline it had already agreed upon with the general for his end of service.

On 8 December Wörner decided to place Kießling in early retirement by year's end, without consulting the general and, in a particularly bitter blow, without bestowing military honors. Wörner's rationale remains unknown to this day, although it was likely Hiehle's arguments that carried the day.

One possible explanation is that the ministry completely misread the reaction that was bound to follow from the opposition and press as surely as the "amen" in church. The accusation they expected was that Wörner was protecting a friend. There was a desire to move Kießling off ship as quickly as possible to head off this criticism. Nobody could have imagined the exact opposite occurring, which was that the media, public and politicians would intervene passionately on behalf of the general, seeing him as the victim of human malice, bureaucratic whims and secret service intrigue.¹⁶¹

¹⁶⁰ The wording from the ASBw report included in the Bundestag committee report on Kießling, 101–03.

¹⁶¹ Kluss, "Kein Versöhnungsbier in Moskau," 27.

On top of this came the fact that many people no longer accepted that homosexuality was worthy of scandal.¹⁶²

On 23 December 1983 Kießling was handed his discharge certificate by Hiehle himself. In exchange he passed along a letter consisting of only two sentences that demanded a set of disciplinary proceedings against himself. “As a reason I give my insistence on clarifying the accusations leveled against me.”¹⁶³ Kießling further filed a complaint at Cologne Administrative Court in January 1984.¹⁶⁴ Much more important, and ultimately decisive in the matter, was the campaign Kießling waged in the press to aid in the fight for his honor.¹⁶⁵

Throughout January press reports on Kießling’s case dominated newspaper and magazine headlines and the evening news on ARD and ZDF. The attention succeeded in riling up a crowd who had never heard a word about General Kießling before, as seen with a Munich man who wrote the General a personal letter in January 1984.

I didn’t even know you existed before you were in the papers. What they’re doing to you smells rotten. I don’t give a damn if it’s true or not. The reason I’m grumpy is because all of a sudden someone who behaves like the criminal code allows is supposed to be liable to blackmail [...] But there is one thing I don’t like about you. Why did you get sick of all of a sudden? Can’t you fight?¹⁶⁶

What the gentleman from Munich could not know was that behind the scenes, Kießling, assisted by his lawyer and by means of targeted leaks to the press, was waging a very skillful, and ultimately successful battle.

b.) Investigation by Any Means

In early January 1984 a new set of investigations was opened, based formally on the disciplinary proceedings Kießling had filed against himself. The start of the

¹⁶² Schwartz shares the opinion, citing voices in the press during the debate surrounding the Wörner–Kießling affair “who not only took the minister to task for dismissing a general on account of (unproven) homosexuality, but for the associated stigmatization against homosexuals in Germany in general.” Schwartz, *Homosexuelle, Seilschaften, Verrat*, 298.

¹⁶³ BAArch, Bw 1/535370, sheet 1.

¹⁶⁴ BAArch, Bw 1/237515: Files of BMVg Parliamentary State Secretary Peter Kurt Würzbach.

¹⁶⁵ For more on the crucial role that the media played in the affair see Möllers, *Die Affäre Kießling* and before that Möllers, “Die Kießling-Affäre.”

¹⁶⁶ BAArch, N 851/82: Kießling estate, Letter from Helmut S. of Munich to General Kießling, 15 January 1984.

investigative report shows an initially undated note from Section P II 5 at the BMVg personnel department that reads “do disciplinary accusations even exist?; – in my opinion [there’s] only a security risk!; – check the admissibility of the motion first; – factual clarification only upon order.” “Issued on 9 Jan” has been added later.¹⁶⁷ Participating offices included the ES division at BMVg (Special Investigations), P II 5 and Füs II 6, the ASBw, and MAD, as well as the military disciplinary prosecutor and the minister’s office itself. The BMVg now threw its full institutional weight behind uncovering “proof” that would incriminate Kießling – and exonerate Wörner. “In this case *all* potential breaches of duty should be pursued, not only those viewed in connection to retirement proceedings.”¹⁶⁸

As the opposition SPD party would later write in its section of the committee report from parliament’s investigation of the Kießling affair, the investigations were conducted “with unimaginable scope in every direction conceivable,” with the “single discernible aim of finding a belated justification for the unlawful retirement of the general.”¹⁶⁹ The SPD especially criticized the fact that

such a thorough illumination of personal relations could not be reconciled [...] with the basic constitutional principles of the Federal Republic of Germany; it violated the precept of respect for and protection of human dignity set out in Article 1 paragraph 1 of the Basic Law, as well as the principle of proportionality rooted in the principle of a state founded on the rule of law.¹⁷⁰

The general’s two chauffeurs had also been “subject to extreme interrogation about their intimate spheres, especially their sexual lives. This sort of questioning cannot be reconciled with the precept of respect for their dignity as people.”¹⁷¹

The SPD was right; investigative documents since made available reveal that over the course of three days each of the young drivers, a sergeant and a staff sergeant, had undergone hours-long questioning about their own sexual experiences, and specifically any homosexual encounters.¹⁷²

Rumors about Kießling’s homosexuality had accompanied the general for years at every station along his career, preceding his arrival at NATO headquarters in the form of what was later inflated as a “dossier,” really a set of letters that British General Sir Anthony Farrar-Hockley wrote to SACEUR about the German gener-

¹⁶⁷ BArch, BW 1/535360, no pagination, before sheet 1.

¹⁶⁸ Ibid. Emphasis in original.

¹⁶⁹ German Bundestag. “Diskussion und Feststellung,” 171–72.

¹⁷⁰ Ibid.

¹⁷¹ Ibid., 172–73.

¹⁷² Record of interrogation in BArch, BW 1/535370.

al.¹⁷³ High-ranking German officers at NATO tried to prevent Kießling's accession to NATO in 1982, appealing unsuccessfully to the deputy leader at the BMVg personnel department with reference to the general's supposed sexual orientation.¹⁷⁴ Rumors were thus already swirling, either unnoticed or ignored by Kießling, when the lid blew off the top of the affair and the scandal ran its course.

Opinion as to the now all-pervasive scandal was divided among the officers in the Bundeswehr.¹⁷⁵ There was no lack of those who considered it possible, even likely that the general was homosexual. He was in any event a "strange old codger," as one lieutenant colonel who served as a young officer under Kießling's command of the 10th Armored Division recalled thirty years later.¹⁷⁶ Those who knew Kießling better were sure that there was nothing to the accusations.¹⁷⁷ Numerous highly personal letters in Kießling's estate from soldiers, NCOs and officers formerly under his command speak to the high regard and respect they held for an erstwhile commander who had now come under such heavy fire. Three examples are cited here as representative: One from a lieutenant colonel serving abroad in Djibouti at the time called the proceedings around Kießling pure "trash." "General, sir, regarding your noble fight against practically East and West I would like to express – speaking as a battle-hardened lieutenant colonel, at any rate – my own moral support from Africa!"¹⁷⁸ A first sergeant from Heidelberg lamented the "disgraceful treatment" and "unbelievably slipshod methods/research from MAD",¹⁷⁹ while two privates first class from Westerburg wrote after Kießling's restitution that it "strengthens their confidence in the principle of a state founded on the rule of law."¹⁸⁰

One retired brigadier general wrote to Kießling – albeit "without [knowing] the details" or "the background" of the case at hand – based on his experience as a

173 See Möllers, *Die Affäre Kießling*, 57–58.

174 Interrogations of Captain J. and Lieutenant Colonel B. on 10 January 1984 and report from BMVg, P II 5 on 16 January 1984, BArch, BW 1/535370. The BMVg redacted the statements before presenting the files to the investigative committee in parliament. First mentioned in 2014 in Storkmann, "Cui bono?" 720. Möller's in-depth research confirms the UK's Sir Farrar-Hockley as the source of the rumors and offers a compelling account of their path to General Rogers and NATO headquarters. See Möllers, *Die Affäre Kießling*, 57–58.

175 See Möllers, *Die Affäre Kießling*.

176 From a personal conversation between the author and a lieutenant colonel well known to him, 2014.

177 Multiple interviews with retired Surgeon General Dr. Horst Hennig, Cologne. Hennig was one of Kießling's oldest and closest friends.

178 BArch, N 851/82: Kießling estate, Letter from Lieutenant Colonel L., Djibouti to General Kießling, 26 January 1984.

179 Ibid., Master Sergeant L., 19 January 1984.

180 Ibid., Privates J. and G., 6 February 1984.

former group commander at MAD and division leader at Füs II, the BMVg department responsible for the intelligence services.

Intelligence agencies tend to reason on the sixth floor without having evidence on the ground level. Yet this often does not come out, as they have no executive privileges [...] Since MAD has to do something that is completely atypical for armed forces [...] for years it operated under the motto – and keeping in mind the jealousy of each military branch – “Anybody can do MAD” [...] Not exactly a guarantee for effective personnel selection [...] On top of this comes common human weakness. Take somebody who has struggled for decades to justify his and his work colleagues’ existence because intelligence-driven sabotage does not occur in peacetime, and otherwise principally tends to look for security risks below the belt for whatever reason [...] the trouble is pre-programmed.¹⁸¹

The general was writing to Kießling so that the latter might not “rack his brain over the causes.”¹⁸²

At one of a series of informational meetings on the current scandal that the chief of defense ordered for the entire armed forces, a captain “went to the heart the tragedy – to hearty applause from the soldiers present: ‘If not even a four-star general’s word of honor counts in the Bundeswehr these days, who would believe me in the face of such accusations? I wo not be conducting any more two-person conversations!’”¹⁸³

This final recollection came from a retired brigadier general, in a long letter written in 2005 to retired Federal Chancellor Helmut Kohl that chronicled the scandal as the author experienced it from his post in NATO headquarters. His own contact with General Kießling had ceased in late fall of 1983, when Kießling had told him at NATO with great consternation that he was being called back to Germany with no justification whatsoever. Kießling’s remark that “there was unfortunately no chance of enduring enemy fire” prompted the witness to make the general “pledge not to take his own life.”¹⁸⁴ The brigadier general himself had remained “clueless”; he did not recall any rumors himself, contrary to other reports from NATO headquarters.

¹⁸¹ Ibid., letter from a retired brigadier general to General Kießling, 30 March 1985.

¹⁸² Ibid. “Ultimately it is all the same whether or not NATO Counter Intelligence exchanged ‘information’ with MAD, and on whose orders. Either way it remains a huge disgrace for MAD and our commanders in chief which won’t have to be paid for by those responsible but the many ‘gray mice’ who pursue their work with courage and dedication.” Ibid.

¹⁸³ Ret. Brigadier General Lorenz Huber to Ret. Federal Chancellor Dr. Helmut Kohl, 8 November 2005. Thanks to Mr. Huber for sharing a copy of the letter with the author.

¹⁸⁴ Ibid.

Thirty-five years after the fact, one captain recalled a visit in January 1984 from the commander of the school for replenishment forces in Bremen while attending a course for prospective company commanders. The commander had begun his address by saying that those in the class had a right to know the commander's position on the scandal surrounding General Kießling: He was of the opinion that the defense minister had to resign.¹⁸⁵

That January the now public scandal was the single most discussed topic among active officers. This included phone conversations that the GDR was listening in on, as revealed in a transcript of a long-distance call by a general who remains unnamed here.

We've known each other for years now and I told him [Kießling] that I would believe everything he said on his word of honor, which is also the case, and you can definitely rely on it. When he [K.] says that he never set foot in the bar, that he doesn't know it at all, then that's true and they can investigate whatever they want to. He's always been a loner and somewhat eccentric. But I doubted this [accusation] from the very beginning and if he's contesting it now then I have no more doubts whatsoever.¹⁸⁶

The wiretapped general was convinced it had been Wörner's "immediate advisors" who were the "main culprits," not the minister himself ("He was on vacation, after all"). His interlocutor, a colonel, responded that "accusing a general of being a security risk for the Republic is really crossing the line." The general grew angrier: "The minister says, 'I'm not accusing you of breach of duty. It's just you're a security risk' ([colonel] laughs). There's a government for you." During the conversation, recorded on 13 January, the general already had a solution in mind. If it should turn out that Kießling were innocent, "then of course there had to be a Grand Tattoo and let bygones be bygones, because everybody makes mistakes sometimes."¹⁸⁷ It also happened to be the exact same solution struck upon on February 1 by Kießling's lawyer Konrad Redeker and CDU parliamentary lawyer Paul Mikat, sitting in as the "parliamentarian" for CDU chairman Helmut Kohl (formally not speaking for the federal chancellor): immediate reappointment and transfer to provisional retire-

¹⁸⁵ Eyewitness memory, Ret. Colonel Professor Winfried Heinemann, Berlin, 9 August 2019.

¹⁸⁶ The general's phone call with a colonel (the general's exact ranking is not given here to protect his privacy) was listened in on and recorded by GDR radio reconnaissance, BStU, MfS BV Suhl, Dept. III, No. 2040, sheets 1–2: Wiretap log from GDR radio reconnaissance, recorded on 13 January 1984. The general in question also spoke directly with Kießling on 20 January, assuring the latter of his support. See Möllers, *Die Affäre Kießling*, 174.

¹⁸⁷ BStU, MfS BV Suhl, Dept. III, No. 2040, sheets 1–2: Wiretap log from GDR radio reconnaissance, recorded on 13 January 1984.

ment on March 31 with a Grand Tattoo.¹⁸⁸ Things had not come so far yet, however; in the two weeks following the recorded phone call, the scandal was still to take on even more absurd features.

On 19 January 1984, two obscure, self-appointed “informants” from Cologne’s gay scene reported to the minister’s office. They had offered their services to Wörner, though ultimately they had nothing concrete to report – and still the gears of the rumor-mill continued to turn. The next day Wörner received a visit from Alexander Ziegler, a journalist, writer and actor from Zurich who had held out the prospect of new incriminating material against Kießling in a letter to the minister. Ziegler himself was openly gay. The conversation lasted over two and a half hours, involving the minister (at least for part of the time), his new adjutant Colonel (GS) Klaus Reinhardt (a future four-star general) and the head of the chancellor’s office, Waldemar Schreckenberger. Ziegler claimed that Kießling had kept up contact with a “hustler” from Düsseldorf, leading to the unlawful examination of the data of 304 conscripts carrying the same name as the alleged hustler, twenty-two of which were requested from district recruiting offices – with no results.¹⁸⁹

Ziegler’s story about Kießling’s trysts quickly made it back to the press, and proved to be the straw that broke the camel’s back. The written transcript of Wörner’s questions to the obscure witnesses, which have since become accessible, and especially the transcript of an audio recording Ziegler brought to Bonn, may well contain the most bizarre material ever put to writ in the office of a federal minister, including purportedly anatomical details about the general that were practically pornographic in nature.¹⁹⁰ Retired General Gerd Schmückle, one of the predecessors at Kießling’s NATO post, accused Wörner of “mobilizing the international hustler-scene.”¹⁹¹ Retired General Altenburg similarly recalls that he had threatened irately to resign as chief of defense in the event that proceedings against Kießling were not brought to an end.¹⁹²

188 Möllers, *Die Affäre Kießling*, 230.

189 A young soldier as a supposed male prostitute – the notion recalls an actual series of events from the German Empire, when recruits sold themselves for sex in Berlin’s Tiergarten and the parks around Potsdam. See Domeier, “Moltke als Schimpfwort!.” For a detailed account of the scandal surrounding Eulenburg and Moltke, see Schwartz, *Homosexuelle, Seilschaften, Verrat*, 16–76.

190 Heiner Möllers, who has looked through these and other files himself and published on them, talks about their “obscene” content. He sees Wörner’s meeting with Ziegler as the turning point in public coverage in favor of Kießling. Möllers, “Die Kießling Affäre 1984,” 539–40.

191 *Der Spiegel*, “Wörner – ‘der Lächerlichkeit preisgegeben’.”

192 Interview with Ret. General Wolfgang Altenburg, Lübeck-Travemünde, on 11 June and 7 August 2014.

A phone call tapped by GDR foreign intelligence on 27 January showed that Wörner still firmly believed “he had been entirely correct in his handling of the Kießling matter, even if the proceedings carried out at Kießling’s own wish had gone completely off the rails.”¹⁹³ The Ministry for State Security was similarly listening in on the call when Wörner asked likely the most influential man at Axel Springer publishing “to hold off on the press campaign against him [Wörner] at least over the weekend.”¹⁹⁴ Wörner continued to debate whether or not to “rehabilitate” the general, griping that Franz Josef Strauß would “move against him.”¹⁹⁵ The GDR secret service was also made privy to rumors spreading in Bonn that it was not Kießling but Wörner himself who was homosexual,¹⁹⁶ and that “investigative services in the BRD [Federal Republic]” had made further inquiries in the Cologne gay scene on 27 December 1983 with a photo of Kießling.¹⁹⁷ Kießling himself later commented in an unpublished manuscript entitled “Meine Entlassung” [My Dismissal] that in January 1984, an observation team from MAD had visited the well-known gay bars in Cologne in the hopes of spotting the general there.¹⁹⁸ Other internal documents meanwhile confirm that MAD had been given a new investigative assignment in the Kießling case. Ultimately, when nothing incriminating was found against Kießling despite enormous expenditure, Wörner changed his tune.¹⁹⁹ On 1 February Kießling was reinstated to active service, then retired with full military honors on 31 March 1984.

In the above mentioned letter to former Chancellor Kohl from a brigadier general, the writer faulted General Kießling for accepting the Grand Tattoo, stressing that it had prevented the Bundeswehr from coming to terms with its actions. For the majority of soldiers it had not been about Kießling or Wörner but a “failure of leadership among the Bundeswehr generals, with Kießling as a case study.”²⁰⁰

¹⁹³ BStU, Mfs HA III 9289, sheets 89–90: HA III, “Source 1,” Information No. 0655/1/1, recorded on 27 January 1984, top secret.

¹⁹⁴ The call reveals a surprising parallel between Wörner’s actions and those of Federal President Christian Wulff in December 2011 when he called *Bild* chief Kai Dieckmann.

¹⁹⁵ Ibid. The Ministry for State Security had gathered from phone calls between influential and well-informed figures that Franz Josef Strauß, Alfred Dregger and Friedrich Zimmerman were all under discussion as successors to Wörner. Ibid., sheet 113, information from 27 January 1984, top secret, as well as ibid., sheet 148, information from 30 January 1984, top secret.

¹⁹⁶ Ibid., sheet 142, recorded on 30 January 1984, top secret.

¹⁹⁷ Ibid., sheet 31, Information No. 0597/1/1-84, recorded on 25 January 1984, top secret.

¹⁹⁸ BArch, N 851/156: Kießling estate, unpublished manuscript “Meine Entlassung.”

¹⁹⁹ Möllers carefully pieces together the series of events occurring in private that led to Wörner’s change of heart, especially Chancellor Kohl’s spirited intervention.

²⁰⁰ Ret. Brigadier General Lorenz Huber to Ret. Chancellor Dr. Helmut Kohl, 8 November 2005.

For his part, Defense Minister Wörner came up against derision and caustic mockery not only in the press, but from parliament too. Green deputy Joschka Fischer provided the highpoint of parliamentary debate on 8 February 1984. For Fischer it was not the general's early resignation that had shaken him but "the way in which Mr. Wörner and his panicky choir at Hardthöhe have tried to finish off Günter Kießling as a person, both publicly and morally, when they came under political pressure to prove their case." Fischer reserved sharp words for Wörner:

He let others carry the manure bucket [...] Whether or not Günter Kießling was homosexual, he is now! Whether or not he was liable to blackmail, he is now! Whether or not he was a danger, he is now! This was an attempt to stage a moral execution of a man in public to let a minister in love with the military stay in office.²⁰¹

SPD Chairman Willy Brandt used his own time to speak with great gravitas about the importance of "honor in general" and an "officer's honor in particular." "These [...] terms had been twisted and used [in this affair] until only caricatures remained." In a speech that is again (or still) highly relevant today, Brandt made an appeal to "protect individual citizens against intelligence services, be they German or foreign, that are insufficiently qualified [...] potentially even given to over-zealousness."²⁰²

The indignation of the homosexual community and its press was largely directed against Ziegler, who was seen as an informer, as in this letter to Kießling from the editors at the magazine *Du und ich*.²⁰³

For us, the real scandal consists in the fact that homosexuality can still be used today for private as well as – what is much worse – political intrigue and blackmail attempts. It is totally irrelevant as such whether a case deals with actual or imputed homosexuality. On top of this in your case come the scandalous practices of a secret service operating in the shadows, a visibly overburdened minister and attempts at denunciation by conniving opportunists. As far as we can judge the matter, the majority of homosexual and heterosexual citizens alike don't accept scandalous proceedings of this sort.²⁰⁴

For his part, Ziegler himself sought to explain and excuse himself to Kießling. His aim in going to the defense minister with the Düsseldorf hustler's "story" "about his

²⁰¹ German Bundestag, 52th Session, 8 February 1984, 3695–96.

²⁰² Ibid., 3687 and 3690.

²⁰³ BAArch, N 851/155: Letter from the "gay liberation front" in Cologne to Kießling on 27 January 1984. A copy was sent to Kießling, who kept it for his files.

²⁰⁴ Ibid., Kießling estate, letter from the editors at *Du und ich*, Hannover, to Kießling on 26 January 1984.

intimate relations with a [...] ‘top dog’ in the Bundeswehr named ‘Günther Kießling’” had been “to bring about rapid police clarification of this mysterious information, and thus prevent the informant from potentially going public himself.” Ziegler now saw himself the “victim of a large-scale press campaign with the ugliest sort of defamation,” and by his own account was “on the verge of a physical and mental breakdown.”²⁰⁵ He took his own life in 1987.

The commotion within the gay community caused by the unexpected media hype surrounding an allegedly gay general and the gay scene in Cologne was on plain view in the small magazine *Gay Journal*, which devoted five full pages to the Bundeswehr scandal in its February 1984 edition.²⁰⁶

c.) Protecting the Private Sphere, or Security Interests?

The public debate surrounding the Kießling affair raised previously unasked questions as to whether MAD had the right to pry so deeply into the most private and intimate details of a soldier’s life in the first place. That answer, based on the mission of the service, came in the affirmative. As a deputy to the Supreme Allied Commander for NATO in Europe and one of three four-star generals active in West Germany, Kießling held a prominent place within the Bundeswehr, NATO and the public eye itself. By MAD’s line of reasoning, the tremendous potential for a fall from grace alone brought considerable security risks in tow. The general also had access to top secret documents, making it seem an absolute necessity to pursue any reports about him. The initial goal of the investigation had been to verify the rumors as discreetly as possible. At the time, the indications of contact with male minors and young men offering sex that turned up in the service’s inquiries into the gay scene in Cologne (which later proved false) left all the warning signals flashing.

MAD also saw a significant risk for blackmail because the general had not admitted to being homosexual²⁰⁷ – with reports of interactions with young men offering sex for money, which was potentially subject to criminal prosecution under §175 StGB, only exacerbating the (assumed) threat.

Yet not everything that is legal is legitimate, especially not where ethical and moral considerations are brought to bear. A core area of private conduct that is

²⁰⁵ Ibid., Letter from Ziegler to Kießling, 30 January 1984.

²⁰⁶ *Gay Journal*, February 1984, title page and 4–7, especially 6.

²⁰⁷ Hammerich, on the other hand, views MAD’s position that homosexuality was a security threat no matter what the case as a “very particular interpretation” of the security guidelines in effect at the time and a serious dereliction of duty. Hammerich “*Stets am Feind!*” 273–74.

deserving of protection from state interference, in this particular case the military and its intelligence service, must be preserved. A person's choice of partner, and especially his or her private milieu, make up an essential part of private conduct as protected under Germany's Basic Law. From an ethical standpoint, it should not be the target of state action, and thus not "investigations" by intelligence services, a prohibition that obviously only applies as long as the person operates within the prescribed legal framework, i.e. does not commit violations or crimes in his or her private and sexual life.

On the other end of the scales lies MAD's duty to ensure the security of the Bundeswehr. In cases where soldiers or civil servants kept their homosexual or bisexual orientation from families, spouses, circles of friends and most importantly the military itself, MAD spotted a potential danger in enemy intelligence services establishing contact with the person and subsequently subjecting them to blackmail. The threat of blackmail existed anytime the external image on offer did not match the underlying reality, independently of sexual orientation. If the constructed image was material, even indispensable, to one's career, the threat of its destruction by the revelation of facts to the contrary took on existential importance – the greater a person's interest in keeping up appearances, the greater his susceptibility to extortion.²⁰⁸ The security interests of the Bundeswehr and the state more generally thus stand opposed to the constitutional protections afforded in the private sphere, and the two must be weighed against each other. How far should the state be permitted to interfere in the private lives of its citizens in order to identify potential threats to its interests? To what extent should the Bundeswehr and its intelligence services be permitted to probe soldiers' and civil servants' intimate lives? These questions are by no means passé but retain their urgency today, as shown in the controversies surrounding personal data storage and telecommunications surveillance.

When applied to the proceedings against Kießling in 1983–84, all this meant was that to MAD it was entirely relevant from a security standpoint whether the general was homosexual and visited bars in Cologne. Yet homosexuality between consenting adults had not been a crime since 1969. Did the type of rumors circulating about Kießling constitute a legitimate target of investigation? From MAD's point of view: absolutely – the fact that the general had not admitted to his reputed homosexuality meant he had something to hide. The foundational tragedy of the affair lay in the fact that Kießling was not homosexual with a likelihood bordering

²⁰⁸ Schwartz shares this view: "The higher the position occupied by a clandestine homosexual, the more quickly the general suspicion arrived that he could be forced into betraying secrets." Schwartz, *Homosexuelle, Seilschaften, Verrat*, 283.

on certainty, and thus had nothing to reveal or conceal in the first place. Ultimately, the overall thrust of the investigations was absurd; the resulting errors came about practically as a matter of course. Admittedly, this sort of conclusion is only possible with a full knowledge of the facts; hindsight is always twenty-twenty.

What began with a set of rumors, then, set off a volatile chain reaction linked by unhappy coincidence, mistaken identities and decisions, and bad information and a lack of scrutiny, resulting in a scandal that tarred the reputation of the armed forces in West Germany, NATO, the defense minister and especially MAD. Wörner's initial misgivings on 14 September 1983 as to the credibility of MAD's information had proven correct: The man in question was a lookalike, a civilian watchman for the Bundeswehr who was active in Cologne's gay scene and had been mistaken for the general.

What lessons remain to be learned from the scandal? Could the investigating authorities have contented themselves with an inability to confirm suspicions of homosexuality? Hardly. Beginning with the premise that a high-ranking military officer's (unacknowledged) homosexuality automatically entailed a security risk, the matter could not be set aside by "acquittal on lack of evidence" or the principle of "when in doubt, for the accused." So long as all doubt had not been dispelled, the risk potential was there. Adopting such a stance toward homosexuals placed the institutions involved in the Kießling affair in a dilemma that left them open to false suspicions and slander. Regardless of whether the "suspect" was gay or not, how could he have defended himself, refuted inaccurate rumors or proven that he was being mistreated, that his path in life gave no cause for concern?

Every former MAD employee interviewed for this study drew a distinction in the service's work "before and after Kießling." After 1984, the agency only handled the topic of homosexuality "with kid gloves," proceeding strictly according to the letter of the law.²⁰⁹ MAD had "burned its finger" on the Kießling affair where homosexuality was concerned; it could not be allowed to happen again. This led the service to "prefer to keep its eyes shut when it was responsible [for issues related to homosexuality], instead of making an official business of the delicate topic and potentially providing the opening salvo for a new scandal."²¹⁰

²⁰⁹ One MAD captain stated or example that "In my personal view, the Kießling affair and its reverberations both within and outside the service, and the new position MAD adopted as a result, brought a considerably stronger break than [reunification]." Interview with a captain, Potsdam, 18 January 2018. Another former MAD officer employed the same phrase of "kid gloves" in his interview. Interview with Captain H., 12 June 2018.

²¹⁰ Ibid.

d.) “What Will They Do with Me?” The Kießling Affair’s Impact on Homosexual Soldiers

The media commotion surrounding General Kießling’s investigation suddenly turned the armed forces’ treatment of gay soldiers into a hot topic or, as *Der Spiegel* phrased it, “soldiers as potential sexual partners.”²¹¹ *Die Zeit* also reported on the Kießling affair in January 1984, tying its own account to a captain’s experiences of discrimination in the military to pose the rhetorical question “Homosexuality – A Security Risk?”²¹² In a present-day interview that former officer, who had campaigned for equal rights for homosexual soldiers since the mid 1970s, looked back on the Kießling affair as the “thrust that brought my own case back to the attention of the media.” On 9 February 1984 the captain gave his own take on the affair to a packed room in Hamburg’s Magnus Hirschfeld Center, a center he helped found: “I’m ashamed of my ministry.”²¹³

The Wörner–Kießling affair was not merely an “affair of state” but had a broad societal impact, one man who was personally affected in 1984 recalled. “I had only a few times throughout my life been treated with hostility for my homosexuality (born in 1954, came out to my family and friends in the early 70s, competitive athlete, strong, brave, not a ‘queen’), but during the time of the affair I encountered any number of homophobic comments.” The scandal surrounding the general had been “really intense” and increased homophobic sentiment.²¹⁴ While out on a walk through Schwabing in northern Munich in January 1984, a group of adolescents had verbally assaulted him and his then partner – an athlete like himself – for being gay. While there was no immediate causal connection linking the media coverage of Kießling to the incident, the steady presence of “gays” in the media during those weeks had likely been the impetus for the words of abuse.²¹⁵

The details surfacing in the press throughout January 1984, as investigations into the general’s private life unfolded, also gave officers who had kept their own homosexuality secret cause for fear. One twenty-five-year-old officer at the time who made first lieutenant in January 1984 could still easily recall his apprehension thirty years after the fact. “If they could do that with even the highest general, what will they do with me if they find out?”²¹⁶ The lieutenant, now retired, still remem-

211 “Soldaten als potentielle Sexualpartner,” 22.

212 “Homosexualität – ein Sicherheitsrisiko?”

213 Interview with Michael Lindner, Hamburg, 7 and 14 February 2017.

214 Email from Harry K. to the author, 5 February 2018.

215 Phone interview with Harry K. on 26 February 2018.

216 Interview with Lieutenant Colonel D., Berlin, 31 March 2017 and 12 February 2018. Quoted as well in what follows.

bered the tremendous impact the Kießling affair had on him. He was home for New Years' 1984 at his parents' rural home when he first heard about the "general being dismissed for alleged homosexuality" on television. "I was deeply unsettled but still made a painstaking effort not to give my parents any hint of my insecurity," as his parents did not know about their son's homosexuality. Afterwards, the young officer's fear of discovery drove him to avoid going out to gay bars and clubs in the nearest city. He would drive to cities farther afield for a night out instead, but the fear was such that he was not confident registering under his real name at hotels, and used a pseudonym at reception. Aside from his dread of discovery and the professional consequences, the officer carried a deep fear of MAD with him on his future path in the Bundeswehr. "The Kießling affair defined my entire life as an officer." Even decades later, the officer was not able to muster any faith in MAD's advertisements to "Open yourself up, confide in us!" "I always thought that if I revealed my partner and thus my homosexuality to the service, I would be opening up the trapdoor to the same snake pit that General Kießling fell into." The officer never mentioned his long-term partner during mandatory security reviews until finally taking the leap of faith in 2013, with unexpected results.²¹⁷

The Kießling affair similarly brought home the dangers lurking for homosexual officers in the Bundeswehr to a young cadet, one year after the Navy accepted him as a medical officer candidate. "What was I supposed to do now? I loved the career of a soldier," the eyewitness recalls thinking in 1984. It was the Kießling affair that had made him "grow up," leaving a lasting imprint on his identity as a gay officer.²¹⁸ As with the Navy cadet, a retired staff sergeant (in 1984 a conscript still in his first year of service, though with the ambition of becoming an NCO) had followed the affair very closely in the press and drawn his own lessons: "Oh my. If that can happen to a general, I really have to take care here that they don't find out about me."²¹⁹ At the time, the BMVg had to publicly deny that it kept lists with the names of (suspected or actual) homosexual soldiers.²²⁰

The Kießling affair led directly to a letter discussed above that circulated in the BMVg's personnel department in March 1984, outlining how homosexual soldiers should be treated. The letter's causal link to the affair reveals itself in the explicit mention of generals with a homosexual orientation, a reference that otherwise comes across as somewhat unusual and out of place: "Like any other soldier, a general with a homosexual disposition can give rise to security concerns where

²¹⁷ See section 6 of this chapter.

²¹⁸ Interview with Dr. Michael Müller of Berlin, 1 August 2019.

²¹⁹ Interview with Ret. Master Sergeant W., 29 March 2018.

²²⁰ Deutsche Presse-Agentur press release, 20 January 1984.

susceptibility to blackmail results. On its own, a homosexual tendency does not entail a security risk.”²²¹

e.) “Can a homo become an officer in the Bundeswehr?” Public Response to the Scandal

The Ministry of Defense received countless letters from citizens over the course of the affair that ran the full gamut of opinion regarding homosexual soldiers generally and the Bundeswehr’s handling of the specific matter at hand.

The *Verband von 1974 e.V.*, “one of the trans-regional associations [operating] in the interests of homosexual and bisexual people” by its own account, took the “events surrounding Dr. G. Kießling” as an opportunity to demand that the Ministry of Justice undertake reforms to the security guidelines. The reform of §175 StGB in 1969 had removed the basis for “relevant” blackmail attempts, an argument that incidentally had been used in favor of the law’s revision. Homosexual officers were “only delivered up to extortion attempts because the security guidelines themselves lay the groundwork for them.”²²² Those impacted by the regulatory state of affairs were “plunged into the difficult psychological conflict of having to deny their homosexuality if they did not want to run the risk of being dismissed as a security threat, or at the very least [...] no longer being promoted [...] because ultimately no choice remains for an officer who loves his profession” other than to stay silent about his tendencies. The association appealed to the justice minister to alter the security guidelines so that homosexuality would no longer be grounds for dismissal on its own, and “homosexuals might live out their lives as soldiers in the Bundeswehr as well, without having to conceal their identities.”²²³

A Hamburg doctor’s letter (“personally”) to Defense Minister Wörner prompted by the Kießling affair can be encapsulated in the plain phrase “homosexual men are not any more susceptible to blackmail than heterosexual men.”²²⁴ The letter found

²²¹ BArch, BW 2/31224: BMVg, P II 1, Az 16-02-05/2 (C) R 4/84, 13 March 1984. A copy is also available in BArch, BW 2/38355. The same wording can be found in the BMVg’s response to a letter from a petty officer in early February 1984, at the height of the Kießling affair. BArch, BW 1/378197: BMVg, P II 1, to 2nd Class Petty Officer G., 8 March 1984.

²²² BArch, BW 2/31224: Letter from Verband von 1974 e.V., Hamburg to Federal Minister of Justice Hans Engelhardt, 5 February 1984. A letter with the same wording was also sent to Federal Minister of the Interior Friedrich Zimmermann. A copy of both is available in BArch, BW 1/378197.

²²³ Ibid.

²²⁴ BArch, BW 1/378197: Letter from Dr. S., Hamburg, to Manfred Wörner of the BMVg, 25 February 1984.

that “except for parts of the Catholic Church,” the population’s attitude toward gays had largely adapted to the laws (from 1969). The grounds for soldiers’ susceptibility to blackmail “now [came] exclusively” from the Bundeswehr’s own security guidelines, “which forbid [...] soldiers identified as homosexual from being promoted to officers.” The physician called for an immediate change in the guidelines; it had “long been known” that it was much more common for people with secrets to be blackmailed by women, with most cases of espionage developing out of (heterosexual) affairs. The doctor continued that

the Bundeswehr’s position toward homosexuality is characterized by forms of “homophobia” and “hysteria” that are unjustifiable on any grounds. The total cluelessness and lack of expertise within the responsible MAD divisions is evident from the highly unlikely assumption that a general who has proven himself for decades now would search for sexual partners in hustler bars [...] My own experiences on the front during the last war acquainted me with a series of highly qualified commanders who would regularly sleep with their chauffeurs or cleaners without it bringing harm to discipline or security. At the same time, I’m aware of multiple cases in today’s Bundeswehr in which capable officers were either driven to suicide or shut out of the Bundeswehr for homosexual activity that occurred privately, outside the troops. The Bundeswehr must begin to rethink things here.²²⁵

The doctor then laid his finger directly on the contradictions in the BMVg’s course of action. “You cannot draft homosexual conscripts into service and at the same time deny them promotion to higher ranks despite their being qualified. Homosexual officers not infrequently make especially well-adapted and conscientious leaders.”²²⁶ Hardthöhe took note of the letter, flagging it with a “green cross” for presentation at the ministerial level. This prompted an elaborate process requiring both the chief of defense and the parliamentary state secretary to sign off on a draft response, with State Secretary Günter Ermisch signing off for the defense minister. Ermisch corrected the doctor, noting that the security guidelines criticized in the letter applied for all federal authorities, and the BMVg was not alone responsible. The doctor was also mistaken in his assumption that the guidelines included a ban on promotions. Fundamentally, it had to be observed for the guidelines that a homosexual “inclination” on its own was not grounds for a security risk.²²⁷

The letters sent into the BMVg often included extreme positions or phrasing, and – differently from today’s social media – came with the sender’s information and name attached. (Assuming that the information provided was correct, this

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ BArch, BW 1/378197: BMVg, Dr. Ermisch, standing in for the minister of defense, to Dr. S. of Hamburg, undated draft.

would indicate that even senders with extremely hostile views toward gays held no qualms or reservations about giving their full names. This too was a sign of the spirit that still prevailed in 1984.) Writing in response to the scandal in March 1984, Willy M. asked Hardthöhe whether “a homo can become an officer in the Bundeswehr?” He was also curious “whether a relevant investigation is carried out before someone is promoted to officer, and whether there are questionnaires where those concerned have to provide information themselves about the delicate issue?” Finally, he wanted to know “If a homo can’t become an officer under the laws of the Bundeswehr, wouldn’t you have to give a sworn oath as to whether or not you are one?” He gave the reason for his questions as being “a homosexual’s promotion to lieutenant in Hamburg.”²²⁸

Evidently he never heard back from Bonn, because three weeks later he wrote again, “as this matter is quite important, after all.” “It could easily be the case that if this lieutenant later entered higher ranks, a debacle similar to Kießling’s case might repeat itself.”²²⁹

In response to a 16 January 1984 article in the *Münchener Merkur* with the title “There are at least 65,000 homosexuals in the Bundeswehr,” Alfred-Carl G. wanted the Ministry of Defense to know that he

[found] it absolutely marvelous! Should it actually be the case that there really are 65,000 homosexuals in the Bundeswehr, I urgently suggest the creation of three “Homosexual” divisions [...] Just imagine the striking power the three divisions would have if things got serious! The Bundeswehr captain mentioned in the article, Michael Lindner, who as the paper writes is engaged “in scholarship” on the “topic of soldiers and homosexuality,” should be made division commander for one of the A [...] – Divisions as quickly as possible. Both of my sons happily made it through the Bundeswehr “in one piece.” They were evidently spared contact with Captain Michael Lindner. Among the sections of the troops that I served in for nearly six years anyway (Crete/Africa/Italy/Western offensive 1944), Mr. Lindner would have had the living daylights beaten out of him, to put it mildly. A pity no one is prepared to do so now!²³⁰

The section head at Füs I 4 responded for the defense ministry:

An extremely broad range of opinion on homosexuality prevails in our country; the actual attitudes within the population do not necessarily coincide with the legal landscape. Among other things, this makes it no simple matter for the Bundeswehr to make comprehensible to any one person the conditions under which men with a homosexual orientation are or are not capable of service or the military. You may rest assured, however, that the cohesion of the

228 BArch, BW 2/31224: Letter from Willy M. to the federal minister of defense, 31 March 1984.

229 Ibid., Letter from Willy M. to the federal minister of defense, 24 April 1984.

230 Ibid., Letter from Alfred-Carl G. to the federal minister of defense, 15 March 1984.

military community and a sense of camaraderie among soldiers will remain the deciding and overriding criteria for relevant service regulations.²³¹

While the section head was in essence repeating the BMVg's position in the simplest terms possible, it vexes from today's perspective that the ministry did not condemn, or at the very least push back on such sharp personal attacks against a former captain in the military, including advocating the use of physical violence. This omission can again be taken as a sign of the winds that continued to prevail around the topic at the BMVg in 1984. Authors who wrote with the opposite intention received different-sounding answers signed by the same section head.

Allow me, however, to state with all certainty that homosexual soldiers and/or superiors are fundamentally fit for service provided they are sufficiently able to adapt, perform, endure stress and enter community. Still, discrimination-free integration of homosexual soldiers into the military community will remain a problem to be taken seriously so long as broad circles of the population look on homosexual behavior with condemnation and it stands opposed to general educational goals.²³²

In this response as well the section head correctly repeats the BMVg's position, albeit with a clear difference in focus and choice of wording than in his previous reply. The ministry was flexible in the formulations it used, striking an accommodating stance toward a given author without abandoning the party line. Evidently the stance was so broad as to be able to draft satisfactory answers for contradictory positions; in its intent and phrasing at any rate, the letter Ms. Katharina H. wrote proved opposite to Mr. G's. Ms. H. left no doubt as to her opinion that

homosexuality is not a criminal offense [...] Given this set of circumstances, how is it that discovery of a man's homosexual tendencies [...] even the mere suspicion of a form of behavior fixed by nature, can be viewed in the Bundeswehr as so defamatory that such a man – should he advance to an office of high rank on account of his abilities – must then be dismissed from the Wehrmacht [sic] without military ceremony even if he has not drawn any criminal attention to himself? After all, anyone in this our land, even a citizen in uniform, can, so long as he does not breach the prescribed borders of decorum and above all the law, be blessed in the pursuit of his fancy!²³³

231 Ibid., FÜS I 4 to Alfred-Carl G., 6 April 1984.

232 Ibid., FÜS I 4 to Katharina H., 20 February 1984.

233 Ibid., Letter from Katharina H. to the federal minister of defense, 13 January 1984.

Ms. H.'s motivation in writing the letter as the scandal surrounding General Kießling can be gleaned from its date alone, 13 January 1984. There were "only two 'clean' solutions" from her perspective:

Either the Bundeswehr recognizes that a homosexual is a man like any other, leaving aside sexual practices that are truly irrelevant for military eligibility – in which case he is worthy of the military not only as a simple soldier but an officer, regardless of rank. Doubtless, there are a number of effeminate types among homosexuals, just as there are always "slouchers" among heterosexuals. But many homosexuals are fine male specimens, and should they wish to serve in the Bundeswehr [...] then there is no reason to deny them rising to the rank of officer if the right sort of soldierly ability is present. Either that, or the liberalization of §175 is officially undone and the Bundeswehr enacts a sort of professional ban on homosexuals.²³⁴

In offering her sarcastic alternative Ms. H. almost certainly articulated the unspoken wishes held by any number of officers, civil servants and lawyers at the ministry and Bundeswehr. Yet in doing so she also echoed, albeit unwittingly, a position that the BMVg discussed internally in advance of the 1969 reforms. While calls for a separate criminal law for the armed forces (and possibly for rapid response police units) stood little chance of an audience at the time, the BMVg had in fact seriously pursued it as an option.²³⁵

4. Parliament Debates "Homosexuality as a Security Risk"

Assessing the security risk homosexual soldiers posed surfaced repeatedly for discussion in the Bundestag, including when the chamber took up MAD's treatment of homosexual soldiers in mid-January 1984 with the Kießling affair still at its height. Two questions from Jürgen Reents of the Green Party to the BMVg provided the immediate occasion; Reents asked whether, as reported in the newspapers, the Ministry of Defense had said that "homosexual activity impacting the line of duty cannot be accepted in a male community as closely knit as the Bundeswehr," and that "the discovery of gays in a unit brought about considerable complications and unrest."²³⁶ Parliamentary State Secretary Würzbach of the CDU responded that a "very clear and precise answer" to the question existed in this case: The quotes in

²³⁴ Ibid.

²³⁵ See chapter 3, section 7, for a full account.

²³⁶ German Bundestag, 10th legislative period, 47th Session, 19 January 1984, typed transcript, 3372–73.

question had not come from the Ministry of Defense.²³⁷ SPD deputy Dietrich Sperling saw through Würzbach's response:

State Secretary sir, now that you have described the wording of the quotes cited in the press as inauthentic, if not the spirit, I would like to know whether you share my opinion of the need for the federal government to bring Article 1 of the Basic Law to the attention of a wide array of employees, especially doctors at Bundeswehr hospitals and MAD staff, for them to observe the article and preserve human dignity even where minorities are concerned.²³⁸

Würzbach countered that while he shared in the “spirit” of the question, he did not consider instruction of the sort necessary as it was “self-evident” “that it was imperative to observe the articles in the Basic Law. I do not find it necessary, referring today to one article and another tomorrow, to specially state that these laws and precepts must be those guiding every individual form of behavior.”²³⁹ Würzbach stressed further that no soldier “was dismissed from the Bundeswehr [...] based on a suspicion [...] no matter in what direction.” When Antje Vollmer of the Greens interpreted this freely to mean that nobody “would be dismissed from the Bundeswehr on account of homosexuality or other sexual practices,” the state secretary found himself compelled to reemphasize his exact wording: Nobody would “be dismissed from the Bundeswehr on account of suspicion – whatever suspicion based on whatever form of behavior that may be.”

Vollmer also asked whether “homosexual members of the Bundeswehr are registered as homosexual, and whether suspicions or reports are registered.”²⁴⁰ Würzbach made it clear that no lists were kept, nor were any surveillance measures being conducted. Deputy Wolfgang Ehmke, also of the Greens, wanted to know how the state secretary had arrived at the assumption that “a member of the Bundeswehr [...] is liable to blackmail or is a security risk based on something that is completely legal and lay within the scope of his private life.”²⁴¹ Würzbach replied that “a soldier, like others, may be liable to blackmail if he wants to conceal something he’s done, and if there are people who know what was done and would like it to come out. There are a great number of situations in life where this is the case.”²⁴² It was Deputy Sperling of the SPD who again put his finger on the mark, “gladly” asking “whether – since certain locales are frequented by those with a given ten-

²³⁷ Ibid., 3373.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid., 3374.

²⁴¹ Ibid.

²⁴² Ibid., 3375.

dency that hold less interest for others, because visiting them may be grounds for dismissal from the Bundeswehr – whether you might not like to warn soldiers which locales they were better off avoiding.”²⁴³

The allusion to MAD’s observation of bars frequented by homosexuals in Cologne was all too clear. Würzbach would not let himself be drawn in, responding that he did not want to anticipate the question period concerning the Kießling case set for the next day. In general, “public locales were an area outside the barracks, outside the immediate scope of official duty.” Peter Conradi of the SPD asked pointedly whether homosexuality or contact with homosexuals presented a security risk in the opinion of the Bundeswehr. Würzbach’s response: “Not in principle, colleague, sir, though it may.”²⁴⁴ It depended on the individual case. The state secretary responded in greater detail to a follow-up question from another SPD deputy, explaining that there were cases in which the person holding a service post was known to have “this tendency” and openly admitted to it, and in which “there was no reason for him to have anything to hide,” thus eliminating the risk of blackmail. Deputy Norbert Gansel of the SPD persisted: “In the Bundeswehr, is it possible for a soldier otherwise living in an orderly relationship as defined by the defense ministry, except that it is on a quasi-marital terms with another man, to become a disciplinary superior, an officer?”²⁴⁵

This represented a “borderline case” for Würzbach that “would have to be gone into down to the very last details. There is no general, across-the-board provision providing a template for everything.” Another SPD deputy inquired whether it could be gathered from Würzbach’s remarks that a high-ranking officer who admitted his homosexuality when asked would not have to fear his security clearance being revoked under any circumstances; the state secretary answered in the negative. It depended on the individual case, “including the post, the person and the circumstances.”²⁴⁶

Now came Horst Jungmann’s turn from the SPD. Citing a paper from the BMVg’s medical services scientific advisory board that found homosexuality to be “an abnormal sexual behavior” and mandated “withdrawing security clearances per Bundeswehr security regulations,” Jungmann asked whether the state secretary would consider “revising” the board’s finding.²⁴⁷ Würzbach’s response was a

243 Ibid.

244 Ibid.

245 Ibid., 3376.

246 Ibid.

247 Ibid., 3380. In all likelihood, the deputy was drawing from remarks by high-ranking MAD employees given at an 18 April 1980 meeting of the BMVg medical advisory board’s committee on preventative health and care and military examinations. BArch, BW 24/5553 and BW 2/31225.

master class in political evasion; he responded that his statements before the Bundestag “rested on all the binding statements, documents, rules and prescriptions then in effect.”²⁴⁸ The state secretary omitted the decisive part: The position Jungmann had cited was much more than a paper from the scientific advisory board for the BMVg’s medical services; at the time, in 1984, it continued to be the operative legal principle guiding security reviews at every federal authority.

Two years later homosexuality as a security risk again made up the business of the day, when Vice President Annemarie Renger (SPD) called up question 39 from Deputy Herbert Rusche (The Greens) during a question period on Thursday, 20 March 1986. “In the opinion of the Federal Ministry of Defense, what form of sexual behavior can lead to blackmail if instead of an ‘abnormal disposition in the sexual realm’ a security risk is now described as ‘sexual behavior that can lead to blackmail,’ as reported in the *Tageszeitung Express* on 14 February 1986?”²⁴⁹ Würzbach looked to fend off the question with a passing reference to the response given by the state secretary for the Federal Ministry of the Interior in preceding question periods – to no avail. Vice President Renger allowed the Green Party deputy a follow up question:

State Secretary sir, I found it necessary to pose this question to the defense ministry in particular because in 1984 a highly unpleasant scandal, and one which was highly unpleasant for the Bundeswehr as well, took place surrounding the four-star general General Kießling. I would like to hear from you, most of all in connection with my most recent question, whether going forward this sort of scandal will no longer be possible in the Bundeswehr.

Würzbach shot back that “every scandal is unpleasant, and one is well advised to do everything to avoid them.”

The Kießling affair had been “thoroughly investigated and critically appraised,” its origins and course “considered [in detail] from the various sides of the [BMVg].” Würzbach himself had nothing more to add, though the same certainly could not be said for Deputy Rusche, who pressed on. “Does the Bundeswehr share the cited magazine’s view that investigations like the one into former four-star General Kießling are no longer possible, or if so, then on what grounds?” More specifically, “will it no longer be the practice of MAD to spy on soldiers, their superiors and generals in gay bars or other localities in Bonn or surroundings?” Würzbach countered that he would “forego the opportunity to discuss hypothetical, theoretical possibilities.”

²⁴⁸ German Bundestag, 10th legislative period, 47th Session, 19 January 1984, typed transcript, 3380.

²⁴⁹ Here and in what follows, German Bundestag, 10th legislative period, 207th Session, 20 March 1986, typed transcript, 15891–93.

Rusche turned to the subject of blackmail, which he described as arising from homosexuals in the Bundeswehr who were forced to keep their orientation a secret, and take care that it did not become public knowledge. “My question to you now is: If a homosexual citizen is open and honest about his homosexuality with his superiors and among the troops at large, is a security risk no longer present?”

Würzbach chose to reply in the odd form of the first person singular: “I can only be blackmailed if I do something that I do not want others to know about. A risk only materializes if a person behaves one way but the public has the impression he was not, that he was doing the opposite.” Norbert Mann, likewise of the Greens, followed up by asking

Mr. Würzbach, colleague sir, to repeat the question in plain language: Putting aside for a moment the individual case, which must always be reviewed as a matter of course, is it not now the case under the new version of the guidelines – where it says “sexual behavior that can lead to blackmail” – that homosexual behavior will essentially receive the same treatment as normal sexual behavior, meaning for example that somebody who carries on a relationship with a woman while married poses just as great a security risk as someone who may be homosexual and carries on a relationship with a man, or multiple men?

Würzbach dodged again, continuing to refer to the words of the Ministry of the Interior even after repeated follow-up questions. Willi Tatge from the Greens would not desist, demanding to know whether “a superior who admits his homosexuality will have to expect consequences for his position leading soldiers?”

Speaking from whatever sudden impulse may have taken him, State Secretary Würzbach now became very concrete and spoke at length:

Colleague, sir, that can only be sketched in a simplified manner in the short answer I am held to by the rules of procedure [...] At present, though, I would like to add a consideration despite the prescribed brevity. Just ask for once the many, many fathers and mothers and girlfriends and acquaintances and brothers of conscripted soldiers – I’m deliberately approaching this question obliquely – who we call upon and demand that they spend fifteen months serving in the Bundeswehr, and who have been raised in such a way that as a man, they do not want to be involved with men but want to be with a woman, ask their father, their mother, their brother or friends what they would think if that conscript came home on the weekend and said: My commander has somewhat different tendencies than I do. Ask this question just once from that angle. Now ask that commander’s commanding officer whether in individual cases – to mention [individual cases] again – it would not be better not to place this man in charge of other soldiers but, in accordance with his knowledge and abilities, place him in a post from which he neither brings others nor himself into this situation. Case-by-case examination, colleague, sir!

The press had a field day with the state secretary's plain response, the most of all: "The otherwise lively" state secretary had "struggled for words," answering the Green party's question with "disarming honesty."²⁵⁰

"Homosexuality as a security risk in public service" also provided the target of an inquiry from Deputy Jutta Oesterle-Schwerin in January 1988.²⁵¹ As usual, the Bundestag took up the inquiry in a plenary session. This time it fell to Carl-Dieter Spranger (CDU) as the Parliamentary State Secretary for the Ministry of the Interior to answer. He reported on the new security guidelines that would take effect that May, clarifying that "circumstances which are public knowledge and to which a person openly admits cannot as a rule be used as a means of blackmail; this generally means they do not constitute a security risk either. This applies fundamentally for the matter of homosexuality alluded to in the question."²⁵² In addition, unlike the preceding guidelines, the new security guidelines were not classified as confidential material, which meant all federal employees could now find out for themselves what was considered a security risk.²⁵³ Peter Sellin of the Greens wanted to know "how [the secretary] could allay fears that someone who acknowledged his homosexuality would be at a disadvantage when applying for a security-sensitive area?"²⁵⁴ Spranger made renewed reference to §4 of the guidelines, which "operated under the assumption that circumstances to which a person has freely admitted and can now be made public, from which no drawbacks are to be feared, cannot as a rule be used as a means of blackmail. That's why the provision was made the way it was."²⁵⁵

Deputy Oesterle-Schwerin delivered her remaining questions orally:

Does the federal government share the view that the negative consequences threatening gay men and lesbian women if they admit to their homosexuality (e.g. the loss of security clearances in the case of officers, or professional consequences from admitting one's homosexuality) give rise to a situation where people have to conceal their homosexuality, thereby creating security risks in the first place, and what measures does the federal government plan on taking to allay the fears of the parties affected, and give them the courage to come out as

²⁵⁰ Wickel, "In einer Männergesellschaft nicht hinnehmbar."

²⁵¹ German Bundestag, Document 11/1734, Inquiry from Deputy Jutta Oesterle-Schwerin, January 1988.

²⁵² German Bundestag, 11th legislative period, 57th Session, 3 February 1984, typed transcript, 3939.

²⁵³ Ibid.

²⁵⁴ Ibid., 3940.

²⁵⁵ Ibid.

homosexuals or bisexuals by [giving] clear guidelines on avoiding blackmail and unnecessary risks?²⁵⁶

Spranger was tight-lipped, and referred to his answer to the first question. Oesterle-Schwerin hit back: “You are making this incredibly easy for yourself. That shows how difficult it is for you to talk about this topic.”²⁵⁷

When Spranger’s next two replies were equally brief and evasive, Oesterle-Schwerin tried to put it more concretely: “How will the federal government remove the enormous pressures of professionals repercussions for coming out as homosexual on the one hand, and fear of being discovered on the other, and what does it plan on doing to spare gays and lesbians from these sort of conflicts?”²⁵⁸ The secretary refused to be caught up, and once again dodged the question.

Deputy Oesterle-Schwerin would not let go of the issue, and that same year filed a major inquiry into homosexuals’ right to informational self-determination, including and specifically with regard to how security guidelines were applied. The Ministry of the Interior, tasked with the response, included a detailed description of how it proceeded with security checks in its preliminary remarks:

Within the context of personnel security, information about a person’s sexual tendencies are relevant to federal intelligence services only to the extent that it *may* constitute a security risk in individual instances. This may not necessarily be the case even in the event that homosexual tendencies are determined. Rather [...] a security risk is only assumed in the presence of circumstances that provide grounds for an increased threat of attempted approaches or solicitation by foreign intelligence services, and in particular concerns regarding susceptibility to blackmail. Underlying this regulation is the notion that general categories cannot be formed for types of sexual behavior that automatically lead to the assumption of a security risk, and that ultimately it must depend instead on considering and weighing the particular circumstances in the individual case [...] On its own, a homosexual tendency that has become public knowledge under no circumstance justifies a person’s inclusion in computer files, lists or other forms of records taken by federal intelligence services. In particular, no information on the individual characteristics of a person’s sexual behavior is stored in the files [...] “Homosexuality” – as shown here – does not constitute a security risk as defined by federal security authorities.²⁵⁹

256 Ibid.

257 Ibid., 3941.

258 Ibid.

259 BArch, BW 2/31224: Federal Ministry of the Interior, Section O I 4, 6 December 1988. Draft response to the major inquiry from Deputy Ms. Oesterle-Schwerin, Bundestag document 11/2586, annex.

Prior to issuing the response the ministry circulated a draft for approval to the Federal Office for the Protection of the Constitution, the office of the chancellor and the Federal Ministry of Defense. Among other revisions, the BMVg suggested adding the phrase “*on its own*” to the last sentence, so the final version would read “On its own, ‘homosexuality’ – as shown here – does not constitute a security risk as defined by federal security authorities.”²⁶⁰ The section suggesting the revision, Org 2, was responsible for overseeing MAD and offered a full explanation of its reasoning: Inserting the phrase “on its own” would make it clear that “in assessing homosexuality as a [potential] security risk, additional special circumstances would have to be present to justify a negative decision on a security clearance.” “For the area of the Bundeswehr in which men live together in confined quarters and which depends on a trusting relationship between superiors and subordinates in the military realm that is free of sexuality, it is an obvious choice to refrain from disclosing one’s homosexual tendencies, or for disclosure to considerably disturb service operations.”²⁶¹

This was what had repeatedly led the military service senates at the Federal Administrative Court to accept level 2 security clearances being revoked or denied in the past.²⁶²

5. Between Scylla and Charybdis

A “Do not ask!” policy would not have been possible at MAD, where one part of the service’s mission consisted (and still consists) in questioning soldiers and then reviewing those statements in the course of its security reviews. For many soldiers under review, MAD’s mandatory questionnaires contained a trap from which there was no escape, even if it did not explicitly ask their sexual orientation: a required statement as to one’s spouse or life companion. Security Review Act regulations incorporated both these statements, as well as the partner’s own family background, into its investigations; if a gay soldier was in a committed relationship he would have to give the actual name of his life partner, and the trap would snap shut. The soldier’s duty to answer truthfully forced him to admit to his partner, and thus his own homosexuality. If on the other hand he kept it a secret from MAD, he would (if he were found out) lose credibility in the eyes of the service. Doubts about a soldier’s reliability formed another reason to deny him security clearance, while the

²⁶⁰ BArch, BW 2/31224: BMVg, Section Org 2 to BMI, Section O I 4, 16 January 1989.

²⁶¹ Ibid.

²⁶² Ibid.

service also saw him as leaving himself exposed to blackmail attempts by enemy intelligence services.²⁶³

Captain Michael Lindner, who retired in 1982, described this “fatal situation” in 1985: Admitting one was gay meant no longer receiving promotions or assignments to positions of authority; hushing it up made a person liable to blackmail, and thus a security risk.²⁶⁴ For Lindner this created a sort of catch-22 that forced homosexual superiors into “constant denial and hide-and-seek,” with many leading a double life “so as to at least awaken the impression of ‘normality’.”²⁶⁵

In 1986 *JS*, a magazine put out by the Protestant military chaplaincy, described a similar catch-22 situation for homosexual superiors.²⁶⁶ Both *JS* and Lindner had struck on an apt phrase. The litany of sanctions threatening homosexual officers, and in part NCOs, made it necessary for them to conceal and deny their sexuality. Yet this left them potentially subject to blackmail and a security risk in the eyes of MAD, opening the door to further consequences if the service acted. The mere knowledge of these sanctions raised the pressure on homosexual soldiers to dissemble or hide to the best of their ability; if it all possible, MAD should be kept in the dark as well. At times this could lead gay soldiers to act quite conspiratorially; avoiding the gay scene in nearby cities for fear of discovery, for example, and traveling farther afield instead. Soldiers sought out discrete, anonymous sexual encounters, leaving them exposed to other risks in the process. It raised the risk to security from MAD’s perspective if a soldier was observed behaving conspiratorially during a security check, which then accelerated the vicious cycle. Ultimately it amounted to a self-fulfilling prophecy that left a great deal of work for MAD and an unending fear of discovery for the soldiers who were affected. Like Odysseus himself, homosexual NCOs and officers seemed forced to sail between the sea mon-

263 Writing in 2001, Stefan Waeger also found that questions about sexual orientation were no longer asked directly, but there was an explicit question about people with whom the soldier under inspection lived in a marriage-like arrangement. “Non-disclosure of homosexual living arrangements [was] repeatedly classified as an index of blackmail potential and thus a potential security risk [...] In the past legal action against denying or withdrawing a security clearance seemed to hold out little chance of success, as the courts had allowed the deciding military commander significant discretion.” Waeger, “Sexuelle Ausrichtung und Führungsverantwortung,” chapter 4.1.3.2.

264 Lindner, “Homosexuelle in der Institution Bundeswehr,” 212. Schwartz uses similar, if different wording: “Where the Bundeswehr was concerned, the pressure to keep [one’s homosexuality] secret made the same institution that generated it view homosexual soldiers – officers in particular and generals most of all – susceptible to blackmail by enemy services and thus extremely dangerous.” Schwartz, *Homosexuelle, Seilschaften, Verrat*, 280.

265 Lindner, “Homosexuelle in der Institution Bundeswehr,” 212.

266 Wickel, “Männer im Schatten.” See chapter 2.

sters of antiquity, Scylla and Charybdis, with MAD acting as the former and the personnel department as the latter.

In 1999 the defense ministry spokesperson himself inadvertently called attention to the hopeless situation that the interplay of MAD and personnel leadership had created for homosexual superiors in the *Frankfurter Allgemeine Zeitung*:

The Bundeswehr has nothing against homosexuals in principle, the spokesperson reported; conscripts and soldiers are not asked about their sexual tendencies. Yet he admitted that information about sexual tendencies was given weight in the context of MAD's security reviews. A soldier had a "bad hand" if it turned out that he had kept quiet about his homosexual tendencies. This gave rise to a risk of blackmail for soldiers who tried to keep a secret. The spokesperson said that the Bundeswehr regarded homosexuals as unfit for leadership and training positions.²⁶⁷

That same year the *Frankfurter Rundschau* quoted the spokesperson as saying "If a security review by lead officers points to signs of homosexuality then MAD will investigate for possible susceptibility to blackmail,"²⁶⁸ and overall that "a person who conceals his homosexuality is a security risk, while a person who admits his homosexuality may suffer a loss in authority." It remains unclear whether the spokesperson actually used these words or not – if it was the case then he would have succinctly spelled out the entire dilemma facing homosexual soldiers. It was inadvertent, but it was also without empathy; the spokesperson was quoted further as saying "We [the Bundeswehr] do not find these regulations to be discriminatory."²⁶⁹

The "problem" was not limited to NCOs and officers in the troops but reached the doors of the ministry in Hardthöhe. Multiple eyewitnesses independently recalled a homosexual staff officer serving in the Minister of Defense's inner sanctum around the turn of the millennium. When the officer came up against the problem of his potential susceptibility to blackmail, and with it the possibility of MAD intervening to block his access to secret or top secret material, he resolved it by submitting written testimony of his homosexuality to be kept in a safe on the ministry's floor. In the event that MAD did get involved or even directly revoked his security clearance, this would allow the officer to produce his admission, answer-

²⁶⁷ "Homosexueller darf nicht ausbilden."

²⁶⁸ "Rot und Grün streiten über homosexuelle Bundeswehrsoldaten." The term used by the spokesperson for "lead officers," *Führungsoffizier*, was not used in the Bundeswehr and was an unhappy turn of phrase; the GDR State Ministry for Security used it to refer to the handlers of informal collaborators. The newspaper itself used the term to mean "superior." It is unlikely to assume that a BMVg spokesperson would have used the term in this way.

²⁶⁹ Ibid.

ing and presumably allaying a set of concerns that was entirely justified under the regulations. Knowingly or not, the minister's immediate circles were following the path *Der Spiegel* had indicated before in 1993 as one possible way out of the dilemma between outing oneself and posing a security risk. In individual instances, staff officers would admit to their homosexuality in a sealed letter to forestall blackmail concerns.²⁷⁰ This proved one route of escape across the billowing sea that lay between the two terrors.

In 2001 Stefan Waeger described the “problem of security reviews for homosexual soldiers” objectively as a

conflict of interest that arose on the one hand out of their obligation to give complete and honest answers in the course of security reviews as part a soldier's duty to honesty, and on the other [from] the fact that the eligibility and assignment restrictions discussed here would come to pass in the event they did openly confess their orientation.²⁷¹

Aside from family reasons, Waeger principally linked soldiers' efforts to conceal their sexual orientation to repercussions in service. Soldiers' “potential susceptibility to blackmail thus came out of a situation that the service itself had created through its stance on homosexuals.”²⁷² The BMVg itself fully recognized the “dilemma.” One comment from Section Füs I 1 in February 2000 reveals the institution's awareness of the problem with remarkable clarity:

The current process for security reviews appears problematic from the perspective of leadership development and civic education; MAD explains to the soldier that he will only receive the security clearance he seeks for acceptance into career service if he discloses his homosexuality to his superiors, yet the consequences this report then brings about [...] are the same as being denied a security clearance, namely not being accepted for career service [...] This leaves the soldier in a dilemma from which there is no escape: Either he is a security issue, or is not fit for career service because he is not fit to serve as a superior.²⁷³

The note contains a later, revealing addition in handwriting: “Meeting with StS [State Secretary] Dr. Wichert on 17 February 2000 resulted in no change in state of affairs. It remains a dilemma.”²⁷⁴

²⁷⁰ “Versiegelte Briefe,” 54.

²⁷¹ Waeger, “Sexuelle Ausrichtung und Führungsverantwortung,” chapter 4.1.3.2.

²⁷² Ibid.

²⁷³ BArch, BW 2/38358: BMVg, Füs I 4, 20 January 2000, emended in writing to 15 February 2000.

²⁷⁴ Ibid., handwritten note from 17 February 2000.

The only way out of the dilemma was a shift in the Bundeswehr's position toward homosexuality. It took the long hoped-for and necessary step in 2000, just a few months after the note was written.

6. New Legal Principles, New Regulations: “Irrelevant to the Security Clearance Process”

The end of restrictions against homosexual officers and NCOs did not also mean an end to MAD's review of possible security-related “insights.” As the BMVg section responsible for MAD oversight phrased it in a February 2004 position paper to the parliamentary commissioner for the armed forces,

the fact that legal principles in general (e.g. the Partnership Act) and regulations in the BMVg's working operations (e.g. no assignment restrictions based on homosexuality) have taken on more liberal forms is irrelevant to the security clearance process to the extent that where security law is concerned, homosexuality [...] is assessed exclusively from the perspective of its potential blackmail risks.²⁷⁵

Objectively speaking this was correct; nothing had changed from the office's perspective about the need to rule out blackmail risks based on undisclosed life circumstances. The position paper followed on complaints filed by two soldiers who lived together as a couple, and who in the course of their security reviews now found themselves forced to decide whether or not to disclose their partnership, and with it their sexual orientation. As with so many other homosexual officers and NCOs in decades past, the two found themselves caught between not wanting (or being allowed) to give false statements on the required questionnaire on the one hand, nor to reveal their sexual orientation to the service on the other. As one of the soldiers explained, he did not trust the security officer at his post and did not want his sexual orientation to come out through the form, and thus decided not to list his partner for the time being. Instead, the two men decided to contact MAD directly and request a private conversation.

One of the two soldiers recalled in an eyewitness interview the conversation that had subsequently unfolded with the security officer of a higher command authority and her female colleague. It took place in the basement of a government

²⁷⁵ BArch, BW 1/532308: BMVg, Org 6 to the parliamentary commissioner for the armed forces, 16 February 2004. Only material that had not been marked “Classified – For Official Use Only” was drawn on in considering this case as well, as the thirty-year deadline had not yet expired for material that had been classified.

office building, coming across to the man and his partner “like an interrogation room in a film.” The two women had insisted that the soldiers had no choice but to come out to their superior and the security officer in their barracks, and that a note would also have to be made in the personnel files. It was the only way to eliminate the threat of blackmail and thus security risks – after which nothing else would stand in the way of their security clearances. The two soldiers refused, commenting that “the era of the pink triangle [was] over.”²⁷⁶ Their attempts to reach some sort of compromise had been “brusquely” turned back by the two women, and the conversation ended without an agreement. This was followed (initially) by one of the two staff sergeants submitting a petition to the parliamentary commissioner for the armed forces, which essentially addressed the MAD employees’ insistence on revealing his orientation to his direct disciplinary superior.²⁷⁷ This led the office of the commissioner to inquire at the BMVg the extent to which “‘coming out’ to one’s disciplinary superior and security officer could be demanded.”²⁷⁸

The ministry forwarded the question to MAD, including a draft of a position paper for the service to look over. The ministry took up most of the feedback it received from MAD’s Cologne office, replying to the commissioner in February 2004. It began by observing that the laws clearly made it essential for the soldier to state his (same-sex) partner and incorporate his partner into the security review process. As a result, both the soldier’s immediate security officer and MAD would be informed of the same-sex partnership.

It cannot be ruled out with all certainty that the service post head or disciplinary superior will be informed by the security officer; nonetheless no obligation to disclosure toward disciplinary superiors exists on the part of the affected party.

Since superiors change frequently, the affected party could repeatedly wind up in the situation of having to share his disposition with a new superior. According to the principle of proportionality it is entirely sufficient for the individual to make a one time disclosure to his personnel office.²⁷⁹

In and of itself, homosexuality did not constitute a security risk.

²⁷⁶ Interview with Master Sergeant H., 29 March 2018.

²⁷⁷ First Sergeant H., complaint to the parliamentary commissioner for the armed forces, 9 November 2003.

²⁷⁸ BArch, BW 1/532308: parliamentary commissioner for the armed forces to the BMVg, 18 December 2003.

²⁷⁹ *Ibid.*, BMVg, Org 6 to the parliamentary commissioner for the armed forces, 16 February 2004 (original emphasis).

Homosexuality which the affected party has kept secret can, however, present a basis for a security risk under §5 (1) Sentence 1 No. 2 of the Security Review Act, if it provides actual grounds for an increased threat of attempted grooming or solicitation by foreign intelligence services, and especially worries about susceptibility to blackmail (compromising situations).²⁸⁰

An individual admitting his tendencies or relationships openly would render them ineffective as a means of coercion.

In the event of a known and compromising personal weakness and its ongoing concealment – despite having informed the individual about his potential liability to blackmail – MAD must still rule a security risk present, as security interests take precedence over other concerns in case of doubt under §V 14 (3) Sentence 2 of the Security Review Act.²⁸¹

The letter closed with the previously quoted assessment that the new legal situation and regulations on handling homosexuality in general, and homosexual soldiers in particular, were irrelevant to the security review process.

As for the two soldiers under MAD review, things would escalate in time. The written exchange reveals a steadily growing series of misunderstandings and mistrust on the part of the two men toward MAD, and actual missteps – or at least unfortunate actions – on the part of multiple MAD employees which only worsened the soldiers' lack of confidence. Two supplements to the petition reflect the soldiers' burgeoning impression in April 2004 that MAD was looking to pressure them into outing themselves to their superiors. Both rejected the possibility outright; one stood shortly before review, and had also applied to enter career service. Under no circumstances did he want to jeopardize either venture by revealing his homosexuality to his superior. For its part, MAD protested that it had not been pressuring either soldier but merely called attention to the current legal landscape regarding concealed homosexuality. The soldiers finally struck upon a way out of the dilemma, at least for the time being, declaring their intention to wait until the matter of the ongoing petition to the parliamentary commissioner had been settled before complying with the supposed requirement of speaking with the superior. The security review dragged on; two years later the two soldiers filed a further petition with the parliamentary commissioner, among other things reproaching a MAD officer for revealing his own homosexuality to them in the course of their security review. The petition quoted the officer as saying there was no problem in "coming out," and expressing his willingness to accompany the two soldiers to speak with the disciplinary superior and security officer. Since grown skeptical of MAD and

280 Ibid.

281 Ibid.

convinced the organization was acting in bad faith, both soldiers had considered it a trick to win their trust. Even if the MAD man were homosexual, they continued, it was both improper and objectionable to deploy one's own homosexuality in order to reach a desired goal.²⁸² In its reply to the commissioner, the BMVg clarified that the conversation had merely been conceived as a "well-intentioned comradely tip" on the part of the MAD employee, and was not at all meant as a "provocation under a false flag."²⁸³ The officer was in fact homosexual, but "no strategy in the sense of a targeted deployment" could be derived on that basis. The BMVg fully dismissed any possibility of a "tactical calculation on the part of MAD [...] to feign the sexual orientation of a MAD employee in order to manipulate third-party behavior."²⁸⁴ The author interviewed numerous former MAD officers for this study – one made a chance reference to the case sketched here, and turned out to be the MAD officer in question. Like the BMVg, he stressed that his revelation to the soldiers had not been "a trick at all"; he really was homosexual and had only set out "with good intentions to help as a comrade."²⁸⁵

Amid all the misunderstandings and the unfortunate twists and turns, the events leave the impression that the mistrust homosexuals felt toward the Bundeswehr and MAD in particular, a mistrust that had developed over decades of repression, did not simply vanish with the new millennium. Prior personal experience or bad memories shared by older comrades had taken root in soldiers' minds and continued to have an effect.

This impression was bolstered in conversation with another eyewitness – today a master sergeant. When filling out a security level 2 questionnaire in 2010, the man found himself faced with the question of whether to follow the requirements and state that he lived at home with his partner, or better not. Reading through the form gave the senior NCO doubts as to whether he could trust "a secret service with private, intimate information." He decided for himself in the negative.²⁸⁶ His own concerns grew out of memories of the Kießling affair, which lay more than twenty-five years in the past but was (and is) still quite alive in the minds of many homosexual soldiers. To answer truthfully, the officer thought, would provide the secret service with the same information that had brought official ruin to a general in 1983.²⁸⁷

282 BArch, BW 1/532308: First Sergeant H., Complaint to the parliamentary commissioner for the armed forces, 15 September 2006.

283 Ibid., BMVg, Org 6 to the parliamentary commissioner, 30 November 2006.

284 Ibid.

285 Interview with Captain H., 12 June 2018.

286 Interview with Master Sergeant H., Berlin, 2 July 2018.

287 Ibid.

The comparison was off, however, if only because Kießling never gave MAD any information about a male partner, nor could there have been any in the absence of his being homosexual. At the time, however, the senior NCO was unaware of such details. He brought up the matter with a security officer in his unit in confidence, who had even less of an idea – Kießling’s name meant nothing to him. This led the NCO to explain the 1983 scandal to the officer, or at least what he knew about it, though it was not merely the NCO’s memories but worries about his future that were troubling him in 2010. At the time he assumed that from now on his security files would carry a “pink tab,” i.e. a “homosexual mark.” If the winds changed course in the future and intolerance toward gays returned, it would be possible to identify every soldier registered as homosexual simply by calling up the data. While the prospect gave the NCO a considerable “stomachache,” he had nevertheless filled out the form truthfully as requested. As of 2018 MAD had not shown any interest in his homosexuality or life partner and his “stomachache” had also since subsided, as MAD “certainly had other, more important things to do.”²⁸⁸

Soldiers’ reluctance to communicate about their partners and thus their sexuality with their disciplinary superiors, personnel leadership and even when it was required with MAD, shows an understandable caution and concern about ultimately falling victim to hidden antipathy. Building trust takes time, and time alone can heal old wounds.

Wounds can reopen though, even after a long time has passed and when least expected. MAD does not forget all that quickly, as one older career lieutenant colonel was forced to discover. Throughout all his years in the service had kept his homosexual orientation a secret, never once naming his companion of many years during mandatory security reviews. It was not until fourteen years after the service relaxed its position that the officer finally resolved to declare his partner during an upcoming re-examination by MAD, a significant step out of the shadows taken with a confidence in the military’s new position. The officer had not reckoned with MAD, however, whose employees now came calling to question him. It was not his homosexuality that was at issue, but the false statements he had provided in previous security reviews. By the standards of the service this gave cause for serious doubt as to the officer’s reliability, resulting in the withdrawal of his security clearance.²⁸⁹ The staff officer hired a lawyer, whose interventions at least succeeded in getting his client’s security clearance reissued, albeit subject to conditions. Among them was one stipulating that he submit to semi-annual reliability assessments by

²⁸⁸ Ibid.

²⁸⁹ Interview with Lieutenant Colonel D. of Berlin, 12 February 2018, subsequently verified in conversation on 7 August 2019.

the security officer at his post, and that MAD receive the results. Making matters more interesting was the fact that the security officer was a staff sergeant directly subordinate to the officer himself. The conditions continued to vex the staff officer even after he retired in 2018, when he agreed to take part in a reservist exercise for the BMVg. He had no other choice but to reveal the background for his conditional security clearance and thus “let his pants down,”²⁹⁰ as he put it, outing himself as homosexual eighteen years now after the Bundeswehr altered its position. The shadows of the past and the old restrictions continue(d) to make themselves known.

290 Ibid.