

FIRED BY FBI, CNY NATIVE STARTS PAINFUL ODYSSEY - AFTER MYSTERIOUS LETTER PROMPTS HIS DISMISSAL, GAY AGENT FIGHTS BACK VIA BOOK, FEDERAL LAWSUIT <

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Canastota native Frank Buttino is paying a heavy price for suing the Federal Bureau of Investigation, his former employer. But the costs would have gone way up, he said, if he had kept his mouth shut.

"How could I ever live with myself?" said Buttino. "I could have resigned, and I'd go back to Canastota and say, 'Oh I've decided to quit the bureau. I got tired of it, and so on.' But within the bureau, word gets out - 'This guy had his top-secret clearance revoked. What did he do? Probably couldn't make a case against him; that's why they're not prosecuting him. But this guy revealed FBI secrets; what the hell did this guy do?'"

"That's a big, heavy cloud," Buttino said. "And eventually it'd get back to Canastota. I mean, there are no secrets in (American) society. And this cloud would be following me around."

That scenario causes the soft-spoken Buttino to lower his voice even further, almost to a whisper, and speak in short, clipped sentences.

"In five or 10 years I'd look back on this thing and say, 'You should have fought 'em. Should've fought 'em. Didn't have the courage to do it.' Big price to pay for walking away," he said. "I'm glad I didn't. I've thought about it many times."

Buttino, 48, was fired by the FBI three years ago, ending his 20-year career as a special agent. In 1988, the bureau found out - from an anonymous letter - that Buttino is homosexual. Based on that letter, which accompanied a response Buttino had sent to a gay personal ad, the FBI investigated Buttino and deemed him a security risk. He was suspended with pay for nine months, then fired in June 1990.

Buttino is suing for reinstatement. His case has been certified as a class-action suit that seeks an anti-discrimination policy at the FBI that would protect gay and lesbian employees and applicants. The suit goes to trial in September in U.S. District Court in San Francisco.

Buttino's saga is detailed in a new book, "A Special Agent: Gay and Inside the FBI" (\$23, William Morrow and Co.), co-written by Buttino and his brother, Lou Buttino, a journalism professor at St. John Fisher College in Rochester.

Buttino's fight has cost him more than his privacy, as his book makes clear. The five-year battle contributed to the ending of a long-term romantic relationship and has branded him a traitor among some of his former colleagues at the FBI.

"It's like suing your own family," Buttino said in a recent interview at public television station WXXI-TV 21 in Rochester, where his brother is a free-lance producer.

"I know the way FBI people are," he said. "Some of them are going to see me as a traitor. 'You've embarrassed the bureau - first of all you're gay, you're an FBI agent, and now you're going to go out there and make us look bad.' Some people in the bureau, especially the retired agents, look at me as a traitor. I've seen them on the street or at FBI functions; they turn the other way. These guys were my best friends. Turn the other way."

Lou Buttino is a year older than Frank (they also have an older brother, Tony, who lives near Frank in San Diego). Lou and Frank spent three years collaborating on "A Special Agent," mainly by fax, given the distance and the time zones separating Rochester and San Diego. In moments of despair researching and writing the book, all Lou Buttino had to think of was the polygraph examinations Frank underwent, in which he was grilled about his homosexuality and his friendships outside the FBI. In researching his lawsuit, Frank Buttino learned of another agent, a married man with children, who had undergone a similar investigation and later committed suicide.

"The FBI knew this, that one of their own agents had committed suicide, and they're doing the same thing to my brother?" Lou Buttino said, his voice rising. "That's the kind of thing that makes me violent, makes me angry."

The agent's suicide was mentioned in numerous files Frank Buttino and his attorneys acquired from the FBI in their quest for their case to be certified as a class-action suit. Buttino's lawyers were also able to interview high-ranking FBI officials about their reasons for his dismissal, as well as collect information on the bureau's treatment of agents and applicants suspected of being homosexual.

Last September in San Francisco, U.S. District Judge Sandra Brown Armstrong denied the FBI's claim that Buttino's homosexuality was not the reason his security clearance was revoked. The judge ruled that the bureau had not disproved "the existence of anti-gay bias

within the FBI."

The FBI, in a statement released to the media last month, said it does not comment on bureau matters that are under litigation.

"The FBI does emphasize, however, that the FBI does not determine hiring or conditions of employment on the basis of sexual preference or orientation, nor does the FBI have a blanket policy of rejecting applicants or refusing to retain on-board employees based upon homosexual conduct. Rather, each situation is assessed on a case-by-case basis," according to the statement issued by the FBI's press office in Washington, D.C.

Buttino characterizes that statement as "very carefully worded ... cautiously ambiguous, of course."

"What does 'blanket policy' mean?" he said. "They're pretty clever on this because of what's happened since I filed my lawsuit. Before I filed my lawsuit, no gay or suspected gay applicant was ever hired by the FBI. When I filed my lawsuit, no FBI employee that was (the subject) of an allegation of homosexuality ever continued working for the bureau."

Since the lawsuit was filed, however, the FBI has allowed four gay employees to continue working, Buttino said. "So - blanket policy. They're right in a sense," he said. "They don't have a blanket policy, because now you have four people. They didn't fire these people as they did with me. These people have less service than I did. They didn't want four other people joining me in a public sense, although (five) other people did join me in the class-action as John Doe and Jane Doe. (That is, they joined the lawsuit anonymously.)"

"We feel in a sense that perhaps the policy is changing, but we don't know for how long," he said. "They allowed these people to continue working. Before, never. So in a sense they don't have a blanket policy. But there's no guarantee. If I lose my case they could go after these four people for some other reason."

The irony of former FBI director J. Edgar Hoover's alleged homosexuality is not lost on Buttino, but he steers away from trying to use that to his advantage. Buttino has said that Hoover's sex life, like his own or anyone else's, is no one's business as long as it doesn't affect one's work.

Buttino's fight with the FBI has had its rewards, he said, but they have come at a cost of anguish, fear and loneliness.

The FBI wasn't the only recipient of an anonymous letter alleging that Buttino was gay. His parents, Kathryn and Anthony Buttino Sr. of Canastota, received a similar letter at about the same time. It contained a response Buttino had sent to a gay personal ad, attached to a handwritten note:

Dear Mr. and Mrs. Buttino - Thought you might like to see this letter I recently received from your son Frank. It might answer some questions you have about him. Just thought you would like to know.

It was signed, "W.J." Buttino never met the person whose ad he answered, and neither Buttino nor the FBI ever found out who the letter-writer was or how that person got his parents' address.

When his parents showed the letter to him during his next visit to Canastota, Buttino denied he was gay. He told the FBI the truth five weeks later, but didn't "come out" - that is, "come out of the closet" and openly admit his homosexuality - to his family until two years later.

His parents and brothers supported him as soon as they found out he was gay, family members say.

"As long as he didn't do anything wrong with his job, why should they fire him because he's gay?" said his father.

"There was a lot of anguish from when this whole process began five years ago, with the letter to my parents and the letter to the FBI," Buttino said. For two years, he continued working for the FBI in San Diego while headquarters tried to determine whether his homosexuality was a potential cause for blackmail. Only a couple of Buttino's immediate supervisors in the field knew he was gay.

When the FBI suspended him with pay in the fall of 1989, Buttino said he had a lot of time to weigh his options - and his principles. When his security clearance was revoked in February 1990, he knew he had to take the FBI to court and that his life would change forever.

"I enjoyed being anonymous," he said. "Being a closeted gay man is similar to being an FBI agent. We're really secretive about our lives. We live anonymous lives. And all of a sudden, the spotlight is going to be on you and you're going to be fair game for everybody. That anonymity I enjoyed, running with the dog and walking down the street. ... I am not the kind of person who wanted to be in the spotlight."

"If I did, early on I would have gone on '60 Minutes' (he did appear last fall as part of a larger story on gays in law-enforcement careers) and made a big splash, as some people do. I would have gotten a lot more publicity on that, but that's not what I was trying to do."

What he's trying to do is get his job back and force the FBI to change the way it treats its employees.

Buttino is using book-signing tours on both coasts and appearances on "Larry King Live" and other network current-affairs shows to help his cause. He is optimistic he will beat the FBI, not only because of the merits of his case, but because he believes a compromise on the

furor over gays in the military will come fairly soon, and that President Clinton will replace William Sessions, the current FBI director, with someone more likely to accept diversity within the ranks.

On his current book-signing tour, Buttino said he's been approached by closeted gay Secret Service and U.S. Customs agents who tell him, "Hey, our departments do, too." The difference is, no one's ever challenged them on it. So I think if there's going to be a ripple effect, it's going to be with the other government agencies, because we all build off each other. If there's an openly gay FBI agent, which I hope is going to happen with me, then how does the CIA or Secret Service say, 'Well, we can't have openly gay people.' That, to me, is going to be the real significance of my case."

Buttino said he isn't worried about the treatment he would receive if he is reinstated by the FBI.

"I hope and expect to go back to work," he said. "I don't think I will have any problems. I'm certainly not afraid for my life or getting beaten up or having problems with backup (armed protection) or any of that stuff. That's not going to happen. There will be some people that will give me the cold shoulder and not talk to me. So be it. I think most of the people in the bureau will accept me. I think I can walk back into the office tomorrow. ...

"... I'm not going to take some desk job or sit in an office in some broom closet and answer telephones. I want to go back to being a case agent in charge of investigations. If there is a problem when I go back with any kind of harassment, obviously the first thing I'll do is go to the boss of the office, say, 'We've got a problem here, let's work it out.'"

One place Buttino said he hasn't had any problems is his native Canastota, a Madison County village of 4,673 inhabitants.

"I've been back a few times, but not for very long because we've been involved in the lawsuit and writing the book," he said. "But I've seen a few close friends, and they've obviously been very supportive. ... Our family's well-known in Canastota, and we have a lot of friends there."

One of them is Donald New, who teaches and coaches at Canastota High School and was a classmate of Buttino's through grade school and high school.

"I haven't heard anyone show contempt (for Buttino) with me, but they know I'm supportive," said New. "It is something that everybody has to judge for themselves. To me, I don't really think of the issue of gay vs. heterosexual. I think of the man I've known all my life. He's still a close friend."

New said it was tough for Buttino to come to terms with his homosexuality, because he always saw himself as a role model.

"It was a tough confrontation for Frank," said New. "He wrestled with it. The book is a great expose on what a gay person must go through. It gives me a better insight into him, the man, and the situation we're facing in our country (with discrimination)."

The former world middleweight and welterweight boxing champion, Carmen Basilio, a Canastota legend and a longtime friend of the Buttino family, said the fact that Frank Buttino is gay shouldn't matter.

"Why should anybody care?" Basilio said last week from his home in Rochester. "The important thing is, he does his job. He's still my friend. I've known him since he was a little baby."

"There probably will be some people that will avoid me," Buttino said. "That's fine. I've been back to my neighborhood, of course, and the neighbors are fine. People stop me on the street in Canastota and say, 'We're proud of what you're doing.'"

"I am certainly not embarrassed to go back," he said. "It's a good town; people are very warm. It's home for me. I'm not afraid to walk on the street or show my face. I'm about as publicly gay as you can be, and it's been a gradual process. It was difficult at the beginning, but now I'm very comfortable about it."

Buttino's fondness for Canastota is evident throughout "A Special Agent." In one passage, he describes going for a run during a visit:

I took my customary pass by our old house on Roberts Street. We moved from the house when I was 14, and as I saw the faded brown shingles, I wondered what was inside from my past. Who was I then? ...

... I headed south on Peterboro Street, the main street in town, running past the few short blocks that constituted "downtown" Canastota. It was all so familiar: the post office; the now-vacant Avon Theater; the old Chatterbox restaurant, which had been remodeled and renamed. I thought about all the time we spent there, during high school, talking and laughing and believing that the world we knew would go on forever.

Buttino realizes, however, that the peace he finds in Canastota can differ greatly from the treatment he receives elsewhere.

"I'd be very naive and stupid to not be concerned about my safety," he said. "People kill and bash gay people all the time, even if they just suspect they're gay. In San Diego especially I'm very well-known, I'm on TV a lot, I'm in the newspaper a lot (because of the lawsuit). Sure

I'm concerned about that. ... But if I start allowing that to dominate my life, I stop doing book tours, I stop doing signings, I stop speaking out, then I've lost my effectiveness and what I'm trying to do is not going to happen."

Aside from his belief that he wouldn't have been able to live under that "big, heavy cloud" if he had resigned, Buttino said there were many factors that helped convince him to stand up against the FBI, while other agents or applicants who were gay or suspected of being gay left without a fight.

Many of those agents were just beginning their careers and may have lacked the emotional and financial stability that Buttino had as a 45-year-old. "I had made some wise investments, I had enough money to carry me. I didn't have to go out immediately and get another job. I could (afford to) do the lawsuit as long as it doesn't drag on too long," he said.

The emotional strain of Buttino's battle with the FBI, however, contributed to the breakup of his long-term relationship with his companion, a sailor he calls "Brian" in the book to hide his identity.

Despite the toll on his personal life, Buttino knew he had a strong career record and could use that to his advantage in challenging the FBI.

"The bureau said, 'You're our worst nightmare,'" said Buttino. "'You're personable, you're articulate, and you're a good agent.'"

His voice lowers again.

"Good agent," he repeated. "If I had been a lousy agent and incompetent, they'd have fired me for that along the way or even during the course of this thing."

Buttino refers frequently in the book to his 20 years of service, which included several honors and awards for his work on several prominent cases. Buttino was one of a handful of agents in charge of investigating FBI agent Dan Mitrione Jr., who was eventually convicted of bribery and narcotics charges in connection with an undercover operation in Miami in the mid-1980s.

In San Diego, Buttino investigated the 1989 bombing of a car driven by the wife of the skipper of the USS Vincennes, which had mistakenly blown up an Iranian commercial jet over the Persian Gulf.

"Had I just been in two or three years I don't think we would have gotten as far, because the government could have argued, 'Well, this guy could get blackmailed ... we really don't know about his character and loyalty and all those issues,'" said Buttino. "But here you've got a guy with 20 years in, he's one of your best agents, and you've trusted him with everything, and now it just doesn't make sense all of a sudden you don't trust him anymore, and he's a threat to national security."

• **Caption:** PHOTO RICHARD MARGOLIS/Courtesy of Lou Buttino Above: Canastota natives Frank Buttino, right, and his brother Lou, co-wrote "A Special Agent: Gay and Inside the FBI," the story of Frank's battle with the FBI. Frank is now touring the West Coast on a book publicity tour. Courtesy of Lou Buttino Left: Anthony Sr. stands behind his sons, Tony Jr., left, Frank and Lou in the early '50s. The Buttinos have supported Frank in his current struggle, although telling his parents he was gay was extremely difficult (see Page 4).

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