#504 93-F-#59

Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment

National Defense Research Institute

RAND

The research described in this report was sponsored by the Office of the Secretary of Defense under RAND's National Defense Research Institute, a federally funded research and development center supported by the Office of the Secretary of Defense and the Joint Staff, Contract No. MDA903-90-C-0004.

ISBN: 0-8330-1441-2

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National Defense Research Institute

MR-323-OSD

Prepared for the
Office of the Secretary of Defense

RAND

SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: OPTIONS AND ASSESSMENT

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PREFACE

This report documents the results of a study that was undertaken by RAND's National Defense Research Institute (NDRI) at the request of Secretary of Defense Les Aspin. A Presidential Memorandum directed Secretary Aspin to submit the draft of an Executive Order "ending discrimination on the basis of sexual orientation in the Armed Forces" by July 15, 1993 (Memorandum for the Secretary of Defense, *Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces*, January 29, 1993). The Secretary of Defense asked RAND to provide information and analysis that would be useful in helping formulate the Executive Order.

The research documented in this report was completed and provided to the Secretary of Defense prior to the decisions announced by the Secretary and the President on July 19, 1993.

This report consists of an Executive Summary and an Overview that present the study's findings. It also contains chapters on specific subjects and shorter appendices that expand on points covered in the Overview. The Overview synthesizes the research and functions as a "road map" pointing the reader toward these additional discussions.

This study was conducted within NDRI's Defense Manpower Research Center by a multidisciplinary team of researchers drawn from a number of research departments at RAND. NDRI is a federally funded research and development center sponsored by the Office of the Secretary of Defense and the Joint Staff.

The views expressed in this report are those of the research team and do not necessarily reflect the opinions or policies of the sponsors.

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EXECUTIVE SUMMARY

OVERVIEW

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit . . . prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that any recommendation by the Secretary should be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1]

On April 1, 1993, the Secretary of Defense asked RAND to provide information and analysis that would be useful in helping formulate the required draft Executive Order. This Executive Summary briefly describes the approach and major conclusions of the study. It then summarizes the major findings that support that conclusion.

Approach

An interdisciplinary team of researchers from RAND's National Defense Research Institute considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited seven foreign countries and the police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of blacks and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion, including the views of current active-duty military personnel, and the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals with

[1]Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

implementing change in large organizations. The results of the team's research are detailed in the subsequent chapters of this report.

The Policy Option

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the research team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive in assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of the American military were also studied for potentially instructive insights.

The Experience of Foreign Militaries

Researchers visited Canada, France, Germany, Israel, the Netherlands, Norway, and the United Kingdom. With the exception of the United Kingdom, all of these countries permit known homosexuals to serve in some capacity in their Armed Forces. Several broad themes emerged from these visits, with potential implications for the situation facing the United States:

- In countries that allow homosexuals to serve, the number of openly homosexual service members is small and is believed to represent only a minority of homosexuals actually serving.
- Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.
- Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed to the point that a unit might become dysfunctional, action was taken to remove the individual (homosexual or heterosexual) from the unit.

The Experience of Domestic Fire and Police Departments

Unlike the foreign militaries, domestic police and fire departments function in the American cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length.

Visits to police and fire departments in six cities (Chicago, Houston, Los Angeles, New York, San Diego, and Seattle) resulted in several key findings:

- Even where police and fire department policies prohibit discrimination based on sexual orientation, only a very small number of homosexuals acknowledge their orientation, particularly where the environment is perceived as hostile to homosexuals.
- Homosexuals who join police and fire departments evidently join for the same reasons that heterosexuals do.
- Acknowledged homosexuals are sensitive to the overall norms and customs of their organizations. They tend not to behave in ways that shock or offend, and they subscribe to the organization's values on working problems out informally and within the ranks.
- Anti-homosexual sentiment does not disappear. However, heterosexuals generally behave toward homosexuals more moderately than would have been predicted based on their stated attitudes toward homosexuals.
- AIDS is a serious concern of heterosexuals and not one that is quickly alleviated by education.
- Policies of non-discrimination against homosexuals in these departments have had no discernible effect on the ability of their departments to recruit or retain personnel.
- Implementation is most successful where the message is unambiguous, consistently delivered, and uniformly enforced. Leadership is critical in this regard.
- Training efforts that provide leaders with the information and skills needed to implement policy were essential. Sensitivity training for rank and file, however, tended to breed additional resentment and to be ineffective. Training that emphasized expected behavior, not attitudes, was judged most effective.

The History of Racial Integration in the United States Military

The historical experience of including blacks in the military can also provide some insights concerning the military's ability, as an institution, to adapt to change. These are the key insights:

- Starting as early as the final years of World War II and especially during the Korean War, integrated Army units were able to function effectively in all sorts of situations, even in the most demanding battlefield situations, and even if the individuals involved had not experienced prior social integration.
- It is possible to change how troops behave toward previously excluded (and despised) minority groups, even if underlying attitudes toward those minority groups change very little.
- Leadership matters for implementation--civilian and military leadership must be prepared to work together over a lengthy period to ensure effective implementation of controversial policies. In some cases, civilian oversight of implementation may be necessary.

PUBLIC AND MILITARY OPINION

How any option for ending the restriction on homosexual service will fare depends critically on its acceptance by the public and by the people serving in the U.S. military. A review of various surveys indicates that U.S. public opinion is divided over this issue. Until recently, roughly half of the population believed that homosexuals should not be allowed to serve. However, a very recent poll indicates that the percentage who believe they should not be allowed to serve *under any conditions* has dropped to 21 percent. It is worth noting this is far below the percentage (61 percent) who were against racial integration of the services at the time of President Truman's order to desegregate the military.

Military opinion is overwhelmingly against allowing homosexuals to serve. In surveys and RAND-conducted focus groups, a minority of service members expressed indifference to or approval of the policy

change, and women were less opposed than men. A few people in the focus groups believed that the military would be able to cope with the change, just as it coped with racial integration. However, most service members of all ranks expressed opposition and concerns about the effects it would have on privacy, morale, and unit cohesion and about the probability of anti-homosexual violence and the increase of AIDS in the military.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

As for concerns about AIDS, DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. If there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

UNDERSTANDING UNIT COHESION

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that

"Homosexuality is incompatible with military service."[2] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the cohesiveness of that unit. Unfortunately, the subject has not been studied specifically, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives. The literature also indicates the following:

- If some members of a unit cannot accept the presence of an acknowledged homosexual, the result will probably involve some degree of ostracism of the homosexual, rather than a complete breakdown of the unit. Whether this occurs will depend partly on the conduct, competence, and loyalty of the homosexual individual in question.
- Some heterosexuals might refuse to cooperate with known homosexuals. However, many factors will help to promote cohesion and performance even in the face of hostility toward homosexuals. First, research suggests that leaders play an important role in promoting and maintaining unit cohesion. Second, military roles, regulations, and norms all enhance the likelihood that heterosexuals will work cooperatively with homosexuals. Third, external threats enhance cohesion, provided that the group members are mutually threatened and

[2]Department of Defense Directive 1332.14, *Enlisted Administrative Separations*, Enclosure 3H.

there is the possibility that cooperative group action can eliminate the danger.

Disruptive behavior or behavior that polarizes a unit or renders it dysfunctional, whatever the cause of the behavior, can undermine military effectiveness and should not be tolerated. Although some disruptions might result from having acknowledged homosexuals serving in the military, the literature on cohesion does not provide a basis for predicting the magnitude of the increase. Senior military leaders have stated that, in their professional judgment, the effects would be substantial. The experience of analogous organizations such as foreign militaries and domestic police and fire departments suggests that any increase is likely to be quite small. Because the magnitude of the problems cannot be predicted, military leaders must have tools available to help them manage potential disruptions and to implement the policy change successfully.

A POLICY OPTION FOR ENDING DISCRIMINATION

Based upon the research summarized above, a number of ways to respond to the President's directive were identified. A policy that focuses on conduct and considers sexual orientation, by itself, as not germane in determining who may serve was judged to meet the President's criteria and to be most consistent with the research findings. Such a policy emphasizes actual conduct, not behavior presumed because of sexual orientation, and holds all service members to the same standard of professional conduct. It requires tolerance and restraint to foster the good of the group, but implies no endorsement of a "homosexual lifestyle."

An illustrative *Standard of Professional Conduct* was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization. Similar standards have been used effectively in other organizations and foreign militaries and are analogous to the "good order and discipline" and "conduct unbecoming"

provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

- A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals would be asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual orientation.
- A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.
- A list of categories of inappropriate conduct, including personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.
- Application of these standards by leaders at every level of the chain of command, in a way that ensures that unit performance is maintained.

The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that commanders judged inimical to effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. If sexual orientation is regarded as not germane in determining who may serve in the military, it is equally not germane to decisions on assignment, pay, military specialty, or benefits. On issues such as recognizing homosexual marriages or conferring benefits on homosexual

partners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago. However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy have already been developed: Individuals act in ways that do not intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guarantees of privacy.

If sexual orientation is regarded as not germane in determining who may serve, enclosure 3H of the DoD regulations concerning administrative separations (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[3] They have historically been applied differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consenting sexual behavior or sexual acts

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[3]From the perspective of a homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequence could be that if 1332.14 is repealed without changing Article 125, the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

with a minor.[4] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

IMPLEMENTATION ISSUES

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

- The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record opposing any change, it will be necessary, if a change in policy is selected, that these and other leaders signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.
- The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist and to seek to "prove" that the change will not work.
- Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, efforts to teach tolerance would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.
- Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experiences, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal that

[4]Appendix C contains an example of such a revision.

the change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.

- Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may be a useful device for ensuring that the change is understood and occurs rapidly.
- A monitoring process should be established to identify any problems early in the implementation process and address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

1. SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: POLICY OPTIONS AND ASSESSMENT

STUDY OVERVIEW

INTRODUCTION

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit . . . prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that the recommendation by the Secretary be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1] In issuing his directive, the President was acting on a campaign pledge to end the prohibition on homosexuals serving in the United States military. Changing policy to permit homosexuals to serve is controversial, and the change is opposed by many in the public and in Congress. The Chairman of the Joint Chiefs of Staff and other senior military leaders have indicated that they believe permitting known homosexuals to serve in the military would undermine unit cohesion and performance.

A series of Congressional hearings, held during the spring of 1993, revealed a broad range of opinion on the subject. Many senior military officials, such as retired Army General Norman Schwarzkopf, stated that they believed current policy banning homosexuals should remain unchanged. Other current and former members of the military supported permitting homosexuals to serve. Expert witnesses and social scientists voiced divided opinions on the issue.

The absence of a political consensus, in Congress or in the country as a whole, combined with divided expert opinion and conflicting views among military personnel, makes the search for an acceptable solution difficult. The Secretary of Defense subsequently asked RAND to provide

[1]Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

information and analysis that would be useful in helping formulate the required draft Executive Order.

Study Approach

RAND's National Defense Research Institute initiated this effort on April 1, 1993. An interdisciplinary team of researchers considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited military organizations in seven foreign countries and police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of African-Americans and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion data and the data concerning the views of current active-duty military personnel. It also reviewed the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals with implementing change in large organizations. This chapter brings together the results of the team's research, which is reported more fully in subsequent chapters of the report.

The "Not Germane"/Conduct-Based Policy

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be inconsistent with the President's memorandum, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research and the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could

be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults. This policy option is described in greater detail later in this overview.

Introducing a change of this type in the military requires careful attention to implementation issues. The prevailing attitudes of both the leadership and many military personnel are hostile to any change. Based on the historical experiences of adaptation to change in the military and the research literature on change in large organizations, several key elements of an implementation strategy are identified and discussed.

This overview synthesizes the results of the RAND research and functions as a "road map" to the chapters and appendixes that follow. It begins with a review of the history of U.S. military policy toward homosexuals and of the applicable provisions in DoD regulations and military law that have restricted homosexuals from serving.

U.S. MILITARY POLICY ON HOMOSEXUALITY AND SODOMY

Since World War I, homosexuals have been restricted from serving in the Armed Forces of the United States through either personnel regulations or the application of the sodomy provisions of military law. Sodomy was defined as anal or oral sex between men or between a man and a woman. At the end of World War II, the legal definition was changed to include sexual relations between women as well.

Homosexuality and the Military, 1916 to 1940

Early attempts to regulate homosexual behaviors within the Armed Forces were sporadic and inchoate. The Articles of War of 1916 went into effect on 1 March 1917. As the first complete revision of military law in over 100 years, this new codification was the first legal document to address the incidence of sodomy within the military population. The first mention of sodomy in military law was in Article

93, which prohibited assault with the intent to commit sodomy.[2] In their 1920 revision, the Articles of War included sodomy as a separate offense.[3] This statute did not change until 1951.

Between the two World Wars, the military attempted to screen and exclude homosexuals from service by utilizing contemporary biological theories about the causes and manifestations of homosexuality. In 1921, for example, the Army's "stigmata of degeneration" included men who appeared overly feminine, with sloping shoulders, broad hips, and an absence of secondary sex characteristics, including facial and body hair. Also among the exclusion criteria was the degenerative characteristic of "sexual psychopathy," which included sexual relations between men.[4]

During the interwar period the military discharged homosexuals administratively more frequently than they formally court-martialed them, despite the official stance that sodomists had to be court-martialed under the Articles of War. Individuals suspected of homosexual acts were released under a "Section VIII" discharge for unsuitability. While in theory these could be honorable discharges, in cases of psychopathic behavior, the discharge was normally less-than-honorable, or "blue."

World War II: 1941 to 1946

In an attempt to rationalize policy concerning homosexuals in the months preceding America's entry into World War II, the Army Judge Advocate General tried to assess how existing policy was being applied in the field. In the absence of aggravating factors, the Army removed

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[2]The Manuals for Court-Martial, 1917, defined sodomy as anal penetration of a man or woman by a man; both parties involved were equally guilty of the offense. In these regulations, penetration of the mouth did not constitute sodomy. In the regulations that accompanied the revision of the Articles of War in 1920, however, The Manuals for Courts-Martial redefined sodomy as anal or oral copulation between men or between a man and a woman (Jeffrey S. Davis, "Military Policy Toward Homosexuals: Scientific, Historical, and Legal Perspectives." *Military Law Review* 131, 1991, p. 73).

[3]Ibid. and Manual for Courts-Martial, United States, 1921, para. 443.

[4]Army Regulation 40-105, 1921.

most sodomists from service through administrative proceedings. Court-martial was indicated, however, in those cases where force was employed, when minors were involved, or when the sexual partner was incapable of consent due to intoxication or other impairing condition.

During World War II, a lively debate took place among military authorities concerning the policies and practices regulating homosexual activity and the exclusion of homosexuals in the Armed Forces. Within the Army alone, for example, there were twenty-four separate revisions of regulations concerning homosexuality between 1941 and 1945, compared with eleven revisions before the war and seventeen between the end of the war and the passage of the Uniform Code of Military Justice in 1950. This debate had several causes. First, there was widespread variance in the treatment of individual cases within the military. Second, military authorities seemed increasingly willing to consult with and accept the recommendations of medical and psychiatric personnel with regard to homosexuals. The American Psychiatric Association's Military Mobilization Committee helped develop the procedures that would be used to evaluate the more than 18 million men who would be examined for induction during the course of the war. By the beginning of the war, Army and Navy Departments, along with Selective Service, had determined that overt homosexual behavior could be used to deny entry into the military.[5]

During World War II, the prewar practice of separating homosexuals from service through the use of the administrative discharge was continued and articulated as part of Army regulations. By the end of the war, military policy concerning homosexuality had undergone several important changes. First and most important, the "homosexual" had replaced the "sodomist" as the focal point of legal concern, although the criminal aspects of same-sex behaviors had been neither eliminated nor elucidated in any clear manner. People who engaged in same-sex behaviors could be separated from the service through their resignation or by administrative discharge. Even if no sexual activity had occurred, a growing body of policy supported the view that a homosexual

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[5]Alan Bérubé, *Coming Out Under Fire: The History of Gay Men and Women in World War Two*, New York: The Free Press, 1990, pp. 10-18.

personality could readily be identified, and that such persons were to be barred from military service at induction or separated from the service upon discovery.

The Cold War Era: 1946 to 1956

Immediately after the war, in 1946, the Army liberalized policies toward homosexual personnel by increasing the likelihood of their receiving an honorable discharge (AR 615-360). Attitudes shifted soon afterward, however, and, in 1948, the provision for honorable discharge was deleted.[6] On October 11, 1949, the Department of Defense issued a memorandum that unified military policy toward homosexual behavior:

> Homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Services in any capacity, and prompt separation of known homosexuals from the Armed Forces be made mandatory.

The Eisenhower Administration, with the signing of Executive Order 10450 in 1953, codified "sexual perversion" as grounds for dismissal from federal jobs. By some estimates, dismissals from federal employment increased tenfold. In the military, the number of discharges for homosexuality remained about the same as it had been during World War II--roughly 2000 per year--but from the much smaller post-war force of 1.4 million. The rate of discharge in the military, therefore, was also approximately ten times greater than it had been during the war.[7]

The Military and Homosexuality in the 1960s and 1970s

Within the military, the separation of homosexuals proceeded unchallenged throughout the late 1950s and early 1960s. DoD policy was

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[6]Those men and women with good service records, however, were to be separated from the service with a general, rather than a dishonorable, discharge.

[7]Unfortunately, there are no consistently reliable statistics of separations for homosexual behavior across the different branches of the Armed Services, nor are there any internally consistent statistics for any one service over the entire postwar time period. While many analysts make the logical assumption that most separations for moral charges were indeed for homosexual behavior, unfortunately, medical, legal, and administrative statistics within the armed forces were not tabulated carefully enough to be certain.

revised in 1959, with the issuance of the first version of DoD Directive 1332.14 on the subject of Administrative Discharges. Section VII.I of that directive indicated that among the reasons for discharge for "unfitness" was "sexual perversion," including homosexual acts and sodomy. This remained the policy of the Department throughout the 1960s. (When Directive 1332.14 was revised in 1975, the language was slightly altered to describe "homosexual acts or other aberrant sexual tendencies" as the grounds for determining unsuitability for military service--section G.3).

The 1965 DoD directive revised the regulations surrounding the separation of homosexual personnel. Members facing a less-than-honorable discharge were allowed the chance to present their cases before administrative discharge boards and to be represented by counsel. By liberalizing the rights of service members, the 1965 separation directives marked a turning point in the legal history of homosexuals in the services. Before the 1965 directive, most service members accused of homosexuality cooperated without protest in order to protect others or to avoid more severe punishment.[8] Inconsistency in the standards, in the documentation required, and in administrative procedures, however, led to a review during the Carter Administration of the policy and procedures for discharge.[9]

The results of the review were reflected in the new edition of DoD Directive 1332.14, issued on January 16, 1981. In a memorandum accompanying the new directive, outgoing Deputy Secretary of Defense Graham Claytor, noting that his revision "contains no change in policy," explained that the enclosure on homosexuality (a new Enclosure 8 to the 1976 version of Directive 1332.14) had been completely revised. The

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[8]Colin J. Williams and Martin S. Weinberg, *Homosexuals in the Military: A Study of Less Than Honorable Discharge*, New York: Harper and Row, 1971, p. 102. The procedures of interrogation are outlined on pp. 100-114.

[9]The directive was issued in response to numerous court challenges, such as *Matlovich v. Secretary of the Air Force*, 591 F.2d 852, D.C. Cir. 1978, questioning why some open homosexuals were discharged while others were retained. The 1981 directive removed the military's discretion in deciding whether to retain an open homosexual, making such discharge mandatory.

purpose of the new enclosure was to make it clear that, based on an investigative finding that a person "engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act," discharge was mandatory.

The revised enclosure in 1981 also for the first time stated that "Homosexuality is incompatible with military service" and provided the following explanation for the exclusion of homosexuals:

> The presence of such members [homosexuals] adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security.

The revision also affected policy on discharges by making it clear that homosexuality alone did not require a *misconduct* discharge. In the absence of other actions (such as violence), the discharge could be under honorable conditions. As promulgated by Deputy Secretary Claytor, DoD Directive 1332.14 and its provisions concerning homosexuality remained the policy governing enlisted separations until January 1993. (Directive 1332.14 was reissued in 1982 and the enclosure regulating homosexuality is now numbered 3H, but the language remained unchanged. Identical language in a separate directive governs officer personnel.)

The Recent Past: 1981 to 1991

The armed services' policies concerning the exclusion and separation of homosexual personnel came under increasing legal challenges after the new DoD polices went into effect in 1981: among the most publicized were *Secora v. Fox*, *Pruitt v. Cheney*, *Steffan v. Cheney* and *Watkins v. United States Army*. In each case, different aspects of the new regulations were contested in federal court.

Between 1980 and 1991, according to a report compiled by the General Accounting Office, there were 16,919 discharges for homosexuality within the Armed Services. These discharges comprised 1.7

percent of all involuntary discharges in the Department of Defense for this period.[10] Like all involuntary separations during these years, the numbers of homosexual-related discharges peaked in 1982 and declined for the remainder of the decade. On average, however, over 1,400 service personnel were separated for homosexuality per year.

Military Law: Homosexuality and Sodomy

The sodomy provisions of the Uniform Code of Military Justice (UCMJ, Article 125) have also been used as the basis for removing homosexuals from the service. Some have argued that a policy allowing homosexuals to serve would be inconsistent with this provision of military law.[11] In fact, DoD Directive 1332.14 and Article 125 of the UCMJ do not use the same definition or standard, nor do they attempt to regulate precisely the same behaviors. Directive 1332.14 defines a homosexual as one who engages in or desires to or intends to engage in homosexual acts. These acts, in turn, are described as "bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires."

A review of the research on sexual behavior suggests that there are many people who call themselves heterosexual, and who are predominantly heterosexual in behavior, who also engage in homosexual acts.[12] Some may experiment with homosexual behavior once or twice. Others may occasionally act on their attraction to people of the same sex, even if they call themselves heterosexual. Still others may recognize their attraction to others of the same gender, but they establish a heterosexual public persona and refrain from acting on these attractions or revealing their orientation to others. Finally, there are people who consider themselves to be "homosexual" or "bisexual" who, for whatever

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[10]United States General Accounting Office, *Defense Force Management: DoD's Policy on Homosexuality,* GAO/NSIAD 92-98, Washington, D.C.: U.S. Government Printing Office, June 1992. These figures are calculated from statistics in a supplement to the report, *Statistics Related to DoD's Policy on Homosexuality*, pp. 22-30.

[11]In the *Ben-Shalom* case the court moved toward equating status as a homosexual with conduct proscribed under Article 125.

[12]For a more complete discussion, see Chapter 2 on sexuality, as it pertains to the DoD directive and the UCMJ.

reasons (e.g., health concerns, religious convictions, or simply lack of opportunity), refrain from homosexual activities.

Article 125 of the Uniform Code of Military Justice states that a person engaging in "unnatural carnal copulation" with members of the same or opposite sex is guilty of sodomy. The UCMJ does not define what is meant by "unnatural" carnal copulation in statutory language. This definition is left to the explanation provided in the Manual for Courts Martial (MCM), where the proscribed behavior is defined as oral or anal sex (or sex with an animal). The distinctions between the two regulations governing the sexual behavior of military personnel can be summarized as follows: the DoD directive forbids virtually any type of homosexual conduct; the UCMJ forbids a narrower set of behaviors, regardless of whether they are performed by homosexuals or heterosexuals.

Under military law, the act itself is forbidden under all circumstances, regardless of the nature of the partners to the act. Consequently, heterosexual sodomy is proscribed as well as homosexual sodomy. Contemporary surveys indicate that oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced by both homosexuals and heterosexuals.[13]

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the RAND team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive for assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of the

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[13]For example, the 1991 National Survey of Men, a nationally representative study of 3,321 males age 20 through 39 years of age (Billy et al., 1993) reports that 75 percent have performed and 79 percent have received oral sex. Among those currently married, the numbers were slightly higher. Similar results are reported for homosexual males, e.g., the Pittsburgh Men's Study (Silvestre et al., 1993; see bibliography for Chapter 2).

American military were also studied for potentially instructive insights.

The Experience of Foreign Militaries[14]

Policy toward homosexuals serving in the military varies widely among countries. Several countries were selected, representing the range of policies toward homosexuals from affirmative advocacy of homosexual rights (the Netherlands) to a ban on service similar to the current U.S. policy (United Kingdom). In addition, researchers visited Canada, France, Germany, Israel, and Norway. In each country researchers interviewed key government officials and, where possible, held discussions with other experts and observers. In some instances, the findings and conclusions reported here (and by the General Accounting Office in its June 1993 report) appear to be at variance with testimony before the Senate Armed Services Committee and with often-recited, commonly held opinion about foreign practices.[15] Every effort was made to elicit from the foreign governmental officials their explanation for these discrepancies.

Each of the militaries visited exists within and reflects its own society and culture, and policies vary accordingly. France, Germany, Israel, the Netherlands, and Norway have conscript forces. Norway essentially trains recruits to serve as a militia that can be mobilized for territorial defense should future situations require it. Norway also contributes forces to international peacekeeping missions. The Netherlands is changing policy to end conscription and will rely on a volunteer force in the future. Both Norway and the Netherlands follow a nondiscrimination policy with respect to homosexuals serving.

The French policy on homosexuals is not to have an official policy. Unofficially, the issue of homosexuality is dealt with in the general category of medical/psychological issues. Homosexual status is not

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[14]See Chapter 3 for a more comprehensive treatment of foreign militaries.

[15]Concurrent with this inquiry, the General Accounting Office also sent teams to Canada, Israel, and Germany. Their findings are reported in *Homosexuals in the Military: Policies and Practices of Foreign Countries*, GAO/NSIAD-93-215, June 1993.

automatically disqualifying for conscription, but in practice homosexuals are excused from service if they so desire. Among the career force, flagrant homosexual conduct can be the proximate but unofficial cause for separation. In general, the French approach is that private sexual conduct is not relevant to performance of military duties.

Israel, like these European countries, relies on conscription, although in Israel's case the term of service is longer (36 months vs. an average of 10 months in Europe). Like Norway, the ethic in Israel is that all should serve and everyone should remain available for mobilization to defend the country, but Israel goes beyond that purely military notion to include the use of military service as an instrument of national socialization. It is an obligation and a duty to serve in the Israeli military, and the ethic is thus one of inclusion rather than exclusion--the Israeli military will make every effort to permit recruits to serve, accepting some who might otherwise be disqualified on purely military grounds.

Israel has recently (June 11, 1993) reaffirmed its policy of nondiscrimination, removed the requirement that homosexuals undergo a mental examination, and no longer automatically prohibits them from holding top-level security clearances. Israeli officials directly refuted the commonly made assertion that homosexual men are not permitted to serve in combat units, or are treated like women and given clerical jobs and allowed to live at home, stating that all such decisions are made on a case-by-case basis. The recently issued standing order makes it clear that no automatic restrictions will apply to homosexuals and that all members of the force will be judged by the same criteria. Because of the ethic of inclusion in the Israeli military and the concept of citizen-soldier that guides Israeli service, there is a well-developed system of support from counselors, psychologists, and social workers to assist military leaders in dealing with service members' problems of adjustment to military service.

Like the United States, Canada and the United Kingdom do not rely on conscription. Canada maintains a relatively small military that, in addition to its NATO responsibilities, is oriented primarily toward the

role of international peacekeeper. In late 1992, Canada's policy was changed to eliminate the ban on homosexuals serving in its military, following court rulings that prohibited discrimination on the basis of sexual orientation in all areas of federal jurisdiction. The Canadian Forces then implemented a new policy that permitted acknowledged homosexuals to serve while prohibiting inappropriate sexual misconduct and personal harassment by all service members.[16] This new policy received strong endorsement and support from the leadership of the Canadian Forces. Thus far, the Canadian Forces report no detrimental effects resulting from the policy change.

The United Kingdom remains the only country of those visited to retain an absolute ban on homosexuals serving. It is the only country visited that will conduct investigations of alleged homosexuality and will expel known homosexuals from the service.

In all of the countries visited, sodomy has been decriminalized in the civil law. The military law then followed suit in all countries other than Britain, where the Queen's Regulations still forbid homosexual acts. Even in Britain, however, the policy in practice is to expel homosexuals under provisions of a general administrative discharge, not to charge them with a violation of military law.

Like Britain, Germany will exclude known homosexuals from service. For homosexuals already in the military, German policy tends to be more variable. Conscripts are likely to be expelled if discovered to be homosexual. (Since Germany does not actively investigate these matters, discovery would almost always be associated with an actual incident of conduct, an adjustment problem, or a self-declaration.) In the professional force, an individual who has served less than four years may be expelled, depending on other factors. Individuals would not automatically be expelled if other factors indicated satisfactory performance on the job. After four years of service, the individual almost certainly would *not* be separated, although it is very possible he would be transferred to a job that is not in a "leadership" position. In Germany these decisions, which are infrequent, are made on an

[16]The Canadian regulations on personal harassment, sexual misconduct, and sexual harassment are contained in Appendix E.

individual basis, and the outcome depends on a variety of factors. Indeed, the best summary characterization of German policy in this regard is the frequently heard explanation "it depends."

While it is generally accepted that homosexuals serve in all of the militaries examined for this study, few serve openly (and none, of course, can be open in the United Kingdom). RAND researchers were frequently told that if a meeting on this subject had not been requested by the visiting Americans, there would be no occasion to have a meeting to discuss the issue. Despite tolerance for homosexuality in the society and the decriminalization of homosexual acts, in none of these societies is homosexuality widely accepted by a majority of the population.[17] (The trend in society at large, however, is toward the expansion of legal rights of homosexuals.) In the Netherlands, easily the most tolerant and encouraging environment for homosexuals to serve, fewer than 1 percent of the men in the Dutch military identified themselves as "predominantly homosexual" on a questionnaire; 3.5 percent of women indicated that they were homosexual; and 4.8 percent of the men stated that they had had homosexual experiences at some time in their lives.

In four of the countries that have policies of complete nondiscrimination (Canada, Israel, the Netherlands, and Norway), no serious problems were reported concerning the presence of homosexuals in the force. While an occasional episode of ridicule or violence has occurred (reported mainly in Norway), these incidents have been sufficiently infrequent that no special measures were taken to prevent future incidents. In Canada, since the ban was lifted in 1992, no member of the Canadian Forces has declared himself or herself to be homosexual, and no incidents of violence against homosexuals or disruption in units have been reported. In the Netherlands, no serious problems have been reported. No effects on recruitment or retention were identified in these militaries.

Generally, the pattern in each of these organizations is to deal with homosexuals as individuals, treating any issues or difficulties

[17]See Appendix D for survey results concerning attitudes toward homosexuality in Canada, the United States, and the United Kingdom.

that arise on a case-by-case basis. The Netherlands departs from this standard in providing sensitivity training for troops and making active efforts to ensure that homosexuals are integrated into the force. The affirmative action policies and the special status thus accorded to homosexuals as a category distinguish policy in the Netherlands from that in the other countries examined.

None of the militaries studied for this report believe their effectiveness as an organization has been impaired or reduced as a result of the inclusion of homosexuals. With the exception of the Netherlands, no special resources have been expended or programs created to deal with the presence of homosexuals. The Dutch assessment of their own policy has led to the conclusion that the program of promoting open acceptance has not been as successful as they desired. While each of these militaries has a different role to play in its social context, the key finding is that, in all cases where a decision has been made to include homosexuals in the force, the organization's leaders believe that the force's organizational performance is unaffected by that presence.

The Experience of Domestic Fire and Police Departments[18]

Unlike the foreign militaries, domestic police and fire departments function in the *American* cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length. Police officers and firefighters return to their homes after periods on duty; they often train and work in smaller units than the military; and they

[18]See Chapter 4 for a more comprehensive treatment of selected domestic police and fire departments.

interact with the community at large to a much greater degree--indeed, as a central aspect of the job.

RAND researchers visited six U.S. cities that have policies of nondiscrimination in place: Chicago, Houston, Los Angeles, New York, San Diego, and Seattle. They focused on two main issues: (1) What were the behavioral responses at the individual level of both homosexuals and heterosexuals to the presence on the force of homosexuals? (2) What were the organizational strategies and polices put into place to implement the nondiscrimination policies? Geographic distribution was sought, and cities with atypical cultural climates with respect to homosexuals (e.g., San Francisco) were excluded. Cooperation from the local departments was generally good, although in Houston the police department and in Los Angeles the fire department declined to participate in the research effort. In addition to review of relevant documents and newspaper articles, RAND researchers also interviewed high-ranking leaders, personnel and equal opportunity officers, trainers, unit commanders, recruiters, and counselors. They also interviewed heterosexual rank-and-file members of the force and homosexual members, both alone and in groups ranging in size from three to twenty.

Based on the assessments of the experience in these six cities, it is possible to make some generalizations about the likely behaviors of homosexual members of the force. Virtually all homosexuals who join police and fire departments conform to the norms and customs of the organization they are joining. These individuals do not fit stereotypes that are inconsistent with the organization--those who join police departments, for example, wish to be "cops," not "homosexual cops." Homosexuals (male and female) declare their homosexuality gradually, and the numbers remain small (see Table 1-1), despite the existence of policies that codify their right to serve.

Many more homosexuals were known to each other and to their colleagues than were known to their departments. Some of these individuals were members of confidential homosexual fraternal

Table 1-1

Numbers and Percentages of Open Homosexuals in Selected Police and Fire Departments

Institution	City	Total Force Size	Number of Open Known Homosexuals	Estimated Prevalence
Police	Chicago	12,209	7	0.06%
	Houston	4,100	0	0.00%
	Los Angeles	7,700	7	0.09%
	New York	28,000	~100	0.36%
	San Diego	1,300	4-5	0.25%
	Seattle	1,300	2	0.15%
Fire	Chicago	4,700	0	0.00%
	Houston	2,900	0	0.00%
	Los Angeles	3,200	0	0.00%
	New York	11,300	0	0.00%
	San Diego[a]	845	1	0.12%
	Seattle[a]	975	5	0.51%

[a]All openly homosexual firefighters in these cities were women.

organizations. In one department, for instance, only seven individuals were known to the department, but more than forty belonged to a homosexual fraternal organization of department members. Moreover, in every city, homosexual officers knew of other homosexual members of the force who had opted not to join such groups, either for fear of being identified as homosexual or for lack of interest.

The number who publicly acknowledge their homosexuality and the pace at which they do it are strongly influenced by the perceived tolerance or hostility of the organizational environment, both in terms of leadership policies and attitudes and in terms of the attitudes and behaviors of fellow members of the force. Anti-homosexual attitudes are widespread within these organizations, and the process of making one's sexual orientation known is thus self-regulating to a large extent. Even in New York City, where the number of homosexuals on the force is highest and where the climate is generally more tolerant than in the other cities visited, fewer than half of the homosexuals belonging to the Gay Officers Action League are known to be homosexual by their supervisors or by the department.

Because of the general desire to conform to the norms of the organization and to "prove one's worth" as a member of the organization, homosexuals seldom engage in behaviors that challenge those norms or that are designed to shock or offend fellow members of the organization. Just as the process of making one's sexual orientation known is self-regulating, most other behaviors also conform to general expectations. Not a single case of an acknowledged homosexual male sexually harassing a heterosexual male was reported. Occasional hearsay reports, usually by commanding officers, were offered of homosexual women harassing heterosexual women, but these, too, were recognized as being rare, far less frequent than incidents of heterosexual men harassing women.

Heterosexual members of these departments often voice sentiments hostile to homosexuals. These opinions did not necessarily result in overtly hostile behavior. Some people reported that their opinion of homosexuals shifted after having served with them: Usually the homosexual officer had been known first in the role of policeman or policewoman, and only later as homosexual. Some instances of homosexual officers facing ostracism or being "framed" by fellow officers (e.g., planting false, incriminating evidence) were reported. While this was not a universal experience, it is not unheard of and concerns the leadership of the departments. Acknowledged homosexual members of the departments felt that they had generally been able to manage the hostility, especially if the decision to be open about their sexual orientation was their own. Those who had been exposed as homosexuals by others often experienced more difficulty.

Heterosexuals often voice a fear of AIDS, and the fear is often based on views that would not be supported by scientific data on the nature of the disease and the mechanisms for its transmission. Such attitudes have not been eliminated despite educational efforts regarding the disease. Notwithstanding the presence of concerns or fears over AIDS, no actual incidents where officers refused to work with or come to the aid of a homosexual colleague were reported to the research team.

Among heterosexuals there is widespread fear that homosexuals will be given special treatment or that efforts will be made to "educate" heterosexuals and change their attitudes toward homosexuals.

Sensitivity training, special programs for homosexuals, or elements of affirmative action aimed at homosexuals foster deep resentments among the heterosexual members of these departments. Leaders emphasized the importance of controlling behaviors, not attitudes. It is possible for heterosexuals to work with a homosexual, but to ask them to alter fundamental moral or religious beliefs about homosexuality is to ask too much.

The departments visited report that, overall, the effectiveness of the organization has not been diminished by the presence of homosexuals on the force. Morale and discipline have been maintained, and recruitment and retention rates appear to be unaffected by the presence of known homosexuals in the department. Very few formal complaints of harassment are lodged, due in part to the relative rarity of such events but due also to the strong norms in these organizations to work out problems at the unit level--good cops do not "rat" on their fellows, and good units do not expose their problems to outsiders.

In order for a nondiscrimination policy to be implemented effectively, leaders in these departments suggested that the message that a new policy was in place needed to be clear and simple, and it needed to be communicated and enforced consistently. Since anti-homosexual attitudes are present among the rank and file and since sensitivity training and similar programs usually provoke resentment rather than tolerance, the emphasis on training is more successfully focused on leaders. Strict standards of professional conduct and behavior are important. Likewise, it was felt that education on the issues related to AIDS could be effective in helping to overcome some of the fears expressed by heterosexuals.

A final observation on implementation that applied to all departments studied is that the process of implementation unfolds gradually. Homosexuals reveal their sexual orientation over time, in a process calibrated in part to the perceived readiness of the organization to tolerate open acknowledgment. The organizational tolerance, in turn, evolves over time partially in response to the behavior of the members. Because the number of open homosexuals remains small, both as a percentage of the total force and as a percentage of

the total number of homosexuals on the force, there is little need for policies "regulating" the behavior of acknowledged homosexuals on the force--the behaviors are self-regulating. The self-regulating and evolutionary nature of the process provides time for organizations to adapt to members as well as for members to expand, in a gradual fashion, the boundaries of the organization's tolerance.

The History of Racial Integration in the United States Military[19]

Our review of the military's experience with integrating blacks and women shows that racial integration is the more applicable analogy: women are still largely excluded from combat and, therefore, in a very fundamental way, are treated as a special class. The process of racial integration, begun in the late 1940s, required many years of effort in order to achieve the relatively successfully integrated fighting force of today. While a decision to permit homosexuals to serve is not directly comparable to this historical example, racial integration can serve as a source of potential insights into how the military as an organization has adapted to changing policies on a controversial social issue. The lessons of this experience may prove valuable in devising a practical and realistic implementation plan for changes in the future.

The main theme of those opposed to racial integration in the post-war period centered on the fact that whites were hostile toward serving with blacks. This argument was often accompanied by rhetoric similar to that surrounding the issue of homosexuals serving today. Integration was said to be inconsistent with prevailing societal norms and likely to create tensions and disruptions in military units and to impair combat effectiveness. The effect on combat effectiveness was put to an early test during the Korean War. Spurred in part by critical manpower needs and in part by a concern that the all-black units were not as combat-capable as required in the theater, the Army fielded integrated units for the fighting. The actual experience of these units indicated that the integrated units performed at a standard equal to the all-white units (and much better than the all-black units).

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[19]See Chapter 5 for a more detailed discussion.

The initial positive experiences in the wartime environment of Korea were followed by further rapid and complete integration of the Armed Forces by the mid-1950s. Until the early 1960s, the military seemed to be moving ahead of civilian society in progress toward integration. Black reenlistment rates were high, and many blacks perceived the military as providing opportunities in some ways more attractive than those provided by civilian society.

This veneer of racial harmony was shattered in the late 1960s. The civil rights movement and the rise in racial tensions throughout the country during the 1960s were reflected in the military. For example, difficulties experienced by black troops in finding off-base housing in certain areas of the country created a significant challenge for the Department of Defense. The Vietnam war added an additional layer of racial tension. Initially, blacks volunteered in disproportionately high rates for combat duty in Vietnam and performed effectively. But as many civil rights leaders began to be vocal in their opposition to the war, many also began to question whether the draft calls and the casualty rates were falling disproportionately on black Americans from the inner cities. Racial tensions and, ultimately, race riots broke out in all four services. The military was forced to recognize that much still remained to be done to achieve integration, and that the level of racial tensions threatened to interfere with mission accomplishment.

By the end of the Vietnam war a vigorous effort to improve the racial situation in the military had been launched. Aggressive support for equal opportunity accompanied the post-Vietnam drawdown and the development of the all-volunteer force (AVF). Renewed attention from senior leaders and vigorous efforts to enforce policies forbidding discrimination resulted in the integrated, all-volunteer force of today.

While these historical examples can be instructive, they are not directly comparable to the issue of known homosexuals serving in the military. For example, in contrast to the issue of sexual orientation, there were compelling operational reasons favoring integration of blacks into the military. During World War II, many military leaders had begun to recognize that operational effectiveness was impaired by continued

segregation in the force. Thus, elements of the military itself began examining ways to utilize black troops more effectively. In contrast, the argument for permitting homosexuals to serve is based on ending discrimination, not on compelling operational advantages.

Although a majority of Americans did not favor racial integration of the military in the late 1940s, public opinion changed over time The wartime experience and the growing civil rights movement increased the pressure on the military to change. This pressure was a constant and growing factor for change throughout the 1950s and 1960s. Today, public opinion is more favorable to allowing homosexuals to serve than was public opinion favorable to racial integration of the military in the late 1940s.[20]

These distinctions must be kept in mind in evaluating the lessons suggested by the experience of racial integration of the military, but several points are nonetheless pertinent: The experience of integrating the races in the military suggests that civilian and military leadership can effectively overcome the initial resistance to change and can minimize the worst fears of opponents about the damaging effects on unit performance. Despite the presence of racial tensions, fighting performance did not suffer. The experience also suggests that military adaptation to social change does not occur overnight, and that constant monitoring and a clear commitment from top leadership over a substantial period of time will be required. The experience of racial integration also illustrates the length of time often required to put a change in policy into actual practice. Further, the integration of the workplace and the ability to accomplish the mission at hand does not automatically translate into social integration. Off-base and off-duty, blacks and whites customarily associate with members of their own race.

CURRENT AMERICAN ATTITUDES TOWARD HOMOSEXUALS SERVING

The historical lesson of racial integration clearly shows the importance of both general public opinion and the attitudes of service

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[20]See Chapters 5 and 6 for more discussion of these public-opinion issues.

personnel toward homosexuality and toward homosexuals serving in the military.

Attitudes in the General Population[21]

Currently, the American public is divided on the question of whether homosexuality is acceptable as a "lifestyle," with a majority believing that it is not acceptable. Roughly 40 percent of Americans are willing to consider homosexuality as either not a moral issue or as an acceptable alternative lifestyle, a percentage that has remained relatively unchanged over the past decade. If a slightly different question is asked, such as whether homosexuality is "wrong," nearly three-quarters of the American public answer affirmatively. There is no trend toward greater acceptance of homosexuality discernible in these opinion data, either. For the past two decades, 70-75 percent of the public has responded that homosexuality is wrong.

While a majority of the public cannot be said to approve of homosexuality or a homosexual "lifestyle," opinion toward the civil rights of homosexuals is more favorable. Roughly 80 percent believe that homosexuals should not be discriminated against in the workplace (despite a personal preference of half the population not to have to work with a homosexual). On other issues of homosexual rights, such as homosexual marriage or child rearing rights, only about one-third of the American public supports extending such rights to homosexual couples.

On the question of service in the military, the American public is again divided. In a variety of polls, the percentage that favors lifting the ban on service varies from slightly more than 40 percent to slightly more than 50 percent. In the most recent poll, the *Wall Street Journal*/NBC News poll, published June 11, 1993, only 21 percent of registered voters opposed allowing homosexuals to serve under any circumstances. Thirty-eight percent favored service as long as sexual orientation was kept private, and 40 percent were in favor of homosexuals serving openly (but following the same rules of conduct as all military personnel while on base). While the opinions on removing

[21]See Chapter 6 for a more detailed treatment of American public opinion. Survey results are presented in Appendix F.

the restriction on homosexuals in the military more closely resemble opinions toward workplace and employment issues than opinions on "lifestyle" and morality, no strong consensus emerges from the data in favor of permitting homosexuals to serve. The American public remains divided on this issue.

Attitudes in the Military[22]

The popular press and recent Congressional hearings have provided a window into the military perspective on ending discrimination on the basis of sexual orientation in the military. Whether in opinion surveys or in group discussions the military members who have chosen to speak out on this subject have been overwhelmingly opposed to removing the restriction. However, this opposition has not been universal. Some military members have advocated allowing homosexuals to serve and some have expressed willingness to go along with whatever is decided, while some are strongly opposed to making any changes at all. Some have predicted the demise of the military if the ban is lifted and others have expressed their belief that the military would adjust to this change, as it has adjusted to changes in the past.

Two sources of information on military opinion were consulted by the study team: surveys and focus group interviews. While neither source provides a statistically representative view, together, they provide a reasonably comprehensive picture of contemporary military opinion.

Surveys. The two surveys of military opinion on this topic are by the *Los Angeles Times*, a survey of 2,346 enlisted men and women (E-1 through E-9) during February 11-16, 1993, and by Charles Moskos and Laura Miller, sociologists from Northwestern University. While these surveys are limited in scope and use convenience sampling methods rather than probability sampling to select respondents, they provide a source of information about a diverse sampling of military members.

The survey results indicate that three-fourths of males and about half of females in the military are opposed to permitting homosexuals to serve. A substantial minority of respondents in the *Los Angeles Times*

[22]See Chapter 7 for a more detailed discussion.

poll, about 16 percent of males and 35 percent of females, approved of removing the ban; and 17 percent of males and 44 percent of females participating in the Moskos and Miller survey approved of removing the ban.

Those opposing homosexuals in the *Los Angeles Times* poll indicated that they feared sharing quarters with homosexuals, that they viewed homosexuality as immoral and contrary to their religious beliefs, and that they were concerned that homosexuals contribute to the spread of AIDS.[23] An overwhelming majority expressed the opinion that homosexuals would be subject to violence if restrictions on them were removed. Those Army personnel responding to the Moskos and Miller survey indicated that, while homosexuals were not generally considered to be desirable unit members, an overwhelming majority of respondents (72 percent of males and 87 percent of females) felt that private sexual behavior was none of their business. Fewer, about 38 percent of males and 29 percent of females, felt that heterosexuals would be subject to sexual advances by homosexuals. The ban on homosexuals is not, however, the only important concern of military personnel. The *Los Angeles Times* survey found that while 48 percent rated removing the ban as the most important problem facing the military, 52 percent picked downsizing of the force; 66 percent felt that attention to removing the ban was "draining attention from other more important issues."

Focus Groups. RAND researchers also conducted 18 focus group discussions as part of this study. These focus groups provided a rich source of information on the diversity of military opinion and on how military members think about the issues and explain their views. Focus groups were conducted with Army, Air Force, and Marine participants at three California installations and with Army and Air Force participants from several installations near Frankfurt, Germany. The interview protocol used was designed to lead gradually into the topic of homosexuals in the military, in order to understand that issue in the larger context of opinion on other aspects of military life. To understand how conflict is managed in the military's working

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[23]For a discussion of AIDS in the military see Chapter 8.

environment, questions were asked about how differences in race and gender might cause problems and how these problems were resolved.

While there was diversity in opinions, some common elements emerged. First, military members felt that they had dealt successfully with racial integration in the military and were proud of it. They seemed to feel that racial integration had strengthened the military's ability to perform its mission. They also seemed to deal well with the low-level interpersonal conflict that happens in the barracks and on the job. Soldiers viewed it philosophically as the price for diversity, which they seemed to value. Officers viewed dealing with it as part of the job they were trained to do and an area that provided considerable challenge.

Most acknowledged that the integration of women into the military was still causing problems, in part because it was incomplete. Still, most group participants viewed women as there to stay and were confident that problems would eventually be worked out to a tolerable degree.

When the issue turned to homosexuals in the military, focus group participants' level of confidence in their ability to cope dropped sharply. While some could view the change with equanimity, many had difficulty imagining the consequences and viewed the problem in stark terms. Concerns centered around fears of special treatment of homosexuals, fears that homosexuals will band together and discriminate against heterosexuals, fears of being subjected to unwelcome sexual advances, and fears about their families and themselves being confronted by evidence of a lifestyle they regard as immoral. These concerns were particularly strong against a backdrop of downsizing and cutbacks in military benefits. Many perceived their own opportunities to be shrinking and resented what they see as extending rights and benefits to an unworthy group that is using the military for political and social advantage. Many predicted violence against homosexuals would result; this was expressed both in the surveys and in the focus groups.

They were unable to see how the conflict management skills they had learned in response to other problems could apply to this new situation, although this was in direct opposition to the "can do" attitude they had articulated earlier in the group sessions. In

addition, while they had (for the most part) incorporated the presence of minorities and women into their image of the military, they had much more difficulty seeing how homosexuals could fit into that picture without changing it beyond recognition, compromising the military's ability to carry out an effective national defense.

ISSUES OF CONCERN: VIOLENCE AND AIDS

Focus groups with active-duty personnel, surveys of military personnel, testimony at Congressional hearings, and media reports have raised concerns about anti-homosexual violence and the possibility that AIDS would increase among military personnel if acknowledged homosexuals are allowed to serve.

Violence[24]

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence or threats of violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of racial integration in the U.S. military, foreign militaries, and domestic police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

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[24]See Chapter 9 for a fuller discussion of anti-homosexual violence.

HIV Transmission and AIDS[25]

DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less to estimate its magnitude. However, if there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all service personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

UNDERSTANDING UNIT COHESION[26]

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."[27] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the

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[25]Chapter 8 contains a more comprehensive discussion of health issues, risk behavior, and the military blood supply.

[26]See Chapter 10 for a more comprehensive treatment.

[27]Department of Defense Directive 1332.14, *Enlisted Administrative Separations*, Enclosure 3H.

cohesiveness of that unit. Unfortunately, opinion on this issue is intuitive or based on anecdote. There has been no systematic study of this subject, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is the commonsense observation that it is not necessary to like someone to work with him or her, *so long as members share a commitment to the group's objectives*. This conclusion was also borne out in the review of racial integration in the military, as discussed above.

"Cohesion" is a concept with many definitions and sources. While military researchers sometimes refer to "horizontal" cohesion, meaning the bonding of members of a group, and "vertical" cohesion, referring to the bonds between leader and members, these concepts are not widely used in the research literature. Leadership is recognized as an important aspect of military performance (and can have an effect on cohesion), but "cohesion" is generally used to refer to the forces that bond individuals together as a group. This notion of cohesion, in turn, can be generally divided into two important types: social cohesion (intra-group attraction) and task cohesion (commitment to shared goals and objectives). Cohesion can thus also be distinguished from other concepts such as morale, a concept more meaningfully applied to individual attitudes toward a larger group.

Research has shown that many factors can produce social and task cohesion. Simply being assigned to the same unit predisposes the group members to at least a moderate level of cohesion. Length of time together, a history of success experiences, and a sense of shared fate or interdependence all enhance a unit's cohesion. Sharing similar traits or values enhances social cohesion, but it is not necessary for task cohesion, so long as the individuals share a commitment to the group's mission.

In general, research has identified a positive, though not strong, association between cohesion and performance. However, the relationship between cohesion and performance is not a straightforward one. First, the effect of successful performance on cohesion appears to be stronger than the effect of cohesion on successful performance. Second, it appears that the positive association of performance and cohesion is almost entirely due to the influence of task cohesion, not social cohesion. Indeed, excessive social cohesion sometimes interferes with the successful completion of the group's assigned mission.[28]

The lack of direct evidence makes it difficult to predict confidently the effect of the presence of a known homosexual on the performance of the group. Sexual orientation is one dimension on which group members would be dissimilar, and this could reduce social cohesion. Members would share other traits, however, and the precise effect of the presence of a known homosexual on social cohesion is uncertain.[29] While the effect on social cohesion may be negative, the presence of a known homosexual is unlikely to undermine task cohesion, provided that the individual demonstrates competence and a commitment to the unit's mission. Task cohesion, not social cohesion, appears to be what drives successful performance.

Given the high levels of hostility toward homosexuals present in the military ranks today, a range of responses is possible to the introduction of a known homosexual into the group, including ostracism. At least initially, heterosexuals might be reluctant to cooperate or work with homosexuals. However, the reduction in social cohesion would not necessarily lead to the breakdown of the unit. In circumstances where disruptive behavior occurs or where standard leadership techniques are insufficient for preventing dysfunction in the unit, it may be necessary to provide additional resources to the unit leader, such as

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[28]Examples where excessive social cohesion could undermine group performance include socializing among the workforce, "rate busting," groupthink, and mutinies.

[29]Acceptance of known homosexuals in police departments appears to be much greater, for example, if the individual is recognized as a "good cop," rather than a "gay cop." See the discussion in Chapter 4 on this topic.

counseling support or expert assistance. It may also be necessary to remove individuals (heterosexual or homosexual) from units if their behavior continues to disrupt the unit.

IMPLICATIONS OF THE RESEARCH

Homosexuals serve in all of the foreign militaries and in each of the domestic police and fire departments visited by RAND researchers. They serve with varying degrees of openness, however, and in most of these organizations the number of homosexuals known to the organizations was estimated to be a small fraction of the total number of homosexual members. A variety of factors explain this, including the generally hostile attitudes of many heterosexuals toward homosexuals. In these circumstances, homosexuals tend not to advertise their sexual orientation but rather conform to the mores and norms of the organization in which they serve. These organizations found that incorporating homosexuals into the force created relatively few problems. They experienced virtually no loss of organizational effectiveness or impairment in performance. Few disruptive incidents or examples of outright hostility were reported. The inherent gradualism of the process of integration accounts in part for the absence of negative effect, as do some of the strategies adopted by the organizations for assuring successful implementation.

Among the strategies for achieving successful implementation of a nondiscrimination policy, those that signaled clear leadership support and insistence on maintaining high standards of professional behavior resulted in relatively few problems. In the opinion of most officials interviewed, the resistance of heterosexuals to the process was dealt with more effectively through leadership training (throughout all levels of the chain of command) than through affirmative action or sensitivity training for the rank and file. Dealing with potential cases of incompatibility or disruptive behavior--as they arose--was generally preferred over special class protections for homosexuals.

It is difficult to predict how including known homosexuals in the military would affect unit cohesion, but some resistance can be expected from heterosexuals, given the current state of opinion among service

personnel. Research suggests that, at least in the short term, the possible negative effects on social cohesion would not necessarily have a negative effect on task performance or on unit effectiveness. Further, the research indicates that there would be sufficient time for military leadership to use the tools available to enforce discipline and foster task cohesion: As discussed above, the process of integrating acknowledged homosexuals is gradual and self-regulating. The experience of foreign militaries and domestic fire and police departments suggests that few homosexuals would acknowledge their orientation and that they would do so only when they felt the group context was tolerant.

The research conducted by RAND provides evidence that homosexuals can be successfully integrated into military and public security organizations. It also revealed, however, that hostile opinion toward homosexuals is prevalent in the American military and that any effort to introduce a change in current policy must confront the challenges posed by this unique environment. In developing a policy option consistent with the President's criteria (ending discrimination in a way that can be implemented practically and realistically), issues of implementation must, therefore, be examined carefully. An option consistent with the findings of the research and satisfying those criteria is identified and assessed in the following section. A discussion of implementation issues follows the description of the option.

A POLICY THAT ENDS DISCRIMINATION BASED ON SEXUAL ORIENTATION

In light of this research, the team examined a range of potential policy options. In the past and in foreign militaries, policies to end discrimination have generally taken one of two forms:

1. Treat homosexuals as a protected class, with the special treatment or affirmative action such status implies, attempting to change majority attitudes to become more tolerant of the discriminated class.
2. Consider homosexuals on an individual, case-by-case basis, using existing, universally applicable rules and regulations in making personnel decisions.

The first policy of treating homosexuals as a protected class characterizes the experience of integrating blacks in the American military and policies toward homosexuals followed by the Netherlands. A variety of factors suggest, however, that the second approach is likely to be more successful for the American military in this case. First, there is no legal requirement to provide protected class status to homosexuals at the present time. In fact, most courts, at both the state and federal level, have refused to recognize such status. Legislative change is not likely in the near term, and, in recent state and local elections, voters have either turned down or preempted such status. Second, the research reported here consistently suggests that such status, and the special treatment it implies, would clearly foster resentment and arouse hostility toward homosexuals in the very organizations that would be implementing a nondiscrimination policy. By drawing special attention to the issue of sexual orientation, such a policy would in effect place more emphasis on sexual orientation than the current exclusionary policy does. A policy that does not create special class status for homosexuals is likely to be received with less hostility and, therefore, to be easier to implement. Ultimately, however, a decision not to grant protected class status to homosexuals must rest on the ability of other, less drastic policies to end discrimination, the stated goal of the change in policy.

A policy based on the principle that sexual orientation is not germane to military service thus emerged as the most promising option for achieving the President's objectives. This option ends discrimination on the basis of sexual orientation while assuring the requirement that military order and discipline be maintained. It implies no endorsement of a "gay lifestyle," nor does it require any special accommodations to homosexuals, who would be considered as individuals, not as a special class of people. This policy incorporates strict standards of personal conduct, applicable to all members of the force and designed to remove matters of sexual orientation from the professional environment.

A policy based on these premises could be built around the following basic elements:

- A single, gender- and orientation-neutral standard of professional conduct.
- Strict rules governing personal and sexual harassment, designed to remove such actions from the professional environment.
- Elimination of prohibitions in DoD directives on private, consensual sexual behavior among adults, and adjustment of investigative and enforcement practices accordingly.
- No changes in other military rules and regulations.

An illustrative *Standard of Professional Conduct* was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization.[30] Similar standards have been used effectively in other organizations and foreign militaries[31] and are analogous to the "good order and discipline" and "conduct unbecoming" provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

- A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals are asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual identity or orientation.
- A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.

[30]Appendix A contains such a *Standard of Professional Conduct*.
[31]See Appendix E for the Canadian regulations.

- A list of categories of inappropriate conduct, including sexual harassment, fraternization, personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.
- Application of these standards by leaders at every level of the chain of command, in a way that ensures that effective unit performance is maintained.

Strict standards of professional conduct and an environment free of personal harassment are critical to the successful implementation of this nondiscrimination option. The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that impeded the effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. On issues such as recognizing homosexual marriages or conferring benefits on homosexual partners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago.[32] However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy have already been developed: Individuals act in ways that do not

[32]Appendix B discusses the RAND survey of military facilities.

intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guaranties of privacy.

Legal Issues Regarding a "Not Germane"/Conduct-Based Policy[33]

The legal implications of adopting and implementing the "not germane"/conduct-based policy were also examined. This policy could be adopted and implemented by the President under his authority as Commander-in-Chief of the Armed Forces and would probably be upheld by the courts as an exercise of executive authority. This policy, including implementing the *Standard of Professional Conduct* and revising the Manual for Courts Martial to exclude private, consensual sex between adults, is entirely legally defensible.

Implementing the illustrative *Standard of Professional Conduct* raises several potential issues from a legal perspective, however. First, is the standard itself sufficiently specific to withstand a void-for-vagueness challenge? Second, how specific must a *Standard of Professional Conduct* be to provide adequate notice that certain behavior violates good order and discipline? Third, would the code's lack of specific examples make it susceptible to challenges based on unequal enforcement in similar situations? And fourth, if specific examples were to be included, would the standard be susceptible to an equal protection challenge? For the reasons discussed below, we conclude that the *Standard of Professional Conduct* would likely be upheld against these potential challenges. That is, the *Standard of Professional Conduct* as drafted would provide sufficient specificity to satisfy pre-notice requirements, but more specific provisions could also be sustained.

The Supreme Court has consistently upheld Articles 133 (conduct unbecoming an officer and a gentleman) and 134 of the UCMJ (the General Article, makes punishable ". . . all disorders and neglects to the

[33]See Chapter 11 for a more comprehensive discussion of the legal issues concerning such a standard.

prejudice of good order and discipline in the Armed Forces . . .") against challenges that they were "void for vagueness" and hence provided no notice of what would be punishable conduct. Although the court ruled that military law need not be as precise as civilian criminal statutes, in most instances, adequate notice has been provided by military custom, rules, and regulations.

Under the *Standard of Professional Conduct* it is inevitable that the same behavior in different circumstances would be treated differently. Commanders would likely respond differently to certain behavior and might view the consequences to morale and discipline of a particular act differently. Commanders would likely vary in how they would weigh the time, place, circumstances, and purpose of an action relative to its consequences. Thus, some degree of differential enforcement of the *Standard of Professional Conduct* should be expected, but this alone would not render the standard unenforceable. The result of providing maximum discretion to commanders, which already exists under Article 134, is that not all commanders treat the same situations alike, a result also likely under the *Standard of Professional Conduct*.

As noted above, the time, place, circumstances, and consequences of the conduct determine if an act would be punishable as disruptive conduct. The same standards would apply whether the conduct takes place on or off base. Thus, the *Standard of Professional Conduct* would be applicable to behavior that is disruptive to morale or unit cohesion regardless of where the behavior takes place.

If sexual orientation is regarded as not germane in determining who may serve, Enclosure 3H of the DoD regulations concerning administrative separations (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[34] Those portions of the MCM have historically been applied

[34]From the perspective of a homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequence could be that if 1332.14 is repealed without changing Article 125, the only way for the military to

differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consensual sexual behavior or sexual acts with a minor.[35] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

In sum, an option that regards sexual orientation as not germane to military service, accompanied by the *Standard of Professional Conduct* and revisions to administrative enforcement of Article 125, is legally supportable.

IMPLEMENTATION OF A POLICY THAT ENDS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION[36]

A policy for ending discrimination on the basis of sexual orientation will present implementation problems that go beyond those created by more usual structural or organizational changes. Like the racial integration, admitting acknowledged homosexuals represents a *social* change that touches not only on deeply held social attitudes, but on moral beliefs as well. For many, it makes no difference if they come into contact with a serving homosexual; just changing the policy alters their perception of their organization in very fundamental ways. For these people, the primary issue is not unit cohesion, but morality. Some may leave the organization. For those who stay, the challenge will be to implement the change in ways that preserve essential task cohesion and organizational effectiveness.

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discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

[35]Appendix C contains an example of such a revision.

[36]See Chapter 12 for a more detailed discussion. The research team also examined the potential effects of a change in policy on recruitment and retention. These findings are discussed in Chapter 13.

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

- The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record as opposing any change, it will be necessary, if policy is changed, for these and other leaders to signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.
- The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist it and to seek to "prove" that the change will not work.
- Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, such efforts would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.
- Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experiences, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal that the change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.
- Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may

be a useful device for ensuring that the change is understood and occurs rapidly.

- A monitoring process should be established to identify any problems early in the implementation process and to address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

2. SEXUAL ORIENTATION AND SEXUAL BEHAVIOR[1]

In discussions of a policy change allowing homosexuals to serve, some of the strongest expressed concerns have been that it would not only increase the number of homosexuals in the military, but implicitly condone sexual behaviors now proscribed under DoD Directive 1332.14 and Article 125 of the Uniform Code of Military Justice. The purpose of this chapter is to look at what we know about the prevalence of homosexuality and the proscribed behaviors. Specifically, we review the best available data to answer these questions:

- What is the prevalence of homosexual behavior in the general U.S. population and in the military?
- Are homosexual status (i.e., self-identified sexual orientation) and homosexual conduct (i.e., sexual behavior) synonymous?
- What is the prevalence of the proscribed sexual behaviors among male and female heterosexuals and homosexuals?

This chapter begins by discussing our approach to the relevant literature and then addresses these questions in turn.

APPROACH TO THE LITERATURE

Before we start this review, the reader should be aware that literature on sexual attitudes, knowledge, and behavior is riddled with serious problems, most of them unlikely to be resolved in the near future, if ever. Virtually all available data from the time of Dr. Alfred Kinsey's pioneering work (Kinsey et al., 1948, 1953) until the past few years are derived from nonprobability "convenience" samples that are not generalizable to the U.S. population as a whole.[2] In the

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[1]This chapter was prepared by Janet Lever and David E. Kanouse, who wish to acknowledge the considerable assistance of Robert MacCoun and Peter Tiemeyer.

[2]Convenience samples characterize most studies in both the sex research and epidemiology literatures. Typically, samples are drawn

past few years, researchers have attempted to apply random probability sampling techniques to get more representative respondents, but these studies, too, have serious limitations.[3]

To date there is no completely accurate study of the prevalence and incidence of private sexual behaviors. Nevertheless, the data that have been collected do provide some useful information regarding the three questions posed above. Fortunately, for most of the issues we examine, the available information is adequate for a "ballpark" estimate, to establish a lower bound for the prevalence of particular behaviors, or to estimate the *relative* prevalence in different populations.

In light of the variable quality of the research, we concentrate on the best studies--those that provide the most objective empirical evidence available on issues relevant to this debate. These studies have been chosen using the following criteria:

- Sampling methods--probability sampling methods that will support generalizations to a population of interest are preferred to convenience samples.
- Specific, well-defined, objective measures of behavior--the interpretability of self-reports of sexual behavior requires that the questions be clear and well-defined so that respondents know what is being asked and researchers know what the response means.
- Quality of survey execution--use of appropriate procedures to safeguard privacy and to achieve adequate response rates.

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from patients of STD (sexually transmitted disease) clinics, members of accessible organizations, persons who frequent public places for sexual contact, and volunteer respondents to magazine and other publicly announced surveys (Turner, Miller, and Moses, 1989). Contemporary researchers at the Kinsey Institute describe some of the other methodological shortcomings of sex research: small sample size, recruitment in one or just a few locales, and an overrepresentation of young, white, urban middle-class respondents (Reinisch et al.,1988).

[3]Limitations are a result of sampling error, non-response bias, and various sources of measurement error, including the respondent's skipping embarrassing questions, distortion of answers to fit a "socially desirable" image or to deny incriminating behavior, or simple failure of memory to provide the accurate response.

- Quality of documentation of results--key variables reported for subgroups as well as overall sample, univariate or multivariate relationships reported, evidence provided on the likely effects of nonresponse.
- Sample size--larger is better.
- Recency--although older studies may be as meritorious scientifically as recent ones, recent studies are more readily generalizable to today's policy context, all else being equal.

Wherever the available literature includes studies that vary on these dimensions, we based our conclusions on the studies judged best by these criteria. On some issues, however, we have used studies and noted their limitations and made caveats. We have omitted some pertinent studies when others better met our quality criteria.

PREVALENCE OF HOMOSEXUALITY: GENERAL POPULATION AND THE MILITARY

In some important respects, the prevalence of homosexual behavior in the general population has no direct bearing on policy regarding military service by homosexuals. If homosexuality is incompatible with military service, then it is incompatible regardless of how many people are excluded from serving by the restriction. Once consideration is given to ending the restriction, however, the prevalence of homosexual behavior gains relevance from a practical point of view: How many potential military personnel are we discussing? Furthermore, the prevalence of homosexual behavior in both the general population and the military will be important for assessing whether a policy change will cause an increase in sexual behaviors associated with health risks. Accordingly, we review what is currently known about this question.

All of the studies of the prevalence of homosexuality are affected to some degree by problems of underreporting. Homosexual behavior, especially in males, is highly stigmatized, and even the most credible assurance of anonymity may not persuade survey respondents to acknowledge behavior that they are accustomed to keeping secret. Consequently, stigmatized sexual behavior is probably more often underreported than overreported, and the magnitude of the underreporting

is unknown.[4] Although much has been learned about survey research methods for obtaining useful data about sexual behavior, there are still many unanswered questions about the effectiveness of different approaches (Catania et al., 1990; Miller, Turner, and Moses, 1990, Chapter 6).

Homosexual Behavior in the General Population

Given these constraints, there is no definitive study establishing the exact proportion of men or women in the general population who have same-gender sex. Instead, the proportion of men and women willing to acknowledge homosexual activity varies from survey to survey, no doubt reflecting the highly sensitive nature of questions on this topic and probably according to the methods used to assure confidentiality and elicit candid responses.

Taken as a whole, survey data indicate that roughly 2 to 8 percent of adult American males acknowledge having engaged in sexual acts with another man during adulthood. The extent to which the actual percentage may be higher, because of underreporting, is not known. For many men, long periods of time may elapse between such experiences. Consequently, the percentage of men who report such acts during specified periods (e.g., during the last year) is typically smaller than the percentage who report any such contact as adults. A majority of the men who report homosexual contacts have also had sex with women (Rogers and Turner, 1991). Thus, the percentage of men who are *exclusively* homosexual in

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[4]One of the few studies bearing on this was conducted by Clark and Tifft (1966), who used a polygraph to motivate respondents (45 college males) to correct misreports they may have made in a previously completed questionnaire. They found that, although 22.5 percent of these men ultimately reported some male-male sexual contact when confronted with a lie detector, only 7.5 percent of these had done so in the initially completed questionnaire. In addition to the 15 percent who changed their answers from denial to acknowledgement, 5 percent changed their answers from acknowledgement to denial when confronted with the lie detector. Thus, the net change in the reported prevalence of male-male contact was an increase of 10 percent (from 12.5 percent to 22.5 percent), a substantially higher prevalence than would be estimated from the initial questionnaire alone. Although it would be inappropriate to generalize from this small sample of college males to a broader population, the results illustrate that considerable underreporting of same-gender contact may occur in surveys.

their adult sexual behavior (those most likely to consider themselves to be homosexual) is much smaller than the percentage who ever have sex with other men. We discuss this issue further under "Relationship Between Status and Conduct."

Data on the prevalence of female homosexuality are even more sparse than data for males, and where data have been collected, they are often unreported.[5] However, what data there are suggest a prevalence lower than for males: The estimates range from 1 to 6 percent, with variations among age groups and for marital status.

For many years, virtually the only data came from Kinsey et al. (1948, p. 651), who were the source for a widely cited figure of 10 percent. In fact, this figure referred to the estimated proportion of the 5,300 men interviewed who were exclusively or predominantly homosexual--*for at least three years between the ages of 16 and 55*. They estimated the proportion who were exclusively homosexual throughout their lives to be much lower--4 percent.[6]

Kinsey et al. (1953) are often cited to the effect that the prevalence is lower among females than among males. Such a conclusion requires comparable data for both genders, and, unfortunately, Kinsey did not report on female homosexual behavior using the same yardstick as was used for males. For females, Kinsey (1953, pp. 473-474) reported that between 1 and 6 percent of unmarried and previously married females, but less than 1 percent of married females, were exclusively or predominantly homosexual--*in each of the years between 20 and 35 years of age*. They did not report an aggregate percentage for females regardless of marital status. But even if they had done so, the resulting percentage would not be comparable to the 10 percent for males because of differences in the age ranges and number of years required to qualify under the two definitions.

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[5]Data on female-female sexual contact were collected in some of the surveys reviewed in Table 2-1, but reports on those surveys may include only the male-male data because of the importance of this behavior in understanding and forecasting the future spread of HIV infection.

[6]The nature of Kinsey's sample may have affected the results: Some of the male subjects were prisoners, and there is reason to believe that the incidence of homosexual behavior is higher in prisons, as discussed below.

More recent data from probability samples suggest that Kinsey's 10 percent figure for males is too high. But recent studies, summarized in Table 2-1, still do not converge on a single "correct" figure below that number. The prevalence estimates shown in Table 2-1 are not directly comparable to Kinsey's 10 percent figure. Rather, the statistics refer to all those who report any same-gender sexual contact either in adulthood or during a specified time period--a number likely to be considerably higher than the percentage who report being exclusively or predominantly homosexual. The National Survey of Men is the only study based on a probability sample that publishes a figure even roughly comparable to Kinsey's estimate that 4 percent of men are exclusively homosexual throughout their lifetime. Of the 3,321 men aged 20 to 39 surveyed, only 1 percent reported being exclusively homosexual in behavior in the prior ten years (Billy et al., 1993).[7] In their reanalysis of five probability studies (all presented in Table 2-1), Rogers and Turner (1991) report only 0.7 percent with exclusively male-male sexual contacts during adult life. Where estimates of female homosexual contact are available, they do not differ markedly from those found for males in one survey, and in the other, they are similar over the long time period, but considerably lower for the past year.

Table 2-1 clearly indicates the episodic or experimental nature of homosexual experiences for some people.[8] The shorter the time period investigated, the smaller the percentage of men and women who report same-gender sexual behavior. Besides time frame, differences in samples and data collection techniques in all likelihood also contribute to the variation in prevalence estimates. Estimates of homosexual activity are highest in the Research Triangle Institute study, which was conducted as a pilot test for a national seroprevalence study (Rogers and Turner, 1991). Its unusually high response rate (88 percent) may be a result of the cash incentive offered; in addition, it is possible that a higher

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[7]The National Survey of Men received a lot of attention in the popular press where it was more commonly referred to both as the Battelle study and the Guttmacher study.

[8]Prevalence is also related to the time period investigated for heterosexual behavior.

Table 2-1

Estimates of Homosexual Behavior From U.S. Probability Studies

Study	Sample Characteristics	Prevalence of Same-Gender Sexual Contact Male	Female	Methods of Data Collection	Response Rate
National Opinion Research Council, (NORC) 1970 (Fay et al. 1989)	1450 men aged 21 and older	Since age 20		SAQ following face-to-face interview	N/A
		6.7%	N/A		
		Last year			
		1.6-2.0%	N/A		
General Social Survey (GSS)[a] 1989-91	1564 men and 1963 women aged 18 and older	Since age 18		SAQ following face-to-face interview	74%-78% (1988-1991)
		5.0%	3.5%		
	1941 men and 2163 women aged 18 and older	Last year			
		2.2%	0.7%		
Louis Harris & Associates, 1988 (Taylor, 1993)	739 men 409 women aged 16 to 50	Last 5 years		SAQ following face-to-face interview; same sex interviewer	67%
		4.4%	3.6%		
		Last year			
		3.5%	2.9%		
		Last month			
		1.8%	2.1%		
Research Triangle Institute (Rogers & Turner, 1991)	660 male residents of Dallas County, Tx, aged 21-54	Last 10 years		SAQ	88%
		8.1%	N/A		
		Last year			
		4.6%	N/A		
National Survey of Men (NSM-1) (Billy et al. 1993)	3321 men aged 20-39	Last 10 years		Face-to-face interview; female interviewers	70%
		2.3%	N/A		

Note: N/A = not available

SAQ = Self administered questionnaire

[a]Prevalence of male and female homosexuality calculated at RAND from General Social Surveys (Davis and Smith, 1991).

proportion of homosexual men agreed to participate because of the AIDS focus. In any case, its sample is composed of Dallas County, Texas, residents only. There is no reason to believe that the true prevalance for Dallas County mirrors that of the nation as a whole. Results from the National Survey of Men (NSM-1) indicate that male-male sexual activity is reported more frequently in urban than nonurban areas (Koray

Tanfer, personal communication, June 3, 1993). An analysis of the other probability surveys listed in Table 2-1 also shows higher rates in cities (Rogers and Turner, 1991).

Estimates of homosexual activity are lowest in the NSM-1, but data collection proceeded differently from all other surveys presented in Table 2-1. While the other surveys used a self-administered questionnaire for sensitive questions that was completed then delivered in a sealed envelope to the interviewer after a face-to-face interview, the NSM-1 was conducted only with face-to-face interviews. Further, in contrast to the use of interviewers of both genders, or ones matched by gender to the respondent, the NSM-1 used all female interviewers for all male respondents. These methodological variations may account for the low rate of reported homosexual behavior.

Finally, differences in prevalence estimates may be due to sampling and/or measurement error. First, no sample perfectly represents the population from which it is drawn, so statistics are often reported using confidence intervals that estimate the likely range of variation due to sampling error. Where confidence intervals are offered, there is much more overlap between study estimates.[9] Second, estimates may be affected by low response rates. Rates for the surveys shown in Table 2-1 ranged from 67 percent to 88 percent; while these are considered acceptable rates for in-person household surveys, they still imply that between one and three of every ten persons refused to participate. There is no evidence to show whether persons with homosexual experience differ in their willingness to cooperate with survey researchers from those without homosexual experience. However, as we discussed earlier, it is likely that many of those with homosexual experience who do participate in the survey do not acknowledge that experience; this underreporting is one component of "measurement error." According to the president of Louis Harris and Associates, measurement error is a far

[9]For example, Research Triangle Insitute analysts estimate that there is a 95 percent probability that the "true" prevalence of Dallas men who engaged in homosexual conduct in the previous 12 months is between 1.4 percent and 7.8 percent. This range is broad enough to include point estimates in two of the three years for which GSS data have been reported.

bigger problem than sampling error when there is a "socially desirable" answer in both surveys of behavior and attitudes (Taylor, 1993).[10]

The extent of measurement error is unknown. Researchers from NORC who reanalyzed the 1970 data in light of the 1988 GSS survey appropriately suggest that their estimates be viewed as "lower bounds on the prevalence of same-gender sex among men" (Fay et al., 1989, p.243).[11] Other scientists concur that estimates are lower-bounds of actual prevalence (Rogers and Turner, 1991). Nevertheless, the new probability studies indicate that the prevalence of predominantly and exclusively homosexual behavior in men today is lower than Kinsey's widely cited estimate of ten percent.

Homosexual Behavior Among Military Personnel

Few studies have asked military personnel about their sexual activities, and none have published data on the incidence of homosexual acts among those currently serving in the Armed Forces. The only available study from which an inference can be made, drawing on three national probability samples that included data on previous military status, suggests that the prevalence of same-gender sexual behavior by men who have served is at the high end of the range for the general population (Rogers and Turner, 1991). This behavior may or may not have occurred during their military service.[12]

Rogers and Turner report an analysis combining data from three probability samples of the U.S. population (combined n = 2,449 respondents) that examines the proportion of men aged 21 and older who reported adult same-gender sexual experience by various social and demographic characteristics, including military service. Among men with

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[10]Humphrey Taylor was interviewed by the *New York Times* (Barringer, 1993) and asked to explain the difference between Harris and BSM-1's estimates for the prevalence of homosexual behaviors. In describing inaccurate measurement problems, he points out that church-going and tooth-brushing are as likely to be overreported as homosexual and drug-using behaviors are underreported.

[11]Presented in the first two rows of our Table 2-1.

[12]Data from probability surveys are available for men only; however, the same generalization can be made for women based on their higher separation rate for reasons of homosexuality in the U.S. military (GAO, 1992, p. 20).

military service, 7.6 percent reported same-gender sexual contact, compared with 5.1 percent of other men. Military service was one of only four *adult status* variables that showed a reliable statistical relationship with reports of same-gender sex across the three surveys.[13]

RELATIONSHIP BETWEEN STATUS AND CONDUCT

Under current military policy, there is a "rebuttable presumption" that homosexual status equals conduct: A soldier can be discharged either for being homosexual or for engaging in a homosexual act.[14] DoD Directive 1332.14 states that homosexuality is incompatiable with military service. A homosexual is defined as "a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts." As used in this section, a homosexual act "means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires."

Simply put, DoD Directive 1332.14 prohibits *any* sexual contact between same-gender partners; it is the partner, not the act, that is proscribed. However, in applying DoD Directive 1332.14, the military recognizes the distinction between a homosexual orientation that is persistent and a single incident of homosexual conduct that is atypical of the person's usual conduct. For example, if during an investigation it is determined that a homosexual act was either a one-time "experiment" or the result of intoxication, adverse action need not be taken. Also, while the DoD definition includes those who desire and/or intend to engage in homosexual acts, in practice, homosexual feelings are unobservable and exceedingly difficult to recognize in the absence of behavior and/or acknowledgment.

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[13]The others were marital status (unmarried men were more likely to report same-gender contact); current religious affiliation (those with none were more likely to report same-gender contact); and size of city or town of current residence (those in places of > 25,000 were more likely to report same-gender contact). The only social background variable associated with reports of same-gender contact was father's education: Respondents with college-educated fathers were more likely to report same-gender contact.

[14]See the discussion in the chapter on legal considerations.

In this section, we review studies of sexual behavior and/or identity to explore whether homosexual status and conduct are synonymous. If the two are not the same, then a policy of excluding solely on the basis of status would exclude some who do not engage in sexual acts with same-gender partners while allowing others who do to serve. In this chapter, we do not address the policy problems that this might pose, but merely the question of how many people might fit the broad DoD definition of homosexuals. Further, this section has bearing on health-related concerns because it is conduct rather than status that poses potential health risks.

A review of available studies leads us to conclude that, while there is a strong correlation between status and conduct, they are not synonymous:

- A person who *does not* identify himself or herself as a homosexual may still engage in acts with someone of "the same sex for purposes of satisfying sexual desires" (in the language of the directive);
- A person who *does* identify himself or herself as a homosexual may refrain from engaging in homosexual acts.

Homosexual Behavior Among Self-Identified Heterosexuals

Kinsey and associates (1948) did not use "homosexual" or "heterosexual" as nouns characterizing people, but rather as adjectives characterizing acts. In their landmark study, they created a seven-point scale--which came to be known as the "Kinsey scale"--to place individuals along a continuum ranging from exclusively heterosexual (0) to exclusively homosexual (6), according to his or her current or cumulative lifetime sexual experiences and sexual feelings. All intermediate points indicated personal histories with a mixture of homosexual and heterosexual acts and/or feelings. Kinsey et al.(1948, p.650) found that most of those who ever engaged in homosexual acts had engaged in a greater proportion of heterosexual acts. In contemporary society, it appears that bisexuality is still more prevalent than exclusive homosexuality; the probability studies presented in the

previous section support the generalization that a majority of men who report male-male sexual contacts in adulthood also report female sexual partners in adulthood (Rogers and Turner, 1991, pp.505,509).

After analyzing the sex histories of 150 interview subjects who had both heterosexual and homosexual experience in adulthood, Blumstein and Schwartz (1976a:342; 1976b) concluded there may be "little coherent relationship between the amount and 'mix' of homosexual and heterosexual behavior in a person's biography and that person's choice to label himself or herself as bisexual, homosexual, or heterosexual."

The relationship between identity and behavior has not been well studied, because the available datasets have generally included measures of only behavior or identity, or have been based on very small and non-representative samples. One dataset that contained independent measures of behavior and identity on a large national sample of 56,600 men supports the conclusion that conduct and status are not synonymous (Lever et al., 1992). RAND researchers reanalyzed a 1982 readers' survey that appeared in *Playboy*. Obviously, readers of *Playboy* are not representative of all U.S. men; like other popular magazine surveys--and "convenience" (i.e. nonprobability) samples more generally--this survey cannot be used to estimate prevalence of sexual behaviors in the general population. However, a large and diverse dataset containing detailed questions on sexuality does provide some information on the relationship *between* various aspects of sexuality. Accordingly, researchers examined the 6,982 (or 12.5 percent) of men who reported adult sexual experiences with both men and women. Of these, 69 percent described themselves as "heterosexual," 29 percent as "bisexual," and 2 percent as "homosexual."[15] Even after allowing for likely overrepresentation of men at the heterosexual end of the Kinsey continuum, the result

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[15]Popular magazine respondents do not even necessarily represent the magazine's own readership. It is assumed that those who answer such surveys are those most interested in, and perhaps most comfortable with, the subject of sexuality. Furthermore, drawn from *Playboy* readers, this sample is likely to overrepresent the bisexual men who are on the heterosexual side of the Kinsey scale, in contrast to earlier empirical studies of bisexual men who, having been recruited from the homosexual community, are likely to overrepresent the homosexual side.

demonstrates that many men who have engaged in homosexual conduct do not consider themselves homosexual.

An epimediology study and a criminology study further illustrate the point that homosexual behavior does not occur only among people with homosexual identification. Epidemiologists (Doll et al., 1992) from the Centers for Disease Control studied 209 HIV-seropositive male blood donors who reported having had sex with both men and women since 1978. Because men who have had sex with men are asked to refrain from donating blood, one might expect this sampling method to overrepresent men who do not have a homosexual self-identification. Of these, 45 percent self-identified as homosexual, 30 percent as bisexual, and 25 percent as heterosexual.

Studies in criminology have found examples in prison of what social scientists term "situational homosexuality," i.e., self-identified heterosexuals engaging in homosexual behavior only in situations that preclude sex with women. Wooden and Parker (1982) is considered the most thorough treatment of the phenomenon of male-male sexual activity in a prison context. Through in-depth interviews, the researchers learned that the sexual aggressors consider themselves "heterosexual"; their targets are men they assume to be homosexual or younger heterosexual men who are not able to protect themselves. Most of the sexual aggressors claim no homosexual experience prior to prison, and those released claim to resume a life of exclusively heterosexual relations. Of the 200 men in Wooden and Parker's study who returned a questionnaire, 10 percent identified themselves as homosexual, 10 percent as bisexual, and the remaining 80 percent as heterosexual; over half (55 percent) of the heterosexual group reported having engaged in homosexual activity in prison.[16] Although prison culture and populations have few parallels, these behavioral patterns offer another example of divergence between identity and behavior.

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[16]The researchers distributed questionnaires to a random sample of 600 out of 2500 male prisoners in a medium-security prison; 200 returned completed questionnaires, a 33-percent response rate. Because of the low response rate, we do not offer findings as estimates of prevalence; however, they are instructive about the relationship between statu· and conduct.

Virginity and Celibacy Among Self-Identified Homosexuals

Current military policy considers that a statement of homosexual orientation presumes homosexual behavior. Therefore, we examined various studies of whether people may have a sexual self-identification that incorporates attraction to others of the same sex without having acted on their homosexual feelings. We use as examples two probability studies--one a national sample of male adolescents and one a single-city study of homosexual and bisexual men--as well as an epidemiology report and a nonprobability survey of homosexual women.

In 1988, the Urban Institute conducted a nationally representative survey of adolescent males which included a self-administered questionnaire that contained sensitive items on sexual practices. Of the 1,095 males between ages 17 to 19, five percent labeled themselves "mostly heterosexual" or "bisexual," and 0.6 percent selected "mostly homosexual" or "100 percent homosexual" (8 percent answered "don't know" or left the item blank). Only 23 percent of those who acknowledged some same-sex attraction had ever engaged in sexual acts with another male--i.e., roughly three-quarters were "virgins" with regard to homosexual sex.[17]

Very few studies of homosexual men are, like the Urban Institute study, based on a systematic sample screened from a random sample of the general population. One study used a systematic sample, but not from the general population. That study was conducted by RAND in 1989-1990 of 300 homosexual and bisexual men over age 18 who were concentrated in areas of Los Angeles County known to have significant numbers of homosexual men (Kanouse et al., 1991a). The sample included men who acknowledged having had sex with another man in the last ten years. Although this study overrepresents men living in homosexual neighborhoods relative to those living in other areas, the sample is in other respects apt to be much more representative of homosexual men

[17]These tabulations are taken from the National Survey of Adolescent Males (Sonenstein et al., 1991). The NSAM is a nationally representative survey of 15 to 19 year olds conducted in 1988 by the Urban Institute and Sociometrics Corporation. Because the survey oversampled black and Hispanic males, all tabulations have been adjusted by using appropriate case weights.

than, say, a sample of men attending an STD (sexually transmitted disease) clinic or men who belong to a homosexual organization. In an anonymous telephone interview, homosexual and bisexual men in this study were asked detailed questions about their sexual risk behaviors. About 13 percent of respondents reported having no sexual partner in the past 12 months.[18]

The population-based prevalence studies presented in Table 2-1 have also found evidence that for many men, homosexual activity tends to be episodic: The proportion of men who report having engaged in homosexual acts during recent time periods is frequently much lower than the proportion who report having engaged in such acts during a longer time interval (Rogers and Turner, 1991). Some of these men may be having sex with women during the times they are abstaining from sex with men.

In a study of 584 homosexual and bisexual men recruited in places in Pittsburgh likely to overrepresent sexually active men, 7.4 percent of one group and 9.1 percent of another had been celibate for the previous six months (Valdiserri et al., 1989).

Loulan (1988) distributed sex questionnaires at workshops, lectures, and women's bookstores as well as through ads in women's and homosexual newspapers throughout the U.S.; we assume that her sample overrepresents homosexual women who are "out" and part of the visible homosexual community. Self-reported histories of the 1566 homosexual women who responded showed that 78 percent had been celibate for varying periods of time: the majority for under one year, but 35 percent for one to five years, and 8 percent for six years or more.

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[18]For the sake of comparison, in their counterpart study of the general population of Los Angeles County, Kanouse et al.(1991b) found that roughly 12 percent of the sample had been sexually inactive for five years or more. Of those in the general population who had a partner in the prior five years, 24 percent had no partner in the four weeks prior to the survey; of the homosexual and bisexual men who had a partner in the past year, 22 percent had none in the past four weeks (Kanouse et al., 1991a). Another probability study of homosexual and bisexual men done in San Francisco shows a similarly high rate of sexual inactivity for a large minority of men (35 percent) when a short time frame is used, in this case, the past 30 days (Stall et al., 1992).

Summary/Conclusion

Although the studies cited above focus on behavior and not motive or attitudes, we can tentatively suggest this summary: There are people who call themselves heterosexual, and who are predominantly heterosexual in behavior, who also engage in homosexual acts. Some may experiment with homosexual behavior once or twice. Others may occasionally act on their attraction to people of the same-sex, even if they call themselves heterosexual. Still others may recognize their attraction to others of the same gender, but they establish a heterosexual public persona and refrain from acting on these attractions or revealing their orientation to others. Finally, there are people who consider themselves to be "homosexual" or "bisexual" who, for whatever reasons (e.g., health concerns, religious convictions, or simply lack of opportunity), refrain from homosexual activities.

PREVALENCE OF PROSCRIBED BEHAVIORS BY SEXUAL ORIENTATION

The sodomy provisions of the Uniform Code of Military Justice (UCMJ, Article 125) have been used as the basis for removing homosexuals from the service. Some have argued that a policy allowing homosexuals to serve would be inconsistent with this provision of military law; however, unlike DoD Directive 1332.14 which prohibits same-gender partners regardless of sex act, *Article 125 prohibits certain acts, regardless of gender of partner.* Article 125 of the UCMJ states that a person engaging in "unnatural carnal copulation" with members of the same or opposite sex is guilty of sodomy. That is, under military law sodomy is forbidden whether performed by heterosexuals or homosexuals. The Manual for Courts Martial (MCM) defines sodomy as oral or anal sex (or sex with an animal). In this section, we review what is known about these forbidden behaviors in the general population. There are no published data on these behaviors among military personnel.

A review of available studies leads us to conclude:

- Oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced by both male and female homosexuals and by heterosexuals.

- Although a sizeable minority of heterosexuals have experienced anal sex at least once, most of them do not repeat this sexual act or else practice it infrequently--the majority of heterosexuals have not experienced this sexual act.
- Although the prevalence of anal sex has decreased since the beginning of the AIDS epidemic, it is still a common sexual practice for many homosexual men.

Oral Sex Among Heterosexuals and Homosexuals

In contrast to reports of same-sex behavior, reports of oral-genital sex should be less distorted by the problem of underreporting described above. Although this is a very private behavior, most Americans evidently consider it a "normal" sexual variation. For example, 88 percent of men and 87 percent of women in a large (albeit unrepresentative) national sample rated oral sex as "very normal" or "all right," versus "unusual" or "kinky." Even 77 percent of those who described themselves as "very religious" held this view (Janus and Janus, 1993).[19]

The National Survey of Men (NSM-1, Billy et al., 1993), one of the probability samples described earlier, reports that of U.S. men between ages 20-39, 75 percent have performed and 79 percent have received oral sex. Among those currently married, 79 percent performed and 80 percent received it. Among the total sample, 32 percent of the men performed and 34 percent received oral sex within the last four weeks.

None of the other probability studies described in Table 2-1 provides data on the prevalence of oral sex for a representative U.S. sample; therefore, there are no comparable statistics collected from female respondents. Inasmuch as 98 percent of the NSM-1 respondents reported being exclusively heterosexual in the last ten years, we can infer that the prevalence estimates generated by the male respondents

[19]The Janus Report, based on 2,765 volunteer respondents, is not representative of the U.S. population. We do not use it to draw conclusions about prevalence of behaviors, but we do draw on its data about sexual attitudes. Few general population surveys or epidemiological studies measure attitudes toward particular sexual practices.

reflect female participation in oral sex acts, although this does not mean that the same percentages of women have ever experienced oral sex or would report having done so in the last four weeks.

Although there are no published data on the prevalence of oral sex in a military population, it seems reasonable to assume, based on general population estimates, that a majority of both married and unmarried military personnel engage in oral sexual activity, at least occasionally.

The RAND study described earlier is the only study that we could find that included data on both heterosexal and homosexual respondents from a random probability sample (Kanouse et al.,1991a, 1991b). Based solely on Los Angeles County residents, it is not generalizable to the U.S. population. RAND systematically sampled both homosexual and bisexual men and a random sample of the general adult male and female population in Los Angeles County; questions about AIDS-related knowledge, attitudes, beliefs, and behaviors were asked of both the general population sample and the homosexual/bisexual sample.[20] Female homosexual respondents were not included, and we know of no probability-based study that reports on specific sexual practices of homosexual women.

Among homosexual men who had sex with another person in the past year (Kanouse et al., 1991a), the proportion engaging in oral sex during the four-week period preceding the survey was 55 percent.[21] This proportion is about twice as large as the 26 percent of heterosexual men and women who report engaging in this behavior during the four-week period before the survey.

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[20]Data on some sexual practices, including both oral sex and anal sex, were derived from questions that are not exactly comparable. Figures for heterosexuals represent everyone who had been sexually active in the previous five years whereas those for homosexual men represent all those sexually active within the previous one year.

[21]Unpublished data combining oral sex with and without condoms. The 55 percent represented 70 percent of all respondents who were sexually active in the four-week period immediately before the survey (about two thirds of the sample). If the period is extended to a year, the proportion increases to 78 percent of the sample, but the survey did not collect detailed information about the specific behaviors of respondents unless they had been sexually active in the past four weeks.

There is a second study that directly compares the practice of oral sex among heterosexual men and women with that of homosexual men and women. Volunteers were recruited via media appeal in hundreds of locations across the country to participate in the American Couples study (Blumstein and Schwartz, 1983). Although the study includes a large number of respondents from every region of the nation, and from rural as well as urban areas, it is limited because it is not based on a random sample.[22] Nevertheless, it is considered a valuable source of data on sexual behavior because of the number of detailed questions (contained in a 38-page questionnaire) and its inclusion of homosexual as well as heterosexual respondents. Both members of a couple had to agree to participate. Among the 7,823 American couples were 3,656 married couples, 653 cohabiting heterosexual couples, 1,938 homosexual male and 1,576 homosexual female couples. Even more sensitive and detailed data on a variety of topics, including sexual practices, were collected during in-depth interviews (over two hours) from a subsample of 360 homosexuals and 340 heterosexuals.

Questions about frequency of sexual relations were asked of the total sample. Overall, homosexual women had far less sex than heterosexual and male homosexual couples. Homosexual men and heterosexual cohabitors had virtually identical sexual patterns on this item; couples together ten years or less had sex more frequently than married couples, but married couples had the most frequent sex of all those in relationships of longer than ten years. The oral sex question was asked only of the subsample interviewed; we present these data primarily because there is virtually no other information on the sex

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[22]There are other large national convenience (i.e., nonrepresentative) samples that offer details on specific sex acts. Some of the largest, and most regionally diverse, are based on questionnaires that appeared inside mass circulation magazines. One such survey is the *Redbook* Report of Female Sexuality (Tavris and Sadd, 1977), which had over 100,000 respondents. The *Redbook* survey offers further evidence that oral sex is a common activity for heterosexuals in the United States: 91 percent had performed oral sex (85 percent more than once) and 93 percent had received oral sex (87 percent more than once). Generally regarded as biased toward those most interested in sex, findings from this and other magazine surveys can be regarded as overestimates of sex activities.

practices of homosexual women. Ninety-six percent of lesbian couples engaged in oral sex, although 19 percent of them reported such acts as "rare"; 99 percent of male homosexual couples have oral sex, although 10 percent report it as "rare." Among the heterosexual couples, over 90 percent engage in oral sex, although these practices are described as "rare" for almost 20 percent of couples. In other words, among the couples who participated in this study, oral sex was nearly universal as a sexual practice engaged in at least occasionally.

Because oral sex is not among the highest-risk sex activities for HIV transmission, the incidence of this practice is unmeasured or unreported in most of the recent epidemiology studies.[23] One exception is the recent report of Silvestre and colleagues (1993) on the 1614 homosexual males in the Pittsburgh Men's Study, a site of the Multi-Center AIDS Cohort Study, which offers data on oral sex, regardless of condom use. The senior author (in personal communication, June 1, 1993) reports that virtually all of the men engaged in oral sex with at least one partner in the previous two years. He points out their bias, namely, that their recruitment strategy was to seek the most sexually active homosexual men. Another report that includes incidence figures for this behavior regardless of condom use is Stempel and associates' (1992) VIIIth International AIDS Conference report on the cohort of 462 San Francisco men studied since 1984. In 1990-91, 90 percent received and 85 percent performed oral sex.

Anal Sex Among Homosexuals and Heterosexuals

In contrast to reports of oral sex, reports of anal sex may share the same problem of underreporting described for same-gender sex. In Janus and Janus (1993), 71 percent of men and 76 percent of women rated anal sex as "unusual" or "kinky." These attitudes are in dramatic contrast to the same respondents' attitudes toward oral sex reported earlier, suggesting that anal sex is stigmatized behavior that is likely to be underreported.

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[23]Where oral sex is included, it is typically reported as "unprotected" oral insertive or receptive, i.e., incidence of the activity done without the protection of a condom, thereby leading to underreporting incidence of oral sex, regardless of condom use.

The National Survey of Men (NSM-1) is the only probability study described in Table 2-1 that includes questions about the prevalence and incidence of anal sex (Billy et al., 1993).[24] Reporting on U.S. men 20 to 39 years of age, 20 percent have ever engaged in anal intercourse. Almost all of the men surveyed were heterosexual. However, the percentage who have done so recently is much smaller; 90 percent of those who had ever had anal sex had not engaged in this sex practice in the four weeks prior to the interview. Younger men were less likely to have ever engaged in this sex practice: only 13 percent of those aged 20-24 compared to 27 percent of those aged 35-39 who did so. Almost half of the small group of men who ever had anal sex had only one partner, while one out of five had four or more partners.

The RAND study (Kanouse et al., 1991a;1991b) provides the only comparative data on prevalence of anal sex among heterosexuals and homosexual men. In neighborhoods of Los Angeles County with large homosexual populations, a major epicenter of the AIDS epidemic, 34 percent of all homosexual/bisexual respondents who were sexually active in the year before the survey reported having engaged in anal sex with or without condoms during the four-week period immediately before the survey. This is more than six times the proportion (5 percent) of heterosexual men and women throughout Los Angeles County who reported engaging in this behavior during a comparable period.[25] Homosexual respondents who described themselves as married to another male or in a monogamous primary relationship with another male were much more likely to report engaging in anal sex (58 percent versus 27 percent of all other sexually active homosexual respondents).

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[24]The Redbook Survey, as discussed in footnote 22, presents an overestimate of prevalence of sexual activities because of its sample bias. Nevertheless, it is instructive that when the question is asked of women, the same pattern appears. Of the 43 percent of women who said they had ever engaged in anal sex, half of them tried it only once. Only 2 percent of the entire sample described the frequency of anal sex as "often," while another 19 percent described the frequency as "occasionally" (Tavris and Sadd, 1977).

[25] The data presented here for homosexual/bisexual men differ from those presented in Kanouse et al. (1991a), in that they combine anal sex with and without a condom, which were considered separately in the published analyses.

Other reports over the past decade of the prevalence of anal intercourse among male homosexuals vary. For example, in the Pittsburgh Men's Study described above (Silvestre et al., 1993), 65 percent of homosexual men older than 22 reported anal receptive sex in the last two years, as did 81 percent of the men 22 years or less. Anal insertive sex is reported by 78.5 percent of the older and 90 percent of the younger men in the 1992 study (personal communication, A. J. Silvestre, June 16, 1993).[26]

In the American Couples Study (Blumstein and Schwartz, 1983), 30 percent of the male homosexual couples rarely or never engaged in anal sex, whereas 70 percent did so regularly. No comparable figures are offered for heterosexuals. These data are for couples only and do not reflect changes in behavior that have occurred as a result of the AIDS epidemic.

There is some evidence that the prevalence of anal intercourse is affected by perceived risk of AIDS. Becker and Joseph (1988) and Stall et al. (1988) have reviewed published reports of behavioral changes in response to the increasing threat of AIDS, including data from San Francisco, Chicago, New York City, and other large U.S. cities. In the Pittsburgh study cited above, the proportion who engaged in anal sex with at least half their partners declined from 45 percent in 1984 to 29 percent in 1988-1992.

There is also some evidence suggesting that the incidence of this behavior, known as a high-risk sexual activity for homosexual men, may be greater where there is low AIDS incidence (Turner et al., 1989).

Great caution is needed in interpreting such disparate prevalence findings and attempting to draw conclusions about average prevalence among all homosexual men. Data on homosexual men and women are necessarily based on samples of people who are willing to identify

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[26]This age difference in prevalence of anal sex is noted again in a report (Stall et al., 1992) on 401 randomly selected homosexual men who were interviewed by telephone in San Francisco in 1989: of the total sample, 23 percent had had *unprotected* anal sex in the past year. Forty-four percent of those aged 18 to 29 reported having had unprotected anal intercourse in the past year, compared with 18 percent of those age 30 years and older. We discuss the health implications of this study further in the chapter on health issues.

themselves as homosexual in orientation and/or behavior. Results from such samples cannot be taken as representative of the larger population that includes those unwilling to identify themselves. Moreover, as noted below, patterns of behavior--particularly engaging in anal sex--have undergone marked change in response to the AIDS epidemic. This means that prevalence data gathered a few years ago would not represent current behavior patterns. However, change has not been uniform across geographic areas, so that the amount of change observed in one place cannot be incautiously applied to estimate change elsewhere.

CONCLUSIONS

Because of the limitations of the data described at the outset of this chapter, we cannot offer precise answers to the questions framed in the introduction. Fortunately, precision is not needed to draw out the implications of the data presented. We briefly summarize our findings:

What is the prevalence of homosexual behavior in the U.S. population?

- The prevalence of predominantly or exclusively homosexual behavior in the U.S. population is undoubtedly higher than the 1 percent estimate from the recent National Survey of Men and probably much lower than Kinsey's widely cited estimate of ten percent. Probability survey data indicate that roughly 2 to 8 percent of adult American males acknowledge having had sex with another man during adulthood. Researchers cautiously report estimates as probable "lower-bounds" of true prevalence inasmuch as stigmatized behaviors are underreported.
- The percentage of men who are exclusively homosexual in their adult sexual behavior (those most likely to consider themselves homosexual) is much smaller than the percentage who have ever had sex with other men.
- Less is known about the prevalence of female homosexuality, but where data have been collected, estimates range from 1 to 6 percent who acknowledge having had sex with another woman during adulthood.

Are homosexual status (i.e., self-identified sexual orientation) and homosexual conduct (i.e., sexual behaviors) synonymous?

- While there is a strong correlation between status and conduct, they are not synonymous.
- A person who *does not* identify himself or herself as a homosexual may still engage in acts with someone of "the same sex for purposes of satisfying sexual desires" (in the language of DoD Directive 1332.14).
- A person who *does* identify himself or herself as a homosexual may refrain from engaging in homosexual acts. Exclusion from military service based on status alone would exclude some who do not engage in sexual acts with same-gender partners while allowing others who do to serve.

What is the prevalence of sexual behaviors proscribed by the UCMJ/MCM (oral and anal sex) among male and female heterosexuals?

- Oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced by both male and female homosexuals and by heterosexuals;
- Although a sizeable minority of heterosexuals have experienced anal sex at least once, most of them do not repeat this sexual act or else practice it infrequently--the majority of heterosexuals have not experienced this sexual act;
- Although the prevalence of anal sex has decreased since the beginning of the AIDS epidemic, it is still a common sex practice for many homosexual men.

3. ANALOGOUS EXPERIENCE OF FOREIGN MILITARY SERVICES[1]

INTRODUCTION

To anticipate the consequences of various policy options regarding the service of homosexuals in the U.S. military, we examined the experience of seven countries that have modern military forces. The U.S. military is--by virtue of its size, missions, force structure, and world-wide deployment--different from the militaries of all other nations; indeed, each nation's military is uniquely its own. Moreover, each country's social milieu is unique, so that the context of its military and attitudes towards homosexuality will differ from that of the United States. However, this uniqueness does not automatically invalidate the potential uses of a cross-national comparison: Each country shares a concern for military effectiveness, the well-being of its service members, and minimizing stressors within the ranks. Consequently, policy and implementation difficulties in other countries can serve as warning flags if the United States attempted similar strategies, and successes in other countries may provide guidelines for U.S. policy formulations.

Countries Visited

The countries we visited were:

- Canada
- France
- Germany
- Israel
- The Netherlands
- Norway
- United Kingdom

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[1]This chapter was prepared by James P. Kahan, C. Neil Fulcher, Lawrence M. Hanser, Scott A. Harris, Bernard D. Rostker, and John D. Winkler. The authors wish to acknowledge the considerable assistance of Chris Bowie, Erik Frinking, Glenn Gotz, Susan Hosek, and Paul Koegel.

These countries represent the range of policy towards homosexuals, from affirmative advocacy of gay rights (the Netherlands) to a ban on service similar to current U.S. policy (United Kingdom). In each country, there was a particular aspect of its military and policy towards homosexuals that merited examination. As the nearest neighbor and the country in many ways most like the United States, Canada would, under any circumstances, be worth investigating; its salience was particularly heightened because it changed its policy from one of a ban to no restrictions in October 1992. France was chosen because it officially has no policy, but we found that the military unofficially restricts the role that homosexuals may play in the Armed Forces. Germany is an ally with whom the United States conducts extensive combined exercises, and it has a policy that will admit homosexuals, under some circumstances, but restricts them. Israel was chosen because of its extensive recent warfighting experience and an opinion expressed by some in the U.S. military that the Israeli Defense Force is the force most comparable to our own. In addition, during the period of the study team's visit, Israel was preparing a change of policy.

Within NATO, the Netherlands and Norway presented as unrestrictive a policy as can be found among European nations. The United Kingdom shares many cultural and military characteristics with the United States and, as mentioned above, does not permit open homosexuals to serve. Although other countries might also have been worth scrutiny (e.g., Australia, some Latin American allies), time restrictions dictated a stringent limit to travel.

Approach

Our research approach was severely constrained by the pressures of time; visits were contemplated, planned, and accomplished all in a span of four weeks. In each country, we attempted to contact high level department/ministry of defense representatives in charge of personnel issues, military medical authorities, governmental officials (including members of parliament), representatives of homosexual groups, social scientists who had addressed the issue, and other knowledgeable people. The success of these attempts varied widely depending on the country.

Table 3-1 shows the types of people interviewed in each country.[2] Because some of the interviews were granted on the basis of confidentiality, we do not list specific names or job titles. These interviews form much of the basis of the findings below, and it should be assumed, unless otherwise stated, that assertions in the text are based on statements by at least two sources.

Table 3-1

Categories of People Interviewed, by Country

	CAN	FRA	GER	ISR	NET	NOR	UK
Uniformed military[a]	x	x	x	x		x	x
Ministry of Defense[a]	x	x	x	x	x	x	x
Civilian experts[b]	x	x			x		x
Members of Parliament	x				x	x	x
Homosexuals	x					x	x

[a]High-level people concerned with general policy, personnel, conscription, and medical services.

[b]Political scientists, sociologists, lawyers, military journalists familiar with societal attitudes and military policies regarding homosexuals, among others.

To augment the information obtained from interviews, wherever possible, we obtained documentation of official policy and regulations regarding homosexuals serving in the military, as well as similar material on related matters (such as women or minority service). In some instances, interviewees had prepared summary written materials for us. We also obtained newspaper stories and articles from professional

[2]In Canada, Germany, and Israel, interviews were largely with the same people seen by the GAO team (United States General Accounting Office, 1993). In the United Kingdom, interviews were largely with the same people seen by Senator Warner. French government officials informed us that they did not wish to provide information on this topic (see also United States General Accounting Office, 1993); we nonetheless were able to interview several authorities and obtain some documents. While authorities in the Netherlands were willing to meet with us, mutually convenient dates proved impossible to find; hence our interviews were not formally arranged. Visits with the Norwegian military and ministry of defense were arranged through the U.S. Embassy in Oslo; other interviews were arranged by us. All interviews except those with French interviewees were in English.

journals.[3] The richest documentation was obtained in Canada and the Netherlands, where there is an official policy of nondiscrimination on the basis of sexual orientation and detailed guidance for implementing that policy.[4] We also obtained data from the Netherlands on how well that implementation is proceeding.[5]

RAND has not been alone in visiting foreign countries to study the issue of homosexuals in the military. Others' reports have been published in the form of a GAO report to Senator Warner (United States General Accounting Office, 1993), testimony before Congress (Moskos, 1993; Schwartzkopf, 1993; Segal, 1993; Stiehm, 1993; Warner, 1993), newspaper and television stories (e.g., *Army Times* Reporters, 1993; CBS News, 1993), and academic articles (e.g., Harris, 1991; Waaldijk, 1992).

Our approach differed from some of the others in concentrating on policymakers and people responsible for implementing policy, attempting to understand the problem from that (top-down) perspective. Others spoke with ordinary soldiers and citizens, attempting to understand the (bottom-up) realities of everyday life. These two approaches are complementary: The bottom-up view provides insight into the depth of experience of people affected by policy while the top-down view presents the broader perspective across the entire organization. When the two views are consistent, as is largely the case here, the reader can feel confident that the observations are representative. When the observations reported here are inconsistent with those of others, we note that inconsistency and attempt, when possible, to resolve it.

Focus

For each of the countries visited, the primary focus was on the formal and informal policy regarding homosexuals serving in the

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[3]Written materials having to do with military personnel are almost exclusively intended for internal consumption and hence are written in the language of the country and not translated into English. In this chapter, translations of foreign text are our own unless otherwise indicated.

[4]Dutch researchers at RAND's European-American Center for Policy Analysis, located in Delft, obtained extensive written materials on the Dutch policy and experience. They also provided critiques of our findings and assisted in translations.

[5]No other country visited had an implementation plan as such.

military, and--for those countries where homosexuals were known to serve--what issues and problems arose and how they were resolved. In order to understand policy, issues, and problems, we also attempted to understand the more general attitude of each nation towards its military, overall national tolerance towards minority groups and people with atypical behavior, and, particularly, public attitudes towards homosexuals. In countries where policy regarding homosexual service in the military had changed, we were interested in the general social environment regarding the change, the social dynamics leading to the change, and how the change was implemented.

THE NATIONAL CONTEXT

We begin with summary information comparing the United States with the countries studied, in terms of general demographics, military force, and various social attitudes.

National and Military Statistics

Table 3-2 presents some comparative statistics for the seven nations visited and the United States. These statistics provide an idea of relative magnitudes. The table clearly shows the great difference between the United States and the other countries, in terms of size, population, and gross national product. In terms of the percentage of gross national product for the military, the United States is not atypical. In keeping with its large population and economy and its status as a superpower, the military forces of the United States are a magnitude larger than those of any other countries examined. The United States, Israel, and Canada are markedly higher in the percentage of the Armed Force who are female.

For the issue of homosexual service, a potentially important characteristic is the extent to which military forces are likely to be deployed in warfighting or for extended periods away from home in isolated circumstances. In the past twenty years, four of the countries have seen military action: the United States (Grenada, Panama, Persian Gulf), Israel (Middle East), the United Kingdom (Falkland Islands, Persian Gulf), and France (Chad). As major powers, the United States, United Kingdom, and France have forces stationed around the world.

Although Canada and the Netherlands have small forces in Germany as part of NATO, the circumstances are such that many of the stresses of deployment are not present. All of the countries except Germany and Israel contribute ground forces to United Nations or other coalitional peacekeeping deployments abroad.

Table 3-2

Selected National and Military Statistics

	CAN	FRA	GER	ISR	NET	NOR	UK	USA
Size (1000 km^2)	9976	547	357	21	42	324	244	9159
Population (millions)	27	57	81	5	15	4	58	256
GNP (billions of US$)	517	874	164	46	222	74	858	5678
% of GNP on military	2%	4%	2%	10%	4%	5%	5%	5%
Active military (thousands)	87	453	476	141	101	33	300	2030
% women	11%	4%	few[a]	???[b]	2%	2%	6%	12%
% conscripts	zero	50%	43%	78%	45%	70%	zero	zero
months conscription[c]	N/A	10	12	36[d]	12	12	N/A	N/A
Warfighting in past 20 yrs.	no	yes	no	yes	no	no	yes	yes
Force projection deployment	no	yes	no	no	no	no	yes	yes
Peacekeeping deployment	yes	yes	no	no	yes	yes	yes	yes

Sources: Department of Defence (1991); Europa (1992); Forsvarsdepartementet (1993); Ministère de la Défense (1992); World Almanac (1992); personal communications.

[a]Women do not serve in Germany except in medical or musical jobs.

[b]Israeli authorities would not release this information. However, Israel has universal conscription to active duty and women must serve two years.

[c]This is the minimum tour of duty. Conscripts volunteering for special services (e.g., for some countries the navy or for others deployment abroad) may have longer terms of service. Israel and Norway have reserve service obligations beyond the period of active duty.

[d]The tabled figure is for males. Israel also drafts females, who serve for 24 months.

Going beyond the data presented in Table 3-2, there are differences in the place of the military in the lives of the various countries' citizens. Interviewees in Israel and Norway emphasized the image of the citizen-soldier, trained during the period of active duty for home defense and serving for an extended time in a national reserve able to mobilize quickly in times of need. France, Germany, and the Netherlands

combine a cadre of professional soldiers with a conscript force that has a brief period of service. However, the Netherlands plans to move to an all-volunteer force within the next five years. The United States, United Kingdom, and Canada have all-volunteer forces and regard military service as a profession.

Seen in this context, the U.S. Armed Forces appear different in magnitude but not in nature from those of the other countries we examined. Most of the countries we examined have had recent warfighting experience to some degree; although the United States has been involved in more actions than the other countries, the proportion of the force that participated in these actions is small. While the United States has large numbers of service members deployed at sea or in foreign lands, most countries deploy some forces away from home and so must confront issues that arise from such postings.

Societal Attitudes Towards Homosexuality[6]

One indication of a society's attitudes towards homosexuality is its laws regarding homosexual status and behavior. Table 3-3 presents four kinds of laws, moving from most to least accepting of homosexual orientation. First is the recognition of a homosexual marriage. Second is the recognition of non-legitimated relationships, including both homosexual and heterosexual couples. Third is the presence of antidiscrimination laws that specifically mention sexual orientation. Fourth is whether or not the country has sodomy statutes prohibiting homosexual behavior.

Norway is the only country examined that, in effect, recognizes homosexual marriage, and that recognition dates only from 16 April 1993. The Norwegian law, which follows similar Danish legislation, permits civil registration of homosexual partnerships and is identical legally to marriage, except that the registration cannot be performed in a church and the couple cannot adopt children.

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[6]U.S. public attitudes toward homosexuality are discussed in Chapter 5. Chapter 6 describes attitudes in the U.S. military.

Table 3-3

Civilian Laws Regarding Homosexuality

	CAN	FRA	GER	ISR	NET	NOR	UK	USA
Legal status for homosexual partnerships	no	no	no	no	no	yes	no	no[a]
Economic benefits for non-married couples	no	some	some	no	yes	yes	no	varies[b]
Nondiscrimination in employment	no	yes	no	no	yes	yes	no	varies[c]
Decriminalization of homosexual behavior	yes	yes	yes	yes	yes	yes	yes	27 states

Sources: Clapham & Weiler (1992); Harris (1991); Likosky (1992); van der Veen & Dercksen (1992); Waaldijk (1992); personal communications.

[a]While some cities "recognize" partnerships, legal status must be conferred by State or Federal law.

[b]Some cities provide economic benefits; no States do.

[c]Some cities and some States have nondiscrimination laws.

Many countries provide some economic and inheritance benefits for partners who are not married to each other. These benefits are well short of those available to legally married couples, except in the Netherlands, where these benefits are intended to provide informal recognition of homosexual partnerships. The Norwegian domestic benefits are not addressed specifically towards homosexual couples, but rather to any people sharing a household (e.g., parents and adult children, siblings, or even unrelated persons).

While France, the Netherlands, and Norway have explicitly written laws prohibiting discrimination in employment on the basis of sexual orientation, most European countries follow the general nondiscrimination clauses of the European Convention on Human Rights and the International Covenant on Civil and Political Rights. These clauses are considered to implicitly include sexual orientation, and case law, if not statute, in Germany and the United Kingdom, has been moving towards nondiscrimination. All foreign countries examined and the majority of States (which include over 80 percent of the population of the country) no longer criminalize homosexual relations.

However, using only the legal status of homosexuals to characterize a national attitude would be a mistake. American society differs from

many others in three aspects that are relevant to the issue at hand. First, interviewees in all the countries noted that most people consider homosexuality to be aberrant behavior. However, except in Canada, the UK, and the United States, acceptance or rejection of homosexuality is not framed in terms of morality. This means that the public framing of the issue is different in the United States than in the European countries visited.

Second, American cultural norms and attitudes tend to evolve largely independent of other nations'. Waaldijk and Clapham (1992) note that as the European democracies slowly move towards greater and greater interdependence, a cultural norm of toleration of differences appears to be emerging. The path towards this norm is, to be sure, not straight, as recent events in Germany illustrate. The norm is reflected in European Community legislation and court decisions, which are typically a step ahead of the member nations.

Third, the interviewees noted that the issue of open sexual orientation ("coming out") is different in the United States than in other countries. Americans are more public with matters other nationals consider private. (One interviewee commented that, "Thirty minutes after you meet an American, you know more about his private life than you ever wanted to know.") For many Europeans, the interviewees emphasized, the discomfort with a person being openly homosexual is less the homosexuality than the openness--in their view, a person's sexual life should not be part of his or her public persona. For example, in France, there is far less stigma attached to a public official's being homosexual or adulterous than there is in the United States. Newspaper reporters there (just as hungry for news as here) will not seek out evidence of sexual misconduct, because the behavior is private. If somehow the fact emerges, people tend to shrug it off. But if a person makes the public aware of his or her homosexuality or adultery, then there is disapproval--not of the behavior, but of making it public.

Foreign Militaries and Homosexuality

We present here a summary of the experiences of the foreign countries we examined. After a brief general description of the context

of the military and homosexuality within each country, we will discuss their official policies, actual practices, and experiences.

Canada

Context. The Canadian Force (CF) is an all-volunteer professional military, which until recently held that homosexuality was incompatible with military service. In October 1992, however, the CF changed its policy to permit individuals to serve in the military without respect to sexual orientation. Consequently, the CF developed approaches for implementing this change in policy. Because of the great degree of similarity between Canada and the United States, the recent Canadian experience is particularly interesting, and may provide insights for how the U.S. Armed Forces could respond to a directive to end the restriction on homosexual service.

Public Attitudes. Although some consider Canada a liberal society,[7] for the past nine years it has been governed by a conservative party. Further, Canada's predominant culture reflects Tory attitudes that emphasize social conformity and deference to government and religious authority (Lipset, 1990). Canadian beliefs and attitudes towards homosexuality fit into a common pattern that distinguishes between tolerable expressions of private and public behavior. On one hand, Canada decriminalized sodomy between consenting adults in 1969, and Canadians express support for extending equality rights to homosexuals (Rayside & Bowler, 1988). By a wide margin, Canadians support permitting homosexuals to serve in the CF.[8] On the other hand, public opinion polls show strong moral condemnation of homosexuality and disapproval of public displays of affection between homosexuals and contacts between homosexuals and children (Bozinoff & MacIntosh, 1991; Rayside & Bowler, 1988). (Appendix D presents a brief comparative

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[7]Canadian political scientists interviewed noted that public opinion polls typically show Canadians to be 5 to 8 percentage points to the left of Americans.

[8]In a Canadian Gallup Poll taken at the end of 1992, 66 percent of Canadians agreed that homosexuals should be allowed to serve in the military, while 25 percent disagreed (Bozinoff & Turcotte, 1992). This was up from 60 percent in a 1988 Gallup Poll.

discussion of public opinion on relevant issues for Canada, the United Kingdom, and the United States.)

Legal Developments. With the notable exception of the issue of homosexuals in the military, Canadian and U.S. attitudes towards homosexuals differ more in degree than in kind.[9] However, Canada differs considerably from the United States in the constitutional and legal protections accorded to homosexuals. In 1982, Canada changed its Constitution to incorporate a due-process bill of rights, the Canadian Charter of Rights and Freedoms. Section 15 of the Charter, effective as of 1985, provided for individual rights and protection against discrimination based on characteristics of "race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Sexual orientation was not explicitly included. Subsequent court rulings, however, held for a broad and inclusive interpretation of Section 15, defining sexual orientation to be a prohibited basis for discrimination unless such could be "demonstrably justified in a free and democratic society" (Robertson, 1993). Other parliamentary and legal decisions addressing Canada's Human Rights Act resolved further that sexual orientation could not be grounds for discrimination in any area of federal jurisdiction (Boyer, 1985; Government of Canada, 1986; Robertson, 1993). Since a court ruling on August 6, 1992, the federal government has determined to explicitly recognize sexual orientation as a prohibited basis for discrimination throughout Canada.

The Change in Military Policy. These constitutional and legal developments, accompanied by a significant court challenge to existing military policy (described below), eventually reversed the CF's prohibition against homosexuals. Historically, the CF had found "people who commit sexually abnormal or homosexual acts" to be disruptive, and therefore excluded homosexuals from enrollment, and dismissed serving homosexuals upon discovery.[10]

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[9]For example, in various public opinion polls taken in the early 1980s, 70 percent of Canadians, compared to 65 percent of Americans, express support for homosexual equality rights. At the same time, 69 percent of Canadians and 76 percent of Americans disapprove of sexual relations between same-sex individuals (Rayside and Bowler, 1988, p. 651).

This policy was reexamined as Section 15 of the Charter took effect. In March 1986, the Chief of the Defence Staff (CDS) of the CF formed a Charter Task Force to determine how to accommodate the provisions of Section 15, covering issues with respect to employment of women, sexual orientation, mandatory retirement ages, physical and medical employment standards, and recognition of common-law relationships (Canadian Forces, 1986). The Charter Task Force issued its Final Report in September, 1986.

With respect to sexual orientation, the Charter Task Force Report recommended that the exclusionary policy be maintained for homosexuals. It concluded that given the unique purpose and characteristics of Armed Forces, and negative attitudes and aversion toward homosexuals in Canadian society and the military, "the presence of homosexuals in the CF would be detrimental to cohesion and morale, discipline, leadership, recruiting, medical fitness, and the rights to privacy of other members." Moreover, "the effect of the presence of homosexuals would be a serious decrease in operational effectiveness" (Canadian Forces, 1986, Part 4, p. 21).

The Final Report of the Charter Task Force was submitted to and accepted by the Minister of Defence. Subsequently, a new Minister of Defence announced an intention to maintain the basic policy but make modest modifications. The most significant of these was the adoption of an interim policy in January 1988 which permitted homosexuals to be retained in the service subject to career restrictions. The policy prescribed that persons found to be homosexual were "frozen" with respect to transfers and promotions but not required (though encouraged) to leave the service.

However, pressures against the CF's policy on homosexuals continued to mount. As legal rulings extended homosexuals' rights under the Charter and the Human Rights Act, litigation was mounted that directly challenged the military's policy and practices toward homosexuals. The most notable of these cases was that of Michelle Douglas, an Air Command

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[10]This policy is described in regulation CFAO 19-20, entitled "Homosexuality--Sexual Abnormality Investigation, Medical Examination and Disposal."

lieutenant with an exemplary service record who had been charged with lesbianism, investigated, and had her security clearance revoked (with additional career restrictions). Douglas filed suit in 1989 asking for damages under the Charter of Rights and Freedoms. Newspaper accounts report that Douglas' case occasioned wide publicity and public sympathy (*Los Angeles Times*, 1992; *Army Times*, 1993).

The CF initially prepared to defend its policy using the Charter Task Force Final Report. It planned to argue that its restrictions on military service by homosexuals were a "reasonable limitation" under Section 1 of the Charter. In support of this, they prepared to offer evidence that the majority of service members were opposed to serving with homosexuals, and that the presence of homosexuals would be damaging to cohesion and morale and infringe on the privacy of heterosexuals.

In preparing its defense for the Douglas case, the CF determined that they could not meet the standard of proof for a Section 1 argument. Under previously established case law, it would be the military's burden to show substantial pressing interest to discriminate on the basis of sexual orientation, proportionality between infringement and rights affected, and minimum impairment of rights. The CF determined that the available evidence could not be developed into arguments that would meet these legal standards. Moreover, the CF leadership came to the conclusion that much of the evidence they were prepared to offer had little substantive merit as well.

On October 27, 1992, the CF agreed to settle Douglas' lawsuit. As part of the terms of settlement, the Federal Court of Canada declared CF policies restricting the service of homosexuals to be contrary to the Canadian Charter of Rights and Freedoms. In response, the CF announced its new policy governing homosexuals. In a news release of October 27, 1992, the CDF, General John de Chastelain, stated, "The Canadian Forces will comply fully with the Federal Court's decision. Canadians, regardless of their sexual orientation, will now be able to serve their country in the Canadian Forces without restriction" (National Defence Headquarters, 1992a).

The CDF took additional steps to announce, define, and implement their new policy, including the following:

- In a message entitled "homosexual conduct" disseminated throughout the Canadian Forces, General de Chastelain revoked CFAO 19-20 and all interim policies under that order, expressed his "full support" of the Federal Court of Canada decision, stated the unacceptability of "inappropriate sexual conduct by members of the forces, whether heterosexual or homosexual" as codified in a forthcoming order, and stated his expectation of support within the chain of command (National Defence Headquarters, 1992b).
- National Defense Headquarters issued a "Questions and Answers" sheet for immediate internal use by the CF, providing explanations for the change in policy (National Defence Headquarters, 1992a).[11]
- "Post-announcement action" issued by the Assistant Deputy Minister (Personnel) provided guidance to leaders to help "communicate the rationale for the change, encourage its acceptance, and respond to the personal concerns of CF members" (National Defence Headquarters, 1992c). This announcement contained advice to leaders and additional "questions and answers" with respect to the policy.
- A Canadian Forces Personnel Newsletter was prepared and disseminated describing the CF's policy change regarding homosexuality (National Defence Headquarters, 1992d).
- A new regulation (CFAO 19-36) entitled "Sexual Misconduct" was issued in December 1992. The regulation was intended to be used with an amended version of the regulation governing personal harassment (CFAO 19-39) to describe policies and procedures governing inappropriate sexual conduct. (Regulations CFAO 19-36 and CFAO 19-39 are reproduced in Appendix E.)

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[11]For example, Q31: "Will such activities as dancing, hand holding, embracing between same/sex members be accepted at mess social functions?" A31: "Standards of conduct for homosexual members will be the same as those for heterosexual members. Common sense and good judgment will be applied and required of all members."

Effects of the Policy Change. Because the Canadian change in policy is fairly recent, some have argued that the effects are hard to judge (*Army Times*, 1993). However, other accounts reveal no major problems resulting from the policy change. According to these accounts, no disciplinary problems have occurred, no resignations explicitly over the change in policy have resulted, and nobody is "standing up and declaring their sexual preference" (*Los Angeles Times*, 1993). These observations are buttressed by evidence collected in our visits to Canada. According to CF officials, they have noticed no changes in behavior among their troops. They say they know to date of no instances of people acknowledging or talking about their homosexual relationships, no fights or violent incidents, no resignations (despite previous threats to quit), no problems with recruitment, and no diminution of cohesion, morale, or organizational effectiveness.

CF officials suggest several reasons for the seemingly smooth integration of homosexuals into the Armed Forces. First, the leadership recognized the inevitable need to change the policy, given Canadian legislation and national attitudes toward homosexuality. The process was "evolutionary," and they had time to acculturate under their interim policy.

A second reason concerns the "conscious strategy" to treat the policy change as a leadership issue in its implementation stage. The main priority was to ensure compliance with the order. The next order of priority was to gain acceptance of the policy change so that no friction would occur. Next, they decided that it was not possible or appropriate to attempt to change beliefs or attitudes. Thus, there were no programs (e.g., educational or sensitivity training programs) concerning homosexuality. Further, implementation was accomplished in a "low-key" manner, focusing on the internal audience of the military and without public pronouncements or statements.

Finally, CF officials emphasize the nature of the policy change. In the words of a senior CF personnel official:

> The question has been asked, "what is our policy on gays and lesbians in the Canadian Forces?" Our answer is, "we don't really have one." We don't discriminate on the grounds of

> sexual orientation, and we don't have any policies that specifically target gays or lesbians. We do have policy on sexual misconduct; we also have an order on personal harassment. In general, this establishes the same expectations for both groups, both straight and gay. Service members can form personal relationships that are not restricted except where they threaten morale and cohesion.

France

Context. Interviewees all expressed the opinion that the French population in general tolerates homosexuals, but does not welcome them. They saw homosexuals in France as quieter, less visible, and more tolerated than their American counterparts. There is some segregation and denigration and a definite discomfort. Urban and more educated citizens tend to be more tolerant. People who live in rural areas do not know many homosexuals and far fewer militant ones. When a homosexual shows visible differences, he or she would probably move to a large city, not so much because of persecution, but to find kindred others. The more obvious a manifestation of homosexuality, the less well it is tolerated; but it is the obviousness more than the homosexuality that produces the intolerance. The frontier at present is for acceptance of homosexuals; society no longer regards them as immoral, and they can be trusted in jobs where they were previously banned, such as public school teaching.

Official Policy. The formal response one will obtain when a French official is asked about homosexuality in the French military is that "there is no policy and there is no problem." In a legal sense, that is true.[12] Homosexuality per se is not the basis for exclusion from conscription or voluntary military service, nor is sexual orientation a criterion for serving in any military capacity. Interviewees readily named openly homosexual men who achieved fame throughout French history, in the military and government as well as in the arts. The French navy

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[12]Moskos (1993), in testimony before the Senate Armed Services Committee, stated that a person found to be homosexual is discharged from the military. We, together with Moskos, investigated the discrepancy between his version of French policy and ours and found the source to be an infelicitous translation from French to English by French personnel that led to Moskos' misunderstanding.

never had the strict anti-sodomy laws of the British. Instead, the official French policy is captured by the phrase in Article 6.01 of the general code of conduct *"atteinte aux bonnes moeurs"* [affront to sensibilities][13] (Doniol, 1993). This phrase refers to behavior contrary to the normative standards of both French society and its strongly conformist military, and in the context of homosexuality, is applicable to specific deeds and not to sexual orientation.

Potential conscripts are not asked whether they are homosexual, and the matter is brought to the attention of medical authorities only if the conscript himself or his superior officers bring it up. The military officially regards homosexuality as a medical problem, and French medicine follows the American Psychiatric Association (1987) in not regarding homosexuality per se as a disease. However, if a person's homosexuality is associated with "[problems incompatible with military service,]" then the person may be excused from military service. The official reason for exemption is a disqualifying rating of "P3" on the P (psychological) criterion of the medical examination: "[Dysfunctional elements of personality which can be manifested as behavioral problems or limited intellectual capability, without other anomaly]" (Ministère de la Défense, 1989, p. 123; 1992, p. 10). The specific category is Article 437: "[Miscellaneous problems (stuttering, tics, sleepwalking, enuresis, apparent cranial trauma, sexual problems)]" (Ministère de la Défense, 1989, p. 126), corresponding to category 302.70 ("miscellaneous sexual dysfunction") of the Diagnostic and Statistical Manual III-R (American Psychiatric Association, 1987). The inaptitude must have a chronic nature; because a conscript's period of service is so short, transient problems will be waited out. The problem must be manifested in actual behavior (*"conduit"*), not in orientation.

For all of the official disregard, the informal state of affairs is that sexual orientation can make a difference, both for conscription and career military service. If a person's behavior at the medical examination causes the physician to suspect that the person is homosexual, the candidate will sometimes be invited to request an

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[13]Square brackets indicate a translation.

exemption. Whenever a homosexual requests an exemption from service, it is granted. In 1991, approximately 7 percent of the candidates for conscription were exempted on psychological grounds (Ministère de la Défense, 1992); it is impossible to know how many of these were homosexual, nor how many homosexuals actually served. Once in service, a conscript may be discharged early on medical grounds, using the same basis as not passing the psychological component of the pre-induction medical examination, but this is rare.

Generally, careerist homosexuals do not make public their sexual orientation, because they wish to forward their careers and must conform (not only in terms of sexual orientation but in most other ways as well) to succeed (e.g., Doniol, 1993).[14] Again, behavior counts, not orientation. It is against custom to behave sexually (either heterosexually or homosexually) in a military context, but behavior in private is not a concern of the military. There are homosexuals in the officer corps who live together as couples and are relatively known to their cohorts. As long as certain unspoken rules are adhered to (de Laclos, 1780/1958), nobody takes any action, but when the rules are broken, there are serious consequences. These consequences are never connected directly to a person's sexual orientation, but his or her military career somehow "slows down." For flagrant "affronts to sensibilities," the common practice is to treat the matter as quietly as possible and to request the resignation of the offender.

Although some women serve in the French military, almost all serve in support roles ("feminine jobs") with enlisted or NCO rank. Women do not serve in combat roles. Only 1.7 percent of the officer corps and 0.6 percent of the "conscripts" (draftees and volunteers for short-term national service), but 10.4 percent of careerist NCOs are women.[15] There was no mention of lesbianism in any written materials and all interviewees stated that they had no knowledge of lesbians in the military.

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[14]The French Foreign Legion has always had a reputation of extensive homosexuality and tolerance. But these soldiers are, by definition, not French.

[15]Personal communication, Defense Attaché's Office, Embassy of France, Washington, D.C., 3 June 1993.

Germany

Context. In Germany the homosexual community, while a visible presence, is not especially active politically. Those who advocate further nondiscrimination or greater homosexual rights in Germany do not place the right to serve in the military high on their political agendas. The German military, as a consequence, does not view this issue as one of great importance in setting personnel policy. Within German society there is considerable opposition to homosexuality, although homosexual behavior has been decriminalized (since 1969) and the issues of expanded partnership rights for homosexuals and preventing job discrimination are the subjects of current debate (van der Veen and Dercksen, 1992; Waaldijk, 1992). The arena for policy change in these areas, however, has been the courts, not the legislature.

The officials interviewed, who are responsible for all policies with regard to homosexuals in the *Bundeswehr*, were unanimous in their view that homosexuality is "not an issue" for them, and that they would not find it necessary to have a meeting focused on the subject if one had not been requested by visiting American researchers. The German military currently feels itself under no pressures from the political process or public opinion to review its policies in this area.

Policy. Germany has both a conscript and a voluntary force. Conscription is nominally universal, although in practice only about 50 percent actually serve. Twenty percent perform alternative service, and 30 percent no service at all.[16] Conscripts are not routinely asked their sexual orientation at the time of induction. If the initial interview raises any questions concerning sexual orientation (such as mannerisms, voluntary statements, etc.), then the recruit is likely to be subjected to additional evaluation to determine suitability for service. A decision will then be made in the individual case, and if it is determined by physicians or psychologists that the potential

[16]The *Bundeswehr* has all the conscripts it needs, and so has a liberal exemption policy. For example, marriage is grounds for exemption, in part so that the military does not incur expenses for dependents.

conscript would have difficulty adapting to military life, that individual will be exempted.

For the voluntary force, which provides the bulk of commissioned and non-commissioned officers, the rules are somewhat different. A potential volunteer who is known to be homosexual will be refused service. As the Germans explain this policy, the *Bundeswehr* has spent decades developing its leadership cadres around the concept of *"innere Führung,"* a notion implying that military officers must lead through their "inner qualities" or strength of character. The German military believes that homosexual officers would not be respected by their soldiers and would have difficulty becoming effective leaders, and therefore homosexuals are not accepted into the ranks of potential leaders. If a volunteer is discovered to be homosexual after having begun service, his situation will be evaluated on an individual basis. If he has served less than four years, he is likely to be separated (although not in every case, if the volunteer's record is otherwise exemplary). After serving four years, the volunteer will not be separated until the end of his contract (i.e., at the end of six years), but will most likely be given assignments that do not require "leadership."[17]

Practice. If homosexual conduct occurs or is documented, the German military is likely to remove the individual from the *Bundeswehr*. When homosexuals are removed, the general policy (absent other justifications) is to keep the reason for removal confidential. The emphasis in the case-by-case approach is on whether the individual is engaging in disruptive conduct or in other ways is no longer performing suitably in the military environment. According to our interviewees, the actual number of removals for homosexuality is small, totaling only 63 between 1981 and 1992.[18]

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[17]For additional discussions of the German military's policies in this regard, see United States General Accounting Office (1993) and *Army Times* (1993).

[18]It is important to note that this number refers to expulsions for homosexual conduct, and that other "psychological" discharges would not necessarily be captured in this figure. Indeed, no figures are kept that would indicate the total number of homosexuals discharged.

The presence of homosexuals in military housing is not regarded as a problem by the *Bundeswehr*. Many of the soldiers live with their families or in civilian housing, and no effort is made to monitor behavior off-base and off duty. No investigations are conducted exclusively to discover if someone is a homosexual. The German military is primarily designed for defense of German territory, not for deployments abroad, and while this may change in coming years, as the Basic Law is revised and German units participate more vigorously in peacekeeping operations, at present the *Bundeswehr* does not engage in extensive field deployments.

To summarize, German military personnel policy with regard to homosexuals serving can best be described as flexible in practice, where the decision with respect to an individual homosexual depends on the cumulative evidence of the circumstances and where personnel authorities exercise considerable discretion in deciding individual cases. Discrimination in fact occurs, but some homosexuals are also permitted to serve if such service is not disruptive to the organization.

Israel

Context. Israel is quite different from the other foreign countries we visited and the United States. Since Israeli independence in 1948, the Israeli Defense Force (IDF) has fought four major wars, innumerable major operations against its hostile neighbors, and since 1967 has been an army of occupation in the West Bank and Gaza Strip. This gives Israel a warfighting experience unparalleled in the rest of the world. At the same time, it has undertaken the task of establishing a homeland for Jews from all over the world, who had lived in a wide variety of cultures (from contemporary European and American to almost medieval Yemenite). Israel has monumental problems of assimilating newcomers with different work ethics, who have lived under various forms of government, who speak many languages, and who have vastly different educational backgrounds. Military service has been one of the tools the nation has used to establish a cohesive society.

The IDF is therefore founded on the model of the citizen-soldier. Conscription to active duty is universal, for both men (3 years) and

women (2 years), and annual reserve duty (not just training) continues for women into their mid-20s and for men into the 40s.[19] If a person does not serve in the Army, he is outside the norm of society and may face discrimination when later applying for a secular job; therefore Israeli exemption policies are very limited and many individuals exempted from service (for example, for severe physical handicaps) appeal to be allowed to serve. Women do not serve in combat units because Israeli society is reluctant to expose women to being prisoners of war and other associated risks. All careerists first enter the service as conscripts, moving only later into the professional officer and NCO ranks.

Attitudes Toward Homosexuality. Judaism is the established religion of the country, with two major Rabbinates--the Ashkenazic (largely European) and Sephardic (largely Mediterranean). Although the majority of Israelis are non-observant, the power of religion and of the religious political parties is strong beyond their proportional representation; this influence has been most strongly felt by religious control of the Interior and Education ministries throughout much of Israeli history. Jewish traditional religious thought, based on the Bible, considers homosexuality to be an egregious sin. Perhaps because of this strong religious influence, homosexuality is perceived in Israel to be aberrant behavior and homosexuals are not generally accepted. Our interviewees stated that homosexuals in Israel are very reluctant to reveal their sexual orientation and they remain much less visible than their counterparts in the United States or most Western European countries (see also *Army Times*, 1993).

Legal Status and Change in Military Policy. This religious attitude notwithstanding, Israeli civil law has followed that of the Western European democracies; hence, since 1988 homosexual acts between

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[19]Conscription is universal as stated for Jews (82 percent of the population) and certain others such as Druze (1.7 percent of the population). Because the threat is Arabic and largely Moslem, the loyalty of the remainder of the population is regarded as suspect. Certain groups of Christian Arabs (2.3 percent of the population) may volunteer to serve, and the bulk of Moslem Arabs (14 percent of the population) are not eligible.

consenting partners above the age of 17 are no longer crimes (Knesset, 1990). Since 1992 (Knesset, 1992), discrimination in employment on the basis of sexual orientation has been illegal. But beyond that, homosexual partners have no recognized legal status, in terms of either legitimization of the relationship or benefits, i.e., housing, insurance, or taxation. In the military, homosexuals are given the same benefits as are given to singles.

There is an active gay rights movement in Israel, e.g., Otzma, a gay political rights organization and a *Society for the Protection of Personal Rights for Gay Men, Lesbians and Bisexuals in Israel*. Earlier this year a Knesset committee inquiry into the status of homosexuals in the military led the Chief of Staff of the IDF to establish a group to study the status of homosexuals.[20] This effort culminated in a new policy announced 11 June 1993, whereby "No restrictions shall be imposed on the recruitment, assignment or promotion of homosexual soldiers (in career, regular or reserve service) and civilians due to their sexual inclination" (Israeli Defense Force, no date).

The former policy, drafted in 1986, prohibited homosexuals from serving in jobs requiring the top two levels of security, e.g., "The placement of homosexual soldiers in regular, career and reserve service, as well as civilian employees, will be limited because of their (sexual) orientation. This is because the aforementioned orientation is likely to be a security risk." (*Los Angeles Times*, 1993) Moreover, homosexuals were required to undergo a mental evaluation once their sexual orientation was known; that evaluation was to determine whether they were security hazards or if they had the mental fortitude and maturity to serve. As a result of that examination, the service member could be separated from service or restricted in assignment.

On the issue of security, the new policy states, "If the assignment of a soldier requires a security clearance, he will be required to go through the security check that is normally applied to that position."

[20]The original reason for the Knesset's inquiry was a charge by an intelligence officer who had done highly secret research for the military for 15 years, that "he was denied promotions and given clerical work after his homosexuality was discovered" (*Los Angeles Times*, 1993).

Homosexuals are no longer singled out as a class. Security investigations are routine for highly classified positions, are always conducted on an individual basis, and always touch on sexual partnerships and mental health, regardless of sexual orientation.

Service Conditions and the New Policy. For service members in noncombat units in Israel the military is very much like an ordinary job. Service members live at home, work a scheduled shift, and mostly have weekends free. But life for the active duty IDF soldier in a combat unit is not unlike that for many CONUS-based American enlistees, especially those in combat units. The living conditions for soldiers are not conducive to privacy. Soldiers' quarters are barracks with 12 to 15 soldiers per room in bunk beds. Common bathrooms are the rule. Although Israel is a small country and therefore home is never far away, IDF soldiers in combat units do not routinely live at home or get leave every weekend.[21] Even for the few openly homosexual soldiers, the IDF reports no problems connected to homosexuality regarding privacy, showers, or unwanted sexual advances.

The IDF holds unit cohesion and a group orientation as necessary for military effectiveness. A soldier does nothing in the IDF as an individual. Accomplishments are achieved by a collective unit. If a service member differentiates himself too much from the group, that difference may be disruptive to the unit's performance; the soldier must adapt to the group and contribute to its performance. As noted by a senior Israeli military psychiatrist, "Homosexuals can become scapegoats if their manifestations of homosexual behavior cause them to be rejected or ostracized from the group. This is not just because of homosexuality, but for any social adjustment problem or personality

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[21]Schwartzkopf (1993) testified that homosexual men in the IDF do not sleep in barracks. Moskos (1993) testified that open homosexuals are treated like women--i.e., placed in noncombat jobs where they do not live in barracks. The *Army Times* (1993) reported that openly homosexual men are rarely assigned to combat units. During interviews with the IDF we were told that as a matter of practice, homosexuals are not precluded from serving in combat units but that few did, and they did so largely without incident. The *LA Times* notes, however, that, "Although charterized as a restatement of IDF policy, the new order is intended to end discrimination against homosexuals and to assure them equal opportunity to serve in all positions."

problem which does not allow him to adapt to the group.... (However), if there were no disfunctionality in the unit, he (the homosexual) would not currently be removed from the unit."

The new policy does try to address leadership by stating that, "Unit commanders should be made aware that no restrictions apply to homosexual soldiers.... Should there be a problem that prevents the soldier from functioning in his unit, as a direct result of his sexual inclination, the commander will decide whether the soldier should be referred to a psychologist, as is customary in other cases." However, the psychological examination is "restricted to determine whether the sexual inclination is accompanied by manifestations that could prove a security hazard. Should no finding be revealed, the examination will end at that," and the homosexual will be returned to his or her unit.

Commanders are on notice that they can no longer transfer out of their units any soldier they suspect of being a homosexual (*Los Angeles Times*, 1993). As one senior Israel offical told our team, "If a commander were to come to me and ask to remove a soldier just becasue others cannot adjust to him, I may not do it. If a soldier is a scapegoat and we can predict he may adjust to another group, we may rotate him to the same type of unit. If he is a person with very low self-esteem and subjected to external stigma, I will try to assign him to a less stressful job."

Even though Israel is a religious state, the IDF is secular; religious law cannot be imposed on nonreligious service members. Within the IDF, religious beliefs are respected for the individual, but the individual does not impose his religious beliefs on others; hence, a religious service member who has trouble with homosexuals is expected to make the personal adjustments necessary for the group and to tolerate homosexuals.

The IDF has no policy on public displays of affection. Nevertheless, sexual harassment is monitored and social interaction is a delicate situation. A soldier may hug a man but not a woman because of the potential misinterpretation that he is involved in sexual harassment. As a result, soldiers today are very restricted in behavior

that could lead to misinterpretations of intent. When relating to one's declared heterosexual lover, behaviors are somewhat more open.

The IDF policy on fraternization is more liberal than the American one. Between persons of higher and lower rank, including officers and enlisted personnel, relationships are permitted as long as they are not between personnel in the same chain of command.

In summary, the societal approbation of homosexuality means that even given the new nondiscriminatory policy, homosexuals are likely to remain very covert in their behavior; social ostracism is a strong disincentive in the IDF. Although career patterns for homosexuals can be the same as for other soldiers, problems with individual commanders did exist. It remains to be seen if, under the new policy that bans discrimination, as suggested by an IDF spokesperson, "everyone who felt forced to keep his or her homosexuality a secret will now be able to be open" (*Los Angeles Times*, 1993).

The Netherlands

Context. The geographic situation of the Netherlands makes it a natural transportation corridor, and as a consequence, Dutch society has been multicultural throughout its history. This has led to an overall toleration for differences among groups and a style of government where minority sensibilities are accommodated (Lijphart, 1970). In keeping with this political orientation, the Netherlands is considered one of the leaders in toleration of homosexual orientation and behavior (CBS News, 1993; Ketting & Soesbeek, 1992; Likosky, 1992). In 1991, the Dutch parliament passed one of the strongest anti-discrimination laws and changed most of the anti-discrimination provisions of the penal code so as to cover discrimination on the basis of "heterosexual or homosexual orientation" (Waaldijk, 1992).

Public Attitudes and Legal Status. Toleration in the Netherlands is not the same as endorsement. Just as the in-effect decriminalization of marijuana does not mean that the Dutch are a nation of drug addicts, so the prohibition of discrimination on the basis of sexual orientation does not mean that homosexuals are more open--much less more flagrant--than elsewhere. What it does mean is that people who do use drugs or

are homosexual are acknowledged as members of the Dutch society, to be included in public matters.[22]

The Netherlands is gradually moving towards recognition of homosexual partnerships (Waaldijk, 1992). Most political parties have recommended such legislation, which is expected to work its way through the parliament within a couple of years. Some municipal authorities have offered semi-official registration of homosexual couples, but this is largely symbolic. It is difficult, however, to track social change in the Netherlands through legislation because the Dutch are very willing to let official laws lag well behind actual practice. This is the case in such areas as drug laws (marijuana is officially illegal but openly sold under strict conditions), physician-assisted suicide for terminally ill people (technically illegal but highly regulated and not uncommon), and nondiscrimination in the public sector.

Policy. From 1911 until 1971, homosexual intercourse was by law forbidden for people younger than 21 years, while the age of consent for heterosexual intercourse was 16 (Ketting & Soesbeek, 1992). During this time, homosexuals were not allowed to join the Dutch military. In 1972, concomitant with the abolition of the civilian law, pressure was applied on the military to admit homosexuals; in 1974, Minister of Defense Vredeling decided that homosexuals had the right to be service members.[23] With this decision, homosexuality was moved from a moral to a medical category; the mere fact of homosexual orientation or behavior was not automatically exclusionary, but could be used as one of multiple criteria to determine psychological inaptitude for service. This policy eroded over the next dozen years, until 1986, when Minister of Defense Brinkman declared the military to be part of an overall governmental policy of equal rights for homosexuals and heterosexuals. Since then,

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[22]To illustrate this viewpoint, consider two public service billboards currently prominently displayed at train stations throughout the Netherlands. They promote safe sex with the slogan "[I make love safely or not at all]." In the first, a man and a woman are admiring each other on a bed, while in the second two men are enjoying each other's company in a shower. Neither billboard conveys a sense of titillation.

[23]The Dutch political system gives ministers--who are members of parliament--far more executive power than American cabinet secretaries.

not only has homosexuality not been grounds for exclusion or dismissal from the Dutch military, but the government has actively attempted to ensure that serving homosexuals will be well-integrated into the force.

This assertive policy of equal rights goes beyond the passive one of the other foreign military services we examined, but is consistent with other aspects of Dutch policy. At about the same time as the assertion of equal rights without regard to sexual orientation, the Dutch military has not restricted the jobs in which women may serve (although only men are conscripted). Also, there has been a policy of equal rights for the relatively few Dutch soldiers of non-European race (largely of Surinamese or Indonesian decent).

Implementation of the Nondiscrimination Policy. Over and above statements of equal rights, the Dutch military has been proactively involved in ensuring the well-being of service members. An example of this is their actions with regard to violence in the military. In response to active concern (e.g., Tromp, 1986), a survey of over 4000 service members was conducted to ascertain the extent and type of violence in the military and what types of persons were perpetrators and victims of that violence (Stoppelenburg, Mandemaker, Serail, & Ubachs, 1990). While the major conclusions of that study go beyond our present interest, and the specific question of harassment on the basis of sexual orientation was not asked, it is worth noting that overall violence was low, and that only 0.1 percent of violent incidents were sexual in nature (harassment) and 0.7 were physical violence. Most incidents were verbal abuse and psychological harassment of various forms. The study led to explicit changes, not only in terms of education and training against violence and sanctions for violent behavior, but means to make it easier to report incidents of violence (Tweede Kamer der Staten-Generaal, 1992).

Concomitant with the assertion of equal rights in the military regardless of sexual orientation was the establishment in February, 1987, with financial support from the Ministry of Defense, of the *Stichting Homosexualiteit en Krijgsmacht* [Foundation for Homosexuality and the Military] by 40 service members. The foundation's membership includes conscripts, enlisted personnel, and officers, as well as civil

defense workers. At least one unit commander belongs to the foundation. The general functions of the foundation include (Stichting Homosexualiteit en Krijgsmacht, 1987):

- Providing a support organization for homosexual service members.
- Providing information to counter prejudicial and stereotypical beliefs about homosexuals.
- Advocating and monitoring equal rights.
- Promoting open homosexual membership in the military at least in proportion to their membership in the greater population.

An early achievement of the foundation was the establishment of sensitivity training, in acceptance of different sexual orientations, as part of basic training.

Effectiveness of the Nondiscrimination Policy. To test the effectiveness of the equal rights policy, the Ministry of Defense asked the Netherlands Institute of Social Sexological Research to conduct a survey of the Dutch military about the experiences of homosexual service members and the attitudes of heterosexual service members towards their homosexual peers. The results of this research appeared in late 1992 (Begeleidingscommissie, 1992; Ketting & Soesbeek, 1992; van Weerd, 1993). A representative sample of 1238 male and 149 female service members completed a written questionnaire on their own sexual orientation, personal attitudes, and behavior towards homosexuals.

In common with the general Dutch population, the survey respondents expressed generally tolerant attitudes towards homosexuals, agreeing that homosexuals should have the same rights as heterosexuals. However, in their daily contacts with homosexuals, most heterosexual service members prefer to keep their relationships at a psychological and social distance. For example, 11 percent of male respondents state their relationships with homosexuals as friendly, 8 percent as acquaintanceship, 49 percent as collegial, and 32 percent as purely

business.[24] Thirty percent of men say that they would react in a hostile or aggressive manner if a colleague turned out to be homosexual, although the actual incidence of aggression and hostility is low.

The survey found that even in the Netherlands, service members would not openly acknowledge homosexuality. The survey research team was unable to meet their targeted number of openly homosexual service members for detailed interviews; conscripts in particular were reluctant to acknowledge themselves to the researchers (Ketting & Soesbeek, 1992). Although most Dutch service members believe that between 4 and 5 percent of male servicemen are homosexual (Ketting & Soesbeek), only 0.9 percent of the men surveyed declared themselves predominantly homosexual.[25] In the survey, 4.8 percent of male respondents reported that they had ever had sexual contact with another man in their lifetimes.

Even given the strongly encouraging and consistent message from leadership, many homosexuals in the Dutch military are afraid that their sexual orientation could cause trouble. As a result of this research, the Dutch government (Begeleidingscommissie, 1992) concluded that the position of homosexuals in the Dutch military is still far from ideal. Although they have equal rights, the negative attitudes and behavior of their colleagues make the reality of daily life uncomfortable.[26] Policy recommendations were made to eliminate prejudice and strengthen efforts to change the attitudes of heterosexuals towards homosexuals.

The response of the Dutch Ministry of Defense (ter Beek, 1993) is an intensive effort to improve acceptance of homosexuals. A program of

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[24]Women in the Dutch military are considerably more comfortable than men with homosexuals; the corresponding percentages are 39 percent friendly, 6 percent acquaintanceship, 42 percent collegial, and 13 percent as purely business.

[25]Correspondingly, only 3.5 percent of females interviewed considered themselves predominantly lesbian; informal estimates of actual prevalence range up to ten times that figure and the official Ministry of Defense estimate is 5 to 10 percent, corresponding to the proportion of homosexuals in the Netherlands (Joustra, 1993).

[26]CBS News (1993) portrayed four openly homosexual Dutch service members as fairly well satisfied. We note that all four had relatively high rank (a Lieutenant Colonel and a Major in the Army, a Lieutenant Commander in the Navy, and a Sergeant-Major in the Air Force) and were demonstrably proven achievers. Of the 64 homosexuals interviewed in the NISSO survey, only 13 were officers.

education, counseling, and information will be instituted throughout the military, accompanied by sanctions against discrimination in any form. The focus will be on leadership, including special sensitivity training for military trainers, special courses for counselors on problems that homosexuals present, and soliciting the assistance of homosexual groups to provide information about support services for homosexual service members. In particular, there will be a focus on dispelling prejudices and false stereotypes about the nature and behavior of homosexuals. Procedures will make it easier to file complaints for harassment. Units will have a "[person you place your trust in]" for informal counseling--for both heterosexuals and homosexuals. Ter Beek's statement explicitly notes that the Dutch military will not permit official discrimination on the basis of sexual orientation in coalitional deployments with armies that do exclude or discriminate against homosexuals.

Norway

Context. Our interviewees reported that sexuality is regarded in Norway as a private matter; people strongly prefer that it not be brought out in public. A statement about sexual orientation is interpreted to be a statement about sexual behavior, and is thus considered distasteful. This personal aversion is juxtaposed against a legal toleration: Laws against sodomy were abolished in 1972; there is a specific law sanctioning insult or injury of a person or group because of sexual orientation; and the social climate in Norway is increasingly tolerant of nontraditional living arrangements, as culminated in the passage in April 1993 of the partnership law in effect establishing homosexual marriage. Thus, Norway might present what appears to be a contradiction: On the one hand, homosexuals may publicly and legally declare partnerships, while on the other hand, openly stating one's sexual orientation is unsocial behavior. The contradiction is resolved when one considers a remaining restriction on homosexual marriage--the ceremony cannot be conducted in the (established) church. Thus,

although homosexual orientation may be *stated*, and thus tolerated, it cannot be *sanctified*, and thus fully acknowledged.[27]

Norway's military is based on the principle of home defense by the citizen-soldier; about 70 percent of young men enter military service, with the remainder excused for physical, mental, or moral unfitness or for conscientious objection. (Objectors spend a similar length of time in another form of national service.) The principle dictates that there be essentially no difference between military laws and civil laws. The official Norwegian position is that homosexuality is not an issue. There is no registration, discrimination, or special treatment within either Norwegian society or its military based on race, religion, political beliefs, or sexual orientation. Moreover, the Norwegian military claims to have no indication that their policy "is in conflict with military requirements in any form or by any definition" (personal communication, 6 May 1993).

Policy. Before sodomy was civilly decriminalized in 1972, acknowledged homosexuality was grounds for exemption from military service and homosexual behavior of military personnel was grounds for both dismissal from service and civil punishment. The decriminalization of sodomy in effect immediately ended any military punishment for sodomy and triggered a seven-year examination of whether homosexuality as a *medical* rather than a criminal problem might lead to exemption (Holm, 1977; Kringlen, 1977). In 1979, homosexuality was removed from the list of medical conditions limiting either conscript or career military service.[28] This year, with homosexual partnerships civilly recognized, the military plans to shortly confer upon homosexual couples any economic and housing benefits it confers upon married heterosexual

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[27]Interestingly, Norwegian law allows heterosexual couples an alternative short of marriage, called *sambo*, which provides recognition of cohabitation and parental status. To have *sambo* status, the couple must be eligible for heterosexual marriage (e.g., not currently married to somebody else, underage, etc.). *Sambo* status, like homosexual partnership, may be stated but is generally not fully accepted.

[28]Again, Norwegians differentiate between toleration and acceptance even here. Military medical authorities still define homosexuality as a sexual *dysfunction*, but one with no implications for military fitness.

couples; this is regarded as a matter of minor changes in the wording of regulations and not a major problem.

Service Conditions. Although the regulations declare that there is no discrimination based on sexual orientation, the reality does not completely bear this out. Homosexuality per se is not grounds for exemption from service; however, if that homosexuality is accompanied by other psychiatric grounds, an exemption will be granted. Unlike the case in France, this exemption is neither automatically granted nor freely offered; the principle of citizen-soldier dictates that homosexuals able to serve should do so.[29] Although there are no official statistics, it is generally agreed that homosexual officers would not advance as quickly as would equally performing heterosexual peers. One interviewee said that open homosexuals are denied security clearances, but this was not verified by others. Homosexuality would never be the overt reason for this slowdown in career or denial of clearance, because that would be illegal. Nonetheless, such discrimination is a fact of life.

Both civilian and military interviewees agreed that harassment is not considered a problem in the Norwegian military. There is generally not much physical violence within the military, nor within Norwegian society in general.[30] NCOs and officers get education in ethics, sexuality, and the nature of sexual orientation as part of leadership training, and are urged to treat all soldiers as individuals and to tolerate differences.

Public display of affection is rarely seen even in civilian life. There are no regulations against it, but it is not considered "military custom and order." If either heterosexuals or homosexuals displayed

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[29]Moskos (1993) states that in the Scandinavian countries, an openly homosexual person will be exempted from conscription upon request. Norwegian personnel and medical staff we interviewed were adamant that automatic exemptions are not granted; only if homosexuals can demonstrate other psychological problems that will make life in the military for them difficult will they be granted the exemption.

[30]One informant claimed that there had been four people killed in the past three years in incidents that appeared related to sexual orientation. This, in a country of 4.3 million people, was regarded by this informant as a frighteningly high rate.

affection in public, there would be no official reaction, but this might affect how people think about the individual.

As the primary mission of the Norwegian military is home defense, few service members are stationed far from home. Barracks quarters are not mandatory, but are available for personnel who choose them. Weekend leaves, cheap transportation fares, and attempts to accommodate needs mean that there is a lot of flexibility and not much isolation in Norwegian military life. There are no special considerations made for race, gender, religious, or sexual orientation status for service members deployed in special circumstances, e.g., in the far North of the country, at sea, or on UN or other peacekeeping missions.[31] If an ally were to request that homosexuals be restricted from a joint mission, it is not clear that the Norwegian military would comply with the request; they hope that the issue never arises.

Women are not drafted, but have been eligible to serve in the military since the 1970s. From the mid-1980s, there have been no restrictions on type of service, including combat units. In practice, because the military is regarded as a man's job, few women serve. Even though 69 percent of Norwegians work in trade, services, or the travel industry and less than 1 percent are in agriculture, fishing, or commercial hunting, many Norwegians still adhere to its agricultural image where the woman's role was to stay home, raise babies, and guard the homestead. Our interviewees noted that the presence of women in the military has led to some problems of adjustment, but there have been very few official claims of sexual harassment.

Although none of the people we interviewed in the Norwegian military claimed to have any explicit knowledge of lesbians in service, a newspaper article last year (Schmidt, 1992) carried the headline "lesbian sweethearts in the barracks." Members of Norwegian homosexual groups claim, and some military officers conjecture, that there are

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[31]Deployments abroad are popular, with volunteers outnumbering available slots up to 10 to 1.

"more than just a few" lesbians in the military, but that not many are open.[32]

United Kingdom

Context. From 1885 until the enactment of the Sexual Offenses Act of 1967, male homosexual acts were illegal under civil law in the United Kingdom.[33] The 1967 Act decriminalized homosexual acts for consenting males over the age of 21.[34] This decriminalization of homosexual acts represents a general secularization of attitudes since the 1930s as well as a liberalization of the legal statutes. While homosexual marriages are not recognized and child adoption and fostering by homosexuals are not tolerated, there has been an increasing shift in society towards tolerance of homosexuals.

Public Attitudes. One of the distinctions between the U.S. and U.K. societies is in their perspectives on minority rights. The British generally do not see their society as a melting pot, and hence, do not treat minority rights with the same degree of concern as they are treated in the United States. There is neither a strong homosexual movement, nor is there a strong anti-homosexual movement in the United Kingdom. The initial impetus to decriminalize homosexual acts did not arise from a gay activist organization, but from a group called the Homosexual Law Reform Society, composed of prominent bishops, doctors, lawyers, and liberal politicians. The Stonewall Group, associated with the Health and Education Research Unit of the University of London, has also lobbied for civil rights for homosexuals and has requested changes in British law.[35] Although one might expect that the Church of England

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[32]One member of the couple featured in the newspaper story remained anonymous and did not allow herself to be photographed, because she did not want her family to know.

[33]When the laws proscribing homosexual acts were presented to Queen Victoria, she purportedly could not imagine homosexual acts between females, and hence those were never enacted.

[34]In practice, there is almost no prosecution for homosexual acts by males over the age of 18.

[35]In a 1991 memorandum submitted to the Select Committee on the Armed Forces Bill, the Stonewall Group recommended: (1) that homosexual acts should no longer be forbidden between consenting adults under service law, (2) that homosexuality of itself should no longer be a reason for refusing entry to the armed forces nor for dismissal, and (3)

would have much to protest on this subject, it does not see its duty or its role as that of dictating the private behavior of individuals who are not its members. Even though it is the established religion, the Church cannot make legal positions for society at large.

The Military Perspective. The United Kingdom, like the United States and Canada, has abandoned conscription in favor of an all-volunteer force.[36] Behavior in the military is governed by the Queen's Regulations, which, along with the laws establishing a military force, are reviewed and renewed every five years--next in 1996.

Of all the foreign countries we visited, only the United Kingdom explicitly bans homosexuals from military service--under current regulations, participating in a homosexual act is a punishable criminal offense under military law. Many of the arguments put forward by the United Kingdom military establishment against allowing homosexuals to serve are similar to those used in the United States. That is, it is claimed that homosexuality undermines cohesion and good military order; that it undermines recruiting; that it interferes with confidence building and bonding in small groups; etc. In fact, their current practice is much like the U.S. military policy that has been in effect since January 1993. Recruits are not asked whether they are homosexual, but they are given a pamphlet (Her Majesty's Armed Forces, no date) before they enlist that states, in part:

> Homosexuality and homosexual behaviour are not compatible with Service life. If you engage in homosexual activity you may not be prosecuted under Service law (depending on the circumstances of the activity), but you will have to leave the Armed Forces.

The Sexual Offenses Act of 1967 specifically did not decriminalize homosexual acts among military service members. However, there is the expectation that the Queen's Regulations will be changed in the normal course of their review in 1996 to formally decriminalize homosexual acts

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that members of the armed forces should be guaranteed protection from discrimination on the grounds of their homosexuality.

[36]Warner (1993) testified that Great Britain has conscript recruitment; we suspect that this is a transcription error.

for service members. A special report from the Select Committee on the Armed Forces Bill (1991) states:

> We are not persuaded that the time has yet come to require the Armed forces to accept homosexuals or homosexual activity...
>
> We recommend that homosexual activity of a kind that is legal in civilian law should not constitute an offence under Service law. We look to the Government to propose an appropriate amendment to the law before the end of the next Session of Parliament.

Military Law. Currently, the military does not take disciplinary action against an individual for engaging in a homosexual act if the soldier is over 21 and the act is between consenting adults--individuals are administratively discharged for participating in such acts.[37] As in the United States, the mere statement by a person that he or she is a homosexual is not sufficient for discharge; status must be convincingly shown. Dismissal is not automatic, but almost certain (Select Committee on the Armed Services Bill, 1991). Individuals are generally charged with disgraceful conduct of an indecent kind, or conduct prejudicial to good order and discipline. Over the three-year period of 1987 to 1989, 32 individuals were court-martialed and 225 individuals were administratively discharged.

This is not to say that homosexuals are not present in the Armed Forces of the United Kingdom. However, because of the restrictions on homosexuality and homosexual behavior, they are wary about openly declaring themselves. As is the case with the U.S. military, homosexuals who have been dismissed have provided testimony to the existence of others at all levels, who remain unacknowledged.

AN INTERNATIONAL COMPARISON

Although each of the countries we visited is unique, a common picture emerges that can inform the policy decisions facing the United States.

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[37]These administrative discharges are noted as SNLR--Services No Longer Required.

Military Policy and Practice Reflect Societal Norms

The trend in all Western democratic societies is for greater toleration of social deviations as long as those deviations do not impinge on the larger group. Thus, premarital sex and homosexual behavior among consenting adults are becoming more tolerated, while drunk driving and smoking in public areas are becoming less tolerated. In each of the countries, the national military policy reflects--with a possible time lag--national societal attitudes and norms regarding tolerance; in no country is the military on the edge of social change or a test bed for social experimentation.

But tolerance does not mean acceptance. In none of the countries visited is homosexuality fully accepted. Interviewees stated and the data available support the conclusion that most people are avowedly heterosexual and express some discomfort around openly homosexual people. However, in these countries, the homosexuals are aware of and sensitive to the feelings of the majority. Most homosexuals are not public about their orientation and even open homosexuals are circumspect about their behavior in most social situations. This generalization holds particularly true for homosexuals in the military.

In each of the countries visited, homosexual behavior has been decriminalized for many years in civil law. Only in the United Kingdom does the military still prohibit sodomy, and it is anticipated that this, too, may soon change. In accordance with the civilian practice of official toleration, none of the foreign military services asks potential conscripts or recruits about their sexual orientation and only the United Kingdom will actively investigate an allegation of homosexuality.

The accession of admitted homosexuals into military service is less uniform in the countries visited. Canada, the Netherlands, and Norway do not permit an individual's homosexuality to be a criterion of acceptance into or rejection from the military. France and Israel will, in effect, exempt a homosexual from conscription if the person so chooses and, for appropriate individual cases, may recommend to the individual that an exemption be claimed. The ultimate choice in these two countries, however, is with the individual candidate. Germany and

the United Kingdom formally deny entry into service to open homosexuals, although Germany will tolerate homosexual members upon discovery or declaration.

Homosexuals Serve--But Quietly--In All Militaries Visited

No matter what the official regulation, interviewees reported that homosexuals did serve in the military service of each country, in the conscript, volunteer, and officer ranks. In none of these countries are heterosexuals fully comfortable living closely with homosexuals, but in none of these countries were there significant disciplinary problems caused by homosexuals within the ranks. In each country, the number of openly homosexual service members is small and is considered to represent only a minority of homosexuals actually serving. Moreover, in all countries, openly homosexual service members were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Problems Are Dealt With on a Case-By-Case Basis

The foreign militaries visited reported very few problems caused by the presence of homosexual service members. Moreover, they reported that these problems were effectively dealt with on a case-by-case basis. Even in countries where it was claimed that homosexual orientation might lead to limited military careers, interviewees were emphatic that there was no hard and fast rule. Instead, each case was considered on its merits, and if there was a net benefit to the military of keeping a homosexual person on the job, that action was taken. In France and Norway, homosexuality is never an explicit criterion in any personnel decision, but certain homosexual behavior[38] could be a component of conduct unbecoming a service member and lead to sanctions; Canada is expected to follow this pattern. In the United Kingdom, there was a blanket dismissal of discovered homosexuals from the service, and in the

[38]In most cases it is the flagrancy of the behavior, not its homosexual nature per se, that determines its unacceptability.

Netherlands, homosexuality is, by law, never a criterion in personnel actions.

Where there is the potential for unit disruption, the foreign militaries are proactive. Possible sources of trouble are identified, and if individual differences among service members are causes, action is taken. The particular action depends, as above, on the circumstances. Thus, if there is a clash between a homosexual and heterosexual that cannot be resolved within the unit, depending on the circumstances, one or the other or both may be removed from the unit or sanctioned. Interviewees claimed that in their experience there was no significant threat to unit cohesion or organizational performance created by the presence of homosexuals in their militaries, either at home stations or deployed at sea or abroad.[39]

Change Has Not Been Disruptive

Since 1972, five of the countries--Canada, France, Israel, the Netherlands, and Norway--have changed policy, broadening the inclusion of homosexuals in military service. In the Netherlands and Norway, the change followed the decriminalization of homosexual behavior, while in France, change occurred when the psychiatric profession determined that homosexuality was not a mental disorder. Canada's change in policy was more political in nature. According to our sources, the change Israel announced in June 1993 was a formal statement of what had become actual practice. In France, the Netherlands, and Norway, officials report that the change in policy produced no problems for conscription, recruitment, or retention; although Canada's policy change is recent (October 1992), they similarly report no problems to date. In all instances, the change in policy produced little real change in practice because almost no service members or candidates for service revealed a homosexual orientation.

Implementing the change in policy for Canada, the Netherlands, and Norway has not posed major problems. (France's change of policy went almost unnoticed, and implementation was not an issue.) For all three

[39]The caveat to this statement is, of course, the much greater extent of deployment of U.S. forces than any of the services visited.

countries, strong support from the highest levels of leadership, including the Minister of Defense and the highest ranks of military officers, communicated the acceptability of the new policy and the resolve of the military to accomplish the change. For Canada and Norway, implementation was done in as low a key as possible and unobtrusively. For example, there have been no sensitivity training sessions for troops, and neither country has attempted to change the attitudes of its service members.

Only the Netherlands has attempted to assertively establish equal rights for homosexuals and to change the attitudes of heterosexual service members. However, this effort does not appear to have produced a better situation for homosexual service members than the situation in countries that made no attempt to change attitudes. The Dutch are continuing their efforts in this direction, and because they are closely monitoring progress, in five years it will be possible to assess the effects of their programs.

4. ANALOGOUS EXPERIENCE OF DOMESTIC POLICE AND FIRE DEPARTMENTS[1]

INTRODUCTION

Using the experiences of foreign militaries to anticipate issues related to allowing homosexuals to serve openly in the U.S. military has limitations: The United States and its foreign counterparts each have distinctive cultures, particularly with regard to privacy and social values. Only by examining this issue in the U.S. culture can one avoid the problems of interpretation that these differences introduce. However, this presents the thorny difficulty of finding institutions that are sufficiently analogous to make the comparison meaningful.

We took advantage of the similarities between municipal public safety departments and military organizations to examine the experience of police and fire departments in six American cities that have implemented policies of non-discrimination based on sexual orientation. We had two primary purposes: First, we sought to understand what happened in these departments when policies of non-discrimination were implemented. How did homosexuals respond and behave, for instance? How did heterosexuals react to the presence of acknowledged homosexuals in their midst? How did leadership view the ultimate impact of the policy change on the ability of these organizations to meet their mandates? Second, we sought insights into the implementation process itself. What facilitated the process of implementing policies of non-discrimination toward homosexuals? What hindered this process? How did the process usually unfold?

This chapter examines the analogy between the U.S. military and domestic police and fire departments, exploring whether and where the experience of these paramilitary organizations can shed light on issues related to permitting homosexuals to serve in the Armed Forces. The

[1]This chapter was prepared by Paul Koegel, with considerable assistance from James P. Kahan in drafting the first section. It is based on research conducted by Janet Lever, Brent Boultinghouse, Scott A. Harris, Joanna Z. Heilbrunn, James P. Kahan, Paul Koegel, Robert MacCoun, Peter Tiemeyer, John D. Winkler, and Gail L. Zellman.

chapter also documents the foci and methods of this study, describes the non-discrimination policies and the contexts in which they were implemented, addresses the consequences of their implementation, and examines the implementation process itself.

HOW INSTRUCTIVE IS THE ANALOGY?

There has been a fair degree of controversy over whether the police and fire department analogy can tell us anything useful about issues related to allowing homosexuals to serve in the U.S. military. An argument erupted between members of the House Armed Services Committee on just this point as they listened (May 5th) to public safety officials from San Francisco and Seattle testify about how homosexual police and firefighters were serving in their cities. At issue was whether the statements of the witnesses were relevant to a debate about national security (*Army Times*, 5/17/93).

Police and fire departments are certainly not identical in nature to the military. The members of the police and fire departments interviewed were quick to point out fundamental differences between their organizations and the Armed Forces. The most significant was that their force members are on duty for short stints--an eight hour shift in the case of police, a period of 1-3 days in the case of firefighters. Afterwards, they go home, where they have far greater latitude in how they behave. The military, on the other hand, takes service members away from their homes for extended periods of time for both training and deployment, and considers the boundaries of their jobs to be 24 hours a day/7 days a week. During that time, it demands that service members live in a variety of close quarters, from the open dormitories of basic training barracks to the cramped confines of a two-person pup tent. Moreover, it requires them to subject themselves to the military and its codes of behavior at all times.

Even so, there are a number of characteristics that police and fire departments share in common with the U.S. military that make them the closest possible domestic analog. These include the following characteristics:

- The organization is hierarchically organized with a well-defined chain of command; the uniforms carry insignia denoting rank.
- The occupations are defined as public service for the maintenance of public security.
- Members work together as teams and wear uniforms clearly identifying them with the organization.
- A substantial proportion of job time is spent training for short intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk.
- In addition to the common general American experience shared by the groups, many police officers and firefighters have a military background and share values held by military service members.

In some respects, fire departments are characterized by even greater similarities with the military than police departments are. Firefighters typically live together in a firehouse while on-duty, sometimes for days at a time. Close living quarters and issues related to privacy, especially in older firehouses, are thus part of their experience, even if for shorter stretches of time. The work of fighting fires is done in coordinated fashion against a common enemy. The business of a firefighting company is tactical with regard to a fire, while the command structure concerns itself with the strategic allocation of resources. Unless engaged in riot control, police officers work in pairs or, increasingly, alone. Moreover, although police work focuses on a war against crime, providing human services is one of its primary tasks, and this necessitates strong community interaction. As a result, police work is highly subject to political and external influences.

Issues the Analogy Can Illuminate

In exploring the experiences of domestic police and fire departments, we are not suggesting that their similarity to the U.S. military is sufficiently strong to allow predictions related to national security, i.e., whether force performance would be intolerably

compromised. However, even allowing for differences, police and fire departments *are* more similar to the military than is any other domestic institution, especially with regard to their internal command structures and requirement for top-down discipline. The interest in studying police and fire departments is not *whether* the military should end the restriction on homosexual service, but rather to learn *how* such a change might best take place were such a change mandated. Thus, these similarities make the analogy a useful one.

While we cannot definitively answer the question of how cohesion and performance will be affected in the military, we can confidently extrapolate to the military from observations in police and fire departments regarding how many members of the force publicly acknowledge their homosexuality when a policy change occurs; the factors that influence this; the behavior of homosexuals under a policy that allows them to acknowledge their homosexuality; the concerns that heterosexuals express after, rather than before, such a change has occurred; the role of leadership and chain of command; the natural evolution of policy implementation over time; and many others. It was with these issues in mind, rather than issues related directly to national security, that we engaged in this inquiry.

FOCI AND METHODS OF THE STUDY

Cities Visited

The selection of cities to be visited was based on several criteria. First, large cities were chosen to ensure that (1) on a chance basis, there would be homosexuals who might wish to serve in the police and fire departments; (2) the city's police and fire departments would be large enough to require a paramilitary structure for their command and control; and (3) these departments would be of sufficient size that there might be some homosexuals who had publicly announced their sexual orientation. These considerations led us to consider the top 25 cities in the United States, with populations over 500,000. Cities such as San Francisco, California, and Key West, Florida, were excluded because the large proportions of resident homosexuals created atypical social climates. Studying how a nondiscrimination policy was

implemented required having such a policy change to examine. Finally, because there might be regional differences in how nondiscrimination might be implemented, we attempted to select at least one city from the five major regions of the nation: Northeast, Midwest, South, Southwest, and Pacific Northwest.

Using these criteria, we chose six cities to visit. At least one department in all six agreed to cooperate, although the Houston Police Department and the Los Angeles Fire Department declined to participate. The leadership of the Houston Police Department carefully considered but ultimately rejected the request to participate for fear of involving the department in what they saw as a political matter. They voiced the belief that police departments should remain above politics and wanted to avoid the appearance of contributing, by virtue of their experience, to advancing any particular position. We were still able to obtain an overall, though limited, sense of the Houston Police Department's experience by speaking with gay community activists and homosexual police officers who have not disclosed their sexual orientation to their departments. The Los Angeles Fire Department also declined to participate in interviews because of upheaval they were experiencing over a damaging fire that had just occurred. However, a homosexual firefighter who had not acknowledged his sexual orientation to his department did participate in our off-hours focus group discussion with homosexual members of the police department.

Table 4-1 presents the six cities, along with their population rank and the year of introduction of a policy change. Five of the six largest cities in the United States are included in this set (World Almanac, 1992). Seattle is the largest city in the Pacific Northwest. Table 4-2 presents some demographic information about these cities and their police and fire departments.

Focus of Visits

The visits were oriented toward learning as much as possible about the larger picture surrounding the change of policy and its

Table 4-1

Cities Visited

City	U.S. Pop. Rank	Year Policy Changed
Chicago	3	1988
Houston	4	1990-1991
Los Angeles	2	1979
New York City	1	1979
San Diego	6	1990
Seattle	21	1980

Table 4-2

Selected Demographic Information About Cities Visited

	Chicago	Houston	Los Angeles	New York	San Diego	Seattle
Population (x1000)	2,784	1,631	3,485	7,323	1,111	516
% white	45%	53%	53%	52%	67%	75%
% black	38%	28%	14%	29%	9%	10%
% Hispanic	20%	28%	40%	24%	21%	4%
Uniformed police	12,200	4,100	7,700	28,000	1,800	1,300
% women	17%	N.A.	14%	14%	13%	10%
% minority	35%	N.A.	41%	26%	40%	N.A.
Uniformed fire	4,700	2,900	3,200	11,300	850	975
% women	4%	0.6%	N.A.	0.3%	8%	7%
% minority	28%	27%	N.A.	6%	28%	24%

Source: Census figures from World Almanac (1992); personal communications. Note that population percentages can sum to greater than 100% because the Census separately categorizes race and Hispanic origin. "N.A." indicates where data were not available.

implementation. This resulted in a focus on six main factors in the visits:

- **Social and situational climate.** This involved attempting to understand the general social environment of the city with particular reference to community attitudes towards homosexuals. It also involved understanding the police and fire departments in which these changes were occurring,

including their histories, the organization and composition of their forces, and their occupational cultures.

- **Politics of the change in policy.** This involved determining what specific events, if any, triggered the change in policy, who the principal actors were and whether they were for or against change, and what the topics were in the debate over change.
- **The specific wording** of the nondiscrimination policy.
- Issues related to the **implementation process itself.** This involved examining the planning, training, and education that accompanied the change in policy, the role of community and police/fire leadership in implementation, changes in recruitment and promotion practices, and the regulations (e.g., on harassment) that accompanied the change of policy. The focus was on factors that facilitated or hindered implementation.
- **Consequences.** We attempted to learn the consequences of the change in policy, particularly with regard to prior concerns. Most important, we sought to determine how many homosexuals had disclosed their sexual orientation, the factors influencing this process, the effect of the presence of open homosexuals on their heterosexual colleagues, and the ability of the institution to function effectively.
- **Lessons learned** about the implementation process and their potential application to implementing a policy that ends discrimination based on sexual orientation in the U.S. military.

Methods

The principal source of information was a two-day visit to each city. During these visits, several data collection methods were utilized. These included:

Interviews. Using open-ended interview techniques, but guided by a detailed set of topic questions that were first piloted in the police and fire departments of Santa Monica, California, we interviewed high-ranking leaders, personnel and equal employment opportunity officers,

trainers, unit commanders, recruiters, and counselors. Although none of these interviews was audio-recorded for fear of inhibiting the free exchange of ideas on sensitive topics, we took extensive notes--as close to verbatim as possible--at each.[2] We also interviewed heterosexual and homosexual rank-and-file members of the force, both alone and in groups ranging from three to 20. Rank-and-file officers were recruited by department leaders, usually depending on who was available at the time set aside for the interviews, and were interviewed without leaders being present. Interviews with homosexual force members usually took place on off-duty hours in off-site, confidential locations. In addition to involving individuals who had publicly proclaimed their homosexuality in the work place, these meetings often included police officers and firefighters who had not disclosed their orientation to their departments, and so can only be reported in terms that ensure total anonymity. Again, these were not audio-recorded, and the notes excluded any identification of participants.[3]

Documentation. We obtained what documentation we could on the size and composition of the police and fire departments, plus policies and regulations regarding nondiscrimination, enforcement guidelines, curricula for training programs, and equal employment opportunity procedures. Meaningful documentation on recruitment and promotion was generally not available since in no department was sexual orientation entered in an individual's record.

Newspaper articles. By engaging in computerized library searches of the major periodicals in each city, we were able to access newspaper articles concerning events related to the implementation of non-

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[2]One person in what was usually a three-person team was designated the notetaker. Usually, this person took notes on a lap-top computer. Our experience was that this increased accuracy without being intrusive.

[3]In no sense can our samples of rank-and-file members of these departments, either heterosexual or homosexual, be considered a probability sample. While we did our best to ensure that those selected were representative of their departments, we neither used methods nor had the sample size that would allow us to make statements regarding the actual prevalence of the attitudes and behaviors we describe in subsequent sections. Where evidence seemed strong on a given point, we have allowed our language to convey this. Otherwise, we deliberately avoid qualifiers that suggest precise prevalence estimates.

discrimination policies, such as lawsuits, demonstrations, and police recruitment at homosexual fairs. Newspaper articles were also sometimes volunteered during our department visits.

Not all investigative methods were employed at all visit sites. In each case, we gathered as much information as time and the goodwill of organization allowed. Thus, we were able to have focus groups with heterosexual rank-and-file force members at only some locations, met with counselors at only one location, and so forth. Table 4-3 summarizes what types of information were obtained from which cities.

Table 4-3

Sources of Information, by City

	Chicago	Houston	Los Angeles	New York	San Diego	Seattle
Police Interviews:						
Leaders	x		x	x	x	x
Personnel, EEO	x		x	x	x	x
Trainers	x		x	x	x	x
Commanders	x			x		
Recruiters				x		
Counselors	x					
Homosexuals	x	x	x	x	x	x
Rank-and-file	x			x	x	
Fire Interviews:						
Leaders	x			x	x	x
Personnel, EEO	x			x	x	x
Trainers		x			x	
Commanders	x	x			x	
Recruiters		x				
Counselors						
Homosexuals	x			x	x	x
Rank-and-file		x	x	x	x	x
Documentation						
Nondiscrim. policy	x		x	x	x	x
PD regs, procs	x		x		x	x
PD training pgms	x		x			
FD regs, procs	x	x		x		
FD training pgms						x
Newspaper articles	x	x	x	x	x	x

CONTEXT AND VARIATION IN NON-DISCRIMINATION POLICIES

By way of setting a context for discussing what was learned from police and fire departments regarding what happens when a policy of non-

discrimination against homosexuals is implemented and how best to effect that implementation, this section provides a brief overview of the settings, players, and policies that were featured in the implementation processes observed. This is not done on a detailed city-by-city basis but more generally, with an eye toward describing variation in (1) the municipal climate in which policy changes were occurring; (2) the climate within the police and fire departments themselves; and (3) the nature of the non-discrimination policies and the prime impetus for change.

The Municipal Climate

As already stated, the departments examined were situated in six cities across geographically diverse regions of the country. These cities have each been subject to unique sets of influences that have contributed to clear differences in both their overall social climates and how they have interacted with their homosexual communities. Seattle, on one end of the continuum, enjoys a reputation for social liberalism and is well-known for its politics of inclusion. New York and Los Angeles fall at this end of the continuum. Houston, on the other end of the continuum, is situated in a region that is typically considered to be the most socially conservative in the country. Chicago is less conservative than Houston but more conservative than Seattle, given the strong social and political influence of its historically central white ethnic Catholic communities. San Diego, where a strong identification with the Navy and a large community of white military retirees likewise has fostered a climate of social conservatism, also falls along the Houston end of the continuum.[4]

Regardless of where they fall on this continuum, all of these cities have experienced the growing visibility of local homosexual communities and their increasing ability to parlay that visibility into

[4]Marked variation exists *within* each of these cities, of course. Knowing a person's education, occupation, and whether they have had close personal contact with a homosexual probably tells one more about their social conservatism and attitudes toward homosexuality than the region or city in which they live. (See the chapter on public opinion for a more complete discussion of demographic and other correlates of attitudes toward homosexuality.)

economic and political power. In each of these cities, homosexuals are players in the local political scene and in some cases are recognized as potent forces. All but one of these cities have enacted human rights ordinances prohibiting discrimination on the basis of sexual orientation. Only Houston does not currently have such an ordinance (though changes in the police department's policy regarding homosexuality occurred anyway).[5] There, an effort to enact such an ordinance in 1988 was voted down by the public, and state sodomy laws continue to define homosexual acts as illegal.[6] This is not to say that homosexuals are widely accepted everywhere but in Houston. Hate crimes against homosexuals in all of these cities testify to the variable acceptance they experience wherever they are.

The Internal Climate Within Police and Fire Departments

Differences between these departments were apparent in a number of ways that ultimately affected how implementation of a non-discrimination policy occurred. Each is the product of unique histories or idiosyncratic leaders who have left a distinctive stamp. Overall, the similarities among the police and fire departments in the cities examined far outweigh whatever differences exist. For instance, though changes are occurring, each continues to be governed by traditions and customs that have informally codified norms of appropriate behavior. These departments are remarkably alike in being tightly-knit cultures consisting of people drawn together by their responsibility to protect each other's lives. What we learned suggested that police officers and firefighters look out for one another. When there are problems, they work them out on their own. "Ratting" on a fellow officer, given this value, is strongly frowned upon and is informally sanctioned in most cases, often with ostracism. In both, but particularly in fire departments, one's closest co-workers are considered to be family, both

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[5]While the Houston Police Department does not have an explicit policy of nondiscrimination based on sexual orientation, aggressive attempts to screen homosexuals out of the department by asking people whether they were homosexual were discontinued somewhere around 1990-1991.

[6]The Texas sodomy laws have recently faced legal challenge and are currently being reviewed by the State Supreme Court.

on and off the job. Camaraderie is high in these settings but its price is conformity. This is not a culture receptive to outgroups, and the histories of these departments with regard to minorities and women support this impression.

Each of the departments examined tended to draw its recruits from the more socially conservative elements of their communities. As a result, they were fundamentally conservative organizations, both politically and socially. In Chicago and New York, this tendency toward conservatism was further augmented by a historical domination of police and fire departments by white, Catholic ethnic groups--the Irish and Italians, in particular. These groups strongly emphasize traditional family values, and such values evidently became highly entrenched in police and fire culture. "We're a Catholic organization," commented a leader in one department when asked about expectations regarding off-duty behavior. "We still frown on people living together. There's a lot of that in our organization. You can lie, steal, rob--we'll forgive you. But cheat on your wife? You're in trouble!"

The conservatism of these departments also translated into negative views on the part of the largely white, male, heterosexual rank-and-file toward outgroups, with particularly strong feelings being voiced against homosexuals. Leaders in some of these departments have arrived at a different understanding of homosexuals, which is in some cases the cause and in some cases the consequence of steering their organizations toward more accepting policies. However, among the police and firefighter rank-and-file, strong anti-homosexual attitudes are frequently expressed. This is changing as new community attitudes, leaders, and policies have their effect, but these workplaces still give the impression of strong hostility to the inclusion of homosexuals. This is especially true of firehouses, where stronger demands for conformity and close living quarters increase tensions over homosexuality.

Another aspect of the internal climate of these organizations is the growing existence of homosexual fraternal organizations. These are epitomized by the Gay Officers Action League (GOAL) of New York, which was founded in 1983 and now consists of approximately 1000 sworn

officers across several New York City criminal justice organizations, including approximately 250 officers from the police department.

GOAL serves two purposes. It provides homosexual officers with opportunities to share their experiences with one another in a confidential forum (since more than half of the police officers have not made their sexual orientation known to their departments) and to socialize with similarly minded colleagues. But it is also an established political presence in the department, serving as an advocate for homosexual police officers and community members.

While homosexual police fraternal organizations exist in Los Angeles, Seattle, San Diego, and Chicago as well, in no city are they as large or as firmly established as in New York, a function of how recently most of them have come together. Houston has no such organization. Homosexual officers in Houston indicated that they were many years away from such an occurrence: So inhospitable was their workplace environment with regard to acknowledging their homosexuality that while they often know of other homosexual officers from chance off-duty sightings, they barely acknowledge each other's presence in the workplace for fear of inadvertently revealing their status. There are not yet any such organizations consisting exclusively of firefighters,[7] though a loosely formed social (not political) organization of homosexual firefighters in New York is currently negotiating official status with the department through a retired homosexual firefighter whose sexual orientation is known to his department. No currently active homosexual firefighters can play this role because none of them has publicly acknowledged his or her homosexuality.[8]

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[7]Firefighters in many cities belong to the same fraternal organizations as homosexual criminal justice workers.

[8]Interestingly, while GOAL offered to use its influence to orchestrate our visit with the New York Police (which we declined), Fire Flag members (with the exception of the retired firefighter) were too apprehensive regarding the threat of their homosexuality becoming public knowledge to even consider meeting with us, despite our guarantees of confidentiality.

Varieties of Non-Discrimination Policies

The non-discrimination policies implemented by the police and fire departments examined varied, though only slightly, along two dimensions: (1) how they were defined; and (2) whether the policy basis was internal or external to the department. Across all but one of these six cities, department policies essentially consisted of a statement proscribing any discrimination on the basis of sexual orientation. Such a statement was usually documented in a memorandum from the chief and integrated into manuals documenting rules and expectations wherever appropriate.

In the police departments of four cities, homosexuals were actively recruited to some degree, although most aggressively in Seattle and New York. Chicago is only now getting ready to target the homosexual community for recruiting. These departments were recruiting homosexuals not to meet affirmative action goals but rather because current policing practices emphasize the importance of a department resembling the community it serves. No fire department had actively recruited members of the homosexual community, presumably because the nature of their mandate did not necessitate their doing so. Across all five cities, procedures for lodging formal discrimination complaints based on sexual orientation were in place and were basically identical to those for minorities and women.

There was no such explicit policy statement in either the police or fire department of Houston. The implicit policy statement appeared to be "It doesn't matter." The fire department asserted that it had no policy one way or another; the police department's policy was characterized as one of "benign neglect"--"do your job and we won't bother you." (The chief has reportedly been unwilling to put this in writing because of the existence of the Texas sodomy laws, currently being reviewed by the State Supreme Court.) The fire department had never asked questions about sexual orientation during the recruiting process and had thus never really experienced a "change." The police department, on the other hand, had until recently asked detailed questions about sexual orientation of all prospective recruits but had discontinued that practice as official policy. Both continued to ask prospective employees if they had ever done anything that might

embarrass the department and posed more specific questions about sexual behavior proscribed by the Texas penal code--questions that were repeated during a polygraph required of all recruits. In neither department was this seen as being discriminatory.[9]

The issue of whether policies were stimulated by external actors or events versus internal ones is actually more complicated than it would appear. It is clear that departments located in cities where city councils or mayors had imposed non-discrimination policies were responding to external pressures. In contrast, Houston's changes were taken in the absence of such external prompts. However, catalyzing factors were invariably internal as well as external. Where formal policies existed, they were typically on the books long before any kind of aggressive implementation actually occurred. Usually, real change came in response to internal developments--a change in leadership, a readiness that developed out of interactions with the homosexual community on community relations issues, broader changes in the community-at-large, or, more occasionally, pressure from homosexuals within the department. Changes in Houston, while seemingly internally driven, were clearly taken in response to informal pressure from both the mayor's office and representatives of the homosexual community, who currently meet monthly with the chief.

CONSEQUENCES OF A NON-DISCRIMINATION POLICY

What were the consequences of introducing policies making it possible for acknowledged homosexuals to serve in police and fire departments? We focused our attention on three levels: (1) the behavior and responses of homosexuals, including the number and characteristics of people who "come out," the factors that influence this process, the nature of their experiences, the extent to which they pursue a homosexual political agenda, and whether they serve in leadership roles; (2) the attitudes and behavior of heterosexuals, including whether they accept homosexuals and the nature of their concerns regarding working with acknowledged homosexual colleagues; and

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[9]Homosexuals were present in both departments despite these obstacles.

(3) the functioning of the institution, including whether, from the point of view of members within these departments, integration of acknowledged homosexuals in the workforce can be achieved without adverse effects on force effectiveness, recruitment, or retention.[10] These issues have been highlighted in public discussions of allowing homosexuals to serve in the U.S. military.

The Experiences and Responses of Homosexuals

To what extent do they acknowledge their homosexuality once a policy change occurs?

Homosexuals differ from African-Americans, women, and others who have sought equal status in traditionally white, male-dominated police and fire departments in that their outgroup[11] status is not self-evident. While fellow officers may suspect them, such suspicions cannot usually be confirmed until homosexuals actually acknowledge their homosexuality. It is worth examining whether and the extent to which they make such an acknowledgment following the implementation of policies aimed at enhancing their ability to do so: If only a few disclose their homosexuality, any problems their presence might create will be commensurably small and thus more manageable.

In considering the issue of how many homosexual police officers and firefighters have publicly acknowledged their homosexuality within their departments, it is important to recognize that "coming out" is not a single action taken by an individual. Instead, it is a process that usually occurs in stages over long periods of time. It begins with personal acceptance of one's sexual orientation and tends to be followed first by disclosure to members of the homosexual community and to trusted heterosexual members of one's social network. Only later, in most cases, does it involve a more casual and public acknowledgment of

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[10]As we stated earlier, the terms of the analogy leave some of these observations more useful to considerations of removing the restriction against homosexuals in the military than others. We include the conclusions of these departments on force effectiveness while recognizing that they may not speak directly to the military experience.

[11]The term "outgroup" is used here in its traditional sense and should not be mistaken as a reference to homosexuals who have openly declared their homosexuality.

being homosexual. This means that homosexuals can acknowledge their homosexuality in certain arenas of their lives, such as their circle of friends, but not in others, such as their families or their workplace. It also means that within a setting such as the workplace, they can acknowledge their homosexuality to some colleagues, such as other homosexuals with whom they work or their closest heterosexual colleagues, but not to others.

The estimates of numbers of homosexual members of police and fire departments that follow reflect the endpoint of this process--the broader and more public acknowledgment of sexual orientation that involves widespread knowledge of this orientation throughout the workplace. However, additional individuals may disclose their sexual orientation to each other or to a selected group of heterosexuals. We had contact with many of these individuals, most often through the confidential homosexual fraternal organizations described earlier. Their perspective gave us insights into the concerns of homosexuals who have not made their sexual orientation known as they weigh a decision to publicly disclose their status as homosexuals.

Across all of the departments we examined, exceedingly few homosexuals announced their homosexuality, despite the existence of policies that codify their right to serve (see Table 4-4). This was especially pronounced in the five fire departments, where no male who was currently on any force had acknowledged his homosexuality and where acknowledged lesbians were found in only two. While there was general awareness that far more homosexuals were serving than were officially known in each of the departments we examined, in no department did the percentage of openly homosexual officers exceed 0.5 percent and the median value was 0.03 percent of the total force. Heterosexual and homosexual members of these departments alike predicted that this would eventually change, however slowly. At the time of the interviews, however, homosexual officers remained overwhelmingly reluctant to allow their homosexuality to become public knowledge, even where leaders in their departments were actively encouraging them to declare themselves.

Table 4-4

Numbers and Percentages of Open Homosexuals in the Police and Fire Departments of Six Cities

Institution	City	Total Force Size	Number of Open Homosexuals	Estimated Prevalence
Police	Chicago	12,209	7	0.06%
	Houston	4,100	0	0.00%
	Los Angeles	7,700	7	0.09%
	New York	28,000	~100	0.36%
	San Diego	1,300	4-5	0.25%
	Seattle	1,300	2	0.15%
Fire	Chicago	4,700	0	0.00%
	Houston	2,900	0	0.00%
	Los Angeles	3,200	0	0.00%
	New York	11,300	0	0.00%
	San Diego*	845	1	0.12%
	Seattle*	975	5	0.51%

*All openly homosexual firefighters in these cities were women.

As indicated earlier, far more homosexuals were known to each other and selected heterosexual members of their departments. Some of these individuals were members of confidential homosexual fraternal organizations. In one department, for instance, only seven individuals had acknowledged their homosexuality to their department, but more than 40 belonged to a homosexual fraternal organization of department members. Moreover, in every city, homosexual officers knew of other homosexual members of the force who had opted not to join such groups, either for fear of being identified or for lack of interest. There is no way of precisely estimating how many homosexuals are actually serving in these departments because people can successfully keep their sexual orientation hidden. It is thus impossible to estimate what proportion of homosexuals declare their orientation.

What are the factors that influence this process?

Perhaps one of the most salient factors that influences whether homosexual police officers or firefighters make their sexual orientation known to their departments is how they perceive their work *climate*. A marked degree of variation was apparent both between and within each of

the departments we examined in the messages sent to homosexuals regarding the reception they would get if they acknowledged their homosexuality. This variation could be observed along many dimensions, for example, across and within the hierarchical levels of an organization--between high-level managers, who displayed varying degrees of commitment to enforcing a policy of nondiscrimination and creating a hospitable environment for homosexuals; mid- and low-level managers, whose decisions most directly affected homosexual officers on a day-to-day basis and whose tone and attitudes set the boundaries of allowable behavior among the rank-and-file; and individual patrol officers or firefighters, where attitudes ran the gamut from strongly anti-homosexual to strongly pro-homosexual.

Differences in climate were also apparent between police and fire departments. The close living quarters and heavily conformist culture associated with firehouse life, as well as the insularity of fire departments from the growing acceptance of homosexuals in many urban communities, created a vastly more hostile environment. In police departments, political pressures to serve the homosexual community more effectively often resulted in diversity training and an increased awareness of the need to control negative behaviors toward homosexuals, if not a heightened sensitivity to homosexuality. Differences in climate were likewise apparent across gender lines, with women being far less likely than men to view homosexuality as being offensive, troublesome, and threatening. In addition, the climate with regard to lesbians was consistently more tolerant than with regard to homosexual men, particularly from the vantage point of heterosexual males. It was thus far easier for women to publicly acknowledge their sexual orientation than for men.

Homosexual officers made it clear that they carefully attend to the messages they received on each of these levels, assessing how each contributed to the workplace environment. In general, the more hostile the environment, the less likely it was that people publicly acknowledged their homosexuality. More people have declared their sexual orientation in departments that have aggressively pursued a policy of non-discrimination than in departments characterized by

pervasive hostility or benign neglect. More people have declared their sexual orientation in the relatively more tolerant climate of police departments than in fire departments. In addition, far more lesbians than homosexual men acknowledged their sexual orientation. Homosexuals were far more likely to be public about their sexual orientation if they worked in settings within a department known to be more accepting of homosexuals. Indeed, several police officers who were "out" noted that they had acknowledged their homosexuality only after transferring from precincts where anti-homosexual sentiment was high to less hostile work environments.

Variation in degree notwithstanding, our observations indicate that most of these police and fire departments can be characterized as being overtly, and in some cases extremely, hostile toward homosexuals. Non-discrimination policies have not magically transformed these departments into bastions of tolerance and restraint. The derision with which homosexuals are viewed by many members of these forces manifests itself on a daily basis in the workplace. Epithets such as "fag" and "dyke" and disparaging comments about homosexuals are commonplace, as are comments that display disregard for the lives and human rights of homosexual men and women. According to the people interviewed, these provide constant and troubling reminders to homosexuals who have not yet publicly acknowledged their homosexuality of the disdain with which homosexuals are viewed by many of those with whom they work and upon whom they depend.

Given the persistence of these attitudes, even in departments where attempts at change are actively being pursued, unacknowledged homosexuals harbored serious fears about the consequences of revealing their homosexuality. At a most basic level, they worried about their safety. While most were reasonably convinced they would still be able to count on the support of their fellow officers in life-threatening situations, it was not unusual to hear people express worries about back-up, placing in doubt something they need to take for granted in order to effectively perform their jobs. They also worried about their careers, wondering if the knowledge that they are homosexual might subtly color evaluations and hurt their chances of promotion. They knew

that at the very least acknowledging their homosexuality could entail being socially ostracized. They feared not being treated as "one of the crowd"; that people would talk behind their backs; that previously comfortable social interactions would suddenly become awkward; that they would be excluded from the camaraderie that typifies the small groups in which they work; that they would be subjected to mean-spirited pranks such as having their locker painted pink or being barraged with anonymously delivered AIDS literature. It is thus hardly surprising that most reached the conclusion that not going public, despite the personal toll it exacted, was preferable to acknowledging their homosexuality to their departments.

Other factors beyond the negative attitudes of those with whom they work also influenced homosexuals' decision to make public their sexual orientation. We were told that unacknowledged officers were often still engaging in a personal struggle to become comfortable with their homosexuality, having internalized the stigma that society places on it. These individuals were not at a point where they felt ready to acknowledge their sexual orientation publicly. Others were quite comfortable with their sexuality but felt that their sexual orientation was no one's business but their own. Many just wanted to do their job and worried that public knowledge of their sexual orientation would make them "gay" officers or firefighters, with all the notoriety that such a status implied. Still others felt they could "come out" at work without substantial discomfort but were loath to do so because they had not yet told their families of their homosexuality, or because they had relatives on the force whose lives would become more complicated because of their disclosure. Yet others felt that waiting until they had greater rank would make disclosing their sexual orientation easier. Acts of harassment against a superior would be viewed as insubordination, and such overt threats to discipline and command would be viewed by the top brass of these departments as a far greater threat than homosexuality.

Among those who *did* acknowledge their homosexuality, several factors were cited as contributing to their decision. Many sensed a readiness of those around them to accept a homosexual in their midst.

Many had already told their partners and in some cases their supervisors, thereby testing the waters. Some had observed the experiences of others and felt reassured that they could publicly acknowledge homosexuality without serious consequences--that back-up was there; that it was possible to move up through the ranks, still get reasonable assignments, and not get their lockers dumped out. Most felt themselves to be personally well-suited to the challenge of blazing a trail for their more reticent counterparts, either because they felt comfortable with themselves and their sexual orientation, because they had the social skills to smooth over what tensions might exist, or because their reputations as excellent officers protected them from the condemnation that those who had not yet proved themselves might face. Still others felt it important to be accepted for who they were and felt that the strain of aggressively hiding their homosexuality was far more costly than the consequences they might face by virtue of a public acknowledgment.

What are the actual experiences of those who have acknowledged their homosexuality?

Given the risks involved in a public acknowledgment, the decision to do so was rarely made without careful deliberation and considerable fear. One police officer, for instance, described publicly acknowledging his homosexuality as a far more frightening moment than anything he had experienced in his many years of police work and was convinced the event would be cataclysmic: "I expected the world would stop spinning and fall off its axis." In reality, most people who publicly acknowledged their homosexuality reported that the consequences of doing so were far less dire than they or their unacknowledged counterparts feared. Each faced some degree of hostility, but this typically took the form of offensive remarks or epithets. Pranks were occasionally reported, but back-up (with rare exceptions) could be relied on and overt violence was virtually unheard of. Most were socially accepted and even applauded for their courage; where they were not, social disruptions did not get in the way of their doing an effective job. Many spoke of the frustration of having to prove themselves over and over again with each transfer to a new assignment,

but most had confidence in their ability to do so and believed that acknowledging their sexual orientation had enabled them to perform their duties more effectively.[12] Many believed it improved their work environment, since people who had previously felt comfortable expressing anti-homosexual sentiments in their midst felt constrained by their public status from doing so, at least in *their* presence.

Isolated examples of more serious and threatening hostility do exist. For instance, an officer who had generally been viewed as a model policeman on the fast track before knowledge of his homosexuality became known ultimately left his department and filed suit against it after a protracted series of incidents left him fearing for his life. Fellow officers engaged in hostile pranks, such as scratching threatening messages into his car, solicited a false accusation from a suspect that the officer had inappropriately strip-searched him, and ultimately failed to adequately respond to calls for back-up. Equally telling is an example suggesting that the experience of dealing with quieter forms of harassment can exact a significant personal toll over time. An acknowledged homosexual and well-respected police officer recently left his department citing his unwillingness to cope with daily affronts to his dignity any longer. However, dire consequences appear to be the exception, rather than the rule, among the officers with whom we spoke.

Interestingly, where the most serious instances of abuse against acknowledged homosexual officers occurred, the situation was usually one in which the officer's homosexuality had become public knowledge not by design but by accident--where people had been "outed," in other words,

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[12]The experiences of these officers may seem to contradict our claim that a climate of hostility toward homosexuals exists in these departments. As we state later in this section, homosexuals tend to come out in precincts where hostility is less pronounced. Also, they tend to come out after they have proven themselves to be good officers, allowing them to be defined by those who retain anti-homosexual feelings as "the exception to the rule." Finally, the anti-homosexual sentiment evident in these departments often takes the form of negative remarks regarding homosexuality and homosexuals. These, as we point out later, are not necessarily related to how these officers will behave to someone they know, though homosexual officers who have not disclosed their sexual orientation are not usually convinced of this.

or were merely suspected of being homosexual in departments where an especially hostile climate toward homosexuals prevailed.[13] Where homosexual officers themselves were allowed to exercise their own judgment regarding whether public acknowledgment is well-advised, problems, if they emerged, were usually manageable.

Do acknowledged homosexual police officers and firefighters engage in personal behaviors that are disruptive to their organizations?

It is an often-cited fear among those anticipating the inclusion of homosexuals in work settings like the military or police and fire departments that homosexuals will behave in ways that will challenge local institutional norms and customs, e.g., by engaging in such practices as dancing together at departmental functions or sexually harassing heterosexual members of the force. Evidence to support these fears was very rare. Generally speaking, homosexual officers are sensitive to the climate in which they work. There are occasional exceptions, but the vast majority behave in ways that are designed to neither shock nor offend. No case of a homosexual male sexually harassing a heterosexual male was reported; indeed, the question itself sometimes evoked disbelief among those who had actually worked closely with homosexuals that such an event might occur. Occasional reports were offered by commanding officers of lesbians harassing heterosexual women--staring at them in the locker room or making unwelcome sexual comments. These were said to be rare, far more rare than incidents of heterosexual men harassing women. Public displays of affection were even more unusual; officers overwhelmingly conformed to established conventions regarding professionalism while in uniform. A few officers reported bringing same-sex partners to social functions, but only where it had been assumed that this would either be accepted or would serve as a nudge, rather than a hard push, against the established social order. Most either avoided department functions or attended them alone, but

[13]In departments where hostility toward homosexuals was particularly strong, it was reported that individuals suspected of homosexuality are frequently harassed. A heterosexual man who had been subjected to persistent harassment because of such suspicions was one of several litigants in a recently settled law suit against one of the police departments examined.

even those who included their partners at times commented that there were environments in which they would choose not to do so. A homosexual lieutenant commented that while he could readily bring a partner to New York Police Department functions, he would not consider doing this were he in the military. In his opinion, the NYPD is not an environment that is overtly hostile to homosexuals; the military is.

Another way in which the behavior of homosexual police officers and firefighters might inadvertently strain the organizations in which they work relates to how they react to the sometimes daily instances of personal harassment they face. A predisposition to aggressively file formal complaints regarding each incident of harassment could quickly overwhelm the systems in place to deal with these problems and exact further demands on scarce resources. In reality, formal complaints are rare. A strong cultural emphasis is evident within both police and fire departments on working out problems within the ranks and not informing on a peer. Homosexual officers have internalized this norm. In the words of one officer, "Being a rat is 1000 times worse than being called a fag." Most develop thick skins and either ignore or deflect the harassment they experience. Those who turn to the chain of command tend to do so informally, reaching out to a supervisor for assistance on the condition that he or she keep the complaint confidential. Usually, the goal is to end or contain the offensive behavior, not to punish the offending party. Formal complaints are invariably acts of desperation and are usually brought only against those whose behavior is recognized as going far beyond what most heterosexual officers would consider acceptable. Even in the New York Police Department, where acknowledged homosexuals are at least 100 strong and have an established political presence within the department, only four complaints of discrimination based on sexual orientation have been lodged over the last three years.[14]

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[14]Another value to which firefighters in particular subscribe is that one should never bring embarrassment or negative attention to the firehouse group. The only openly homosexual (retired) male firefighter with whom we spoke talked about taking pains to ensure that his public discussions of his homosexuality never made reference to the firehouse in which he worked for this very reason.

What are the characteristics of homosexuals who join police and fire departments? Can they serve in a leadership capacity?

Many who contemplate the effect of opening military and paramilitary organizations to homosexuals worry that stereotypic homosexuals, particularly effeminate men, will compromise the image of their force. The demeanor of homosexual officers in the police and fire departments we visited suggested that such concerns have little basis because homosexual individuals were virtually indistinguishable from their heterosexual peers. Almost unilaterally, homosexual men were reported as being, and seemed to us to be, sufficiently innocuous in their behavior and appearance to have been able to pass as heterosexual members of the force for long periods of time. Said one homosexual policeman, "You can't be flamboyant. Most gay men who are police officers are probably more on the "butch" side. You have to look like a police officer." Lesbians also tended to be indistinguishable from their heterosexual counterparts. Occasional stories were told by heterosexual police officers of lesbians who came across as somewhat "butch," but this was said to work in their favor both on the beat and while socializing with the "boys" in the precinct houses. In general, our observations and people with whom we spoke suggested that those drawn to police work and firefighting were unlikely to match stereotypes that were inconsistent with the job at hand.

In addition to physically and behaviorally resembling their heterosexual counterparts, homosexual police officers and firefighters are identical to their heterosexual peers in the factors that attracted them to the organizations in which they work. In both cases, many had always assumed they would be members of the forces they were in, either because their families had traditionally engaged in such work, because of childhood fascinations with these professions, or simply because of a desire to serve their communities. Others cited pay and benefits as a prime motivator. No one we spoke to entered their departments with an eye toward advancing a homosexual agenda. Indeed, where job-related passion was expressed, it tended to reflect a stronger identification with being a police officer or a firefighter than a member of the

homosexual community.[15] For some, this was only a job, but most believed in their work, believed strongly in their departments, and wanted to be good police officers or firefighters. As one fire chief stated, "Anyone who is attracted to this profession is a benevolent person who wants to save lives and property. This is true across any group."

As for performance, there was no question that homosexual members of these departments could do their jobs adequately.[16] Each had passed his or her department's rigorous screening, had successfully completed training, and was currently carrying out his or her assigned duties. If anything, there was a general sense among both leadership and patrol officers that homosexuals who have publicly acknowledged their sexual orientation tend to be overachievers, perhaps because of the constant demand imposed on them to prove themselves, perhaps because only an untarnished record could allow an acknowledged homosexual to advance within the ranks. Several, including high-level chiefs, were convinced that if sexual orientation were a matter of record, an empirical comparison of the performance of heterosexuals and homosexuals would place homosexuals in a position of advantage.

There was general consensus, at least among the leadership of police departments, that despite the overall climates of hostility toward homosexuality that remained pervasive in their organizations, it was possible for homosexuals to serve in positions of leadership, provided that they were well-respected for their police work and were equitable managers. Challenges to their authority because of their homosexuality were always a threat. However, the ability of homosexual leaders to serve was facilitated by the structure of their paramilitary

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[15]It was as hard for some of these officers to explain to their homosexual friends why they wanted to be police officers as it was to explain to heterosexual police officers why homosexuals might want to join the department.

[16]Performance went to the heart of the controversy surrounding the integration of women into police and fire departments and to the resentment that accompanied their inclusion, especially where performance standards had been lowered to allow their inclusion or where they were hired despite a lower ranking on a hiring list. It was not an issue with regard to homosexuals for either the leaders or heterosexual members of the rank-and-file with whom we spoke.

organizations, which featured strict guidelines for how one treats an officer, a strong value on maintaining discipline and respecting command, and a thick rule book that could be utilized when people stepped out of line. In fact, where homosexuals had reached positions of leadership, such punitive actions were rarely needed. In the same way that homosexuals did not go public until there was a readiness for them to acknowledge their homosexuality, they did not make their way up the ranks nor were they placed in positions of command until there was a readiness on the part of the leadership of the organization to support them and a readiness, or at least a near-readiness, on the part of the rank-and-file to follow them.[17] In this regard, it is worth pointing out the one exception that we found to the general rule that homosexual leaders were able to command effectively. This occurred in a police department known to harbor particularly virulent attitudes toward homosexuals, where a sergeant who had never intended to reveal his sexual orientation was "outed" as a result of a chance off-duty occurrence.

The Responses and Concerns of Heterosexuals

To what extent do heterosexual police officers and firefighters accept homosexuals who acknowledge their sexual orientation? Are they willing and able to work with them?

As the discussion of the hostile climate within each of the departments makes clear, negative attitudes toward homosexuals do not miraculously disappear once a policy of nondiscrimination is enacted. Anti-homosexual attitudes are real in these departments. These attitudes, however, are not uniformly held either across or within the settings we examined. Indeed, among those who have actually worked with homosexuals, there are signs of more accepting attitudes that, according to those in leadership, have been growing steadily over time.

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[17]This assertion is based on limited data. Because so few homosexuals were acknowledged, we spoke directly to only two officers with some degree of rank--one a sergeant, the other a lieutenant. There were other examples, and respondents cited these in concluding that homosexual officers could effectively lead.

One heterosexual woman whose squad car partner was a lesbian arrived at a focus group meeting with a button proclaiming her commitment to gay rights. Many straight officers in a variety of contexts voiced the belief that a person's sexual orientation was immaterial to them. Both heterosexual and homosexual officers confirmed that homosexuals were frequently, even if not consistently, included in off-duty social activities. Homosexuals made reference to the support they received from individual colleagues when they acknowledged their homosexuality and to their surprise at both the strength and, in some cases, the source of that support. More than one told stories of co-workers who, upon learning they were homosexual, reassured them of their own comfort with the person's sexual orientation but warned them that others would have a hard time, only to have those others pull them aside and say the same thing. In other words, these members of their departments endorsed the notion of pervasive anti-homosexual attitudes, but each saw himself or herself as an exception to that rule.

Even heterosexual officers who expressed less positive attitudes toward their homosexual colleagues often adhered to a strong ethic of professionalism that allowed them to work smoothly with homosexuals in spite of their personal feelings. Who one went to bed with, however objectionable, was less important to these officers than whether a person performed well on the job; good officers, they believed, "judged each other as cops." For these officers, getting the job done was paramount.[18] They made a point of not allowing any personal animosity they might feel toward homosexuals to interfere with their mission or the overall goals of their department. They expected back-up when they needed it and responded immediately to others when they requested it, regardless of how they felt about them. Not responding to a call because an officer was homosexual or dismissing his or her performance

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[18]A retired firefighter whose homosexuality had been common knowledge while he was stationed in a firehouse commented that he worked with 60 men of whom 20 wouldn't give him the time of day, 20 were cordial, and 20 were his best friends. Before and after a fire, he volunteered, anti-homosexual sentiment existed, but during the fire they worked together as if they were best buddies.

because of sexual orientation went against every principle they believed in.[19]

The apparent contradiction between descriptions of the anti-homosexual climate of these departments provided to us and the positive experiences that some of the acknowledged homosexual officers reported suggests that the attitudes and behaviors of heterosexual members of these departments are complex and sometimes counterintuitive. While strong negative and positive messages were both evident to varying degrees across and within departments, much of what these officers offered defies simplistic categorization. It was not unusual for officers to advance seemingly contradictory statements or behave in contradictory ways as they tried to reconcile strongly felt but inconsistent values. For instance, heterosexual officers could insist that they were offended by those who felt it necessary to share their sexual orientation but express anger and hurt that a trusted partner might withhold such information. Nor was it unusual to find evidence that what officers said in one context might differ in another. In this regard, it is worth pointing out that some members of a group of heterosexual officers who espoused highly charged and negative attitudes toward homosexuals in a focus group discussion reminded us that the attitudes people proclaim before the judging eyes of their peers may differ from the opinions they actually hold.[20]

Even more important, it was clear that how people behave is not necessarily consistent with the attitudes they profess. There are countless examples of this, such as the many heterosexuals who insist they respect homosexuals but continue to make derisive comments about them. No statement could be more telling or surprising, however, than the reflections of an officer who actively participated in a highly damning discussion of homosexuality on the force--one that even included

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[19]This ethic of professionalism was usually expressed where heterosexual officers had actually worked with homosexual officers. It was often present even where expressions of anti-homosexual sentiment were typical and an overall climate of hostility in the department-at-large existed.

[20]Our experience was consistent with this observation: One-on-one interviews did yield less-pronounced negative views on homosexuality.

statements suggesting that back-up for known homosexuals might be slow. Toward the end of a long evening, this man volunteered: "There is a gay officer here that we all work with. If he were about to die, and I had to perform CPR, I'd probably hold my breath and do it. Then I'd get tested for the rest of my life. If I see someone down, I will take care of them. Probably everyone would. Life is something more than a series of probability curves."

What concerns are voiced by heterosexual police and firefighters, particularly those who have had experience with homosexual colleagues? For instance, how salient are concerns over privacy? HIV?

While privacy was often voiced as a strong concern by police officers and firefighters who had *not* worked closely with homosexual colleagues, it was not a very salient issue for those who had. This latter group admittedly did not include firefighters (whose experiences are far more comparable to those of military service members), since no acknowledged male homosexuals served in the fire departments we examined. Police officers and their leaders, who were quick to note that they neither had to live with their colleagues nor necessarily had to shower with them, confessed to some initial discomfort in communal locker rooms but reported that whatever tension existed was managed quickly and relatively easily, either by acclimating to the situation or by changing it--moving one's locker, for instance, or subtly changing one's schedule to avoid unwanted encounters. While some continued to worry about being ogled in the locker room, others--most pointedly those working in a precinct with several homosexual males--rejected the notion that anything untoward would occur. "Guys there wouldn't act unprofessionally," they asserted. While women were generally thought to be less concerned with locker room issues, privacy was said to be more of an issue for female officers than for male officers because of what was referred to as the more aggressive nature of lesbians. These comments were uniformly secondhand, having been reported by heterosexual men rather than women themselves.[21]

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[21]According to male leadership in several departments, privacy was an issue when women first entered firehouses but usually not for long. Interestingly, it was not a concern of males, who reportedly comported

Concerns with regard to HIV were far stronger. While in many cases, these concerns were at least partially mitigated by the training officers received in order to effectively carry out their duties (i.e., standard practices for dealing with situations involving contact with bodily fluids in the case of police officers; emergency medical service training in the case of firefighters), concerns that the presence of homosexual males in the workplace would raise one's personal risk of contracting AIDS ran high. We heard police officers raise the question of whether they would provide emergency first aid to fellow officers known to be homosexual. We heard firefighters express fears that exposure to the virus through shared dishes or use of bathrooms might expose them to risk, and a general level of suspicion that AIDS is more easily transmitted than common knowledge would have one believe. We also learned from one department of a lawsuit brought by an HIV+ firefighter who agreed to take a detail outside of a firehouse after knowledge of his HIV status became public, but subsequently claimed to have been coerced. This incident generated much concern among not only rank-and-file but a high-level leader of the department whose son-in-law worked in that firehouse. It left the top brass of the department believing that without the AIDS issue, homosexual men could be integrated into firehouses without threatening operational effectiveness, but that given the strong link between AIDS and male homosexuality, problems would be inevitable. "I think I'd have a massive education problem," one leader of this department offered. "People would be hurt until they learned it has to be this way."

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themselves in the presence of women as they had prior to their entry--sleeping in their underwear, and so forth. Rather, it was a concern for female firefighters, who by necessity shared bathrooms and open dormitories with their male counterparts. Locks solved the problem of men walking into a bathroom being used by a woman. Women temporarily used screens and other improvised ways of creating privacy but these disappeared quickly in most places after women decided they were inconvenient and unnecessary. One woman commented that faced with the discomfort of sleeping with a bra under a t-shirt, she quickly learned to put aside her feelings of modesty. In other departments, however, women saw privacy issues as an ongoing problem and a prime source of harassment.

Perhaps the most sharply expressed concern on the part of rank-and-file members of these departments, however, was the fear that homosexuals would achieve--indeed, in some instances had achieved--special class status. This issue spontaneously emerged in each of our focus groups with heterosexual rank-and-file officers, most of whom were white and male. Outrage was consistently voiced at the possibility that homosexuals might be disproportionately hired, receive special promotional opportunities, be held to a lower standard, or be afforded special class protections (such as unique procedural pathways for lodging complaints). These individuals already felt hampered in their interactions with minorities and women because of the perception that such individuals could lodge formal complaints against them regarding behavior they themselves felt was harmless--that these groups had power over them because of their special protection under the law. They also perceived themselves as experiencing the sting of reverse discrimination with regard to women and minorities within their organizations and bitterly resented it. The last thing they wanted to see was another protected class. In the words of one firefighter, "I have acquaintances who work in dispatch with gay males and they don't have a problem with it. If they were in the crew and could do their job, it would be okay. But when the gay group gets into place, they'll have special access, just like the other groups. There's no special committee for regular people. So many others get special attention that the voices of regular people like us are drowned out."

To what extent are negative attitudes toward homosexuals subject to change? How does this change occur?

As indicated earlier, there was a general sense among those in both leadership and rank-and-file roles in the police and fire departments we examined that change *is* occurring with regard to the attitudes of heterosexual officers and firefighters toward homosexuals, but that such change is occurring slowly. Many offered the prediction that twenty years from now far more homosexuals would be acknowledging their sexual orientation and that many of the seemingly intractable problems that currently existed would be solved, as had already occurred with regard to the integration of minorities and was currently occurring with the

integration of women. In the meantime, leaders asserted that members of their departments had the personal right to believe whatever they wanted as long as they acted in ways that were consistent with department expectations. Anti-homosexual attitudes could be tolerated, they offered, as long as they did not manifest themselves in behavior. Said one chief, "I don't want to be in a position of telling people how to think. It is more valuable to let people know how to direct their *behavior* while on the job." Leaders felt it possible to be patient with the slow pace with which attitudes change. Behavioral change, on the other hand, could be made to happen immediately in these paramilitary organizations with the proper message, proper leadership, and effective enforcement.

A valuable by-product of demanding nondiscriminatory conduct toward homosexual officers, leaders believed, was that attitudinal change would eventually result: "Change their behavior," said one, "and their hearts and minds will follow." This was not the only factor influencing attitudinal change, however. The inclusion of younger, better educated cohorts of officers with more tolerant views of homosexuality was repeatedly mentioned in discussions of attitude change, as was the simple passage of time. "You constantly hear macho people saying, 'I'm not going to tolerate gays in the firehouse,'" offered one fire chief. "In the 60s, people claimed that they wouldn't sleep in a room with black guys, and look at things now. Things evolve and take care of themselves." Also mentioned was the process that elevates one's status as a police officer or firefighter to a higher level of importance than one's status as homosexual, a transformation that usually occurred after a particularly competent or heroic handling of a dangerous situation. Commented one commander, "Over time, if straight cops accept the individual, the fact that they are gay or lesbian becomes inconsequential. If a gay officer becomes involved in a police incident and proves his worth, he leaves the realm of 'them' and becomes an 'us.'"

But by far, *positive contact* was pointed to as the most potent determinant of attitudinal change.[22] Given the opportunity to know homosexual colleagues and thereby test the stereotypic images, heterosexual men and women could arrive at a different understanding of homosexuality. One deputy police chief offered, "I don't want someone making advances on me and I have my own prejudices. But contact with gay leaders in the business community during the initial process of change helped start to break down the stereotypes I had." Homosexual officers concurred that contact could be the pivotal factor in turning around negative attitudes. "Most people don't know someone who is gay. Once they get to know someone who is gay, the negative attitudes and behaviors start to break down. People are amazed to find out you have a full, well-formed life with a stable partner, and that you're not just out looking for anonymous sex. It's not being able to be honest that allows the stereotypes to continue."

There was far less consensus on the issue of whether formal sensitivity training facilitated attitudinal change among heterosexual officers. Homosexual members of these departments tended to be strong advocates of training, believing that ignorance would give way to knowledge and understanding if people were exposed to accurate information regarding homosexuals. Leaders, too, tended to advocate sensitivity and diversity training especially in the earliest stages of an officer's career, though in police departments this was usually because a strong value was placed on officers having the tools they needed to interact effectively with the homosexual community. Heterosexual members of the rank-and-file of these organizations, however, were far more skeptical. Where training was not perceived as being directly related to performing their job, they tended to resent the need to sit through discussions of lifestyles that they perceived as immoral or in which they had little interest. To their way of thinking, sensitivity training designed to facilitate the integration of homosexuals into their forces was the very kind of coddling that

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[22]See the chapter on public opinion for information on public opinion surveys that support the association between contact and attitudes.

signaled special class status and all the deleterious consequences that accompanied it. This was especially the case when such training took place in departments where resources were clearly constrained. Where people were being laid off, benefits were being threatened, promotional opportunities were shrinking, and equipment was not being replaced because of budget shortfalls, training efforts designed to increase tolerance sometimes exacerbated resentment against homosexuals.

The Impact of Policy Change on the Institution

To what extent did a policy of tolerance toward homosexuals affect the functioning of these police and fire departments? Did it compromise their ability to perform their mission? Did it make it more difficult to recruit quality officers? Did it result in valued members of the force leaving?

It was the shared consensus of leaders across each of the departments we examined that a policy of non-discrimination had in no way compromised their ability to perform their mission. Admittedly, the effect of tolerating openly homosexual individuals had not received an adequate test in any of the departments examined, given that so few homosexual officers have "come out." In other words, the scale of the phenomenon was such that even if the effect of open homosexuality were a threat to force performance, its overall effect would be negligible. Where homosexuals had acknowledged their homosexuality, however, leaders denied that their existence constituted such a threat. In New York, for instance, the two precincts with the highest proportions of acknowledged homosexual officers both enjoyed reputations as well-performing units in which morale was high. Moreover, leaders across departments--both top brass and commanders--unilaterally believed that members of their departments would acknowledge their sexual orientation in public only in relation to the ability of their units to accept and accommodate them. None anticipated a threat to force effectiveness at any time in the future.

This is not to say that concerns regarding cohesion and morale do not manifest themselves on various levels within many of the departments we studied, especially in fire departments. Fire chiefs worried about the impact of "AIDS-hysteria" in firehouses and pointed to the

disruption that often accompanied the introduction of women into firehouses. Firefighters in one city insisted that the presence of members of such a reviled outgroup would disrupt the smooth functioning of their unit and compromise their ability to perform. In another department (where two lesbians have "come out"), firefighters emphasized that what the top brass says is irrelevant, since "we work with it, we have to live with it." These firefighters went on to describe how resentment over special class protections afforded homosexuals and women had so compromised morale that "we are at a point now that we have seen teamwork and the level of performance go down."

However, little consensus existed on the relationship between social cohesion[23] and performance. Many members of police and fire departments, in fact, voiced the suspicion that cohesion (referring to social cohesion), while helpful, was not really a necessary ingredient to accomplishing the work at hand. Others cited cohesion (referring to task cohesion)[24] as being critically important but offered that it was not necessarily threatened by the existence of people who did not like one another. These values were offered not only by leadership but by rank-and-file department members as well; moreover, they were offered by both homosexual and heterosexual respondents. Professionalism, a shared mission, the cultivation of a common "police persona," and the existence of common external threats were, overall, considered far more salient than affective ties. Task cohesion, these individuals seemed to be saying, was far more important than social cohesion, and task cohesion was not as threatened by the presence of homosexuals on their forces.

As for recruitment and retention, neither of these had yet been problematic nor were they future causes of concern. With regard to recruitment, each of these departments continued to receive far more qualified applications than they could possibly accommodate. None lost the ability to be as selective as they desired; neither had any of them

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[23]Social cohesion, as defined in the chapter on unit cohesion, refers to the nature and quality of the emotional bonds of friendship, liking, caring, and closeness among group members.

[24]Task cohesion refers to the shared commitment among members to achieving a goal that requires the collective efforts of the group.

heard of a qualified applicant declining to pursue employment in their departments because homosexuals might be there. Experiences with retention were somewhat less unilateral. Occasional references were made to officers with twenty-five years who took their retirement rather than adjust to a change.

In the end, it was the consensus across the *leadership* of departments with acknowledged homosexuals that the homosexuals could be integrated without compromising mission readiness or effectiveness. This process was not problem-free, but the challenges that arose were eminently manageable, especially given the paramilitary features of their organizations. All foresaw a future in which far more openly homosexual personnel would serve on their force; none saw a future in which their ability to meet their operational goals would be diminished. Concerns regarding the short- and long-term effect of integrating prior out-groups, particularly those where individual performance was not an issue, had been shown by past experience to be overinflated in these departments. For all of the concerns of some departmental members that their forces were straying from traditional standards, those at the helm remain convinced that they had not, and would not, lose the high levels of effectiveness they had traditionally maintained. In the words of one fire chief: "When I started firefighting, I heard the old timers saying, 'The young ones can't cut it; they could never do what we had to do.' Their time *was* more difficult--ladders were wooden rather than aluminum; hoses were heavier. In their eyes we could never make the mark, but we did our jobs well--as well as they did. Now our children are coming on, and I have no doubt that they will sit and make the same judgment in twenty years. There will be major changes, but the firehouse structure will still be there. Females won't change that; gays won't change that either. We basically attract the same individuals and train and mold them in the same way. The force will always be one we can be proud of."

THE IMPLEMENTATION PROCESS

How the implementation process unfolded differed from department to department in the six cities we examined. Variation was observed, for

instance, in the time between the formal initiation of a policy and the actual process of taking steps to put some teeth into that policy. In some cases, that period spanned more than a decade; in others, it barely existed. Variation was also apparent in how clearly and consistently commitment to a non-discrimination policy was expressed and on how aggressively the policy was implemented. In some departments, high-level leaders sent mixed messages regarding whether the department actually endorsed such a policy, or they allowed middle-level managers, either by word or deed, to communicate messages that were antithetical to formal policy. In others, leaders believed they were implementing a zero-tolerance policy but there was clear evidence of pervasive, tolerated discrimination. Still elsewhere, policies were implemented in ways that suggested that these were legal requirements but were not necessarily consistent with overall department philosophy or actual departmental practice. Where any of these occurred, the message heard by the rank-and-file was that discrimination was permissible; the message internalized by homosexuals was that publicly acknowledging their homosexuality was ill-advised.

This variation notwithstanding, our efforts to understand how domestic police and fire departments implemented policies that allow acknowledged homosexuals to serve produced a number of insights into factors that influence the implementation process in both positive and negative ways. Most of these observations were articulated repeatedly by individuals across the variety of departments visited. A smaller number are based on our own synthesis of the voluminous data provided to us. In this section, we move beyond consequences of non-discrimination policies to summarize what we learned about factors that facilitate and hinder the implementation *process*, and about how the implementation process itself tends to unfold.

The Nature of the Policy

Virtually all of those interviewed agreed that *non-discrimination policies were most readily implemented where they were simple, clear, and consistent,* and thus easily communicated. Complicated policies were vulnerable to misinterpretation, whether innocent or calculated. Clear

messages, stated forcefully, left little to hide behind. In all but two of the departments examined, simplicity and clarity in the policy message were evident.

Even more important, however, policies were most successfully implemented when they were enforced consistently. Implementation was most successful where leadership at all levels was saying the same thing and where practice matched the letter and spirit of formal policy. Departments were less uniformly successful in this regard; in many, mixed messages were sent. At times, high-level leaders who voiced support for nondiscrimination policies behaved in ways that gave the lie to that support, briefly suspending an officer found guilty of comporting with a heterosexual prostitute, for example, while terminating the officer found guilty of soliciting or procuring homosexual sex. Middle- and lower-management were often reported to have loudly and very intentionally publicized their disagreements with official policy and the wishes of top brass through both their comments and behavior. Official policy might hold that recruiters be sexual-orientation blind, but in practice they would ask direct questions about the dating habits and sexual partners of those seeking entry into the department. Where these inconsistencies existed, the ultimate message received by those in the rank-and-file was that discrimination was unofficially tolerated and even supported. Invariably, behavior reflected this support.

The Appropriate Emphasis in Implementing Non-Discrimination Policies

Through the course of implementing non-discrimination policies with regard to both women and homosexuals, most of the departments examined ultimately concluded that *aggressive attempts to alter attitudes were foolhardy*. *Targeting behavior, they reported, was the appropriate approach*. It was unreasonable, in other words, to expect members to give up strongly held and deeply entrenched beliefs overnight. It was not unreasonable, however, to insist that they keep those beliefs from interfering with their adherence to workplace expectations of behavior. In other words, policies of coexistence need not demand acceptance of homosexuals or homosexuality. Behavior could be controlled, they came

to realize, where clear standards of conduct existed; telling people what they could or should believe, on the other hand, was presumptuous and sure to provoke resentment. The words of a fire chief, offered as he contemplated the errors his department had made in trying to integrate women into firehouses, convey this sentiment. "If I were able to do it all over again," he said, "I wouldn't be as ambitious. I'd accept that firefighters had a lifetime to form the attitudes they have and that those attitudes cannot change in a week. You can't try to make nice persons out of them. They're entitled to their opinions. But in the workplace, they have to understand that there is a code of conduct. 'Abide by the rules, and if you don't, here is what is going to happen. Your personal convictions have no bearing on the workplace.' If you go beyond that, you leave yourself open to all kinds of problems."

While leaders across these departments believed that clear standards of behavior were necessary and that the consequences for not meeting them should be equally clear, none tried to spell out every conceivable situation an officer might face to which codes of conduct might apply.[25] Rather, general principles of fairness, respect, honor, decorum, and the need to avoid the creation of hostile environments were embedded in statements of expected behavior, the assumption being that their application to most situations would be self-evident. Leaders and members of the rank and file of these organizations alike emphasized that successful codes of conduct recognized the responsibility of both sides--the out-group as well as the in-group--to adapt to one another. "We shouldn't bug each other," said one police officer. This meant being sensitive to the "gray" line between tolerable and offensive comments on the part of heterosexual officers ("If something I say bothers you, let me know; now I know where the gray line is"), and an effort to be thick-skinned on the part of those who are homosexual.

It is also worth pointing out that codes of conduct tended to be written in generic terms to cover behavior as it applied to any individual, rather than targeting special groups. This approach was

[25]Only in sexual harassment guidelines were detailed definitions of prohibited behaviors provided.

usually much more sensitive to the tendency of special class treatment to breed resentment and an unintended backlash.

The Critical Role of Leadership

Leadership at all levels was unilaterally recognized as being one of the most critical ingredients to the successful implementation of controversial and potentially unpopular policies. This was certainly evident at the highest levels of these departments; clear evidence existed that strong leaders could push a department in one direction or another. In one of the cities, for example, a new chief was able, in a relatively few years, to transform a department with no acknowledged homosexual officers and an extremely antagonistic relationship with the homosexual community into one with an increasingly open and comfortable homosexual representation and a relationship of trust with that community. His leadership style was a strong one that conveyed intention not only by pronouncement but by example. This was a chief who marched in the city's Gay Pride parade and terminated the department's relationship with the Boy Scouts of America when, in a neighboring city, a model officer's participation in an Explorer Scout program was disallowed after his homosexuality became known. An equally strong chief with antithetical beliefs was, until recently, the head of the police department in another of the cities. While this chief paid lip service to the formal non-discrimination policy his department had enacted in accordance with a city council directive, his true beliefs were a matter of record and readily apparent to those throughout the ranks. An extremely hostile attitude toward homosexuals pervaded all aspects of his department throughout his tenure.

While having a strong, committed chief at the helm was generally recognized as being a necessary ingredient in implementing a non-discrimination policy, members of every department recognized that it is not enough for top leadership to value a policy. It is also essential that this value be internalized down the chain of command. For a policy to be successfully implemented, in other words, middle- and low-level managers have to communicate a similarly strong set of expectations and

be willing to put some muscle behind them. The front line supervisor, in the final analysis, was pointed to as the critical link.

The experience of the police and fire departments we examined suggests that enlisting the cooperation of middle- and low-level managers is not always easy. Multiple respondents in each department cited variability in the extent to which managers communicated and enforced messages sent down from the top. While chiefs acknowledged, in some cases with sadness, that "sometimes you need to hang a few folks to get the message across," most, in effect, tolerated highly variable commitment on the part of middle- and low-level managers to nondiscrimination policies against women and homosexuals. Each understood, however, that without the strong support of such managers, policy implementation was impossible.

Several department leaders spoke to the issue of how best to enlist and secure the support of middle and lower management in implementing policy changes. One, in particular, felt he had erred in taking too *laissez faire* an approach and suggested that there were lessons to be learned from his failure. "If I were doing it now," he hazarded, "I would have a rap session with the staff chiefs. I'd allow them to scream and holler about what will be ruined and how wrong it all is. But I would emphasize the law. I would tell them, 'Whether you believe in it or not, you must comply with the law.' I would also have rules in place about behavior. At the end, staff chiefs would leave the session with the knowledge that regardless of how they feel or think, 'These are the guidelines; now go out and tell the people what we want.' You have to allow the staff chiefs to 'get it out.' But after the session is over, they have to get on with it--meet with the subordinate commanders and tell them just as strongly, 'This is the way it is going to be.'" Bringing managers on board, he implied, meant giving them a chance to vent their feelings. But it also clearly meant insisting, in the same way as these managers would insist to those below them in the chain of command, that whatever their attitudes might be, their behavior had to conform to organizational policy.

Respondents across many departments added to this prescription. Reference was made to leading by example as a first choice of action but

being willing to make an example of someone as a necessary second--to strongly sanction inappropriate behavior, in other words. "I think there's going to have to be some butt kicking if you are to get the point across," noted one fire chief. Others talked about the importance of "being out in front of the issue"--of creating a climate in which undesirable behavior is unthinkable and thus avoided. Many talked about leaders having to assume responsibility for the behavior of those under their command and insisted that leaders be held to a high standard. One chief went so far as to argue that leaders who follow a policy of benign neglect should be punished as heavily as those engaging in acts of discrimination, and that leaders who set a climate in which a sanctionable act might be perceived as acceptable should be treated as harshly as the individuals under their command who commit those acts.

Two factors were cited as facilitating the efforts of leaders at all levels in bringing behavior into line. The first of these was *credibility*. The point was made in one department, for instance, that the fact that the policy change had been initiated by a mayor who was perceived as highly supportive of the police--a mayor who early in his tenure had been derided by the police and even suspected of being homosexual--increased its acceptability. Where leaders enjoyed broad support and were well-respected by those beneath them, their message was more widely accepted.

The second of these was actually a set of factors that might best be referred to as leadership *ability*. All departments recognized the existence of leaders whose ability stood in marked contrast to that of ordinary leaders. While isolating what distinguished the former from the latter was often difficult, there was little doubt that a direct correlation existed between leadership ability and the success with which unpopular policies were implemented. Said one chief with regard to the integration of women onto his force, "In cases where the female firefighter was integrated smoothly, there was strong leadership on the part of officers and the company commander. Conversely, where the company commander abrogated his responsibility or stuck his head in the sand, that's where we had the problems. Good leaders didn't have trouble getting other people to go along. Those without strong

leadership qualities left it to individuals to work it out on their own." This was equally apparent to members of the rank-and-file. In the words of a firefighter in another department (speaking with regard to discrimination towards women), "I know people on this job who, if they knew they could get away with it, would do people in. But here they know they can't, so they do their job and keep their gripes to themselves." Under strong leadership, it was generally agreed, attitudes could be contained and professionalism in the workplace could be assured.

The impossibility of bringing every leader into line was also recognized. Chiefs, middle managers and members of the rank-and-file all used the term "dinosaurs" in each of the departments we examined to refer to old-timers who had not, and would not, keep pace with the changing times. Some of these could be given a golden handshake, but others enjoyed powerful protection from those within the political or organizational establishment and had no plans to leave the department. It was generally recognized that departments had to live with these individuals. In such situations, it was thought best to minimize the damage they could do by placing them where they could do least harm. Comfort was invariably drawn from the fact that they, like their namesakes, would eventually disappear.

Unintended Consequences of Special Class Status

Integrating new groups into police and fire departments often required quick solutions to problems in the workplace. This was probably more true with regard to integrating women into these forces than it was with homosexuals, and most true with regard to firehouses, where close living quarters raise concerns pertaining to both homosexuals and women. The leaders and rank-and-file of many of the departments we examined suggested that *where the solutions to these problems either provide special privileges or inadvertently confer special class status, the flames of resentment directed at the outgroup in question will be fanned, and more troubling problems may ensue.* Heterosexual members of these departments believed that wherever possible, solutions should benefit the entire force, rather than

selected members of that force, and should be described in language that reinforces this idea.

For instance, many fire departments later regretted the "by-the-seat-of-their-pants" solutions to the privacy issues that were used when women joined their forces. Departments that moved commanders out of private offices or commandeered common rooms for use as bedrooms learned that they had only given firefighters further reason to resent the women in their midst. Where departments had the resources to improve privacy for all firefighters (by installing stall showers or curtained sleeping areas, for instance), the introduction of women into the firehouse could be associated with a positive change. Likewise, departments that broke with established tradition to give outgroups privileged access to higher-ups in the chain of command sometimes discovered that these attempts to deter harassment exacerbated the resentment that was feeding it. In a similar vein, police departments learned that the targeted recruitment of homosexuals was best understood as not an affirmative action attempt to increase the representation of a deserving minority but rather a practical application of the principle that the more a force resembles the community being served, the better it will be able to get its job done. "If you can make a change appear to be positive for all members of the organization," noted one police chief, "it will be much easier to implement."

This is not to say that harassment guidelines should not reference special class status or that no special class protections are warranted. Outgroups are invariably at a significant disadvantage as they enter traditional organizations and may need assistance as these organizations adapt to their inclusion. It is to say, however, that solutions to the problems of inclusion should be arrived at only after full consideration of their impact on the force-at-large, and should steer clear of unintended costs that create new problems. Wherever possible, accommodations to special populations should confer advantage to all members of a force.

Training

Accurate information on who homosexuals are, how they come to be that way, and how they lead their lives was cited by many members of these departments, particularly leaders and homosexual members of the rank-and-file, as a potentially powerful tool in combating the stereotypic views held by many police officers and firefighters, especially if conducted by someone--preferably homosexual--who has earned their respect in the workplace and knows what it means to do the work of the organization. But the responses of heterosexual members of the rank-and-file suggested that training can also draw ridicule and breed resentment, as we indicated earlier, especially if it is not seen as being relevant to one's mission. Consequently, *sensitivity training cannot unilaterally be viewed as positive*. Indeed, if designed solely for the purpose of changing negative attitudes toward homosexual co-workers (as opposed to how best to discharge one's duties, for instance), sensitivity training may be inconsistent with the clearly articulated principle that as long as people adhere to behavioral guidelines, what they think is their own business. Where sensitivity training cannot be justified by the demands of workplace performance, therefore, it may not be appropriate.

On the other hand, providing training to leaders on how best to implement a policy was always seen as being appropriate. While good leadership may prevail in the absence of training, we were told that the provision of support--helping leaders understand the policy, offering insights into how hypothetical situations might be handled, providing them with replies to the questions they might typically receive from those under their command--can substantially improve their ability to effect positive change. Implementation training may include some of the information typically covered in sensitivity training, but situates it in a framework where the goal is to provide practical solutions to real-life problems, not to change attitudes. A desirable by-product of this training, we were told, may indeed be the kind of attitude change among leaders that can serve to further facilitate policy implementation.

The Self-Regulating Nature of the Implementation Process

A last but extremely critical finding that emerges from the experiences of these police and fire departments is that regardless of when a formal policy of non-discrimination toward homosexuals is officially enacted, change is not necessarily immediate. In reality, implementation proceeds at a pace that is particular to each institution and consistent with what it can absorb. While the departments we examined shared many things in common, each is situated in a different and ever-changing social climate, has its peculiar history and culture, draws upon slightly but significantly different pools of candidates for its workforce, and has been influenced over time by very different sets of leaders. All of these combine to produce a unique level of readiness for change in each department that constantly evolves over time. Our observations suggest that neither the behavior of homosexuals in the workplace nor the aggressiveness with which the implementation of nondiscrimination policies occurs strays far from this level. This explains why so few homosexuals publicly reveal their sexual orientation in these departments, and in fire departments in particular. It also explains how a policy of nondiscrimination can be formally in place for significant periods of time, as was the case in several cities, but not result in any substantial departmental action toward implementation until years later.

This is not to say that actions never go beyond what might be perceived as tolerable by an organization. On rare occasions, homosexuals on the one hand, and department leaders on the other, may approach the threshold, and even advance beyond it. They invariably do so only slightly, however, provoking a mild and manageable reaction. In such situations, the effect of their actions is often to stretch the boundaries of the threshold slightly further. Where they do so too aggressively, self-correcting mechanisms usually communicate their misjudgment and sustain the existing tolerance zone. Thus, in one department the fact that a homosexual brought his partner to a departmental function met with some discomfort among selected members of the force but no overwhelming condemnation. As others who had been more comfortable watching him from the wings became willing to take similar

actions, heterosexuals became further acclimated to this social practice and a higher threshold of tolerable behavior resulted. In another department, however, where the tolerance threshold was different (perhaps because homosexuals had not been "out" in the force for as long), this same act evoked a much stronger reaction. The homosexual patrol man in question acknowledged that he would not repeat his action the following year and the tolerance "line," at least for the moment, remained in place.

What this suggests is that policy actions calculated to slow the implementation process down in order to allow actions to remain consistent with an organization's readiness for change are probably unnecessary. In all of the cities we examined, a step-wise implementation process and an overall conservative and measured reaction on the part of homosexual officers is occurring naturally over time. Change will happen, but rarely if ever will it move from Point "A" to Point "Z" regardless of whether stated policy, for the sake of simplicity and accuracy of intention, suggests that this is where it should go. Rather, it will take place in a more linear and staged fashion, with behaviors clustering around a readiness or tolerance threshold that constantly and inevitably adjusts itself over time.

IMPLICATIONS FOR IMPLEMENTING POLICIES OF NON-DISCRIMINATION

Our comprehensive examination of police and fire departments in six cities supports a number of critical findings and insights that are potentially relevant to the U.S. military's efforts to assess its own policy toward homosexuals and to determine how the policy agreed upon can be implemented most effectively. These include, but are not restricted to, the following:

- Homosexuals who join police and fire departments do not fit stereotypes that are inconsistent with the image and mission of these organizations. Moreover, they are attracted to police and fire work for the same reasons as their heterosexual counterparts.

- Even where policy changes permit them to do so, homosexuals in these organizations "come out" in very small numbers, particularly where the environment is perceived as hostile to them. This is especially true in fire departments, where work and living arrangements are more similar to those of the military.
- Homosexual officers usually perceive the consequences of acknowledging their sexual orientation to their departments as being manageable, especially if it has been *their* decision to disclose their homosexuality. Serious negative consequences are more frequently associated with those who have been "outed" or are merely suspected of being homosexual.
- Openly homosexual police officers and firefighters are sensitive to the overall norms and customs of their organizations. They tend not to behave in ways that shock or offend, and they subscribe to the organization's values on working problems out informally and within the ranks. Formal harassment complaints are rare.
- While anti-homosexual sentiment does not disappear after homosexuals acknowledge their sexual orientation, heterosexuals generally behave toward homosexuals more mildly than stated attitudes toward them would predict. Professional work attitudes and a tendency to see "good cops" or "good firefighters" as exceptions to general rules facilitate this.
- AIDS is a serious concern of heterosexuals and not one that is quickly alleviated by education. The fear that homosexuals will receive special class protections is even more pronounced, however. The experience of police and firefighters suggests a need to protect homosexuals from harassment without conferring on them privileges that majority groups feel deprived of.
- Policies of non-discrimination against homosexuals in these departments do not affect patterns of recruitment and retention. What people say they will do before a policy is implemented is often quite different from what they actually do once a policy is in place. Nor are policies of non-

discrimination reported to affect force performance, a fact that is not usually tied, but may be related, to the reality that very few homosexuals publicly acknowledge their sexual orientation.

- Implementation is most successful in those departments where the policy was unambiguous, consistently delivered, and uniformly enforced. Leadership was cited as being critical in this regard.
- Department leadership came to believe that the primary emphasis in implementing policy should be on changing behavior, not attitudes. A non-discrimination policy need not be viewed as an endorsement of lifestyle or a statement about what is moral. Leaders suggested that members of a force should be entitled to view homosexuality in any way they choose as long as their behavior is consistent with organizational codes of personal conduct. Such codes should clearly restrict harassment and the creation of hostile environments vis-à-vis *any* force member. The codes will be taken seriously if they are rigorously and uniformly enforced. The overriding value on discipline in these organizations was cited as facilitating this.
- Training efforts that provide leaders with the information and skills they need to implement policy were seen by top department leaders as essential elements of an effective implementation process. Sensitivity training for rank-and-file members of a force, however, was observed as having mixed effects where it is not viewed as being explicitly related to performing one's job effectively.
- The implementation process is self-regulating, and actual change occurs over long periods of time. Homosexuals behave in ways that cluster around a zone of tolerance that may be unique to each organization and to settings within that organization. Moreover, the aggressiveness with which a nondiscrimination policy is pursued at an organizational level is similarly sensitive to organizational readiness for a change. This suggests that "firebreaks" need not necessarily be built into

> implementation strategies; they occur naturally. Where attempts to formally codify such firebreaks make the message more confusing, they may increase the difficulty of implementing a policy.

We cannot predict with certainty that a policy change within the military similar to the ones experienced by these police and fire departments will result in identical consequences, or that every lesson learned from these public safety organizations can be applied directly to the Armed Services. Consequently, this exercise has not "proven" anything. Moreover, with regard to certain points, the analogy between public safety and military organizations may be tempered by features unique to the military. For instance, aspects of how the military carries out its mission weaken the analogy with regard to force performance. Privacy issues are not completely comparable, even if one draws upon the experience of firefighters. The extent to which homosexuals can keep their private lives distinct from their work lives may be different on military bases, where the presence of living facilities, clubs, and other recreational facilities makes them very much like small towns, than in police or fire departments, where partners may be expected to attend only occasional social functions.

Most of the insights we have drawn from the experience of examining police and fire departments, however, are not compromised by such threats to the analogy between public safety and military organizations. These include the factors influencing decisions to publicly acknowledge one's sexual orientation; the actual process of doing so and the rates at which it occurs; the overall behavior of acknowledged homosexuals with regard to local norms and customs; the factors that facilitate greater acceptance of homosexuals among heterosexuals; the frequent mismatch witnessed in heterosexuals between anti-homosexual sentiments and behaviors toward individuals in the workplace; recruitment and retention issues; and the implementation lessons learned. To the extent that this is true, insights that have emerged from our examination of police and fire departments can inform efforts to plan and implement policies regarding homosexuals in the U.S. military.

5. POTENTIAL INSIGHTS FROM ANALOGOUS SITUATIONS: INTEGRATING BLACKS INTO THE U.S. MILITARY[1]

INTRODUCTION

Since the end of World War II, the U.S. military has undergone significant changes in force composition--most notably, racial integration and the increased numbers and expanding roles of women. In the debate over allowing homosexuals to serve in the military, both of these changes have been put forth as analogues. Our review indicates that racial integration is a much fuller and more instructive analogy.

Limitations of the Analogy of Women in the Military[2]

Unlike the experience with racial integration, discussed below, the policy message about women has been ambiguous. In 1948, Congress passed the Women's Armed Services Integration Act to create a nucleus of women soldiers in the event of a need for rapid mobilization during the Cold War. However, by the early 1950s the recruitment and advancement of women had stalled (women played a far smaller role in Korea than in World War II) and women made virtually no progress in the succeeding two decades. Until the late 1960s, women constituted a paltry 1 percent of the Armed Forces, and their areas of service were severely constrained by gender.

Significant changes in the place of women in the military occurred with the advent of the All-Volunteer Force (AVF) in 1973. The formal disestablishment of the Women's Army Corp (WAC) in 1978 symbolically captured the changing status of women, reflecting the need by the Defense Department for personnel after the end of the draft and the general advances made by women in the civilian world. Military women began gaining access to a wider range of military occupations than ever

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[1]This chapter was prepared by Steven Schlossman, Sherie Mershon, Ancella Livers, Tanjam Jacobson, and Timothy Haggerty.

[2]See the bibliography to this chapter for the extensive references we consulted in preparing this chapter and a forthcoming study of this subject.

before, and by the end of the decade they grew to nearly 10 percent of the total force.

Yet many restrictions remained to the full participation of women in military culture. In 1980, Congress rejected the Carter Administration's attempt to register women for any future conscription, and the Supreme Court upheld a male-only draft. The Reagan Administration cut back on plans to increase the number of women in the military. And, of course, there remained the bottom-line restriction: women soldiers could not participate in combat. Even after the Persian Gulf war brought wider recognition among the American public to the increasingly integral place of women in the modern military, a Presidential commission voted to continue the exclusion of women from combat. Only recently has the Secretary of Defense allowed women aviators in the Air Force and the Navy to volunteer to fly combat aircraft on combat missions.

While women's role in the military is clearly evolving toward greater and greater equality, remaining restrictions with regard to combat set women apart from men. If it were contemplated that homosexuals would be set apart in separate living quarters and restricted from critical jobs, then the experience of women might be instructive. However, if the purpose is to fully end discrimination on the basis of sexual orientation, then the experience with racial integration is more analogous.

The Analogy of Racial Integration

Blacks and homosexuals are both minorities in American society with long histories of exclusion or severe restrictions on participation in both the Armed Forces and civilian institutions.[3] In the opinion of many recent commentators, the similarities end there. Their insistence rests on the proposition that minority status based on race is inherently different from minority status based on sexual orientation. According to this view, the differences are so great that the experience

[3]See the bibliography to this chapter for extensive references consulted in preparing this chapter and a forthcoming history of homosexuals in the U.S. military.

of blacks is not comparable to that of homosexuals, and the integration of blacks cannot serve to guide thinking about the integration of homosexuals into the military.

One version of this argument holds that sexual orientation may be a more fundamental defining characteristic of human identity than race is in shaping people's personal lives and social relations. The conclusion drawn from this assertion is that putting homosexuals and heterosexuals together in military organizations will create a level of animosity and disruption that far exceeds the tensions that the integration of blacks and whites created in the past. Racial integration, it is said, did not and cannot generate the same depth of feeling, the profound sense of violated privacy and social impropriety, that the presence of homosexuals in a predominantly heterosexual environment necessarily engenders.

Whatever validity this argument may hold from a psychological or sociological perspective, it incorporates a misreading of history. It understates the difficulty of race relations in the military. It is widely perceived today that the racial integration of the Armed Forces was a fairly simple, straightforward matter, in comparison with the numerous complexities involved in integrating homosexuals. In reality, racial integration during the 1940s and 1950s was a long, convoluted process which inspired many of the strong emotional reactions that the possibility of integrating homosexuals provokes today. Many white Americans (especially Southerners) responded with visceral revulsion to the idea of close physical contact with blacks. Many also perceived racial integration as a profound affront to their sense of social order. Blacks, for their part, often harbored deep mistrust of whites and great sensitivity to any language or actions that might be construed as racial discrimination.

In light of the historical evidence, any assertion that racial integration was inherently less problematic than the integration of homosexuals today must be viewed with skepticism. The similarity of the difficulties involved is at least as striking as any differences.

IMPLEMENTING RACIAL INTEGRATION IN THE U.S. MILITARY

Close analysis of the racial integration of the U.S. Military has generated several concrete conclusions to help guide civilian and military leaders responsibile for policy implementation. These are:

- Major changes in military and racial policies can be implemented without a favorable public consensus.
- Leadership is crucial for implementation of change--civilian and military leadership must work together to ensure effective implementation of controversial policies related to social change, and strong civilian monitoring of progress may be essential.
- Experiments during World War II and especially during the Korean War indicated that black and white troops were able to work together effectively in all sorts of situations, even the most demanding battlefield situations, with little evidence of prior social integration.
- Leadership and strongly enforced standards of conduct can change how troops behave toward previously excluded (and disliked) minority groups, even if underlying attitudes toward those groups change very little.

The analysis below is presented under three broad headings: (1) the crucial role of leadership; (2) racial integration, unit cohesion, and military effectiveness; and (3) attitudes versus behaviors during the process of integration.

THE CRUCIAL ROLE OF LEADERSHIP

The historical study of blacks in the military highlights the key role of leadership, first, in integrating blacks into the Armed Forces and, second, in expanding opportunities and improving conditions under which blacks served. Leadership from both civilian and military sources--independently and in concert--was critical. All major policy changes originated with particular individuals and groups who felt strongly about inequities in race relations and who, by virtue of their

official positions and their ability to communicate ideas effectively, were able to induce the Armed Forces to embark on new courses of action. As the chapter on implementation indicates, the need for strong leadership is especially crucial when a change affects the social and cultural traditions of large organizations.

The Importance of Civilian Leadership

Civilian leadership, particularly that of the President and the Secretaries of the Armed Forces, was decisive at several turning points where the military's fundamental policies toward blacks underwent transformation. For instance, the initial decisions to admit blacks in the early 1940s to the Army Air Forces (AAF), the Marine Corps, and the general service of the Navy resulted from the personal intervention of President Franklin D. Roosevelt. Before 1940, the AAF completely barred blacks, and its officers strongly resisted demands from black interest groups and some members of Congress to end this exclusionary policy.[4] President Roosevelt ended the contention in October 1940 by informally but firmly pressuring the AAF to accept blacks for training.[5] The result was the creation of several all-black flying squadrons--the famous "Tuskegee Airmen"--and numerous all-black non-combat units in the AAF.

A similar sequence of events transpired in the Navy Department. At the beginning of World War II, the Navy enlisted blacks only as stewards (mess attendants and personal servants), and the Marine Corps had no blacks at all. Responding to black desires for greater participation, and to complaints from the Army that the Navy was not accepting a fair share of black personnel, in 1941, President Roosevelt and Secretary of the Navy Frank Knox requested the Navy to prepare a plan for greater utilization of blacks.[6] Many Navy officers initially opposed this

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[4]Ulysses Lee, *United States Army in World War II: Special Studies, Employment of Negro Troops*, Washington, D.C., Office of the Chief of Military History, United States Army, 1966, pp. 47, 55-65; Alan M. Osur, *Blacks in the Army Air Forces During World War II*, Washington, D.C., Office of Air Force History, 1977, pp. 20-23.

[5]Lee, *Employment of Negro Troops*, pp. 76, 78.

[6]Bernard C. Nalty, *Strength for the Fight*, New York: The Free Press, 1986, pp. 186-187; Secretary of the Navy, memorandum to Chairman

idea, but the President persisted, and in early 1942 he secured an agreement under which the Navy opened some of its general-service positions to blacks.[7] This agreement also covered the Marine Corps.[8] It completed the adoption of the racial policy that the Armed Forces followed during the war: a policy of permitting blacks to serve in all branches of the military, but only in strictly segregated units.

The next turning point in the military's treatment of blacks was the abandonment of the system of racial segregation and the adoption of a policy of racial integration. Again, a pattern of civilian leadership, in which the President established the new policy and civilians in the Administration worked out the details of implementation with the Armed Forces, dominated the change. On 26 July 1948, President Harry S. Truman, who was concerned with both the inequity of segregation and the political appeal of taking action to end that inequity in an election year, issued an executive order requiring "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin."[9] He specifically stated that fulfilling this requirement would mean putting an end to segregation.[10] Knowing that his order marked a radical step in race relations, the President emphasized the need for clear guidance and monitoring in its execution. He established a seven-member civilian committee, which included both white and black members, to oversee the process of bringing the Armed Forces into compliance.

This committee--known as the Fahy Committee after its chair, the lawyer Charles Fahy--had no power of enforcement. The committee derived its authority from its status as the President's representative

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of Navy General Board, 16 Jan. 1942, reprinted in Morris J. MacGregor and Bernard C. Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VI*, Wilmington, DE, Scholarly Resources Inc., 1977, p. 18.

[7]Morris J. MacGregor, *Integration of the Armed Forces 1940-1965*, Washington, D.C., Office of Military History, 1985, pp. 64-66.

[8]MacGregor, *Integration of the Armed Forces*, p. 101.

[9]Text of Executive Order 9981, 26 July 1948.

[10]Excerpt from President Truman's News Conference of 29 July 1948, reprinted in Morris J. MacGregor and Bernard C. Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VIII*, Wilmington, DE, Scholarly Resources Inc., 1977, p. 689.

in the preparation of racial-integration plans for each of the Armed Forces. In this capacity, the committee exercised ongoing leadership in the crucial matter of defining exactly what constituted an acceptable integration plan. It investigated military personnel practices, made recommendations to military officials to help them understand what was required, and provided a steady central focus for a process that involved numerous and often bitter disputes among and within various agencies. By April 1950, the Fahy Committee, all the Armed Forces, and the Department of Defense had reached agreement, at least in principle, on plans for eliminating the formal, legal structure of racial segregation and enabling the mixing of blacks and whites in the same military units[11] (see later discussion of implementation delays, especially in the Army).

A third important turning point that displayed the pattern of civilian leadership came in the early 1960s, when the Defense Department began trying to deal with a recurrent problem: discrimination and violence perpetrated against black service people by civilians. Segregated off-base housing and recreational facilities, and the general hostility of some civilian communities toward the presence of black military personnel, were having negative impacts on morale in the Armed Forces.[12] Beginning in 1961, President John F. Kennedy and Secretary of Defense Robert McNamara initiated several measures to address this issue.

The Administration began by forbidding civilian organizations that practiced racial discrimination from using military property.[13] In 1963, at the recommendation of an advisory committee, the Defense

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[11]Nalty, *Strength for the Fight*, pp. 245-254; MacGregor, *Integration of the Armed Forces*, pp. 313-314, 343-378; transcripts and working papers of the President's Committee on Equality of Treatment and Opportunity in the Armed Services, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents,* Vols. IX-XI, Wilmington, DE, Scholary Resources Inc., 1977.

[12]United States Commission on Civil Rights, "The Negro in the Armed Forces," *Civil Rights '63, 1963 Report of the United States Commission on Civil Rights*, 30 Sept. 1963, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. XII*, Wilmington, DE, Scholarly Resources, Inc., 1977, pp. 495-519.

[13]MacGregor, *Integration of the Armed Forces*, pp. 511-512.

Department formally adopted the principle that opposing discrimination against military personnel on base and off base was an integral part of every military officer's command responsibility. A departmental directive of 26 July 1963 created administrative mechanisms that were designed to establish accountability on this subject. It set up a department-wide civil rights office and ordered each of the Armed Forces to develop internal civil rights monitoring systems. It also enabled base commanders to apply off-limits sanctions to civilian organizations that discriminated against black military personnel.[14] By adopting these measures, which were very controversial at the time, the Kennedy Administration sought to institutionalize leadership in the field of military race relations--to ensure a continuing commitment to protecting the rights and the welfare of black service people.

Strong Military Leadership in Tandem with Strong Civilian Leadership

While the initiative for major policy decisions on race relations tended to come from civilian officials who were concerned about broad issues of justice, governance, and political advantage, change could and did originate within the military as well. Some military officers concluded, on the basis of their own experience and reflection, that the organizations that they commanded would perform more effectively if racial discrimination were reduced or eliminated. They translated this commitment into action, becoming leaders in efforts to design and implement reforms. Indeed, some of the most important transformations of military racial policies happened when strong military leadership and strong civilian leadership converged. The development of racial-integration plans in the Navy and the Air Force in the 1940s exemplified this pattern of military-civilian interaction.

The Navy began moving toward racial integration during the last stages of World War II as a means of solving a practical problem. When it began using black sailors in 1942, the Navy initially assigned these men to positions on shore and did not permit them to go to sea. Soon there were large concentrations of blacks at ammunition depots, ports, and other such facilities, and serious morale problems emerged. Blacks

[14]MacGregor, *Integration of the Armed Forces*, pp. 547-548.

resented the fact that they were confined to unglamorous, often unskilled service tasks on land and could not participate in the "real Navy," the ships of the fleet. White sailors, for their part, resented the fact that most blacks remained safely outside combat zones.[15] Racial tensions rose, and Navy officials became concerned that the overall efficiency of the war effort was being undermined. In 1943, the Navy staff established a new agency, the Special Programs Unit (SPU), to find ways of improving the situation.[16]

The small group of Navy officers who constituted the SPU determined that the only way to correct the problems was to distribute black sailors more evenly across all elements of the Navy, including seagoing ships. Particularly aboard ships, this policy would necessitate racial integration. To determine whether such a change could work, the SPU advocated an experiment. It proposed assigning blacks to the predominantly white crews of 25 supply ships and observing these ships closely.

This idea quickly gained the support of Secretary of the Navy James Forrestal, who was personally interested in promoting racial equality. Forrestal's office, in turn, convinced the Chief of Naval Operations, Admiral Ernest J. King, to lend his authority and prestige to the cause of expanding opportunities for blacks in the Navy.[17] With the backing of the Navy's highest civilian and military officials, the experiment with racially integrated supply ships proceeded during late 1944 and early 1945.[18] It went so smoothly that in April 1945, the Navy decided

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[15]MacGregor, *Integration of the Armed Forces*, pp. 46-47; Secretary of the Navy James Forrestal, memorandum to President Roosevelt, 20 May 1944, reprinted in Bernard C. Nalty and Morris J. MacGregor, eds., *Blacks in the Military: Essential Documents*, Wilmington, DE, Scholarly Resources Inc., 1981, p. 154.

[16]Historical Section, Bureau of Naval Personnel, *The Negro in the Navy*, Washington, D.C., Department of the Navy, 1947, reprinted in Morris J. MacGregor and Bernard C. Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VI*, Wilmington, DE, Scholarly Resources Inc., 1977), pp. 327-328; Lee Nichols, *Breakthrough on the Color Front*, New York, Random House, 1954, pp. 54-55, 57-58; Nalty, *Strength for the Fight*, p. 190.

[17]MacGregor, *Integration of the Armed Forces*, pp. 84-85, 88-91.

[18]L. E. Danfield, Assistant Chief of Naval Personnel, memorandum to Commander in Chief, United States Fleet and Chief of Naval Operations, 4

to expand integration to all supply ships.[19] In February 1946, after careful review of the wartime record, the Chief of the Bureau of Naval Personnel ordered the abolition of all racial restrictions in the assignment of sailors to general-service positions.[20] Thus military leadership, assisted by a sympathetic civilian Navy Secretary, achieved the partial racial integration of the Navy two years before President Truman's desegregation order.

The convergence of military and civilian leadership became equally clear in the Air Force during the late 1940s. As in the Navy, the desire to solve a practical problem sparked the Air Force's interest in racial integration. The postwar Air Force contained one all-black tactical unit, the 332nd Fighter Wing, and this organization had chronic problems in obtaining enough qualified black pilots and other specialists to keep it flying.[21] Noting that the 332nd was cost-ineffective and probably would not be much of an asset if another war broke out, several Air Force officers began to consider the possibility of breaking up this segregated unit and redistributing its black personnel to predominantly white units. The primary advocate of this step was Lieutenant General Idwal H. Edwards, the Deputy Chief of Staff for Personnel. Edwards worked hard during 1947 and 1948 to convince others of the desirability and feasibility of racial integration. Early

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July 1944, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VI*, p. 246; Randall Jacobs, Chief of Naval Personnel, memorandum to commanding officers of 25 fleet auxiliary ships, 9 Aug. 1944, reprinted in MacGregor and Nalty, eds., *Basic Documents, Vol. VI*, pp. 258-259; MacGregor, *Integration of the Armed Forces*, pp. 85-86; Nichols, *Breakthrough on the Color Front*, pp. 59-61.

[19]Randall Jacobs, Chief of Naval Personnel, memorandum to service commands, 13 April 1945, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VI*, p. 268.

[20]Nalty, *Strength for the Fight*, p. 210; MacGregor, *Integration of the Armed Forces*, pp. 166-167.

[21]Alan M. Gropman, *The Air Force Integrates 1945-1964*, Washington, D.C., Office of Air Force History, 1978, pp. 78, 81; MacGregor, *Integration of the Armed Forces*, pp. 283.

in 1948, the Air Force staff formed a planning group to investigate the idea further.[22]

This planning effort had the support and active participation of Secretary of the Air Force Stuart Symington, his staff, and the first Secretary of Defense, James Forrestal (who had moved into this position from his work with the Navy). But many senior Air Force officers opposed any move away from racial segregation.[23] It was President Truman's July 1948 executive order that broke the stalemate, giving the military and civilian advocates of integration the leverage that they needed to move their plans forward to the implementation stage.[24] Because of the work that it had already done, the Air Force was able to move quickly in preparing a proposal that met the requirements of the Truman Administration. The abolition of segregated units in the Air Force began in 1949 and was complete by the end of 1952.

Internal military leadership was important not only in the formulation of the new Air Force policy, but also in the execution of that policy. From the beginning, Air Force Chief of Staff Hoyt Vandenberg and his deputies made it clear that compliance with the policy was a command responsibility of all Air Force officers and that no resistance would be tolerated. "There will be frictions and incidents," General Edwards told a gathering of officers in 1948. "However, they will be minimized if commanders give the implementation of this policy their personal attention and exercise positive command control."[25]

The Air Force followed through on its expectations by carefully monitoring the initial incorporation of black airmen into white units. When cases of disruption or noncompliance arose among enlisted personnel

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[22]Gropman, *Air Force Integrates*, pp. 87-88; MacGregor, *Integration of the Armed Forces*, pp. 287-288; Nalty, *Strength for the Fight*, pp. 232-233, 248.

[23]Nichols, *Breakthrough on the Color Front*, pp. 75-77; Gropman, *Air Force Integrates*, pp. 89-92; MacGregor, *Integration of the Armed Forces*, pp. 338-339.

[24]Gropman, *Air Force Integrates*, pp. 91-92.

[25]Lieutenant General Idwal Edwards, "Remarks on Major Personnel Problems Presented to USAF Commanders' Conference Headquarters, USAF," 12 April 1949, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VIII*, p. 26.

or officers, response was swift. Disorderly enlistees were punished, and officers who procrastinated about implementation or who failed to treat blacks with respect received sharp warnings that repetition of such behavior would jeopardize their careers.[26] But such cases were rare: the frequent progress reports that Air Force headquarters insisted upon revealed no serious incidents.[27]

That the presence of strong leadership was of great value in implementing new racial policies was further demonstrated by the example of the Army, which lacked such leadership on this subject during the late 1940s and thus responded very differently to the 1948 desegregation order. Unlike the Navy and the Air Force, the Army had not developed a coherent internal group of officers who favored racial integration, and it had done very little planning or experimentation concerning the issue. Civilian Secretaries of the Army, far from supporting integration, were firm opponents of it.[28] As a consequence, the Army had a difficult experience during 1949 and early 1950. It expended much time and effort resisting the Truman Administration's demands for an integration plan. After reaching agreement on such a plan, it moved very slowly in carrying out that agreement.[29]

This resistance did not last long, however. When faced with severe shortages of personnel in the Korean War during late 1950 and 1951, several Army officers in the field placed black troops in white units and found that the resulting racially mixed organizations functioned well.[30] Such evidence soon convinced the Army staff. By the mid-1950s

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[26]Nichols, *Breakthrough on the Color Front*, pp. 102-105; Gropman, *Air Force Integrates*, p. 124.

[27]Gropman, *Air Force Integrates*, pp. 123, 135; Nichols, *Breakthrough on the Color Front*, pp. 100-106; The President's Committee on Equality of Treatment and Opportunity in the Armed Services, "A First Report on the Racial Integration Program," in MacGregor and Nalty, eds., *Basic Documents, Vol. XII*, pp. 39-76.

[28]MacGregor, *Integration of the Armed Forces*, pp. 322-324, 360.

[29]MacGregor, *Integration of the Armed Forces*, pp. 350-378. The variable success of the services supports general tenets of implementation research about the role of leadership in implementing and monitoring policy change (see Chapter 12).

[30]MacGregor, *Integration of the Armed Forces*, pp. 433-434; Operations Research Office, Johns Hopkins University, *Utilization of*

the Army was racially integrated, and most interservice policy differences had disappeared.

Forces Restraining Integration

Good leadership consistently made vital contributions to the incorporation of blacks into the Armed Forces, but it was not a panacea for all the problems that surrounded military racial policies. For one thing, it could not prevent change from being slow and often difficult. Even in the presence of the clearest possible commitment from civilian officials and military officials, as in the case of Air Force integration, policy formulation and implementation took years to accomplish. The process of moving from racial segregation to racial integration spanned a decade, from the Navy's first experiment in 1944-1945 to the abolition of the last segregated Army unit in 1954. The forces of tradition and prejudice, and the natural inertia of large, complex organizations, meant that significant innovations in race relations could not and did not come quickly.

Some of these forces long remained beyond the reach of leadership. For example, the Navy, under the terms of the integration agreement that it had negotiated with the Truman Administration, sought to increase the low overall percentage of blacks in its enlisted ranks and officer corps during the 1950s. Navy officials discovered that in the black community, the Navy had such a reputation for racial discrimination that even a greatly expanded recruiting campaign specifically designed to attract blacks could not convince many black youth to enlist. Compounding this problem was the refusal of some Navy officers to abandon the long tradition of placing blacks and members of other racial minorities in the Steward's Branch--which created a public perception that the Navy still endorsed racial segregation.[31] Thus the Navy's pioneering work in racial integration, and its subsequent educational and public-relations efforts, did not really outweigh entrenched stereotypes both inside and outside the service.

Negro Manpower, Chevy Chase, MD, Johns Hopkins University, 1954, pp. 185-187.

[31]MacGregor, *Integration of the Armed Forces*, pp. 413-415, 417-426.

A closely related problem was the difficulty that the Armed Forces had in doing what the Kennedy Administration sought to achieve through the 1963 directive on command responsibility: institutionalizing leadership so that it would endure. While particular military officers or particular civilian administrations succeeded in defining and implementing reforms, the momentum of these efforts tended to diminish over time. Commitment to equal treatment and opportunity for blacks did not necessarily become a routine, ongoing function of military organizations.

The fate of the civil rights monitoring mechanisms that the 1963 directive established illustrated this problem. Civil rights offices in the Defense Department and the individual Armed Forces lacked the human and financial resources needed to make them capable of performing their missions; for instance, the Air Force Equal Opportunity Office had only one employee until 1971.[32] Relying primarily on the voluntary compliance of local commanders and civilians in nearby communities, the Armed Forces did not establish clear standards of accountability or mechanisms of enforcement.[33] In consequence, many complaints and incidents of discrimination went unanswered during the 1960s. This situation suggested that unless appropriate incentives were built into organizational structure and practices, the personal leadership that was so evident at many points in the history of military racial policies was inadequate to guarantee the full incorporation of blacks into military life.

RACIAL INTEGRATION, UNIT COHESION, AND MILITARY EFFECTIVENESS

During the first half of the 20th century, American military officials constantly raised questions about the impact of racial heterogeneity on unit cohesion and task performance. Many military officers and civilian commentators on military affairs emphasized the widespread antagonism that existed between blacks and whites in civilian life, and the differences in historical experience that separated the two groups. Given the strength of these racial divisions, the prospect

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[32]Gropman, *Air Force Integrates*, pp. 206-207.

[33]MacGregor, *Integration of the Armed Forces*, pp. 561-566, 581-586.

of bringing whites and blacks together in close quarters in the Armed Forces, or of creating situations in which blacks might have to give orders to whites, seemed alarming. Such compulsory interracial associations, it was argued, could only create personal tensions and social divisions that would distract military personnel, disrupt work, and perhaps lead to violence. Racial mixing, in short, would undermine unit cohesion among the troops and thereby impair their morale, readiness, and ability to perform as a unified combat force.

Until the mid-1950s, the view that racial heterogeneity would imperil military efficiency provided a key justification for segregating blacks by unit and occupation, and minimizing contact between white and black units. The Navy explained in 1935 that it had to confine blacks to steward's duties because if blacks were enlisted as seamen and became petty officers, "team work, harmony, and ship efficiency [would be] seriously handicapped."[34] In 1949, the Secretary of the Army stated that effectiveness in battle "calls for a warm and close personal relationship within a unit," and that such a relationship could not exist between blacks and whites; thus, he asserted, segregation was necessary.[35]

The essential argument here was clear: effective cooperation in the performance of military tasks, such as operating a ship or fighting a land battle, depended upon the prior existence of a high degree of unit cohesion--more specifically, the social cohesion that stemmed from racial homogeneity. If blacks were introduced into units that were primarily white, it was presumed that social cohesion would immediately decline and the quality of task performance would necessarily deteriorate.

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[34]Rear Admiral Adolphus Andrews, Chief of the Navy Bureau of Navigation, letter to A. C. MacNeal, President of the Chicago Branch of the NAACP, 19 Sept. 1935, quoted in Frederick S. Harrod, *Manning the New Navy*, Westport, CT, Greenwood Press, 1978, p. 62.

[35]Testimony of Secretary of the Army Kenneth Royall, in Minutes, President's Committee on Equality of Treatment and Opportunity in the Armed Services, 28 March 1949, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. IX*, pp. 506-508.

During the 1940s and 1950s, under wartime conditions, the military put this premise to the test on several occasions, and the results did not confirm it. Empirical evidence suggested that task cohesion--effective cooperation in carrying out military missions--could exist without racial homogeneity, and thus that task cohesion did not necessarily depend upon a sense of group identity (or social cohesion) arising from racial homogeneity. This distinction between social and task cohesion is comprehensively described in the chapter on unit cohesion and military effectiveness in the context of allowing acknowledged homosexuals to serve.

Unit Cohesion: Evidence from World War II and Korea

The Navy's planned experiment with racial integration on supply ships during 1944 and 1945 was the first such test. Evaluations of these ships revealed high performance and morale, and low incidence of racial friction, among the racially mixed crews.[36] This evidence was instrumental in convincing Navy officials to abandon their long-standing contention that such racial mixing would harm "ship efficiency," thus clearing the way for the integration policy adopted in 1946 (two years before President Truman's integration directive).

At about the same time, the Army engaged in a similar experiment, one that emerged from abrupt military necessity rather than careful planning. During the winter of 1944-1945, shortages of infantry troops in Europe became so severe that General Eisenhower and his staff adopted a plan to take black soldiers out of non-combat units, train them as riflemen, and organize them into platoons that were combined with white platoons to form racially integrated infantry companies. Over 4,500 blacks volunteered to take part in this program; 2,500 were accepted and served with the First Army and the Seventh Army during the final stages of the war against Germany.[37]

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[36]Minutes of press conference held by Lester Granger, 1 Nov. 1945, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents*, pp. 183-184.

[37]Lieutenant General John C. H. Lee, draft directive, 26 Dec. 1944, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, Wilmington, DE, Scholarly Resources Inc., 1977, p. 98; Lieutenant General Lee, memorandum to

Reports from the field indicated that the black platoons performed very well, working in close conjunction with whites in a variety of combat operations and on garrison duty in captured towns.[38] No incidents of racial violence or non-cooperation between white and black soldiers occurred in combat situations. Some reports indicated that occasional tensions arose over the use of recreational facilities in rear areas. However, other reports pointed to examples of blacks and whites voluntarily sharing work assignments and participating on the same sports teams.[39]

In July 1945, an Army survey of 250 white officers and non-commissioned officers (NCOs) who had experience with the integrated companies revealed that 79 percent of the officers and 60 percent of the non-commissioned officers judged that race relations in these units had been good or very good. Sixty-two percent of the officers and 89 percent of the NCOs recommended that the Army continue to form such racially mixed companies in the future.[40]

Many senior Army officers believed that this experiment with racially integrated companies was too small to provide conclusive evidence that racial heterogeneity did not undermine cohesion in combat. During the Korean War, however, the Army gained experience with racially mixed units on a much larger scale. During 1950 and 1951, severe personnel shortages, imbalances between overstrength black units and understrength white units, and dissatisfaction with the combat effectiveness of some segregated black units led some commanders in the Korean Theater to insert black soldiers into white combat organizations.

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commanders in the Communication Zone, European Theater of Operations, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, p. 99; Lee, *Employment of Negro Troops*, pp. 688-705.

[38]Lee, *Employment of Negro Troops*, pp. 696-702.

[39]Lee, *Employment of Negro Troops*, pp. 701-702; Research Branch, Information and Education Division, Headquarters, Army Service Forces, *Opinions About Negro Infantry Platoons in White Companies of 7 Divisions*, 3 July 1945, reprinted in MacGregor and Nalty, *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, pp. 516-518.

[40]Research Branch, *Opinions About Negro Platoons*, in MacGregor and Nalty, *Basic Documents, Vol. V*, pp. 516-517.

These decisions enabled the Army to make a more comprehensive assessment of the performance of racially mixed infantry units.

In 1951, the Army asked a team of social scientists working under the auspices of the Operations Research Office of Johns Hopkins University to study the utilization of black troops in Korea.[41] The researchers discovered that because integrated and segregated infantry units existed simultaneously and were operating under the same conditions, it was possible to conduct something very close to a controlled scientific experiment. They collected data on both types of unit, and compared the attitudes of soldiers who had experienced racial integration with the attitudes of soldiers who had not. The resulting report, known by its code name of Project Clear, demonstrated that racial integration had no discernible detrimental effects on task performance, including combat effectiveness.

Project Clear data indicated that on key dimensions of performance, integrated units performed just as well as all-white units. For instance, 89 percent of officers who had served with integrated units reported that these units had a level of teamwork that was equal or superior to that of white units; 84 percent said that integrated units were as aggressive as or more aggressive than white units when conducting attacks.[42] Moreover, integration did not lower overall unit morale. In fact, black soldiers were more likely to display high morale and desirable combat behavior when serving in racially mixed than in segregated units.

Individual incidents of overt racial hostility or violence did occur in the Korean Theater, but the Project Clear data indicated that they were rare and did not present serious threats to military efficiency, whether in combat or non-combat situations. On one particular point that had long concerned Army officials, the data were particularly reassuring: there was no evidence that white soldiers

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[41]Leo Bogart, ed., *Project Clear: Social Research and the Desegregation of the United States Army*, New Brunswick, NJ, Transaction Books, 1991, pp. xxxi-xlv.

[42]Operations Research Office, *Utilization of Negro Manpower*, p. 18.

refused to take orders from black officers or non-commissioned officers.[43]

A major conclusion of both Project Clear and the earlier 1945 Army study of the integrated infantry companies was that among white soldiers, a strong correlation existed between experience with racial integration and acceptance of it. Whites who initially expressed dislike of or resistance to the prospect of working side-by-side with blacks often changed their attitudes after actual service in an integrated unit. In the 1945 study, 64 percent of both the white officers and the white NCOs interviewed reported that they had initially regarded the idea of combining black and white platoons with skepticism or aversion. But 77 percent of both groups asserted that they had gained a more favorable view of integrated units as a result of firsthand experience.[44]

Project Clear generated similar conclusions. White officers who had commanded integrated units, and white enlisted personnel who belonged to such units, showed much higher regard for the military capabilities of blacks and greater tolerance of integration than did whites who had never served with blacks. Of a group of white officers interviewed in the United States, 69 percent of those who had fought with integrated units in combat believed that blacks and whites made equally good soldiers; only 34 percent of those who had not been assigned to integrated units held this view.[45] In a sample of white enlisted men, 51 percent of those in all-white units favored the segregation of black troops and 22 percent favored integration; the comparable figures for whites in racially mixed units were 31 percent and 34 percent.[46] (The chapter on military opinion seconds these findings. In military focus groups conducted by RAND staff, a number of service members remarked that the experience of working with minority

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[43]Operations Research Office, *Utilization of Negro Manpower*, pp. 27-28, 239-242.

[44]Research Branch, *Opinions About Negro Infantry Platoons*, in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, pp. 514-515.

[45]Operations Research Office, *Utilization of Negro Manpower*, p. 24.

[46]Operations Research Office, *Utilization of Negro Manpower*, p. 141.

group members had changed previously held, negative attitudes toward those minorities.)[47]

These findings suggested that shared experience in performing military tasks could actually generate a sense of social cohesion--a sense of mutual respect, trust, and even liking--among members of different racial groups who had previously had little contact with one another. Qualitative data supported this hypothesis. Officers who responded to the 1945 Army survey indicated that race relations were smoothest in those integrated companies that had undergone the heaviest combat.[48] This phenomenon is supported in the literature on cohesion: As the chapter on that subject reports, successful performance and "task cohesion" are related--with successful performance having a stronger effect on cohesion than vice versa.

The comments of soldiers interviewed for the Project Clear surveys revealed numerous examples of changed attitudes and interracial friendships that had resulted from common experiences. Racially grounded expressions of suspicion and hostility remained, but the interviewers concluded that both blacks and whites in mixed units were more likely to make favorable assessments of race relations than unfavorable ones.[49]

The Project Clear findings reinforced the judgment of senior Army officers (most notably General Ridgway), who had already ordered the abolition of racial segregation in the Korean Theater, and provided support for extending the integration process to Army units in Europe and, lastly, the United States in 1953 and 1954.

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[47]In the chapter on domestic police and fire departments, some personnel who were interviewed said they had similar attitude changes after serving with homosexual police officers or firefighters. The chapter on public opinion also suggests that people who know homosexuals have more favorable attitudes toward that group than those who do not report knowing homosexuals.

[48]Research Branch, *Opinions About Negro Infantry Platoons*, in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, pp. 515-516.

[49]Operations Research Office, *Utilization of Negro Manpower*, pp. 205-208, 211-214.

Racial Integration and Military Effectiveness

By the late 1950s, the Army, like the Navy and the Air Force before it, had come to accept a new perspective on racial policy: the view that racial integration actually benefited the military. This new argument, which had emerged gradually during the 1940s, held that racial integration improved military efficiency--which was a reversal of the older argument that racial integration would impair military efficiency. The reversal came partly because of external political pressure for the equal treatment of blacks, and partly because of mounting evidence that an extreme emphasis on upholding social cohesion--defined as maintaining racial homogeneity--interfered with the Armed Forces' ability to conduct a large-scale, long-term war. During World War II, and again in the Army's operations during the early years of the Korean War, the system of strict racial segregation proved to be very costly in terms of money, time, and inefficient use of human resources. It demonstrably impaired task performance at the level of the Army as a whole, or the Navy as a whole, or the Air Force as a whole.

Segregation was costly because of the expensive and frustrating administrative work involved in building separate facilities for whites and blacks, calculating racial quotas, and keeping track of separate deployments for white and black troops. It also caused substantial waste of human talent, especially in the case of skilled blacks who were assigned to inappropriate jobs or prevented from obtaining necessary specialized training solely because no places for them existed in black units.[50] Investigations during the war, and an exhaustive inquiry by the Truman Administration's Fahy Committee in 1949, revealed the systematic nature of this mismatching.[51]

But the highest costs of segregation lay in the destructive social dynamics that it generated. Black soldiers and sailors in segregated

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[50]Osur, *Blacks in the Army Air Forces*, p. 31.

[51]MacGregor, *Integration of the Armed Forces*, pp. 352-355; Minutes, President's Committee on Equality of Treatment and Opportunity in the Armed Services, 26 April 1949, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. X*, pp. 697-807; E. W. Kenworthy, memorandum to Charles Fahy, 30 May 1949, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. XI*, p. 1264.

units often suffered from low morale as a result of the racial discrimination and second-rate facilities that they constantly had to endure, and their sense of isolation from the mainstream of the war effort. Tensions between black enlisted personnel and white officers--many of whom disliked commanding black units--were common.[52] These morale problems contributed directly and substantially, in the judgment of several military historians, to the poor combat performance of some black units in World War II and Korea.[53]

Segregation per se also encouraged racial conflict between blacks and whites. It promoted strong feelings of group consciousness and interracial hostility. Members of black units developed a lively sense of collective grievance and anger at the discriminatory practices of whites, while whites found black units to be easy targets for ridicule and resentment.[54] The Navy's problems with the mutual antipathy of black sailors who had no opportunity to go to sea and white sailors who disliked the fact that blacks remained safely on shore typified the situations that existed in all the Armed Forces. This exaggerated intragroup cohesion and intergroup tension resulted in a wave of serious race riots at military installations in the United States and around the world between 1941 and 1946.[55]

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[52]Lee, *Employment of Negro Troops*, pp. 182-191, 231-232; Richard M. Dalfiume, *Desegregation of the U. S. Armed Forces*, Columbia, MO, University of Missouri Press, 1969, pp. 69-71; E. T. Hall, "Race Prejudice and Negro-White Relations in the Army," *American Journal of Sociology*, 52, March 1947, pp. 408-409.

[53]Truman K. Gibson, Jr., War Department Civilian Aide on Negro Affairs, memorandum to the Assistant Secretary of War, 23 Aug. 1943, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, pp. 273-279; Mary Penick Motley, ed., *The Invisible Soldier*, Detroit, Wayne State University Press, 1975, pp. 268, 297-298, 303-304, 313, 318; Lt. Col. Marcus H. Ray, letter to Truman K. Gibson, 14 May 1945, reprinted in Lee, *Employment of Negro Troops*, pp. 588-589; Clay Blair, *The Forgotten War*, New York, Times Books, 1987, pp. 151-152, 192, 475-476.

[54]Osur, *Blacks in the Army Air Forces*, p. 54; Hall, "Race Prejudice," p. 404.

[55]Lee, *Employment of Negro Troops*, pp. 348-379; Bureau of Naval Personnel, "The Negro in the Navy," in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. VI*, pp. 385-387; Dennis D. Nelson, *The Integration of the Negro into the U. S. Navy*,

The Armed Forces discovered during the late 1940s and 1950s that racial integration removed the inefficiencies and diminished the occasions for violence that the system of segregation had engendered. Once separate black and white units were abolished, assignment of personnel became easier and more rational. Once blacks and whites began to share the risks, rewards, and responsibilities of military life more equitably, morale problems diminished. These advantages were important in persuading many military officers--even those who remained hostile to blacks and to racial mixing--that integration did not necessarily threaten task performance in the Armed Forces. The Fahy Committee and other advocates of racial integration emphasized the link between integration and improved organizational performance in their efforts to convince the Armed Forces to accept the 1948 Truman directive.

Racial Turmoil and Military Effectiveness in the Vietnam Era

By the 1960s, the argument that integration promoted military efficiency was widely accepted, and many civil rights advocates viewed the military as a paragon of just race relations. The evidence of renewed racial tensions within the military during the Vietnam war was therefore very troubling to many observers.

Between 1968 and 1972, all the Armed Forces experienced numerous outbreaks of racial hostility and violence in a worldwide pattern that nearly matched the strife that had existed during World War II. Riots and protests at bases in the United States and abroad, and even on Navy ships at sea, reached a level that clearly undermined morale and threatened to impede the smooth functioning of military units.[56] In World War II, such events had been attributable to racial segregation, but in the Vietnam era segregation no longer existed. There had to be some other explanation for the racial turmoil.

Our research suggests that during the Vietnam war, the social psychology of segregation was recreated in a new way through the

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New York, Octagon Books, 1982, reprint of original 1951 edition, pp. 82-85; Gropman, *Air Force Integrates*, pp. 64-70.

[56]Nalty, *Strength for the Fight*, pp. 305-311, 315-317, 321-324; Jack D. Foner, *Blacks and the Military in American History*, New York, Praeger, 1974, pp. 201-260; Gropman, *Air Force Integrates*, pp. 215-216.

convergence of two factors. First, it became clear that although the formal, legal system of segregation had disappeared, many practices that had discriminatory effects--whether intentional or not--had survived. The much-publicized fact that the draft disproportionately affected blacks was only one example. Others included discrimination in housing, in promotions, in the administration of military justice, and in the uneven distribution of blacks among and within the Armed Forces (for instance, the concentration of blacks in frontline combat positions).[57] Cumulatively, these practices may have had much the same kind of impact as formal segregation previously had: they created an inequitable allocation of risks, rewards, and responsibilities among different racial groups.

Second, both blacks and whites displayed a heightened sensitivity to such inequities as a result of the extraordinary racial polarization that existed in American society at that time. Members of both groups brought their experiences and interpretations of events in civilian life with them when they entered the military. Many blacks were influenced by ideas that emphasized the importance of preserving a distinctive black culture and resisting white domination. Many whites reacted sharply against these ideas. A sort of voluntary segregation emerged within the Armed Forces, with both blacks and whites stressing the cohesion of their own groups and their hostility toward one another. At the same time, blacks protested strongly against the organizational practices that continued to deny them equal opportunity.[58]

Even this heightened level of tension, however, did not interfere greatly with actual combat operations. As in World War II, most of the racial violence during the Vietnam war took place not in frontline units but rather in rear areas, at bases within the United States and Europe (particularly in West Germany), and in civilian communities. For all the fears expressed at the time about the potential impact of racial

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[57]Foner, *Blacks and the Military*, pp. 201-204, 227-228; Nalty, *Strength for the Fight*, pp. 298, 328-331; Charles C. Moskos, Jr., *The American Enlisted Man*, New York, Russell Sage Foundation, 1970, pp. 115-116.

[58]Nalty, *Strength for the Fight*, pp. 303-306; Foner, *Blacks and the Military*, pp. 207-213.

tensions on military performance, task cohesion under conditions of combat does not appear to have been a serious problem.[59]

In sum, the historical evidence concerning relationships among race, social cohesion, and task performance is complex, but it does suggest that it is possible to draw clear distinctions between social cohesion and task cohesion in military settings--a suggestion supported by the literature reviewed in the chapter on cohesion. Perhaps the best generalization is that while the implementation of racial integration could have been a major source of tension and difficulty in the military--given the strong racial prejudices of earlier eras--it was not necessarily so. The emergence of racial animosities severe enough to impair military efficiency seems to have been erratic and contingent upon other circumstances--notably organizational practices that created systematic inequalities among racial groups, and cultural influences that promoted an unusual degree of group identity. High levels of task cohesion among people of different races, particularly in combat situations, existed even at times when the very idea of interracial cooperation within military units was a novelty (as in the World War II experiments and in Korea) and even when considerable racial tension was present (as in Vietnam). There is also evidence to suggest that social

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[59]Nalty, *Strength for the Fight*, pp. 301-302. Note, however, the caution expressed by scholars on this topic: "Impressions about race relations in Vietnam are largely anecdotal, since intergroup relations during that era were not subjected to the rigorous scrutiny that social scientists had applied to the World War II and Korean experiences. Accounts were often conflicting." Martin Binkin, Mark Eitelberg, et al., *Blacks and the Military*, Washington, D.C., The Brookings Institution, 1972, pp. 36-37. See also Lawrence M Baskir and William A. Strauss, *Chance and Circumstance: The Draft, the War, and the Vietnam Generation*, New York, Vintage Books, 1978, pp. 137-138; Foner, *Blacks and the Military in American History*, p. 211; Thomas D. Boettcher, *Vietnam: The Valor and the Sorrow*, Boston, Little, Brown, and Co., 1985, p. 401; Guenter Lewy, *America in Vietnam*, New York, Oxford University Press, 1978, p. 155; Byron G. Finman, Jonathan F. Borus, M. Duncan Stanton, "Black-White and American-Vietnamese Relations Among Soldiers in Vietnam," *Journal of Social Issues*, 31, 1975, p. 41; and "Report by the Special Subcommittee on Disciplinary Problems in the U.S. Navy of the Committee on Armed Services," House of Representatives, 92nd Congress, January 2, 1973, reprinted in MacGregor and Nalty (eds.), *Blacks in the United States Armed Forces, Basic Documents, Vol. XIII*, pp. 605-631.

cohesion could and did arise from equal participation in shared military tasks.

ATTITUDES VERSUS BEHAVIORS DURING THE PROCESS OF INTEGRATION: MAINTAINING CIVILITY WITHOUT OVERTURNING PREJUDICE

The process of integrating blacks into the military was lengthy and difficult, in part because it took place against a backdrop of public opinion that was generally hostile or indifferent. The standards of equal treatment and discipline that the Armed Forces officially promoted often contrasted sharply with the views that most military personnel held about race relations. While blacks themselves formed an active constituency in favor of broader black participation, and while some whites, including key civilian and military leaders, supported this position, major changes in military and racial policies were implemented without a favorable public consensus.

Public Opinion During the Transition to Integration: From Highly Unfavorable to Moderately Unfavorable

In 1943, the federal government's Office of War Information conducted a survey on this subject. It found that 90 percent of white civilians and 18 percent of black civilians favored segregation in the military.[60] An Army study in that same year concluded that 88 percent of white soldiers and 38 percent of black soldiers believed that whites and blacks should be assigned to separate units.[61] These results paralleled an earlier national poll, taken in 1942, which indicated that only 30 percent of whites approved of racially integrated schools and only 35 percent approved of racially integrated neighborhoods.[62] Sentiment for maintaining segregation in major American institutions was thus very strong during World War II.

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[60]Surveys Division, Bureau of Special Services, Office of War Information, *The Negroes' Role in the War*, Washington, D.C., 8 July 1948, reprinted in MacGregor and Nalty, *Blacks in the United States Armed Forces, Basic Documents, Vol. V*, p. 237.

[61]Research Branch, Special Service Division, United States Army, *Attitudes of the Negro Soldier*, cited in Lee, *Employment of Negro Troops*, p. 305.

[62]Herbert H. Hyman and Paul B. Sheatsley, "Attitudes Toward Desegregation," *Scientific American*, Vol. 195, No. 6, 1956, pp. 36-37.

In 1948, just one month before President Truman issued his executive order requiring racial integration in the Armed Forces, a Gallup poll revealed that although support for segregation had declined from the wartime level, it remained very high. Sixty-three percent of American adults endorsed the separation of blacks and whites in the military, while only 26 percent favored integration.[63] A survey of white Army enlisted personnel and officers in May 1949 indicated that 32 percent of white soldiers opposed any degree of racial integration in the Army, and 61 percent opposed integration if it meant that blacks and whites had to sleep in the same barracks and eat in the same mess halls. This 1949 survey did, however, find that 68 percent of the soldiers expressed tolerance for the idea of partial integration, in which blacks and whites worked together but did not share dormitory and mess facilities. Apparently, some nuances had appeared in white attitudes; the major concerns among white soldiers seemed to be the prospects of intimate physical contact with blacks, not the presence of blacks per se.[64]

Even during the Korean War, when racial integration in the Air Force and the Navy was virtually complete and integration in the Army and the Marine Corps was well under way, considerable hostility to integration persisted. The 1951 Project Clear study found that while large majorities of black soldiers favored integrated Army units, white soldiers had sharply divided opinions. Of a sample of white enlisted men in the Korean Theater, 52 percent favored segregated units, while 46 percent believed that soldiers should be assigned to any unit regardless of race. (Although 52 percent favored segregation, only 24 percent said they would object strongly to serving in a racially integrated platoon.)[65] Many white officers and enlisted men who felt that integration had succeeded during combat in Korea expressed trepidation

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[63]Gallup Organization, Survey of 3000 Adults Based on Personal Interview, June 1948.

[64]Attitude Research Branch, Armed Forces Information and Education Division, *Morale Attitudes of Enlisted Men, May-June 1949*, reprinted in MacGregor and Nalty, eds., *Blacks in the United States Armed Forces, Basic Documents, Vol. XII*, pp. 145-149.

[65]Operations Research Office, *Utilization of Negro Manpower*, p. 200.

about extending that policy to the United States itself, where combat-inspired cooperation would be absent and resistance from civilian communities would become a factor.[66] The Armed Forces implemented integration plans amid this powerful, if gradually diminishing, atmosphere of interracial suspicion and aversion.

Attitudes Versus Behaviors

During the desegregation process, a disjuncture between attitudes and behavior was clearly evident. Maintaining civility in race relations, not transforming racial prejudices, was the principal object of implementation overseers. Whites who had not previously worked with blacks and had some degree of antipathy toward them were nevertheless expected to display tolerance and cooperate as needed. Blacks who distrusted whites faced the same expectation. The Armed Forces usually managed this disjuncture between attitudes and expected behavior well enough for day-to-day operations. But the attitudes themselves frequently resisted change, and civility did not mean the absence of racial tensions and incidents.

However, unfavorable attitudes toward integration did not necessarily translate into violent or obstructionist behavior. The Project Clear data suggested that military personnel were able to separate their personal feelings from their conduct. For instance, reports on the process of integration in the Air Force during 1949 and 1950 indicated that--despite ominous predictions of "trouble" beforehand--white airmen who resented blacks generally expressed that resentment quietly and did not provoke serious incidents.[67] Some of the white Air Force officers whom the executive secretary of the Fahy Committee interviewed in early 1950 said frankly that they disliked the new policy and would have preferred to continue segregation, but they also emphasized that integration was working well in practice and that they were committed to enforcing it.[68]

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[66]Operations Research Office, *Utilization of Negro Manpower*, pp. 245-250.

[67]Nichols, *Breakthrough on the Color Front*, p. 102.

[68]"A First Report on the Racial Integration Program of the Air Force," in MacGregor and Nalty, *Basic Documents, Vol. XII*, p. 43.

Evidence from Korea was similar. The Project Clear researchers found that among white officers in Korea, practical military considerations such as personnel shortages outweighed unfavorable personal views of blacks, thus creating a willingness to incorporate black soldiers in white units. White enlisted men similarly separated their concerns about military effectiveness from their uneasiness about integrating blacks. Although many of these soldiers expressed discomfort and fear of possible trouble, they also cited the acute need for combat troops, and the probability that black troops would perform better in white units, as good reasons to accept integration.[69] But this "testing" was relatively infrequent,[70] almost never led to disruptive events, and had little or no impact on unit performance.[71]

Despite Success, Problems Beneath the Surface

During the 1950s and 1960s, the Armed Forces gained a reputation for having significantly better race relations than most civilian institutions. Contemporary accounts drew vivid contrasts between conditions on military bases, where there was a fairly high degree of formal equality and interaction between blacks and whites, and the strict segregation and interracial violence that existed in many nearby civilian communities.[72] These accounts were accurate as far as they went, but they overlooked some persistent problems which indicated that disjunctures between attitudes and behaviors continued to exist just below the surface.

Racially grounded incidents of discrimination and harassment were never absent from the Armed Forces. Such cases existed in official

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[69]Operations Research Office, *Utilization of Negro Manpower*, pp. 204, 208.

[70]"A First Report on the Racial Integration Program of the Air Force," in MacGregor and Nalty, *Blacks in the United States Armed Forces, Basic Documents, Vol. XII*, p. 44; Operations Research Office, *Utilization of Negro Manpower*, pp. 215-224.

[71]Operations Research Office, *Utilization of Negro Manpower*, pp. 22, 376.

[72]Nichols, *Breakthrough on the Color Front*, pp. 143-165; U.S. Commission on Civil Rights, "The Negro in the Armed Forces," in MacGregor and Nalty, *Blacks in the United States Armed Forces, Basic Documents, Vol. XII*, p. 493; MacGregor, *Integration of the Armed Forces*, pp. 500, 540.

matters such as promotion decisions and disciplinary actions. They occurred with greater frequency in regard to off-duty recreation and social activities such as dances and meetings of voluntary organizations. In these activities, strong informal pressures for self-segregation existed among both blacks and whites, and tensions between the two groups became more evident.[73] Many white service people reacted more strongly to the presence of blacks at social events--which suggested that blacks were claiming full social equality in all aspects of life--than they did to cooperation with blacks in the performance of military duties.

Overt expressions of racial hostility were still more likely off base, when military personnel interacted with each other and with civilians in communities that were not under military control. From the beginning of World War II through the Vietnam era, off-base incidents of discrimination and violence--most frequently perpetrated by whites against blacks, but sometimes perpetrated by blacks against whites--in the United States and around the world created serious problems. The military made little effort to address these problems until the initiatives of the Kennedy Administration in the early 1960s focused attention on them. Even then, military officials did not consistently implement their responsibilities to monitor off-base activities.

The long-term persistence of interracial tensions, which gained public attention when race riots and other disturbances erupted at some military bases in the late 1960s, suggested both the sources and the limitations of the military's ability to manage conflicts between attitudes and expected behavior. The need for cooperation on difficult and dangerous military tasks, particularly under combat conditions (as in Korea), usually induced military personnel to avoid or at least tone down expressions of racial animosity while on duty. Such a shared experience may also have generated sufficient comradeship to reduce the animosity itself. Military discipline, which applied pressure to avoid career-jeopardizing incidents, also affected behavior.

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[73]Operations Research Office, *Utilization of Negro Manpower*, pp. 381-390; MacGregor, *Integration of the Armed Forces*, p. 456; Moskos, *The American Enlisted Man*, pp. 122-123, 125.

Yet when the pressures of work and discipline were relaxed, or at least were perceived as being relaxed (as was the case in many off-duty settings), hostile attitudes became more likely to affect behavior. And although shared experience could promote acceptance, it did not always do so. Many whites and blacks retained the racial views they had acquired in civilian life. Thus, the interracial mistrust that characterized American society as a whole continued to be manifest within the military long after the military had changed its official policies and practices.

IMPLICATIONS FOR ALLOWING ACKNOWLEDGED HOMOSEXUALS TO SERVE IN THE MILITARY

The experience of integrating the Armed Forces suggests that initial resistance to change can be overcome, but only through concerted civilian and military leadership, with strong vigilance and oversight from civilian authorities. This was true for racial integration in the late 1940s and early 1950s--even in the face of public and military opinion that may have been more strongly opposed than it is now to allowing acknowledged homosexuals to serve. It is also clear that the relative success of racial integration required particular efforts and elements that, as other chapters suggest, would be required to formulate and implement the change regarding homosexual service:

- strong military and civilian leadership that agrees on the goals of the policy,
- clear signals from all leadership levels that compliance with the policy is a command responsibility and that no resistance will be tolerated,
- swift punishment for non-compliance, and
- a focus on changing behavior, not attitudes.

The services' response to racial integration also indicates that implementing a policy allowing acknowledged homosexuals to serve may be a lengthy process involving several years of organizational adaptation. The forces of tradition and culture and the natural inertia of large organizations work against rapid adaptation to social change. A clear

commitment from top leadership will be required over a substantial period of time.

With such commitment and strong leadership, racial integration did not "destroy" unit cohesion and military effectiveness, as so many opponents had argued it would. Evidence from World War II, Korea, and Vietnam indicates that unit cohesion and military effectiveness did not necessarily depend on a sense of group identity arising from racial homogeneity. In other words, people of different races did not have to like each other or change their attitudes about racial differences to get the job done. Integrated units performed just as well as all-white units. Further, there was no evidence that white soldiers refused to take orders from black officers or non-commissioned officers--a fear often expressed concerning homosexual leaders. There were high levels of "task-oriented" cohesion even at times when the very idea of interracial cooperation within military units was a novelty (as in the World War II experiments and in Korea) and when racial tension was high (as in Vietnam).

It is important to note, however, that the primary objective of implementation was maintaining civility in race relations, not transforming racial prejudices. The attitudes themselves frequently resisted change, but military personnel were generally able to separate personal feelings from conduct. In some of the military focus groups conducted by RAND for this study, service personnel voiced sentiments which indicate that allowing homosexuals to serve might be handled in the same way: As long as homosexual service people did their jobs effectively, and otherwise observed military standards of conduct, most heterosexuals would treat them with civility. (See the chapter on military opinion.)

Although there is evidence that working well together caused some improvement in interracial social cohesion, by and large, it has not strongly carried over into off-duty, off-base relations. Many white service people reacted more negatively to the presence of blacks at social events than they did to cooperating with blacks in performing military duties. Overt expressions of racial hostility were more likely off base and out from under military control. Even in the absence of

hostility, off-base and off-duty, blacks and whites still customarily associate with members of their own race. It seems unlikely that this would be different for relations between homosexual and heterosexual service people.

6. RELEVANT PUBLIC OPINION[1]

INTRODUCTION

Assessing how any option for removing the ban on homosexual service in the Armed Forces will fare depends critically on prevailing public and military opinion. Trends in public attitudes affect the pace of and response to social policy changes. For example, efforts to racially desegregate the military during the 1950s were, in part, a response to changing public attitudes and pressure from black leaders and civil rights organizations (Jaynes and Williams, 1989). Further, desegregation in the military probably served to accelerate acceptance of desegregation in the broader society.

The purpose of this chapter is to examine public opinion about issues relevant to removing the ban on homosexual service in the Armed Forces. In addition to opinion about removing the ban itself, we examine attitudes toward homosexuals and homosexuality, the rights of homosexuals, whether homosexuals should be allowed to serve in the military, and the attitudes of young men demographically similar to those who enlist in the Armed Forces. Military opinion is addressed in the next chapter.

Approach

In this chapter, we examine these issues using a variety of public opinion polls and social surveys. Unless otherwise indicated, all the survey results we present are derived from nationally representative samples of the American adult population. Most of the data are from general public opinion polls conducted by major polling organizations (Gallup, Roper, Yankelovich, CBS/*New York Times*, ABC/CNN, and *USA Today*). Over the past fifteen years, many public opinion polls have sought to gauge attitudes toward homosexuality, and, more recently, the possibility of removing the ban on military service for homosexuals.

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[1]This chapter was prepared by Peter E. Tiemeyer, who wishes to acknowledge the considerable assistance of Sandra Berry, Brent Boultinghouse, and Samantha Ravich.

Often, multiple polls have been conducted around the same date using roughly similar question wording. In reporting results, we have chosen polls that are consistent with the general body of polling results. Where results diverge, we report the range in which they generally fall.

In addition to national opinion polls, we also present results compiled from three major social surveys: the General Social Survey, conducted annually by the National Opinion Research Center; the 1988 National Survey of Adolescent Males, conducted by the Urban Institute; and the 1990 Monitoring the Future Survey, an annual study of the lifestyles and values of youth conducted by the Institute for Social Research at the University of Michigan. Specific details of the surveys and polls used in this section are presented in Table F-1 in Appendix F.

This chapter is divided into four sections. The first examines general attitudes of the public regarding homosexuality. In addition to discussing various dimensions of the views of Americans as a whole, we examine differences in attitudes among various social and demographic groups. The second section examines general beliefs regarding the civil rights of homosexuals in society as a whole. The third section turns to public views of whether homosexuals should be allowed to serve in the military. Finally, the fourth section focuses on the attitudes of young adults to discern how those likely to enlist might view a removal of the ban on homosexuals in the military. The tables for this chapter appear in Appendix F. All but Table F-1 show responses to a specific question or questions asked by particular polls. The most relevant data from the tables are presented in the body of the text (where we reference tables for the reader's information).

OVERALL VIEWS ABOUT HOMOSEXUALITY

Measuring U.S. attitudes toward homosexuality is not a straightforward task. As it does for other issues, response varies substantially depending on how question and response categories are worded and the context in which the questions are asked. In the General Social Survey (GSS), respondents are asked whether they believe homosexuality to be "always wrong, almost always wrong, sometimes wrong, or not wrong." The 1991 GSS finds that 75 percent of the adult

population believe that same-sex sexual relations are either "always wrong" or "almost always wrong."

Surveys using more narrowly worded or more qualified questions continue to show that a majority of Americans hold negative attitudes toward homosexuality, but the level of non-acceptance is lower than with the GSS question. For example, recent polls show that 54 percent of respondents believe that "homosexual relationships between consenting adults [are] morally wrong," and 50 to 57 percent believe that homosexuality should not "be considered an acceptable alternative lifestyle." However, 38 percent of the public believe that homosexuality should be considered acceptable and 39 percent say that homosexuality is not a moral issue (Tables F-3 and F-4).

Regardless of the question used, little change has been detected over time in the level of acceptance of homosexuality. The proportion responding "always wrong" to the GSS question has shown little variation over the past fifteen years, generally ranging from 70 to 75 percent (Table F-2). A similar stability is seen in the proportion who believe that homosexuality "should be considered an acceptable alternative lifestyle" in surveys over the past ten years (Table F-4).

Several reasons may explain the variability found under different question wording in acceptance of homosexuality. The GSS question is the most broadly stated, allowing several different interpretations. Respondents might interpret the question to mean "always wrong for me," "always wrong for everyone," or simply "wrong" by any standard the respondent chooses to apply. Further, because the possible responses to the GSS question are all worded in the negative (always wrong, almost always wrong, sometimes wrong, and not wrong), the more positive tone of the question "should homosexuality be considered an acceptable alternative lifestyle?" may elicit more positive responses. Individuals may also be less willing to characterize homosexuality by the more strident term of "morally wrong" rather than "always wrong." Further, individuals may respond more positively to the question regarding the morality of homosexuality because, in contrast to the other questions, it is asked in the context of "consenting adults."

The sensitive nature of the issue of homosexuality makes the assessment of attitudes complicated. For highly charged issues, such as abortion, race, or homosexuality, responses to survey questions may be particularly sensitive to social norms (Dovidio and Fazio, 1992). Individuals may state opinions they believe to be socially acceptable even when their personal opinion is actually more accepting or less accepting. Measuring attitudes on homosexuality may be further complicated if respondents fear that by expressing support for homosexuality, others will conclude that the respondent is homosexual. Thus, it is difficult to state the exact proportion who disapprove of homosexuality, as the level of disapproval varies according to the characterization posed by the survey question and the context in which the survey is conducted.

Demographic and Social Differences in Attitude

Attitudes toward homosexuality vary greatly by demographic and social background of respondents (Tables F-5 and F-6). Despite the variation in overall acceptance of homosexuality observed using different questions, the levels of acceptance between various social and demographic groups remain relatively constant, regardless of the question asked.

Attitudes toward homosexuals are especially related to the respondent's educational achievement. Among GSS respondents, the percentage who characterize homosexuality as "always wrong" is 45 percent for those who have post-baccalaureate education, and 89 percent for those who have less than a high school degree (Table F-5).[2] Among college graduates, 52 percent consider homosexuality an acceptable lifestyle, while 32 percent of those with only secondary education consider it acceptable (Table F-6). A survey of adolescent males shows

[2]Unless otherwise noted, all group differences reported in the text in answers to questions from the General Social Survey, the National Survey of Adolescent Males, and Monitoring the Future are statistically significant at the .05 level. We do not have sufficient information to make similar judgments regarding the statistical significance of group differences shown in other public opinion polls. Unless otherwise stated, all tabulations from the GSS presented in this section are taken from the 1988-1991 surveys.

a similar relationship between educational aspirations and acceptance of homosexuality among adolescent males (Table F-7). Among those who do not plan to go beyond high school, 28 percent agree ("a lot" or "a little") with the statement that they could be friends with a "gay person"; among those planning to complete graduate school, 49 percent agree.

Women are somewhat more accepting of homosexuality than men. While only 34 percent of males feel that homosexuality should be considered an acceptable alternative lifestyle, 42 percent of women are willing to accept homosexuality as an alternative lifestyle (Table F-6). Similarly, women are slightly less likely (74 percent) than men (78 percent) to consider homosexuality as "always wrong" (Table F-5).

Older individuals tend to be more negative toward homosexuality than younger individuals (Tables F-5 and F-6). For example, a 1992 Gallup poll shows that 46 percent of 18- to 29-year-olds consider homosexuality an acceptable alternative lifestyle, compared with 25 percent of those older than 65. However, it is impossible to say, using cross-sectional data such as opinion polls or the General Social Survey, whether the relationship between age and attitudes toward homosexuality reflects changes in attitude with age or changes in attitude between birth cohorts.

Acceptance of homosexuality also varies by ethnicity. A greater proportion of blacks (85 percent) characterize homosexuality as "always wrong" than do whites (75 percent) (Table F-5). However, non-white ethnic groups also appear less willing than whites to label homosexuality as an unacceptable alternative lifestyle (Table F-6).

How Attitudes Vary by Religion, Political Alignment, and Region

Attitudes toward homosexuality also vary by religious affiliation. More than 80 percent of those who identify themselves as Protestant consider homosexuality to be "always wrong," while 73 percent of Catholics and 29 percent of Jews characterize homosexuality as "always wrong" (Tables F-5 and F-6). Among the Protestant denominations, 66 to 88 percent of respondents believe that homosexuality is "always wrong,"

Baptists being the most negative.[3] Eighty-nine percent of those who characterize themselves as "fundamentalist" and 92 percent of those who believe that the Bible is the "literal word of God" believe homosexuality to be "always wrong."

The diversity in attitudes toward homosexuality observed among members of different denominations can also be seen in the positions taken by the churches themselves. The range of positions is as broad as the range of denominations, but they can be generally categorized under three groupings: (1) those extending full acceptance to homosexual members, which may include performing or recognizing homosexual marriages, ordination of homosexual clergy, and inclusion of homosexual laity in other sacramental rights; (2) those extending compassion and inclusion to persons of homosexual orientation, but maintaining moral prohibitions on homosexual practices, as they fall outside the orthodox bounds of monogamous heterosexual marriage; and (3) those unable to find an acceptable accommodation of homosexual persons within their religious doctrines, and condemnatory of homosexual acts or partnerships as a "life-style." The majority of denominations fall into the second category (Melton, 1991).

Attitudes toward homosexuality also vary by political ideology and party affiliation (Tables F-5 and F-6). Those identifying themselves as conservatives or Republicans tend to have more negative attitudes toward homosexuality: 86 and 82 percent, respectively, believe that sexual relations between members of the same sex are "always wrong." The figures are 78 percent for self-proclaimed moderates, 60 percent for liberals, 77 percent for Democrats, and 71 percent for independents.

Regionally, people in the South tend to have more negative attitudes toward homosexuality, while people in New England express less negative attitudes than people in other regions of the country (Tables F-5 and F-6).[4]

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[3]The differences between Lutherans and Presbyterians, Lutherans and Episcopalians, and Methodists and other Protestants in the proportion believing homosexuality to be "always wrong" are not statistically significant at the .05 level.

[4]Differences in the proportion believing homosexuality to be "always wrong" are not statistically significant at the .05 level

How Attitudes Vary by Perceived Nature of Homosexuality

A number of studies have shown a correlation between attitudes toward a group and beliefs about the group's distinguishing characteristic: that is, whether the attribute is volitional[5] (Rodin, et al., 1989; Weiner, Perry, and Magnusson, 1988; Whitley, 1990). Surveys bear this out: attitudes toward homosexuality vary most strikingly by whether individuals believe that homosexuality is chosen or immutable. According to a 1993 CBS/*New York Times* poll, there is a roughly even split between those who believe homosexuality is chosen (44 percent) and those who believe it is something homosexuals cannot change (43 percent) (Table F-8). Among those who consider homosexuality to be "something [people] cannot change," 57 percent say that homosexuality "should be considered as an acceptable lifestyle," while only 18 percent of those who believe homosexuality is "something people choose" accept homosexuality as an alternative lifestyle. When asked if "homosexual relations between adults are morally wrong," the answer was "yes" for 30 percent of those who see homosexuality as immutable and 78 percent for those who see it as a choice (Table F-8).

Respondents who believe homosexuality cannot be changed are also twice as likely (29 percent) to know that a close friend or family member is homosexual than are those who believe it to be a choice (16 percent). There may be some evidence to show that knowing a homosexual person positively affects an individual's attitudes toward homosexuality.[6] However, there is no way to establish the direction of

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between the Middle Atlantic, East-North Central, West-North Central, South Atlantic and Mountain regions, between the East-South Central and West-South Central regions, and between the North-East and Pacific regions. All other regional contrasts are statistically significant.

[5]Hammer, et al. (1993) is the most recent example of a line of research that suggests a link between homosexuality and genetic or biological characteristics. For a review of other work on the origins of sexual orientation, see Byne and Parsons (1993).

[6]Evidence for this statement can be found in a poll by Steve Teichner for the *San Francisco Examiner* (Hatfield, 1989). Individuals stating that they knew someone who was homosexual were asked if knowing a homosexual person had affected their view of homosexuality. Nineteen percent answered that it had made their views more favorable to homosexuality, and 10 percent said less favorable. Few details are available on which to judge the quality of this poll, so we have chosen

causality. Whether the formation of beliefs regarding the immutability of homosexuality precedes or follows the formation of attitudes regarding its acceptability is indeterminate.

ATTITUDES TOWARD THE CIVIL RIGHTS OF HOMOSEXUALS

Although the majority have negative attitudes toward homosexuality, Americans evidently separate these personal convictions from beliefs about the civil rights of homosexuals.

Beliefs About Job and Housing Rights

Nearly 80 percent agree with the statement that homosexuals should have "equal rights in terms of job opportunities" (Table F-9). But, when asked whether homosexuals should be hired for a range of specific occupations, the level of agreement varies. People are less likely to think that homosexuals "should . . . be hired" for occupations that involve close, personal contact with others or that deal with children. For example, 82 percent would be comfortable having homosexuals as sales persons, but the percentage dropped to 41 percent when the consideration was hiring homosexuals as teachers (Table F-10). Similarly, only one-third of the public would permit their children to play at the home of a friend who lives with a homosexual parent (Table F-11).

The more immediate the potential contact with homosexuals, the less accepting the general public is toward gay rights. Americans are less accepting of statements affirming equal job *and housing* opportunities for homosexuals than of statements affirming only equal job opportunities. While 79 percent agree with the statement "homosexuals should have equal rights in terms of job opportunities," only 66 percent agree with the statement "homosexuals should be guaranteed equal treatment under the law in jobs and housing" (Table F-12). Further, only 45 percent state that they "wouldn't mind" working around homosexuals, 27 percent would "prefer not to," and 25 percent would "strongly object" (Table F-13). For contrast, only slightly more

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not to present the results in detail. Whitely (1990) also finds a positive correlation between degree of acquaintance with a homosexual and acceptance of homosexuality in a convenience-based sample of Ball State Univeristy undergraduate heterosexuals.

state that they "wouldn't mind" working around people who smoke cigarettes (51 percent) and considerably fewer state that they "wouldn't mind" working around people who use foul language (27 percent) (Table F-13).

Beliefs About Legal Sanctions and Legal Rights

Public opinion generally stands in opposition to government involvement in issues regarding sexual orientation; the observed level of opposition varies with the wording of survey questions and the context in which they are asked. A 1986 Gallup poll, taken shortly after the Supreme Court upheld a state law prohibiting consensual sodomy, found that only 18 percent of the respondents thought that "states should have the right to prohibit particular sexual practices conducted in private between consenting adult men and women," while 34 percent expressed support for the right of states to prohibit such practices between consenting adult homosexuals (Table F-18). A 1992 Gallup poll found that while 50 to 60 percent believe homosexuality to be "morally wrong" or "not an acceptable lifestyle," a smaller proportion, 44 percent, believe that consensual homosexual relations should be illegal (Table F-19).

While the 1992 poll shows a higher level of support for laws banning homosexual relations than the 1986 poll, this should not be construed as a sign of increasing public support for such laws. The context in which the 1986 question was asked probably led to a low response in support of such laws. The survey was taken immediately after a Supreme Court decision and the question regarding homosexual sexual acts followed a similar question regarding heterosexual sexual acts. The trend in response to similarly worded questions over the past 15 years shows a decrease in support for such laws since its peak in the mid-1980s.

The legislative trend has followed a similar pattern. Before 1961, all states banned non-procreative sexual behavior. Since then, sodomy

laws have been repealed by state legislatures or declared unconstitutional by the courts in 26 states.[7]

As for legal rights of homosexuals, more individuals believe that homosexuals should have equal housing and employment opportunities than believe that the government should be involved in enforcing such rights.[8] While nearly 80 percent believe that homosexuals should have equal job opportunities, only 48 percent believe that the laws protecting the civil rights of minorities should be extended to homosexuals (Table F-20), and only 37 percent believe that a federal law should be passed protecting homosexuals from discrimination (Table F-21). The more direct the statement is in implying government involvement in the enforcement of equal employment and housing opportunities, the fewer the number of individuals who agree with the statement. Currently, eight states[9] and 122 municipalities have executive orders or laws prohibiting discrimination on the basis of sexual orientation.

Mirroring trends in public opinion, many religious denominations also draw distinctions between their views on the acceptability of homosexuality and civil rights protections for homosexuals. Within the church bodies, debate over these issues has involved discussions of the decriminalization of homosexual practices between consenting adults, discrimination in housing and employment, and inclusion of homosexuals under hate-crimes legislation. While most "main-line" denominations have come out in favor of full civil rights for homosexuals, a few, in particular the Southern Baptists, have come out strongly against measures that would "secure legal, social or religious acceptance for

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[7]The states that currently have no sodomy restriction are: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maine, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

[8]A similar pattern is seen in attitudes toward racial equality; more individuals support the concept of racial equality than support governmental efforts to fight discrimination (Bobo, 1992; Burstein, 1985).

[9]The states with laws prohibiting discrimination on the basis of sexual orientation are California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, Vermont and Wisconsin.

homosexuality," or legitimize homosexuality as a normal behavior (Melton, 1991).

Beliefs About "Familial" Rights

Most Americans do not believe that formal recognition should be extended to homosexual unions. Two recent polls by Yankelovich show that 65 percent believe that homosexual marriages *should not* be legal and 63 percent believe that homosexual couples *should not* be permitted to adopt children (Tables F-14 and F-15). However, 27 percent believe such marriages should be "recognized as legal," and 29 percent think homosexual couples should have legal adoption rights. According to a 1987 *USA Today* poll on family issues, 45 percent of the public are willing to apply the term "family" to an *unmarried heterosexual couple* living together, but only 33 percent are willing to apply that term to a *homosexual couple raising children* (Table F-16). Despite these attitudes, of the 83 percent who favor a national family leave law, 72 percent believe that it should apply to homosexuals caring for a seriously ill companion (Table F-17).

PUBLIC ATTITUDES ABOUT HOMOSEXUALS SERVING IN THE MILITARY

Over the past year, polls have found that 40 to 60 percent of Americans support permitting homosexuals to serve in the Armed Forces (Tables F-10, F-22, and F-23). As with many of the issues discussed above, the proportion supporting the rights of homosexuals to serve depends somewhat on the way the question is phrased. When given a list of occupations and asked in which homosexuals should be permitted to be employed, 57 percent state that homosexuals should be permitted to be employed in the Armed Forces. This is greater than the percentage who believe that homosexuals should be allowed to be doctors (53 percent), clergy (43 percent), high school and elementary school teachers (47 and 41 percent), or members of the President's Cabinet (54 percent), but less than the percentage who believe that homosexuals should be permitted to be sales persons (82 percent) (Table F-10).

A 1993 Gallup poll found that 53 percent answer positively to the question, "should homosexuals be able to serve in the Armed Forces?" (Table F-22). An ABC News/*Washington Post* poll found a corresponding 53

percent believe that enlistees should not be asked about their sexual orientation (Table F-24). However, support falls to between 40 and 45 percent when individuals are asked if openly homosexual persons should be allowed to serve (Table F-25). Similarly, when asked if they "approve or disapprove of ending the ban on homosexuals serving in the military," 43 percent of the respondents approved (Table F-26).

A Gallup poll taken in July 1993 found the public evenly split over both a "don't ask, don't tell" policy and the question of whether homosexuality is incompatible with military service. Forty-nine percent agree and 48 percent disagree with the statement "homosexuality is incompatible with military service (Table 6-1). At the same time, 48 percent support and 49 percent oppose a policy under which individuals would not be asked about their sexual orientation but would continue to be removed from the military if they disclose their homosexuality. Those who believe homosexuality to be incompatible with military service are not the same individuals as those who oppose the "don't ask, don't tell" policy. Most of those who believe homosexuality to be incompatible with military service support the "don't ask, don't tell" policy (61 percent), while most of those who reject the incompatibility between homosexuality and military service also reject the "don't ask, don't tell" policy (62 percent) (see Table 6-2).

In a June 1993 *Wall Street Journal*/NBC News poll (of registered voters) 79 percent of respondents expressed support for allowing homosexuals to serve under some policy. Forty percent favor allowing homosexuals to serve openly, as long as they follow the same rules of conduct as other military personnel while they are on base. An additional 38 percent favor allowing homosexuals to serve as long as they keep their homosexuality private (and think the military should not ask them about their orientation). Only 21 percent are against allowing homosexuals to serve under any conditions (Table F-27).

Various church bodies and organizations associated with religious groups, most notably the Evangelical Lutheran Church in America and the American Jewish Committee, have taken a stance in favor of removing the ban against military service by homosexuals ("News: Church leaders on

As a final note, public opinion on military service by homosexuals shifts substantially when military service is placed in the context of a duty rather than a right. If a military draft were reinstated, 78 percent believe that homosexuals should not be exempt. In contrast, only 50 percent feel that women should be drafted (Table F-28). This does not necessarily indicate support for the right of homosexuals to serve in the military; rather, the little support for exempting homosexuals from the draft may indicate a resistance to exempting homosexuals from the risk and responsibility of military service when others are required to serve.

ATTITUDES OF YOUNG ADULTS REGARDING HOMOSEXUALITY AND MILITARY SERVICE

Understanding the attitudes of young adults is particularly important in evaluating the concern that removing the ban will adversely affect recruitment. Nearly 60 percent of all new recruits in 1991 were 19 or younger, and 92 percent were under age 25 (OASD, 1992:18). Examining the attitudes of young adults is also worthwhile because nearly half of all service members (45.5 percent) in 1991 were under the age of 25 and more than two-thirds (68 percent) were under the age of 30 (OASD, 1992:51).

As stated previously, young adults tend to view homosexuality less negatively than older adults do. A 1986 *USA Today* poll of college students found that 44 percent believe homosexuality is immoral, while a corresponding 1986 ABC News/*Washington Post* poll showed that 66 percent of all adults believe homosexuality to be immoral.[10] A large majority of college students believe that sexual preference is one's own business (79 percent) and feel that homosexuals are entitled to the same protection against discrimination as other minority groups (74 percent) (Table 29).

A sign that college students are not supportive of the ban on homosexuals in the military is found in the actions of numerous colleges and universities in considering the elimination of ROTC programs from campuses until the ban is removed. While few universities have

[10]More recently, a 1992 Yankelovich poll found that 54 percent of the adult population believes that homosexuality is immoral (Table F-3).

Table 6-1

"Do you agree or disagree with the following statement: 'Homosexuality is incompatible with military service.'" (Gallup, July 1993. N = 1002)

Agree	48%
Disagree	49%
No opinion	3%

Table 6-2

"In order to deal with the issue of gays in the military, some people have proposed a plan called 'Don't Ask, Don't Tell.' According to that plan, the military would no longer ask personnel whether or not they are homosexual. But if personnel reveal that they are homosexual, they would be discharged from the military. Is that a plan you would support or oppose?" (Gallup, July 1993. N = 1002)

	Support	Oppose	No Opinion
Total	48%	49%	3%
Those who believe homosexuality is incompatible with military service	61%	36%	3%
Those who do not believe homosexuality is incompatible with military service	36%	62%	2%

gay issue," 1993). Herbert Chilstrom, Bishop of the Evangelical Lutheran Church in America (ELCA) compared the issue to the ordination of homosexuals. In a recent letter to the President, Chilstrom stated that the ELCA does not ban homosexuals from becoming pastors, but instead relies on "a clear set of standards and expectations for all who are ordained. We judge them by their behavior rather than on the basis of sexual orientation" (Chilstrom, 1993). On the other hand, Southern Baptists have come out firmly against removing the ban. Consistent with their opposition to extending civil rights to homosexuals, a recent statement by the Southern Baptist Christian Life Commission expressed opposition to removing the ban out of a concern for its effects on the military and because "lifting the ban will give approval and support to an immoral, harmful lifestyle" ("Baptists Call for Keeping Military Ban on Gays," 1993).

terminated ROTC programs, opposition to the ban has taken the form of official statements by university representatives and student government organizations; withdrawal of university credits for ROTC courses and withdrawal of faculty status for ROTC instructors; bans against on-campus recruiting activities by Department of Defense personnel; and scheduled phase-outs of existing ROTC programs, barring changes in current policy.

College students are a select group of young adults. We expect college students to be more accepting of homosexuality than non-college students because of the strong relationship between educational aspirations/attainment and more positive attitudes toward homosexuality. Ninety-eight percent of the officer accessions and 99 percent of active-duty officers in 1991 held at least a bachelor's degree (OASD, 1992:69). If the available data on attitudes of college students are at all representative of recent officer accessions, they would suggest that young officers may be less condemning of homosexuality than their enlisted counterparts. As leaders in the Armed Forces, the attitudes of young officers toward homosexuality will play a critical role in the success of any change in the policy banning homosexuals from serving in the military. However, while nearly 20 percent of the total active force in 1991 held at least a bachelor's degree (OASD, 1992), the prime recruiting pool for the military is among high school graduates who are not in college; only 3 percent of enlisted accessions in 1991 had college experience (OASD, 1992:20).

A more representative picture of the attitudes of young males can be developed using the National Survey of Adolescent Males (NSAM). Unfortunately, the NSAM does not contain questions on attitudes toward homosexuality, comparable to those available from national surveys of adults. The NSAM does, however, ask respondents their level of agreement with the statement "I could be friends with a gay person." Table F-30 presents the proportion agreeing with this statement by varying personal characteristics. Overall, 40 percent of adolescent males agreed, "a lot" or "a little," that they could be friends with a homosexual person. The same general patterns seen in the adult population of acceptance of homosexuals among different social and

demographic groups also hold for adolescent males. Agreement that one could be friends with a homosexual person was lower among blacks (30 percent), Baptists (32 percent), people from the South (35 percent), people from rural areas (32 percent), and those having lower educational aspirations (28 percent) (Tables F-30 and F-7).[11]

No survey of young adults asks questions on both attitudes toward homosexuality and intentions for military service. However, using data from the Monitoring the Future study, we can compare intentions to enlist among a sample of high school seniors with those background factors shown above to be associated with negative attitudes toward homosexuality. In Table F-31, we see that among high school seniors, intentions to enlist are positively correlated with being black, male, from the South, and Baptist. Those with intentions of enlisting also have somewhat lower educational aspirations.[12] Those who actually enlist appear to also have somewhat lower socioeconomic backgrounds than their peers (OASD, 1992:45-46). These characteristics are all correlated with less tolerance toward homosexuality. On the other hand, those with intentions to serve in the military are not disproportionately conservative or Republican, do not appear to be particularly more religious, and are representatively dispersed between rural and urban areas.

We must be cautious in inferring the attitudes of young adults who plan to enlist from the attitudes of adults in those demographic groups overrepresented among those planning to enlist. More negative attitudes toward homosexuality among all adults sharing a background characteristic does not necessarily mean that those young adults who

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[11]The differences between regions and religious backgrounds in the proportion who could be friends with a homosexual person observed in the NSAM are generally not statistically significant. We report them here because they are consistent with differences observed in other surveys reported in this chapter.

[12]The relationship between propensity to enlist and educational aspirations is reversed among high school graduates not in college. Non-student high school graduates who expect to receive more education are more likely to enlist than those who do not expect to receive more education (Hosek, Peterson, and Eden, 1986). Overall, those who enlist have lower educational aspirations than high school seniors but higher educational aspirations than non-student high school graduates.

share this background characteristic and plan to enlist are also more negative. This exercise can only hint at what the attitudes might be among those intending to enlist.

Further, those with intentions to enlist are not the same as those who actually enlist. A substantial portion of those who enlist initially express negative intentions to enlist (Orvis, 1982). Even among those expressing a similar intention to enlist, either negative or positive, differences exist in the probability of actually enlisting. Among high school students expressing similar intentions of enlisting, those from lower socioeconomic groups, blacks, and those not on a college track are more likely to carry through with their intentions (Orvis and Gahart, 1985). These characteristics are also correlated with lower acceptance of homosexuality.

Accepting these caveats, we expect those with intentions to enlist and those who do enlist to be somewhat more negative toward homosexuality. The primary differences between those who enlist or intend to enlist and their peers are race, gender, and educational aspirations. Differences in educational aspirations are particularly important as they provide the most substantial variation in attitudes toward homosexuals. However, with regard to many other characteristics observed to be associated with substantial variation in attitudes on homosexuality among the adult population, those who plan to enlist appear remarkably similar to their peers.

GENERAL CONCLUSIONS ON PUBLIC OPINION

We draw three conclusions from this review of the available public opinion data:

1. The majority of Americans disapprove of homosexuality. It is difficult to state the exact proportion who disapprove of homosexuality, as the level of disapproval varies according to the characterization posed by the survey question. An overwhelming proportion believe sexual relationships between two adults of the same sex are "always wrong," but only a narrow majority believe homosexuality is immoral and that it should not be considered an acceptable alternative lifestyle.

2. Many individuals separate their personal convictions about homosexuality from their beliefs about the civil rights of homosexuals. A clear majority of Americans believe that, in the abstract, homosexuals should have equal rights in terms of job and housing opportunities; but support for equal employment rights weakens slightly for positions in which an individual might have close, personal interaction.

3. Public attitudes on whether homosexuals should be permitted to serve in the military are generally consistent with public attitudes about the civil rights of homosexuals. The general public is more accepting of having homosexuals employed as sales persons than having homosexuals serve in the Armed Forces, but less accepting of having homosexuals employed as doctors, clergy, teachers, or members of the President's Cabinet. Roughly half of the population believe that enlistees should not be asked about their sexual orientation and that homosexuals should be allowed to serve in the military; but, similar to the social distance from homosexuals that some wish to maintain in the larger society, a portion of those believing homosexuals should be allowed to serve also appear uncomfortable with having openly homosexual service members. However, roughly the same proportion support allowing openly homosexual persons to serve as support a "don't ask, don't tell" policy, just as many of those who reject the argument that homosexuality is incompatible with military service also reject the "don't ask, don't tell" policy.

7. RELEVANT MILITARY OPINION[1]

INTRODUCTION

The popular press and recent Senate hearings have provided a window into the military perspective on maintaining or removing the ban on homosexuals in the military. They have led to the same impression--"the military," from top brass to new recruits, is overwhelmingly opposed to allowing homosexuals to serve. While many do feel this way, opposition is not universal. Some military members have advocated removing the ban, others have expressed willingness to go along with whatever is decided, while others are strongly opposed to making any change at all. Some have predicted the demise of the military if the ban is removed, while others have expressed the belief that the military would adjust to this change, as it has adjusted to changes in the past.

In this chapter we discuss findings about the views of military members on removing the ban, based on two sources of information: opinion surveys carried out by the *Los Angeles Times* and by sociologists Charles Moskos and Laura Miller of Northwestern University and the results of group discussions with military members carried out by RAND staff in the United States and in Germany.

It is important to note that these sources do not provide a statistically representative view of the opinions and concerns of military members about removing the ban: The surveys we cite here are the only ones we found that asked members of the military their opinions on the subject.[2] However, these surveys are limited in scope, use

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[1]This chapter was prepared by Sandra H. Berry, Jennifer A. Hawes-Dawson, and James P. Kahan, with the assistance of Neil Fulcher, Larry Hanser, Joanna Zorn Heilbrunn, Peter Jacobson, Raynard Kington, Paul Koegel, Janet Lever, Samantha Ravich, Peter Tiemeyer, and Gail Zellman. The authors also wish to acknowledge the considerable assistance of the reviewers of this chapter, Deborah Hensler, Susan Hosek, and Tora Bikson.

[2]Because of restrictions on access to military members and the need to use information provided by the services or the Department of Defense for sampling, very few surveys of military members are carried out without the cooperation of the military. We contacted the in-house survey research groups at each of the military services and at the

convenience sampling methods rather than probability sampling to select respondents, and, in some cases, include questions that are poorly worded and unclear. Thus, the results may be biased in important ways. RAND's group discussions included only a small number of people and participants were not randomly selected. Therefore, it is not appropriate to use the survey or focus group results to quantify military opinion in any rigorous way. Rather, the results should be viewed as indicating the general directions and range of opinions and attitudes of military personnel. The remainder of this chapter discusses results from both data sources, first the survey results and then the focus group results.

***LOS ANGELES TIMES* SURVEY**

The *Los Angeles Times* surveyed 2,346 enlisted men and women (E-1 through E-9) during February 11-16, 1993.[3] These respondents were obtained outside 38 military facilities in the continental U.S., including U.S. Army, Navy, Marine Corps, and Air Force bases. The sampling method can be characterized as a variation on the "mall intercept" approach.[4] Potential respondents were approached by interviewers at off-base commercial and residential sites and asked to fill out an anonymous and confidential survey. (The specific topic of the survey was not mentioned by the interviewer.) Quota methods were used to ensure selection of appropriate numbers of males and females; blacks, whites, and Latinos; and age groups. Results were subsequently

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Department of Defense and verified that they had not conducted any surveys on the topic of removing the ban on homosexuals in the military, in part, due to a ban on such research by the Department of Defense. This ban on research has been recently lifted. We also conducted computerized searches of the social science literature to identify any published studies not carried out under the auspices of the military and found none.

[3]A more detailed description of the methodology for this survey and the list of questions asked are included as Appendix G.

[4]This is a common market research technique that involves interviewers approaching potential respondents in a public place, such as a shopping mall, and inviting them to participate in an interview. There is a strong self-selection bias inherent in this method--people with a strong interest in stating their views, especially about very controversial topics, are most likely to respond positively to the invitation.

weighted to reflect distributions by branch of service, gender, race, age, education, and marital status, as reported by the Department of Defense. The actual sample included 728 personnel from the Army, 591 from the Navy, 488 from the Marine Corps, and 539 from the Air Force. No data on statistical significance were provided.

Limitations

As the *Times* notes, this kind of poll has certain limitations: only persons who were present at the off-base interviewing sites could be interviewed and the opinions of those who were not asked or who declined to participate may differ from those who were interviewed. There is no way to evaluate the magnitude or direction of bias that may have been introduced by the use of these methods. Response rates would be difficult to interpret in the context of the mall intercept method and were not provided by the *Times*.

Nevertheless, the strength of these results is the fact that they include an appreciable number of enlisted personnel obtained at a variety of locations. Further, while the questionnaire is a structured way of gathering information and the quality of results is determined, in part, by the quality of the questions, a self-administered survey does allow respondents a measure of privacy in expressing their views that is not present in other forums for expressing opinion.

Findings

Background of Participants. Most respondents indicated that they were religious (64 percent)(Item G-27),[5] secure in their finances (67 percent)(Item G-26), and middle-of-the-road in political matters (52 percent). About 25 percent rated themselves as politically conservative and 21 percent rated themselves as liberal (Item G-29).[6]

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[5]The items noted in parentheses in this chapter are identified by the letter of the appendix in which they are listed. The letters G and H do not appear on the actual entries in Appendixes G and H.

[6]In the 1991 National Opinion Research Center General Social Survey of U.S. adults, 93 percent of respondents expressed a religious preference and 52 percent indicated they had a strong or somewhat strong religious preference. Twenty-nine percent of respondents characterized themselves as liberal, 40 percent as moderate, and 32 percent as conservative.

Overall, 74 percent rated themselves as satisfied with life in the military today (Item G-7) and 61 percent felt the military had fulfilled the commitments it made to them (Item G-12). But 65 percent were concerned that current Administration proposals for downsizing the military were "going too far in a still dangerous world" (Item G-10) and 60 percent were worried about the effect of downsizing on themselves and their careers (Item G-11). Only 43 percent rated as adequate the programs and services for helping "victims of downsizing" get going in civilian life (Item G-13), and 47 percent were confident they could get a secure, well-paying civilian job in a relatively short time if they left the service in the next few months (Item G-14).

On other issues concerning the military, 58 percent overall approved of women taking combat roles, including 55 percent of males and 79 percent of females (Item G-15). Forty-five percent felt that sexual harassment was an important issue in the military (44 percent of males and 55 percent of females)(Item G-25).

Views on Removing the Ban. Overall, only 18 percent expressed approval of removing the ban on homosexuals in the Armed Forces (4 percent approved strongly and 14 percent approved somewhat) while 74 percent disapproved (59 percent strongly and 15 percent somewhat). Eight percent said "don't know." This is in sharp contrast to the 40-50 percent of the public who believed the ban should be removed (Item G-17). (See the chapter on public opinion.)

More males disapproved of removing the ban than females (76 vs. 55 percent), more combat personnel disapproved than noncombat personnel (80 vs. 69 percent), and more whites and Latinos disapproved than blacks (78 percent, 76 percent, and 64 percent, respectively). The services differed somewhat in their level of disapproval; 74 percent for the Army, 69 percent for the Navy, 86 percent for the Marines, and 74 percent for the Air Force.

Reasons for Opinions About Removing the Ban. Respondents were asked to check off two reasons for their view about removing the ban from a list of possible reasons printed on the questionnaire. Different lists of reasons were supplied for those who did and did not support removing the ban. Of the 18 percent who *approved*, 58 percent cited

discrimination as one of the two main reasons, 23 percent said it was not important to them that homosexuals be banned, 19 percent said homosexuals were no different than heterosexuals, and 2 percent said there were already homosexuals in the military (Item G-18).

Of the 74 percent who *disapproved*, 63 percent opposed sharing quarters and facilities with homosexuals, 40 percent said homosexuality was immoral, 28 percent cited contribution to the spread of AIDS, and 21 percent said it was against their religious views. Fifteen percent felt that homosexuals were less reliable in a combat situation, and a total of 9 percent of respondents chose all other reasons, such as morale, causing conflict, cost of facilities, threats of violence, and wanting equal rights as married persons (Item G-19).

Both those who favored and those who opposed removing the ban were asked how concerned they were personally about the possible impact of permitting homosexuals to serve in the military. Most indicated they were worried--36 percent very worried, and 32 percent somewhat worried. However, 18 percent indicated they were not too worried and 10 percent were not worried at all. Overall, males were more likely to express worry than females (70 percent very or somewhat worried for males vs. 51 percent for females)(Item G-20). Marines were more likely to express worry than the other services--77 percent for the Marines vs. 67 percent for the Army, 65 percent for the Navy, and 70 percent for the Air Force.

They were also asked how likely it would be that homosexuals would be subjected to violence if allowed to serve. Most (81 percent) said violence would be likely. Fifty-five percent said it would be very likely and 26 percent somewhat likely (Item G-22). Respondents in the Marine Corps were most likely to predict violence; 91 percent indicated it was very or somewhat likely, compared with 78 percent for the Army, 84 percent for the Navy, and 78 percent for the Air Force. (The issue of violence related to removing the ban is discussed in Appendix J.)

Overall, 19 percent said they were currently serving with someone they believed was a homosexual (18 percent of men and 29 percent of women)(Item G-24). This figure differed by branch of service: 16 percent for the Army, 28 percent for the Navy, 10 percent for the Marines, and 18 percent for the Air Force.

Potential Effect on Reenlistment. Table 7-1 shows the potential effects on predicted enlistment decisions of removing the ban on homosexuals. Whether or not the ban is in place, only 28 percent report definitely ruling out reenlistment. With the ban in place, of the 72 percent who remain, 29 percent say they definitely *will* reenlist, 34 *may* reenlist, and 9 percent *don't know*. If the ban is removed, another 10 percent indicate that they will definitely *not* reenlist, and, of the 62 percent who remain, 44 percent say they will still consider reenlisting and 18 percent say they don't know (Items G-16 and G-21).[7]

Table 7-1

Military Reenlistment Intentions With and Without Ban on Homosexuals (percentages)

	If Ban Remains			If Ban Is Removed			
	Definitely Will Re-enlist	May Re-enlist	Don't Know	Will Consider Reen-listing	Will Not Re-enlist	Don't Know	Will Not Re-enlist No Matter What
Army	31	35	11	46	11	20	23
Navy	24	31	8	37	10	16	37
Marines	18	31	13	30	15	17	38
Air Force	35	37	8	54	9	18	20
Total	29	34	9	44	10	18	28

Source: *Los Angeles Times* Poll, Study #307--United States Military Survey, March 1, 1993.

MOSKOS/MILLER ARMY SURVEYS

Between February 1992 and December 1992, Charles Moskos and Laura Miller, sociologists from Northwestern University, surveyed a total of 2,804 enlisted personnel and officers from six Army bases in the continental United States and one overseas base (Somalia) to collect survey data on the attitudes of Army personnel about women in combat and

[7]Reenlistment intentions have been found to be strongly related to actual behavior, although not perfectly predictive of it. The results described here are discussed as part of a broader view of recruitment and retention in the chapter on that subject.

race relations. As part of this survey respondents were asked a question about homosexuals in the military.[8] The sample was stratified to ensure selection of appropriate numbers of combat and noncombat personnel from a variety of military units and occupational specialties. Quota methods were used to select appropriate numbers of males and females, enlisted and officers, and blacks, whites, and other races. Women were oversampled so that the survey sample would yield roughly equal numbers of females and males. Efforts were also made to sample military members who had Persian Gulf experience as well as those who did not. The actual sample included 1,420 males and 1,384 females. Response or refusal rates would be difficult to interpret in this context and were not provided.

Potential survey respondents were selected by Army personnel at each site and invited to attend a group survey session, which was typically held in a large auditorium or testing room. Each participant was asked to complete an anonymous self-administered survey and to return it directly to Laura Miller, who conducted each survey session. The survey, conducted in December 1992, with 471 males and 470 females at two posts, used the single attitudinal item plus an expanded series of questions about homosexuals in the military.[9] We report results from these surveys below. No data on statistical significance were provided.

Limitations

There are several limitations to the Moskos/Miller Army survey data. First, like the *Los Angeles Times* Survey, the Moskos/Miller Army surveys relied on convenience sampling methods, rather than strict probability sampling to select respondents and did not weight the results. Therefore, it is not possible to generalize their findings to the entire Army military population. Second, the surveys were conducted at a small number of Army sites, so there is very limited geographical representation in the survey sample. Third, the sample did not include

[8]The question was, "How do you feel about the proposal that gays and lesbians should be allowed to enter and remain in the military?" Response categories were Strongly Agree, Agree, Disagree, Strongly Disagree, and Not Sure.

[9]The wording of these items is contained in Appendix H.

senior officers; only grades 0-3 and below were invited to participate in the survey. Despite these limitations, the Army survey data provide useful insights concerning the opinions and concerns of the survey participants about lifting the ban. As the authors note, the Army surveys (as well as the *Los Angeles Times* Survey) "will be useful not so much for percentages per se, but to ascertain how [the views of] various subgroups will affect policy implementation" (Memo from Charles Moskos to Bernard Rostker, "Discussion Points on DOD Policy Options Regarding Gays and Lesbians," dated May 7, 1993).

Findings and Conclusions

Views on Removing the Ban. As shown in Table 7-2, 76 percent of males and 43 percent of females disagreed with the proposal that homosexuals should be allowed to enter and remain in the military, while 17 percent of males and 44 percent of females agreed with that proposal. Proportions were similar across surveyed bases (Item H-11b). These results are generally consistent with the results in the *Los Angeles Times* survey, except the women in the Moskos survey were more positive about homosexuals in the military than were those in the *Los Angeles Times* survey.

Table 7-2

Percentage Distributions for Agreement or Disagreement with Proposal That Homosexuals Be Allowed to Enter and Remain in the Military

	Males	Females
Agree Strongly	6	17
Agree	11	27
Not Sure	7	12
Disagree	12	14
Disagree Strongly	64	29
Total	100	100
Number in sample	1420	1384

Source: Miller, May 1993.

Note: Recalculations of overall percentages based on individual percentages and sample sizes reported by military post. Typographical error in the published tables in Miller (May 1993) corrected per telephone conversation with Laura Miller.

In their December 1992 survey, Moskos and Miller asked more detailed questions of a group of 941 officers and enlisted personnel. When compared with the Army as a whole, the respondents largely reflected the makeup of the Army in terms of gender and race, but slightly overrepresented lower rank enlisted personnel and underrepresented officers (01-03). In this portion of the group, 18 percent of women and 9 percent of men indicated that they personally knew a male in their company who was homosexual (Item H-32) and 14 percent of men and 27 percent of women indicated they knew a woman in their company who was lesbian (Item H-33). Those who thought they knew someone in their unit was homosexual were *more favorable* toward allowing homosexuals to serve in the military than those who did not. Among men, 22 percent who knew someone in their unit was homosexual were favorable, compared with 16 percent of those who did not know someone in their unit who was homosexual. For females, the comparable figures were 52 percent vs. 40 percent (Table 13 in Miller, 1993). Miller reports that 6 percent of men and 17 percent of women indicated that they felt that a soldier of the same sex had made a sexual advance toward them; however, the question she asked does not specify whether this advance was welcome or not welcome to the recipient, nor does it specify the nature of the advance, which could range from a joke to a physical assault (Item H-34).[10]

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[10]The problems with this item point to the difficulties of measuring the extent to which any sexual harassment, let alone same-gender sexual harassment, occurs in the military context. However, two studies based on large stratified random samples of military personnel have reported information on same-gender sexual harassment. The first, a 1988 survey of over 20,000 active duty members from all four services and the Coast Guard focused on sexual harasssment at work and was reported by Melanie Martindale (1990). The second, a 1989 survey of over 5,600 active duty Navy personnel that focused on sexual harassment while on duty and while off duty but on base or ship, was reported by Amy Culbertson, et. al. (1992).

Martindale reported that 17 percent of males and 64 percent of females experienced sexual harassment (described in the survey not as "sexual harassment" per se but as "uninvited and unwanted sexual attention received at work") from someone (male or female) in the year prior to the survey; 17 percent of females and 3 percent of males indicated they had experienced harassment that was of a "serious" form, i.e., pressure for sexual favors or attempted or actual rape or sexual

Views on Homosexuals as Fellow Soldiers. When presented with a forced choice between being in a foxhole or working on their normal job with either an opposite-sex soldier or a same-sex homosexual soldier (as shown in Table 7-3) most males indicated they would prefer to be with a female than a homosexual male fellow soldier, whether in a normal work situation or in combat. In contrast, a majority of females indicated no preference, and a large minority would prefer to have males as fellow soldiers. A very small proportion would prefer to be with a same sex homosexual soldier, a smaller proportion than those who volunteered a preference for being alone, given the other alternatives presented.

General Views on Homosexuals in the Military. Miller (May, 1993) reports the results of a series of agree/disagree items on attitudes toward homosexuality and homosexuals in the military (Item H-37a-l). Table 7-4 summarizes the results, showing the proportion of males and females who indicated they agreed or strongly agreed with each statement. The results clearly indicate high levels of discomfort with

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assault. Other less serious harassing behaviors included a range from whistles, calls, jokes, etc., to touching and cornering the victim. Gender of the perpetrator was asked only for the *single instance of sexual harassment during the previous year that had affected the respondent the most;* 16 percent of females and 8 percent of males reported that a serious form of harassment was part of this instance of harassment. Unfortunately, the only data provided by the authors on the gender of the perpetrator by gender of the victim include the entire range of behaviors from most to least serious: One percent of females and 30 percent of males indicated that this harassment was perpetrated by one or more persons of the same gender as the victim of the harassment, but Martindale cautions that these incidents do not necessarily refer to homosexual events. The survey collected no data on the sexual orientation of perpetrators.

The conclusion, based on Martindale's cross-service data, that while females are much more likely to be the victims of sexual harassment than males, female-to-female harassment is much less common than male-to-male harassment, is also supported by the Culbertson, et al. report on Navy personnel, although this report uses a more restrictive definition of sexual harassment and finds correspondingly lower rates of reported experiences of sexual harassment.

Same-gender sexual harassment fits the same pattern in the civilian workplace. Over 20,000 federal employees were surveyed in 1980 by the U.S. Merit Systems Protection Board. Only 3 percent of women reported they had been harassed by other women, in contrast to 22 percent of male victims reporting harassment by one or more men. Gender of perpetrator was not included as a question on the MSPB's 1987 survey.

the prospect of working or living with homosexuals and that, in this population of soldiers, males were much less accepting than females of homosexuals, along most dimensions. However, an overwhelming majority

Table 7-3

Proportion of Males and Females Preferring Each Type of Fellow Soldier

	In a Foxhole		On Current Job	
Prefer To Work With:	Men	Women	Men	Women
Opposite sex	51	42	69	39
Doesn't matter	27	56	21	57
Same sex homosexual	5	2	2	1
Prefer to be alone	17	1	9	3

NOTE: Based on interviews with 471 males and 470 females reported by Laura Miller, May 1993.

of soldiers (72 percent of males and 87 percent of females) agreed that the private behavior of others was not their concern, while fewer, 38 percent of males and 29 percent of females, indicated that they expected homosexual soldiers to attempt to seduce other soldiers. About a quarter of the males and half the females felt that sensitivity classes would be useful to promote acceptance of homosexuals in the military.

CONCLUSIONS FROM BOTH SURVEYS

The surveys we reviewed found that the opinions of a large majority of enlisted military personnel are against allowing homosexuals to serve. Women hold less unfavorable views about it than males. Unfavorable opinions appear to be mainly related both to fears about having direct contact with homosexuals in facilities and quarters and to disapproval of homosexuals on moral and religious grounds. A minority in the *Los Angeles Times* survey expressed concern with the process of removing the ban, such as conflict, violence, and financial cost, although most predicted that violence against homosexuals would occur. Only 15 percent of respondents to the *Los Angeles Times* survey expressed

direct concern about the job performance of homosexuals, indicating concerns that they are not as reliable in combat situations. The Moskos/Miller survey of Army personnel indicated that while homosexuals were not generally considered to be desirable unit members, most survey

Table 7-4

Proportion of Males and Females Indicating They Strongly Agree or Agree with Each Statement

	Males	Females
a. I would feel uncomfortable if there were some homosexuals in my unit.	76%	35%
b. I would feel uncomfortable having to share my room with a homosexual.	90%	62%
c. Homosexual males make me more uncomfortable than lesbians.	75%	9%
d. What people do in their private sex lives is no business of mine.	72%	87%
e. Allowing openly homosexual soldiers in the Army would cause some problems, but we could manage.	33%	53%
f. Allowing openly homosexual soldiers in the Army would be very disruptive of discipline.	75%	49%
g. Homosexuality is abnormal and perverted.	73%	43%
h. It is all right for homosexuals to be in the Army as long as I don't know who they are.	25%	32%
i. Openly homosexual soldiers will try to seduce straight soldiers.	38%	29%
j. Allowing homosexuals in the Army will increase soldiers' acceptance of gays and lesbians.	26%	39%
k. We need sensitivity courses on accepting homosexuals in the Army.	24%	48%
l. In the event of a draft, homosexuals should be drafted the same as heterosexual men.	40%	65%

Note: Compiled from Tables 8 and 9 in Miller, 1993.

respondents felt that private sexual behavior was none of their business and less than 40 percent of males and 30 percent of females felt that heterosexuals would be subject to sexual advances by homosexuals. Other survey results indicate that number would probably be much lower.

However, in the *Los Angeles Times* survey findings, the ban on homosexuals was not the only concern of military members. When asked to indicate the two top problems facing the U.S. military today, before any specific topics were discussed in detail, 52 percent picked troop cuts and downsizing vs. 48 percent who picked lifting the ban on homosexuals (Item G-8). When asked toward the end of the questionnaire if the issue of permitting homosexuals in the military was "getting the attention it deserved," only 23 percent felt it was, while 66 percent felt it was "draining attention from other more important issues facing the military" (Item G-23).

FOCUS GROUPS CONDUCTED BY RAND

As part of our attempt to understand the beliefs and attitudes of service members, we conducted 18 focus groups in the United States and Germany. Focus groups were carried out with Army, Air Force, and Marine participants at three California installations and with Army and Air Force participants from several installations within driving distance of Frankfurt, Germany.[11]

Method

Separate groups were conducted for officers,[12] non-commissioned officers (NCOs),[13] and enlisted personnel.[14] To the extent possible each group was varied with respect to gender, race, and service occupation.

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[11]Although no focus groups were conducted with Navy personnel, project staff visited naval bases and talked informally with personnel there.

[12]Almost all were Second Lieutenants, First Lieutenants, Captains and Majors.

[13]Included Sergeants through Sergeant Majors in the Marine Corps and the Army and Staff Sergeants through Chief Master Sergeants in the Air Force.

[14]Included Privates through Lance Corporals in the Marine Corps, Privates through Privates First Class in the Army, and Airman Basic through Airman First Class in the Air Force.

Each group had between 7 and 11 participants; most groups had 9 or 10. The method of choosing participants varied considerably depending on the particular installation visited. At one site, volunteers were solicited by the local military command to tell the researchers how they felt about allowing homosexuals to serve. At another site, participants were selected randomly from a computer file of unit personnel. For most sites, the officer in charge chose several work groups and asked them to provide two or three people each. Thus, we can make no claim for the representativeness of the focus group participants.

Although we requested that prospective participants not be told in advance that the focus groups were about allowing homosexuals to serve, virtually all participants appeared to know the topic of conversation. A few participants (from the installation that solicited volunteers) brought written statements of their positions; others mentioned at the end of the session that they had discussed the matter with their peers before attending. However, very few participants mentioned homosexuals or the restrictions before the project staff introduced the topic.

All focus groups were conducted in a meeting room on post, with only project staff (usually including males and females) and participants in attendance. Permission was obtained from participants to take detailed notes of the sessions, on condition that no statements would be identifiable with the individual or units in attendance. Other than these notes, the groups were not recorded in any way. Focus group leaders (usually two leaders in each group and one note-taker) used a written protocol to guide the discussion, although the participants often departed from the protocol in bringing up and discussing issues that concerned them. Each session lasted about an hour and a half.

The protocol was designed to lead gradually into the topic of homosexuals in the military, in order to understand that issue in the larger context of military life. Therefore, we began by asking participants to comment on their living and working conditions, focusing on rules and expectations for behavior, how well people got along, reasons for conflicts that arose, and how conflicts were resolved. Focus group leaders probed for the roles leaders (both NCOs and officers) played in resolving conflicts. They then turned to a

consideration of what factors led to effective performance in work groups and how cohesion was fostered in work groups, probing to explore how important it was to like and socialize with co-workers. During these context-setting discussions (which took half to three-quarters of the session), we asked questions to see whether and how differences in race and gender and other characteristics could cause problems and how these problems were resolved.

The topic of homosexuals in the military was introduced with reference to the proposed removal of the ban, and reaction was elicited in light of the previous topics of living conditions, working conditions, and the causes and resolutions of conflict. We asked an introductory question about whether participants personally knew any homosexuals who were currently serving at their installations. For those who did know any such service members, the focus group leader asked whether the sexual orientation of these individuals was widely known, and how these individuals were treated within the unit. This led to a discussion about the participants' beliefs and attitudes regarding homosexuals, their service in the military, and the appropriateness of the ban. Finally, we asked what advice participants would give military leaders in the event that homosexuals were allowed to serve.

We present our findings as much as possible in the words of the focus group participants. However, we have edited these words to remove any identification of participants by gender, rank, or branch of service, unless such identification is critical to understanding the context of the opinion. Since we are dealing with a small, nonrepresentative sample of service members, we consider the views expressed as descriptive of the range of opinion among service members and of how they formulate the issues of the military experience of everyday life, working groups, racial and gender differences, and homosexuals; we do not attempt to quantify responses. It is also important to realize that people sometimes have reasons for taking positions in groups that may not completely reflect their individual views or strengths of opinion about the issue. For example, some people may be more concerned with maintaining social solidarity with other members of the group who feel more strongly about the issue than they do

(Allport, 1958) or they may simply need to express their own self-concept by exaggerating their position (Herek, 1987).

What the Participants Told Us

Living and Working Conditions. Not surprisingly, participants had a range of complaints about their living and working conditions. Complaints about living conditions included poor quality of physical facilities in terms of heating, lighting, noise, maintenance, etc., as well as lack of privacy. Lack of privacy in barracks housing included being subjected to inspections and unit rules as well as having roommates and lack of choice in roommates. Lack of privacy in married housing included the need to share common spaces with other couples and families as well as noise and cleanliness. Many participants living in barracks expressed a desire to live off post, while others lived off post only because of a shortage of housing on post and resented the expense involved. In units where people both worked and roomed together, participants expressed a sense of feeling trapped and unable to escape from normal stresses of life in the military; this was especially true at remote posts. For example one soldier commented: "I get away from [installation] every chance I get. I don't like my roommate; he's a slob...We have nothing in common, don't like the same kind of music, don't have the same opinions, he's a Democrat, I'm a Republican." When asked if they worked together as well, he commented further: "Yes, we work together. My attitude is "work is work," but I don't want to deal with the military when I'm off work." Another soldier commented: "Contrary to what they tell you, it's not like a civilian job because of the restrictions they put on you. You can't go beyond 75 miles from base; in a civilian job people don't come in and check your home every night."

On the other hand, they recognized that living and working together made sense in terms of having the same daily schedules and feeling some trust that belongings were secure in the barracks.

> *First participant:* You try and keep a platoon together. Nine out of ten who work together get along, so the rooming situation is fine...Problems can arise if you put in a cook who has to get up at three or four in the morning.

Second participant: In addition to rooming people who work together, one reason for keeping the group together is also security of personal items. There's less likely to be theft of personal belongings.

Rules in living quarters appeared to be quite varied and were set according to the branch of service, the particular installation, and sometimes the platoon or unit customs. Thus, some military members were allowed to have liquor in their rooms and others were not. Some were allowed to have opposite sex visitors in private, whether the visitors were constantly escorted or not; others could have them only if visitors were constantly escorted; and others not at all or only on special occasions.

Rules about music and decorations also varied, although most indicated that understood standards did exist in their units and were enforced by unit commanders.

One exchange between participants in an NCO group went as follows:

Leader: What happens if one roommate has very conservative values and another wants to hang soft-core porn on the wall?

First participant: If they are both roommates, if it bothers one then the other has to take it down.

Second participant: I take another route. Regulations allow soft-core porn. So, if regulations allow it, then the two must work out an agreement. I can't ask someone to remove something allowed by regulations.

First participant: You have to go by the regulations, but you have latitude within them. People have different leadership styles, but whatever the commander says, goes.

Third participant: Regulations are clear cut, but 'leadership' is using the discretion that is given to you. You can use the discretion wrong, but you're earning your pay by using the discretion.

Complaints about working conditions centered on long hours and, to some degree, inequities in work assignments between military and civilian staff and between males and females, as well as lack of appropriate recognition. Many commented on the arbitrary quality of

work assignments, with their work schedules dependent on the desire for advancement of the officer in charge and on his or her willingness to make decisions. For example: "The work situation ain't that bad, but you don't get off until 7(PM) when you're finished [with your work] at 4:30(PM). The chain of command is scared to make decisions."

In contrast, most commented positively on the atmosphere of teamwork in work groups and the professional, goal-oriented quality of military tasks, "When you're at work, you're talking about your work. You don't talk about your personal life." They felt that working together built mutual respect and appreciation for each others' strengths and weaknesses as well as an ability to cooperate and get jobs done: "You get proficient at what you're doing and you get into a rhythm and become close, tight knit, and you get it done. The [military] is always testing you, but you become a unit with pride and camaraderie in your unit."

Conflict in Living and Work Groups. Sources of conflict in living quarters and work assignments included clean vs. messy people, religious, racial, and political differences, alcohol use and abuse, and tastes in music and leisure activities. These conflicts were expressed in a variety of ways and sometimes resulted in violence. While most indicated they were encouraged to work conflicts out among the parties directly involved, they also cited instances of intervention by unit commanders and other officers to resolve such conflicts, especially if violence was involved. As one participant described it, "There's all sorts of process over only a few punches. MPs (military police) get involved. Then your time, money, and ability to get away is taken away." The same soldier related this story:

> I came in and hung a Confederate flag in a room with two black roommates. I was told it was racist by an officer, but I viewed it as being the same as the black image stuff my roommates had hung, African flags and stuff...I fought taking it down. It went really far up in the chain of command. My roommates were not the ones mainly objecting, the officer was.

Options for dealing with such conflicts included both putting the people involved together in their quarters and on their work assignments

in an effort to force them to come to terms with each other, as well as changing room and work assignments to accommodate irreconcilable differences. Repeated involvement in such conflicts was considered grounds for questioning fitness for military service. "If you can't get your job done, you'll be in trouble. If you can't work with people, you'll be in trouble."

Enlisted personnel indicated that such conflicts were commonplace, and officers indicated that they spent considerable time and thought on such problems. However, neither group seemed particularly surprised or concerned about such conflict, seemingly expecting it in heterogeneous groups like the military. One commented: "The problems in the military are no different than in the rest of society, it's just that there's more daily contact between diverse persons, which causes more conflict."

In fact, many mentioned exposure to different kinds of people as a positive feature of military service. "I come from a small town in Oklahoma. Everyone is the same: white Baptist. They've never had to deal with blacks, Mexicans, Chinese...The (military) has changed my conception of these people." Another commented, "Ten years ago I would never have worked for a black person, now I've got no problem with it."

Racial Conflict. Most participants acknowledged the existence of racial tension in the military while expressing a belief in zero tolerance for expressing such conflict. "In living together a soldier can complain about what another does, but not who he is." Several NCOs commented in response to the leader's question about how they handled racial conflicts: "You change the attitude, don't accommodate, make attitude adjustments...You make it plain you will not tolerate it and he needs to live with it and adjust to it." Racial comments or other kinds of discrimination were not regarded as acceptable. "What you do is stop it. Directly tell them to stop and it is unacceptable."

Living and working together were regarded as helpful to the development of better relations: "A lot of it stems from not knowing what the other guy is all about. Contact breaks that down," and, "It's all about respect. When you develop a team, they develop a respect that transcends race. Team members look beyond race. Utopia is teamwork. Once you get out of that, it breaks down back at the garrison when

they're not at work." While participants expressed few problems working with people of different races (unless there was a language difference), many indicated that they did not socialize with people of other races after working hours. One man in a mixed-race marriage commented that he had experienced no problems because of this in the military, although he had in civilian settings.

The importance of leadership in dealing with conflict was strongly emphasized. "Leadership tells you what is black and what is white, so you know what the line is and so you know when you cross the line." "They have to know that the standard is there and if it is violated it will be enforced and that the person will not be retaliated against for reporting violations of that standard." Leadership training was cited as a major factor in the ability to foster teamwork and cohesion, "We prep leaders extensively before they assume control of individuals. All get training for technical, management, and communication skills." "Plus you make mistakes and learn from mistakes, discuss the situation with your peers; someone has gone through it and will share with you."

Gender Conflict. While most participants felt comfortable with the issue of race in the military, this was not true of gender. While an NCO group first asserted that: "We treat them like another soldier, if they don't do the job they're out," both men and women at various levels described differences in degree of acceptance and the need to prove themselves, difficulties in perceived ability to do their work, and inequities in work assignments. One woman commented: "Women out in the field are the ones trying to prove themselves, either they feel like they've got to prove something or they are being forced to prove something." While some men commented that women could not carry their weight and got easier assignments as a result, others observed that women were more dependable and mature and that they could be trusted to complete assignments with less supervision. One male NCO commented: "There are some [who can do the job], but in general, women cannot handle it physically." However, another male NCO observed, "Females mature quicker, they ask smarter questions, learn quicker, are more coordinated, and listen more." Some commented that day-to-day relationships were more difficult with women compared with men, "I have

no problem working with women until they start crying on the job," and "You get crybaby men as much as a woman, but you can always yell at a guy. Your hands are tied in dealing with women because of the threat of harassment. Men can be pulled from the desk if necessary, but not women. Women get cushier jobs."

Some officers commented that difficulties arose in combat situations when women were technically eligible for assignments, but senior officers were not willing to give them such assignments due to the possibility of their being killed or captured. This causes serious problems for the men, the women, and the unit commander involved. One male NCO related this experience:

> In Saudi Arabia, mixing sexes caused severe problems in teamwork, motivation, and discipline. Male soldiers were competing for the attention of females in the company. In situations with two females in a crew, you were limited in where you could deploy the team. Given two female drivers and two male drivers and a mission to send a team into a hostile situation, you had to send the males, because the view of the leadership is not to put women in a dangerous situation. It causes problems with how males then view the situation and the women...(Women) could have handled it, but no top leader wants to have the first female combat casualty on his hands.

In addition, there was discussion of the disruption in units caused by the men being attracted to the women, whether or not their feelings were returned, and by relationships between men and women if they developed within a work group. One commented: "It's too dangerous for women to be out on the line. Say you go to war and a woman rips her pants. The man next to her is not going to be concentrating on his job because he is going to be concentrating on looking through the hole in her pants." Women commented on the difficulties they had handling unwanted advances and the experience of being accused of homosexuality if they refused a male advance. One male sergeant summed up his views about women in the military: "When all is said and done, they cost more than they're worth. The divisiveness, sexuality things--headaches that come with it."

Discussion of Homosexuals in the Military

Raising the issue of homosexuals in the military brought a variety of reactions. In some groups, it provoked a very strong reaction ("Hiroshima" one group called it) and a heated discussion. In other groups, the discussion did not increase markedly in intensity. Participants in a few groups were unanimous in their condemnation of homosexuals in the military, while participants in most groups varied in the direction and intensity of their views.

Personal Experience with Homosexuals in the Military. In almost every group, one or more participants were able to relate stories about known or strongly suspected homosexuals they had encountered in the military. Although some concerned tragedies, such as deaths from AIDS or lovers' quarrels that ended in violence, or the personal discomfort the participant felt when the homosexual was around, others concerned homosexuals who were viewed as good soldiers.

Beliefs About Personal Contact with Homosexuals. Great discomfort was expressed about sharing quarters and facilities with acknowledged homosexuals, even by some people who were tolerant of homosexuals in general. Many viewed homosexuals as unable to control their sexual urges and unable to distinguish between those who would and would not welcome an advance. For example, "It's OK working with them before they come out or are caught, but I'm afraid to be in the showers with them afterwards. I felt like I was being stared at in the shower by someone who had come out." Or, "I'd be afraid to be in a foxhole with a gay person. I don't trust them. I'd be afraid that if I looked the other way, he'd do something" and "I'm worried that when I'm holding up a piece of armament, someone might come over and grab me." Some felt it would be a problem only in extreme situations, "What happens if we are deployed for an exceptionally long time? Sexual urges will cause problems at the worst possible time. A soldier shouldn't have to be watching his back for more than a bullet." Still others mentioned the effects of alcohol, "I knew a case where a person got drunk and fondled someone at a party" and "I took a report on a case where a kid was thrown off the third deck and didn't want to report why. He said he tripped and fell. He had gotten drunk and made a pass at his partner."

Others expressed concern about their own ability to deal with exposure to homosexual sexuality in ways that are considered acceptable for heterosexuality, for example, "I went into a room [in the barracks] and found a guy with a girl. I told them they had an hour and walked away. It would screw up my mind if I went into a room and it was a man with another man." Still others mentioned their beliefs that homosexual promiscuity would increase the risk of disease, "Homosexuality is promiscuous by definition, so [it] increases the problem of disease."

In contrast, others were more relaxed. For example, "Homosexuals don't try to convert you or rape you" and "A gay person knows a gay person. They're not going to hit on non-gays." Another reported that he and his fiancee engaged in recreational activities with a homosexual military couple. A third stated, "I could work with a homosexual--no problem. It's his behavior I have problems with. I'd have problems with either a hetero or homosexual roommate having 'mates' over. A good soldier, NCO, or worker, who doesn't try to influence people, based on that behavior, I have no problem." And a third participant once lived with his family off post where "the apartment I lived in had 8 or 10 gays. I seem to have learned that gays are OK. Before having lived with them I would have been real upset, but now I believe differently." Another commented, "I don't mind gays in the military, but I don't want to live with them. Not in the same room, but next door is OK."

Impact of Homosexuals on Performance of the Military Mission. There was a diversity of opinion about how homosexuals would affect military performance. While some made statements like "Readiness will go to shit in a few years," other participants mentioned homosexuals they knew who had been excellent soldiers. When faced with a "forced choice" of whether they would choose a homosexual or a drug addict to perform a critical task with, virtually all chose the homosexual, reasoning that they could rely on that person for consistent performance. However, knowledge of a homosexual's sexual orientation was widely thought to be disruptive; in general, known homosexuals would not enjoy the trust and respect of their fellow soldiers and would, therefore, be unable to function effectively: "You could know someone who's a great worker and you find out they are gay and you lose a lot of

respect for the person. You have to respect someone to get along on the job." Or "As long as people don't know about [a person's homosexuality], performance is the issue. If it's known, performance isn't the issue" and "[It] affects my job because I couldn't trust gays...I'd be watching him rather than my job...I'll kill him."

Part of the problem apparently lies in the unwillingness to follow orders given by known homosexuals: "I worked with a homosexual and not one man would do what he said. It's different in the civilian world, but in the military, given the way we live and have to rely on people the way we do, this is not the place for it"[15] and "Where are our rights? I can't quit [and] I can't be loyal if he's my Sergeant Major." However, another took exception to the often heard statement that "There is no way an officer can be good and gay." Still another noted that in Desert Shield, there was a specialist "who spoke seven languages. Everybody thought he was a gay, but he had the respect of his peers." Another commented on service members suspected to be homosexual, "We don't pick on them. They are soldiers. I don't think it will change much if they do their jobs."

Specific concerns were mentioned about combat effectiveness, including concerns about the safety of homosexuals: "If we go to combat and I'm in a position with a known gay who is wounded, I will not put my hands on his blood--he will die"; and about their own safety: "If the person next to you gets shot, you don't want to worry about whether they have AIDS." Favoritism, an issue that arises with heterosexual relationships and non-sexual relationships as well, was a concern: "The problem is having several homosexuals on a team and they're looking out for each other and favoring each other. This adds a new concern about cross-rank relationships" and "Look at the [name of ship]. On this ship there are homosexuals and lesbians to the extent that they have their own little groups. There is a major problem there with safety, efficiency, low morale, and reverse discrimination. Don't talk to senior officers or senior enlisted. Talk with junior sailors who have

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[15]This is a problem experienced by women as well: "Female soldiers have trouble getting male soldiers to follow their orders. Imagine what would happen if a soldier was gay."

to live and work in this environment. It's a bad situation." At the extreme was the fear, "I'm concerned that two guys will be in a Bradley [troop carrier] during a lull in a battle. When you need to count on them, they'll be having sex."

Religion, Morality, and the Image of the Military. One of the areas that generated very emotional discussion among some participants was the importance of military image and tradition, "The minute they step off the bus, they are handed a value system that they must adopt while they are part of the team. If you can't hang with that system, time to get back on the bus. Got people [in the military] who have lived with that system." The military image is both macho, "We're the ones who go in and kick ass," and morally upright, "The military is one of the most respected institutions in the country because of the morality of the service." Many people say they selected the military as a career for exactly that reason, "[I] came into the military because I didn't like how the corporate world worked. [I] want to be in a society with integrity to raise children" and "We work for high ideals. If we didn't, we'd get out and find a good-paying job."

Some participants articulated their strong religious objections to homosexuality as a troubling feature of lifting the ban: "[Homosexuality] is not humanly acceptable, it's unnatural, it's against the Bible," or "God made man and God made woman. Homosexual activity is immoral," and "It's a lifestyle; being a woman or a black is not a lifestyle. You can't tell me to accept a gay because that's a moral issue."

Participants were concerned that the image of the military would change if homosexuals were openly admitted, "People want their children to join the military because of what it stands for. If the military now becomes the social test for homosexuality, parents will be less willing to let their children join [and] the proportion of homosexuals in the force will increase disproportionately. [The military] will be viewed as a safe haven [for homosexuals]." Another participant observed, "I have a hard time thinking about the image of a military where two gay guys can be out sunbathing. What am I going to tell my son if he sees this and asks if it is OK?" and "No one will want to join the [military]. Morale will go down. We join because of the image,

because we do the job right, are macho." Even those who may not feel as strongly themselves urged us not to discount the importance of these views: "The hyper-religious make up a significant part of the military today and they don't support homosexuality."

Other participants commented that military life was a reflection of the real world already, "Kids are already exposed to gays," and "[My kids ask about the] single parent living with a live-in next door." Others reiterated the theme brought up in discussions about race: In the military, one experiences life beyond one's narrower upbringing.

A different minority of participants strongly favored lifting the ban because they found nothing morally objectionable to homosexual behavior. One respondent chose not to report two homosexuals observed in bed together "because I didn't think it should be anybody else's business." Another said, "If they're being discreet and they're doing the job, then I don't do anything."

A variation on the religious/morality theme was that of the illegality of homosexual behavior. Many participants agreed with such statements as "There is no place in the military for homosexuals"; "Homosexuality is sexual misconduct"; and "How can you let them in when it's illegal?" Others, though, noted with irony that "It's all right for a male soldier to commit adultery. Homosexual sexuality is similarly illegal, but supervisors don't treat it the same."

Some advocates of the ban believed that the issue was not that homosexuals were interested in military service, but that removing the ban was part of a broader homosexual political agenda: "This is a gay rights movement, they want to put it in your face. They want to come in so they can say they can come in," and "We're pawns, they want the military to accept it so they can get the rest of the country to accept it." These participants believed that the military was being forced to undertake something that civilians were unwilling to do, "We're the experimental testing ground," and "This is about symbolism. The population will listen to us; they will say this is not right."

Choice vs. Determinism of Sexual Orientation. Participants were divided as to whether they believed that sexual orientation was a choice or determined. On the one hand was "Gays have a choice and they choose

to be gay. It's a discipline thing." Another continued this line of thought, "It's a matter of self-discipline. If you cannot exercise self-discipline, how can you exercise unit discipline?" On the other hand was the belief, "If you're born to be gay, you're going to be gay" or the participant who recalled a service member who, upon being dismissed, stated that if he could change his orientation, he would. Whether one believed that homosexuals were homosexual by choice appeared to be only partially related to advocacy of the ban. While some participants stated that if homosexuality were shown to be biologically determined, their opposition to allowing homosexuals to serve would soften; others thought it would make no difference in how they felt. But a number did not see choice vs. determinism as a relevant issue: "The [military] discriminates on a number of characteristics, like drug use or being overweight. Discrimination on this basis is allowed, so the military should be allowed to discriminate on sexual orientation."

Effect of Allowing Homosexuals to Serve. There was a lot of confusion and disagreement about how much change would occur and what removing the ban would entail. Many participants feared the establishment of homosexuals as a protected class within the military, with minimum quotas for promotions and command slots and enlistment preferences or protected occupations: "What about promotions? Then we will have quotas for gays!" A variation on this theme was resentment of the potential financial costs of lifting the ban, including "How much money [will be spent] investigating deaths of homosexuals killed by friendly fire?" and other issues, "medical, processing complaints, sensitivity training ... at what added value? They add no value to the military."

On a different level, some participants were troubled by the logical inconsistency between allowing homosexuals to be in the military, but not allowing them to be honest about it even though it would cause problems, "I don't understand how you can accept gays without accepting their behavior. When a soldier is accepting an award, he should be able to bring his significant other, but it would shock the room." Another remarked, "At the age at which the [soldiers] are here,

they will act on their sexual impulses. Saying it's OK to be gay but not act on it is absurd."

Most believed that allowing homosexuals to serve would bring about a period of disruption and turmoil; there was considerable variation in prediction of the extent and duration. At one extreme, "We will do it, but it will destroy us. Our morale is already low now." Others believed that the military would solve this problem as it has solved others. Drawing a specific analogy between anti-homosexual feeling and racism, one participant said, "Racists are still in the service. We just find ways to deal with them. As long as people have prejudices, then you'll have victimization. [But] it's a melting pot; the service overcomes most prejudices well." Another participant said, "There will be lots of untenable situations, but we'll drive on." Another stated that "This will be a natural evolution."

Many cited the likelihood of violence against homosexuals. "It will be healthier for gays if they don't say anything. It will just be pain and heartache for gays," and "It's hurting them more than helping them by removing the ban, because they're going to get hurt. Personally, if they leave me alone it's OK. But it's already happening that when they come out they get beaten up." As one participant put it, "No sane gay person would come out--he would get slipped overboard." And in its extreme form, "Just give them a 'blanket party'[16] over and over until they leave. The drill instructor will not tell you to do it--but you will clean up your own. It's not what should happen, but it will happen."[17]

Many participants felt that allowing homosexuals to serve would not result in a flood of homosexuals declaring their orientation. Fear of violence, noted above, was one reason. But others offered up opinions that homosexuals would wait and assess the climate before venturing forth, and that many would not declare themselves for fear of disrupting their career advancement, even if there were no official sanctions:

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[16]A blanket party is a form of collective violence undertaken by a group of service members to teach an individual to conform. A blanket is thrown over the individual and he is beaten or worse.

[17]See Appendix J for a discussion of violence related to removing the ban.

"Those that are gay and have served have accepted [military] values. They know that if they come out it would cause problems," and "It's not going to be a mass of people coming out of the closet. It's not going to happen." Many said that they would be able to cope with the change if homosexuality were not flaunted and if they did not have to change their basic views. "Just don't parade it; I don't parade my heterosexuality," and "I will take action to keep law and discipline but I will not become a party to sanctioning that behavior."

Some participants feared that allowing homosexuals to serve would introduce a number of minor but inconvenient changes in military life. A number mentioned that having homosexuals around would introduce restrictions on conversational freedom that they already experienced from having women in their groups: "You'll have to watch what you say"; "I'd be worried about being drawn up for calling someone a fag at work"; "Females change the interaction and so will homosexuals. Before, we are a band of brothers. It will be different." Others wondered about the inequity of having male partners allowed in barracks when female partners were not.

A minority of respondents believed that allowing homosexuals to serve would significantly affect recruitment and retention. "If I had known, it would have affected my choice. Letting someone in who molests farm animals is next." When asked how he would handle the removal of the ban, one participant stated, "I can't. You'll get my resignation papers." Another predicted mass resignations but said he would stay, "We will all vote with our feet. It is a breach of our contract. I will stay, but we should be given the opportunity to leave."

Just as in the *Los Angeles Times* poll, many respondents believed that the ban on homosexuals was less important an issue to the military than the drawdown in force or reductions in benefits. But for many, the homosexual issue multiplied the intensity of feeling. "We've had drawdowns before, but this is different. Congress is perceived as hostile to the Armed Force, the President has made it clear we're third class citizens, and now they're attacking basic support systems that kept the military solid--retirement, health, commissary systems. Now military people are saying loyalty only goes so far." Or, "The military

feels like they've gotten no respect from Clinton; some respect would be appreciated."

Many acknowledged that the adjustment process had already begun; they were already grappling with their own feelings about homosexuals in the military. One described his views: "I'm a Southern Baptist and the Bible says people can't be gay. If you can prove these people are just people, maybe I can accept them, maybe I can't. I'm not saying 'don't put gays in the military,' just don't make it so big a thing." Another cited awareness of how homosexuals function in other arenas: "Analogies can be drawn to battlefield situations in police and emergency squads with blood and all. It boils down to a moral issue. And it will affect the cohesion of the unit. Personally, fairness is the issue for me, but personal feelings aside, I believe cohesion will be hurt. I believe the military will adjust; it has an incredible ability to adapt." Others just took a wait-and-see attitude while urging caution: "I can't say whether I'll have a problem with gays in the military until it happens. It's like learning to jump out of a plane. Wouldn't you rather take your first jumps at lower heights and build up to big heights?"

Advice on Implementing a Policy that Allows Homosexuals to Serve. A substantial proportion of the participants believed that the military would accomplish the mission if asked to accomplish the President's directive. They urged that it be done in a direct way: "If they're going to bring them in, go all the way. Don't put limits on their deployment and we'll grin and bear it." Or, "Treat everybody as humans." Others counseled minimizing the importance of the change: "Tread softly, don't make it a big issue ... Don't do it like, 'Here, bam!'" Others acknowledged that the presence of homosexuals who were already serving would make it easier to accept the change: "There have always been gays in the military; they're just like others. Some work out, some don't. If he performs, no one cares. Cross the line and he has to go."

Participants saw the need for strong leadership to achieve the change. This included training the trainers and clarifying harassment regulations. The participants who were equal opportunity officers saw

an increase in their workload and strongly felt the need for guidance from above.

A number of participants mentioned the need for loopholes to assist the adjustment process. These ranged from ability to choose roommates to an escape clause allowing people who are uncomfortable with the change to leave the service.

Conclusions from the Focus Groups

While there was a lot of diversity in opinions, some common elements emerged. First, the military members we talked with felt that they had dealt successfully with racial integration in the military and were proud of it. They seemed to feel that racial integration had strengthened the military's ability to perform its mission. They also seemed to deal well with the low-level interpersonal conflict that happens in the barracks and on the job. Soldiers viewed it philosophically as the price for diversity, which they seemed to value. Officers viewed dealing with it as part of the job they were trained to do and an area that provided considerable challenge.

Most acknowledged that the integration of women into the military was still causing problems, in part because it was incomplete. Males were uncertain about what could and should be expected of military women and reluctant to give them a full measure of respect. The interpersonal problems relating to women in the military were viewed as more complicated and difficult than those relating solely to conflicts among male soldiers. Female soldiers felt they had problems being accepted, especially if their MOS[18] strayed from more traditional female roles. Still, most group participants viewed women as there to stay and were confident that problems would eventually be worked out to a tolerable degree.

When the issue turned to homosexuals in the military, our group participants' level of confidence in their ability to cope dropped sharply. While some could view the change with equanimity, many had difficulty imagining the consequences and viewed the problem in stark terms (e.g., "Hiroshima"). They apparently could not see how the

[18]Military Occupation Specialty.

conflict management skills they had learned in response to other problems would apply to this new situation (although this was in direct opposition to the "can do" attitude they had articulated earlier in the group sessions), and there was widespread agreement that violence against homosexuals in the military was occurring already and would increase if the restriction were lifted. In addition, while they had (for the most part) incorporated the presence of minorities and women into their image of the military, they had much more difficulty seeing how homosexuals could fit in without changing the military beyond recognition and compromising its ability to carry out an effective national defense.

They also saw allowing homosexuals to serve in the context of the larger problem of post-Cold War downsizing of the military and the reductions in career opportunities and benefits it entails. They viewed themselves as stressed and under-appreciated, with this change as one more piece of evidence that the civilian world neither understood nor respected their importance.

Conclusions About Military Opinion

All the evidence indicates that a substantial majority of males in the military are very much opposed to letting homosexuals serve. Females in the military appear to be less opposed, although there are many who are also strongly opposed. While some of those who are opposed are merely uncomfortable about the prospect of being around people they know are homosexual, especially in quarters and facilities, others are openly hostile toward homosexuals. Many say that they expect military effectiveness to deteriorate in the short term due to the inclusion of known homosexuals in work groups and over the longer term due to changes in traditional patterns of enlistment and reenlistment in the military.

Concerns about removing the ban center around fears of special treatment of homosexuals, fears that homosexuals will band together and discriminate against heterosexuals, fears of being subjected to unwelcome sexual advances, and fears about their families and themselves being confronted with evidence of a lifestyle they regard as immoral.

Many predict that violence against homosexuals will occur if they are allowed to serve.

The concerns expressed by both soldiers and officers are particularly strong against a backdrop of change in the military, including downsizing and cutbacks in military benefits. Many perceive their own opportunities to be shrinking and resent what they see as extending rights and benefits to an unworthy group that is using the military for political and social advantage.

These concerns would have to be dealt with as part of a policy that ended discrimination based on sexual orientation. Based on the experiences discussed in the context of racial and gender integration in the military, this could best be done through strong leadership, equitable treatment, and clearly articulated expectations for behavior, combined with little tolerance for deviation from expected behavior. Reinforcement of the military's ability to adapt to change and to perform even in adverse circumstances would also be useful.

8. ISSUES OF CONCERN: EFFECT OF ALLOWING HOMOSEXUALS TO SERVE IN THE MILITARY ON THE PREVALENCE OF HIV/AIDS[1]

Focus groups with active-duty personnel (see the chapter on military opinion), surveys of military personnel, testimony at Congressional hearings, and media reports have raised the concern that allowing known homosexuals to serve in the military would increase the prevalence of Human Immunodeficiency Virus (HIV) in the military and compromise the military blood supply. To assess this possibility, this chapter addresses the following questions relevant to HIV/AIDS in the military and the likely effects of allowing homosexuals to serve:

1. What is the epidemiology of HIV/AIDS in civilian and military populations?
2. What is the Department of Defense's (DoD's) HIV/AIDS policy?
3. Would there be an increase of HIV infection in the military?
4. Would active-duty personnel become infected from contact with HIV-infected blood?

THE EPIDEMIOLOGY OF HIV/AIDS

HIV infection is difficult to contract. The virus must pass from the blood, semen, or other bodily fluid of an infected person into the body of another. Even then, it will not necessarily cause an infection.[2] In the United States, the disease has been most frequently diagnosed in men who have had sex with men and in injection drug users who are exposed to blood when sharing needles and syringes. HIV has also spread by transfusion of blood products, especially to hemophiliacs. Since the mid-1980s, however, blood has been screened for HIV, and so transfusion has become an atypical mode of transmission. Mothers can pass it to their newborns, either before birth or during breastfeeding. The virus is also transmitted through heterosexual

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[1]This chapter was prepared by Mark A. Schuster and David E. Kanouse.

[2]HIV actually refers to a family of viruses, of which the two major strains are HIV-1 and HIV-2. HIV-2 is rare in the United States. In this chapter, we use the term HIV to refer to HIV-1.

sexual activity, which is the major route of transmission worldwide. It appears to pass more easily from a man to a woman than vice versa, and the presence of other sexually transmitted diseases (STDs) may increase the likelihood of transmission (Ward and Drotman, 1992).[3]

People are typically not diagnosed with AIDS until years after they become infected with HIV; the median incubation period (the point at which 50 percent have developed AIDS) is between eight and 11 years after initial infection (Ward and Drotman, 1992). Therefore, shifts in trends for new HIV infections will not be reflected in AIDS diagnoses for at least several years, if not a decade or more. Unfortunately, it is difficult to track new infections because many people do not get tested for HIV, and most states do not report positive HIV tests to the Centers for Disease Control and Prevention (CDC).[4]

HIV/AIDS in the U.S. Population

Over a quarter of a million people in the United States have been diagnosed with AIDS,[5] and probably over a million are infected with HIV (including those who have not yet developed AIDS). AIDS has been much more prevalent among men than women, and among blacks and Hispanics than whites. The 30- to 39-year-old age group has had the largest number of people diagnosed with AIDS (CDC, 1993). In 1990, AIDS was the second leading cause of death among men aged 25 to 44 years old, and the sixth among women in the same age group (Selik et al., 1993). The percentage

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[3]Despite some continuing concern over infection through casual contact with an HIV-infected person, the virus is not transmitted in this way. An Army study (Chesney et al., 1992) showed that many personnel were uninformed or misinformed about activities that have no or very low risk, such as shaking hands or being coughed on. This pattern of knowledge is consistent with studies of the civilian population and, among military personnel, continues despite high levels of general knowledge about HIV, including the ways it is most likely to be transmitted, the meaning of a negative test, and the fact that someone who is HIV-positive can look healthy.

[4]A comparison of HIV tests to AIDS diagnoses in states that report both to the CDC reinforces the trends already seen in AIDS data: heterosexual sexual activity is accounting for a growing percentage of new infections and an increasing percentage of new infections are among women and blacks (Fleming et al., 1993.)

[5]Eight million people are believed to have AIDS worldwide.

of cases diagnosed in the United States each year is growing among women, blacks, and Hispanics.

We do not know the prevalence in the United States of AIDS among people in each of the major exposure-risk groups, the most important of which currently are men who have had sex with men (including homosexual men[6]) and injection drug users. We know that homosexual men account for many AIDS diagnoses, but we do not know what percentage of homosexual men have AIDS, because we do not know how many homosexual men there are in the United States. Nor do we know how many injection drug users there are in the United States.

What we do know is the fraction of people with AIDS who belong to each of these risk groups. Table 8-1 shows the distribution of AIDS cases reported during the year ending March 31, 1993, by risk group. A comparison of these data with similar data for calendar year 1986 indicates that the demographics of the HIV-infected and AIDS populations are changing. Over this period, the percentage of annual AIDS diagnoses made in men who have had sex with men declined from 65 percent to 49 percent,[7] while the percentage who contracted it from heterosexual sex rose from 1.5 percent to 9 percent.[8] Among people aged 20 to 24, many of whom probably became infected as teenagers, the fraction in 1992-1993 whose exposure was through heterosexual sex was even higher--16 percent. In this group, 45 percent of diagnoses were in men who have had sex with men.

HIV/AIDS in the Military Population

By the end of 1992, data from the Office of the Assistant Secretary of Defense for Health Affairs (OASD/HA) show that a total of 8,621 active-duty personnel had tested positive for HIV (Table 8-2). When DoD first began its testing program, active-duty personnel had never been

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[6]See the chapter on sexual orientation and behavior for a discussion of the difference between homosexual orientation and conduct.

[7]An additional 5 percent of AIDS diagnoses were made during the year ending March 31, 1993 in men who have had sex with men and have been injection drug users.

[8]1986 data supplied by CDC, and CDC (1993).

Table 8-1

U.S. AIDS Diagnoses Reported During the Year Ending March 31, 1993

	All Ages (71,196)	20-24 yrs (2,428)
Men who have sex with men	49%	45%
Injection drug use	24%	15%
Men who have sex with men and inject drugs	5%	6%
Hemophilia/coag disorder	1%	4%
Heterosexual contact	9%	16%
Blood transfusion	1%	1%
Child who has mother with/at risk for HIV	1%	--
Other/undetermined	9%	12%

Source: CDC, 1993.

Table 8-2

HIV Positive Tests Among Active-duty Personnel[a]

	Army	Navy	Marine Corps	Air Force	Total
1985 (Oct-Dec)	164	138	12	31	345
1986	1,127	1,269	157	300	2,853
1987	851	621	66	451	1,989
1988	375	448	67	168	1,058
1989	297	243	45	134	719
1990	280	244	51	77	652
1991	220	214	42	74	550
1992	137	216	32	70	455
Total	3,451	3,393	472	1,305	8,621

Source: OASD/HA.
[a]Reported as of February 8, 1993.

tested before, so people who tested positive included those who had ever seroconverted,[9] whether before or after entering the service. Therefore, the number of personnel found to be HIV-positive during the first few years was much higher than in subsequent years, reflecting the extended period of exposure before testing. After several years, however, virtually all personnel had been tested at least once, either upon accession or while on active duty, so the annual incidence of HIV-

[9]Seroconvert means that the person is infected with HIV and that the blood contains antibodies to HIV that can be detected by the standard HIV test.

positive tests now indicates people who have seroconverted relatively recently. The number of people who test positive for HIV has been decreasing in all services, and totaled only 455 in 1992.

The Army makes available the most comprehensive HIV data of the services. To facilitate a more accurate comparison of annual data, it reports HIV seroconversion rates for people with a prior negative test, and it reports these rates in terms of person-years.[10] The Army finds a pattern generally similar to that of the military as a whole. Rates dropped significantly from 1985-1987 to 1987-1988, and have leveled off since (Table 8-3). Though the Navy has a higher rate of HIV per person-year, it has also reported a similar decline (Garland et al., 1992).

Table 8-3

Rates of HIV Positivity Among People Who Had a Prior Negative Test, Army

Nov 85 - Oct 87	.43/1000 person-years
Nov 87 - Oct 88	.29/1000 person-years
Nov 88 - Oct 89	.23/1000 person-years
Nov 89 - Oct 90	.24/1000 person-years
Nov 90 - Oct 91	.27/1000 person-years
Nov 91 - Oct 92	.25/1000 person-years

Source: Renzullo et al., 1993.

As of August 1989, of 6,269 personnel who had been on active duty when they tested HIV-positive in the military screening program, 2,069 remained on active duty. The rest had retired, separated, or died. As of October 22, 1992, there were 1,722 people in the military who had tested positive for HIV.[11] Thus, the size of the HIV-infected active-duty population is declining, indicating that the number of HIV-infected

[10]The Army estimates the actual date of seroconversion as the midpoint date between the most recent negative test and the positive test. Person-years is a reporting technique that takes into account the amount of time between two tests. Thus, someone who has a positive test two years after a negative test contributes two person-years; a positive test six months after a negative test contributes half a person-year. This method controls for the variation in the frequency with which people are tested (McNeil et al., 1991).

[11]Data provided by OASD/HA.

service members who leave the military each year is larger than the annual number who test HIV-positive.

DoD does not routinely collect the behavioral risk factor data on HIV-positive personnel needed to compare risk factors in the military and civilian populations. In one Army study, interviews were conducted with 127 men who had seroconverted and 123 uninfected control subjects (Levin et al., 1992). All participants were asked about behaviors during the six months prior to the test. Among the seroconverters, 13 percent said they had had sex with men only, 30 percent with men and women, 55 percent with women only, and 2 percent were injection drug users who had had sex with women only. The controls had all had sex with women only; 3 percent also had injected drugs. That study should be interpreted with caution because it is a small sample and people may underreport behaviors that the military bans (even when the data do not identify the individuals studied). Since the controls were matched for age, race, rank, length of service, and exposure interval, they do not represent the whole population of uninfected Army personnel. Interpreting these findings is difficult. If the prevalence of homosexuality and bisexuality in the military is in the range of estimates for the civilian population, the results imply that HIV prevalence in the military is higher among homosexual and bisexual men than among heterosexual men--though the difference may be smaller in the military. Therefore, the results also point to the possibility that other risk factors, including heterosexual sex, may account for a relatively larger proportion of HIV in the military than they do in the civilian population.

The only data available on HIV-infected personnel describe basic demographics, and the Army again provides the most detailed data. Over the seven years of testing through 1992, new seroconversions within the Army were significantly associated with gender, race/ethnicity, age, and marital status. As in the civilian population, males had a higher rate than females, though the difference in the Army was less pronounced. While rates among male soldiers declined over the seven years, rates for female soldiers have remained stable. Rates among blacks have been three to five times higher than among whites, though all racial

categories have experienced declines over time (Renzullo et al., 1993). Data from the Navy and Air Force also show higher rates among blacks than whites (Garland et al., 1992; Lucey et al., 1991). While HIV rates declined in the 20-34 year old age group, they did not decline among people under age 20 or over age 34. Black personnel under age 20 have been experiencing increasing rates each year; during 1992, the seroconversion rate for black teenagers was seven times the rate for white teenagers. Personnel who were unmarried were more likely to seroconvert than those who were married (Renzullo et al., 1993). Finally, occupational data through 1989 show that personnel in administrative and medical fields had the highest rates, while the fields with the lowest rates were combat arms, aviation, intelligence, military police, and mechanical maintenance (Withers et al., 1992).

THE MILITARY'S HIV/AIDS POLICY

The DoD relies on its testing program to prevent the entry of HIV-infected personnel, identify those who become infected while serving, and screen personnel for deployment. HIV testing, which is highly accurate, allows DoD to effectively limit the spread of HIV.

Who Is Tested?

DoD's policies for HIV testing are summarized in Table 8-4. All civilian applicants are tested before accession at a Military Entrance Processing Station (MEPS) or other initial point of entry to military service. Applicants for the delayed enlistment program are retested if 180 days have elapsed between the initial test and arrival at the entry point. Candidates for commissioning as officers are screened during their preappointment and/or precontracting physical examination and again as part of the commissioning physical examination. People who are HIV-positive are denied entry.

HIV infection among civilian applicants to the military has declined annually since the inception of the screening program in 1985, when 1.58-1.60 out of 1,000 applicants tested HIV-positive. (See Table 8-5.) In 1992, the rate had fallen to 0.44/1000. This decline may partly reflect self-selection on the part of applicants. Those who know

or suspect they are HIV-positive have an incentive not to apply, or, if they have not been tested, to seek anonymous or private testing first.

Table 8-4

Department of Defense's HIV Testing Policy

Type of Personnel	Testing Policy
Civilian applicants	• All are tested before accession.
Active duty	• Routine testing--Every 1-5 years, depending on service, age, occupation (usually with routine physical exams). • Deployment--Must have negative test within 6 months. In practice, many are retested shortly before leaving the country. • Targeted testing--For personnel seeking care at prenatal and STD clinics, and drug and alcohol programs, and for health care workers.
Reserves	• Tested with routine physical examinations, which vary in frequency depending on service, age, and occupation.

Source: Department of Defense (1991) and information supplied by the Office of the Surgeon General in the Air Force, Army, Navy, and OASD/HA, April and May, 1993.

Table 8-5

HIV-Positive Rate Among Civilian Applicants

	Rate per 1,000 Applicants
Oct 1985 - Dec 1985	1.58
Jan 1986 - Dec 1986	1.60
Jan 1987 - Dec 1987	1.41
Jan 1988 - Dec 1988	1.11
Jan 1989 - Dec 1989	1.04
Jan 1990 - Dec 1990	0.80
Jan 1991 - Dec 1991	0.73
Jan 1992 - Dec 1992	0.44

Source: Walter Reed Army Institute of Research.

Teenage applicants (under 20 years old) tested between October 1985 and March 1989 had a higher probability of testing HIV-positive if they lived in a densely populated county and in a metropolitan area with a

high incidence of AIDS. Rates were similar for male (0.35/1000) and female (0.32/1000) teenage applicants and higher for blacks (1.00/1000) than for Hispanics (0.29/1000) and whites (0.17/1000). The infection rate among applicants may be increasing in some teenage groups, such as black females, and declining in others, such as white males (Burke et al., 1990; Withers et al., 1992).

The DoD also periodically tests all personnel once they are on active duty, usually with physical examinations. The interval between routine tests varies from one to five years, depending on service, age, and occupation. The average time between tests for a soldier on active duty in the Army is about 16 months (Renzullo et al., 1993), and analysis of those who have had long intervals between tests does not reveal a greater likelihood of a positive test (Withers et al., 1992). In addition, all personnel must have a documented negative test within the six months prior to deployment or change in overseas assignment. Units about to deploy sometimes retest everyone rather than track down the date of each individual's last test. Some select military populations undergo additional testing, including patients at STD clinics, entrants to drug and alcohol rehabilitation programs, patients at prenatal clinics, and health care workers.

Applicants for Reserve components are screened during regular entry physical examinations or in officer preappointment programs. Those who must be appointed to enlist or must meet accession physical fitness standards to enlist are not eligible if HIV-positive. Testing is also done in the Reserves with routine physical examinations. Department of Defense civilian employees are tested as necessary to comply with host-nation screening requirements.

Accuracy of HIV Testing

DoD uses a standard procedure for HIV testing. Blood is first tested with an EIA,[12] which if positive, is repeated up to two more times (to decrease the chance of a false positive test, discussed below). If one of these repeat tests is positive, another test, the

[12]The EIA is an enzyme immunoassay. It is also known as an ELISA, an enzyme-linked immunosorbent assay.

Western Blot,[13] is performed, and if it is positive as well, the person is said to be HIV-positive (infected with HIV). If the Western Blot is indeterminate, supplemental tests are conducted. When a person's blood is found to be HIV-positive, the entire sequence is repeated on a new blood sample. The military services contract most of their HIV testing with outside laboratories, which undergo semiannual quality assurance inspections.[14]

Testing for HIV is exceptionally accurate. The percentage of HIV-positive tests in people who are truly infected with HIV and the percentage of HIV-negative tests in people who are truly not infected with HIV are both greater than 99.8 percent for the EIA and 99.6 percent for the Western Blot. The rates of false positives (positive test results on people who are not infected) and false negatives (negative test results on people who are infected) are correspondingly low. In a population in which one person in 1000 is infected with HIV, there will be 32 false positives per million tests (George and Schochetman, 1992). Burke et al. (1988) found even fewer false positives--about seven per million--in a study of a subpopulation of civilian applicants to the Armed Forces with a very low prevalence of HIV (i.e., a group more likely than most to have a high false positive rate). The percentage of false positives is particularly low in the military, not only because of the accuracy of the tests and the sequential testing procedure, but also because of tight quality control, verification of positive test results with a second blood sample, and the use of conservative criteria for interpreting Western Blots.

False negatives are also low. These can occur for technical reasons (e.g., the laboratory performed the test incorrectly) or for

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[13]The Western Blot is an immunoelectrophoresis test. The sequence of EIA and Western Blot tests is also referred to in the singular as the "HIV test."

[14]Currently, Damon Clinical Laboratories conducts HIV testing for the Army, Army Reserve, and the Accessions (MEPS) HIV screening programs. It uses Genetic Systems HIV-1 EIA for initial screening, an Organon-Technika EIA for repeat testing of blood reactive on the initial test, and a Cambridge Biotech Western Blot (information supplied by the Office of the Army Surgeon General); the Air Force and Navy use Abbott EIA. (Information supplied by the Office of the Surgeon General in the Army, Air Force, and Navy.)

biologic reasons (e.g., an infected person is not producing antibody to the virus). The former is rare: In a population in which one person in 1000 is infected with HIV, there will be eight false negatives per million due to technical error (George and Schochetman, 1992).[15] False negatives due to biologic reasons are most likely to occur because of the "window" period (Period A in Fig. 8-1): When a person becomes *infected* with HIV, he or she is not immediately *infectious* (able to spread the disease to another person) and will not yet test positive on standard HIV tests. After a time, the person does become infectious but will still not test positive. Subsequently, the EIA will detect that the person is HIV-infected, and that person will be said to have seroconverted.[16] The CDC estimates that about 50 percent of people seroconvert (Period A) within 2.1 months of becoming infected, and 95 percent seroconvert by 5.8 months (Horsburgh et al., 1989; Longini and Horsburgh, 1989); the length of the window may be shorter now due to more refined testing methods.

While the length of the window period (Period A) is pertinent to screening out infected applicants, blood banks are concerned with the time between becoming infectious and testing positive (Period B), the period during which blood could transmit the disease but would not test positive. The CDC estimates that this period averages eight days for the current version of the EIA, which was released last year[17] (Petersen et al., 1993).

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[15]The proportions of false positives and negatives depend on the proportion of people in a population who are truly infected. As a disease becomes more and more rare in a population, the false positives increase and the false negatives decrease. As we will discuss below, military applicants have an HIV infection rate of 0.44 per 1000, which is lower than the one per 1000 used to calculate false positives and negatives here. Therefore, the expected proportion of false negatives would actually be fewer than eight per million, and the expected proportion of false positives would be somewhat higher than the calculated proportion. Nevertheless, as described in the text, the military's false positive rate was found to be even lower than calculated.

[16]Technically, seroconversion means the blood has produced antibodies to HIV, which the EIA can detect.

[17]The current EIA is the third generation of the test. Period B was estimated to average 28 days for the first generation EIA and 22 days for the second generation. The third generation thus provides a

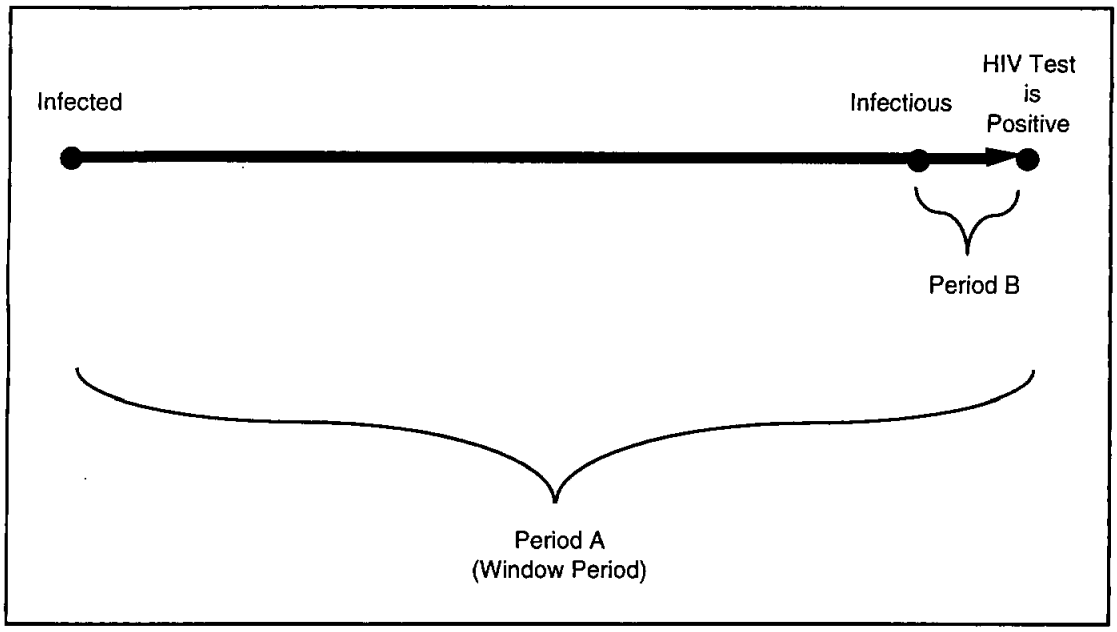

Figure 8-1—Window Period for HIV Testing

Procedures for Military Personnel Who Test HIV-Positive[18]

HIV-positive active-duty personnel receive an extensive initial medical evaluation and follow-up exams at least once a year. The military conducts contact tracing for beneficiaries of military health care and investigates blood donations to the military blood program. It also coordinates tracing with civilian public health authorities and blood banks, as allowed by law.

HIV-positive personnel continue to serve until they are no longer physically fit to do so, at which time they are retired or separated. They may be reassigned to protect the health and safety of themselves or others, and they can be transferred to nondeployable units or positions, because they cannot serve overseas. They may also be separated at their own request, subject to approval.

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significant drop in the already low risk of infectious blood not being detected at a blood bank.

[18]Information on procedures supplied by OASD/HA and Office of the Army Surgeon General (AFEB), and abstracted from Department of Defense (1991).

Personnel in the Reserves (not on extended active duty) who are HIV-positive must obtain a medical evaluation from a civilian physician. They are not eligible for extended active duty (duty for more than 30 days), with limited exceptions. Policy for retirement or separation is the same as for active-duty personnel.

An HIV-positive test result may not be used as an independent basis for any adverse administrative or disciplinary action, including punitive actions, under the Uniform Code of Military Justice. However, it may be used for actions based on certain types of claims (e.g., when the infected person has disregarded preventive medicine counseling or orders, and in a criminal prosecution against an HIV-positive person who committed a rape after being informed of the HIV test result). Epidemiologic information collected from HIV-positive people (e.g., sexual behavior, drug use) cannot be officially used against them.

IF HOMOSEXUALS WERE ALLOWED TO SERVE, WOULD HIV INFECTION INCREASE IN THE MILITARY?

Given the current policy of testing all military applicants and the accuracy of the test, allowing homosexuals to serve would not lead to an increase in the number of HIV-infected military accessions. Only recently infected people who were still in the window period (during which the HIV test is negative) would not be screened out. The absolute number of applicants who would be missed would be small compared to the total number of people annually found to be HIV-positive among active-duty personnel.[19]

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[19]We do not have the information needed for a precise estimate of the number of HIV-infected applicants who would not be identified by the test. A rough calculation suggests that even a doubling in the number of applicants who are tested during the window period would have a modest impact on the total number of HIV-infected people in the Armed Forces. In 1992, 154 applicants tested HIV-positive. Assume that for HIV-positive applicants the average length of time from infection to application for military service is 18 months, and that one-sixth of them are in the window period during which the infection would not be detected. In this case, 31 HIV-positive applicants would be undetected by the test. Since 455 active duty personnel tested positive for HIV in 1992, a doubling of HIV-infected applicants in the window period would increase their estimated percentage of this total from about 7 percent to 14 percent.

DoD's major concern is therefore to minimize the number of personnel who become infected once they are in the military. It is not possible to accurately estimate the likely effects on HIV infection rates among military personnel of allowing homosexuals to serve. The available evidence is too meager to conclude whether there would be a change, and if so, how substantial it would be. However, there are some generalizations that can be made from looking at sexual behavior in the civilian population, as well as from what is known about sexual behavior in the military.

Estimating Transmission Rates

The rate at which HIV infection will spread through sexual contact in a population depends both on biological factors such as infectiousness (i.e., the probability of transmission when there is sexual contact of a specified type between an infected person and an uninfected person) and on several factors that typically vary over time and across populations. Among the most important of these are:

- The proportion of persons in the population who are infected and patterns of sexual conduct between uninfected and infected individuals;
- Rates of sexual contact and new partner acquisition;
- Specific behaviors engaged in (high risk versus low risk);
- Use of condoms.

Models of the incidence of HIV transmission over time as a function of these factors show that uncertainty about the population parameters for even one factor can introduce great uncertainty about predicted incidence, even if good information is available about the other factors. More specifically, to predict the change in HIV transmission in the military if the policy regarding service by homosexuals changes requires information on: (1) how many more homosexual men and women would enter the military with a change in policy; (2) how they would behave in terms of the factors listed above; and (3) how many who would

have joined anyway (or who are already in) would change their sexual behavior if the ban were removed, and in what ways.

Unfortunately, little information is available on the number of homosexual men or women in current military populations, or on their sexual behavior.[20] Extrapolation from data on civilian populations is problematic for several reasons, including large variability in results from one region to another and the absence of any basis for assuming that homosexuals who choose to enter military service are similar to those who choose to participate in civilian studies, which are thought not to be representative even of the entire civilian homosexual population.

Risk Factors for HIV Exposure in the Civilian Population

The civilian studies referenced below do support some general observations that may be relevant here. First, homosexual women in the civilian population are at much lower risk of becoming infected with HIV than are heterosexual women and men and homosexual men, and there is no reason to think homosexual women in the military would have any higher risk. Therefore, any increase in the proportion of homosexual women would be expected to reduce, rather than increase, the incidence of HIV infection in the military. Second, it appears that, on average, homosexual men in the civilian population have a higher risk than heterosexual men of becoming infected with HIV as a result of their greater risk on three of the factors listed above, moderated somewhat by their lower risk on a fourth factor. There are three factors placing them at higher risk within the civilian population: (1) they are more likely to encounter infected partners; (2) they are more likely to engage in sexual activities that efficiently transmit HIV (receptive anal intercourse versus insertive vaginal intercourse); and (3) they appear to be more likely than heterosexual men to have more partners.[21] The factor reducing their risk is that they are more likely than

[20]The only data available describe lifetime behavior of ex-military personnel.

[21]Another shortcoming of the studies is the lack of a definition for the word "partner," which leads to ambiguity in the interpretation of the results.

heterosexual men (and women) to use condoms. We discuss what is known about these factors in the civilian population, in turn.

Number of Partners. The selected populations of homosexual men that have been studied have more partners on average than heterosexual men have, both in the short term and over a lifetime. RAND's anonymous telephone interview of a probability sample of homosexual and bisexual men in selected areas of Los Angeles County (Kanouse et al., 1991a) elicited information about the number of *recent* partners (in the last four weeks) for all respondents who indicated at least some sexual activity *in the past year*. A similar question was asked in a study conducted concurrently of the general adult population throughout Los Angeles County (Kanouse et al, 1991b), except that in the latter survey, the question was asked of all respondents who had been sexually active *in the past five years*.

Table 8-6

Number of Recent Sex Partners, Homosexual/Bisexual Men and the General Population, Los Angeles County, 1989-90

Number of Recent Sex Partners in Last 4 weeks	Percentage Distribution by Number of Partners	
	Homosexual/ Bisexual Men	General Adult Population
None	32.3	33.4
One	47.7	63.3
Two	12.7	2.0
Three or more	7.3	1.3
Total	100.0	100.0

Sources: Kanouse et al. (1991a, 1991b).

As Table 8-6 shows, homosexual and bisexual men are much more likely than others in the general adult population to report having two or more recent partners (20 percent versus 3.3 percent). The table shows that homosexual and bisexual men in Los Angeles County were about as likely as other adults to report having no recent partners and almost half of them had been monogamous during the past four weeks.

These data are especially useful because they are derived from probability samples from a well-defined area, the data were collected

recently enough to reflect any behavioral changes resulting from the AIDS epidemic, and the parallel surveys make possible a comparison of the same behavior in homosexual and bisexual men and the general population in the same metropolitan area at the same time. Limitations of these data include the limited geographic scope and the short window period in which partner counts were obtained. The data do not control for differences other than sexual orientation that may be related to number of partners, and as we discussed above, we do not know how respondents defined "sex partner."

Obtaining good data on the distribution of the number of sex partners over extended periods of time is more difficult, for several reasons. First, the ability of respondents to report accurate counts for longer periods of time is more questionable. Second, data from shorter periods cannot be extrapolated at the individual level into longer-term distributions because rates of partner acquisition cannot be assumed to be constant. Third, the cumulative distribution of lifetime number of partners has clearly changed as a result of the AIDS epidemic, especially in homosexual men (Turner, Miller, and Moses, 1989, pp. 134-136), and there may be other period and/or cohort effects as well. For that reason, the cumulated number of partners of those whose sexually active careers began before AIDS offers a dubious basis for projecting the cumulative number of partners that will be attained by men in more recent cohorts.

Studies of sexually active homosexual men conducted in the last few years have shown a substantial decrease in high-risk sexual behavior since early in the AIDS epidemic. For example, an epidemiological study of HIV among homosexual and bisexual men in Pittsburgh (the Pittsburgh Men's Study) found that the behavior of men who joined the study from 1988 to 1992 differed substantially from that of men who had joined in 1984 through 1985. In the youngest age category of men under the age of 22, the proportion who reported more than 25 partners in the last six months declined from 9.9 percent in 1984-1985 to 2.2 percent in 1988-1992.[22] The proportion of men in this age group who engaged in mutual

[22]Information supplied by Anthony Silvestre, June 1, 1993.

masturbation (an activity with no risk of HIV transmission) with at least half of their partners increased from 42 percent in 1984 to 80 percent in 1988-1992, while the proportion who engaged in anal receptive intercourse (the sex activity with the highest risk of HIV transmission) with at least half their partners declined from 45 percent in 1984 to 29 percent in 1988-1992 (Silvestre et al., 1993). The proportion who reported more than 1000 lifetime partners declined from 1.6 percent to 0 percent for men under age 22 and from 6.7 percent to 3.1 percent among men aged 22 or older.[23] Other studies have shown substantial reductions in numbers of sex partners of homosexual men in Chicago (Joseph et al., 1987), New York (Martin, 1987), and San Francisco (Winkelstein et al., 1987) during the mid-1980s.[24]

Condom Use. A second dimension of sexual behavior affecting the risk that sexual activity will result in transmission of HIV is the use of condoms. Stall et al. (1988) review 12 published and unpublished studies of behavioral risk reduction among homosexual and bisexual men in the United States during the period 1978 through 1987, some showing dramatic changes in sexual behavior. For example, the CDC (1987), reporting on a prospective cohort (group) of homosexual clients of STD clinics in San Francisco, found that the rate of engaging in receptive anal intercourse with nonsteady partners without condoms declined by a factor of 27 between 1978 and 1985. Martin (1987) found that the

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[23]Information supplied by Anthony Silvestre, June 1, 1993.

[24]The numbers reported here are lower than the numbers reported in Congressional testimony on March 29, 1993, which were drawn from Bell and Weinberg (1978). Dr. Weinberg, in a letter to Senator Nunn, states that: "Our work was drawn from a study in San Francisco in the late 1960's and early 1970's, where there was an "underground" in which a great deal of sexual experimentation and freedom -- straight and gay -- was the norm. The plural in the title *Homosexualities,* and the subtitle, *A Study of Diversity Among Men and Women,* mirror our aim: to show that homosexuals are as diverse in their social, psychological, and sexual profiles as heterosexuals are. We purposely tried to find the most extreme sexual patterns we could find. Of necessity, then, the study group was not broad-based either geographically or demographically; it was a snapshot of a particular study group, and could not purport to portray all homosexuals, then or now. As we stated in the preface to our book, a representative sample was 'not our interest' and 'We cannot stress too much that ours is not a representative sample.'"

percentage of episodes of receptive anal intercourse that were protected by condom use among a sample of homosexual men in New York increased from 2 percent in 1980-1981 to 19 percent in 1984-1985; subsequent follow-up showed further increases to 60 percent in 1986, and 71 percent in 1987 (Martin et al., 1989). Lesser changes were found in the Multicenter AIDS Cohort Study, a large nonrepresentative (convenience) sample of self-identified homosexual men in Pittsburgh, Chicago, Baltimore, and Los Angeles (Fox et al, 1987).

Despite these reductions in risky behavior, some studies have found that many homosexual men continue to practice unsafe sex. Anal intercourse without condoms appears to be more prevalent among younger homosexual men. Stall et al. (1992) report that among 401 homosexual men interviewed by telephone in San Francisco in 1989, 44 percent of those 18 to 29 years old reported having had anal intercourse without condoms in the past year, compared with 18 percent of those age 30 years and older. A similar age difference has been found in the Pittsburgh Men's Study, described earlier. It is not clear whether the more risky behavior of younger men reflects maturational differences (an age effect) or an increase in risky behavior among those coming of age more recently (a cohort effect).

Estimating rates of condom use has proved to be a more difficult research task than estimating the incidence of vaginal or anal intercourse, because condom use tends to vary across situations and over time. People are more likely to use a condom when they engage in sex with a non-steady partner rather than with a regular partner. In comparing the frequencies of condom use by homosexual men and heterosexual men, it is useful to take this into account. Unfortunately, studies that measure condom use report results in various ways, making comparison across studies difficult. Some report only on the proportion of the study sample who always or never use condoms, without attempting to quantify the behavior of the (often much larger) subgroup that uses condoms inconsistently; others combine condom use with other "safer sex" behaviors, or report only on the incidence of use or nonuse without giving both.

Among the few studies that estimate actual frequency of condom use and that provide somewhat comparable measures for homosexual/bisexual men and for heterosexual men and women are RAND's parallel surveys of homosexual and bisexual men and the general adult population in Los Angeles County, described above (Kanouse et al., 1991a, 1991b). Table 8-7 shows the average frequencies of vaginal intercourse (for

Table 8-7

Mean Frequencies of Vaginal Intercourse Among Heterosexuals and of Anal Intercourse Among Homosexual and Bisexual Men in Los Angeles County, 1989-90 by Type of Partner and Condom Use

Type of Partner	No. of Respondents	Mean No. of Times (4 weeks)	Percent With Condom	Percent Without Condom
Heterosexual Men and Women (Vaginal Sex):				
Married	520	5.3	13	87
In other primary relationship				
Exclusive	186	7.0	24	76
Not exclusive	55	8.1	46	54
Neither married nor in primary relationship	176	1.6	48	52
Homosexual and Bisexual Men (Anal Sex):				
Married or in primary relationship with a woman	34	0.9	45	55
"Married" to a man	13	6.3	50	50
In other primary relationship with a man				
Exclusive	49	4.6	51	49
Not exclusive	28	5.5	40	60
Neither married nor in primary relationship	134	0.5	81	19

Sources: Kanouse et al. (1991a, 1991b).

Note: Frequencies are for a four-week period before the interview. Means and percentages in the top panel are calculated for all heterosexual men and women who reported having been sexually active in the past five years and who indicated the frequency of vaginal intercourse both with and without condoms during the four-week period; means and percentages in the bottom panel are calculated for all homosexual/bisexual men who reported having been sexually active in the past year (bottom panel).

heterosexuals) and anal intercourse (for homosexual and bisexual men) reported by respondents for the four-week window period immediately before the survey, according to type of partner and whether a condom was used. Heterosexuals who were unmarried but in an exclusive primary relationship reported using condoms for vaginal intercourse 24 percent of the time, whereas homosexual and bisexual men in such relationships reported doing so 51 percent of the time. Similarly, heterosexuals who were not married or in primary relationships reported using condoms 48 percent of the time, compared with 81 percent for homosexual or bisexual men.

Trocki and Leigh (1991) report on a mail survey conducted in 1987 of 844 randomly selected adults aged 18 to 76 who responded to a survey mailed to 3,600 households drawn from a directory of the city and county of San Francisco. Part of their analysis focused on the practice of "safe sex," defined as condom use in vaginal or anal intercourse or engaging in sex that does not involve penetration--in encounters with new or occasional partners. Altogether, 241 respondents reported on a total of 336 events in such encounters. In 93 events reported by heterosexual men, safe sex was practiced 29 percent of the time; in 132 events reported by homosexual/bisexual men, safe sex was practiced 80 percent of the time. Results were the same when analyzed by respondent rather than by event. The investigators did not report on what proportion of the events were classified as "safe sex" by virtue of condom use as opposed to lack of penetration, but the differences by sexual orientation are nonetheless striking.

In the Pittsburgh Men's Study described earlier, 32 percent of homosexual men younger than age 22 and 31 percent of men aged 22 and older who engaged in anal intercourse reported that between 1988 and 1992 they used condoms "all the time" when doing so.[25] Data reported by Catania et al. (1992) permit us to compare these percentages with the percentages of sexually active heterosexual adults within the highest risk groups who reported using condoms all the time for vaginal intercourse. Of 803 respondents with multiple partners, 17 percent said

[25]Information supplied by A. J. Silvestre, June 16, 1993.

they used condoms all the time; of 229 respondents with a risky partner,[26] 13 percent said they used condoms all the time. This comparison is especially pertinent because it involves sexually active people in both groups who may have reason to be concerned about HIV transmission.[27]

As the above sampling of studies indicates, condom use is far from universal in any group, including homosexual and bisexual men. However, it seems clear from the literature that in the current post-AIDS era, homosexual and bisexual men--or at least those who perceive themselves as such--are more likely to use condoms in high-risk sexual activity than are heterosexuals. We now turn to what is known about sexual risk behaviors for HIV exposure among military personnel.

Sexual Risk Behaviors for HIV-Exposure Among Military Personnel

There is no evidence on the extent to which the generalizations from civilian studies of select samples of homosexual men hold for the sexual behavior of all homosexual men or of homosexual men in the

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[26]Respondents with a risky partner were those with a primary sexual partner, defined as the person the respondent had sex with most frequently in the past year, who had at least one of the following risk factors: positive for HIV infection, intravenous drug use in the past five years, nonmonogamous, transfusion recipient, or hemophiliac.

[27]Seibt and colleagues (1991) report results of a study indicating that sexual identity may have an important influence on condom use by men who have sex with other men. These researchers gave a self-administered questionnaire to 229 men visiting Dallas County Health Department clinics for anonymous HIV testing and counseling between January and June 1991 who reported ever having had anal sex with a man. Of 25 men who identified themselves as straight, 64 percent said they never used a condom, compared with only 16 percent of the 204 men who identified themselves as homosexual or bisexual. Mean scores on a five-point scale for frequency of condom use also differed dramatically (0.9 for those who identified themselves as straight, 2.7 for those who identified themselves as homosexual or bisexual, where 0 = "never", 1 = "almost never," 2 = "sometimes," 3 = "almost always," 4 = "always"). Although this sample is small and hardly representative, these results offer an important reminder that those who perceive themselves to be homosexual may have much different patterns of behavior from those who engage in same-gender sexual activity but perceive themselves as straight. Since the former are undoubtedly more heavily represented than the latter in studies of gay and bisexual men, caution is needed in generalizing from these studies to the entire population of men who engage in sex with other men.

military. It is possible that military contexts impose constraints on choices of sexual partners or types of sexual activity that have substantial effects on HIV transmission risk (e.g., an increase in tendency to choose partners from the screened active-duty force, which would tend to reduce risk by reducing the likelihood of encountering an infected partner). Allowing homosexuals to serve could also lead to a change in other behaviors that influence HIV transmission (e.g., transmission could increase if homosexual men engaged in more risky sex if it no longer carried a risk of separation from military service, or transmission could decrease due to a greater willingness to acknowledge homosexuality to health care providers and counselors, who could advise on ways to reduce risk).

To place the risk from changing the policy toward homosexuals in context, we reviewed the evidence regarding sexual behavior and risk of military personnel. There are very few sources of data on the sexual behavior of military personnel. By far the best is the 1991 Army-Wide HIV/AIDS Survey. This study used a two-stage random probability sample of over 18,000 active-duty personnel at 31 installations in the United States and Europe who completed anonymous, self-administered questionnaires.[28] The preliminary findings that have been made public are not weighted and are thus not necessarily representative of the entire active-duty force.

The study focused on sexual activities that serve as major routes of HIV transmission and on related risk factors, such as number of partners, likelihood of HIV-infection in partners, and history of STDs.[29] During the year prior to the survey, 7.6 percent of respondents reported 10 or more sexual partners (Temoshok et al., 1992). The

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[28]The survey had a 95 percent response rate among Army personnel present for duty, which equaled 74 percent of personnel assigned to the sampling units.

[29]Survey respondents, in general, tend to underreport information that could have negative social or professional consequences, so significant effort was made to assure respondents that their answers would remain anonymous. Items at the end of the survey asked respondents how much faith they had in the guarantee of anonymity and how honestly they answered the questions. Only 7.5 percent strongly disbelieved the survey was anonymous; about 90 percent said they answered sensitive questions honestly.

average number of sexual partners was four per person over the prior year and 28 per person over one's lifetime (calculated from data provided in Rundell et al., 1992). The average number of lifetime partners was higher than that found in representative national samples of the civilian adult population. Smith (1991), for example, found that the average number of partners reported since age 18 is 12 for men and 3 for women. The Army and civilian studies have two significant differences, which act in opposite directions. The Army has a younger population that has had fewer years to accumulate partners, whereas the Smith study excluded partners before age 18.

Although the mean number of partners reported by Army personnel may exceed the civilian mean, the National Survey of Men (Billy et al., 1993) showed that a sizable subgroup of men in the civilian population also had many partners (20 or more lifetime partners for vaginal intercourse); this subgroup ranged from 16 percent of 20- to 24-year-old men to 27 percent of 35- to 39-year-old men.

Number of partners is not the only factor influencing one's risk. The probability that those partners are infected and the likelihood that particular sexual acts will transmit HIV are also important. Unweighted data from the 1991 Army-Wide HIV/AIDS Survey showed that during the prior year 34 percent reported having one or more "one-night stands" (40 percent of them never used condoms with these partners), 6 percent had sex with one or more prostitutes (25 percent never used condoms with them), and 7 percent had sex with "anonymous" partners (24 percent never used condoms with them) (Temoshok et al., 1992).

We found no data on sexual behavior for the Air Force. The limited data for the Marines show a higher level of sexual activity with prostitutes during deployments to Korea and Thailand. In a survey of four units deployed in the Western Pacific (WestPac), 43, 48, 69, and 84 percent reported contact with prostitutes.[30] In one deployment, 66 percent agreed or strongly agreed that "having sex with 'bar girls' [prostitutes] is a normal part of the WestPac experience" (Hanson, 1991

[30]The 69 percent figure is from a deployment that included Army personnel along with Marines. Clarification of published data provided in personal communication by author.

and 1992). These survey findings cannot be generalized to behavior outside of a WestPac deployment.

STD rates provide a more tangible indication of sexual risk. Many STDs are transmitted through the same routes as HIV, and infection with some STDs (e.g., chancroid) makes it easier to become infected with HIV.

Accurate rates of STDs among active-duty personnel are not readily available. STDs treated by the military medical system are not always reported, either because of non-uniform reporting procedures or because of an effort to protect patients' privacy. Those STDs that are reported do not include STDs that are treated off-base. Overseas data suffer less from this bias than domestic data because there are fewer opportunities to seek health care off-base.

Despite the underreporting, available STD statistics are still informative. In the Army in 1987 (the most recent year for which every month's reports were provided), there were 15,785 new cases of gonorrhea (17.9 cases/1000 personnel) and 36,247 new cases of all STDs (42.5 cases/1000 personnel).[31]

These rates are well above the national average (3.2/1000 in 1987 (CDC, 1992)), but it is important to keep in mind that the demographic mix of the Armed Forces is different from that of the general civilian population. Many military personnel are in their late teens and early twenties, and this age group has the highest STD rates in the United States (e.g., the highest national gonorrhea rates are for ages 20 to 24: 15.6/1000 for males and 12.0/1000 for females in 1987). Blacks also have much higher STD rates than other racial groups (e.g., for gonorrhea, 20.0/1000 vs. 0.9/1000 for whites and 2.3/1000 for Hispanics in 1987),[32] but it is not known whether blacks in the Armed Forces contribute disproportionately to the military's high STD rates. To assess the potential importance of the differences in demographic mix

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[31]Office of the Army Surgeon General. These rates consist of the number of reported cases of disease in the year divided by the number of personnel in the Army. Therefore, if the same person contracts gonorrhea three times in one year, he or she will contribute three cases to the rate.

[32]Data on 1987 gonorrhea rates by demographic group supplied by CDC.

between the two populations, we adjusted the civilian gonorrhea rates to reflect the age, race, and gender mix of the Army. The adjusted civilian rate, 15.4/1000, was comparable to the military rate.[33]

Some individual bases have studied STDs among their personnel. STDs were tracked at Ft. Bragg over seven years. Gonorrhea and non-gonococcal urethritis rates have declined while syphilis rates have increased, producing an overall decrease in STD rates. (This trend matches national civilian trends.) However, the downward trend for gonorrhea was reported as either not seen or not sustained for young married persons (17-21 years old) and young black males. Syphilis increased in black males and females and white males, with the authors reporting a pattern suggestive of heterosexual transmission in both races (Magruder et al., 1992).

The most comprehensive military data on STDs come from self-reports, because these cover all STDs, regardless of site of treatment. Unweighted data from the 1991 Army-Wide HIV/AIDS Survey show that 14.5 percent reported at least one STD in the prior two years. The likelihood was greater in younger, black, female, unmarried, and enlisted (versus officer) respondents. Factors associated with having an STD (over the past year) included the absence of a regular sexual partner; higher mean number of total sexual partners, one-night stands, prostitutes, anonymous partners, and new sexual partners; fewer condoms purchased or received; number of drugs used; and (over the past two years) sexual partners in U.S. cities or in countries with high AIDS prevalence. Mean number of lifetime sexual partners was also higher in the group with STDs (Rundell et al., 1992).[34]

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[33]We calculated the adjusted rate with 1990 gonorrhea data, which was the latest year available in cross-tabulated form by age, race, and gender. National gonorrhea rates have been dropping annually, which is important to keep in mind when comparing the 1987 Army and 1990 civilian rates. From 1987 to 1990, the national rate fell 14 percent (calculated from data in CDC, 1992).

[34]Because survey respondents in general tend to underreport embarrassing information such as STDs, the data probably provide a lower bound estimate of the true percentage of people who have STDs in the Army. People also underreport when they do not know that their disease is sexually transmitted (e.g., men who have non-gonococcal urethritis

STD rates are not available in as much detail for the other services. For Marine and Navy WestPac deployments, STD rates at times exceed 10 percent, and, as recently as 1990, some larger units have had rates as high as 40 percent for a six-month deployment. With aggressive condom distribution and health education, some units' STD rates have come down to less than 2 percent during a one-month deployment. For example, despite the high rates of contact with prostitutes in the four WestPac units discussed above, the majority of personnel reported condom use with each contact, and STD rates were relatively low.[35] Nevertheless, because of the reportedly high rates of HIV among prostitutes in Asian countries, such as Thailand (Weniger et al., 1991), the statistics on prostitution, the fact that not all personnel used condoms, and the high STD rates for other deployments raise particular concern about spread of HIV to deployed personnel.

The military population's current behavioral risk profile as well as the data on STDs indicate that many are engaging in sexual behaviors that could transmit HIV if their partners were infected. So far, HIV rates may not be higher because HIV is not as endemic in the populations in which active-duty personnel are having sex. However, if the virus spreads further, military personnel will be at greater risk of contracting HIV unless they use condoms or change their sexual practices. Regardless of whether the policy of excluding homosexuals from military service is continued, DoD's educational and testing programs are the most certain methods for preventing high-risk sexual behavior, monitoring HIV prevalence, and identifying HIV-positive personnel in future years.

INFECTION FROM CONTACT WITH HIV-INFECTED BLOOD

The military blood supply is well protected against HIV. All blood undergoes complete HIV screening and is discarded even if it has only one positive EIA test. As discussed earlier, a person is diagnosed with HIV only after two positive EIAs and one positive Western Blot. Thus,

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sometimes seek medical care for pain, get treatment, and do not understand how they contracted it).

[35]Hanson (1990, 1991) and information supplied by author.

by requiring only one positive EIA, the blood program discards many units of uninfected blood to guarantee that it eliminates as much infected blood as possible. About 0.4 percent of blood donations in 1991 tested positive on the first EIA and were therefore discarded. Only 2 percent of these, or 0.008 percent of all the donated blood turned out to be actually positive after complete EIA and Western Blot testing.[36] This rate is comparable to the 1990 rate of 0.005 percent at American Red Cross blood banks (CDC, 1991). About 85 percent of the more than 275,000 total units collected in 1991 were donated by active-duty personnel. Blood donation is voluntary, and potential donors are told not to donate if they meet any of a list of exclusion criteria (e.g., people who have had hepatitis A, B, or C, who have colds, as well as men who have sex with men). Donors who consequently refrain do not have to tell which of the exclusion criteria they have met. If someone who meets an exclusion criterion donates blood anyway (e.g., due to social pressure), he or she has the opportunity to check off a confidential form that says not to use the donated blood for transfusion purposes. While it may never be possible to eliminate all social pressure to hide an exclusion criterion, permitting homosexuals to serve in the military should only make men who have had sex with men more likely to defer or at least check off the confidential form. In addition, blood is screened for other diseases, such as syphilis and hepatitis A, B, and C. All testing and handling procedures follow standards set by the American Association of Blood Banks and the regulations of the Food and Drug Administration.[37]

One of the most frequently expressed concerns about allowing homosexuals to serve has been the risk of exposure to HIV-infected blood through battlefield transfusion. Battlefield blood collections are rare, since the military is able to bring adequate supplies of properly screened and treated blood or blood substitutes from the United States to battlefield sites. However, when necessary, battlefield collections

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[36]Of the 211,258 units that were tested in-house by the Armed Services Blood Program Office (ASBPO), 17 were positive.

[37]Information about the military blood supply and battlefield collections was provided by the Director of the ASBPO, April 26 and May 27, 1993.

are taken only from volunteers among active-duty personnel, and the same exclusion criteria apply as for regular blood donations. Since all deployed personnel have had a negative HIV-test in the six months prior to deployment, the probability of a battlefield donation from an infected person is very low.

Moreover, transfusion of battlefield collections is done only in emergency situations, generally when transfusion is necessary to save a person's life. Recipients of battlefield collections are therefore much more likely to die from the illness or injury than from any disease acquired as a result of the transfusion. During Desert Storm, about 2000 total units were transfused[38] and reports indicate five people received blood from battlefield collections. Blood from such collections is sent back to the United States for testing, whenever possible. None has been HIV-positive.

Another concern is exposure to blood from wounded service members. Especially if the period of combat is of short duration, predeployment testing will make the risk of this exposure low. However, in the unlikely event that a service member is exposed to blood from someone who is wounded and HIV-infected, his or her risk of contracting HIV infection would depend on the type of exposure. Blood on an area of the uninfected service member's skin that had no or only superficial cuts would not usually transmit the virus. Getting some blood in the eye would present a larger risk. A medic going from one wounded service member to the next with infected blood on his or her hands could also spread HIV. It is not possible to estimate this risk with much precision; however, to reiterate, the screening program should prevent HIV-infected people from deploying.

While testing minimizes initial infection rates in the forces that are deployed, it does not prevent infection with HIV once overseas--especially on long deployments. Evidence of potentially high-risk sexual behavior among all military personnel, discussed earlier, raises concerns about the risk of transmission among personnel deployed to parts of the world where HIV is common.

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[38]The exact number of units transfused is not known because records are incomplete for Operations Desert Shield/Storm.

CONCLUSIONS

DoD's HIV testing program almost entirely prevents the entry of HIV-infected persons into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less estimate its magnitude. If an increase in HIV infection rates were to occur, there would be little influence on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, and the military blood supply would remain safe.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

9. ISSUES OF CONCERN: ANTI-HOMOSEXUAL VIOLENCE[1]

Many military personnel have predicted anti-homosexual violence in the military if homosexuals are permitted to serve. The *Los Angeles Times* survey of 2,346 enlisted personnel found that over 80 percent believed that removing the restriction would result in violence against homosexuals. In the Marines, the percentage was 90 percent.[2] In the focus groups conducted for this report, violence was frequently mentioned as a possible consequence. Perhaps the most dramatic statement about the risk of anti-homosexual violence was in the testimony of Marine Corps Colonel Frederick Peck before the Senate Armed Services Committee on May 11, 1993, when he stated that one of the primary reasons he would not want his homosexual son to join the Marines was the threat of violence. According to Colonel Peck,

> I would be very fearful that his life would be in jeopardy from his own troops . . . . Fratricide is something that exists out there, and there are people who would put my son's life at risk in our own armed forces.

Furthermore, over the past six months, the media have extensively covered specific episodes of anti-homosexual violence in the military, and its occurrence has been cited as evidence of the extent of anti-homosexual bias in the military. The most publicized recent case was the murder of Seaman Allen Schindler, who was beaten to death by shipmates on October 27, 1992, in Sasebo, Japan (Sterngold, 1993). It now appears that this case was at least partly motivated by anti-homosexual prejudice.

This chapter briefly reviews the literature on anti-homosexual violence as it relates to the likelihood of such violence if homosexuals are allowed to serve openly. The scientific evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is

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[1]This chapter was prepared by Raynard S. Kington.
[2]See the chapter on military opinion.

sufficient evidence to conclude that anti-homosexual violence occurs with some regularity in the civilian community. It clearly occurs in the military under the current policy, although there are no data on the relative frequency of its occurrence. We conclude that the evidence does not allow us to make any firm predictions about the likelihood of increased anti-homosexual violence if homosexuals were allowed to serve. We close with a discussion of implementation issues as they relate to the potential for anti-homosexual violence.

OVERVIEW OF DATA

Over the last fifteen years, the homosexual community, law enforcement agencies, and researchers have focused increasing attention on the problem of anti-homosexual violence (Herek, 1989; Reiss and Roth, 1993). Efforts to address such violence during the 1970s and 1980s resulted in the inclusion of anti-homosexual violence in the Federal Hate Crime Statistics Act of 1990, which mandated the Federal Bureau of Investigation to collect and publish annual statistics on crimes motivated by prejudice. In addition, over twenty states now have laws that mandate monitoring or penalties for bias crimes involving sexual orientation (NGLTF, 1992).

Data Sources and Limitations

Numerous methodological problems limit the quality of the data on the incidence and correlates of anti-homosexual violence. First, under-reporting of such violence to official agencies is believed to be widespread, as is generally true for most violent crimes (U.S. Department of Justice, 1992). Thus, the best available data on incidence rates for anti-homosexual violence (excluding homicides) are from community surveys rather than from official agencies.

Second, community surveys that have included questions on violence have used convenience samples accessed largely through homosexual organizations, publications, and events. Because homosexuals are not readily identifiable, it is impossible to secure a non-self-reported probability sample of this population for any purpose (Herek, 1989). The use of convenience samples raises questions about the generalizability of the data to the homosexual community at-large and to the military.

Third, the wording of survey questions may affect estimates of incidence rates. For example, many surveys asked the respondents to report violent crimes that occurred "because of sexual orientation" (e.g., Comstock, 1989; Gross, Aurand, Addessa, et al., 1992; "Results of a Poll," 1989). Ideally, identifying a crime as being a bias crime requires an understanding of the motivations of the perpetrators. Criteria have been developed that improve the ability to identify violence that is likely to be related to sexual orientation (e.g., Finn and McNeil, 1988; NGLTF, 1993), but these criteria are not explicitly stated in surveys. Therefore, there may be variations across individuals and surveys in attribution of violence to anti-homosexual bias.

SUMMARY OF LITERATURE ON THE INCIDENCE OF ANTI-HOMOSEXUAL VIOLENCE

Two recent books have comprehensively reviewed the literature on such violence (Comstock, 1991; Herek and Berrill, 1992).[3] These books reviewed over thirty studies of varying quality that have included information on anti-homosexual violence over the last twenty years.[4] An ideal data set for understanding rates of violence against homosexuals would include a geographically diverse probability sample of respondents; information on the respondents' sexual orientation and all other important sociodemographic variables that are related to violence risk; and accurate data on all interpersonal violence experienced by the respondent. No available data set meets all of these criteria. The best available data come from surveys of convenience samples of self-identified homosexuals, which include information on interpersonal violence.

The Philadelphia Gay and Lesbian Task Force has published several of the most widely cited studies of incidence rates of violence against homosexuals. Its most recent 1991-1992 survey of 2,652 homosexuals in

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[3]The chapters in the Herek and Berril book were based on articles from a special September 1990 issue of the *Journal of Interpersonal Violence*.

[4]Many of the studies were not readily available for primary review (e.g., many are in the form of unpublished manuscripts or reports by local homosexual organizations). The most widely cited and most recent reports and those published in scholarly journals were reviewed for this report.

Pennsylvania found that, in the Philadelphia sub-sample (N = 1,413), 3 percent of the women and 9 percent of the men reported at least one episode over a 12-month period of physical anti-homosexual violence, including being punched, hit, or assaulted with a weapon (Gross, Aurand, and Addessa, et al., 1993). In 1992, two other local advocacy groups conducted surveys of homosexuals. The Los Angeles Gay and Lesbian Community Services Center surveyed 914 individuals who were participants in a gay and lesbian pride festival in the Los Angeles metropolitan area. Twenty-eight percent of the respondents reported being assaulted or physically abused over the preceding twelve months because of their orientation (Anti-Violence Project, 1992). The Lesbian and Gay Community Association in Jacksonville, Florida, surveyed 507 homosexuals in 1992, and 38 percent reported being the victim of "gay-bashing" over a 12-month period (as reported in NGLTF, 1992).

In a national telephone survey of 400 male and female homosexuals for the *San Francisco Examiner* in 1989, Teichner found that 7 percent reported physical abuse or assault because of being homosexual, over a 12-month period ("Results of a Poll," 1989). Comstock and Berrill reviewed a much larger number of studies of the general homosexual population, most of which reported lifetime rates of anti-homosexual violence (Comstock, 1991; Berrill, 1990). In these reviews, the majority of the lifetime rates for physical violence were between 10 and 30 percent.

A number of studies have been restricted to university populations. At Yale, Pennsylvania State University, and Rutgers, approximately 5 percent of homosexual students reported anti-homosexual physical violence, including being punched, hit, kicked, or beaten, in their college careers (D'Augelli, 1989; Yale, as reported in Berrill, 1990; Rutgers, as reported in Berrill, 1990). A study at the University of Massachusetts estimated a rate of 21 percent of homosexual students suffering physical confrontation or assault, compared with 5 percent for the total student body (Yeskel, 1985).

Anti-Homosexual Violence in the Military

We found no scientific literature (population surveys or case series) specifically addressing anti-homosexual violence in the

military. The only data are case reports from the media and material collected by various advocacy groups. The case reports of anti-homosexual violence in the military often involve military personnel accused of attacking civilians (e.g., see "Military Incidents" in NGLTF, 1993). During the military focus groups conducted for this report several examples of anti-homosexual violence involving military personnel attacking other military personnel were described (see the chapter on military opinion). The case reports, including several cases that have received wide media coverage and cases reported to groups such as the National Gay and Lesbian Task Force, are the best available information on the occurrence of anti-homosexual violence now in the military, but there are no data on its relative rate of occurrence.

Underreporting of Violence

One consistent finding in the literature is that the vast majority of anti-homosexual attacks are not reported to law enforcement agencies. In the Comstock study, 73 percent of those experiencing anti-homosexual violence did not report it (1989). In D'Augelli, 94 percent did not report cases to authorities (1989). In the Pennsylvania study, 60 to 70 percent did not report cases (Gross, Aurand, and Addessa, et al., 1992). In Anderson (1982), 90 percent of the assault victims did not report. In the general population, 50 percent of violent personal crimes are not reported to the police (U.S. Department of Justice, 1992). In its first year of reporting bias crimes, the F.B.I. reported only 422 anti-homosexual or anti-bisexual crimes in 1991 (Sessions, 1991), while in the same year the National Gay and Lesbian Task Force reported 1,001 anti-homosexual episodes, in only five cities, that met F.B.I. criteria as bias crimes (NGLTF, 1992).

The reasons for not reporting anti-homosexual violence often differ from the reasons for not reporting violent crimes in the general population. For example, in the Comstock study, 67 percent did not report because of previous anti-homosexual experience with police or perceived police anti-homosexual attitudes, and 40 percent because of the risk of having sexual orientation made public (1989). In the general population, the most common reason for failure to report crimes

of violence involving a stranger was that the offender was unsuccessful (U.S. Department of Justice, 1992). The current restriction on homosexual service in the military creates significant costs for exposure of homosexual status. This may contribute to the dearth of data on the occurrence of anti-homosexual violence in the military as long as the ban remains. However, it should be noted again that even in the civilian population most victims of anti-homosexual violence do not report the incidents to authorities.

Personal and Environmental Correlates of Anti-Homosexual Violence

Although the best available data on anti-homosexual violence are restricted to the civilian population, the evidence on the personal characteristics and environmental factors associated with the occurrence of such violence provides some insight into its possible occurrence in the military setting if homosexuals were allowed to serve. Most prominently, the surveys of homosexuals almost uniformly demonstrate a higher rate of physical victimization among males (see reviews in Comstock, 1991; Berrill, 1990). The pattern of higher rates for males is consistent with the general literature on the risk of being a victim of violent crime (except for forcible rapes and partner assaults) (Reiss and Roth, 1993). The evidence regarding other risk factors, such as race, is more difficult to interpret.

In predicting the likelihood of anti-homosexual violence, of particular note are two studies that have suggested other personal characteristics of homosexual men that may affect the likelihood of being a victim. In a survey of 1,556 homosexual men in the Chicago area, Harry found that those who identified themselves as being effeminate were more likely to have experienced violence (Harry, 1982). Effeminate men may be more easily identified as fitting the stereotype for homosexuals. Harry also reported finding that those homosexuals who had mostly homosexual friends and those who were more open about their orientation were more likely to have experienced violence. Thirty-one percent of homosexual males who agreed or strongly agreed that "It is important to me to 'be out' to straight people I know" had experienced anti-homosexual violence versus 21 percent for other respondents (Harry,

1990). (These results are referred to in Harry [1990] as being described in an unpublished manuscript, which was not available for primary review.)

These results suggest that some forms of anti-homosexual violence may be less likely in the military setting, given the strong culture in the military against effeminate behavior in men, and the likelihood that few individuals would announce their homosexuality, even if policy prohibiting their service were changed.

In terms of where violence occurs, it appears most frequent in identifiably homosexual public gathering places (see summaries in Comstock, 1991; Berrill, 1990). Presumably, the high rates reflect at least partly the ease in identifying homosexuals in these settings.

The Perpetrators of Anti-Homosexual Violence

There is only sparse evidence about what kinds of people engage in anti-homosexual violence. Most data come from descriptions of perpetrators in homosexual surveys. Reviews of available data by Berrill (1990) and Comstock (1991) conclude that the perpetrators of anti-homosexual violence tend to be young males, who often act in groups. In general, bias crimes are usually committed by persons not known to the victim. In the general U.S. population, 58 percent of violent crimes involve strangers (U.S. Department of Justice, 1992), while in one study of anti-homosexual violence more than 90 percent of the crimes involved strangers (as reported in Bohn [1984], from anunpublished thesis).

The Consequences of Anti-Homosexual Violence for the Victims

Although there is a growing literature on the psychological consequences of being a victim of violence (e.g., Sales, Baum, and Shore, 1984), little is known specifically about the consequences for victims of anti-homosexual violence. Psychologists have speculated that the sense of vulnerability and self-blame that may normally follow victimization may be heightened among victims of anti-homosexual violence (Garnets, Herek, and Levy, 1990). Furthermore, homosexuals who are not "out" may face the prospect of "double disclosure"--that they are homosexual and that they have been victimized (Garnets, Herek, and Levy, 1990). In response to the unique consequences faced by victims of

anti-homosexual violence and the perception that law enforcement and social services agencies have been unresponsive to their needs, several homosexual victim support programs have been developed across the nation, such as the New York City Gay and Lesbian Anti-Violence Project (Wertheimer, 1990) and the Horizons Anti-Violence Project in Chicago (NGLTF, 1993).

ANTI-HOMOSEXUAL VIOLENCE AND THE FORMULATION OF POLICY REGARDING HOMOSEXUALS IN THE MILITARY

The social science literature on anti-homosexual violence addresses, almost exclusively, its occurrence in the civilian population, and generally the data are of limited quality. The available data are of limited usefulness in predicting the risk of violence as a result of changes in the military's policies with regard to homosexuals, but they provide some important insights about the phenomenon. Although there are no population-level data on the incidence of anti-homosexual violence in the military, case reports suggest that it does occur in the military under the current policy.

To the extent that changes in policy result in changes in the number of homosexuals in the military or in the behavior of those who are already there (e.g., more openly homosexual soldiers, who are more readily identified targets for violence), there is the potential for a change in the rate of anti-homosexual violence. However, the evidence that homosexual soldiers will conform to usual military standards of behavior and that few will publicly acknowledge their homosexuality suggests that the occurrence of anti-homosexual violence of the type usually encountered in the civilian community (i.e., strangers attacking easily identified homosexuals) may be limited. However, it is possible that homosexuals in the military would be attacked by other military personnel who are not strangers. This type of anti-homosexual violence is even less well described in the social science literature. However, the military setting, with its hierarchical culture and its broad control of many aspects of soldiers' lives and behavior, may provide opportunities to prevent anti-homosexual interpersonal violence that are not as feasible in the civilian world.

The high rate of failure to report incidents to official agencies is especially relevant to this policy discussion. Although in the general population the reporting rate for crimes of violence is low, the reasons for non-reporting distinguish anti-homosexual crimes. Reasons frequently cited by homosexual victims for failure to report are the fear that he or she will be victimized again by the officials, so-called secondary victimization (Herek and Berrill, 1990), fear of public disclosure, and the belief that nothing will be done with the information once it is reported (e.g., Comstock, 1989). In the military, the presence of a ban on homosexuals, with significant penalties for discovery, provides a strong incentive not to report anti-homosexual violence or personal threats of violence to officials. If the incidents are not reported, there will be no opportunity to identify and punish perpetrators and possibly prevent future incidents. Even those incidents of violence that result in injuries severe enough to lead to contact with a health care provider (e.g., a physician in an emergency room) are unlikely to be identified as the result of anti-homosexual violence, if the victims do not identify it as such. In addition to limiting the opportunity to punish perpetrators, the victim's fear of being identified as homosexual may lead to delays in seeking necessary treatment for injuries.

ANTI-HOMOSEXUAL VIOLENCE AND THE IMPLEMENTATION OF A POLICY REGARDING HOMOSEXUALS IN THE MILITARY

A Clear Message of Zero Tolerance from the Leadership

The occurrence of anti-homosexual violence in the military under any policy regarding homosexuals is at least partly a reflection of military leadership. As discussed in the chapter on implementation, one of the most important factors in effecting a change in policy and minimizing negative consequences such as anti-homosexual violence is a clear message from leadership of zero tolerance for such violence and an assurance that those convicted of committing it will be severely penalized. However, given the likelihood that many homosexuals will continue to keep their orientation quiet, there may still be strong incentives not to report incidents or threats under any policy. Any policy that includes penalties for revealing one's homosexual status may

further discourage reporting. A message of "zero tolerance" may have limited effect if it is clear that most incidents will never come to the attention of leadership. The message must be coupled with a message that leadership will monitor the occurrence of anti-homosexual violence through some form of a tracking system.

Tracking the Incidence of Anti-Homosexual Violence

A range of options is available for monitoring the occurrence of anti-homosexual violence. The F.B.I. system developed as a result of the Federal Hate Crimes Statistics Act of 1990 is one model based on official reports. Another form might follow models used for tracking communicable diseases and child abuse, by mandating health care personnel to report cases. The most severe cases of anti-homosexual violence will result in contact with a health professional even if the individual initially does not wish to be identified as homosexual. Health care providers are a common contact point for victims of violence (e.g., in emergency rooms) and can be used to identify cases. However, in order to play this identifier role, they require additional training, which may be integrated into existing military programs to identify military personnel and their families at risk for domestic violence (e.g., McNelis and Awalt, 1986). The American Medical Association also has developed educational materials aimed at identifying domestic, child, and elder abuse that might be used as a model (AMA, 1992). The military might also consider a program of anonymous reporting to obtain data for rates.

Ensuring Adequate Treatment and Disposition of Victims of Anti-Homosexual Violence

Victims of anti-homosexual violence suffer from significant physical and psychological sequelae resulting from the violence and might also be at risk for additional violence. For example, failure to identify cases might lead to a victim's being maintained in a setting in which he or she is at risk of further victimization. The military should make every effort to ensure that victims receive the appropriate care to minimize the negative consequences of the injuries, by developing guidelines for health personnel and commanders in responding

to potential cases. Specifically, the military should develop guidelines so that when soldiers who are, or are believed to be, victims of anti-homosexual violence are released from health care facilities and other protected settings, care will be taken to avoid sending them into situations where they are at risk of being further victimized.

CONCLUSIONS

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

10. WHAT IS KNOWN ABOUT UNIT COHESION AND MILITARY PERFORMANCE[1]

OVERVIEW

President Clinton's memorandum of January 29, 1993, directed the Secretary of Defense to draft an Executive order that would end discrimination on the basis of sexual orientation in the military "in a manner that is practical, realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[2] At present, there is no scientific evidence regarding the effects of acknowledged homosexuals on a unit's cohesion and combat effectiveness. Thus, any attempt to predict the consequences of allowing them to serve in the U.S. military is necessarily speculative.

During the Senate Armed Services Committee hearings on the topic in March-June 1993, there was a division of opinion among military social scientists as to the likely effects of lifting the ban. Retired Colonel William Darryl Henderson, (former Commander of the Army Research Institute), Dr. David Marlowe (Chief of Military Psychiatry at Walter Reed Army Institute of Research), and Professor Charles Moskos (Department of Sociology, Northwestern University) predicted that the presence of acknowledged homosexuals would significantly disrupt unit cohesion. Others, including Dr. Lawrence Korb (Brookings Institution), Professor David Segal (Department of Sociology, University of Maryland), and Professor Judith Steihm (Department of Political Science, Florida International University), disagreed.

It is important to recognize at the outset that the military's concern about cohesion and unit functioning is not new. Cohesion is not now--and probably never has been--uniformly high (e.g., Griffith, 1989; Henderson, 1985, 1990; Manning and Ingraham, 1983; Scull, 1990; Siebold and Kelly, 1988a), and the military intervenes whenever a unit becomes

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[1]This chapter was prepared by Robert MacCoun. John D. Winkler, Andrew Cornell, and Susan Adler assisted in the background research. Bryan Hallmark, Susan Hosek, and Bruce Orvis provided constructive reviews.

[2]Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

seriously dysfunctional for any reason. Because of this longstanding concern, there is a fairly sizeable research literature on unit cohesion--its nature and its correlates. This chapter provides a critical review of this research literature and its implications for the current policy debate.

Assumptions and Focus of the Chapter

To narrow the focus, the analysis in this chapter is premised upon three assumptions that appear to be widely shared by both sides of the current policy debate:

- There is no scientific evidence, and no compelling reason to believe, that homosexuals are inherently less capable of performing military tasks than are heterosexuals.
- There is considerable evidence that homosexuals already serve in the U.S. military, and always have, albeit most have not openly acknowledged their status, or have acknowledged it only to some colleagues. Thus, concerns about cohesion pertain to acknowledged homosexual status, not sexual orientation per se, and to how an individual's acknowledged homosexuality would affect the group.
- If allowed to serve, homosexuals in the military would be held to standards of conduct, appearance, demeanor, and performance at least as stringent as the standards for heterosexuals.

Given these assumptions, the central question of the chapter is:

What effect will the presence of acknowledged homosexuals have on the cohesion and performance of a given military unit?

The Literature Review

The literature reviewed in this chapter was identified by an extensive search of the research base, including computerized literature searches in *Psychological Abstracts* and *Defense Technical Information Center* (DTIC). The review covers almost 50 years of scientific research

published by military, academic, and industrial-organizational researchers, supplemented by conversations with a variety of experts. The research was conducted in a variety of settings and examines a variety of different types of groups: military units, sports teams, industrial work groups, and participants in laboratory experiments. It should be noted that military agencies have funded a large share of the academic laboratory research on small group performance; indeed, much of the academic literature was stimulated by military research questions.

Over 185 research articles and books were consulted, including studies by the Army Research Institute, the Walter Reed Army Institute of Research, and other military sources; experimental studies of small group behavior; research on sports teams and industrial-organizational workgroups; and theoretical and empirical analyses of stereotyping, intergroup contact, and attitudes and their relationship to behavior. In addition, many of the nation's leading experts on these topics were consulted. A complete list of references and interviewees is contained in the Bibliography at the end of this report.

A few caveats regarding relevant research are in order. First, anecdotes and impressionistic statements are a powerful source of hypotheses about unit cohesion, but by themselves they cannot provide scientific evidence as to the validity of those hypotheses (Garvey and DiIulio, 1993). Anecdotal information is difficult to verify, can be distorted by memory loss or other factors, cannot determine cause-and-effect relationships, and may provide an unrepresentative sample of the phenomenon in question (Nisbett and Ross, 1980). In this chapter, anecdotal or impressionistic information is cited only as a source of hypotheses, or as a means of illustrating certain phenomena established by more systematic empirical research.

Second, as in most social research, there tends to be a tradeoff in the cohesion literature between the scientific rigor of a study and its generalizability to combat and other "real-world" settings. Fortunately, there appears to be considerable convergence between the findings of laboratory and field studies on group cohesion and its effects, although known discrepancies are identified in the chapter. However, even the military field studies generally only simulate actual

combat conditions. Thus, existing research on the cohesion-performance relationship is most readily generalizable to noncombat conditions, which characterize the situation of most military units, most of the time. The likely effects of the stresses of combat on cohesion and performance are discussed later in the chapter.

Key Issues in the Review

To address the central question of how the presence of acknowledged homosexuals may affect unit cohesion, the chapter addresses the following concepts and issues:

- The cohesion concept: the ways in which cohesion has been defined and measured, the effects of cohesion on performance and coping under stress, and the factors that promote or hinder cohesion. A key finding from this review is that there are multiple types of cohesion, with different consequences for performance.
- What these principles of unit cohesion imply about the consequences of allowing acknowledged homosexuals to serve in the military. This examination indicates that some types of cohesion are more likely to be affected than others, and this has important implications for military performance.
- The likely prevalence of acknowledged homosexuals in military units. This has important implications for the scale of the phenomenon, the ways in which cohesion might be affected, and the likelihood of contact with acknowledged homosexuals.
- The conditions of intergroup contact that can bring about a reduction in hostility and stereotyping and the extent to which these conditions are likely to be met in the military.
- Factors that may enhance or deter behavioral expressions of negative attitudes.
- Concerns about whether heterosexuals will obey an acknowledged homosexual leader.

UNIT COHESION AND ITS EFFECTS ON PERFORMANCE

What Is Cohesion?[3]

Some military researchers (e.g., Marlowe, 1979; Siebold and Kelly, 1988a) draw a distinction between *horizontal cohesion*--the bonding among members of a unit--and *vertical cohesion*--the bonding between unit members and their leaders. While this distinction is useful, it can become somewhat cumbersome when each type of cohesion is further subdivided. Thus, this chapter will use the term "cohesion" to refer to horizontal cohesion, and the terms "leadership" and "followership" to refer to downward and upward vertical cohesion, respectively.

Defining Cohesion. The most popular definition of group cohesion was offered by Leon Festinger in 1950. Festinger defined cohesion quite broadly as "the resultant of all the forces acting on all the members to remain in the group" (p. 274). Festinger's definition grew out of his study of the cohesion of voluntarily formed social groups. As a result, it seems overinclusive in the military context, since military personnel have only a limited role in choosing their unit memberships.

Others have defined cohesion more narrowly by emphasizing the quality of the relationships among group members: "...that group property which is inferred from the number and strength of mutual positive attitudes among the members of a group" (Lott and Lott, 1965, p. 259), "...members' positive valuation of the group and their motivation to continue to belong to it" (Janis, 1983, p. 4), or "...a positive expressive relationship among two or more actors" (Etzioni, 1975, p. 280).

Understandably, military definitions tend to define cohesion in the context of the combat mission; for example:

- "...we define military cohesion as the bonding together of members of a unit or organization in such a way as to sustain

[3]The terms "cohesion" and "cohesiveness" are used interchangeably in the research literature. Since the former term is more common in military parlance we will use it except when directly quoting authors who use the latter term.

their will and commitment to each other, their unit, and the mission" (Johns et al., 1984, p. ix);

- "...cohesion exists in a unit when the primary day-to-day goals of the individual soldier, of the small group with which he identifies, and of unit leaders, are congruent--with each giving his primary loyalty to the group so that it trains and fights as a unit with all members willing to risk death and achieve a common objective" (Henderson, 1985, p. 4);
- "Unit cohesion [is the] result of controlled, interactive forces that lead to solidarity within military units, directing the soldiers toward common goals with an express commitment to one another and to the unit as a whole" (*Dictionary of United States Army Terms,* 1986, p. 174, quoted in Oliver, 1990a, p. 4);
- "...cohesion is a unit or group state varying in the extent to which the mechanisms of social control maintain a structured pattern of positive social relationships (bonds) between unit members, individually and collectively, necessary to achieve the unit or group's purpose" (Siebold and Kelly, 1988a, p. 1).

Measuring Cohesion. Many authors have commented on the difficulties of translating definitions of cohesion into scientifically useful measurements (e.g., Beeber and Schmitt, 1986; Carron, 1982; Carron, Widmeyer, and Brawley, 1985; Cartwright, 1968; Hogg, 1992; Mudrack, 1989a, 1989b; Oliver, 1990a; Stein, 1976). Although cohesion might seem inherently "intangible," some investigators have been able to develop measures of cohesion that have adequate reliability--that is, consistency over time and across questionnaire items (e.g., Carron et al., 1985; Siebold and Kelly, 1988a; Yukelson, Weinberg, and Jackson, 1984). A more persistent problem involves the frequent failure to distinguish a variety of concepts that are often listed as aspects of cohesion,[4] including:

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[4]In the jargon of psychometrics, this is the problem of *construct validity* (Campbell and Fiske, 1959; Nunnally, 1978)--do the instruments actually measure the abstract construct we want to measure, no more and

- morale
- esprit de corps
- motivation
- satisfaction
- mutual friendship, caring, interpersonal attraction
- shared goals, teamwork, coordination
- group pride, group prestige, group status

Some writers use the terms "morale" and "cohesion" interchangeably in the military literature, but others distinguish morale from cohesion in two ways. First, while cohesion is generally viewed as a characteristic of small groups (see Mullen and Copper, 1993; Siebold and Kelly, 1988a), some view morale as a characteristic of individuals as well as groups (e.g., Gal and Manning, 1987; Gross, 1954; Ingraham and Manning, 1981, cited in Bartone, 1989, p. 4). Second, morale is generally viewed as a more general, diffuse, and inclusive concept than cohesion; morale is thought to reflect the general level of motivation and satisfaction among members of a group or organization (Bartone, 1989; Motowidlo and Borman, 1978). Indeed, "morale" is sometimes used as a catch-all term: "Apparently any mental state which bears on a soldier's performance reflects his morale, anything at all in his environment can affect his morale, and any aspect of his performance indicates quality of his morale" (Motowidlo et al., 1976, p. 49, cited in Gal and Manning, 1987). Although scientific measures of morale have been developed (e.g., Motowidlo and Borman, 1978), it is sometimes

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no less? It is particularly difficult to establish the construct validity of hypothetical attributes of groups, rather than individuals (see Longley and Pruitt, 1980; Park, 1990). For example, although cohesion is defined as a characteristic of groups, it is frequently measured by averaging together the relationships among individuals. As is shown below, this practice can obscure important differences in the *pattern* of cohesion, because it does not take into account the variability in ratings across members (Carron, Widmeyer, and Brawley, 1985; Cartwright, 1969; Evans and Jarvis, 1980; Oliver, 1990a). On the other hand, some direct measures of the perceived cohesion of the group as a whole--e.g., how well does the group "work together to get the job done?"--inadvertently tap both cohesion and performance, thereby exaggerating their intercorrelation.

difficult to empirically distinguish morale from cohesion (e.g., Gal and Manning, 1987). Another term, "esprit de corps," is sometimes used synonymously with either morale or cohesion, but cohesion is clearly the preferred term among most military and non-military researchers.

Social Cohesion vs. Task Cohesion. As we shall see, using the same term--cohesion--to refer to concepts like "mutual friendship," "caring," and "interpersonal attraction," on the one hand, and "shared goals," "teamwork," and "coordination," on the other, accounts for a great deal of confusion about the effects of cohesion on group performance. In the early years of cohesion research, Festinger (1950), Back (1951) and Gross and Martin (1952) each noted the possibility that there are different *types* of group cohesion. Although some authors acknowledged this idea throughout the 1960s and 1970s (Davis, 1969; Mikalachki, 1969; Shaw, 1976; Steiner, 1972), most research either focused exclusively on personal attraction (e.g., Lott and Lott, 1965), or else haphazardly mixed measures of different types of cohesion, leaving the literature in a fairly chaotic state (see Cartwright, 1968; Hogg, 1992; Mudrack, 1989a; Shaw, 1976).

This situation began to change in the 1980s, with a renewed recognition of the need to distinguish different types of cohesion. The most common distinction is between two types of cohesion that can be labeled "social cohesion" and "task cohesion" (see Carron, 1982; Carron, Widmeyer, and Brawley, 1985; Davis, 1969; Griffith, 1988; Mikalachki, 1969; Mudrack, 1989; Mullen and Copper, 1993; Siebold and Kelly, 1988a, 1988b; Tziner, 1982a, 1982b; Yoest and Tremble, 1985; Yukelson, Weinberg, and Jackson, 1984; Zaccaro and Lowe, 1988; Zaccaro and McCoy, 1988):[5]

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[5]Mullen and Copper (1993) use the terms "interpersonal attraction" and "commitment to task." Siebold and Kelly (1988a) use the terms "affective bonding" and "instrumental bonding." Tziner (1982) uses the terms "socio-emotional cohesiveness" and "task-oriented (instrumental) cohesiveness." Yoest and Tremble (1985) use the terms "interpersonal closeness" and "quality of work relationships." Yukelson, Weinberg, and Jackson (1984) distinguish "attraction to the group" from two aspects of task cohesion: "quality of teamwork" and "unity of purpose." Zaccaro and Lowe (1988) use the terms "interpersonal cohesiveness" and "task-based cohesiveness." This proliferation of terms has added to the confusion in the literature; on the other hand, it indicates that

- *Social cohesion* refers to the nature and quality of the emotional bonds of friendship, liking, caring, and closeness among group members. A group is socially cohesive to the extent that its members like each other, prefer to spend their social time together, enjoy each other's company, and feel emotionally close to one another.
- *Task cohesion* refers to the shared commitment among members to achieving a goal that requires the collective efforts of the group. A group with high task cohesion is composed of members who share a common goal and who are motivated to coordinate their efforts as a team to achieve that goal.

This general distinction is supported by both experimental and correlation evidence (Anthony et al., 1993; Back, 1951; Carron et al., 1985; Griffith, 1988; David Marlowe, personal communication, April 6, 1993; Mullen and Copper, 1993; Mullen et al., in press; Siebold and Kelly, 1988a; Yoest and Tremble, 1985; Yukelson, Weinberg, and Jackson, 1984; Zaccaro and Lowe, 1988, Zaccaro and McCoy, 1988).[6] Note that the military definitions listed above tend to emphasize task cohesion.

A number of researchers have distinguished a third type of cohesion, variously called "group pride," "group prestige," or "group status" (e.g., Back, 1951; Festinger, 1950; Mullen and Copper, 1993). However, there is relatively little research on this factor, and it appears to involve aspects of both social and task cohesion. For example, Tziner (1982a) suggested that group pride appears to be another manifestation of task cohesion, while Yukelson, Weinberg, and Jackson (1984) found considerable overlap between group pride and social cohesion.[7]

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several different research teams have more or less independently recognized the need for this distinction.

[6]In Siebold and Kelly's (1988b) Platoon Cohesion Index (PCI), affective and instrumental social cohesion loaded on a single factor, but the PCI includes only two items to assess each construct, providing very low resolution. Siebold and Kelly's (1988a) analysis of their more complete 79-item Combat Platoon Cohesion Questionnaire (CPCQ) found a clear distinction between the affective and instrumental dimensions of horizontal cohesion.

[7]Another possibility, suggested by social identity theory, is that group pride is an antecedent of social and task cohesion, rather than a

What Effect Does Cohesion Have on Unit Performance?

Over the years, many reviewers struggled to make sense of the conflicting results across studies of the cohesion-performance relationship, in part because the relevance of the social-task distinction was not fully appreciated (Carron and Chelladurai, 1981; Greene, 1989; Lott and Lott, 1965; Mudrack, 1989b; Shaw, 1976; Stogdill, 1972). While many studies reported a positive association, others were unable to detect a relationship, and cohesion and performance were even negatively correlated in some studies. Some clarity has been provided by recent applications of meta-analytic methods for statistically aggregating results across independent studies.

Meta-analyses by Oliver (1988, 1990b), Evans and Dion (1991), and Mullen and Copper (1993), using overlapping collections of studies, all indicate that, overall, there appears to be a modest positive relationship between cohesion and performance, although as we shall see, the effect varies with different types of cohesion. Oliver's (1990b) meta-analysis at the Army Research Institute included 14 field studies of existing working groups; she reported an average correlation[8] of .32. Evans and Dion's (1991) meta-analysis included 16 studies, with an average correlation of .36. The most complete meta-analysis was conducted by Brian Mullen and Carolyn Copper (1993) of Syracuse University, under contract to the Army Research Institute. Mullen and Copper identified 49 studies containing 66 separate estimates of the cohesion-performance link, with an average correlation of .25.

Moderating Factors. The Mullen and Copper meta-analysis provides a detailed examination of a number of variables that appear to *moderate* the cohesion-performance relationship--that is, the conditions under

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component (see Tajfel and Turner, 1979; also see Hogg, 1992; Mackie and Goethals, 1987).

[8]The most common measure of correlation is the Pearson correlation coefficient, r. A correlation of $r = +1.00$ indicates a perfect positive relationship between two variables, a correlation of $r = -1.00$ indicates a perfect negative relationship (i.e., one variable decreases with an increase in the other variable), and a correlation of $r = 0.00$ indicates the complete absence of a relationship between the two variables. In the behavioral sciences, $r = .10$ is generally considered a "small" correlation, $r = .30$ is considered a "medium" correlation, and $r = .50$ is considered a "large" correlation (Cohen, 1988, pp. 79-80).

which it is stronger or weaker. For example, the association is strongest for sports teams (r = .54, n = 8 tests), significantly weaker for military units (r = .23, n = 10 tests) and other real work groups (r = .20, n = 13 tests), and weakest for artificial groups (r = .16, n = 12 tests). The cohesion-performance relationship was not associated with the degree to which the task required high levels of interaction among members; according to the authors, "this argues against the notion that cohesiveness impacts upon performance by enhancing coordination and 'lubricating' the group as a social system" (p. 28).

Janis (1983, p. 248) suggested that "the duality of cohesiveness may explain some of the inconsistencies in research results on group effectiveness." This argument is supported by the Mullen and Copper (1993) meta-analysis. For each correlational study, they coded (with perfect interrater reliability) the proportion of questionnaire items tapping social cohesion ("interpersonal attraction"), task cohesion ("commitment to task"), and group pride. For experimental studies, four judges each rated the manipulations of cohesion with respect to the three types of cohesion. Because these three dimensions of cohesion were correlated,[9] Mullen and Copper (1993) computed residual measures of social cohesion, task cohesion, and group pride, partialling out their shared variance. These analyses indicated that only task cohesion was independently associated with performance; social cohesion and group pride were not correlated with performance after statistically controlling for task cohesion.

Thus, Mullen and Copper's analysis suggests that *it is task cohesion, not social cohesion or group pride, that drives group performance*. The association of task cohesion with performance is entirely consistent with the results of hundreds of studies in the industrial-organizational psychology literature on the crucial role of goal setting for productivity (see Locke and Latham, 1990).

Reciprocal Effects. Of course, finding a correlation between cohesion and performance need not imply that cohesion *causes*

[9]Positively correlated (r = .49) for experimental studies; negatively correlated (r = -.34) for correlational studies. Mullen and Copper suggest that the negative correlation might be artifactual.

performance: It could simply reflect the causal influence of performance on cohesion (Oliver, 1990a). In fact, there is considerable evidence that successful performance is a powerful factor in *promoting* group cohesion. Military training experts have long utilized this phenomenon by providing opportunities for group success experiences during training exercises. According to Davis (1969, p. 79), "it is often said about real-life groups that there is nothing like success to increase morale or group spirit. A near universal finding is that cohesiveness generally increases with success."

Using adjusted cross-lagged panel analysis techniques, Mullen and Copper (1993) meta-analyzed data from seven different correlational studies that assessed both cohesion and performance at multiple time periods. The results suggest that "while cohesiveness may indeed lead the group to perform better, the tendency for the group to experience greater cohesiveness after successful performance may be even stronger" (p. 32). This conclusion is bolstered by experimental studies that have increased group cohesion by providing groups with success feedback (see Lott and Lott, 1965, pp. 277-278). Unfortunately, the existing literature does not examine reciprocal effects separately by social vs. task cohesion.

Deleterious Effects of Cohesion. Intuition suggests that people who like each other should be able to work together more effectively than people who do not. Thus, the lack of an independent effect of social cohesion in experimental studies, and the negative effect of social cohesion among correlational studies, may seem somewhat counterintuitive. Actually, it has long been recognized that social cohesion has complex and sometimes deleterious effects on various aspects of group performance. Both military (Driskell, Hogan, and Salas, 1987; Kahan et al., 1985; Manning, 1985; Tziner and Vardi, 1982; Wesbrook, 1980) and non-military (Davis, 1969; Janis, 1983; Lott and Lott, 1965; Stogdill, 1972) research reviews have noted this phenomenon. For example, in the military context, Adams (1953; also Roby, cited in Mudrack, 1989b) found no association between a measure of group harmony and performance by bomber crews; Tziner and Vardi (1982) found no association between a measure of social cohesion and the performance

effectiveness of Israeli tank crews;[10] and McGrath (1962) found zero to negative correlations between measures of the quality of social relationships and the quality of performance in experimentally composed 3-person ROTC rifle teams.

Janis (1983) argued that under some conditions, high social cohesion actually undermines the effectiveness of group decision-making processes, promoting a state of 'groupthink'. According to Janis, the probability of groupthink is stronger "when high cohesiveness is based primarily on the rewards of being in a pleasant 'clubby' atmosphere or of gaining prestige from being a member of an elite group than when it is based primarily on the opportunity to function competently on work tasks with effective co-workers" (p. 247). A recent meta-analysis of nine studies of groupthink (Mullen et al., in press) supported the prediction that social cohesion promotes groupthink; interestingly, task cohesion appeared to prevent it from occurring.

High social cohesion can also result in excessive socializing that interferes with task performance (see review by Lott and Lott, 1965; Zaccaro and Lowe, 1988). Davis (1969, p. 79) noted that the "pleasure from interaction itself, in cohesive groups, sometimes exceeds the task-specific motivation, and greater energy is devoted to interpersonal relations than to overcoming the task obstacles. Hence performance suffers." According to Steiner (1972, p. 126), "people who flock together because they find one another attractive may or may not be inclined to work hard on a joint task. Perhaps they will be content merely to savor the joys of intimate companionship, or be reluctant to mix business with pleasure. Sociability does not necessarily breed productivity."

To argue that high social cohesion sometimes undermines performance should not be taken to imply that low social cohesion is actually desirable; it isn't. Janis (1983, p. 248) proposes that "for most groups, optimal functioning in decision-making tasks may prove to be at

[10]Tziner and Vardi (1982) did find an interaction of social cohesion and leadership style on performance, such that relations-oriented leadership enhanced performance in low cohesion groups. See discussion of leadership, below.

a *moderate* level of cohesiveness" [emphasis added]. The same principle seems likely to be true for other types of tasks.

Several authors have argued that the relationship between cohesion and productivity is moderated by the goal adopted by the group (Bass, 1981; Berkowitz, 1954; Davis, 1969; Greene, 1989; Mudrack, 1989b; Schachter et al., 1951; Shaw, 1976; Stogdill, 1972). According to Shaw (1976, p. 205), "the problem often is that groups do not set the same goals for themselves that outside agencies...set for them. Hence a cohesive group may achieve its own goals, but be relatively unproductive with regard to the goals of the researcher." Describing one such example, Shaw (1976) noted that "the more cohesive groups set social activity as their goal, and they apparently achieved this goal!" Davis (1969, p. 79) argued that "... [an] increase in cohesiveness results in an increase in pressures to uniformity. If uniformity of response can be achieved more easily on a wrong or low-quality response, overall performance will decline while satisfactory interpersonal relations may be preserved." According to Bion (quoted in Beeber and Schmitt, 1986), "a highly cohesive group will successfully complete whatever goals are inherent to its culture without regard for the desirability of the goals to the superstructure surrounding the group." Two early cohesion experiments (Berkowitz, 1954; Schachter et al., 1951) demonstrated this process by experimentally varying groups' cohesion levels and performance standards; they found a positive cohesion-performance effect when groups operated under high performance standards, but a negative effect when groups operated under low performance standards.

In the field of organizational behavior, a common example of this phenomenon is *rate-busting*--an agreement among workers, either tacitly or explicitly, to maintain low levels of performance (see Bass, 1981; Janis, 1983; Seashore, 1954; Stogdill, 1972). In the military context, there are many more serious examples involving drug use, insubordination, or mutiny (Ingraham, 1984; Marlowe, personal communication, April 6, 1993; Savage and Gabriel, 1976; Wesbrook, 1980). Ingraham (1984) describes the "anti-Army norm" that was prevalent in barracks life during his research in the 1970s. He suggests that a shared disdain for the organization might have actually bound units

together socially. High cohesion can even create some problems in elite, high-performance units. Manning (1985, p. 15) notes that among the "minuses of unit cohesion" in the U.S. Army's Special Forces "A-team" is the fact that "the ability of the teams to operate as independent units leads to strong resentment of attempts at control by higher headquarters as well as other failures to recognize them as special."

Effects of Cohesion on Psychological Coping

According to Marlowe (1979, p. 47), "while cohesion and morale do not correlate with technical performance...they do correlate with military performance in the sense of affectively maintaining the organized group at its tasks even in the face of the severe stresses of battle." Marlowe's conclusion about technical performance was perhaps too pessimistic; as we have seen, task cohesion does indeed appear to promote technical performance, although the effect is modest. Marlowe's assertion of a cohesion-coping association is echoed by many other military scholars (Henderson, 1985; Marshall, 1947; Shils and Janowitz, 1948), although it is often based on battlefield recollections and anecdotes.[11]

A number of empirical studies (see Griffith, 1989; Manning and Fullerton, 1988; Marlowe, 1979, 1993 testimony before the Senate Armed Services Committee) report a positive correlation between unit cohesion and psychological coping, although the different types of cohesion have not been distinguished. This correlation has been interpreted as a causal influence of cohesion on coping. Clinical and social psychologists have hypothesized that supportive social relations provide a "buffer" for those coping with traumatic life events (see Marlowe, 1979), although recent research suggests that such effects might be attributable to aspects of social networks other than social support, per se (Coyne and Downey, 1991; House et al., 1988). At present, the

[11]An anecdote by Kirkland (1987, p. 14) suggests one way in which high cohesion might impair coping; he reports that members of highly cohesive units have asked, "We are so close, if one of us is killed in combat, will the unit fall apart?"

correlation between unit cohesion and coping is open to plausible alternative explanations. Researchers have not established the extent to which the correlation reflects the influence of psychological coping skills on cohesion, or the joint effect on both coping and cohesion of other factors, such as superior logistical support, ideological commitment, or strong unit leadership. One such factor might be stress itself; as we shall see, there is evidence that under some conditions, shared threats promote cohesion. Thus, while it seems quite plausible that cohesion might enhance coping under stress, further research is needed to establish a causal relationship, and to assess which type of cohesion is most relevant.

Other Determinants of Military Performance

Whatever the beneficial effects of cohesion, it is important to bear in mind that even task cohesion generally accounts for only a small portion of the total variance in performance. Moreover, there is only limited empirical research on cohesion and military performance under actual combat conditions (see Garvey and DiIulio, 1993; Sarkesian, 1980). Even if the results of combat exercises generalize to actual combat, it is clear that a variety of non-psychological factors are crucial to battlefield performance, and can be decisive: supplies and logistical support, the quality and quantity of information, the weather, geographical constraints, and pure dumb luck (see Sarkesian, 1980). As Moskos (in Henderson, 1985, p. xv) puts it:

> In assessing who wins wars and why, it is easy to overweigh any one factor and neglect others. Broad factors such as objectives and strategies, weapons and materials, technology, numbers of soldiers, and the human element must all be considered in determining who wins and why. ...Single-cause explanations must be avoided: they claim too much for one factor at the expense of others.

Henderson (1985, 1990) and others have spoken eloquently of the crucial role of "the human element" in combat effectiveness, but they clearly recognize that cohesion, while important, is only one aspect of that element. A group's likelihood of success also hinges on the characteristics of its members--their individual ability levels (e.g.,

Henderson, 1990; Kahan et al., 1985; Shaw, 1976; Steiner, 1972) and individual motivation levels (e.g., Kerr, 1983; Kerr and MacCoun, 1984, 1985b; Locke and Latham, 1990; Sheppard, 1993). And of course, the human element also includes the cohesion, abilities, and motivation of the opponent (Henderson, 1985).

An example of the importance of individual motivation is provided by a recent Army Research Institute study of 22 platoons in two light infantry battalions undergoing training at the Joint Readiness Training Center (JRTC) at Fort Chaffee, Arizona (*ARI Newsletter,* June 1992, Vol. 9, pp. 1-4). Prior to training, the soldiers completed a detailed questionnaire that assessed group factors, including platoon cohesion and pride in the platoon, but also a number of individual factors, including motivation to do well at JRTC, job satisfaction, job motivation, and bonding with leaders. The strongest predictors of JRTC performance, which was assessed by trained observers, were the quality of leadership and three individual-level factors: JRTC motivation, job motivation, and job satisfaction.

WHAT FACTORS INFLUENCE SOCIAL AND TASK COHESION?

Before introducing the issue of homosexuality, it is useful to summarize what is and is not known about the antecedents of cohesion. There is a sizeable research literature on the factors that promote cohesion (see reviews by Berscheid, 1985; Hogg, 1992; Lott and Lott, 1965; Summers et al., 1988). Unfortunately, many of the studies focus exclusively on social cohesion, or else fail to distinguish social from task cohesion, so the antecedents of social cohesion are somewhat better understood than those of task cohesion.

Propinquity and Group Membership

Based on his ethnographic research on Army barracks life, Ingraham (1984, p. 58) argued that "by far the most potent determinant of social choice [of friends] was the company of assignment." This conclusion is amply supported by the research literature on social relationships. The role of *propinquity*--the simple fact of spatial and temporal proximity--in forming relationships seems so obvious that it is easy to overlook. In the electronic age, being in the same place at the same time may no

longer be a necessary condition for a relationship to evolve, but it greatly enhances that probability (Berscheid, 1985; Lott and Lott, 1965). Despite the adage that "familiarity breeds contempt," controlled experiments indicate that, everything else being equal, *mere exposure* to a person or an object increases liking for that object upon subsequent contact (Zajonc, 1968; Berscheid, 1985). Of course, in social encounters, everything else is rarely equal, particularly when the person in question has disliked attributes. This point will be discussed in more detail later in the chapter.

Moreover, there is a pervasive tendency to evaluate and treat one's own group members more favorably than members of other groups, which social scientists call *the ingroup bias*. Many different explanations for this bias have been offered, invoking historical, economic, political, and even biological factors (see Austen and Worchel, 1979). However, even in the absence of these factors, research indicates that *mere group membership*--e.g., randomly assigning individuals to ad-hoc groups--is sufficient to create an ingroup bias (see Brewer, 1979; Gaertner et al., 1993; Tajfel and Turner, 1979; Wilder, 1986).

Thus, the simple fact that individuals are assigned to a unit together predisposes them to social cohesion, although not necessarily to task cohesion. The military has long recognized the effect of salient group membership on bonding among members:

> Symbols that indicate common membership in an organization reinforce shared experiences. Shoulder patches, unit colors, campaign streamers, review ceremonies, and even informal symbols such as scarves serve this important function and should be supported as long as they are used in an appropriate manner. (*Leadership and Command at Senior Levels*, Department of the Army, 1987, p. 64)

Whether members sustain a sense of cohesion will depend on what happens to them during their time together, as discussed below.

Turnover and Turbulence

In the 1970s, the Army grew increasingly concerned that its individual replacement system created too much "turbulence" in combat units, undermining their cohesion (see Henderson, 1985, 1990; Manning,

in Ingraham, 1984; Scull, 1990). In essence, the argument was that unit cohesion was continually disrupted when individuals joined or left the unit in a constant, haphazard fashion. As a response, in 1981 the Army adopted a new Unit Manning System; its key component was called COHORT (Cohesion, Operational Readiness, and Training). In COHORT divisions, first-term soldiers were trained together as a group, and then assigned as a group to infantry, armor, and artillery companies; they were kept together for three-year cycles. Although COHORT stabilized first-termer turbulence, it did not stabilize NCO or officer turbulence, so units often saw several changes in leadership during a 3-year cycle.

Although the COHORT intervention was thought to hold great promise, by 1990 it had largely been abandoned as a failure. There are a number of published analyses of the COHORT experience (Griffith, 1989; Henderson, 1990; Kirkland et al., 1987; Scull, 1990). While there is some evidence that unit-replacement units were indeed more cohesive than individual-replacement units (Griffith, 1989), WRAIR field evaluations conducted in 1985 and 1986 documented a significant drop in both horizontal and vertical cohesion for some COHORT units relative to non-COHORT units (see Henderson, 1990; Scull, 1990).[12] However, COHORT's unit-replacement system was implemented in tandem with the creation of a new light infantry concept for the 7th Infantry Division, which became a rapid deployment force expected to achieve high combat effectiveness standards with minimal support in terms of equipment and personnel. The decline in vertical and horizontal cohesion in COHORT units was much steeper for light infantry units than for other COHORT units (Henderson, 1990; Scull, 1990). Thus, some of the problems attributed to COHORT may be at least in part attributable to the light infantry program. However, the effect of turbulence on performance in non-COHORT military units may be somewhat weaker than was originally believed (see Dropp, 1989; Eaton and Neff, 1978; Kahan et al., 1985). If so, the expectations for COHORT might have been unrealistically high.

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[12]Recall that vertical cohesion refers to the bonding between leaders and their subordinates.

Some believe that COHORT was poorly implemented, plagued by serious leadership problems, and a unit replacement process that proved difficult to administrate. According to Henderson (1990):

> A concluding one-sentence summation of the preceding eight chapters could read "The mediocre to average unit performance and the discouragingly low numbers of combat troops that characterize today's Army are a direct result of deeply rooted organizational inefficiencies that are apparent in the Army's manpower, personnel, and training (MPT) organization and policies." (p. 145)

Scull (1990) concludes that:

> The idea that stability is the single most important factor in creating a well-bonded unit is suspect. In light of the above discussion, the traditional view persists that cohesion among soldiers remains primarily the by-product of good leadership combined with important, fulfilling work.

Leadership

As seen in Scull's (1990) quote, military analysts have identified the quality of leadership as a key factor in determining whether units are cohesive (e.g., Henderson, 1985, 1990; Kirkland et al., 1987; Manning and Ingraham, 1983; Siebold and Kelly, 1988a, 1988b). This hypothesis is supported by research in non-military organizations as well (e.g., Bass, 1981; Hollander, 1985; Locke and Latham, 1990). Researchers have identified two key dimensions of leadership (see Bass, 1981; Hollander, 1985): *Relations-oriented* leadership involves active attempts to provide a warm, supportive, caring environment for workers; *task-oriented* leadership emphasizes the importance of goal achievement and the steps needed to accomplish it. These styles are not mutually exclusive, and good leaders can exhibit either style depending on the circumstances. Both styles of leadership have been shown to promote group cohesion in military and other settings (see Bass, 1981, pp. 379, 433). One might expect relations-oriented leadership to promote social cohesion, and task-oriented leadership to promote task cohesion, but unfortunately, most studies of the leadership-cohesion relationship have

not distinguished the two forms of cohesion, so this hypothesis has not been tested systematically. There is some evidence that leadership styles moderate the effects of cohesion on performance, such that highly relations-oriented leadership promotes high performance in low cohesion groups (Schriesheim, 1980; Tziner and Vardi, 1982; but see Yoest and Tremble, 1985).

Group Size

Group cohesion is inversely related to group size (see reviews by Hogg, 1992; Mullen and Copper, 1993; Siebold and Kelly, 1988a; Steiner, 1972). According to Marlowe, "only 40 to 50 people are in a soldier's universe," roughly his or her platoon, and perhaps a few others from the same company (personal communication, April 6, 1993). Thus, "only teams, squads, platoons, and companies possess cohesion" (Marlowe, 1979, p. 50). Siebold and Kelly (1988a) suggested that the platoon is the optimal size for measuring cohesion. Savage and Gabriel (1976, p. 364) argue that "in conflict, the unit of cohesion tends to be the squad."[13]

The fact that cohesion declines with group size suggests that larger groups should have weaker cohesion-performance correlations. Mullen and Copper (1993) report that the relationship between cohesion and performance grows weaker as a group's size increases, although the effect was only statistically significant in correlational studies, which have examined a larger range of group sizes.

Success Experiences

In addition to the importance of leadership, what happens to groups during their time together obviously matters a great deal. As reviewed above, there is considerable evidence that successful performance experiences promote cohesion; indeed, the effect of performance on cohesion appears to be stronger than the effect of cohesion on performance (e.g., Bakeman and Helmreich, 1975; Mullen and Copper, 1993;

[13]Unit sizes and labels vary within and across the military services. In the U.S. Army, companies vary from 50 to 200 members, platoons range from 15 to 40 members, squads generally have about 10 members, and teams and crews can range from 4 to 9 members. The exact size of a unit will depend on its function (armored, mechanized, airborne, etc.) and whether it is fully manned.

Williams and Hacker, 1982).[14] There is direct evidence that success can promote social cohesion (see Lott and Lott, 1965), but there is little direct evidence regarding the effect of performance on task cohesion. Given that the cohesion-performance correlation is largely attributable to task cohesion, it seems likely that success also promotes task cohesion. Success experiences reward the group for teamwork and the coordination of effort.

Shared Threat

Dating back at least to the turn of the century (Sumner, 1906), many have hypothesized that *external threat* promotes group cohesion. Henderson (1990, p. 124) is skeptical of this notion: "It is a great American myth that cohesion will occur the moment we go into battle." But many studies suggest that indeed, external threats can enhance cohesion, although the effect is by no means universal (see Dion, 1979; Hogg, 1992; Schachter, 1959; Sherif et al., 1961; Stein, 1976).

Figure 10-1 is an attempt to make sense of the conflicting findings regarding threat and cohesion, adapted from a discussion by Stein (1976) with some modifications. The figure depicts a series of moderating conditions that determine what effect threat will have on cohesion. If individuals anticipate a threat, their response will depend on a number of conditions. First, are the individuals *mutually threatened?* If not, there will be no enhancement of cohesion. If individuals are mutally threatened, their response will depend on whether they perceive *the possibility of a collective response* that will eliminate the danger. Given a shared threat and an interdependent task with a feasible solution, research demonstrates that both social and task cohesion will be enhanced (see Johnson et al., 1981; Johnson, Johnson, and Maruyama, 1984; Miller and Davidson-Podgorny, 1987; Sherif et al., 1961; Slavin, 1985; Stephan, 1985). However, psychological research demonstrates that

[14]Under special conditions, groups actually become more cohesive after a failure experience (Davis, 1969; Lott and Lott, 1965; Turner et al., 1984). This only appears to occur when the failure signals an external threat (see below), or when the blame for the failure is shared equally, resulting in cognitive dissonance reduction (Festinger et al., 1956).

anxiety promotes affiliation or social cohesion even when no collective instrumental response is available--a "misery loves company" effect (Schachter, 1959; Berscheid, 1985). But this affiliative effect seems unlikely when threat or scarcity encourages intragroup competition or a conflict between personal and group interests (Hamblin, cited in Stein, 1976).

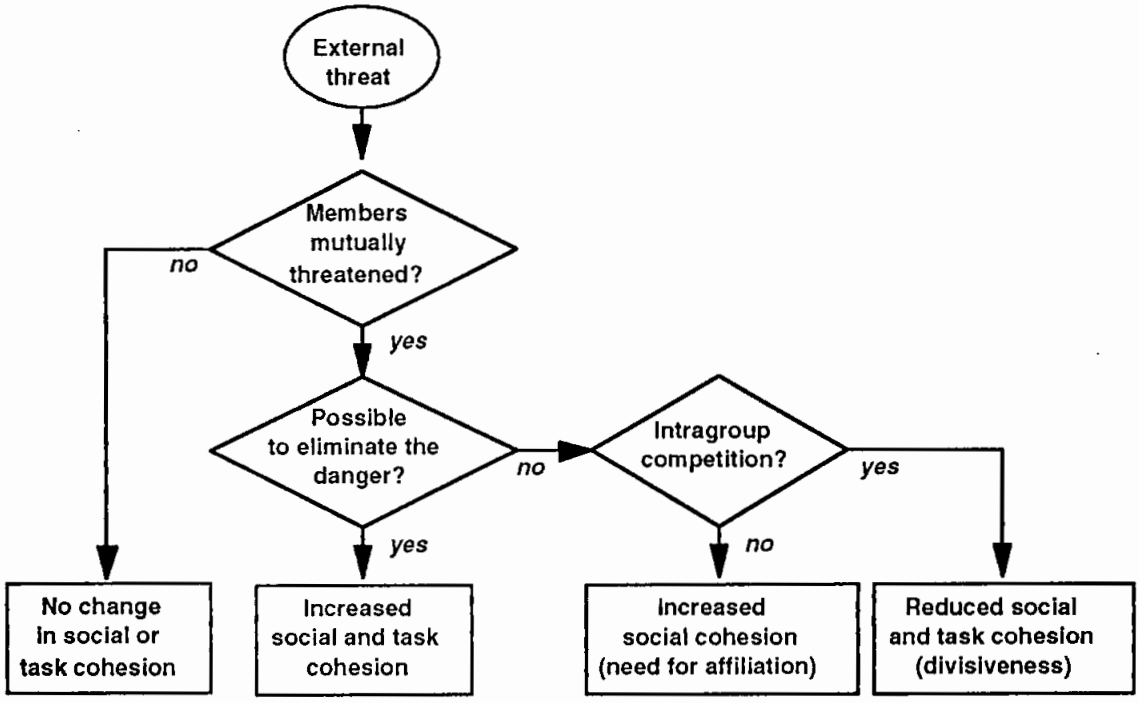

Figure 10-1—Effects of External Threats on Social and Task Cohesion

Stein argues that threat will promote cohesion only where some cohesion (task or social) already exists--in pre-existing groups. But while the pre-existence of a group undoubtedly enhances the promotion of cohesion, Stein's own review and other sources (e.g., Miller and Brewer, 1984; Miller and Davidson-Podgorny, 1987; Stephan, 1985; Tajfel and Turner, 1979; Wesbrook, 1980) indicate that it is not a necessary condition, everything else being equal, it appears that strangers can develop social and task cohesion amidst conflict when the conditions in Figure 10-1 are met. Moreover, Sherif's classic studies (Sherif et al., 1961) demonstrated that in the face of a superordinate threat and goal, even hostile groups can merge together to form a cohesive whole.

This social cohesion may sometimes be temporary. Moskos (quoted in Marlowe, 1979; cf. Williams, 1989) has suggested that earlier scholars failed to appreciate the extent to which the bonding in combat situations is "instrumental and self-serving," a temporary and situational adaptation to danger. He writes that "in most cases, nothing more is heard from a soldier after he leaves the unit. Once a soldier's personal situation undergoes a dramatic change--going home--he makes little or no effort to keep in contact with his old squad. Perhaps even more revealing, those still in the combat area seldom attempt to initiate mail contact with a former squad member. The rupture of communication is mutual despite protestations of lifelong friendship during the shared combat period." Thus much of what appears to be social cohesion on the battlefield may have more to do with task cohesion and/or tacit psychological contracts--I'll cover you if you'll cover me--than with the instrinsic likeability of one's comrades. This point will be addressed in more detail later in the chapter.

Similarity/Homogeneity

The conventional wisdom tells us that "birds of a feather flock together," but also that "opposites attract." Which is more accurate? The evidence clearly supports the former over the latter; there is well-established positive association between interpersonal liking and similarity with respect to attitudes, interests, and values (Lott and Lott, 1965; Berscheid, 1985). A meta-analysis of 17 studies comprising 25 separate estimates (Anthony et al., 1993) yielded an average similarity-cohesion correlation of .24. However, the effect appears to be significantly weaker in enduring groups--e.g., military units, sports teams, work groups--than in temporary, artificially-created laboratory groups. The size of the similarity-cohesion correlation decreases with group size, and with the percentage of males to females in the group. The similarity-cohesion effect is largely due to social cohesion in artificial groups, but similarity was actually inversely related to social cohesion--albeit weakly--in the studies of real groups in the Alexander et al. analysis, for reasons that are not clear. In an important observation, Alexander et al. report that similarity of

attitudes and values appears unrelated to task cohesion in either type of group.[15]

Thus, similarity does not appear to influence task cohesion, the type of cohesion that influences group performance. This is consistent with the research on the effects of group homogeneity on productivity (Kahan et al., 1985; Steiner, 1972; Shaw, 1976). On one hand, heterogeneity can breed social tension, and due to its effects on social cohesion, homogeneity "sometimes has adverse effects on task motivation, particularly when work activities are extended over long periods of time" (Steiner, 1972, p. 127). On the other hand, heterogeneity can enhance the quality of group problem-solving and decision-making (Hoffman and Maier, 1967; Janis, 1983), and it broadens the group's collective array of skills and knowledge. Because of these conflicting tendencies, heterogeneity has no net effect on performance.

HOW WOULD ALLOWING ACKNOWLEDGED HOMOSEXUALS TO SERVE AFFECT COHESION AND PERFORMANCE?

As we have documented in the chapter on military opinion, negative attitudes toward homosexuality and homosexuals are quite prevalent among current military personnel, particularly among males. This understandably raises concerns about how the presence of acknowledged homosexuals would affect unit cohesion and performance. However, it should be reiterated that *no systematic empirical research has been conducted on the effect of acknowledged homosexuals on unit cohesion or unit performance*. Thus, the analysis in this section is necessarily speculative. Five questions are addressed:

- Will many units have acknowledged homosexuals as members?
- How might the presence of an acknowledged homosexual influence task and social cohesion?
- Will contact with acknowledged homosexuals influence attitudes toward homosexuality?

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[15]Of course, task cohesion is directly determined by similarity of a different sort: sharing a commitment to the group's goals and objectives.

- Will negative attitudes toward homosexuality be expressed behaviorally?
- Will heterosexuals obey an acknowledged homosexual leader?

Will Many Units Have Acknowledged Homosexuals as Members?

In evaluating concerns about unit cohesion, it would be useful to know what percentage of units of a given size will actually have an acknowledged homosexual. This question cannot be answered with scientific precision. Relevant data are scarce and there are many unknowns. For example, the prevalence of homosexuality in the population at large is still very much in dispute. There is little reliable information on whether the prevalence of homosexuality in the military differs appreciably--in either direction--from the population at large.

The scientific literature on prevalence estimation for homosexuality in the general population is reviewed in "Sexual Orientation, Sexual Behavior, and the Epidemiology of Sexually Transmitted Diseases" (to be published). Suffice it to say here that almost all experts agree that the prevalence of homosexual behavior in the adult population falls somewhere in the 1 percent to 10 percent range (Rogers and Turner, 1991). However, it appears that many of those who engage in homosexual behavior also engage in heterosexual behavior, and may not consider themselves to be homosexual; if so, the prevalence of individuals with a homosexual self-identity--whether overt or covert--is probably nearer to the low end than the high end of that range. Little is known about the prevalence of homosexual self-identity among military personnel (see Harry, 1984).

How might ending discrimination based on sexual orientation affect the prevalence of homosexuality in the military? It is conceivable that this prevalence might increase somewhat, but it seems implausible that it would significantly exceed the prevalence of homosexuality in the general population, particularly given the current level of hostility

toward homosexuality expressed by many military personnel.[16] Thus, the prevalence of a homosexual orientation among U.S. military personnel seems likely to fall somewhere in the 1 percent to 5 percent range. Homosexuals are and will probably remain a much smaller statistical minority than most ethnic and racial minorities in the military.

However, as noted in the chapter opening, many of the concerns raised in the policy debate involve not the prevalence of homosexuality in the U.S. military, but *the prevalence of individuals who openly acknowledge a homosexual orientation*. In reality, the "openness" of one's sexual orientation is not a dichotomous variable but a continuous variable. Thus, some homosexuals might be open only to close friends. Such situations are less germane to the concerns raised by supporters of the ban. For them, an operational definition of "openness" would seem to be "acknowledged by the individual, known by a majority of the individual's colleagues and by supervisors."

Given this definition, it is useful to examine the experiences of domestic paramilitary institutions that have adopted non-discrimination policies, reviewed in the chapter on U.S. police and fire departments. As stated in that chapter, these institutions differ from the military in many ways, and are by no means completely analogous. As seen in Table 10-1, the institutions we visited report that between 0 percent and 0.51 percent of their total membership consist of acknowledged homosexuals, with a mean prevalence of 0.12 percent, a median prevalence of 0.03 percent, and an upper quartile of 0.19 percent.[17] Thus, the experiences of these institutions suggest that *acknowledged homosexuals are likely to be quite rare in the military,* at least in the foreseeable future. This has several implications. First, recall that group

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[16]This is an aggregate statement; even if lesbians are overrepresented (Harry, 1984), males constitute about 90 percent of the active forces.

[17]With the exception of the Houston Police Department and the Los Angeles Fire Department, these statistics were obtained in interviews with representatives of the institutions and were verified when possible by homosexual members of the institutions (some of whom were unacknowledged). The numbers were sufficiently small that respondents could often list the individuals by name.

Table 10-1

Estimated Prevalence of Acknowledged Homosexuals in Domestic Paramilitary Institutions Visited by RAND

Institution	Location	Year Policy Changed	Total Force Size	Number of Acknowledged Homosexuals	Prevalence of Acknowledged Homosexuals
Police	Chicago	1988	12,209	7	0.06%
	Houston[a]	N/A	4,100	0	0.00%
	Los Angeles	1979	7,700	7	0.09%
	New York[b,c]	1979	28,000	approx. 100	0.36%
	San Diego[c]	1990	1,300	4 or 5	0.25%
	Seattle[d]	1980	1,300	0	0.00%
Fire	Chicago	1988	4,700	0	0.00%
	Houston[a]	N/A	2,900	0	0.00%
	Los Angeles	1979	3,136	0	0.00%
	New York	1979	11,300	0	0.00%
	San Diego[e]	1990	845	1	0.12%
	Seattle[e]	1980	975	5	0.51%
Mean					0.12%
Median					0.03%

[a]See the chapter on racial integration for the history of relevant policies in Houston.

[b]Acknowledged homosexual officers are actively recruited for community policing in heavily homosexual neighborhoods.

[c]We were unable to get a precise count of acknowledged homosexuals.

[d]We were told there was an acknowledged homosexual in the Seattle Police Department, but after our visit, the *Seattle Times* reported his resignation ("Gay Officer Quits, Cites Harassment," Kate Shatzkin, May 30, 1993, p. A1).

[e]The only acknowledged homosexual firefighters in the cities we visited were lesbians.

cohesion is mostly relevant at the level of platoons (16-40 members) and smaller units, like five-person teams or crews. It appears that relatively few of these units will actually have one or more acknowledged homosexuals, and units with two or more acknowledged homosexuals will be quite rare, at least in the foreseeable future.[18]

[18]For example, if the prevalence of open homosexuals in the military were to match the mean prevalence in the domestic institutions we studied, then given random distribution across units, fewer than 5 percent of 40-person platoons and fewer than 1 percent of 5-person crews and teams would be expected to have an open homosexual; just a small fraction of a percent of platoons would have two or more open homosexuals. If homosexuals are clustered rather than randomly

This will limit the aggregate effects on unit cohesion, although the potential impact on any given unit must be taken seriously. A second implication is that acknowledged homosexuals may be somewhat isolated, creating a potential for ostracism. A third implication is that most heterosexuals in the military will have relatively little contact with acknowledged homosexuals. These implications are addressed in more detail in subsequent sections.

Why have paramilitary institutions encountered so few acknowledged homosexuals among their ranks, despite the adoption of explicit non-discrimination policies? As in the military, many individuals in these organizations hold negative attitudes toward homosexuality. "Coming out," even in an officially non-discriminatory atmosphere, is a risky choice; homosexuals can face hostility from some colleagues, unequal treatment from some supervisors, and even the possibility of physical violence.[19] In the military focus groups discussed in the chapter on military opinion, both homosexual and heterosexual military personnel predicted that few homosexuals would come out; two comments from heterosexuals were:

> Those that are gay and have served have accepted [military] values. They know that if they come out it would cause problems.
>
> It's not going to be a mass of people coming out of the closet. It's not going to happen.

There was also general agreement on this point at the Senate Armed Services Committee Hearings (March 31, 1993).

It would appear that homosexuals are generally unwilling to acknowledge their sexual orientation unless the local climate appears to be tolerant. As an environment becomes more tolerant, homosexuals may become more willing to disclose their orientation, but that same level

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distributed, for any given aggregate prevalence rate, even fewer units will have an open homosexual.

[19]One might argue that a homosexual individual is more likely to come out in an environment where there is already an open homosexual individual. However, this possibility is constrained by the facts that (1) the prevalence of homosexuals is already low, and (2) the high frequency of turnover and transfers mean that homosexuals cannot count on locally favorable conditions to last.

of tolerance suggests that their openness will pose less of a threat to the quality of working relationships.

How Might the Presence of Acknowledged Homosexuals Influence Cohesion?

Although there is no direct scientific evidence about the effects of acknowledged homosexuals on unit cohesion the established principles of cohesion suggest that if there is an effect, it is most likely to involve social cohesion rather than task cohesion. As explained above, similarity of social attitudes and beliefs is not associated with task cohesion, although it is sometimes associated with social cohesion. Task cohesion involves similarity, but of a different sort; it is found when individuals share a commitment to the group's purpose and objectives. There seems little reason to expect acknowledged homosexuality to influence this commitment, at least not directly. The values of homosexuals in the military have not been systematically compared to those of heterosexual personnel. However, historical anecdotes and RAND's interviews suggest that homosexuals who serve in the military are committed to the military's core values, which Henderson (1990, p. 108) lists as "fighting skill, professional teamwork, physical stamina, self-discipline, duty (selfless service), and loyalty to unit." This notion was accepted by most witnesses during the recent Senate hearings, and it seems likely, since homosexuals in the military are a self-selected group who enter despite numerous obstacles and personal and professional risks.

Thus, if the presence of acknowledged homosexuals has an effect, it is most likely to be on *social* cohesion. Recall that social cohesion involves the emotional bonds of friendship, liking, caring, and closeness among group members. As documented in the chapter on military opinion, many military members express negative attitudes toward homosexuality, and it is likely that many will continue to do so, at least in the immediate future. Thus, if a unit had one or more acknowledged homosexuals, and one or more heterosexuals who disliked homosexuality, a reduction in social cohesion would be likely.

As we have seen, it is task cohesion rather than social cohesion that has a direct influence on performance. This suggests that it is

not always necessary for co-workers to like each other, or desire to socialize together, to perform effectively as a team; indeed Steiner (1972) notes that "...it is apparent that people sometimes prefer to work with nonfriends" (p. 127). According to Steiner (1972, p. 161):

> Work groups sometimes persist in the face of adversity even though members have little affection for one another, and industrial psychologists often obtain low or even zero correlations between inter-member esteem and measures of the success with which groups cope with their environments.

There are many examples of this phenomenon in the sports literature; notorious examples include the 1973-1975 Oakland A's and the 1977-1978 New York Yankees. Aronson (1976, p. 193) describes how black and white coal miners in West Virginia "developed a pattern of living that consisted of total and complete integration while they were under the ground, and total and complete segregation while they were above the ground." Many military observers (e.g., Ingraham, 1984) have noted a similar tendency of black and white soldiers to socialize separately, despite working together effectively. In one of our focus groups, we were told:

> It's all about respect. When you develop a team, they develop a respect that transcends race. Team members look beyond race. Utopia is team work. Once you get out of that, it breaks down back at the garrison when they're not at work.

However, there may be conditions under which a reduction in social cohesion brings about a reduction in task cohesion. There appear to be few invariants in the research literature on small group performance; factors that have one effect under certain task conditions can have a very different effect under others (McGrath, 1984). For certain types of tasks, some minimal level of social cohesion might be necessary for the group to accomplish its task (Driskell et al., 1987; Janis, 1983; Zaccaro and McCoy, 1988). One might expect this to be less of a concern in *additive* tasks--where the group's performance is the sum of individual performances, and more of a concern in *disjunctive* and *conjunctive* tasks--where the group's performance is determined by the

most able member or the "weakest link," respectively (Kerr, 1983; Kerr and MacCoun, 1985b; Steiner, 1972; Zaccaro and Lowe, 1988; Zaccaro and McCoy, 1988). However, Mullen and Copper's (1993) meta-analysis did not support this prediction; they found no differences in the strength of the cohesion-performance effect for tasks with high vs. low interactive requirements. But one can imagine circumstances in which a group has so little social cohesion that task performance becomes impossible, with potentially disastrous consequences for the group.

Thus, much may depend on how social cohesion is affected. Figure 10-2 presents four qualitative types of social cohesion in a five-person crew or team, where individual *E* has revealed his or her homosexual orientation. Social cohesion involves the pairwise bonds among these individuals.[20] Strictly speaking, there should be two directional bonds for each pair of individuals, but the figure depicts only one, for simplicity. Similarly, in reality, these bonds vary continuously in strength, but Figure 10-2 treats them dichotomously for simplicity. It assumes that if either individual rejects the other, the pairwise bond is broken; this is a pessimistic assumption that provides an upper bound on the loss of cohesion. Under these assumptions, Figure 10-2a depicts a group in which social cohesion has not been disrupted.
Figure 10-2b depicts the "complete breakdown" of social cohesion--a state of anarchy. A less extreme version would depict a significant weakening in each bond. In either case, this would imply that *E's* acknowledgment of homosexuality would actually affect the bonds of friendship among *heterosexuals* in the unit; e.g., *A* would like *C* less because *E* is a homosexual. Again, we have no direct evidence, but this scenario seems unlikely in most instances.

Figure 10-2c seems somewhat more plausible. In this scenario, the crew is split into factions; members *A*, *B*, and *C* are hostile to the homosexual, while *D* befriends the homosexual.[21] This is conceivable,

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[20]Task cohesion and group pride would be depicted differently, with group members bonded to each other indirectly through a common node depicting "group goals" or "group identity," respectively.

[21]This is the situation discussed by General H. Norman Schwarzkopf during his testimoney before the Senate Armed Services Committee on May, 11, 1993. General Schwarzkopf noted that, "the introduction of an open

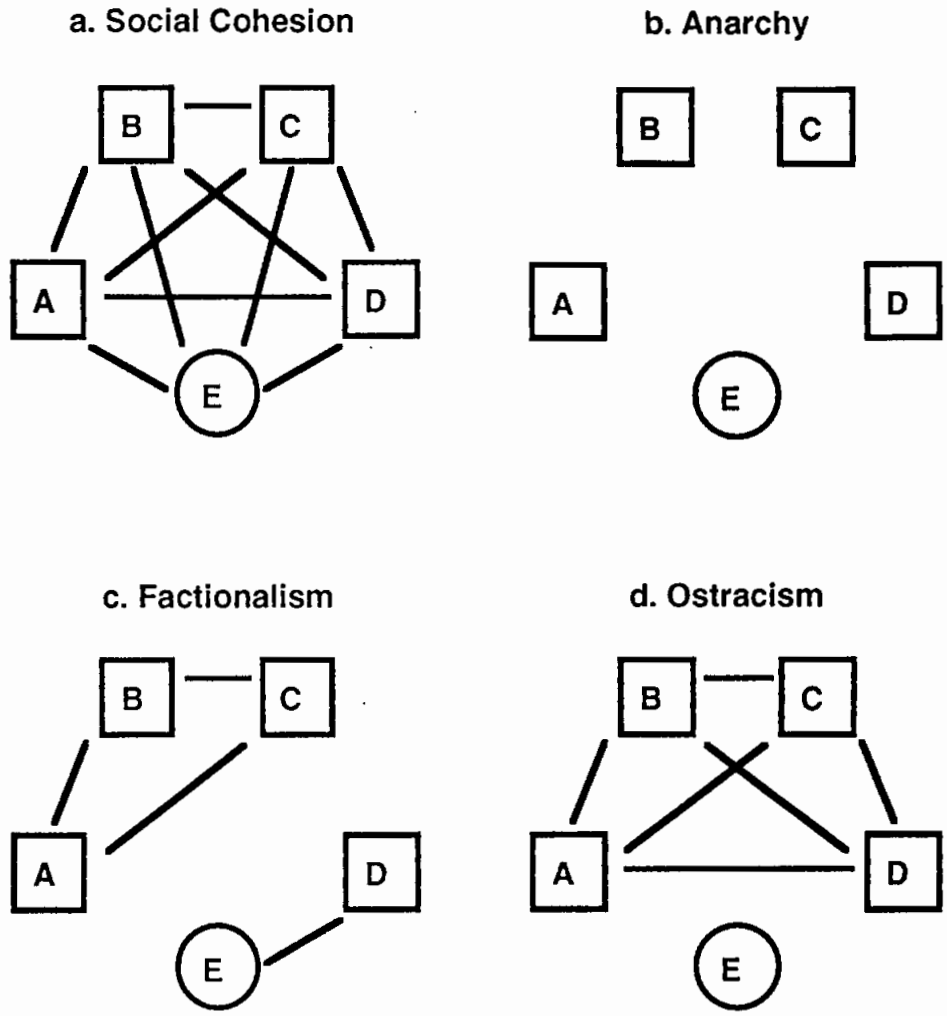

Figure 10-2—Alternate Models of Cohesion in Five-Person Unit
Note: Node E depicts an acknowledged homosexual; links depict positive bonds between individuals.

but only if *D* is willing to sacrifice his relationships with the others in the process. *D* may be more likely to weaken his bonds with everyone rather than take sides with *E* alone. Of course, *D* may also be a homosexual; statistically this will be quite rare in five-person crews, but it may happen.

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homosexual into a small unit immediately polarizes that unit and destroys the very bond that is so important for the unit's survival in time of war. For what ever reason, the organization is divided into a majority who oppose, a small minority who approve, and other groups who either do not care or just wish the problem would go away."

If there is any breakdown in social cohesion, Figure 10-2d would appear to be more likely than 2b or 2c. This is the case of complete or partial ostracism.[22] Social psychological research (Levine, 1989; Schachter, 1951) indicates that opinion deviates in small groups initially receive intense attention as the group attempts to pressure the individual to conform to the group. That research may not be directly applicable; it involved individuals expressing views directly in opposition to the majority view on a group-judgment task, whereas homosexuals deviate from the majority's sexual orientation rather than the group's views regarding task accomplishment. Nevertheless, the individual's sexual orientation may create fears of "stigma by association"--a concern that the group's reputation will be tarnished (Mackie and Goethals, 1987; Sigelman et al., 1991). Thus, the group is likely to put intense pressure on the homosexual individual to conform to other group norms--conduct, appearance, performance, values, opinions, and attitudes.[23] Statistically small minorities--in particular, lone minorities--have disproportionately little ability to resist social influence (e.g., Kerr and MacCoun, 1985a; Latané and Wolf, 1981; Mullen, 1983; Tanford and Penrod, 1984). When the relevant unit shifts from the five-person crew to the 40-person platoon or 200-plus company, the majority pressures may be even greater.[24]

If the group fails, they may react by partially or completely ostracizing the individual. Because ostracism provides the others with a common enemy, the strengths of the bonds among the heterosexuals might

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[22]David Marlowe also predicted that ostracism was the most likely scenario during his conversation with us on April 6, 1993. Similarly, in our discussions with the Head of the Department of Mental Health of the Israel Defense Forces (May 4, 1993) this point was also noted: "Homosexuals can become scapegoats if their manifestations of homosexual behavior cause them to be rejected or ostracized from the group. This is not just because of homosexuality, but for any social adjustment problem or personality problem which do not allow him to adapt to the group. ... (However), if there were no disfunctionality in the unit, he (the homosexual) would not currently be removed from the unit."

[23]As discussed earlier, these same conformity pressures are likely to keep most homosexuals "in the closet," at least within the group.

[24]However, majority influence will reach an asymptote due to diminishing marginal social influence, and possibly, social or physical distance (Latané and Wolf, 1981; Tanford and Penrod, 1984).

actually increase; in a large enough group, the result might be a net increase in social cohesion for the group as a whole.[25] That is not to suggest that ostracism is in any way an acceptable state of affairs. Ostracism has a cruel and potentially dangerous effect on the ostracized individual, and it can seriously hinder the unit's performance if ostracism is maintained at the expense of the unit's mission. Thus, ostracism cannot be tolerated. When cases do occur--as sometimes happens today for reasons other than sexual orientation--the military actively intervenes through informal conflict resolution, or if necessary, reassignment or disciplinary action.

The likelihood of complete ostracism will depend on what actually happens during contact between heterosexuals and acknowledged homosexuals. The effect on performance will depend on whether the individuals refuse to cooperate with each other to accomplish the group's mission. These issues are addressed in the next two sections.

Will Contact with Acknowledged Homosexuals Influence Attitudes?

As discussed earlier, everything else being equal, the mere fact of propinquity and group membership predisposes members to social cohesion. However, everything else is not equal if one member is an acknowledged homosexual and the others have hostile attitudes toward homosexuality. This creates the possibility of divisiveness in the group--an "Us vs. Them" phenomenon.

Research on social categorization processes (e.g., Brewer, 1979; Gaertner et al., 1993; Messick and Mackie, 1989; Ostrom and Sedikides, 1992; Tajfel and Turner, 1979; Wilder, 1986) suggests that whenever there are salient boundaries between social groups, three effects generally occur. First, there is the *ingroup bias* described above: people evaluate their own group members more favorably, simply because they are ingroup members. Second, there is a *between-group contrast effect*, such that individuals exaggerate the extent to which members of the ingroup differ from members of the outgroup. Third, there is an

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[25]This underscores the point made in footnote 4 that averaging across individual ratings of other members can obscure important qualititative differences in patterns of cohesion.

outgroup homogeneity effect, such that individuals exaggerate the extent to which members of the outgroup "are all alike."

The ingroup bias effect is a pro-ingroup effect, but not necessarily an anti-outgroup effect (Brewer, 1979); in other words, it reflects special favorability toward fellow ingroup members, not special hostility toward the outgroup. Thus, the mere fact that group boundaries exist appears to be necessary, but not sufficient, for hostility toward outgroups (Struch and Schwartz, 1989). Other factors account for the level of hostility in attitudes toward homosexuality. As reviewed in the chapter on public opinion, and elsewhere (e.g., Britton, 1990; Herek, 1991, 1992), attitudes toward homosexuality are complex. They can have several different origins, including one's socialization, religious beliefs, conformity to a peer group, and media influences. And they can serve several different psychological functions: the evaluative function of summarizing one's experiences and expectations, the conformist function of emphasizing one's unity with other heterosexuals, the value-expressive function of broadcasting one's own values or identity, or the defensive function of reducing anxiety about one's own sexuality.

The salience of group boundaries is very fluid. Each of us belongs to many different social categories--our gender, our race, our age group, our nationality and region, our religion, our profession, our political party, and so on. Psychologists have demonstrated at least three ways to disrupt the potentially divisive influence of salient intergroup boundaries (see Fiske and Neuberg, 1990; Gaertner et al., 1989, 1990, 1993; Hewstone, Islam, and Judd, 1993; Miller and Brewer, 1984; Wilder, 1986). The first approach is *decategorization:* break down the ingroup-outgroup boundary by emphasizing the many features that differentiate members of the same groups; e.g., the fact that all homosexuals are not alike. The second approach is *cross-categorization:* emphasize the many ways in which individuals who differ on one dimension--e.g., sexual orientation--share memberships on other dimensions--e.g., you and I like sports but he doesn't, but he and I like rock music and you don't. The third approach is *recategorization:*

emphasize a common superordinate identity that unites all the individuals--e.g., we are all Rangers.

Decategorization can be effective because between-group contrast and outgroup homogeneity are generally sustained by a lack of information about the diversity of characteristics in the outgroup (Fiske and Neuberg, 1990; Miller and Brewer, 1984; Stephan, 1985). In the case of homosexuality, this is enhanced by stereotyped media portrayals that give the impression that all homosexuals are flamboyant, effeminate, promiscuous, or abrasive. Thus, actual contact with homosexuals--or any outgroup--holds the potential for weakening stereotypes and thereby reducing intergroup hostilities.

Does contact with homosexuals enhance the favorability of attitudes toward homosexuality? Sometimes, but not always. There is fairly limited research on this question. There is evidence (see the chapters on public and military opinion; Whitley, 1990) that those who know homosexuals have less negative attitudes towards homosexuals. This may be an indication that positive interactions with homosexuals break down stereotypes. But it also seems likely that homosexuals are more likely to acknowledge their sexual orientation to those with more favorable attitudes.

Research on the effects of intergroup contact indicates that mere contact, per se, is often insufficient to improve intergroup relations. According to Allport (1954, p. 281):

> Prejudice...may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports...and if it is of a sort that leads to the perception of common interests and common humanity between members of the two groups.

There is now a large body of research supporting Allport's analysis of the conditions under which intergroup contact brings about a reduction in hostilities (e.g., Miller and Brewer, 1984; Stephan, 1985, 1987). For example, there is considerable evidence that cooperative learning interventions can bring about a reduction in interracial hostilities; these interventions assign students to mixed-racial or

ethnic groups that must pursue common goals which can only be achieved through cooperative efforts (Johnson and Johnson, 1989; Miller and Davidson-Podgorny, 1987; Slavin, 1985).

Some of the conditions that promote harmonious intergroup contact may be difficult to achieve. Research indicates that contact is more likely to be effective when interaction takes place among a mix of equal numbers of members of each social group (e.g., Miller and Davidson-Podgorney, 1987). In initial encounters with members of an outgroup, our tendency is to assimilate them into our stereotype unless their behavior is greatly discrepant from our expectations (see Fiske and Neuberg, 1990). It generally takes extensive exposure to a diversity of members of the outgroup before assimilation becomes impossible and our stereotypes begin to break down (see Jones et al., 1984, pp. 315-318). But the very low prevalence of acknowledged homosexuality will limit this possibility. Because open homosexuals will be relatively rare, it may be difficult for many heterosexuals to achieve a "critical mass" of intergroup contact. Moreover, minority solo status in a group tends to heighten the salience of the intergroup boundary (Taylor and Fiske, 1978). Thus, some conditions may promote a perpetuation of stereotypes.

But other conditions for effective intergroup contact are naturally met in the military context. Although *decategorization* might be difficult to achieve, the military actively encourages *recategorization*. The military naturally strives to diminish the salience of individuating characteristics and enhance the salience of the superordinate group identity. As David Marlowe put it in his testimony to the Senate Armed Services Committee (March 31, 1993):

> If the individual insists upon being treated first and foremost in terms of a different primary identity, as happened in Vietnam in terms of drug-using, as has happened in any number of cases, then I think we have a problem.

The military goes to great lengths to remind unit members of their superordinate identities: American, Service Member, Unit Member. This is emphasized and reemphasized throughout the military socialization process, and it is reinforced by the use of uniforms and insignia. The

superordinate identity is even more salient when units are stationed abroad. The military also strives to decouple social status--based on race, ethnicity, and socioeconomic factors--from military status; e.g., through the use of standardized aptitude testing and rigorous performance criteria.

According to Hollander (1958, 1985), group members must first earn *idiosyncracy credits* in the eyes of their colleagues before the group will tolerate innovations or deviations from group norms or culture. To earn these credits, members must first (1) demonstrate their competence in pursuing the group's tasks, and (2) demonstrate their loyalty to the group and its culture--i.e., their allegiance to the group's superordinate identity. Interestingly, research on social stigmas (Goffman, 1963; Jones et al., 1984; Luhtanen, 1993) indicates that many stigmatized individuals intuitively understand these principles. In order to normalize their relations with non-stigmatized others, they often feel compelled to go to great lengths to establish competence and loyalty "above and beyond." "Invisible" stigmas like homosexuality provide an advantage in this regard; invisibly stigmatized individuals can establish their competence and loyalty before revealing the stigma.

The sense of superordinate identity is particulary salient in combat settings, where there is a bright psychological line dividing the unit from the enemy. As discussed earlier, the presence of a shared threat and a common enemy enhances task and social cohesion. Thus, when members of a military group belong to different social groups, combat conditions can reduce intragroup tensions.[26] Brophy (1945-1946) provided early evidence for this hypothesis in his study of white seamen during the Second World War. He found that prejudice against blacks was inversely associated with the number of voyages taken with blacks, and that "...those who have not been under enemy fire are significantly more prejudiced than those who have been subjected to enemy action" (p. 461). He concluded that "it would appear that many of our respondents could not afford the luxury of an anti-Negro prejudice while at sea" (p. 466).

[26]As depicted in Figure 10-1, the exception is when individual and group interests conflict, as when group members compete with each other for scarce resources.

A key factor in effective intergroup contact is institutional support, communicated by leaders at all levels (Allport, 1954; Stephan, 1985). This is within the military's control, and is promoted by the the military's clear chains of command. Allport's analysis of desegregation experiences suggests that military leadership must demonstrate through their words and their actions that intolerant behaviors are categorically unacceptable (also see the chapter on organizational change). Chapter 4 suggests that the integration of blacks into the military was greatly facilitated once military leaders aggressively implemented the policy change.

Will Negative Attitudes Toward Homosexuality Be Expressed Behaviorally?

The widespread expression of negative attitudes toward homosexuality among heterosexual military personnel has raised concerns about how they will behave if they find themselves working with an acknowledged homosexual. Thus, there are predictions of soldiers refusing to work, bunk, or shower with homosexuals, and of widespread outbreaks of violence against homosexuals. But there is little reason to believe that negative attitudes toward homosexuality are automatically translated into destructive behaviors (see the chapters on domestic police and fire departments and on foreign military experiences). The effect of attitudes toward social groups on behavior is known to be indirect, complex, and for most people, fairly weak (Ajzen and Fishbein, 1980; Campbell, 1963; Eagly and Chaiken, 1993; Fishbein and Ajzen, 1975; LaPiere, 1934; Stephan, 1985; Wicker, 1969).[27]

For many years, researchers simply assumed that social attitudes were a major determinant of behavior. An early indication that this might not be the case was provided by LaPiere (1934). LaPiere traveled across the United States with a Chinese couple, and found that of approximately 250 hotels and restaurants, only one refused to serve the couple. LaPiere then informally surveyed the proprietors of these institutions to ask if their establishments accepted members of the

[27]This also implies that people who express positive attitudes toward a social group might behave more negatively; see Devine et al. (1991).

Table F-5

"What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"
(GSS. 1988-1991. N = 5907)

Proportion answering "always wrong"
Overall population = 76%

Sex		Race	
Male	79%	White	75%
Female	74	Black	85
		Other	80
Age		Political Affiliation/Ideology	
24 to 26	71	Democrat	77%
27 to 29	68	Independent	71
30 to 33	69	Republican	82
34 to 36	74		
37 to 39	65	Liberal	60
40 to 45	72	Moderate	78
46 to 55	79	Conservative	86
56 or older	86		
Education Attainment		Veteran Status	
Less Than High School	89	Veteran	81
High School Degree	79	Non-Veteran	76
College Degree	61		
Graduate Degree	45	Region	
		New England	57
Religious Affiliation		Middle Atlantic	75
Protestant	82	East-North Central	76
Catholic	73	West-North Central	78
Jewish	29	South Atlantic	78
None	47	East-South Central	94
		West-South Central	91
Protestant Denomination		Mountain	75
Baptist	88	Pacific	64
Methodist	81		
Presbyterian	73	Urban/Rural	
Lutheran	72	Central city of 12 largest SMSAs	71
Episcopalian	61	Central city of other SMSA	69
Other Protestant	84	Suburb of 12 Largest SMSAs	67
		Suburb of Other SMSA	70
Fundamentalism of Religion		Other Urban	81
Fundamentalist	89	Rural	89
Moderate	74		
Liberal	63		
Interpretation of the Bible			
Actual Word	93		
Inspired Word	73		
Ancient Book	52		

Table F-6

"Do you feel that homosexuality should be considered an acceptable alternative lifestyle or not?" (Gallup. June, 1992. N = 1002)

	Acceptable	Not Acceptable	No Opinion
National	38%	57%	5%
Sex			
Male	34	63	3
Female	42	52	6
Age			
18 to 29	46	51	3
30 to 49	42	55	3
50 to 64	31	62	7
65 or older	25	65	10
Region			
East	39	56	5
Midwest	41	54	5
South	34	61	5
West	40	56	4
Race			
White	37	58	5
Non-White	47	48	5
Education			
College graduate	52	43	5
Some college	39	57	4
No college	32	63	5
Political Affiliation/Ideology			
Republican	24	70	6
Democrat	45	51	4
Independent	44	51	5
Liberal	56	40	4
Moderate	43	53	4
Conservative	24	72	4
Income			
$50,000 & over	45	52	3
$30,000 to $49,999	38	58	4
$20,000 to $29,999	41	56	3
Under $20,000	37	59	4
Religion			
Protestant	31	63	6
Catholic	44	53	4

Table F-7

"Would you say you agree a lot, agree a little, disagree a little, or disagree a lot... I could be friends with a gay person."
(NSAM. 1988. Sample of male 15-19 year olds, N=1880)

Highest grade you think you will complete	Agree a lot	Agree a little	Disagree a little	Disagree a lot
12 or fewer years or GED	10%	18%	13%	58%
1 or more years vocational	3	12	30	55
1 to 3 years of college	6	38	22	34
4 years of college	13	28	21	37
Graduate school	17	32	23	28

Table F-8

"Do you think being homosexual is something people choose to be, or do you think it is something they cannot change?"
(CBS/NYT. February, 1993, N = 1154)

Choose to be gay	44%
Can't change	43
Don't know	13

		Those who say homosexuality...	
	Total adults	Is a choice	Cannot be changed
Say homosexuality should be considered an acceptable alternative life style	36%	18%	57%
Say homosexual relations between adults are morally wrong	55	78	30
Say homosexual relations between consenting adults should be legal	46	32	62
Say homosexuals should have equal rights in terms of job opportunities	78	69	90
Say it is necessary to pass laws to make sure homosexuals have equal rights	42	30	58
Favor permitting homosexuals to serve in the military	43	32	54
Would permit their child to play at the home of a friend who lives with a homosexual parent	34	21	50
Have a close friend or family member who is gay or lesbian	22	16	29

Table F-9

"In general, do you think homosexuals should or should not have equal rights in terms of job opportunities?" (CBS/NYT. January, 1993. N = 1179)

Should	79%
Should not	16
Don't know/No answer	5

Table F-10

"Do you think homosexuals should or should not be hired for each of the following occupations?" (Gallup. June, 1992. N = 1002)

Occupation	Should	Should Not	Depends
Salespersons	82%	13%	3%
Armed Forces	57	37	2
President's Cabinet	54	39	3
Doctors	53	42	2
High school teachers	47	49	2
Clergy	43	50	2
Elementary school teachers	41	54	3

Table F-11

"Would you permit or not permit your child to go play at the home of a friend who lives with a homosexual parent?" (CBS/NYT. February, 1993. N = 1154)

Permit	34%
Not permit	58
Don't know/No answer	8

Table F-12

"Some time ago, the citizens of Miami voted to repeal a county ordinance that banned discrimination in employment and housing based on a person's sexual preferences. The ordinance essentially meant that someone who is homosexual could not be kept from holding a particular job or living in any type of housing simply because he or she is homosexual. Which of these statements best describes how you feel about the law and discrimination against homosexuals?" (Roper. July, 1987. N = 1997)

Homosexuals should be guaranteed equal treatment under the law in jobs and housing	65%
It should be legal to keep people out of jobs and housing if they are homosexual	23
Don't know	12

Table F-13

"We can choose our friends, but we can't always choose the people we work closely with. Here is a list of some different types of people. For each one, would you tell me whether you would strongly object to working around them, or prefer not to work around them, or wouldn't mind working around them?" (Roper. January, 1987. N = 1997)

People who...	Strongly Object	Prefer Not To	Wouldn't Mind	Don't Know
are homosexual	25	27	45	3
are mentally handicapped	2	16	78	4
smoke cigarettes	19	29	51	1
use foul language	31	41	27	1
have AIDS	34	33	26	7
get high on alcohol or drugs during the workday	60	30	8	2

Table F-14

"Do you think marriages between homosexual men or between homosexual women should be recognized as legal by the law?" (Yankelovich. January, 1993. N = 1800)

Yes	27%
No	65%
Not sure	8

Table F-15

"Do you think that homosexual couples should be legally permitted to adopt children?" (Yankelovich. August, 1992. N = 1250)

Yes	29%
No	63
Not sure	8

Table F-16

"What about a .... Can this be a family?" (USA Today. March 1993. N = 803)

	Homosexual Couple Raising Children	Unmarried Couple Living Together
Yes	33%	45%
No	61	52
Don't Know	6	3

Table F-17

"Do you feel that family leave laws should or should not also apply to homosexual people who need to care for a seriously ill companion?" Asked of the 83% who favor a national family leave law. (Gallup. April, 1992. N = 1222)

	Of Those Who Favor a National Leave Law	Of Total Population
Yes, should apply	72%	60%
No, should not	24	20
Don't know/Refused	4	3
Don't favor national leave law	---	17

Table F-18

"In general, do you think that states should have the right to prohibit particular sexual practices conducted in private between consenting..." (Gallup. July, 1986. N = 611)

	Adult Men and Women	Adult Homosexuals
Yes	18%	34%
No	74	57
Don't know	8	9

Table F-19

"Do you think homosexual relations between consenting adults should or should not be legal?" (Gallup. June, 1992. N = 1002)

Legal	49%
Not legal	44
Don't know/Refused	8

Table F-20

"Do you think that the laws which protect the civil rights of racial or religious minorities should be used to protect the rights of homosexuals?" (Yankelovich. January, 1993. N = 1800)

Yes	48%
No	43
Not sure	9

Table F-21

"Should a federal law be passed protecting homosexuals from discrimination?" (CBS/NYT. July, 1988. N = 1177)

Yes	37%
No	48
Don't know/No answer	15

Table F-22

"Do you think homosexuals should or should not be able to serve in the armed forces?" (Gallup. January 28-29, 1993. N = 774)

Should	53%
Should not	42
Don't know/Refused	5

Table F-23

"Do you favor or oppose permitting homosexuals to serve in the military?" (CBS/NYT. January, 1993. N = 1179)

Favor	42%
Oppose	48
Don't know/No answer	10

Table F-24

"Do you think people who join the military should be asked if they are homosexual, or not?" (ABC/*Washington Post*. January, 1993. N = 549)

Yes, should be asked	44%
No, should not be asked	53
Don't know/No opinion	3

Table F-25

"Do you approve or disapprove of allowing openly homosexual men and women to serve in the armed forces of the United States?" (*Los Angeles Times*. January and February, 1993.)

	January, 1993 N = 1733	February, 1993 N = 1273
Approve strongly	22%	19%
Approve somewhat	23	21
Disapprove somewhat	8	9
Disapprove strongly	39	45
Don't know/Not sure	8	5
Refused	---	1

Table F-26

"Do you approve or disapprove of ending the ban on homosexuals from serving in the military?" (Gallup. January 29-31, 1993. N = 1001)

Very strongly approve	29%
Not so strongly approve	14
Very strongly disapprove	39
Not so strongly disapprove	11
No opinion	7

Table F-27

"Which is closer to your position on allowing gays and lesbians in the military?" (WSJ/NBC. Sample of registered voters, N = 1502)

Should not be allowed to serve under any conditions	21%
Should be allowed to serve as long as they keep their homosexuality private, and the miltary should not ask them about sexual orientation	38%
Should be allowed to serve openly, as long as they follow the same rules of conduct as other military personnel while they are on base	40%

Table F-28

"If the United States returned to a military draft, it would not be necessary to draft everyone of military age. That is, certain types of people could be exempted, even though they were otherwise qualified for service. Should homosexuals be exempted?" (GSS. 1982. N = 1860)

"If a military draft were to become necessary, should young women be required to participate as well as young men, or not?" (Gallup. July, 1991. N = 610)

	Homosexuals	Women
Draft	77%	50%
Don't Draft	16	47
Don't know/No opinion	6	3

Table F-29

"For each that I mention, please tell me if you agree or disagree...." (*USA Today*. February 1986. Sample of college students, N=990)

	Agree	Disagree	Don't Know	Refused
Homosexuality is immoral	44.2%	49.6%	5.6%	0.6%
Sexual preference is someone's own business	78.7	19.4	1.4	0.5
Homosexuals are entitled to the same protection against discrimination as any other minority group	74.3	23.1	2.1	0.4

Table F-30

Proportion who "agree a lot" or "agree a little" to the statement "I could be friends with a gay person" by various characteristics. (NSAM. 1988. Sample of male 15-19 year olds, N=1880)

Race	
Black	31%
White	39
Hispanic	45
Other	72
Importance of Religion	
Very important	41
Fairly important	36
Fairly unimportant	36
Not important at all	61
Frequency of Service Attendance	
Once a week or more	39
1 to 3 times per month	36
Less than once per month	42
Never	41
Religious Affiliation	
Baptist	32
Lutheran	34
Methodist	46
Presbyterian	68
Episcopalian	39
Roman Catholic	40
Later Day Saints	39
Jewish	68
None	45
Rural/Urban	
Urban, 1,000,000+	44
Urban, 250,000-999,000	47
Urban, 50,000-249,999	37
Urban, 0-49,999	47
Other	32
Region	
North East	46
South	35
Midwest	38
West	44

Table F-31

Characteristics of those stating that they "definitely will" or "probably will" serve in the armed forces contrasted with those stating that they "probably won't" or "definitely won't". (MTF. 1991. Sample of high school seniors N = 15676)

Characteristic	Won't Serve	Will Serve
Sex		
Male	47%	76%
Female	53	24
Race		
White	92	68
Black	8	32
Region		
North East	22	17
North Central	29	24
South	31	45
West	19	14
Where Grew Up		
On a farm	6	0
In the country, not farm	14	19
Small city or town	32	32
Medium-sized city	10	12
Suburb of medium city	9	6
Large city	9	11
Suburb of large city	9	7
Very large city	6	8
Suburb of very large city	5	4
Political Party		
Strongly Republican	11	14
Mildly Republican	18	15
Mildly Democrat	11	09
Strongly Democrat	8	12
Independent	25	24
Don't know	23	22
Political Ideology		
Very conservative	3	7
Conservative	14	14
Moderate	29	28
Liberal	16	13
Very liberal	4	4
Radical	2	4
None of above/Don't know	31	29

Characteristic	Won't Serve	Will Serve
Denomination		
Baptist	18%	29
Churches of Christ	6	8
Episcopal	1	1
Lutheran	5	3
Methodist	7	7
Presbyterian	3	2
Roman Catholic	28	22
Jewish	2	1
Latter Day Saints	7	6
Other	7	7
None	15	14
Religious Service Attendance		
Never	14	14
Rarely	39	43
Once or twice a month	16	15
About once a week	31	28
Plan to Attend 2-year College		
Definitely won't	49	31
Probably won't	25	26
Probably will	25	31
Definitely will	2	12
Plan to Attend a 4-year College		
Definitely won't	15	19
Probably won't	13	22
Probably will	21	28
Definitely will	51	30
Plan to attend graduate school		
Definitely won't	23	32
Probably won't	30	33
Probably will	31	25
Definitely will	16	11

Appendix G

LOS ANGELES TIMES POLL

STUDY #307--United States Military Survey

Methodology

The Times Poll interviewed 2,346 enlisted personnel, on active duty, in the U.S. Army, Navy, Marine Corps, and Air Force outside of 38 military bases in the continental United States and Hawaii, from February 11 through 16. Respondents were approached by Times interviewers at off-base commercial sites and residence housing and asked to fill out a written questionnaire confidentially and anonymously. Each respondent then placed the complete survey in a sealed envelope for return to The Times. Quota methods were utilized to ensure proper representation of service people within service branch by sex, race, and age. The sample was additionally weighted slightly to conform with Department of Defense demographic information for enlistee age, education, and marital status. By branch, the sample includes 728 personnel from the Army, 591 from the Navy, 488 from the Marine Corps and 539 from the Air Force. Results for the total sample of enlistees are adjusted so that each branch of service is represented in its proper proportion.

List of Questions

7. Overall, how would you rate your feelings about life in the military today? Are you:

	Male	Female
Very satisfied	24	29
Somewhat satisfied	50	49
Somewhat dissatisfied	17	15
Very dissatisfied	7	6
Don't know	2	1

8. What are the top two problems facing the U.S. Military today?

	Male	Female
Troop cuts/downsizing	52	53
Possible lifting of ban on homosexuals	50	32
Low morale	28	35
Few opportunities for advancement	19	26
Race relations	9	13
Poor civilian leadership/ no policy direction	6	4
Poor equipment	6	3
Relations between men and women in service	4	19
Pay/benefits	3	1
Poor military leaders	-	-
Other	2	-
Don't know	2	-

10. Do you think the Clinton administration proposals for downsizing the U.S. military:

	Male	Female
Are necessary given the end of the Cold War	13	18
Go too far in a still dangerous world	66	59
Don't know	21	23

11. How worried are you personally about the possible effects of the proposed downsizing of the armed forces on you and your career? Are you:

	Male	Female
Very worried	20	17
Somewhat worried	40	45
Not too worried	24	24
Not worried at all	14	10
Don't know	3	4

12. Has the military generally fulfilled the commitments it made to you when you enlisted or has it disappointed you?

	Male	Female
Fulfilled commitment	60	67
Disappointed me	29	23
Don't know	11	10

13. How would you rate the programs and services available to help victims of downsizing get going in civilian life? Would you rate those programs as:

	Male	Female
Excellent	7	4
Adequate	37	36
Inadequate	26	28
Very poor	11	11
Don't know	20	21

14. If you had to leave the service in the next few months, how confident are you that you could get a well-paying secure civilian job in a relatively short time?

	Male	Female
Very confident	17	15
Somewhat confident	29	33
Somewhat doubtful	26	26
Very doubtful	24	23
Don't know	4	3

15. How do you feel about allowing women to take combat roles in the U.S. armed forces? Do you:

	Male	Female
Approve strongly	25	39
Approve somewhat	30	40
Disapprove somewhat	19	7
Disapprove strongly	22	12
Don't know	4	2

16. If current policy and your own plans remain the same, when your term is up will you:

	Male	Female
Definitely reenlist	28	32
Possibly reenlist	34	34
Not reenlist	28	28
Don't know	10	6

17. How do you feel about lifting the ban on homosexuals in the armed forces of the United States? Do you:

	Male	Female
Approve strongly	4	8
Approve somewhat	12	27
Disapprove somewhat	13	27
Disapprove strongly	63	28
Don't know	8	10

(IF APPROVE OF LIFTING THE BAN)

18. What are the two main reasons you approve of lifting the ban on homosexuals? (Check up to two answers, or write in your own answers on the lines below.)

	Male	Female
It's discrimination to ban them	56	61
It's not important to me	24	17
Homosexuals are no different from heterosexuals	19	24
Homosexuals already in military	2	1
Other	3	1
Don't know	4	-

(IF DISAPPROVE OF LIFTING BAN)

19. What are the two main reasons you disapprove of lifting the ban on homosexuals? (Check up to two answers.)

	Male	Female
Oppose sharing facilities/quarters with them	64	55
It is immoral	41	29
Contribute to the spread of AIDS	26	45
It is against my religious views	19	34
They are not as reliable in a combat situation	16	7
Morale	3	2
Cause conflict	2	1
Threat of violence	1	3
Cost of facilities	1	-
Other	2	3
Don't know	1	1

20. How worried are you personally about the possible impact of permitting homosexuals into the military? Are you:

	Male	Female
Very worried	38	17
Somewhat worried	32	35
Not too worried	17	25
Not worried at all	9	14
Don't know	4	9

21. If the ban is lifted on homosexuals in the military, would you definitely not reenlist on account of that issue alone, or would you consider reenlisting anyway?

	Male	Female
Not reenlisting under current policy	28	28
Not reenlisting if gay ban is lifted	11	5
Will consider reenlisting	43	49
Don't know	18	18

22. If the ban is lifted on homosexuals in the military, how likely is it that they will be subjected to physical violence from others in the service? Is that:

	Male	Female
Very likely	57	41
Somewhat likely	26	29
Not too likely	7	10
Not at all likely	2	3
Don't know	8	17

23. Do you think the issue of permitting homosexuals in the military is:

	Male	Female
Getting the attention it deserves	23	23
Draining attention from other more important issues facing the military	67	64
Don't know	10	13

24. Are you currently serving with someone who you believe is homosexual?

	Male	Female
Yes	18	29
No	55	45
Don't know	27	26

25. How serious a problem is sexual harassment in the armed forces? Is it:

	Male	Female
Very serious	16	26
Somewhat serious	27	29
Not too serious	33	27
Not serious at all	16	11
Don't know	8	7

26. Would you rate your personal finances as:

	Male	Female
Very secure	14	12
Somewhat secure	53	59
Somewhat shaky	24	21
Very shaky	7	6
Don't know	2	2

27. Would you describe yourself as:

	Male	Female
Very religious	10	21
Somewhat religious	52	59
Not too religious	25	14
Not religious at all	10	4
Don't know	3	2

29. In most political matters, do you consider yourself:

	Male	Female
Liberal	21	24
Middle-of-the-road	53	48
Conservative	24	26
Don't know	2	2

Appendix H

1992 SOCIOLOGICAL SURVEY OF THE ARMY

Methodology

Charles Moskos and Laura Miller, sociologists from Northwestern University, surveyed a total of 2,804 enlisted personnel and officers, on active duty, at six Army bases in the continental United States and one overseas base (Somalia) between February 1992 and December 1992. This survey (entitled the 1992 Sociological Survey of the Army) was designed to collect survey data on the attitudes of active duty Army personnel about women in combat and race relations. However, the survey did include a single attitudinal question to solicit military members' views about homosexuals serving in the military. At each Army base, a stratified sample of military members was selected to ensure a good mix of combat and noncombat personnel from diverse military occupational specialties and different types of units. Quota methods were utilized to select appropriate numbers of males and females, enlisted and officers, and blacks, whites, and other races. Women were oversampled so that equal numbers of females and males would be surveyed. Efforts were also made to sample military members who had Persian Gulf experience as well as those who did not participate in Operation Desert Shield/Storm. The actual sample included 1,420 males and 1,384 females.

Using quota sampling guidelines provided by Moskos and Miller, Army personnel at each site selected potential survey respondents and invited them to attend a group survey session which was typically held in a large auditorium or testing room. Each participant was asked to complete an anonymous self-administered survey and to return it directly to Laura Miller, who conducted each survey session. The most recent survey, which was conducted in December 1992 with 471 males and 470 females at two Army posts, used the single attitudinal item plus an expanded series of questions about homosexuals in the military.

The actual wording of the questions from the 1992 Sociological Survey of the Army and the percentage distributions are reported below.

Single Attitudinal Question About Homosexuals in the Military

11. Indicate below which view comes closest to your own with regard to the following item:[1]

    b. Lesbians/gays should be allowed to enter and remain in the military.

	Male	Female
Strongly agree	6	17
Agree	11	27
Disagree	12	14
Strongly disagree	64	29
Not sure	7	12

Expanded Series of Questions About Homosexuals in the Military

32. Do you personally know any men in your company who are gay?

	Male	Female
Yes	9	18
No	74	66
Not sure	18	16

33. Do you personally know any women in your company who are lesbian?

	Male	Female
Yes	14	27
No	60	54
Not sure	16	19

34. Has a soldier of the same sex ever made a sexual advance toward you?

	Male	Female
Yes	6	17
No	93	81
Not sure	2	2

[1]This attitudinal measure about homosexuals in the military was included in a series of agree/disagree items on attitudes toward women in combat.

35A. FOR MALES ONLY: If you were in a foxhole in combat and had to choose whether to fight along side a female soldier or a gay male soldier, which would you choose?

	(Males Only)
Female soldier	51
It doesn't matter	27
Gay male soldier	5
I would rather fight alone	17

35B. FOR FEMALES ONLY: If you were in a foxhole in combat and had to choose whether to fight along side a male soldier or a gay female soldier, which would you choose?

	(Females Only)
Male soldier	42
It doesn't matter	56
Gay female soldier	2
I would rather fight alone	1

36A. FOR MALES ONLY: In your present job, if you had to choose whether to work along side a female soldier or a gay male soldier, which would you choose?

	(Males Only)
Female soldier	69
It doesn't matter	21
Gay male soldier	2
I would rather work alone	9

36B. FOR FEMALES ONLY: In your present job, if you had to choose whether to work along side a male soldier or a gay female soldier, which would you choose?

	(Females Only)
Male soldier	39
It doesn't matter	57
Gay female soldier	1
I would rather fight alone	3

37. Indicate below which view comes closest to your own with regard to the following items about gays and lesbians and the Army:

a. I would feel uncomfortable if there were some homosexuals in my unit.

	Male	Female
Strongly agree	56	18
Agree	20	17
Disagree	17	37
Strongly disagree	3	22
Not sure	5	7

b. I would feel uncomfortable having to share my room with a homosexual.

	Male	Female
Strongly agree	77	41
Agree	13	21
Disagree	5	19
Strongly disagree	3	13
Not sure	3	6

c. Gay males make me more uncomfortable than lesbians.

	Male	Female
Strongly agree	48	4
Agree	27	5
Disagree	14	55
Strongly disagree	3	25
Not sure	7	10

d. What people do in their private sex lives is no business of mine.

	Male	Female
Strongly agree	35	53
Agree	37	34
Disagree	15	7
Strongly disagree	10	5
Not sure	3	2

e. Allowing openly gay and lesbian soldiers in the Army would cause some problems, but we could manage.

	Male	Female
Strongly agree	9	11
Agree	24	42
Disagree	28	20
Strongly disagree	34	20
Not sure	5	7

f. Allowing openly gay and lesbian soldiers in the Army would be very disruptive of discipline.

	Male	Female
Strongly agree	52	27
Agree	23	22
Disagree	14	31
Strongly disagree	5	12
Not sure	7	8

g. Homosexuality is abnormal and perverted.

	Male	Female
Strongly agree	48	21
Agree	25	22
Disagree	13	28
Strongly disagree	4	18
Not sure	9	11

h. It is all right for gays and lesbians to be in the Army as long as I don't know who they are.

	Male	Female
Strongly agree	6	7
Agree	19	25
Disagree	33	39
Strongly disagree	33	20
Not sure	8	9

i. Openly gay and lesbian soldiers will try to seduce straight soldiers.

	Male	Female
Strongly agree	14	10
Agree	24	19
Disagree	28	31
Strongly disagree	9	21
Not sure	25	20

j. Allowing gays and lesbian in the Army will increase soldiers' acceptance of gays and lesbians.

	Male	Female
Strongly agree	7	9
Agree	19	30
Disagree	28	24
Strongly disagree	31	16
Not sure	14	22

k. We need sensitivity courses on accepting gays and lesbians in the Army.

	Male	Female
Strongly agree	8	14
Agree	16	34
Disagree	24	23
Strongly disagree	42	20
Not sure	10	9

l. In the event of a draft, gays should be drafted the same as straight men.

	Male	Female
Strongly agree	20	39
Agree	20	26
Disagree	18	11
Strongly disagree	33	10
Not sure	10	15

Appendix I

STATE RESTRICTIONS ON SODOMY

As of 1961, all states had bans on non-procreative sex. Subsequently, sodomy laws in many states have been repealed by the legislatures or ruled unconstitutional in court challenges. Table I-1 shows which states currently have or do not have sodomy restrictions.

Eight states have enacted laws prohibiting discrimination on the basis of sexual orientation:

California
Connecticut
Hawaii
Massachusetts
Minnesota
New Jersey
Vermont
Wisconsin

Table I-1

Current Status of Sodomy Restrictions, by State

Sodomy Restrictions	No Sodomy Restrictions
Alabama	Alaska
Arizona	California
Arkansas*	Colorado
Florida	Connecticut
Georgia	Delaware
Idaho	Hawaii
Kansas*	Illinois
Louisiana[a]	Indiana
Maryland	Iowa
Massachusetts**	Kentucky
Michigan[b]	Maine
Minnesota**	Nebraska
Mississippi	Nevada
Missouri*	New Hampshire
Montana*	New Jersey
North Carolina	New Mexico
Oklahoma*	New York
Rhode Island	North Dakota
South Carolina	Ohio
Tennessee*	Oregon
Texas[c]	Pennsylvania
Utah	South Dakota
Virginia	Vermont
	Washington
	Washington, D.C.
	West Virginia
	Wisconsin
	Wyoming

SOURCES: *American Civil Liberties Union Handbook: The Rights of Lesbians and Gay Men* (Third Edition: 1992). Personal communications: Mr. Thomas F. Coleman, Executive Director, Spectrum Institute, Los Angeles, CA; Mr. Jon Davidson, ACLU, Los Angeles Office; Professor Arthur Leonard, New York Law School, New York, NY; Mr. William B. Rubenstein, ACLU New York Office.

[a]Louisiana's sodomy law was recently struck down in trial court (*State v. Baxley*) on the grounds that it violated the state constitution's guarantee to the right of privacy. The state is appealing the decision.

[b]Michigan's sodomy law (felony) was ruled unconstitutional as applied to private consensual adult behavior (*Michigan Organization for Human Rights v. Kelley,* No. 88-815820). The decision by the state's attorney general, a named defendant in the case, not to appeal left in question the broader precedential application of the ruling. Since no appeal was taken, the ruling may only apply to Wayne County where it was issued.

[c]Texas' sodomy statute (misdemeanor) is currently under review by the state supreme court in a declaratory relief action (*Morales v. State of Texas,* D-2393) where lower courts ruled the statute unconstitutional. In a later case involving both declaratory and injunctive relief actions (*England v. City of Dallas*), the state supreme court has failed to grant review to an appeals court ruling that the sodomy statute was unconstitutional on privacy grounds. The Texas legislature reaffirmed the state's constitutional ban on same-sex sodomy in its most recent session.

* Restriction applies to same-gender sex only.

** Sodomy laws remain in force, but states ban discrimination on the basis of sexual orientation.

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Chinese race; out of the 128 replies he received, over 90 percent said that they did not. Stephan (1985, p. 627) cites several replications of this finding involving discrepancies between anti-black prejudice and behaviors toward blacks. In light of these and other findings, Wicker (1969) argued that attitudes have little or no association with behavior; across his review of over 40 studies, the attitude-behavior correlation was generally in the 0.10-0.20 range, and rarely greater than 0.30.

Since Wicker's study (1969), there has been considerable research on ways in which attitudes actually do influence behavior (see Ajzen and Fishbein, 1980; Eagly and Chaiken, 1993; Fishbein and Ajzen, 1975). Figure 10-3 summarizes some of the key findings of this literature; it is adapted from Ajzen and Fishbein's (1980) theory of reasoned action and Ajzen's (1991) theory of planned behavior, with modifications suggested by others (e.g., Cialdini et al., 1991; Eagly and Chaiken, 1993; Triandis, 1977). According to a recent chapter in *The Annual Review of Psychology* (Olson and Zanna, 1993, p. 131), this general approach "remains the dominant theoretical framework in the attitude-behavior literature"; it has received enormous empirical support (see Eagley and Chaiken, 1993), and it plays a central role in applied psychology, consumer research, and organizational behavior.

Figure 10-3 illustrates a number of important points about the relationship between *attitudes toward subjects*--in this case, attitudes toward homosexuals--and behavior. First, the relationship between attitudes toward subjects or objects and actual behaviors is quite indirect. A negative attitude toward homosexuality will only influence behavior via its influence on *attitudes toward acts*; i.e., the attitude toward working with this homosexual, the attitude toward sleeping in the same barracks or tent as this homosexual, the attitude toward showering in the same room as this homosexual, and the attitudes toward verbally or physically harassing this homosexual. Moreover, attitudes toward homosexuality are only partial determinants of attitudes toward these acts; the latter are also determined by their *perceived consequences*. For example, the attitude toward refusing to work with a homosexual is likely to be influenced by the perceived *benefits* of that action (I'll

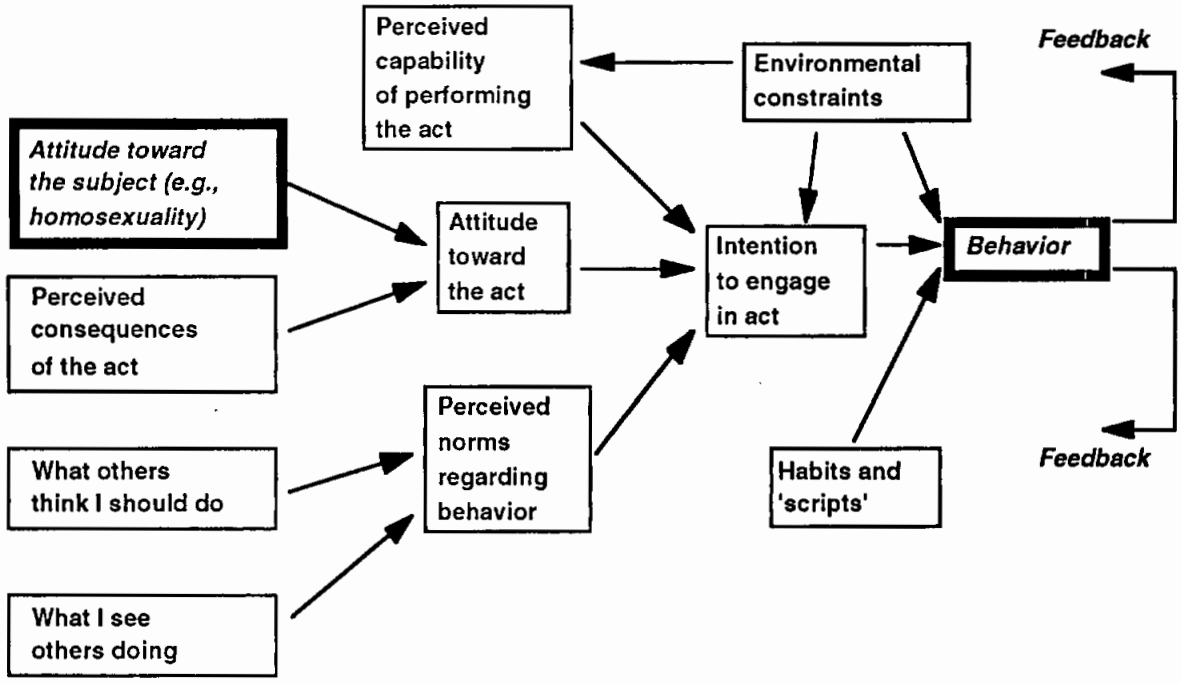

Figure 10-3—Attitude-Behavior Link Is Indirect
Note: arrows depict causal relationships.

avoid having to be around someone I don't like; others will know that I'm not homosexual; etc.), but also the perceived *costs* (we won't get the job done; I'll interfere with the unit's mission; I may end up in an unpleasant confrontation with the homosexual person; I may have to endure disciplinary actions by my superiors). As one soldier said in a focus group, "if you can't get your job done, you'll be in trouble. If you can't work with people, you'll be in trouble."

Moreover, the attitude toward the act is itself only indirectly related to behavior through its influence on *the intention to engage in the act*. Intentions are influenced by attitudes, but intentions have other important determinants. For example, our intentions to engage in a behavior are heavily influenced by our perceptions of the social norms of the people around us. There are two types of social norms, *injunctive norms* and *descriptive norms* (Cialdini et al., 1991). Injunctive norms refer to our beliefs about what we think others want us to do--whether they will approve or disapprove of our behavior. For

example, in deciding whether to refuse to work with a homosexual, I may anticipate the approval of my heterosexual buddies, but the disapproval of my supervisor. Descriptive norms refer to what we actually see others doing in similar situations. Thus, if I see my heterosexual peers working with the homosexual soldier, I will be more inclined to work with him too; alternatively, if I see a plurality of them refusing to work with him, I may be more inclined to join them.

Intentions are also influenced by *self-efficacy* (Ajzen, 1991; Bandura, 1982), the perceived capability of performing the act. Self-efficacy is partly a personal disposition, but it also reflects immediate environmental constraints--e.g., limited resources or opportunities. In many situations, it may be quite difficult to refuse contact with a homosexual: If I don't ride with this guy, how am I going to get there? If I refuse to sleep next to him, where am I going to sleep?

Finally, *behavior* itself is only partly intentional. Like intentions, behaviors are also constrained by the resources and opportunities afforded by the immediate environment. And our behaviors in many situations reflect well-learned *habits* that we engage in with little or no conscious reflection. Norms and habits often combine to provide us with familiar "scripts" for how to behave in a given situation, and it can be very difficult to force ourselves to deviate from those scripts (Abelson, 1981). Thus it is often the case that the best predictor of behavior is the behavior of the actor in similar situations in the past (see Eagly and Chaiken, 1993; Triandis, 1977). For example, in work situations, most of us have a well-learned and rehearsed script which inclines us to cooperate with co-workers; it is "the path of least resistance." Organizational role theorists have shown that occupational roles and norms largely constrain both work-related and social behaviors in organizational settings (Pfeffer, 1985). In this sense, the military is a heavily scripted environment.

The principles depicted in Figure 10-3 help to explain why the effect of diffuse attitudes toward objects or social groups often has only weak effects on behavior. This is not to say that negative attitudes toward homosexuality will never be expressed behaviorally;

history clearly suggests otherwise. But Figure 10-3 indicates that there are many factors that mitigate against serious behavioral expressions of anti-homosexual attitudes. It is important to reflect that the military has considerable influence over many of those mitigating factors--the consequences of the action, the injunctive and descriptive norms, the environmental constraints, habits and scripts--through its leadership, its regulations, its standard operating procedures, and its training and socialization process. If military leaders set and enforce clear standards for acceptable and unacceptable conduct, compliance is likely to be high. It will not be universal, however, and some individuals will test their leaders' resolve to enforce compliance. Leaders who display ambivalence about enforcement can probably anticipate further problems.

Because of their compliance, many individuals may find themselves in a state of "cognitive dissonance"--a conflict between their attitudes and their conduct. According to Festinger's (1957) well-supported theory of cognitive dissonance (see Eagly and Chaiken's 1993 review), this state of dissonance is unpleasant, and people generally resolve it by either changing their attitudes or changing their behavior. When an individual with negative attitudes toward homosexuality finds himself cooperating with acknowledged homosexuals, there are a number of ways to resolve the sense of dissonance he may feel:

1. Verbally harass the homosexual co-worker.
2. Do his job poorly ("passive aggression").
3. Ostenatiously broadcast his own values (e.g., heterosexuality, machismo, religiousity, conservatism).
4. Justify his behavior by invoking the costs of refusal (my sergeant would kill me).
5. Justify his behavior by invoking descriptive norms (everybody else is working with him, too).
6. Justify his behavior by invoking his sense of duty, professionalism, and the need for task cohesion.
7. Change his attitude by adjusting his attitude toward working with homosexuals.

The unit leader can help the reluctant heterosexual resolve this sense of dissonance in a manner that is in keeping with unit discipline and unit performance. It must be clearly communicated that route 1 (harassment) and route 2 (passive aggression) are unacceptable and will not be tolerated. Route 3 (symbolic displays of identity) can be tolerated within the limits outlined in personal conduct regulations (see the chapter on legal issues and the chapter on change in large organizations). Route 4 (punishment avoidance) may be expedient, but in the long run, route 5 (conformity) and route 6 (duty and professionalism) seem more desirable. The research evidence (reviewed by Eagly and Chaiken, 1993) suggests that route 7 (attitude change) may frequently occur, but it should be emphasized that the goal of compliance is to establish unit discipline, cohesion, and effectiveness. Tolerance of homosexuality will promote those goals, but tolerance need not require moral or religious acceptance.

Will Heterosexuals Obey an Openly Homosexual Leader?

Earlier, it was suggested that if social cohesion is adversely affected, it is most likely to be through a process of partial or complete ostracism. What if the ostracized individual is the group's leader? Will heterosexual soldiers respect an acknowledged homosexual, and comply with his or her orders? This is the question of "followership," or upward vertical cohesion. In one of the focus groups, one person said "I worked with a homosexual and not one man would do what he said." On the other hand, there is anecdotal evidence that known homosexuals have served in leadership positions in the military with no deleterious effects. The organizational literature on leadership provides some hints as to when known homosexuals are likely to be effective leaders.

French and Raven (cited in French, 1959) distinguish several different forms of social power: *Reward power, coercive power, expert power, information power, legitimate power* (the leader's right to a position of authority), and *referent power* (influence through subordinates' identification with the leader). Although military leaders generally have more reward, coercive, information, legitimate, and expert

power than their subordinates, it is costly and difficult for the leader to rely solely on these forms of power; ideally, the leader should rely heavily on referent power to motivate the team (see Henderson, 1985). One path to referent power is through expert power. Bass (1981) cites evidence that the esteem with which leaders are held is reliably associated with the group's performance. Of course, to some extent this correlation may reflect the common influence of leader ability on both esteem and group performance. According to Bass (1981, pp. 161-163):

> A leader's influence is more strongly associated with one's sociometrically rated value or ability than one's sociometrically determined popularity or visibility. ...Whereas being liked, being visible, and being popular may still be of some importance to one's influence in play situations, competence and value are of most importance to influence in task situations.

This is consistent with Hollander's (1958, 1985) *idiosyncracy credit* model of acceptable deviance in organizations, reviewed earlier. Recall that Hollander has demonstrated that group members must demonstrate their competence and their loyalty to the group before it will accept deviations from group norms. Homosexuals in leadership roles may have an advantage over other homosexuals in this regard because subordinates will tend to assume that a leader is competent and loyal until proven otherwise (Bass, 1981). But a homosexual leader is likely to be held to higher informal standards of conduct and competence than other leaders, at least in the current attitudinal climate.

Military leaders obviously benefit from being liked, but it may not be necessary to get the job done. According to Bass (1981, p. 209):

> Lyndon Johnson wanted every American to love him, but Harry Truman opined that "if you can't stand the heat, stay out of the kitchen!" National leaders must settle for less than universal affection. They must be willing to be unloved...No leader can be successful if not prepared to be rejected.

Military leaders also get considerable mileage out of pure legitimate power; many subordinates will obey a homosexual leader simply because of a strong sense of duty and allegiance to the military role,

regardless of their attitude toward the leader's personal traits.[28] Ultimately, then, much may depend on the behavior of the next leader up the chain of command; if the homosexual leader is treated with respect from above, he is more likely to be treated with respect from below.

If the relationship between a leader and a unit becomes completely dysfunctional, it may be necessary to replace the leader. According to a 1988 Army Research Institute report (Siebold and Kelly, 1988a, p. 27):

> Very high or very low [vertical] cohesion seldom lasts for long periods because the leaders causing either get reassigned, perhaps more quickly than their peers. Replacement leaders are, on the average, average. Therefore, while there are differences in cohesion among a set of platoons at any given time, they tend to be within a band set by the general command climate and post procedures and conditions.

In addition to reassigning leaders, there are many other interventions that can be used to restore unit functioning to an acceptable level, including informal conflict resolution; additional training; the reassignment of members to new units, new tasks, or new bunks; or even disciplinary action. To reinforce this intervention process, if homosexuals were allowed to serve, formal steps should be taken to systematically monitor the cohesion and functioning of those units with acknowledged homosexuals to ensure that any problems can be identified and managed in a prompt and constructive fashion. This monitoring should be conducted in an unobstrusive manner to avoid calling undue attention to the homosexual's presence or implying special treatment.

CONCLUSIONS

The analysis in this chapter suggests that concerns about the potential effect of permitting homosexuals to serve in the military are not groundless, but the problems do not appear insurmountable, and there is ample reason to believe that heterosexual and homosexual military

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[28]See Kelman and Hamilton's (1989) analysis of rule, role, and value orientations toward compliance with authority.

personnel can work together effectively. This review of the literature suggests the following conclusions:

- There is no direct scientific evidence regarding the effects of the presence of acknowledged homosexuals on unit cohesion or unit performance.
- There are at least two types of cohesion. *Task cohesion* has a modest but reliable influence on performance; *social cohesion* does not have an independent effect after controlling for task cohesion. Under some conditions, high social cohesion is actually detrimental to unit performance; moderate social cohesion appears most beneficial. Research indicates that it is not necessary to like someone to work with them, so long as members share a commitment to the group's objectives.
- The presence of acknowledged homosexuals may bring about a reduction in social cohesion, although it seems less likely to undermine task cohesion. If there is a reduction in social cohesion, it will probably involve some degree of ostracism of the homosexual, rather than a complete breakdown of the unit. Whether this occurs will depend in part on the conduct, competence, and loyalty of the homosexual individual in question. If ostracism does occur, it can have potentially dangerous consequences for the individual and the group, and must be dealt with promptly by leaders.
- It is possible that some heterosexuals will refuse to cooperate with known homosexuals. However, many factors will help to promote cohesion and performance even in the face of hostility toward homosexuals. First, research suggests that leaders play an important role in promoting and maintaining unit cohesion. Second, military norms, roles, regulations, and disciplinary options each enhance the likelihood that heterosexuals will work cooperatively with homosexuals. Third, external threats enhance both social and task cohesion, provided that the group members are mutually threatened and there is the possibility that cooperative group action can eliminate the danger.

- Homosexual leaders will need to earn the respect of their subordinates by proving their competence and their loyalty to traditional military values. In the absence of that respect, homosexuals will need to rely on other forms of power, which will hinder but not prevent effective leadership. The behavior of the next leader up the chain of command will be critical; if the homosexual is supported from above, he or she is more likely to be respected from below.
- Open homosexual military personnel are likely to be rare, at least in the foreseeable future. Homosexuals in the military will be under enormous informal pressure to "stay in the closet," even without any explicit requirement to do so. As a result, only a small minority of units platoon-sized or smaller are likely to have acknowledged homosexuals as members. This low prevalence will help to limit the potential frequency of conflicts, although it will also limit the opportunities for the kind of positive social interaction that overcomes stereotypes and improves intergroup relations.
- The military should not, and does not, tolerate seriously dysfunctional units. Military leaders can and always have intervened whenever a unit has been identified as dysfunctional. Careful monitoring of units with acknowledged homosexuals will ensure that any problems can be identified and managed in a prompt and constructive fashion. It should be clearly communicated at all levels that disruptive behavior by anyone, whether heterosexual or homosexual, will not be tolerated.

11. SEXUAL ORIENTATION AND THE MILITARY: SOME LEGAL CONSIDERATIONS[1]

INTRODUCTION

On January 29, 1993, President Clinton directed the Secretary of Defense to draft an "Executive order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces of the United States."[2] The President also directed that there be a "study . . . on how this revision in policy would be carried out in a manner that is practical and realistic." On April 1, 1993, the Secretary of Defense asked RAND to provide information and analysis that would be useful in helping formulate the required draft Executive Order.

This chapter examines the legal issues involved in adopting and implementing such a non-discrimination policy. We first provide a brief overview of a non-discrimination policy that is based on our empirical research. We then consider the legal background, including legal and legislative trends regarding homosexuals and the current military policy toward homosexuals. We turn next to a discussion of general legal principles that are important for understanding how the courts have approached military cases, cases involving gay rights, and challenges to the ban on homosexuals in the military. Finally, we analyze the legal issues raised by the non-discrimination option, including those raised by the *Standard of Professional Conduct*, Article 125, and specific personnel-related issues.

THE "NOT GERMANE" OPTION

In light of the empirical research, the RAND team examined a range of potential policy options. Most of the options were judged as either inconsistent with the President's directive or internally contradictory.

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[1]This chapter was prepared by Peter D. Jacobson, who wishes to acknowledge the outstanding advice and counsel that Stephen A. Saltzburg provided throughout this project as RAND's outside legal consultant.

[2]Memorandum from the President to the Secretary of Defense: "Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces," January 29, 1993.

Only one policy option was found to be consistent with our research, with the directive, and within itself. That policy would consider sexual orientation, by itself, as "not germane" to determining who may serve in the military and would establish clear, strictly enforced standards of conduct for all military personnel. This single standard of conduct would be neutral regarding gender and sexual orientation. Decisions on military accession and retention would be based on individual qualifications and behavior, not on a person's category. Homosexuals would not be treated as a separate class under this option.

Enclosure 3H of DoD Directive 1332.14 would be rescinded. To ensure that the "not germane" option would be implemented in a manner that minimizes any disruption to military morale and unit cohesion, DoD should adopt a *Standard of Professional Conduct* that would guide interpersonal behavior once the ban on acknowledged homosexuality was removed. Appendix A contains an illustrative standard.

Consistent with the "not germane" option and to guarantee that there cannot be unequal enforcement of the sodeomy laws, the DoD should also modify sections of the *Manual for Courts-Martial* (MCM) pertaining to Article 125 of the *Uniform Code of Military Justice* (UCMJ) to exclude private sexual behavior between consenting adults. However, this is not strictly necessary to implement the "not germane" option, as discussed below.

The "not germane" option could be adopted by the President under his authority as Commander-in-Chief of the Armed Forces. If challenged (and it is not clear who would have standing to challenge the policy, short of Congressional legislation), it would most likely be upheld as an exercise of executive authority, supported by a principled and rational determination of public policy. We conclude, as detailed below, that this option, including the *Standard of Professional Conduct* and the changes in the MCM, could be adopted as policy without being overturned by the courts. To be sure, legal issues would not be eliminated by this policy, but there does not appear to be an insurmountable legal hurdle. By and large, ending the restriction on homosexuals in the military is a policy choice, not a legal matter.

The *Standard of Professional Conduct*

The *Standard of Professional Conduct* would be the centerpiece of the "not germane" option. For the military to function optimally, individual differences must not be permitted to disrupt operational effectiveness or combat readiness. Therefore, the primary purpose of the standard would be to prohibit any member of the Armed Forces from calling attention to individual differences (such as sexual orientation) that could reasonably be expected to undermine unit cohesion or military effectiveness. By clarifying the conduct that would be expected of all members once homosexuals were permitted by law to serve in the military, the *Standard of Professional Conduct* would be designed to minimize any disruption to good order and discipline.

The *Standard of Professional Conduct* stresses that each individual must show respect for the sensibilities of others and practice tolerance toward other members. Inappropriate conduct is also to be avoided. Inappropriate conduct is defined as "behavior directed at or offensive to another individual or a group that goes beyond the bounds of good judgment and common sense and that a reasonable person ought to have known would be unwelcome." To expand that concept, we describe categories of inappropriate personal conduct, including inappropriate displays of affection, which are defined as "expressions of a personal relationship that would generally be viewed as unseemly or provocative in the context at hand," and the explicit discussion of sexual practices, experiences, or desires directed at those who might object to or be offended by such discussions.

These standards of conduct would discourage behavior that would call attention to individual differences and would state that every individual must behave in ways that promote group cohesion and operational effectiveness by respecting the sensibilities of other group members. To take displays of affection as an example, the common sense and good judgment to refrain from conduct generally viewed as inappropriate or disruptive would be expected of all military members. We also expect that standards of conduct prohibiting personal and sexual harassment and fraternization would apply without regard to sexual

orientation. Most problems would be resolved in the same way such problems are resolved now, through command-level intervention.

The categories of inappropriate displays of affection and explicit discussions of sexual exploits are as inappropriate to military service as are sexual harassment, fraternization, personal harassment, or abuse of authority. Each of these categories is inherently disruptive to good order and discipline and cannot be tolerated in the military. Whether any particular act would violate this standard would be a function of the act's consequences and the time, place, circumstances, and purpose under which the behavior occurred.

LEGAL BACKGROUND

For the past two decades, the courts, no less than society, have been engaged in determining the extent to which the Constitution of the United States protects homosexuals against discrimination. As discussed below, so far, homosexual advocates have had only limited success in the courts. Despite some notable court victories that we discuss below, particularly in adoption and family law, there is no discernible trend toward judicial recognition of homosexuality as a protected class. In particular, the Supreme Court's decision in *Bowers v. Hardwick*,[3] upholding the constitutionality of Georgia's sodomy statute, has been central to the political discussion of gay rights and has been a major legal barrier to the judicial expansion of gay rights. Thus, state laws and practices that treat homosexuals differently from heterosexuals have generally been upheld as long as states can show a rational basis for the differential treatment.[4] Since the majority culture tends to view homosexuality with anything from indifference to outright hostility, it is not surprising that courts have generally deferred to the state in challenges by homosexuals. From the perspective of gay rights activists, however, the trend is probably viewed more propitiously. Starting from virtually no recognition twenty years ago, the victories on adoption and family matters presage greater judicial success in the

[3]478 U.S. 186 (1986)

[4]Appendix I contains a table that identifies which states currently have laws prohibiting sodomy.

future. This judicial success, coupled with generally limited legislative success, suggests that the courts will continue to be a primary battleground in society's struggle over gay rights and homosexual behavior.

For the military, this means that its policies regarding accession and retention of homosexuals must be decided within the context of how the courts will respond to homosexual challenges to enter or remain in the military. The intense public scrutiny of the recent Senate hearings on homosexual service in the military ensures that the courts will be called upon to review whatever decision the Administration makes. Before a final decision is made on allowing homosexuals to serve, it is crucial to assess how the courts might respond to the option chosen. While no one can predict with any certainty how courts will rule on a particular option, we can certainly anticipate the types of legal issues likely to be raised by any particular option.

Aside from the political and policy questions regarding the current ban on homosexuals in the military, several underlying legal issues have been raised by both proponents and opponents of the ban. First, and most important, will the courts overturn the ban (as a violation of the due process clause of the 5th Amendment, insofar as it incorporates the equal protection clause of the 14th Amendment), regardless of any policy changes by the military? Second, what restrictions could legally be placed on homosexuals if the ban were removed? And third, if the ban were removed, what privacy rights might be asserted by heterosexuals? The answers to these questions depend on an analysis of recent trends in the law and whether homosexuals will be treated as a protected class for purposes of equal protection, a concept we discuss in greater detail below.

Legal and Legislative Trends Regarding Homosexuals

As suggested above, recent trends regarding the protection of homosexuals from disparate treatment are mixed.[5] In areas such as

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[5]For an exhaustive review of trends in legislation and case law, see Editors of the Harvard Law Review, "Developments in the Law: Sexual Orientation and the Law," *Harvard Law Review*, Vol. 102, 1989, pp. 1508-1671. For an excellent, and more recent compendium, see Rubenstein,

family law and adoption, courts seem to be reducing barriers to homosexual participation. Recently, for instance, restrictions against homosexual adoptions have been overturned in several cases,[6] homosexual couples have been recognized as a family in other cases,[7] and lesbians have been granted custody by several courts. But, except in limited circumstances, homosexual advocates have generally not been successful in arguing that they should be treated as a protected class under the equal protection laws. At a minimum, however, gay rights advocates argue that the courts are now engaged in a dialogue about gay rights that is likely to result in expanded protections over time.[8] For example, recent court decisions in Nevada and Louisiana have struck down state sodomy laws as an unconstitutional invasion of privacy.

Whatever *judicial* success homosexuals have achieved has not been matched with corresponding *legislative* victories. For example, sexual orientation is not protected under the federal civil rights statutes, such as Title VII of the Civil Rights Act of 1964. So far, only nine states have enacted laws prohibiting discrimination based on sexual orientation, although several state legislatures are currently considering similar legislation. More than 120 municipalities have enacted similar ordinances.[9] While it is difficult to discern any trends at the state level regarding protections against discrimination, there appears to be a general trend toward repealing or overturning sodomy statutes as applied to consenting adults. At the state level, homosexuals have had some success in repealing state sodomy statutes, although some 23 states still treat sodomy as a criminal offense.

William B., ed., *Lesbians, Gay Men, and the Law,* New York: The New Press, 1993, especially pp. xv-xxi.

[6]See, e.g., *S.N.E. v. R.L.B.*, 699 P.2d 875 (Alaska 1985) and *In Re Adoption of Charles B.*, 522 N.E.2d 884 (Ohio 1990).

[7]See, e.g., *Braschi v. Stahl Associates Co.*, 543 N.E.2d 49 (NY 1989).

[8]Personal communication with William Rubenstein and Chai Feldblum.

[9]Colorado, however, recently passed a voter initiative to overturn any such local ordinances. In the private sector, homosexuals have had some success in obtaining domestic partnership benefits from large corporations, such as AT&T and Microsoft.

The Current Military Policy Regarding Homosexuals

The current military policy regarding accession and retention of homosexuals is based on DoD Directive 1332.14[10] which states that:

> Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. . . . As used in this section: (1) Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts;...(3) A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

Under this Directive, any soldier who acknowledges his or her homosexuality or whose sexual orientation is discovered (through, for instance, an investigation or statement by someone else) is subject to being discharged from the military. The policy makes no distinction between status and conduct; a soldier can be discharged either for being a homosexual *or* for engaging in a homosexual act as described above. If the military determines that a homosexual encounter is a one-time experience (such as a heterosexual engaging in a homosexual act) or a departure from the soldier's usual and customary behavior (such as resulting from intoxication), adverse action need not be taken automatically.

An important aspect of the current policy regulating homosexuals is Article 125 of the UCMJ. Under Article 125, any person who engages in unnatural carnal copulation (defined in the *Manual for Courts-Martial* as oral or anal sex) with another person of the same or opposite sex or with an animal is guilty of sodomy and subject to a court martial. As written, Article 125 applies equally to homosexuals and to

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[10]This Directive was promulgated in 1981. Although the ban on homosexuals predates Directive 1332.14, previous policy permitted the retention of open homosexuals at the military's discretion. The Directive was issued in response to numerous court challenges, such as *Matlovich v. Secretary of the Air Force*, 591 F.2d 852 (D.C. Cir. 1978), questioning why some open homosexuals were discharged while others were retained. The 1981 Directive removed the military's discretion in deciding whether to retain an open homosexual, making such discharge mandatory.

heterosexuals. Allegations of unequal treatment notwithstanding, available data on prosecutions under Article 125 show that both heterosexuals and homosexuals have been prosecuted for sodomy. However, the reach of Article 125 goes beyond that captured in the prosecution statistics.[11] As a practical matter, most homosexuals facing an Article 125 charge are given the option of an administrative discharge (based on honorable conditions) instead of standing trial. There is currently no exclusion in the MCM pertaining to Article 125 for private, consensual sex between adults.

GENERAL LEGAL PRINCIPLES

As indicated by the lengthy testimony presented at Senator Nunn's hearings by several legal scholars, there are numerous legal issues presented by reconsidering the ban that could be discussed in this chapter.[12] Because this discussion is limited to the "not germane" option, the range of legal issues is narrowed somewhat. Nevertheless, it is important to discuss some general legal principles pertaining to homosexuals in the military before considering the legal implications of this option.

Deference to the Military

Perhaps one of the strongest doctrines in the law is that the courts generally defer to the military on matters relating to military service, organization, and personnel. As the U.S. Supreme Court stated in *Rostker v. Goldberg*,[13] "Judicial deference . . . is at its apogee when legislative action under the congressional authority to raise and support armies and make rules and regulations for their governance is challenged." This broad deference has a long history that is premised on the understanding that military service is fundamentally different from civilian life. It is thus generally accepted that persons entering

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[11]Burrelli, 1993, p. 10.

[12]For excellent discussions of the broad range of potential legal issues, see the testimony by Stephen A. Saltzburg and David A. Schlueter, and David F. Burrelli, presented to the Senate Armed Services Committee Hearings, March 1993.

[13]453 U.S. 57, 70 (1981).

the military give up certain constitutional rights and have fewer privacy expectations than in civilian life.

Given that premise, the courts are reluctant to second-guess the needs of the military based largely on principles derived from and applicable to civilian society. Policies determined by the military and for the military are generally treated with great deference, even when the restrictions would otherwise be unconstitutional within a civilian context. In *Goldman v. Weinberger,*[14] for example, the court refused to uphold a challenge by an Orthodox Jew to a restriction that prohibited him from wearing a yarmulke when in uniform. Despite the fact that in a civilian setting such a restriction would violate the First Amendment, the court held that the needs of the military for good order and discipline, as well as sameness of appearance, superseded Goldman's right to wear what was admittedly an unobtrusive skull cap. It is also interesting to note that Congress subsequently enacted specific legislation to overturn the *Goldman* decision.

As a general principle, therefore, any policy option considered by the Secretary starts with what amounts to a presumption of constitutional validity. In effect, this allows the military great discretion in accession and retention policies (the issues of most interest to us right now), including setting the conditions under which individuals may enter and serve in the military. Consequently, courts have upheld restrictions as to age, height, weight, single parentage, previous drug use or criminal conviction, and the like, that might not survive scrutiny under civilian circumstances. That is, the military may set conditions that discriminate against various groups. Those challenging military rules and policies have the burden of proving that the rule or regulation does not serve a rational military interest. As numerous court cases have shown, that is a difficult burden to overcome.

Equal Protection and the Military

One way to overcome the burden of deference to the military is to challenge the regulation as a violation of equal protection of the laws based on membership in a protected class, such as a racial minority.

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[14]475 U.S. 503 (1981).

Being recognized as a protected class is important because of the level of scrutiny that the courts will therefore apply to a governmental rule or regulation.

To shorten what would otherwise be a lengthy discussion of a somewhat convoluted area of jurisprudence, equal protection applies if the regulation contravenes a fundamental right, such as the right to privacy, or if the group subject to disparate treatment constitutes a protected class. If homosexual sodomy were to be considered as a fundamental right of privacy, laws making such behavior a criminal offense would be unconstitutional. But in *Bowers v. Hardwick,*[15] the U.S. Supreme Court held that homosexual sodomy does not constitute a fundamental right, and so upheld laws making sodomy a criminal offense.

Technically, because *Bowers* was a due process challenge, some scholars have argued that the result does not preclude a finding that homosexuals should be treated as a suspect class for an equal protection challenge.[16] Most courts, however, have held that homosexuals cannot be a protected class when such an important activity as sexual conduct can be treated as a criminal offense. It is important to add that even if *Bowers* were to be overturned, this would not definitively answer the question of whether open homosexuals could serve in the military, though it might undermine the policy reasons for retaining the ban. The issue of what kinds of homosexual conduct are disruptive and can be subject to sanctions would remain. In the *Goldman* case, for instance, Goldman could not be punished for being Jewish but could be punished for wearing a yarmulke in violation of the regulations.

As an alternative to reliance on fundamental rights, homosexuals can use the equal protection laws to challenge the validity of the ban. Over time, courts have developed three levels for judging a governmental regulation's validity under the equal protection laws. First, strict scrutiny will be applied to classifications, such as race, that are inherently suspect. Any regulation of a suspect class must serve a

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[15]478 U.S. 186 (1986).

[16]See, e.g., Sunstein, Cass R., "Sexual Orientation and the Constitution: A Note on the Relationship Between Due Process and Equal Protection," *University of Chicago Law Review,* Vol. 55, 1988, pp. 1161-1179.

compelling state interest and be narrowly tailored to meet that interest. Very few regulations can survive this test.[17] Second, intermediate or heightened scrutiny will be applied to classifications, such as gender, that are usually invalid but for which some justification can be presented. Under heightened scrutiny, any regulation must be substantially related to an important governmental interest. Third, where no suspect class is determined, the regulation will be reviewed on a rational basis test. This test presumes the validity of governmental regulation as long as the classification is rationally related to a legitimate state interest. Under passive rational basis, courts generally rubber stamp the regulation, most typically economic and social legislation, so long as it serves any reasonable state interest. Under active rational basis, an emerging doctrine, courts will require additional justification for any restrictions. Just what level of proof is required to satisfy active rational basis is not clear at this point.

So far, federal courts have not treated homosexuals as a suspect class for equal protection, although some state courts have provided such protection under the state constitution.[18] Thus, challenges to the validity of military policies by homosexuals will be decided on the rational basis test. In the past, passive rational basis has been applied when considering deference to the military. Recently, some lower federal courts have begun to apply active rational basis to military cases. If that trend continues, the continued sustainability of the ban will depend on what level of justification is needed to satisfy the active rational basis test. In this regard, if the ban is maintained or if certain restrictions against homosexuals in the

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[17]Becoming a protected class, however, is easier said than done. Courts have applied three principal criteria to determine whether a particular class should be protected under the equal protection laws: (1) history of discrimination against a discrete group; (2) classification based on immutable or distinguishing characteristics; and (3) lack of political power. No Federal appellate court has held that homosexuals meet these criteria, although courts differ on which aspects are not satisfied.

[18]See, e.g., *Baehr v. Director of the Department of Health*, Hawaii, Supreme Court of Hawaii, No. 91-1394, 1993.

military are imposed, the Congressional hearings and the RAND findings might play an important role in determining how courts respond to the military's justification for its policies toward homosexuals. The extensive empirical work provided for the Secretary could form the basis both for any restrictions imposed against homosexuals and for defining a coherent rationale that can be defended in court.

Responding to the Prejudices of Others

Two relatively recent Supreme Court cases, *Palmore v. Sidoti*[19] and *City of Cleburne v. Cleburne Living Center, Inc.*,[20] have held that private biases and potential injuries resulting from those prejudices are insufficient grounds for policy determinations. As the court stated in the *Palmore* case (at p. 433): "The Constitution cannot control such prejudices but neither can it tolerate them. Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect." At this point, it is uncertain how this principle will be applied in the context of a homosexual challenge to certain restrictive military policies.

The reality of military cases such as *Goldman v. Weinberger* is that the military can regulate what members do or say precisely because certain actions are likely to disrupt morale and undermine unit cohesiveness. No one could ban wearing a yarmulke in civilian life; yet, it could be banned in the military as emphasizing individual differences over group identity. And the *Palmore* and *Cleburne* cases may have little bearing on military regulations that rest upon a judgment that certain behaviors are immoral.

Even so, the 9th Circuit, in *Pruitt v. Cheney*,[21] required the government to prove on the record that Pruitt's discharge did not rest on the prejudice and bias of other soldiers against homosexuals. The court specifically stated that the military's justification would be

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[19]466 U.S. 429 (1984). This was a racial discrimination case, so it might not be broadly applied.

[20]473 U.S. 432 (1985). This was a zoning regulation, and was applied to a particular set of facts.

[21]963 F.2d 1160 (9th Cir. 1991).

examined in light of the *Palmore* and *Cleburne* cases.[22] In the context of an active rational basis analysis, a court might use the *Palmore* principle to negate previously accepted reasons or justifications for adopting a particular restriction. As a result, military policy made on the basis that some people are uncomfortable with homosexuals might not survive a *Palmore/Cleburne* challenge, absent an independent rationale.

Homosexuals in the Military: Current State of the Law

Given the above legal principles, it is not surprising that most challenges by homosexuals to the military ban have been unsuccessful. Except for cases brought in the 9th Circuit Court of Appeals, few challenges have succeeded. And no successful District Court case has survived a Circuit Court of Appeals decision outside of the 9th Circuit.[23] No appellate court, even in the 9th Circuit, where the ban has been under sustained attack, has ruled that restricting homosexual conduct is unconstitutional or has accepted an equal protection challenge. Two cases now on appeal,[24] one in the 9th Circuit and another in the D.C. Circuit, present clear equal protection challenges to the ban, which these courts must confront.

A typical case is *Dronenburg v. Zech,*[25] where the D.C. Circuit held that the Navy's policy of mandatory discharge for homosexual conduct did not violate the equal protection laws or the soldier's right to privacy. Most significantly, the court stated that any change in the ban should be made by elected officials, not by the courts. Taking basically a passive rational basis approach, the court added that (at p. 1398): "The effects of homosexual conduct within a naval or military unit are almost certain to be harmful to morale and discipline. The Navy is not required to produce social science data or the results of controlled

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[22]A sustained attack on restrictive military policies against homosexuals based on *Palmore* and *Cleburne* is being waged in *Steffan v. Aspin,* now before the D.C. Circuit Court of Appeals (Brief of Plaintiff-Appellant Joseph C. Steffan, May 1993).

[23]See, for example, *Ben-Shalom v. Marsh,* 881 F.2d 454 (7th Cir. 1989); *Goldman v. Weinberger,* 475 U.S. 503 (1981); and, *Pruitt v. Cheney,* 963 F.2d 1160 (9th Cir. 1991).

[24]*Meinhold v. U.S. Department of Defense,* 808 F. Supp. 1455 (C.D.Cal. 1993), and *Steffan v. Cheney,* 780 F.Supp. 1 (D.D.C. 1991).

[25]741 F.2d 1388 (D.C. Cir. 1984).

experiments to prove what common sense and common experience demonstrate."

To date, homosexuals have not had much success in using other constitutional provisions to challenge the ban. For instance, First Amendment challenges to the ban on status have also failed. Although courts have held that soldiers may discuss homosexuality, read homosexual materials, and even advocate a change in policy, the courts have held that there is no right of expression in the military to state "I'm gay," no right of free association to join homosexual organizations, and no right just to be homosexual.[26] These cases were decided in the context of a ban on open homosexuality. Under the "not germane" option, the circumstances and consequences of the action would determine the outcome.

What may be changing, however, is the standard of review for justifying the military's ban on homosexuals. At least in the 9th Circuit, the standard has already shifted to an active rational basis analysis. Relying on *Pruitt v. Cheney,* the District Court, in *Meinhold v. U.S. Department of Defense,* explicitly rejected deference to military judgment as a rationale for discharging homosexuals. If followed in other cases, this would subject the ban or other restrictions against homosexuals to greater judicial scrutiny by forcing the military to justify any restrictions.

Despite the current state of the law, there are now some lower court decisions and some powerful dissents, including Justice Blackmun's dissent in *Bowers v. Hardwick* and Judge Norris's dissent in *Watkins v. U.S. Army,*[27] that could provide a roadmap for overturning the ban. As shown in the Hawaii Supreme Court's recent decision to treat homosexuals as a suspect class (and therefore a protected class) under the state's constitution, the litigation context is dynamic.[28] With the projected appointment of more liberal judges during the Clinton Administration, restrictions against homosexuals may be overturned. But even if the

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[26]See, e.g., *Ben-Shalom v. Marsh,* 881 F.2d 454 (7th Cir. 1989), and *Pruitt v. Cheney,* 963 F.2d 1160 (9th Cir. 1991).

[27]875 F.2d 699 (9th Cir. 1989).

[28]*Baehr v. Director of the Department of Health, Hawaii,* Supreme Court of Hawaii, No. 91-1394, 1993.

judiciary becomes more rigorous in applying equal protection for homosexuals in civilian cases, the question still remains how far judges will go in scrutinizing military regulations. Thus, while the courts may eventually overturn the ban, it is unlikely to occur in the short term.

LEGAL CONSIDERATIONS FOR THE *STANDARD OF PROFESSIONAL CONDUCT*

If the "not germane" option were adopted, including the rescission of 1332.14, the revisions to the MCM, and implementing the *Standard of Professional Conduct*, we anticipate few legal challenges. By no means do we expect that adopting the "not germane" option would eliminate litigation, only that the litigation would most likely revolve around challenges to punishment of individual behavior rather than, as is now the case, challenges to the ban itself or to significant categorical restrictions. None of these potential legal challenges appears to be a threat to successful implementation of this option. In this section, we analyze the legal implications of adopting the *Standard of Professional Conduct*.

Implementing the *Standard of Professional Conduct*

The *Standard of Professional Conduct*, as discussed above, would set forth the behavior that would be expected within the military once open homosexuality was permitted. For most issues involving interpersonal relationships, military custom would likely determine what behavior is considered punishable. The two situations that would most likely create problems under the *Standard of Professional Conduct* are same-sex hand-holding and dancing, both because there is nothing in military custom to guide behavior and because our interviews suggest that these are among the homosexual acts considered most provocative. If the *Standard of Professional Conduct* were overinclusive, by specifying that same-sex hand-holding and dancing are prohibited, it would create the risk that an equal protection challenge would succeed (especially if homosexuals were treated as a protected class) or that a double standard would be codified. If the standard were underinclusive, an action against certain behavior might be overturned as a denial of due process based on inadequate pre-notification that the behavior is covered by the code.

From a legal perspective, therefore, implementing the *Standard of Professional Conduct* raises several potential issues. First, is the standard itself sufficiently specific to withstand a void-for-vagueness challenge? Second, how specific must a *Standard of Professional Conduct* be to provide adequate notice that certain behavior violates good order and discipline? Third, would the code's lack of specific examples make it susceptible to challenges based on unequal enforcement of similar situations? And fourth, if specific examples were to be included, would the standard be susceptible to an equal protection challenge? For the reasons discussed below, we conclude that the *Standard of Professional Conduct* would likely be upheld against these potential challenges. That is, the *Standard of Professional Conduct* as drafted would provide sufficient specificity to satisfy pre-notice requirements, but that more specific provisions could also be sustained.

Background

By way of background, in *Parker v. Levy,*[29] the Supreme Court upheld Articles 133 and 134 of the UCMJ against challenges that they were "void for vagueness" and hence provided no notice of what would be punishable conduct. Article 133 proscribes conduct unbecoming an officer and a gentleman, while Article 134, the General Article, makes punishable "all disorders and neglects to the prejudice of good order and discipline in the Armed Forces . . . ." Although the court ruled that military law need not be as precise as civilian criminal statutes, an accused must still be on notice that the particular conduct at issue would be punishable under the UCMJ. In most instances, adequate notice will be provided by military custom, rules, and regulations. Other courts have noted that while Article 134 is not a catchall for punishing any improper act, there is no requirement that an Article 134 action must rest on an existing order, rule, or regulation.[30] According to Professor Schlueter, "As a result of this approach, only in a few cases have military defendants been able to establish that they were

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[29]417 U.S. 733 (1974).

[30]*U.S. v. Guerrero,* 31 M.J. 692, 695 (NMCMR 1990), citing *U.S. v. Sadinsky,* 14 U.S.C.M.A. 563, 34 C.M.R. 343 (1964).

reasonably unaware that their conduct might subject them to prosecution."[31]

The military courts have established criteria for determining whether a particular action gives rise to an Article 134 offense. For the most part, the emphasis in the UCMJ is on the consequences of the behavior, particularly conduct that is prejudicial to good order and discipline, rather than on the act itself.[32] To determine if the particular conduct might be prejudicial to good order and discipline, the courts consider four elements: (1) the time, (2) the place, (3) the circumstances, and (4) the purpose of the activity.[33] In reviewing a conviction for cross-dressing, which was not specified as a violation of Article 134, the Court of Military Appeals, in *U.S. v. Guerrero,*[34] held that the context of the action, rather than the action itself, rendered the cross-dressing punishable, even in the absence of specific notice. The court stated that the time, place, circumstances, and purpose of the action form the basis for determining whether the conduct is prejudicial to good order and discipline. Thus, cross-dressing in private would be treated differently from cross-dressing in public. Despite the lack of specific notice, the court decided that cross-dressing in front of another soldier (even in private) violated good order and discipline. A dissenting judge (*Guerrero* was a 2-1 decision) stated that the conduct was too indirect to the military's interest to justify a guilty verdict.

The Standard's Specificity

It follows from the above discussion that the standard itself should easily withstand any legal challenge to its specificity. If this standard is vulnerable to a void-for-vagueness challenge, the same could be said for the status of military custom, similar codes on sexual harassment and fraternization, and indeed, for UCMJ Articles 133 and 134. That vulnerability is unlikely.

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[31]See the discussion in Schlueter, David A., *Military Criminal Justice: Practice and Procedure,* pp. 346-348.

[32]See, e.g., Article 134, Par. 60b.

[33]*U.S. v. Guerrero,*, 33 M.J. 295, 298 (CMA 1991).

[34]33 M.J. 295, 298 (CMA 1991).

Pre-Notification

Applying the *Guerrero* reasoning to the issue of pre-notification for sanctioning unspecified conduct, such as same-sex hand-holding and dancing, it would appear that the draft *Standard of Professional Conduct* would provide sufficient notice to withstand a due process challenge. For one thing, such public behavior could constitute reasonably direct and palpable prejudice to good order and discipline as required in the Explanation to Article 134. For another, it is hard to imagine a situation involving same-sex hand-holding or dancing while in uniform that would not constitute provocative behavior as stated in the *Standard of Professional Conduct*. An analogous situation might be flying a Confederate flag in a unit with a substantial number of black soldiers, an action that is not specifically covered in Article 134. It seems likely that a court would determine that this action is disruptive of good order and discipline and that current standards of conduct would be sufficient notice that the activity would be punishable under Article 134.

The question of pre-notification for same-sex hand-holding and dancing is a close call and could easily go either way, as the 2-1 decision in *Guerrero* suggests. Consistent with the "not germane" option and the *Standard of Professional Conduct*, the risk of non-notification is outweighed by the conceptual approach that commanders should deal with potential disruptions on an individual basis. A central tenet of this option is the military's ability to deal with individuals and individual situations within the command structure and the many informal ways the military conveys to its members what is acceptable conduct. Rules governing every situation cannot be specified. The *Standard of Professional Conduct* would rely on military leaders to effectively apply the standards of conduct.

The Secretary, however, might decide that the disruptive effects of same-sex hand-holding and dancing would be so palpable as to outweigh the risk of establishing a double standard or of being subject to an equal protection challenge. To take a more cautious approach, the Secretary might want to specify the offending behaviors. If so, the *Standard of Professional Conduct* should specify that the behavior (same-

sex hand-holding and dancing) is equivalent to disorderly conduct, an Article 134 violation that carries a lesser punishment than other Article 134 violations.[35] But as noted, the risk of overspecification is that courts would be presented with an easier target for a disparate treatment analysis.

Equal Protection

Should the Secretary opt for greater specificity of certain behaviors that the military considers to be most provocative (namely, public same-sex hand-holding and dancing while in uniform), an equal protection challenge is likely. If homosexuals were to be a protected class, it could be difficult to sustain the resulting differential treatment. In that case, same-sex rules might be struck down as a sham designed to restrict conduct by homosexuals that is permitted for heterosexuals. But if homosexuals were not a protected class, deference to the military suggests that same-sex policies could survive legal scrutiny, as long as the military articulated a justification designed to protect morale and cohesion. Under an active rational basis standard, the military could sustain the disparate treatment as long as "the prejudice or the discrediting nature of the conduct is legitimately focused toward good order and discipline . . . and is not solely the result of the personal fears, phobias, biases, or prejudices of the witnesses."[36] Although this, too, would be a close call, a rationale for the policy based on a narrowly defined set of behaviors could withstand an equal protection challenge.

An alternative might be to provide guidance to commanders in the form of questions and answers regarding how the standard might be applied to certain specific behavior without codifying the military's response. In this way, maximum flexibility would remain with the command structure to enforce the code, while providing minimum exposure to an equal protection challenge to the *Standard of Professional Conduct* itself.

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[35]This was the recommendation of the lower court in *U.S. v. Guerrero,* 31 M.J. 692, 696 (NMCMR 1990).

[36]*U.S. v. Guerrero,* 33 M.J. 295, 298 (CMA 1991).

Unequal Enforcement

Under the *Standard of Professional Conduct*, the circumstances and consequences of an act would form the basis of a possible violation. Over time, we anticipate that military custom would evolve to resolve most of these occurrences in a consistent manner. Until then, it is inevitable that the same behavior in different circumstances would be treated differently. Commanders would likely differ in how they might respond to certain behavior, and might view the consequences to morale and discipline of a particular act differently from other commanders. And commanders would likely vary in how they would weigh the time, place, circumstances, and purpose of an action relative to its consequences. For example, the statement of "I'm gay" might be acceptable in one context but inherently disruptive in another.[37] Thus, some degree of differential enforcement of the *Standard of Professional Conduct* should be expected, but this alone would not render the standard unenforceable.

In general, it is not easy to sustain a challenge to unequal enforcement of the law. Not only is prosecutorial discretion often a deterrent to such a challenge, but it is very difficult to prove that conduct that is otherwise punishable is being unequally enforced. It might be easier to sustain an unequal enforcement challenge to a general ban on something like same-sex hand-holding that is enforced only against acknowledged homosexuals (and ignored when done by heterosexuals) than to punishment for the consequences of an individual act. Nevertheless, homosexuals have not had great success in unequal enforcement challenges to sodomy statutes that apply equally to both heterosexuals and homosexuals. Perhaps more important, the standard adopted by the *Guerrero* court explicitly recognizes that differential enforcement of the current military policies is inevitable because the consequences of an act will be viewed differently under varying circumstances.

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[37]A civilian analogue would be to consider shouting the word fire. In a crowded theater, the consequences are so disruptive that courts have sanctioned such behavior. But the same word shouted in a park would be treated very differently. The circumstances and consequences of the behavior determine the outcome.

When comparing the *Standard of Professional Conduct* to existing military custom, codes, and regulations, it is difficult to see why this should present any greater likelihood of differential enforcement than does any other military policy. It should be no more or less vulnerable than existing military codes to an unequal enforcement challenge. For example, applying Article 134 is inherently situation-specific, in the same way that the *Standard of Professional Conduct* would be. The military is granted great deference to monitor and enforce its standards of conduct according to military needs. The result of providing maximum discretion to commanders under Article 134 is that not all commanders treat the same situations alike, a result we would also expect under the *Standard of Professional Conduct*.

By way of example, there might be some homosexuals whose imperative is to test the limits of the standards. Suppose, for instance, a homosexual soldier appeared at the General's house with a same-sex partner, or insisted on "in your face" behavior toward those not tolerant of homosexuality. Both could be considered violations of the standards of conduct, subjecting the offending soldier to reprimand or punitive action. For the most part, such disruptions would be handled at the command level, and a commander would determine whether the consequences of such an action would justify appropriate sanctions. Different commanders could well reach disparate conclusions depending on how they viewed the circumstances and consequences.

As another example, stating "I'm gay" to draw attention to oneself would clearly be an irritant that might justify command intervention. But suppose the behavior continued despite warnings to stop. Under the *Standard of Professional Conduct*, the soldier would be expected to stop once warned by the commander. If the conduct continued, the commander could determine whether it had adverse consequences to good order and discipline under the circumstances.

On-Base/Off-Base Conduct

As noted above, the time, place, circumstances, and consequences of the conduct determine if an act would be punishable as disruptive

conduct. The same logic would apply whether the conduct takes place on or off base. Thus, the *Standard of Professional Conduct* would be applicable to behavior that is disruptive to morale or unit cohesion regardless of where the behavior takes place. In *Solorio v. United States,*[38] the court held that a member of the Armed Services can be disciplined for off-base conduct without the necessity of showing a service connection. This does not require the military to discipline off-base behavior, but it is a recognition that off-base behavior can have a disruptive effect on military morale.

Where the conduct occurs, its context as well as its consequences, would be important in determining what could be considered as provocative. For example, same-sex hand-holding on-base would most likely be considered as an inappropriate display of affection, and hence provocative, while the same behavior off-base and out of uniform would probably not be disruptive of morale and unit cohesion. But conduct such as sexual harassment and abuse of authority would violate the *Standard of Professional Conduct* regardless of where the offense occurred.

LEGAL ISSUES REGARDING THE UCMJ

The "not germane" option requires the rescission of Enclosure 3H of DoDD 1332.14, but it could be implemented without altering provisions of the MCM relating to Article 125 of the UCMJ. However, it would be necessary to resolve difficult legal issues regarding the distinction between status and conduct.

In this section, we analyze the legal consequences of both policy alternatives--changing the MCM and leaving it unchanged. We also analyze each legal issue based on whether homosexuals would be treated as a protected class or as individuals. Even though few courts have held so far that homosexuals are a protected class, as discussed above, the possibility remains that courts may decide that homosexuals should be a protected class.

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[38]483 U.S. 435 (1987).

Rescind Enclosure 3H of DoDD 1332.14 Without Modifying the MCM

Ending the ban without revising MCM provisions pertaining to Article 125 would be problematic.[39] As a point of departure, if the courts decide to treat homosexuals as a protected class, a restriction like this would probably not survive close scrutiny, given that sodomy statutes are rarely enforced against heterosexuals. Even short of that protection, it would likely be under sustained attack.

Though perhaps difficult to defend, we expect that for the reasons discussed below, the courts would nevertheless uphold the status-conduct distinction as a rational policy choice. However, the courts might rule that once acknowledged homosexual status was permitted in the military, an absolute ban on sexual conduct could not be maintained. Thus, an understanding of how the courts might approach the status-conduct distinction is important in the context of the Secretary's decision.

At issue is whether the policy choice to distinguish between status and a particular form of sexual conduct would be a rational one based on military considerations, and hence acceptable under the deference to the military principle, or whether the distinction could not be defended as a rational means of achieving a policy goal. The legal argument against its constitutionality would be that the premise of the distinction, that status is separable from conduct, is internally inconsistent and unsustainable. When confronted directly by that contradiction, courts would rule that once status is acknowledged, a ban on conduct violates equal protection.[40]

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[39]From the perspective of a homosexual member of the Armed Services, rescinding Enclosure 3H of 1332.14 without changing the provisions would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequence could be that the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy, many homosexuals are given administrative discharges and are not prosecuted under Article 125. Not modifying the MCM provisions would put homosexuals at greater risk of an Article 125 prosecution.

[40]Arguably, the 9th Circuit is the appellate court most likely to seize on these arguments to overturn the ban altogether. As noted above, some judges on the 9th Circuit would like to overturn the ban even if the military makes no policy changes. But even Judge Norris's dissent in *Watkins*, one of the strongest statements opposing the

To the best of our knowledge, there are no cases holding that policies based on the status-conduct distinction are unconstitutional, and there are cases explicitly rejecting this position as applied to homosexuals.[41] While numerous courts discuss the salience of the distinction, no court has ruled that recognizing homosexual status requires equating status with conduct, or that recognizing status requires a change in policy regarding conduct. And some courts[42] have ordered the reinstatement of acknowledged homosexuals without questioning the ban on homosexual conduct. In most areas of the law, what is prohibited is certain conduct, not the status of the actor. For the argument equating status and conduct to be tenable, a court must equate status with conduct as a matter of law, something that few courts have done in the past.[43]

Nevertheless, there is language in the *Ben-Shalom* case suggesting that the distinction between status and conduct defies common sense. The court stated explicitly on page 464 that: "Plaintiff's lesbian acknowledgment, if not an admission of its practice, at least can rationally and reasonably be viewed as reliable evidence of a desire and propensity to engage in homosexual conduct. . . . [I]t is compelling evidence that plaintiff has in the past and is likely to again engage in

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military's ban on homosexuals, focuses on sexual orientation, without making the connection to conduct presumed by this argument.

[41]See, e.g., *Pruitt v. Cheney,* 963 F.2d 1160 (9th Cir. 1991) and *Meinhold v. U.S. Department of Defense,* 808 F.Supp. 1455 (C.D.Cal. 1993). In *Steffan v. Cheney,* 920 F.2d. 74, 76 (n.*) (D.C. Cir. 1990), the court rejected the government's argument that Steffan's sexual orientation created a rebuttable presumption that he had committed homosexual acts. See also, *Jacobson v. U.S.,* 112 S.Ct. 1535, 1541, 1542 (1992), where the court stated that, "evidence that merely indicates a generic inclination to act within a broad range, not all of which is criminal, is of little probative value in establishing predisposition. . . . Furthermore, a person's inclinations and 'fantasies . . . are his own and beyond the reach of government . . . .'"

[42]See, e.g., *Watkins v. U.S. Army,* 875 F.2d 699 (9th Cir. 1989).

[43]The argument that status is equivalent to conduct is further undermined by DoD Directive 1332.14, which itself distinguishes between conduct and status. Under this Directive, a person committing homosexual acts may still be retained in the military if these acts were a departure from usual and customary behavior.

such conduct . . . . The Army need not shut its eyes to the practical realities of this situation . . . ."

Although primarily a First Amendment case, the *Ben-Shalom* court also ruled on the plaintiff's equal protection argument. The lower court viewed Army Regulation (AR) 140-111, banning reenlistment for homosexuals, as a classification based entirely on sexual orientation (status). The lower court then decided that homosexuals constituted a protected class, and ruled that the ban on status was unconstitutional. To be valid, the lower court ruled, the regulation must be targeted at sexual conduct, not just sexual orientation.

On appeal, the 7th Circuit ruled that the ban on status could remain because the admission of status is tantamount to an admission of conduct. Since the court determined that status amounted to conduct, the regulation's ban on conduct could be enforced. The court ruled that the regulation was constitutional because the Army did not need to ignore the connections between status and conduct. Thus, the court based its ruling on the prohibited conduct, regardless of whether status is banned.

Even though the court rejected the distinction between status and conduct, the court upheld the ban on conduct. As a result, there would not appear to be a conflict between the court's holding and implementing the "not germane" option without revising the MCM provisions pertaining to Article 125. Just because this option acknowledges status does not mean that a court will therefore rule that the military cannot continue to ban sodomy where the military chooses as a policy not to equate status with conduct.[44] The acknowledgment of sexual orientation need not have an effect on how the military enforces its ban on sodomy. More importantly, the "not germane" option explicitly eliminates the definition of homosexuality that equates homosexual tendencies with homosexual behavior.

Although this means that the tension between the "not germane" option and Article 125 is not unconstitutional, it does not mean that the tension disappears. To see why, imagine the tension between Article

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[44]In an analogous situation, courts have held that the status of drug addiction does not imply illicit drug use, absent actual conduct.

125 and the "not germane" option in a heterosexual context. Given that most married heterosexual couples engage in oral sex,[45] an act prohibited by Article 125/MCM, should they be presumed to be in violation of Article 125 simply because of their marital status? If the answer is no, the argument that status alone constitutes a violation of Article 125, and hence mandates the unconstitutionality of this option, must fail.

There are three additional reasons for this conclusion. First, the *Ben-Shalom* court was not confronted by the specific question raised above. What it ruled on was whether the Army was required to target sexual conduct in order to sustain the ban on both status and conduct, not whether the Army could, as a matter of policy, permit status while prohibiting certain sexual conduct. The military can legitimately determine that disruption to good order and discipline emanates from sodomy, and that restricting sexual conduct rather than status is a legitimate policy objective.

Second, as noted above, the weight of the cases is that policy choices made by the military will be given great deference by the courts. As long as the policies are not irrational, courts are likely to defer to military judgment.[46] At one point (p. 461), the *Ben-Shalom* court stated flatly: "If a change of Army policy is to be made, we should leave it to those more familiar with military matters than are judges not selected on the basis of military knowledge." Even if the distinction between status and conduct is artificial, the "not germane" option would start with the presumption of validity based on deference to the military. This remains a difficult standard to overcome.

Third, the lower court applied a heightened scrutiny analysis after holding that homosexuals constituted a suspect class. As discussed above, relatively few courts have so held, and the appellate court in *Ben-Shalom* explicitly rejected this finding. As a result, a homosexual

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[45]See the chapter on sexual orientation and sexual behavior for findings on this topic.

[46]For instance, in *Beller v. Middendorf*, 632 F.2d 788, 812 (9th Cir. 1980), the court upheld the Navy's rule requiring discharge based on any homosexual conduct, despite stating that the rule is "perhaps broader than necessary to accomplish some of its goals."

challenge to the "not germane" option would still, at most, be judged under an active rational basis test. The use of the rational basis test, when combined with traditional deference to military policy, suggests that the military should be able to defend its policy choice of acknowledging status while prohibiting sodomy, especially if it treated heterosexual sodomy in a similar manner.

Changing the MCM

Even though it would be constitutionally viable to rescind Enclosure 3H of DoDD 1332.14 without modifying the MCM provisions in question, the situation could possibly undermine the orientation-neutral principle of the "not germane" policy. Several considerations suggest that it would be better to modify the MCM provisions pertaining to Article 125.

Once the principle that sexual orientation is not germane to military service has been accepted, the fact that some members of the military have private, consensual sex with members of the opposite sex while other military members have private, consensual sex with members of the same sex would also not be germane. In other words, it would be difficult to understand the argument for punishing private sexual acts once the military had determined that sexual orientation was not germane to military service.[47]

In addition, historically, state sodomy statutes have been widely perceived as being the legal basis to exclude or punish homosexuality (see, e.g., *Bowers v. Hardwick*, dissenting opinion by Justice Blackmun). Even where the statutes are sex-orientation neutral, they have not been enforced equally against homosexual and heterosexual behavior. In the military, there are indications that Article 125 has been used differentially for homosexuals and heterosexuals.[48] To understand how,

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[47]As an example of this difficulty, suppose that acknowledged homosexuality was acceptable, but any homosexual conduct was unacceptable. In some cases, the distinction between telling (probably protected conduct) and doing (prohibited conduct) becomes very difficult to determine. Suppose, for example, a soldier states that he has engaged in anal sex while a member of the armed forces. Is this telling or doing? Is this grounds for an investigation? For discharge?

[48]Burrelli, 1993.

it is important to recognize that DoDD 1332.14 and Article 125 have been used together in the past. Threats to homosexuals of prosecutions under Article 125 have been used to elicit confessions of homosexuality and then acceptance of administrative discharges under DoDD 1332.14. Thus, retaining Article 125 and the present relevant provisions of the MCM, after rescinding Enclosure 3H of DoDD 1332.14, would make the consequences of unequal enforcement more serious: Homosexuals who practice oral or anal sex would be exposed to the risk of court-martial proceedings without the availability of an administrative discharge as an option.

An approach to dealing with the conceptual tension that eliminates all possibilies of unequal enforcement is to modify the MCM so that it permits private sexual behavior between consenting adults.[49] Together with the rescission of Enclosure 3H of DoDD 1332.14, this would be the most straightforward way of eliminating a link between status and conduct.

Although the President may not redefine the elements of a crime, the President has considerable discretion as commander-in-chief in promulgating the MCM, specifying rules for courts-martial, and determining maximum and non-judicial punishments.[50] Neither the phrase *unnatural carnal copulation* nor the term *sodomy* is defined in the UCMJ. In the current MCM, these concepts are defined by the Executive Branch through the Elements of the criminal charge and the Explanation of the punitive article. One or two minor revisions to the Elements and Explanation accompanying Article 125 would achieve the goals of the "not germane" option. For example, the current Elements read as follows:

> b. Elements.
>
> (1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal.

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[49]See Appendix C.

[50]Schlueter, David A., *Military Criminal Justice: Practice and Procedure,* 2nd edition, Charlottesville, VA: The Michie Co., 1987, pp. 5-6. See also, "The 1984 Manual for Courts-Martial: Significant Changes and Potential Issues," Department of the Army Pamphlet 27-50-139, in *The Army Lawyer,* July 1984, pp. 1-58, and *U.S. v. Curtis,* 32 M.J. 252 (CMA 1991).

> [Note: Add either or both of the following elements, if applicable]
> (2) That the act was done with a child under the age of 16.
> (3) That the act was done by force and without the consent of the other person.

If element (3) were moved above the Note and renumbered as (2), to read as shown below, the effect would be to exclude private, consensual heterosexual and homosexual oral and anal sex between adults:

> (1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal; and,
> (2) That the act was done by force and without the consent of the other person.
> [Note: Add the following element, if applicable]
> (3) That the act was done with a child under the age of 16.

(Similar behavior in public could be punished under several other punitive articles, including Articles 133 and 134. In fact, a recommendation could be included in the MCM to make it clear that carnal copulation in public ought to be prohibited for both homosexual and heterosexual behavior.)[51]

A second possible revision would be to add the phrase "non-consenting adult" in the Explanation, where appropriate, to indicate that private, consensual sex between adults would be excluded from the phrase "unnatural carnal copulation." Or, preferably, both revisions could be made simultaneously, for the sake of consistency.

Given the inherent authority of the Executive Branch to define the Elements and the Explanation, it seems clear that the President has the legal authority to make these revisions. This is not to suggest that Congress might not attempt to override the Administration by codifying the current Elements and Explanation into the statute. It is simply to suggest a legal means of avoiding the potential tension between Article 125 and homosexuals serving openly in the military.

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[51]Indeed, we anticipate that the standards of conduct adopted would make it clear that those who oppose such behavior would not be forced to witness it or to be reminded that some of their fellow soldiers desired to engage in such behavior. Conduct that calls attention to sexual activity would be inherently inappropriate.

A legal objection to these revisions might be that they actually constitute a change in the elements of the crime of sodomy, and thus rest with the legislature, not the executive.[52] We think this argument fails on several grounds. First, there is no change to the crime of sodomy--the revision is a procedural one that specifies who will be subject to prosecution. This change lies well within the leeway ordinarily accorded for prosecutorial discretion. Second, the MCM already permits the military to add the Element of nonconsent to the crime as a matter of command discretion for targeting criminal charges or investigations. The revision simply makes it an Element of the criminal charge in all instances. Third, the military made similar changes when the MCM was revised in 1984. For instance, the 1984 MCM revised Articles 124 and 128 to require specific intent to injure rather than general intent, despite case law to the contrary. Under Article 93, the MCM added sexual harassment to the Explanation of the crime. And certain offenses were dropped altogether from Article 134 because "they were so little used that the drafters decided they did not require attention in the Manual."[53] As a practical matter, the only way to challenge the revisions would be through an act of Congress, which would not be necessary if Congress were to accept the "not germane" option.

Another potential legal problem that might emerge if the MCM were revised to exclude private sexual conduct between consenting adults is with the enforcement of state law. Some 23 states still treat sodomy as a crime, and if enforced at all, the law is most likely to be enforced against homosexuals. A member of the military may well be prosecuted for committing sodomy in violation of state law. Clearly, the state has

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[52]As noted below, even if a court were to rule that the proposed revisions were unlawful, the President has ample authority to determine what the punishment should be for an Article 125 violation. The President could specify that nonjudicial punishment is appropriate for sodomy between consenting adults, thus avoiding a threatened discharge. This approach, however, still makes the conduct impermissible and may well have other adverse effects.

[53]*The 1984 Manual for Courts-Martial: Significant Changes and Potential Issues*, Department of the Army Pamphlet 27-50-139, in *The Army Lawyer*, July 1984, p. 37. In reality, sodomy prosecutions against consenting adults are already rare, used mainly as leverage to convince homosexuals to accept an administrative discharge.

a right to prosecute the case. For our purposes, the question is whether the soldier should also be discharged for conduct bringing discredit to the Armed Forces. Presumably, this should be handled in the same manner that other violations of state law are handled. If similar state law violations result in discharge, this should be no exception. If similar violations are treated with less severity, so should this. In either case, this is not a compelling argument for retaining the relevant provisions of the MCM in their present form, especially since the general trend in state law is to repeal sodomy statutes as applied to consenting adults.

Assuming that political realities preclude the above revisions, there are several other regulatory means available to *encourage* equal enforcement of Article 125. As a matter of even-handed regulatory and enforcement policy, the "not germane" option would stress that Article 125 should be equally applicable to heterosexuals and homosexuals, with appropriate investigatory guidelines. The President could also redefine the punishment for sodomy between consenting adults to be a nonjudicial punishment. This would avoid the threat of discharge now hanging over a homosexual member of the military, but it would not, in and of itself, eliminate the possibility of investigations. Therefore, investigative guidelines and enforcement priorities should indicate that private, consensual sex between adults would be a low enforcement priority.[54] As commander-in-chief, the President, through the MCM, can state that, as a matter of prosecutorial discretion, cases involving private, consensual behavior will not be prosecuted.[55]

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[54]Given the evidence of contemporary sexual behavior that the overwhelming majority of heterosexuals and homosexuals engage in some form of proscribed sexual conduct (primarily oral sex), *rigorous* enforcement of Article 125 would certainly have an adverse effect on the military. Thus, there are serious questions as to whether Article 125 can be enforced fairly. Furthermore, if the trend toward the elimination or overturning of sodomy statutes continues, it may be difficult to sustain Article 125 in its current form.

[55]One reason for not prosecuting these cases is to avoid giving a spurned lover, either homosexual or heterosexual, a bargaining chip to hurt the other party. Such matters are best left out of the criminal justice system. In short, a policy of practical and realistic equal enforcement suggests that private, consensual sexual behavior between adults should not be prosecuted.

OTHER LEGAL ISSUES

What Privacy Rights Can Heterosexuals Assert?

An important policy consideration is to balance the privacy rights of members of the military who object to homosexuality with the principle that sexual orientation is not germane to military service. Through flexible command policy, privacy concerns could be alleviated by ensuring freedom from personal and sexual harassment and maximizing flexibility in sleeping and bathroom facilities, where feasible. As a legal matter, however, there appear to be few ways in which a heterosexual could assert a privacy right sufficient to bar adoption of the "not germane" option.[56]

For one thing, it is generally understood that a soldier yields full privacy rights upon entering the military. For another, courts would be likely to balance individual privacy rights with the opportunities of others to serve in the military. Courts may well rule in an individual case that the assertion of a privacy right is sufficiently compelling to justify rescinding the contract between the soldier and the military (that is, to allow an early discharge). And an individual commander might attempt to accommodate an individual soldier who had deep moral objections against rooming with a homosexual. But courts would be unlikely to override the military's policy choice to allow homosexuals to serve based on heterosexual soldiers' privacy rights. This would be especially true if courts were to treat homosexuals as a protected class.

Just as important, granting a privacy right to heterosexuals who object to serving with homosexuals must be justified on grounds other than private biases or prejudices against homosexuals. As discussed above, the *Palmore* and *Cleburne* cases send a strong message that

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[56]For example, a heterosexual might assert a privacy right against sharing intimate quarters with homosexuals. To take this argument seriously as a constitutional matter, courts would be required to consider a range of public accommodations for heterosexual privacy where homosexuals and heterosexuals have long interacted, such as in public schools (which students are required to attend), public recreation facilities, and the like. No one has seriously suggested requiring such actions. In these situations, society is concerned with certain offensive behaviors, not sexual orientation.

policies based on private biases will not be sanctioned by the courts. Thus, it might be difficult to construct a general heterosexual privacy right that satisfies the *Palmore/Cleburne* test.

Accession and Reinstatement Rights for Previously Excluded or Discharged Homosexuals

Once the "not germane" policy was implemented, some previously discharged homosexuals might seek reinstatement while others previously excluded might seek to enlist. Some might also seek damages for their military rejection or discharge. For several reasons, it is unlikely that these challenges would be successful.

First, the "not germane" policy would be explicitly prospective. Courts would be likely to allow the military to look to the future without providing a remedy to those affected by the ban. In fact, the Supreme Court has granted Congress great leeway to make laws prospective, without providing remedies for those harmed by previous policies. Second, courts would be likely to allow the military considerable flexibility in implementing the new policy. Congress has authority under the Constitution to set the terms and conditions of military service; its agreement or acquiescence with this option would be a strong statement to the courts that prior actions based on the ban should be disregarded. Third, the ban was legally valid at the time of discharge or enlistment rejection. Fourth, numerous legal procedural bars, such as statutes of limitation, failure to exhaust remedies, and *res judicata,* might be barriers to any individual action for reinstatement or damages.

Benefits

The "not germane" option would not alter current policies regarding benefits for non-married cohabitants. We anticipate that benefits policies and standards would remain consistent throughout the federal government. Under this option, homosexual marriages would not be recognized, and same-sex cohabitants would be treated like heterosexual cohabitants.

Sooner or later, these policies would likely be challenged. Since no state currently recognizes homosexual marriages, the challenge is

likely to be later rather than sooner. But the Supreme Court of Hawaii recently ruled that the state must justify its ban on same-sex marriages.[57] By treating homosexuals as a protected class, the court set a high standard for the state to meet. If the Hawaii (or any other state) law banning same-sex marriages is declared unconstitutional, or if a state voluntarily decides to approve same-sex marriages, at some point a homosexual soldier will get married in that state and request benefits for the partner.

Under current policy, however, military benefits are set by federal law, which now defines spouses as married partners of the opposite sex. In this example, the homosexual soldier married legally in Hawaii might bring an equal protection challenge to the federal definition of *spouse*. As long as homosexuals are not a protected class, the question is whether the federal statute defining spouses as married partners of the opposite sex serves a rational governmental interest. Although the federal government does not generally seek to regulate marriage, relegating it primarily to the states, the federal government does have an interest in determining who qualifies for certain federal benefits and the basis on which those benefits are to be distributed. If many states begin to recognize homosexual marriages, it becomes harder to defend the federal policy. But if only one state or a few states do so, the federal policy would remain well within the mainstream (it would not be irrational), and thus would be defensible as promoting societal and familial stability.[58]

Even if a court were to determine that the definition as applied in a civilian context did not fulfill a legitimate governmental interest, it does not follow that a court would make a similar determination regarding military benefits. For example, under current policy, homosexuals are not dismissed from the civilian federal government based on status, while they are dismissed from the military based on status alone. And some benefits, such as on-base living arrangements, may be

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[57]*Baehr v. Director of the Department of Health, Hawaii,* Supreme Court of Hawaii, No. 91-1394, 1993.

[58]See, e.g., the discussion in Editors of the Harvard Law Review, "Developments in the Law: Sexual Orientation and the Law," *Harvard Law Review,* Vol. 102, 1989, pp. 1508-1671, at pp. 1603-1628.

inherently disruptive to morale so that deference to the military would permit the military to withhold such benefits.

If homosexuals become a protected class, the denial of benefits to a legally married homosexual couple may not survive a constitutional challenge. In that case, the issue would be whether the government has a compelling or substantial interest in limiting certain benefits, such as on-base same-sex housing, to justify the differential treatment. As we have seen, that is a difficult standard to meet.

CONCLUSIONS

To a certain extent, the threat of legal action, either to overturn the ban or to undermine any policy shift regarding accession and retention of homosexuals in the military, is a red herring. Legal issues would need to be addressed, and implementation of the "not germane" option would not be without legal challenges. But the fundamental issue of whether to end the military's ban on homosexuals is a policy choice, not a legal imperative.

The "not germane" policy option is entirely defensible from a legal perspective. As a compromise policy position, adopting this option without revising the relevant provisions of the MCM would also be legally defensible. Although such a compromise may be difficult to sustain administratively, courts are likely to defer to the military's policy choice.

Besides these general conclusions concerning the legal viability of the "not germane" option, our specific legal conclusions include the following:

- There is no reason to expect that the courts will overturn the current ban on homosexuals in the near future. Court rulings on homosexuals in the civilian sector do not suggest that such a result is imminent.
- Courts generally defer to the military on a broad range of issues. The fact that courts have been reluctant to treat homosexuals as a protected class makes it even more difficult

to overturn the ban based on violation of the equal protection laws.

- Legal and legislative trends regarding gay rights are mixed. No appellate federal court has ruled that homosexuals should be treated as a protected class for purposes of the equal protection laws.
- However, there has been some movement in the courts from a passive to an active rational basis test that might at least compel the military to provide a more persuasive justification for continuing the ban. If the active rational basis becomes the standard, prejudice against homosexuals would not be sufficient grounds for sustaining the ban.
- If the "not germane" policy were adopted, it should be accompanied by a change in the provisions of the MCM pertaining to Article 125. This could be accomplished at the President's discretion. Absent this change, the "not germane" option would still be legally valid. Courts are likely to defer to the military's policy choice if it wants to make a distinction between status and conduct.
- The *Standard of Professional Conduct* is sufficiently specified to withstand a legal challenge of being void-for-vagueness. The *Standard of Professional Conduct* could also survive legal scrutiny if more specific examples of prohibited conduct were added.
- Other potential legal challenges, such as those based on the assertion of heterosexual privacy rights, are also without merit.

12. IMPLEMENTING POLICY CHANGE IN LARGE ORGANIZATIONS[1]

INTRODUCTION

Whatever its form or content, any new policy that would allow acknowledged homosexuals to serve in the U.S. military would have to be implemented in an organization that, like most organizations, resists changes in those structures, policies, and practices that have contributed to their past success. Even though military organizations are accustomed to rapid changes in technology and battle threats, they are usually highly averse to *social* changes--that is, changes in their traditions, customs, and culture (Builder, 1989).

In the case of allowing acknowledged homosexuals to serve in the military, the resistance to change touches not only on deeply held attitudes but, for a large portion of the military, on moral beliefs as well. For many, it makes no difference if a service member ever comes in contact with an acknowledged homosexual: The change in policy itself alters their perception of *their* organization in a fundamental way. (See the chapter on military opinion.)

This chapter considers how such a policy might be effectively implemented, in light of institutional culture, the current policy context, and what the literature tells us about implementing policy change in large organizations. To do so, the chapter first describes the implementation context, including the military culture and the current policy context. Then, it reviews factors that constrain and support policy implementation, including policy design, features of the implementation process, and the local context for change. Drawing upon this literature review, the chapter ends with a discussion of how the Armed Forces might most successfully implement a new policy concerning homosexuals.

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[1]This chapter was prepared by Gail L. Zellman, Joanna Zorn Heilbrunn, Conrad Schmidt, and Carl Builder.

IMPLEMENTATION CONTEXT

Implementation as an area of study was born of a need to understand why policy changes imposed from the top often did not find their way to the bottom of large organizations, or if they did, why they resided there in substantially altered form. Moreover, organizations tend to overwhelm innovations, emerging unchanged from processes whose goal was explicitly to change them. These findings challenged the assumptions that organizational change is a relatively straightforward process with predictable outcomes.

The literature on the implementation of innovations in large organizations focuses heavily on the introduction of technological or organizational change (e.g., O'Toole, 1989; Langbein and Kerwin, 1985; Prottas, 1984; Wilms, 1982; Zetka, 1991; and Walsh, 1991). To some extent, all change follows the same process. But social change, which inherently involves much more deeply held attitudes about race, religion, sexuality, or values, brings added complexity to the change process. Externally imposed social change challenges an organization and its leadership to create a blueprint for change that considers the institutional culture and incorporates useful implementation theory principles, a large measure of leadership, an understanding of the extent to which previous experience applies, and a keen awareness of the fears and limits of those at the bottom, on whom the success of policy implementation ultimately depends.

Military Culture

The military is viewed organizationally as a hierarchical, rule-driven institution. However, it is also an institution with a strong culture and sense of itself in relation to the external social and political environment. This cultural sense is sufficiently strong that policies that seem at odds with it may meet considerable resistance, from the top to the bottom of the hierarchy.

The American military is a web of organizational and participant cultures at many different levels, and including a participant culture comprising the attitudes and values of the individuals who serve. Military subcultures have been described by Builder (1989), who notes

that military organizations and their suborganizations (Army, Air Force, Navy, and Marines) have distinctive cultures that have a significant effect on the way the organizations operate and react in a variety of situations. Despite this variability across and within services, on balance, the military can be described as an organization that is based on a formal, hierarchical, and rule-driven structure, which values efficiency, predictability, and stability in operations. This structure is supported and reinforced by organizational and participant cultures that are conservative, rooted in history and tradition, based on group loyalty and conformity, and oriented toward obedience to superiors. Any policy change must take place in that military environment. Many observers have noted that, to the extent that a conservative military organization values predictability and stability, it is implicitly averse to change and explicitly averse to change dictated from outside the organization (e.g., Builder, 1989).

Militaries have always seen themselves somewhat apart from the larger societies that support them and that they are constituted to protect. Part of the separateness stems from the military mission and its burdens. But the American military has, during the Cold War, by its rapid rotation of people through assignments and posts and by its substantial forward presence overseas, enhanced that separateness and fostered a separate military family and society.

The demographic gap between the American military and the rest of society has been closing during the last decade with increasing numbers of two-career families and the decline of the "officer's wife" as an occupation. Nevertheless, many of the values of military families still reflect those of small towns and of several decades past, which may reflect the selective enlistment inherent in the all-volunteer force. For many of the more senior military people now in leadership positions, there remains a legacy of the hostility between the American military and the rest of society that reached a peak during the war in Vietnam. For those people, the imposing of unwelcomed aspects of American society on the military--often referred to as "social experimentation"--evokes familiar and hostile feelings. (See the chapter on military opinion for more discussion of these issues.)

The Policy Context

The military has seemed particularly averse to removing the restriction on homosexuals because that policy threatens its cultural values and because it is externally imposed. Many people have argued that it was similarly averse to racial integration and the admission of women. However, five factors make the integration of homosexuals particularly problematic.[2]

First, a majority of military personnel, and a sizable portion of the general public, feel that homosexuality is immoral. For many, allowing homosexuals to serve would put the military in the position of appearing to condone a homosexual lifestyle.

Second, the debate is occurring in a context characterized by drawdowns and uncertainty. In response to the end of the Cold War, the military's role and mission are being widely questioned. Reduced military budgets have created considerable anxiety among military personnel. Many believe that with base closings, drawdowns, and reductions in benefits, the military has violated the psychological contract between the organization and its members (Rousseau, 1989). The resulting anger and resentment have made members disinclined to tolerate additional threats to military culture in the form of allowing homosexuals to serve.

Third, the policy debate is occurring in a context where norms of deference are significantly eroded. This lack of deference serves to restrain support for new policies and, ultimately, for change. Military members and leaders appear to feel little constrained to withhold criticism of the Commander in Chief or his policies.[3] Their outspoken opposition to permitting homosexuals to serve is a cause for concern because it sends the message that the new policy is bad for the military

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[2]These five factors clearly emerged in focus groups that were conducted by study staff at military bases in the United States and Germany. (For a description, see the chapter on military opinion.)

[3]A recent speech by Air Force Major General Harold N. Campbell in which he referred to President Clinton as "draft-dodging," "pot-smoking," "womanizing," and "gay-loving" is a particularly egregious example of the fraying of these norms. His subsequent dismissal was meant to send a strong signal that such flagrant violations of deference norms will not be tolerated.

and would have no support among top military leaders. Nevertheless, norms of obedience remain and some observers argue that they would carry the day.[4]

Fourth, the current budgetary context may restrain change if implementation planning fails to take it into account. Since budgets are not growing, all new programs are viewed as coming at the expense of old and sometimes cherished ones. We can expect that the more the integration process costs, the more it would be resented.

Fifth, there is no sense that the change would serve any legitimate need of the military. Objections that the policy is not based on need are reinforced by the sense among many military members that even the President is not committed to the change. Rather, they believe that his support simply reflects commitments made during the Presidential campaign in exchange for electoral support. (See the chapter on military opinion for more detail on these attitudes.)

Although military structure and culture and key features of the policy context are unique to the problems of implementing a policy to allow homosexuals to serve, every implementation process is to some degree unique. Consequently, empirical findings and general principles derived from studies of policy implementation and organizational change offer lessons for implementing such a policy. These literatures and the lessons they offer are described below.

FACTORS THAT CONSTRAIN AND SUPPORT POLICY IMPLEMENTATION

Implementation itself is best defined as "the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and in a variety of ways, 'structures' the implementation process" (Mazmanian and Sabatier, 1983, p. 20). Policy analysts often divide the change process into two

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[4]Indeed, on June 10 in a speech at Harvard University, the Chairman of the Joint Chiefs of Staff, General Colin Powell, said of a new policy toward homosexuals' military service, "The President has given us clear direction. . . . Whatever is decided, I can assure you that the decision will be faithfully executed to the very best of our ability."

phases: adoption and implementation. The adoption phase begins with the formulation of a new policy proposal and ends when that proposal is formally encoded in a law, regulation, or directive. The implementation phase begins with the formal adoption of the policy and continues at some level as long as the policy remains in effect (e.g., Weimer and Vining, 1992).

Those who study implementation generally agree that three categories of variables contribute most significantly to policy change, despite variations in how they are described: policy design, the nature of the implementation process, and the local organizational context in which the policy is implemented (e.g., Mazmanian and Sabatier, 1983; Goggin, 1987). Each of these components is discussed in turn.

Policy Design

The design of a new policy and its expression in a policy instrument can substantially affect both the implementation process and the extent to which the policy's original objectives are met in practice. Those policy design components that bear most on outcomes include characteristics of the change required and the nature of the policy instrument.

Characteristics of the Required Change. Some changes are inherently more complex than others. For example, a law whose goal is to reduce highway fatalities by lowering the speed limit contains within itself all the information necessary to enable individuals to comply (McDonnell and Elmore, 1987). In contrast, a court order to create equal educational opportunity is less clear-cut. Individuals must not only read and understand the equality standard but must create a plan that translates the goal into required behaviors, a more complex task that may fail because of unwillingness to comply or, more likely, some failure of capacity to do so (McDonnell and Elmore, 1987).

A policy's successful implementation also derives from the validity of the causal theory that underlies it. Every major reform contains, at least implicitly, a causal theory linking prescribed actions or interventions to policy objectives. Indeed, one of the major contributions of implementation analysis is its emphasis on seeking to build an

overall theory for obtaining desired organizational changes (Mazmanian and Sabatier, 1981). To the degree that there is consensus about the validity of the theory (that is, that most agree that by carrying out the intervention, attainment of policy objectives is likely), policy implementation is facilitated (Mazmanian and Sabatier, 1983).

Another key characteristic of the required change is the scope of change required. Scope can be measured in terms of the size of the target group, the percentage of the population affected, or the extent of behavior change required. In general, policies that require less change, in terms of numbers and extent, are easier to implement (Mazmanian and Sabatier, 1983).

Nature of the Policy Instrument. McDonnell and Elmore (1987) describe four generic classes of policy instruments: (1) mandates, which are rules governing the actions of individuals and agencies, intended to produce compliance; (2) inducements, the transfer of funds to individuals or agencies in return for certain agreed-upon actions; (3) capacity-building, the transfer of funds for investment in material, intellectual, or human resources; and (4) system-changing, the transfer of official authority among individuals and agencies to change the system through which public goals and services are delivered.

The choice of instrument structures affects the implementation process to a significant degree. Expected outcomes, costs, and the extent of oversight all vary by type of policy instrument. For example, while mandates seek uniform but minimal compliance, inducements are designed to produce substantial variability in outcomes because there is often a variety of ways to achieve high performance. Mandates require a strong focus on coercion and compliance monitoring, while the implementation of inducements requires oversight but no coercion (McDonnell and Elmore, 1987).

Implementation Guidance. Implementation guidance is built into some policies, e.g., a reduced speed limit, as noted above. In other cases, guidance is less inherent in the policy, but may be built in in several forms. Among the most important ways to do so are by clearly ranking policy objectives and by stipulationg decision rules for implementing agencies.

A clear ranking of policy objectives is indispensable for program evaluation and for directing the actions of implementing officials. Statements about objectives may also be used as a resource for groups that support the policy objectives. Formal decision rules of implementing agencies, e.g., the stipulation in a statute of the level of support required for a specific action (e.g., two-thirds majority of a specified commission required for a license to be issued), reduce ambiguity and increase the likelihood that a mandate will be carried out as intended (Mazmanian and Sabatier, 1983).

Implementation Process

Implementation researchers (e.g., Elmore, 1978, 1980; Goggin, 1987; McLaughlin, 1987, 1990; Mazmanian and Sabatier, 1983) view the process through which a new policy is implemented as a key contributor to understanding organizational change. From the implementation perspective, any analysis of policy choices or the effects of policy on organizations matters little if implementation is poorly understood.

What emerged from the early implementation studies was a sense that while change was not straightforward, the implementation process could be understood and ultimately managed. Several key notions emerged (McLaughlin, 1990). First, changing practice through policy is a difficult undertaking. Second, policymakers cannot mandate what matters--capacity and will at the lower levels of the organization where the policy must find a home. Third, by focusing on policy implementation, certain processes and rules could be brought to bear that would increase the likelihood that policy would find its way, relatively unscathed, into practice (Mazmanian and Sabatier, 1981).

These notions suggest an implementation process structured around pressure and support. Pressure, argues McLaughlin (1987), focuses attention on the new policy and increases the likelihood of compliance; support is necessary to enable implementation. Such support may include adequate financial resources, a system of rewards that recognize compliance efforts, and room for bottom-level input into the process.

Pressure. Studies of efforts to reform education practice in classrooms revealed that myriad factors intervene between the passage of

a statute or the signing of an order that affect, often profoundly, the likelihood that the new policy will be recognizable at the lowest levels. In these systems, the key factors were at the bottom of the organization, among what Weatherley and Lipsky (1977) called "street-level bureaucrats." Here, a sense of ownership of the innovation, some adaptation of the policy to fit local circumstances, and a perception that the policy was tractable and the change would be both do-able and useful for staff and clients (Mazmanian and Sabatier, 1983) were key determinants of how pervasive the change would be and of the implementation's fidelity to the policy's original intent.

These studies viewed top-down implementation as "the noble lie" that persisted because of the perceived lack of other alternatives (Elmore, 1980). Early implementation studies provided some. For example, Elmore (1980) suggests that while formal authority *is* top-down, many organizations have, as well, a bottom-up system of informal authority or culture. To implement change in such organizations, it is important to find the correct mix of hierarchical control and subordinate discretion (Elmore, 1978). Often, this mix represents a tradeoff between efficiency and flexibility (Elmore, 1980).

But for the most part, the programs examined by early implementation researchers were inducements--policies that seek to achieve their goals by transferring money or authority to an individual or agency in return for something of value (McDonnell and Elmore, 1987). Most often, the agencies given the new funds were loosely coupled educational organizations. Given the nature of the policy instrument and the types of agencies pursuing change, considerable variability in outcomes was expected, and little pressure was necessary or applied.

In some contrast, any policy change with regard to homosexuals serving in the military will be presented in the form of a mandate. The implementation of a mandate involves different dynamics, although the considerable discretion accorded lower-level military leaders argues that the lessons of implementation in loosely coupled educational agencies can be brought to bear as well.

Research on regulatory policy has demonstrated that targets of mandates incur costs from complying or from avoiding compliance. The choice they make to comply with the mandate or attempt to avoid doing so is based on the perceived costs of each alternative. Targets decide whether or not to comply by calculating two kinds of costs: (1) the likelihood that the policy will be strictly enforced and compliance failures will be detected and (2) the severity of sanctions for noncompliance. If enforcement is strict and sanction costs are high, compliance is more likely (McDonnell and Elmore, 1987).[5]

To increase the likelihood of compliance with a mandate, the implementation plan must include enforcement mechanisms and sanctions that lead targets to assess the costs of noncompliance as high, and thus increase the likelihood that they will choose compliance. Such a plan is likely to create an adversarial relationship between initiators and targets, particularly when targets do not support policy goals (McDonnell and Elmore, 1987).

Support. Along with pressure to comply, policy mandates should provide support for implementation. Key aspects of support are a system of rewards that recognize compliance efforts, and room for bottom-level input into the process.

A set of rewards for any movement that supports implementation of the policy is key. The goal of these rewards is for individuals to perceive that their own self-interest lies in supporting the change. Such beliefs represent the energizing force for successful implementation of change (Mazmanian and Sabatier, 1983; Levin and Ferman, 1986).

Mazmanian and Sabatier (1983) note the importance of committed implementors as driving forces for policy change. Conversely, leaders uncommitted to a new policy may restrain change efforts. Indeed, they suggest that the inability of policymakers or organizational leaders to

[5]Targets essentially employ an expectancy value calculation in making these decisions. Such calculations are a key component of models such as the Health Belief Model (Janz and Becker, 1984; Rosenstock, Stecher, and Becker, 1988) that seek to predict the likelihood that an individual will undertake a particular preventive measure, such as contraceptive use (e.g., Eisen and Zellman, 1992).

choose implementors is a major factor in implementation failures. If implementors cannot be replaced, and often they cannot, the leader's job is to change the perceptions of the implementors concerning the likely outcomes of the new policy. If implementors come to view the new policy as consistent with their own self-interest (Mazmanian and Sabatier, 1983) and with organizational culture (Schein, 1987), they will be far more likely to support the new policy and act in ways that enhance its implementation.

Local Context for Change

To achieve successful implementation of any policy, the change process has to be both understood and carefully managed. When an organization's culture appears inconsistent with a new policy, leaders must attempt to create driving forces by drawing on aspects of the existing culture that are compatible (Allaire and Firsirotu, 1985; Schein, 1987). This requires a clear understanding of the organizational culture (Allaire and Firsirotu, 1985), the perceived self-interest of participants (Mazmanian and Sabatier, 1983), and the extent to which the change is likely to be perceived as consistent with both. It also requires that efforts be made to present the change, and the change process, as fair. Procedural fairness has been found to increase compliance with the ultimate outcome of a decision process. Tyler and Lind (1992) report that fairness judgments make compliance more likely even when the final decision or new policy is perceived to be incompatible with individual beliefs or self-interest.[6]

A new policy is most likely to *clash* with organizational or participant culture when it is imposed from the outside, a common occurrence in government agencies. In such cases, the new policy may

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[6]A key goal of the implementation process is to promote perceptions of procedural fairness. Tyler and Lind (1992) identify four factors that promote such perceptions. These include *voice*, a belief that one's views can be expressed freely and are being considered, *even if the decision has already been made* (Lind, 1993); *trust*, a belief that the decisionmaker is *trying* to be fair; *standing*, a belief that one has been treated respectfully by policymakers; and *neutrality*, a belief that those making policy are driven by facts rather than emotions or opinion (Tyler and Lind, 1992; Tyler, 1989; Lind, 1993).

reflect the demands of constituencies outside the implementing organization, for example, the Supreme Court's requirement that local school districts desegregate. Or it may be based on research findings or opinions that the organization could be accomplishing its goals more effectively. For example, the Military Child Care Act of 1989, which promulgated new, more structured standards for child development programs on military installations, reflected Congressional concerns about the military's ability to deliver adequate amounts of high-quality, developmentally appropriate child care. But whatever its source, the very fact that the change is imposed from the outside creates significant challenges to successful implementation.

An externally imposed policy may be resisted as well because of perceived *inconsistency* with organizational or participant culture. Most commonly, a new policy threatens the premium put on history and learning from experience in the organization (Schein, 1987; Levitt and March, 1988). In some cases, such policy changes are perceived to threaten the organization's very survival. The policy can also threaten deeply held beliefs concerning organizational autonomy, a key feature in the widespread resistance of school districts to desegregation orders. A new policy can also threaten the *participant* culture. School desegregation posed such a threat to many school personnel in the Deep South, who were personally offended by the idea of integrated education.

Change may be inconsistent with organizational *structure* as well as culture. Allaire and Firsirotu (1985) note that innovations that depend on a particular organizational structure are likely to fail if those structures do not exist in the organization. For example, it would be futile, they argue, to exhort the employees of a regulated monopoly offering a public service and requiring large capital investments to manage with a lean staff and simple form. Or a top-down structure like the military's may make mutual adaptation between an innovation and the smallest units problematic. Such organizations trade adaptability for efficiency and increased likelihood that the change will spread throughout the system (Ledford, Mohrman, Mohrman, and Lawler, 1989).

A key finding of implementation studies is that change is best accepted and institutionalized when at least some people within the

organization perceive the need for the change and are persuaded that it is good for the organization and for themselves. Much of the literature on large-scale organizational change focuses on change arising from organizational need, such as declining market share or reduced profits (e.g., Mohrman et al., 1989; Kanter, 1983).

Change imposed from without lacks these built-in advantages. The process of change must be much more carefully planned and managed if widespread implementation that is consistent with policy goals and processes is to occur. Even when policy, culture, and structure are consistent, implementation is far from assured. The natural conservatizing forces at work in most organizations tend to resist change. People often have to be persuaded that the new policy will not be harmful to the organization or to themselves and may even result in gains.

IMPLEMENTING A POLICY TO END DISCRIMINATION

How might the Armed Forces implement a policy that is based on clear standards of conduct, strictly enforced, and that considers sexual orientation, by itself, as "not germane" to determining who may serve in the military? The nature of military organizations and our knowledge about the implementation process suggest a number of actions that can facilitate the implementation of such a policy. These actions are discussed below.

Design a Policy That Facilitates Implementation

It is very important to convey a new policy that ends discrimination as simply as possible and to impose the minimum of changes on personnel (Levin and Ferman, 1986). Further, the policy should be decided upon and implemented as quickly as possible and should include both pressure and support for change.

Make the Policy Simple. Military experience with blacks and women argues for a simple policy under which homosexuals are treated no differently in terms of work assignments, living situations, or promotability. Indeed, the documented capabilities of homosexuals to perform all military tasks enable the policy to be simple.

In contrast, the policy message about women has been complex. This complexity has resulted in continuing strong doubts about the capability and appropriateness of women to perform certain tasks, which are evident in military member attitudes and in rules that constrain women's full military participation. (See the chapter on military opinion for additional information.) Combined with separate living accommodations that often are viewed as plusher (largely because the small numbers of women lower ratios for toilets, etc.), these rules keep gender highly salient. Lower training standards, better assignments (to safer, non-combat jobs), and better accommodations have continued to feed resentments among men. These problems in integrating women argue for equal treatment of homosexuals. They should be assigned to serve in all positions and at all levels, according to their skills; those who serve with them will be expected to treat them equally as well.[7]

Act Quickly. Lessons from the implementation literature suggest that the new policy regarding homosexuals in the military should be decided upon and implemented as quickly as possible, for three reasons. First, the waiting period is one in which military personnel are unsure, and therefore anxious about, what the final outcome will be and how it will affect their personal military experiences. The change in policy will not appreciably affect the vast majority of heterosexuals, who will not be working or living with an open homosexual. (See the chapter on cohesion for a discussion of the probabilities of there being acknowledged homosexuals in groups of varying sizes.) Once they discover that nothing has changed for them, they will feel more comfortable and the issue will be less disruptive generally. That

[7]It has been suggested that, given the need for a smaller force, those who would find it abhorrent to serve with open homosexuals should be given an option to leave. This will, by implication, make those who stay more committed to the new policy because they chose to serve under the new policy. However, such a policy departure creates two problems that could impede implementation. First, an escape policy signals that the policy is abhorrent, which contradicts any messages of leadership support. Second, those who leave for other reasons but claim they left because of moral objections to homosexuals may swell the ranks of those who appear to object to the policy.

outcome, however, will require that instances of open homosexuality not be allowed to result in serious, rumor-inspiring conflicts.

Second, any waiting period also permits restraining forces to consolidate. Until the policy is decided upon and implementation has begun, those opposed will feel free to speak out against it, increasing the perceived strength of military objections.

Third, fast and pervasive change will signal commitment to the policy. Any incremental changes would likely be viewed as experimental; commitment to the new policy would therefore be weakened (Lawler, 1989). In addition, phased-in implementation might allow enemies of the new policy to intentionally create problems to prove the policy unworkable.

Convey the Change in Terms Compatible with Military Culture. To the extent possible, the policy should be conveyed in terms compatible with military culture. For example, leadership should focus on the organizational culture of hierarchy and obedience and minimize discussion of the inconsistency between the new policy and a very conservative participant culture. Leaders can become role models by conforming behaviorally to the new policy because the President is the Commander in Chief, who must be obeyed. Other consistencies between successful implementation of the policy and organizational culture can also be stressed. For example, the military sees itself as a strong organization with a "can-do" attitude. Military culture stresses the dominance of mission over individual preferences and characteristics. Such successful submersion of more visible differences such as race can be pointed to as an example of the military's ability to keep its collective eye on the prize. And the military's norms of inclusion and equality can be brought to bear as well.

Build in Sanctions and Enforcement Mechanisms. Any new policy about homosexuals will come in the form of a mandate. Consequently, compliance is the goal. To increase the likelihood of compliance, sanctions and enforcement mechanisms must be established.

Key to promoting compliance is the adoption or revision of a code of professional behavior that clarifies the criteria for behavioral compliance. The code must include some general principles and general behavioral criteria and some language that explicitly makes people

responsible for exercising discretion in determining whether behaviors not explicitly included in the code of conduct are acceptable (Burke, 1990).[8] The code should explicitly recognize the need to respect the feelings and concerns of others in defining acceptable and unacceptable behaviors.

Although the military's strong hierarchical control might suggest to some that policy can be successfully implemented with only limited discretion (Burke, 1990), providing some degree of discretion to the smallest unit in terms of how to bring about behavior change captures an important tenet of the implementation perspective. Lawler (1989) suggests that subunits be given a "conceptual box" that defines the boundaries of acceptable behavior within which unit members can work. In addition, awarding discretion is consistent with the military's informal operations, where much discretion is practiced (Watman, 1993). Indeed, the military mission order, a widely used way of directing subordinates, builds in considerable lower-level discretion. Such discretion increases individual and unit commitment to the change.

The code of professional conduct must also describe the sanctions for behavioral noncompliance. These sanctions essentially define accountability and thus set parameters around leader discretion. Too much discretion concerning sanctions risks the possibility that uncommitted leaders will send a signal that inappropriate behavior will be tolerated.

The enforcement system must be made explicit (Elmore, 1978). Organization members must understand that their behavior will be observed and noted and that actions inconsistent with the code of behavior will be called to the attention of higher-ups and dealt with according to the explicit sanction policy. But military experience in the area of sexual harassment demonstrates that a code of professional

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[8]Exercise of discretion in support of a new policy requires strong leadership and unambiguous signals that the policy is to be carried out. Otherwise, leadership discretion may serve to undermine policy implementation. For example, "the atmosphere created by Reagan appointees who headed the EPA discouraged civil servants from serious enforcement of social environmental laws. They were encouraged to use their discretion to reduce the scope of effective enforcement" (Palumbo and Calista, 1990, p. 8).

conduct *by itself* is not enough to ensure change when the change is inconsistent with organizational culture.

From the point of view of those with expertise in sexual harassment, the military has set in place the appropriate policies and structures to minimize the problem.[9] Yet, there is substantial evidence that sexual harassment remains a serious problem in the military even after the formal adoption of a code of behavior.[10] The high incidence of sexual harassment reported in military surveys suggests that those expected to comply with sexual harassment policies have concluded that noncompliance is unlikely to be detected, and if detected, is unlikely to result in severe sanctions. Information from the field supports this conclusion. Many sexual harassment complaints are apparently ignored. If they come to light, those who choose to ignore them are rarely sanctioned, which sends a signal that the policy need not be taken seriously. Indeed, in many cases, it is the complainant who suffers (Gilberd, 1992).

What the military's experience with sexual harassment demonstrates is that a code of professional conduct alone cannot bring change. Rather, it is just one part of an intensive implementation effort if change is to occur. The behavioral compliance expected in response to

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[9]According to the Defense Manpower Data Center (DMDC), "each service requires every officer and enlisted member to be trained in the prevention of sexual harassment at initial service entry points, and periodically thereafter. . . . [E]ach service policy clearly states that the prevention of sexual harassment is a principal responsibility of the chain-of-command. All service members must be cognizant of the policy and enforce the standards required by the policy. . . . Service members who have sexual harassment complaints are encouraged to use the chain-of-command. Equal opportunity/Human Relations Advisors, Chaplains, Inspector General, and Judge Advocate General are recommended as alternate channels. . . . [E]ach service's policy refers commanders to a number of specific articles in the UCMJ when considering punishment for sexual harassment offenders" (Martindale, 1990, pp. iv-v).

[10]A 1988 Defense Manpower Data Center survey of 20,250 randomly selected personnel (response rate = 60 percent) revealed that 64 percent of female and 17 percent of the male personnel experienced at least one form of sexual harassment while at work in the year before the survey; 15 percent of female and 2 percent of male respondents reported one of the most serious forms, pressure for sexual favors; and 5 percent of female and 1 percent of male respondents reported the most severe form, actual or attempted rape or sexual assault.

mandates cannot be assumed. Strong monitoring and sanctioning must occur for targets to conclude that compliance is worth the effort. Steps that the Navy has taken since 1989 identify ways to reinforce a code of professional conduct. In particular, since 1992, the Navy has reinforced its zero-tolerance policy toward sexual harassment with a mandatory processing for separation policy following either the first substantiated incident of aggravated sexual harassment or the repeated occurrence of less serious incidents of sexual harassment (Culbertson et al., 1992).

Ensure Leadership Support at All Levels

Military leaders can and must become a major driving force for change. They take on this role when they are perceived to be supportive of the change and to be concerned that it be successfully implemented. Such a stance is sometimes difficult to achieve, especially when the new policy has been criticized by these same leaders early in the implementation process, when debate was occurring about the policy's value and form. Ideally, leaders' early criticisms are acknowledged and responded to during the policy formulation process in a way that enables them to emerge from the debate appearing convinced of the value and importance of the new policy. Such beliefs present leaders as committed to the change and consequently eager to see it implemented (Allaire and Firsirotu, 1985).

If lower-level commanders and troops do not believe that their superiors support the policy, they will have little motivation to abide by it. At the very top, the President must reaffirm his commitment to the new policy in language consistent with cultural norms of inclusion and equality for all. If senior military leaders do not believe in the change, efforts must be made to present leaders as *behaviorally* committed to the policy (even if they remain attitudinally opposed).

Such behavioral commitment requires that leaders send a strong, consistent signal of support for the new policy. Lack of attitudinal support makes behavioral signaling all the more important. Such signaling must include strict adherence to an existing or new code of professional conduct, with public sanctioning of personnel at all levels

who fail to comply with it. It must also include smaller actions, such as allocation of time to the new policy and keeping the change before members through video or other messages such as talks at lunches and meetings (Peters, 1978). This message of support must include a message of continuing involvement by high-level leadership. The assignment of a high-ranking individual with direct access to top management to oversee the implementation process conveys the message that this policy is to be enforced at all levels.

While top-down change is the norm in military organizations, the lessons of implementation research that implementing change is a problem of the smallest unit should be heeded. Indeed, it is particularly important to convey an understanding of what matters at the bottom of the organization to the top so that members feel heard. It is important, as well, to convince leaders at all levels, including the bottom, that it is in their own and the organization's interest to work to support the new policy. Their effective involvement depends on six key efforts: (1) signaling the military's commitment to the new policy; (2) convincing them that active monitoring and support for the new policy will be noticed and rewarded; (3) stressing the importance of reducing anxieties and creating a sense of perceived fairness for members; (4) training them to be good implementors; (5) empowering them to use their discretion within clear constraints; and (6) providing guidance.

Signaling Commitment. Lower-level leaders are the key to enforcement efforts at the bottom of the military hierarchy. Unless the seriousness of the military's commitment to the policy is effectively conveyed to them, they will exhibit great variability in their enforcement efforts. Treatment of the same issue can be expected to differ considerably from base to base, and unit to unit, in the absence of a strong message of conformity from superior officers.

Identifying Rewards. The enforcement system must be made explicit (Elmore, 1978). Leaders must be persuaded that their enforcement of the new policy will be monitored by those above them and that their behavioral support of the new policy will be rewarded. This will encourage leaders to believe that successful implementation of the new

policy accords with their own self-interest, a key aspect of leadership (Levin and Ferman, 1986).

These rewards should hold at all levels of the military and should be explicit. For example, unit leaders should know that they will be judged in part on the ability of unit members to work effectively together. For example, units would be considered well-led when members comfortably absorb newcomers. This evaluation will positively affect both group members and their leader. However, writers on procedural justice (e.g., Tyler and Lind, 1992) present cautions about the limits of outcome incentives to ensure compliance. They stress that another, compatible route to compliance lies in an implementation process that gives group members voice, conveys the impression of fairness and concern for individuals' rights, and describes the final policy as based on fact and egalitarian concerns.

Communication upward about compliance failures should be actively encouraged (Dalziel and Schoonover, 1988). Since "snitching" violates a tenet of military culture that only good news should be communicated, it is important to both redefine "snitching" as important, valued professional behavior and to set up monitoring procedures so that people are *asked* about problems, for example, through regular implementation surveys (e.g., Gottlieb et al., 1992).

Leaders must also understand that failure to actively support the new policy will be noticed and sanctioned. Military members must be held to high standards of conduct with regard to abiding by and enforcing the new policy. Any officer who violates the behavioral guidelines associated with the new policy should be dealt with severely. This message--that the military takes the new policy seriously--will quickly be conveyed to those lower down and contribute to behavioral compliance.

Moreover, breaches of policy by subordinates will be viewed as leadership failures. This two-pronged approach makes every leader responsible for the behavior of those below. More generally, commanders must be responsible for morale and behavior within their units, including all incidents of discrimination. It must be made clear to them that if they permit an environment in which homosexuals can be

discriminated against or harassed, it will have an effect on their likelihood of promotion. Failure to pursue instances of unacceptable behavior should, in itself, be considered a leadership failure. This latter point is key: Perceptions about what happens when these responsibilities are ignored can drive or derail implementation (Davidson, 1993).

The implementation leader must clarify the complaint process and, with the monitoring group, ensure that complaints are actively addressed. Moreover, efforts should be made to simplify the complaint process. The Army Equal Opportunity Office (EOO) is currently implementing two promising approaches: (1) a hot line that provides procedural information on filing EO complaints, and (2) a complaint form that can be reproduced easily on a photocopier (Clement, 1993).

Strengthen the Local Context for Change

Change will be facilitated by leaders who are trained and motivated to address and solve implementation problems. A new organizational structure should be helpful as well in enabling implementation and change. Finally, monitoring criteria should be developed and widely communicated.

Increase Leadership Capacity. A key task of leaders at all levels is to minimize subordinates' anxieties and create a sense of procedural justice for them. Reduced worry and feelings of justice are enhanced when leaders are prepared to absorb the anxiety of change, including challenges and anger, when leaders demonstrate dedication and commitment to the organization as a whole, and when leaders encourage members to express their anxieties and concerns and when they acknowledge these concerns (Schein, 1987; Tyler and Lind, 1992).

Leaders should also act to enhance feelings of efficacy by conveying their beliefs that personnel are capable of implementing the change and conforming to behavioral expectations. The critical distinction between behavior change and attitude change should be emphasized, with a clear message that the organization will limit its concern exclusively to behavior.

Leadership capacity will be enhanced by several means, including training, support for the use of discretion, and guidance.

Conduct Training. Training of leaders should be designed to create "fixers"--people who both care about successful implementation and have the skills necessary to anticipate and identify implementation problems and to make adjustments to improve the implementation process (Bardach, 1980; Levin and Ferman, 1986).

It should be noted that "fixer training" is distinctly different from sensitivity training. Fixer training is practical and meshes well with the strictly behavioral approach to implementation most likely to yield success. In contrast, sensitivity training attempts attitude change and is widely scorned by military personnel. Bringing in sensitivity trainers who are perceived to be very costly in a context of drawdown is as likely to increase resistance and anger as it is to reduce it.

Encourage Use of Discretion. Becoming a good "fixer" implies the possibility of action. Leaders at all levels must be accorded sufficient discretion so that they can act to correct implementation problems. But, as noted above, this discretion must be bounded by behavioral monitoring and strict enforcement of a code of professional conduct. Such a code is discussed in the chapter on legal issues and in Appendix A, which presents a code that would be appropriate for the "not germane" option.

Provide Guidance. Any code of professional conduct, no matter how prescriptive, cannot hope to identify all potential problem areas. A new code of professional conduct that describes behavioral principles and goals will identify few. Yet lower-level leaders need guidance. Therefore, codes should be supplemented with active guidance in the form of "question and answer" documents, which should be widely disseminated. These questions and answers could also include information about sexual behavior and health issues.

Create a Monitoring Structure. In the implementation literature, there is much debate about the desirability of creating a new organizational structure to lead and monitor implementation. Much depends on where such structures are located in the organization. If

central to the organization, and if led by a person with considerable formal authority who has the ear of top management, such structures can be effective (Schein, 1987). They create a place where complaints may be lodged outside the chain of command; their presence conveys organizational commitment to the change; and, if properly staffed, they can become expert at dealing with problems that arise. However, such structures are sometimes used to divert implementation concerns from key leaders and to "ghetto-ize" the new policy. In these cases, such structures send a signal of nonsupport from top managers that is likely to undermine successful implementation. Moreover, in the current climate of downsizing, the creation of apparently costly new structures is likely to be resented.

Instead, monitoring should be carried out by using the chain of command. Monitoring would begin among low-level leaders who are close to and can convey the views and behavioral problems of those who work under them. They should report on a periodic basis to their superiors up the chain and should be provided incentives, as described above, to report in a timely manner about incipient problems so that they can be remedied before they become serious. Such reporting up the chain will depend upon the development of clear reporting instruments and on creating among leaders up and down the chain a sense that accurate information about implementation problems is valued and that failures of leadership reside in refusals to comply, not in compliance difficulties.

This process should be supported by a small group in each service charged with overseeing implementation of the new policy. The group may comprise people already responsible for other similar policies, e.g., sexual harassment and racial integration.[11]

Kilmann (1989) suggests that a shadow track--a group of 5-15 people representing all levels of a large organization, which meets regularly to monitor the implementation process and develop ways to improve it--is a good idea in very large organizations. In this case, a shadow track might receive reports from all levels as well as conduct its own monitoring process, e.g., personnel surveys.

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[11]Training for these overseers may strengthen their efforts in these other areas as well.

Develop Monitoring Criteria. Few homosexuals are likely to reveal their sexual orientation even if a policy that allows them to do so openly is mandated. Consequently, monitoring criteria used to assess the progress of more visible groups, e.g., blacks and women, cannot be used. Numbers of promotions, distribution across pay grades, and other measures of a group's progress that depend on the ability to detect group numbers are not feasible.

However, it is possible and important to monitor other outcomes of the implementation process. These outcomes should include key areas of concern, including incidents of violence, numbers of open homosexuals who serve, and measures of unit performance.

Monitoring efforts should include assessments of performance reports, the conduct of implementation surveys, and analysis of the nature and disposition of complaints. Monitors should examine written documents for their signaling messages; analyze surveys of military member attitudes; track the incidence of violence, harassment, and exclusion, and the incidence of sanctioning; and track numbers of homosexuals who disclose their orientation or whose orientation is revealed by others, and numbers of military members who leave the service because of the new policy or its implications.

A set of objective measures of unit performance must be devised. These measures should, to the extent possible, build on current efforts (e.g., National Training Center performance) and be supplemented by policy-specific measures (e.g., number of harassment complaints filed, number of instances of violence or abuse directed toward open or suspected homosexuals).

To the extent possible, monitoring measures should depend on existing, ongoing assessments. Unfortunately, however, ongoing assessment measures are not as available or as appropriate as those charged with monitoring of the new policy might hope. Measures of key military outcomes--readiness and cohesion--are flawed. Surveys of member attitudes are conducted too infrequently to be of much value.

The military does employ some measures of cohesion, although none are used on an ongoing basis. Such measures might be adapted for use in monitoring of the new policy. Such adaptation would, however, require

careful research, thought, and development. (See the chapter on cohesion for detail on these measures.)

Surveys of member attitudes toward the new policy and experiences with it could be a valuable monitoring device. However, the approximately five-year intervals between DoD personnel surveys (which survey about 5 percent of active-duty military members, spouses, and members of the reserves) limit the surveys' value. Tracking of attitude change with this survey is difficult because of the many secular changes during the long intersurvey period. A monthly survey effort that included a much smaller percentage of the population would, in contrast, be extremely valuable for tracking attitudes. A set of questions focused on the implementation of the new policy toward homosexuals would allow the monitoring group to examine key issues, e.g., behavioral compliance, reporting behaviors, and for commanders, the extent to which implementation of the policy coincided with other duties (Gottlieb et al., 1992). The opportunity to track implementation over time through a mix of unchanging attitudinal and changing implementation questions would be invaluable.

CONCLUSIONS

Despite widespread antagonism within the military to a policy that would end discrimination on the basis of sexual orientation, lessons from organization theory, implementation research, procedural justice theory, and the military's own experiences with blacks (see the chapter on racial integration) suggest that a new policy could be successfully implemented. Success depends on understanding the military as a large organization with a unique culture, on a carefully developed and actively monitored implementation plan, and on a sense of the importance of perceived fairness in the development of the policy and in its implementation.

To date, the implementation context has not supported a new policy that would allow homosexuals to serve. Widespread views both within and outside the military that homosexuality is immoral translate into concerns that removing the ban would appear to condone a homosexual lifestyle. Drawdowns, base closings, and reductions in benefits have

created considerable anxiety among military members and have fueled widespread beliefs that the military has violated its psychological contract between the organization and its members. The resulting anger and resentment have made members even less inclined to tolerate new threats to military culture. The policy debate surrounding such a policy change is occurring in a context in which norms of deference are significantly eroded. Consequently, highly placed military leaders have actively criticized the proposed policy.

In addition, a number of other factors restrain change. These include the fact that the policy will be externally imposed, which will increase the likelihood that it will be perceived as inconsistent with organizational and participant cultures. *The military's uneven experience in fully integrating another sexual outsider group, women, will be used to bolster resistance.* Perceptions that the policy is going forward for reasons other than the direct needs of the military contribute to a feeling that the policy is unfair to those serving.

These factors make change harder and must be considered in designing a plan for implementing the new policy. To promote change, planners should:

- Convey the policy as simply as possible and build in supports for change. The most important support for change is a code of professional conduct that clarifies the criteria for behavioral compliance and stresses universal responsibility for respecting the feelings and sensitivities of others. In addition, high-level individuals should be designated as responsible for successful implementation.
- To the extent possible, convey the change in terms compatible with military culture. These terms might include a focus on the submersion of individual preferences, the obligation to follow orders, and the military's "can-do" attitude.
- Stress behavioral compliance and create sanctions for compliance failures. Policy messages should make clear that leaders are responsible for their own behavior and for the

behavior of their subordinates. Communication upward about compliance failures should be encouraged.

- Create a change process that allows members to voice their views and concerns and to know that these have been heard, even if they do not agree with the ultimate policy. The change should make clear that leaders have developed the policy and the implementation plan in a fair manner.
- Ensure top leadership support, at least behaviorally. Set in place the means through which top leadership can send signals of support for the new policy, including continuing involvement in implementation, and frequent messages about the implementation process.
- Involve leaders at all levels. Even in a top-down organization, implementation remains a problem of the smallest unit. Leaders at all levels must come to see that successful implementation is in their self-interest, and their ability to lead will be assessed in part by their own compliance with the new policy and the compliance of those under their command. They must also be provided with training designed to make them successful implementors. Such training should include practice in identifying threats to implementation, guidelines for behavior, and sufficient discretion so that they can begin to feel some ownership for the change.
- Set up monitoring mechanisms, including oversight committees, that will assess the implementation process. Monitoring efforts should capture as many aspects of the change as possible.

13. POTENTIAL EFFECTS ON MILITARY RECRUITMENT AND RETENTION[1]

This chapter describes research on the determinants of enlistment and reenlistment to military service and discusses possible effects of removing current restrictions on service by homosexuals. Research findings provide little direct evidence of possible changes in enlistments and reenlistments among prospective or current service members. Survey data point to declines in reenlistment intentions if the restrictions are removed, but research suggests that actual outcomes will be determined by a number of considerations, of which individuals' economic and educational status are particularly prominent. We conclude that precise effects on enlistment and reenlistment behavior will depend on the nature of the policy and its relative importance for an individual's enlistment or reenlistment decision. However, should enlistments or reenlistments decline, options exist for minimizing adverse effects, e.g., by expanding recruitment and/or removing incentives which encourage current service personnel to leave as the military reduces in size.

BACKGROUND

A key principle of military force management is to attract and retain competent personnel to assure readiness and operational effectiveness. Military personnel policy seeks, in general, to obtain high-quality personnel in meeting goals for new members. Among enlisted personnel, recruit quality is gauged as the proportion of high school graduates and the fraction scoring in the upper half of the Armed Forces Qualification Test (AFQT). Youth who hold these attributes in combination define the "prime recruiting market" and are especially prized by the military (Verdugo and Berliant, 1989). High standards also govern acceptance to the officer corps. The services require that most officer candidates obtain at minimum a four-year college or

[1]This chapter was prepared by John D. Winkler, who would like to acknowledge the considerable assistance of Glenn Gotz, Susan Hosek, Bruce Orvis, and Peter Tiemeyer.

university degree. In addition, they consider other criteria such as grades, scores on aptitude tests, participation in extracurricular activities, and evidence of leadership abilities (Office of the Assistant Secretary of Defense, 1992).

Military personnel policy further seeks to retain and promote its best-performing personnel to meet its occupational requirements at advancing skill levels. For example, officer personnel management seeks to "provide career opportunity that would attract and retain the numbers of high-caliber officers needed" and "maintain a high-quality, numerically sufficient officer corps" (Rostker et al., 1993). Enlisted force management similarly seeks to encourage, reward, and promote high performing personnel (Buddin et al., 1992). Thus the military also seeks to minimize unwanted attrition; i.e., avoid separations of desired personnel during an enlistment term or at reenlistment, with attendant loss of investment in military recruitment and training.

The possibility that military service could be opened to acknowledged homosexuals has raised fears that recruitment and retention could be adversely affected (Army Times, 1993). The military expends considerable resources in the form of advertising, educational benefits, and enlistment and reenlistment bonuses to attract and retain desired personnel. If personnel whom the services wish to retain choose to leave military service over this issue, readiness could be compromised, force management could be complicated, and the costs of replacing these losses could be considerable. Further, it could be difficult and costly to meet recruiting targets if large numbers of otherwise interested young people, particularly in the prime recruiting market, failed to consider military service because of objections to serving and living with homosexuals.[2]

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[2]In fact, the military is already experiencing a relative decline in the quality of military recruits. As recently reported by OASD (FM&P), 94 percent of active force enlisted accessions in the first half of FY93 were high school graduates, compared to 99 percent in the previous year. Accessions scoring in the top half of the AFQT distribution have fallen to 70 percent from 77 percent, and the share of recruits with both attributes has fallen to 65 percent from 76 percent a year earlier. The decline was most severe for the Army, which accounts for the largest number of recruits.

Actual effects on enlistments and reenlistments, however, are unknowable as a new policy regarding homosexuals has not yet been formulated or implemented. Hence, any predictions are inherently speculative. Discussion can be informed and available data interpreted, however, by more general consideration of the reasons that people choose to enlist and reenlist in the military. The following discussion summarizes key findings from this literature and assesses their implications in light of current issues and trends affecting military manpower policy.

RESEARCH ON ENLISTMENT AND REENLISTMENT

An extensive body of research, much of it conducted at RAND, has examined the determinants of enlistments and reenlistments in the all-volunteer force. One set of studies has examined the reasons why young persons join the military (e.g., Barnes et al., 1991; Benedict, 1990; Hosek and Peterson, 1985, 1986, 1990; Orvis and Gahart, 1990; Orvis, Gahart, and Ludwig, 1992). A second body of research has examined policies and factors governing retention and attrition of military personnel (e.g., Buddin, 1984; 1988; Chow and Polich, 1980; Stolzenberg and Winkler, 1983). These studies provide a common research framework and specific findings relevant to the issue at hand.

Research Framework

Much of this research examines joining and leaving the military as a choice that an individual makes among alternative courses of action. For example, Hosek and Peterson (1990) characterize the decision to enlist as an evaluation of military service against further education, civilian employment, marriage and family (particularly for women), or a combination of these. Buddin (1984) considers attrition as a job separation in which employers and employees make rational decisions to part company to enhance their respective well-being, considering economic and non-economic benefits. Stolzenberg and Winkler (1983) describe a two-step process by which people choose voluntarily to leave one job to take another. They suggest that people first determine how satisfied they are with their current job on an absolute basis. As they become dissatisfied with their current job, they initiate a search for

alternatives. The framework presumes that people leave their current job only when they find a more attractive alternative.

These frameworks have been used in a number of studies examining enlistment and reenlistment intentions and behavior. Specific factors examined vary from study to study, depending on population, data, research objectives, and research methods. Altogether, the studies provide information on effects of demographic and socioeconomic characteristics, individual differences (e.g., in aptitude and education), attitudes and values, and measures external to the individual such as unemployment rates, civilian and military pay, and the effort made to recruit the individual.

Research Findings

Determinants of Enlistments and Reenlistments. Studies examining military enlistees typically point to the importance of economic and educational variables in guiding individuals' decisions. For example, Hosek and Peterson (1983, 1986, 1990) find that enlistment probabilities of men and women are strongly related to wage rates and employment status and experience (work-related variables); learning proficiency, ability to finance further education, parental influence (education-related variables), and expectations for further education. These findings have been replicated in studies of applicants to military service (Orvis and Gahart, 1985; Orvis, Gahart, and Ludwig, 1992). These latter studies show, however, that attitudinal variables also have a substantial effect on the probability of enlistment. These include social support for enlisting and perceived advantages (job security) of military service.

Research examining determinants of reenlistments also emphasizes the importance of economic and educational considerations. Chow and Polich (1980), for example, found that first-term reenlistment rates are strongly influenced by compensation-related variables (e.g., pay, bonuses, and allowances) more so than other factors under policy control. Hosek, Antel, and Peterson (1989) found that first-term service members who expected more education (e.g., through training or the use of educational benefits) were more likely to remain in the

service after 36 months. Drawing on a large number of research studies, Stolzenberg and Winkler (1983) point to compensation levels, perceptions of job security, and satisfaction with military life as major determinants of voluntary terminations from military service.

Intentions and Behavior. The research literature also provides empirical estimates of the predictive value of stated intentions to enlist and reenlist. These findings will be useful in evaluating the available data addressing effects on enlistment and reenlistment of listing the ban on homosexuals. Statements of intention are generally highly predictive of behavior. Chow and Polich (1980) calculated actual first-term reenlistment rates according to service members' stated probability that they would reenlist. These results indicate that of members who state their probability of reenlistment to lie between 0.9 and 1.0, the "true" reenlistment rate is 0.89 within one year. The actual reenlistment rate is 0.05 for members who state their probability of reenlistment to lie between 0.0 and 0.1.

Although intentions predict behavior, they do not fully account for the variety of factors that influence one's eventual decision. Some people who initially state positive intentions will fail to follow through; some who state negative intentions will change their mind and join or reenlist. In fact, 46 percent of male enlistees initially express negative intentions (Orvis, Gahart, and Ludwig, 1992). Intentions are more predictive when they are strongly held and proximal to the behavior. They predict behavior less well when people are unsure of their intentions. Moreover, people who are unsure of their intentions seem most sensitive to external events or changes in policy which lead them to raise or lower their intentions.

POSSIBLE EFFECTS OF REMOVING THE BAN

The research results described above help frame the issue of how enlistments and reenlistments could be affected by removing the restrictions on homosexuals serving in the military.

Enlistments

First, this literature reminds us that under ordinary circumstances, decisions to join the military are strongly influenced by

educational and employment-related considerations. Many people choose to join because the military offers employment prospects superior to what they could obtain in civilian life. Others join to receive training or obtain educational benefits. In fact, these are the "primary" reasons people offer for joining the military in the first place (Center for Human Resource Research, 1991).

The research also reminds us, however, that while employment and educational considerations are important, they are not the sole determinants of enlistment decisions. For seniors in high school who contemplate service in the military, decisions to enlist are also subject to the influence of parents, teachers, and peers. Decisions to serve are also affected by the individual's motives and attitudes for enlisting; for example, to develop self-confidence and potential, or have an experience of which one can be proud (Barnes et al., 1991; Benedict, 1990; Orvis and Gahart, 1985). Enlistments could be adversely affected to the extent that social support, motives, and attitudes supporting military service decrease as a consequence of removing the restriction on homosexuals and as other factors remain equal. The extent of attitude change would further depend, however, on the specific policy implemented and the relative importance of this issue to potential enlistees or those who influence their decisions.[3]

Unfortunately, there are no current data which address directly how enlistment in the U.S. Armed Forces could be affected if the restriction

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[3]Available research does not permit the relative effects of economic and non-economic factors to be easily compared, as these factors are often studied separately and relate to each other in complex ways (e.g., attitudes and social support for military service may themselves be influenced by economic and educational considerations). Few studies simultaneously examine a full complement of economic, educational, and attitudinal variables. Those which do (e.g., Orvis and Gahart, 1990) find strong effects for all. Orvis and Gahart (1990) predict, for example, that enlistment rates among high school seniors who have taken the written test to qualify for military service would increase by 8 percentage points as parents' support for military service becomes more favorable at each point on a five-point scale. At the same time, enlistment rates are predicted to increase by 4 percentage points for each $1000 of annual assistance needed for college. There is no way to infer how lifting the ban would affect support for military service, however.

on homosexuals were removed.[4] Some analogous evidence comes from the experience of foreign nations with volunteer militaries who have lifted their bans on homosexuals serving in the military (Canada and Australia). Prior to lifting their ban, the Canadian Forces conducted a survey of their members. The results indicated that the presence of homosexuals would have precluded many currently serving personnel from enlisting and would "decrease the appeal of a service career" (Canadian Forces, 1986). However, according to our research (described in other sections of this report), and as stated by a well-known Canadian military sociologist (Pinch, quoted in Segal, 1993), there is no evidence of adverse effects on enlistments and reenlistments since homosexuals were permitted to serve in the Canadian Forces. Lifting the ban also had "very little or no impact" on the Australian Armed Forces (Wilson, 1993).

Enlistments to the U.S. military will depend on the response of the youth population to lifting the ban on homosexuals, but the extent of any "adverse" impact will also depend on the military's need for recruits. If recruiting becomes more difficult, more effort and resources will be required to meet recruiting requirements. Requirements, however, have fallen considerably during the drawdown (Table 13-1).

In the latter half of the 1980s, the military services recruited on the order of 300,000 enlisted personnel per year, which represented approximately 20 percent of prime market males.[5] Accessions began to decline in 1990 and now stand at approximately 200,000 enlisted personnel per year, or approximately 16 percent of prime market males. Moreover, the supply of prime market males hits its "trough" in 1994

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[4]There are some survey data which indicate how youth in the recruiting market feel about the issue of homosexuality, but these data cannot be used to assess the potential impact of policy changes on enlistment intentions and decisions. See the chapters on military and public opinion for further discussion of this point.

[5]Prime market males are used as a reference category for examining changes in recruiting requirements. Accessions draw on a larger population, including females, persons of age 21-35, and persons who lack a high school degree or whose AFQT scores fall in the lower half of the AFQT distribution, with certain restrictions.

after falling for a number of years and is expected to increase thereafter. Furthermore, although the quality of recruits has fallen from its peak levels of recent years, current quality compares well to

Table 13-1

Active Force Enlisted Accessions and the Prime Recruiting Market

Fiscal Year	Total DoD Enlisted Accessions[a]	Estimates of Male Youth in Prime Market[b]	Accessions as Percentage of Prime Market Males
1985	316,676	1,556,000	20.4
1986	333,550	1,493,000	22.3
1987	316,826	1,456,000	21.8
1988	286,763	1,495,000	19.2
1989	293,896	1,445,000	20.3
1990	232,306	1,391,000	16.7
1991	206,617	1,328,000	15.6
1992	202,752	1,288,000	15.7
1993	203,334 (est.)	1,218,000	16.7
1994	188,119 (est.)	1,214,000	15.5
1995	195,200 (est.)	1,226,000	15.9

[a]Accession figures are for prior-service and non-prior-service enlisted personnel as provided by the Office of the Assistant Secretary of Defense (Force Management and Personnel), May 1993.

[b]Estimates of prime market males of age 17-21 who are not in college from Verdugo and Berliant, 1989, pp. 3-4.

levels achieved during the late 1980s and still surpasses quality requirements established before Congress in 1985.[6]

Hence any fall-off in enlistments that might occur due to removing the restriction occurs in the context of a smaller need for recruits in absolute numbers and in relation to the youth population than has been the case in recent years. Moreover, based on historical behavior, enlistment intentions would have to fall considerably to produce even a modest decline in estimated enlistments (Orvis, Gahart, and Ludwig, 1982).

A modest decline in enlistments, should one occur, would still leave a recruiting pool that lies within the services' historical recruiting capability. Recruiting could be more difficult in the future as the economy improves or if interest in military careers declines.

[6]Data supplied by the Office of the Assistant Secretary of Defense (Force Management and Personnel), May 1993.

However, the services should be able to meet recruiting targets at acceptable levels of quality, given sufficient recruiting resources and effort and barring a catastrophic decline in the number of applicants to military service.

Reenlistments

Research on retention and voluntary terminations reinforces the importance of employment and education-related considerations as key for guiding service members decisions to stay or leave. Findings also point to the influential role that perceptions of job security and military life can play. Lifting the restriction on homosexuals could cause some service members to become dissatisfied with military life. The research, however, does not indicate when one set of considerations will override the others. Further, the research findings suggest that job dissatisfaction (e.g., as may concern service with homosexuals) is not sufficient for determining whether service members will leave. Employees quit if they perceive a more satisfying alternative. Thus service members would leave if they believe they can avoid contact with homosexuals or obtain superior educational, training, or employment prospects outside the military, depending on the weight they may give to these considerations.

In fact, there is some evidence that some members of the military service might leave the service if the ban on homosexuals in the armed forces were lifted. As discussed elsewhere in this report, the *Los Angeles Times* survey of 2,346 enlisted men and women found that 10 percent of respondents say that they would "definitely not reenlist" if the restriction on homosexuals is lifted, above and beyond the 28 percent who say they do not plan to reenlist anyway. This 10 percent seemingly represents a shift from people who say that "if current policy and your own plans remain the same," they would "definitely" reenlist, "probably" reenlist, or "don't know."[7]

[7]The results differ somewhat across military service, sex, race, age, pay grade and years of service. The most negative responses (i.e., negative intentions to reenlist if the ban is lifted) are found among the most junior personnel (youngest, in lower pay grades, with fewest years of service).

Using these statements of reenlistment intention from the *Los Angeles Times* survey and empirical estimates of the relationships between first-term reenlistment intentions and reenlistment rates (Chow and Polich, 1980), we can estimate changes in reenlistment rates that could occur if the ban is lifted (Table 13-2).

Table 13-2

Estimated Reenlistments by Reenlistment Intentions

Verbal category of reenlistment intention	Reenlistment probability by reenlistment intention[a]	If ban remains		If ban is lifted	
		Percent agreeing	Reenlistees per 100 service personnel	Percent agreeing	Reenlistees per 100 service personnel
Definitely no	0.05	28	1.4	38	1.9
Possibly/Don't know	0.50	43	21.5	37	18.5
Definitely yes	0.89	29	25.8	25	22.2
Total		100	48.7	100	42.6

NOTE: Reenlistment probabilities are empirical estimates of first-term reenlistments from Chow and Polich (1980, p. 11).

Table 13-2 suggests that if the ban remains, where 28 percent of respondents state they will "definitely not" reenlist, the reenlistment rate would be expected to be low but not zero among this group (1.4 per hundred). The estimated reenlistment rate across the entire *Los Angeles Times* sample is 48.7 per hundred if the ban were kept in place.[8] If the ban were lifted, an additional ten percent of respondents "change their minds" and state they will "definitely not" reenlist. For the purpose of this analysis, we assume this "shift" occurs proportionately from the

[8]This estimate provides a benchmark for estimating changes in reenlistment rates based on *Los Angeles Times* survey results. As it is based on probabilities of reenlistments at the first term and does not make these probabilities conditional on completing term of service, it is likely to underestimate actual reenlistment rates, especially for more senior personnel. According to figures provided by the office of the Assistant Secretary of Defense (Force Management and Personnel), the reenlistment rate for first-term personnel was 51 percent in FY92. The reenlistment rate for career personnel was 86 percent, with an overall reenlistment rate of 70 percent in FY92.

"definitely yes" and "possibly/don't know" categories. If so, the overall reenlistment rate for the sample would now be estimated at 42.6 per hundred. Thus, based on responses to the Los Angeles Times survey, we might expect reenlistments could decline by approximately six persons per 100.[9] In relative terms, this would decrease the reenlistment rate by 12.5 percent.

POLICY IMPLICATIONS

The foregoing discussion indicates no empirical basis for fearing a loss in enlistments if homosexuals are permitted to serve in the military. At the same time, except for the experience of foreign volunteer militaries, no firm evidence exists demonstrating that enlistments would be unaffected by removing the restriction. Research points to the importance of education and employment-related considerations on enlistment decisions. But these decisions are also subject to influence by policy changes as these may impinge on enlistee's attitudes, motives, and social support for military service. For these reasons, specific effects on enlistments of lifting the ban are unknowable in advance and are likely to depend on how the specific policy to be adopted is understood and accepted by the public and how the potential supply of enlistees changes in relation to recruiting requirements and resources.

We draw a similar conclusion in assessing the possible effects of removing the restriction on retention. Under ordinary circumstances, reenlistment decisions are guided by members' perceptions of compensation, job security, and quality of life, as evaluated against alternatives outside the military. How service members perceive military life is the area where the military's policy toward homosexuals would be most relevant. Hence, effects on retention should depend on whether members who are contemplating reenlistment perceive positive, negative, or neutral implications of the policy change for military

[9]To be less conservative, we could assume that members who "change their minds" are drawn exclusively from the "possibly/don't know" category. In this case the expected rate of reenlistment falls to 44.7 per hundred, a decrease of 4 reenlistments per hundred from baseline levels (a decline of 8.2 percent in reenlistments in relative terms).

life, other things being equal. This will depend on the specific policy and how it is explained and managed by the military leadership.

These arguments imply that circumstances could exist under which the ban on homosexuals could be lifted with little or no adverse consequences for recruitment and retention. This could occur if policy were changed and implemented in ways that maintain support for military service in the recruiting market and convince currently-serving personnel who are otherwise undecided about further service that military life will not be adversely affected. In such circumstances, customary employment and education-related considerations should continue to strongly influence individuals' decisions to enlist and reenlist.

These are not customary times, however. Military members now state strong opposition to serving with homosexuals. Moreover, the current drawdown of military personnel complicates individuals' decisionmaking and military personnel management. Prudent planning must consider the possibility of adverse impacts, e.g., that reenlistment rates could fall by 8 to 13 percent if the restriction is removed.

A key point is that any decrease in reenlistments, should it materialize, is likely to be limited in duration. Service members who object to the policy change may resign when policy is changed, or they may fail to reenlist upon completion of their current term of service. From that point on, however, individuals who reenlist do so in recognition of the military's policy toward homosexuals. At that point, traditional considerations governing these decisions should again prevail.[10]

Moreover, even if a decline of this magnitude occurs for reenlistments (or recruitment, for that matter), the resulting force size generally falls within lower end strengths anticipated under the drawdown. Active duty end strength is expected to decline by 6.4 percent from 1.73 million to 1.62 million from 1993 through 1994 (U.S.

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[10]It can be argued, however, that reenlistment rates could remain at a lower level if removing the ban lowers the attractiveness of a service career, and larger percentages of post-ban cohorts enter with the intention of leaving once they are trained or have earned educational benefits.

Budget, 1994). Further reductions in end strength are likely in subsequent years, and deeper cuts in personnel may occur than currently planned. The military services are now employing a variety of mechanisms to shrink the force, including reduced accessions, early releases and retirements, and separation incentives and bonuses. Current Defense Department plans call for accomplishing the drawdown in part with 22,000 early releases, 14,000 early retirements, 2,000 RIFs, and 47,000 separations using incentives and bonuses in fiscal years 1993-1994 (Office of the Assistant Secretary of Defense, 1993).

The current drawdown of military personnel is already serving to lower reenlistment rates from recent levels. In fact a change in policy regarding homosexuals could provide an opportunity to accommodate some individuals who wish to leave. Hence if reenlistments rates were to drop further because homosexuals were allowed to serve in the military, effects of lower reenlistment rates could be at least partially offset by expanding accessions, suspending the use of early releases and retirements, and withdrawing incentives for service members to leave. These actions would not completely solve the problems of losses of desired personnel, as those who fail to reenlist are disproportionately more junior than those the services wish to induce to leave. Differential and undesired losses could be concentrated in selected year-groups or occupational specialties. Moreover, expanding accessions could require additional resources, e.g., enhanced educational benefits, bonuses, advertising, and recruiting effort. These measures, however, could help mitigate adverse effects on enlistments and reenlistments should these materialize.

Appendix A

ILLUSTRATIVE STANDARD OF PROFESSIONAL CONDUCT

1. Members of the military services shall comport themselves in ways that enhance good discipline and operational effectiveness. Toward that end, each individual has a responsibility to

(a) practice tolerance toward others, and

(b) show respect for the sensibilities of others.

2. Inappropriate personal conduct is behavior directed at or offensive to another individual or a group that goes beyond the bounds of good judgment and common sense and that a reasonable person ought to have known would be unwelcome. Such behavior is contrary to good order and discipline. It creates a negative atmosphere that undermines the integrity of the workplace, reduces productivity and morale, and destroys professionalism.

3. Categories of inappropriate personal conduct include, but are not limited to, sexual harassment, fraternization, personal harassment, abuse of authority, inappropriate displays of affection, and inappropriate discussion of sexuality. The first two of these are addressed in existing regulations; this policy statement pertains to the last four.

Personal harassment is inappropriate physical or verbal conduct toward others based on personal characteristics, such as race, gender, sexual orientation, or physical features.

Abuse of authority is inappropriate use of authority to injure another individual based on personal characteristics, such as race, gender, sexual orientation, or physical features.

Inappropriate displays of affection are those expressions of a personal relationship that would generally be viewed as unseemly or provocative under the circumstances.

Explicit discussions of sexual practices, experience or desires are generally inappropriate when directed at persons known to be offended by such discussions or when continued over the objection of persons who are offended by such discussions.

4. Leaders at every level of the chain of command are responsible for ensuring that their subordinates are aware of and comply with these standards.

Appendix B

LIVING AND PRIVACY CONDITIONS IN THE MILITARY SERVICE

As an integral part of the study effort, a RAND research team conducted on-site visits of installations and the academies of the four military services and the United States Coast Guard. The purpose of these visits was to obtain a first hand representative sample of existing living and privacy conditions. The term "privacy" as used here, means: "the quality or state of being apart from company or observation," or more directly, "freedom from unauthorized intrusion." The research effort was focused solely on the physical accommodations that currently exist in the military services and did not examine the impact of policies on living and privacy or their enforcement.

Privacy Conditions in the Military

Scope of On-site Visits

NDRI

- **Visits to 19 Installations of the 5 Services in 11 States:**

US Army (4)	US Navy (6)	US Air Force (5)
Ft Bragg, NC	NB Norfolk, VA	Pope AFB, NC
Ft Jackson, SC	NAS Norfolk, VA	Charleston AFB, SC
Ft Indiantown Gap, PA	NB Charleston, SC	Andrews AFB, MD
USMA West Point, NY	NB Kings Bay, GA	Keesler AFB, MS
	NAS Pensacola, FL	USAFA Colorado Springs, CO
	USNA Annapolis, MD	

US Marine Corps (2)	US Coast Guard (2)
Camp Lejuene, NC	CGSB Portsmouth, VA
MCB Quantico, VA	USCGA New London, CN

RAND

Figure B-1—Scope of On-Site Visits

In coordination with the Office of the Assistant Secretary of Defense for Force Management and Personnel and the five services,

installations were selected for on-site visits that would provide a fair representation of the existing living and privacy facilities. As shown in Figure B-1, nineteen different major installations, including the four service academies, were selected and visited over a four-week period from mid-April to mid-May. To accommodate time constraints, the majority of these installations were located in eleven states primarily in the East and Gulf Coast areas.

At each installation, the team collected comprehensive and detailed information on the specific facilities, such as blueprints of each structure and ship/vessel visited and general population and accommodation capacity data for each installation and building that was visited. Moreover, to document the actual state of existing living and privacy conditions, a videotape and still photographs of each facility and site visited were also taken. A condensed video and still picture record has been provided separately, and the complete videotape and all photography have been archived and are available at RAND.

The specific sites visited included the full spectrum of living conditions currently used by active and reserve component service members of both genders in the full range of environments. The environments covered transient and permanent party status; all types of units, combat through support; initial entry and basic training for enlisted and officer personnel; and garrison, field training and deployment aboard ships. These conditions, and hence one's privacy, vary considerably, but are primarily a function of the following five determinants:

- Public laws and DoD regulations
- A service member's rank, grade, or position
- The unit's or organization's mission
- Service doctrine, tactics, and traditions
- Physical, structural, and operational constraints

Figure B-2 summarizes the current DoD authorizations for living space and personal hygiene facilities that determine the level of privacy provided a service member. Coast Guard authorizations are

equivalent to DoD. For example, the authorizations and actual practices provide the following:

- Initial entry facilities for recruits or basic trainees in grade E-1 are authorized at 72 square feet of living space per service member in an open bay area with a central bathroom. All services follow these guidelines and generally billet between 10 to 50 people per open bay room. Open bays and central bathrooms within each service are segregated by gender with no significant differences in the separated facilities. These initial living conditions provide a service member little, if any, privacy and are primarily intended to accommodate closely supervised group activities associated with initial acclimation to the rigors and unique demands associated with military service life.

Privacy Conditions in the Military
DoD Minimum Standards of Acceptable Space and Privacy

Grade	Transient Personnel	Permanent Party Personnel
E-1 recruits and trainees	72 sq ft, open bay with central bath	Same as Transients of the same grade and status
E-1 thru E-4	90 sq ft, four max. per room unless open bay, central bath	Same as Transients of the same grade
E-5 and E-6	135 sq ft with room and bath shared with no more than one other	Same as Transients of the same grade
E-7 thru E-9	Same as below	270 sq ft private room with private bath
0-1, 0-2, W-1 thru W-4	Same as below	250 sq ft private room with private bath
0-3 thru 0-10 and civilians	250 sq ft private room with bath shared with not more than one other	400 sq ft private suite (living room and bedroom) with private bath

[DOD 4165.63-M, June 1988] RAND

Figure B-2—DoD Minimum Standards of Acceptable Space and Privacy

- Follow-on enlisted advanced individual and skill training and officer candidate school facilities in all the services, except the Air Force, continue this practice. The Air Force uses smaller two- or three-person rooms with central bathrooms for its follow-on training.
- Subsequent assignments in permanent party status bachelor facilities with increasing seniority and promotions result in changes to the living space authorizations and privacy conditions. Middle grade enlisted bachelors permanently assigned to a unit ashore, for example, are authorized larger living space, and hence improved privacy. Permanent party senior non-commissioned officers assigned to a shore unit are authorized for and generally receive private rooms and baths. Officers, depending on grade, and DoD civilians receive authorizations for the largest and most private living space. It should be noted, however, that bachelors of any specific grade in a transient status are not usually authorized for the same conditions as permanent party people. Further, it was noted during the on-site visits that transient quarters are in limited quantities, especially for non-commissioned officers, officers, and DoD civilians. Those that do exist are often sub-standard, meaning the facilities are below the authorized levels of living space, privacy conditions or both.
- In operational or field training environments, the living space afforded a service member is very austere and seldom supports individual privacy, particularly on naval vessels. The research team visited a full range of naval and Coast Guard vessels as shown in Figure B-3. While shipboard, naval crews are typically billeted in curtain-enclosed Northampton bunks stacked three high, with 18-21 inches of vertical separation between each bunk, and with solid partitions separating the bunks in adjoining stacks. The conditions afforded embarked Marines are less accommodating with only partially curtained bunks stacked up to four high and with few partial partitions between adjoining bunks in each stack. The crews of attack

Privacy Conditions in the Military
Visited Sixteen Different Class Naval Vessels
NDRI

On-board Ships

US Navy Ships (12)	USCG Vessels (4)
CVN USS J F Kennedy	Cutter USCGC Bear
DD USS Briscoe	Bouy Tender USCGS Cowslip
FFG USS Taylor	Patrol Boat USCGS Aquidneck
SSN USS Phoenix	Sail Bark USCGS Eagle
SSBN USS Pennsylvania	
MCM USS Patriot	
DD Tender USS Puget Sound	
LSD USS Tortuga	
LST USS Fairfax County	
ASR USS Orlotan	
AE USS Mount Baker	
APL Barge Warrior	

RAND

Figure B-3—Scope of Shipboard Visits

submarines are provided bunks densely packed in very tight arrangements which are even more austere. Similarly, field environments require rustic living and the use of temporary facilities and tentage for living and hygiene facilities. This also results in crowded conditions and a loss of personal privacy.

- At service academies, students are provided living space similar to college dormitories with two to four people per room, fewer depending upon seniority, and various forms of central bathrooms.

In summary, changes in DoD living space and privacy authorizations have significantly improved living and privacy conditions since the end of World War II. The numerous remaining World War II temporary wooden structures that are still in use, often for reserve component and ROTC annual training, provide ample evidence to support the extent of these

improvements. However, it was also readily apparent from the on-site visits that privacy conditions in many existing facilities are the result of older building designs and standards that do not meet today's needs. Many of these older facilities could have much improved privacy within the existing space with what appears to be only modest investments; for example, the addition of partitions and curtains to provide individual stalls in common showers. Other privacy improvements that could be made seemed to be well known to responsible officials at each installation but are not required by DoD regulations and are not currently resourced.

The simplified military life cycle model shown in Figure B-4 illustrates some of the dynamics involved, and the impact of DoD living space guidelines on service members. The research established a general pattern for living space and privacy conditions, and hence one's freedom from observation and unauthorized intrusion, that begins with initial entry training, where service members are required to live in very close

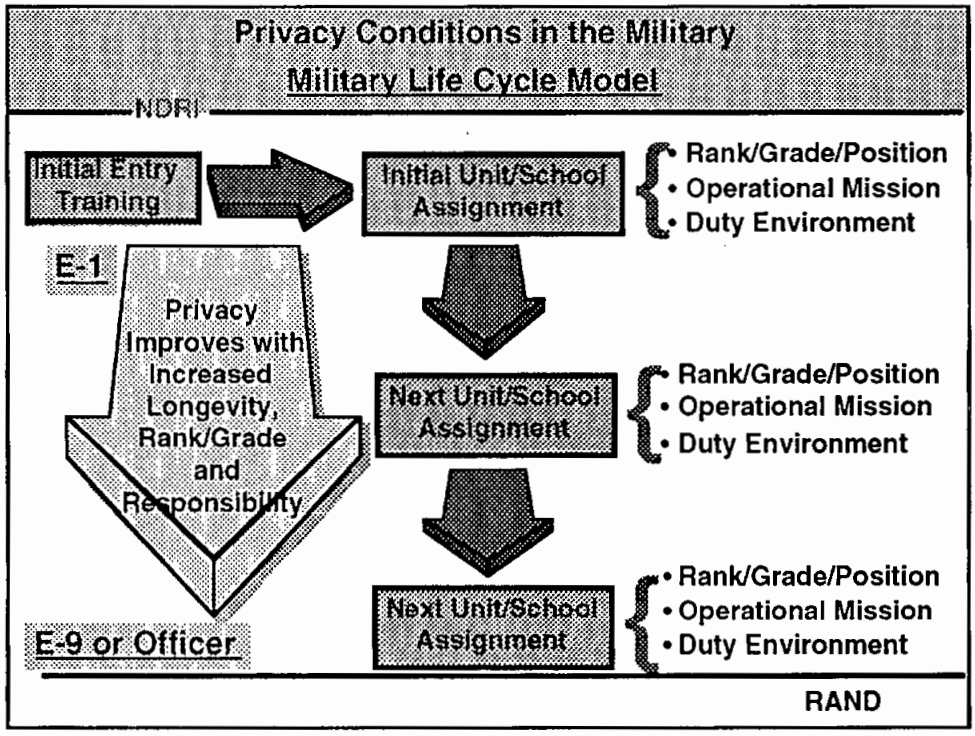

Figure B-4—Military Life Cycle Model

proximity to each other and have little or no privacy in personal hygiene facilities. Conditions improve with assignment to permanent party status and increasing seniority, responsibility, and promotion. However, operational missions and duty environments may change during an assignment or incident to a subsequent assignment to limit living accommodations and privacy with little regard for rank or seniority. Finally, DoD generally authorizes a lower standard of living space and privacy for service members in transient status and deployed personnel aboard ship or in other operational environments. Retention and use of substandard facilities, such as those found in temporary World War II buildings, which are below current authorized living spaces, continue as an apparent economy measure, but result in added deprivation to service members, particularly reservists.

The research fully substantiates the premise that military service members are required to live in close proximity in environments that provide little privacy. Living in open bays during initial training, in close and densely packed berthing aboard ships, or in field operational environments is not conducive to nor supportive of an individual's privacy or modesty. The constraints of physical dimensions and priorities for weapons and seaworthiness limit the potential for improved living conditions aboard many ships. However, in some of the other environments existing living and privacy conditions can be improved.

Appendix C

LEGAL PROVISIONS CONCERNING SODOMY

CURRENT VERSION

Statute: Uniform Code of Military Justice: Article 125:

"(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct."

From the Manual for Courts Martial:

b. Elements.

(1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal.

[Note: Add either or both of the following elements, if applicable]

(2) That the act was done with a child under the age of 16.

(3) That the act was done by force and without the consent of the other person.

c. Explanation. It is unnatural carnal copulation for a person to take into that person's mouth or anus the sexual organ of another person or of an animal; or to place that person's sexual organ in the mouth or anus of another person or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another person; or to have carnal copulation with an animal.

ILLUSTRATIVE REVISED VERSION

Statute UCMJ Article 125:

<u>No change to current statute</u>

Changed Provision of the Manual for Courts Martial:

b. Elements.

(1) That the accused engaged in [unnatural] carnal copulation with a certain other person or with an animal; and

(2) That the act was done by force and without the consent of the other person.

[Note: Add the following element, if applicable]

(3) That the act was done with a child under the age of 16.

c. Explanation. It is unnatural carnal copulation for a person to take into that person's mouth or anus the sexual organ of another non-consenting adult or of an animal; or to place that person's sexual organ in the mouth or anus of another non-consenting adult or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another non-consenting adult; or to have carnal copulation with an animal.

This revision limits "unnatural" to non-consenting acts between adults and to either consensual or non-consensual acts with children under 16. Neither Article 125 nor prior editions of the Manual for Courts Martial defined "unnatural." Instead the definitional role was left to the military judiciary. In this revision the President fills the definitional gap and provides clear guidance to commanders and military judges as to the precise scope of Article 125.

Appendix D

ATTITUDES ABOUT HOMOSEXUALITY AND MILITARY SERVICE IN CANADA, THE UNITED KINGDOM, AND THE UNITED STATES

An examination of the views of citizens in other countries about homosexuality and the role of gays in the military may help in assessing American public opinion on these issues, although few countries conduct opinion polls to the same extent as the United States. Two countries for which some polling data are available are Canada and Britain, and they provide an interesting contrast. Britain currently bars homosexuals from serving in the military. Canada, on the other hand, has recently changed its policy to permit homosexuals to serve in the military.

In both countries, attitudes regarding homosexuality appear similar to those in the United States, but somewhat more accepting. Canadian and British citizens have historically been slightly less willing than Americans to classify homosexual relations as wrong, and have been slightly more supportive of equal rights for homosexuals than Americans are (Rayside and Bowler, 1988); see Table D-1. More recently, a 1991 Gallup poll found that only 27 percent of Canadians believe homosexuals should be allowed to adopt children, a nearly identical proportion as that in the United States (Table D-2). (See Chapter 5 on U.S. public opinion for a full discussion of U.S. attitudes toward homosexuality, homosexuals, and their service in the military.)

But like Americans, Canadian and British citizens appear to separate their personal convictions on homosexuality from their beliefs regarding the rights of homosexuals. By the early 1980's, 70 percent of Canadian and 73 percent of British citizens expressed support for equal rights in terms of job opportunities; the corresponding proportion of Americans expressing support in the early 1980's was 65 percent (Rayside and Bowler, 1988; see Table D-1). As with Americans, Canadians express less acceptance of equal opportunities for homosexuals in occupations where either they or their children might have close, personal contact. A 1988 Gallup Canada poll shows fewer Canadians to be accepting of

homosexual clergy, teachers, and doctors than of homosexual salespersons (Table D-3). The acceptance levels among Canadians of homosexuals in each of these occupations are nearly identical to acceptance levels among Americans.

Table D-1

Canadian, U.S., and British Support of Gay Rights in the Early 1980's

	Canada	U.S.	U.K.
Suppport for gay equality rights	70% (1980/85)	65%[a] (1983)	73%[b] (1979)
Homosexual relations thought wrong	69% (1980)	76%[c] (1980)	69%[d] (1985)

SOURCE: Rayside and Bowler (1988:651).

[a]*Newsweek-Gallup* poll in *Newsweek*, Aug 8, 1983: "In general, do you think homosexuals should have equal rights in terms of job opportunities?"

[b]Gallup poll, in *The International Gallup Polls*, 1979:266: "As you know, there has been considerable discussion in the news lately regarding the rights of homosexual men and women. In general, do you think homosexuals should or should not have equal rights in terms of job opportunities?"

[c]National Opinion Research Center poll, in *Index to International Public Opinion*, 1979-80:228: "What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"

[d]Jowell et al. (1986:152): "What about sexual relations between two adults of the same sex? What would your opinion be? Always wrong, mostly wrong, sometimes wrong, rarely wrong, not wrong at all, don't know/no answer."

Table D-2

"In your opinion, should homosexuals be allowed to adopt children or not?" (Gallup Canada. July, 1991. Sample of Canadian adults, N = 1043)

Yes	27%
No	65
Don't know	8

Canadians appear to be somewhat more accepting of permitting homosexuals to serve in the military. The 1988 Gallup Canada poll, prior to the change in policy permitting homosexuals to serve, found 60 percent supportive of allowing homosexuals to be members of the Armed Forces (Table D.3). A recent poll, taken shortly after the change in policy, found two thirds of Canadians supportive of allowing homosexuals to serve (Table D.4).

Table D-3

Canada: "Do you think homosexuals should or should not be employed in the following occupations..."
(Gallup Canada. April, 1988. Sample of Canadian adults, N = 1041)

U.S.: "Do you think homosexuals should or should not be hired for each of the following occupations..."
(Gallup. March, 1987. Sample of American adults, N = 1015)

Proportion who answered should be in occupation	Canada	United States
Salesperson	72%	72%
Armed Forces	60	55
Doctor	52	49
Clergy	44	42
Junior school teacher[a]	45	33

[a]In the United States, the category was elementary school teacher.

Table D-4

"Do you think that ... should be allowed to serve in the Canadian military or not?"
(Gallup Canada. November, 1992. Sample of Canadian adults, N = 1006)

	Gay Men	Lesbians
Yes	67%	66%
No	26	26
Don't know	8	8

Appendix E

RELEVANT CANADIAN REGULATIONS

CFAO 19–36

SEXUAL MISCONDUCT

PURPOSE

1. This order prescribes the Canadian Forces (CF) career policy and procedures applicable to cases of sexual misconduct.

RELATED ORDERS

2. This order should be read in conjunction with:

a. QR&O 19.61 (Certificate of Conviction);

b. CFAO 4-13 (Unusual Incidents);

c. CFAO 19-38 (Personal Relationships);

d. CFAO 19-39 (Personal Harassment);

e. CFAO 34-25 (Psychoneurotic and Personality Disorders - Medical Examination and Disposal); and

f. CFAO 114-3 (Conduct of Officers & WOs - Notification to NDHQ).

DEFINITIONS

3. In this order, "sexual misconduct" means an act which has a sexual purpose or is of a sexual or indecent nature and which, subject to paragraph 4, constitutes an offence under the Criminal Code or the Code of Service Discipline.

Note - Examples of sexual misconduct dealt with under the provisions of this order would include, but are not limited to, sexual activity between consenting adults under prohibited circumstances, sexual abuse of a child, incest, sexual assault, aggravated sexual assault, indecent exposure and bestiality.

OAFC 19–36

INCONDUITES À CARACTÈRE SEXUEL

OBJET

1. La présente ordonnance énonce la ligne de conduite en matière de carrière et les procédures des Forces canadiennes (FC) applicables aux cas d'inconduites à caractère sexuel.

ORDONNANCES CONNEXES

2. La présente ordonnance doit être lu en tenant compte des ordonnances suivantes :

a. ORFC 19.61 (Certificats de condamnation);

b. OAFC 4-13 (Incidents inusités);

c. OAFC 19-38 (Relations personnelles);

d. OAFC 19-39 (Le harcèlement);

e. OAFC 34-25 (Troubles psychonévrotiques et troubles de personnalité: examen médical et mesures prévues concernant ces cas);

f. OAFC 114-3 (Conduite des officiers et des adjudants - avis au QGDN).

DÉFINITIONS

3. Dans la présente ordonnance, «inconduite à caractère sexuel» s'entend d'un acte dont l'objet est sexuel ou qui est à caractère sexuel ou indécent et qui, sous réserve du paragraphe 4, constitue une infraction sous le régime du Code criminel ou du code de discipline militaire.

Nota - Des exemples d'inconduite à caractère sexuel dont fait état cette ordonnance pourraient inclure, notamment des activités à caractère sexuel entre adultes consentants dans des circonstances prohibées, l'abus sexuel sur des enfants, l'inceste, l'agression sexuelle, l'agression sexuelle grave, l'exhibitionnisme et la bestialité.

SEXUAL HARASSMENT

4. Where conduct is alleged that could constitute sexual harassment but not an offence under the Criminal Code (e.g. lewd comments), it shall be dealt with pursuant to CFAO 19-39 (Personal Harassment). Where conduct is alleged that could be both a Criminal Code offence and sexual harassment (e.g. a pat on the behind), the applicable order will depend on the way in which the military authority responsible for taking action decides to treat the matter. If, based on the complaint or other information, the authority determines that the matter is sufficiently serious that a charge for a Criminal Code offence is a reasonable possibility upon the completion of an investigation, this order shall be applied until the investigation is completed. If the investigation does not provide sufficient evidence to support a charge for a Criminal Code offence but does support a finding of sexual harassment, the post-investigation procedures for harassment in CFAO 19-39 shall be applied. Otherwise, this order shall continue to apply.

5. Prior to making a determination that the evidence is not sufficient to support a charge under the Criminal Code, the military authority concerned should consult with the unit legal adviser. If doubt exists as to whether civilian authorities will be laying a charge under the Criminal Code, the legal adviser shall obtain the information from the civil authorities and inform the responsible military authority of the decision. In order to ensure that there is a minimal delay in dealing with the matter, these consultations are to be completed on a priority basis.

POLICY

6. It is CF policy that sexual misconduct, and sexual harassment that is dealt with under CFAO 19-39, is unacceptable and will not be tolerated. A CF member who has engaged in sexual misconduct is liable to disciplinary and administrative action, including release if appropriate. An applicant for enrolment who has engaged in sexual misconduct may be refused enrolment.

HARCÈLEMENT SEXUEL

4. Lorsque l'on soutient que la conduite reprochée pourrait constituer du harcèlement sexuel mais non une infraction au Code criminel (c'est-à-dire des commentaires impudiques), celle-ci devrait être traitée conformément à l'OAFC 19-39 (Le harcèlement). Lorsque l'on soutient que la conduite pourrait être une infraction au Code criminel et du harcèlement sexuel (c'est-à-dire une petite tape sur le derrière), l'ordonnance applicable dépendra de quelle manière l'autorité militaire chargée du cas décidera de la traiter. Si, en se fondant sur la plainte ou sur d'autres informations, l'autorité décide que le cas est suffisamment sérieux pour qu'il soit raisonnablement possible de porter une accusation en vertu du Code criminel à l'issue de l'enquête, cette ordonnance doit être appliquée jusqu'à ce que l'enquête soit complétée. Si l'enquête ne fait pas suffissamment ressortir d'éléments de preuve pour supporter une accusation sous le Code criminel mais démontre du harcèlement sexuel, les procédures après enquête portant sur le harcèlement qui sont prévues à l'OAFC 19-39 s'appliquent. Dans le cas contraire, cette ordonnance doit continuer à être appliquée.

5. Avant de déterminer qu'une preuve n'est pas suffisante pour supporter une accusation en vertu du Code criminel, l'autorité militaire concernée devrait demander l'avis du conseiller juridique de l'unité. S'il y a des doutes quant à savoir si les autorités civiles porteront des accusations en vertu du Code criminel, le conseiller juridique devrait s'enquérir auprès des autorités civiles de la décision d'en porter ou non et en informer l'autorité militaire responsable du cas. De manière à s'assurer que le délai entourant ces consultations soit le plus court possible, celles-ci seront faites de façon prioritaire.

POLITIQUE

6. La politique des FC prescrit que les inconduites à caractère sexuel ainsi que le harcèlement sexuel dont il est question dans l'OAFC 19-39, sont inacceptables et ne seront aucunement tolérées. Tout militaire qui commet une inconduite à caractère sexuel est passible de mesures disciplinaires et administratives, y compris de libération, si cela s'avère nécessaire. Un candidat qui fait une demande d'enrôlement peut être refusé pour le motif qu'il a commis une inconduite à caractère sexuel.

INVESTIGATION

7. Where an allegation is made that a CF member has engaged in sexual misconduct, the commanding officer (CO) shall ensure that an investigation is conducted into the allegation as soon as practicable. The type of investigation will depend on the nature of the alleged sexual misconduct. Where the allegation concerns a possible offence under the Criminal Code, the matter should be referred to the Military Police for a determination of which police force, military or civilian, should conduct the investigation. Where the allegation concerns a possible offence contrary to the Code of Service Discipline, the investigation may consist of an informal investigation, a summary investigation, a board of inquiry or a military police investigation, as appropriate under the circumstances. If a police investigation is conducted, nothing precludes the conduct of an informal investigation, a summary investigation, or a board of inquiry to resolve issues not covered by the police investigation. If there is doubt as to the most suitable type of investigation, the advice of the unit legal advisor should be sought.

8. Where the investigation supports the allegation of sexual misconduct, the CO shall consult with a medical officer on the need for a medical examination in accordance with CFAO 34-25. He shall record the results of that consultation and refer the member against whom the allegation is made for an examination if recommended.

ENQUÊTE

7. Si l'on impute à un militaire des FC la perpétration d'une inconduite à caractère sexuel, le commandant doit s'assurer qu'une enquête est menée sur cette allégation dans les meilleurs délais. Le genre d'enquête pourra varier selon le type d'inconduites à caractère sexuel reproché. Si l'imputation de cette inconduite a trait à une infraction possiblement commise en contravention avec le Code criminel, l'affaire devrait être rapportée à la Police militaire pour que celle-ci détermine lequel des corps policiers - militaire ou civil - devrait mener l'enquête. Si l'imputation a trait à une infraction possiblement commise en contravention avec le code de discipline militaire, l'enquête peut, selon que cela s'avère indiqué suivant les circonstances, prendre la forme d'une enquête menée de façon informelle, d'une enquête sommaire, d'une commission d'enquête ou une d'enquête de la Police militaire. Si une enquête policière est menée, il n'y a rien qui empêche de faire tenir simultanément une enquête menée de façon informelle, une enquête sommaire ou une commission d'enquête si celle-ci a pour mandat de résoudre des questions qui ne sont pas couvertes par l'enquête policière. S'il y a un doute sur le type d'enquête le plus approprié, on devrait demander l'avis du conseiller juridique de l'unité.

8. Lorsque l'enquête supporte l'inconduite à caractère sexuel reprochée, le commandant devrait consulter le médecin militaire pour décider de la nécessité d'un examen médical selon l'OAFC 34-25. Il devrait noter les résultats de cette consultation et faire subir au membre un examen si cela s'avère indiqué.

DISCIPLINARY ACTION

9. On completion of the investigation required in paragraph 7, the CO shall take such disciplinary action, if any, as is considered appropriate.

MESURES DISCIPLINAIRES

9. À la fin de l'enquête prescrite par le paragraphe 7, le commandant est tenu de prendre, si nécessaire, les mesures disciplinaires qu'il juge indiquées.

ADMINISTRATIVE ACTION

10. When sexual activities take place in circumstances where they are contrary to the Code of Service Discipline, they constitute sexual misconduct even if they are otherwise lawful (e.g. sexual activity between consenting adults that takes place in a location where such actions are prohibited by CF orders). Cases of this nature shall be handled at the unit level unless the CO considers them to be sufficiently serious that release may be warranted.

MESURES ADMINISTRATIVES

10. Lorsque des activités sexuelles surviennent dans des circonstances qui sont en contravention avec le code de discipline militaire, elles constituent de l'inconduite à caractère sexuel même si elles sont par ailleurs légales (c'est-à-dire l'activité sexuelle entre adultes consentants survenant dans un endroit où de tels actes sont interdits aux termes des ordres des FC). Les cas de ce genre doivent être traités au niveau de l'unité à moins que le commandant ne les considère suffisamment sérieux pour justifier la libération.

11. In cases not handled at the unit level under paragraph 10, the CO shall consider the results of the investigation and all other relevant factors. Where the CO is satisfied that the member has engaged in sexual misconduct, the CO shall:

a. decide whether to recommend to NDHQ that the member is retained in or released from the CF; and

b. if the decision is to recommend release, prepare and deliver a Notice of Intent to Recommend Release in all cases regardless of rank and years of service.

12. In those cases not handled at the unit level under paragraph 10, the CO shall not place the member on Counselling and Probation or Report of Shortcomings, give the member a reproof, or take any other administrative action that might interfere with the proper determination of the question of release until the decision with respect to release or retention has been made by NDHQ. This does not prevent the member from being suspended from duty under QR&O 19.75 where appropriate.

REPORTING

13. An allegation of sexual misconduct by a member may qualify as an unusual incident for the purposes of CFAO 4-13 and may require special reporting under that order. In addition, where proceedings under the Code of Service Discipline have been commenced against an officer, CWO, MWO or WO, there is a special reporting requirement contained in CFAO 114-3.

14. In those cases not handled at the unit level under paragraph 10, the CO shall report the alleged sexual misconduct to NDHQ/Director General Personnel Careers Officers (DGPCO) or Director General Personnel Careers Other Ranks (DGPCOR), as appropriate. This report, and all subsequent reports required by this order, (except for police investigation reports which are handled independently and made available at each level within the chain of command), shall be forwarded through the chain of command.

11. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant doit considérer les résultats de l'enquête et tout autre facteur pertinent. Si le commandant est d'avis que le militaire a commis une inconduite à caractère sexuel, il doit :

a. décider s'il recommande au QGDN le maintien du militaire dans les FC ou la libération de celui-ci;

b. s'il décide de recommander la libération, préparer et remettre un avis d'intention de recommander la libération, et ce dans tous les cas, quel que soit le grade et le nombre d'années de service.

12. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant ne doit pas placer le membre en mise en garde et surveillance ou faire un rapport d'insuffisance à son sujet, ni lui adresser un reproche, ni prendre des mesures administratives qui pourraient entraver la détermination adéquate de la question de la libération avant que le QGDN n'ait pris la décision de libérer le militaire des FC ou de le maintenir dans celles-ci. Cela n'empêche toutefois pas, dans les cas jugés appropriés, de suspendre le militaire de ses fonctions en vertu de l'article 19.75 des ORFC.

RAPPORT

13. Une allégation d'inconduite à caractère sexuel à l'égard d'un militaire peut, pour l'application de l'OAFC 4-13, être qualifiée d'incident inusité et nécessiter un rapport spécial aux termes de cette ordonnance. De plus, si des procédures sous le code de discipline militaire ont été prises contre un officier, un adjudant-chef, un adjudant-maître ou un adjudant, il faut le rapporter en suivant la procédure de l'OAFC 114-3.

14. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant doit rapporter l'inconduite à caractère sexuel reprochée au QGDN/Directeur général - Carrières militaires (Officiers) (DGCMO) ou au Directeur général - Carrières militaires (Personnel non officier) (DGCMP), selon le cas. Ce rapport et tout autre rapport ultérieur exigés par la présente ordonnance (sauf les rapports d'enquête policière, lesquels sont traités séparément et disponibles à chacun des niveaux de la chaîne de commandement) doivent être acheminés par la chaîne de commandement.

15. In order to treat fairly the victim of sexual misconduct and the member against whom an allegation is made, it is essential that the reports under paragraph 14 be handled expeditiously and with respect for individual privacy. Therefore, all levels in the chain of command are to treat these reports as priority matters for onward transmission in the shortest possible time and with access controlled on a strict need-to-know basis.

16. The report made pursuant to paragraph 14 shall include:

a. all available investigation reports, other than police reports, relating to the allegation of sexual misconduct;

b. where applicable, a statement identifying any relevant police reports;

c. a summary prepared by a medical authority of the findings of a report prepared under paragraph 8, if any, or confirmation that a medical examination was not required;

d. a recommendation as to whether the member should be retained in or released from the CF with any information supporting that recommendation and any additional recommendations;

e. where applicable, a copy of the Notice of Intent to Recommend Release;

f. where a Notice of Intent to Recommend Release has been given, a copy of the information and representations, if any, provided by the member with respect to the alleged sexual misconduct or the recommendation for release; and

g. a statement as to whether a charge has been, or is likely to be, laid under the Criminal Code or Code of Service Discipline with respect to the sexual misconduct.

17. On completion of any disciplinary action the CO shall forward a report to NDHQ/DGPCO or DGPCOR, as appropriate, containing:

a. the charge report or charge sheet;

b. a summary of the evidence presented;

15. Afin que toute victime d'une inconduite à caractère sexuel et que le militaire faisant l'objet du rapport soient traités correctement, il est essentiel que les rapports visés par le paragraphe 14 soit traités promptement tout en respectant la vie privée des personnes en cause. Par conséquent, tous les niveaux d'autorité de la chaîne de commandement doivent traiter ces rapports comme des sujets prioritaires pour qu'ils puissent être acheminés dans les plus brefs délais tout en s'assurant que leur accès en soit strictement réservé à ceux qui doivent en prendre connaissance.

16. Le rapport fait aux termes du paragraphe 14 doit comprendre les documents et renseignements suivants :

a. tous les rapports d'enquête disponibles relatifs à l'allégation d'inconduite à caractère sexuel, sauf ceux d'enquêtes policières;

b. une déclaration identifiant tout rapport d'enquête policière pertinent, le cas échéant;

c. un résumé, préparé par une autorité médicale, des conclusions du rapport confectionné aux termes du paragraphe 8, le cas échéant, ou la confirmation qu'un examen médical n'était pas requis;

d. la recommandation appuyant la libération ou le maintien du militaire dans les FC ainsi que tout renseignement ou document appuyant cette recommandation ou toute recommandation additionnelle;

e. une copie de l'avis d'intention de recommander la libération, le cas échéant;

f. dans le cas où un avis d'intention de recommander la libération du militaire a été donné, une copie des renseignements et de l'argumentation fournis par le militaire à l'égard de sa présumée inconduite à caractère sexuel ou de la recommandation en vue d'obtenir sa libération;

g. une déclaration à l'effet qu'une accusation a été portée ou est susceptible de l'être en vertu du Code criminel ou du code de discipline militaire relativement à l'inconduite à caractère sexuel.

17. Lorsque les mesures disciplinaires sont terminées, le commandant doit acheminer un rapport au QGDN/DGCMO ou DGCMP, selon le cas, qui inclut les document ou renseignements suivants :

a. le procès-verbal d'accusation ou l'acte d'accusation;

b. un résumé de la preuve qui a été présentée;

c. the finding with respect to the charge or charges;

d. the sentence imposed, if any; and

e. the member's conduct sheet.

18. On the completion of any proceedings under the Criminal Code the CO shall forward a report to NDHQ/DGPCO or DGPCOR, as appropriate, containing the results of the civil court proceedings, including any certificate of conviction.

NDHQ REVIEW

19. A Career Review Board (CRB) shall be established at NDHQ to review cases of sexual misconduct. Representatives of DGPCO and DGPCOR shall be included in the membership of this board.

20. Upon receiving a report under paragraph 14, the CRB shall determine whether there is sufficient information upon which to base a recommendation. The CRB shall obtain any further information that may be required prior to considering its recommendation.

21. Where the CRB is satisfied that it has sufficient information upon which to make a recommendation, it may determine its recommendation and take further action in accordance with this order, whether or not action under the Criminal Code or Code of Service Discipline has been concluded. The propriety of the CRB proceeding in circumstances where such action has not been completed will be a matter for the board to determine based on the circumstances of the particular case.

22. If the CRB is satisfied that the evidence establishes that the member has engaged in sexual misconduct, the CRB will normally recommend the release of the member to the approving authority. In deciding whether the recommendation should be for retention or release, the CRB shall consider the following factors:

a. the nature of the sexual misconduct;

b. where there is a victim, the impact of the sexual misconduct on the victim if such information is available;

c. the service record of the member;

d. the summary of evidence and findings of any service tribunal;

c. le verdict rendu à l'égard de l'accusation ou des accusations;

d. le cas échéant, la sentence qui a été infligée;

e. la fiche de conduite du militaire.

18. À la fin de toute procédure prise sous le régime du Code criminel, le commandant doit acheminer un rapport au QGDN/DGCMO ou DGCMP, selon le cas, qui comprend les résultats des procédures devant la cour civile ainsi qu'un certificat de condamnation.

EXAMEN PAR LE QGDN

19. Un Comité de révision des carrières (CRC) est constitué au QGDN pour examiner les cas d'inconduites à caractère sexuel. Sont inclus à titre de membres de ce comité, les représentants du DGCMO et du DGCMP.

20. Sur réception d'un rapport visé par le paragraphe 14, le CRC doit décider s'il détient suffisamment de renseignements sur lesquels il peut fonder sa recommandation. Le CRC doit obtenir tout autre information qui peut être nécessaire avant de considérer la recommandation qu'il fera.

21. Lorsque le CRC est d'avis qu'il détient suffisamment de renseignements lui permettant de faire une recommandation, il peut décider de la faire et prendre toute autre mesure en conformité avec la présente ordonnance, peu importe si les mesures prises en vertu du Code criminel ou du code de discipline militaire sont terminées. L'opportunité pour le CRC de procéder dans des circonstances où de telles mesures ne sont pas terminées est une question que doit déterminer le comité selon les circonstances de l'affaire.

22. Si le CRC est d'avis que la preuve établit la commission d'une inconduite à caractère sexuel à l'égard du militaire, le CRC recommandera normalement la libération du militaire à l'autorité approbatrice. Pour décider s'il devrait faire une recommandation appuyant la libération du militaire des FC ou le maintien du militaire dans celles-ci, le CRC doit considérer les facteurs suivants :

a. le genre d'inconduite à caractère sexuel;

b. s'il y a une victime, les conséquences de l'inconduite à caractère sexuel sur la victime si de tels renseignements sont disponibles;

c. l'état de service du militaire;

d. le résumé de la preuve et des verdicts de tout tribunal militaire;

e. any certificate of conviction or other available information relating to a civilian trial;

f. the results of the medical assessment, if any;

g. the recommendation of the CO and the officer commanding the command;

h. the information and representations provided by the member, if any; and

i. such other factors as the CRB may determine to be relevant.

23. Where the CRB determines that the recommendation is to retain the member without the need for further representations by the member, that recommendation shall be forwarded to the approving authority for a decision. Unless otherwise directed, the approving authority for officers is DGPCO and for non-commissioned members is DGPCOR. Where the CRB decides to recommend retention despite finding that the member has engaged in sexual misconduct, it shall provide reasons why release would not be appropriate as well as recommendations as to what other administrative action should be taken. If the approving authority concurs with the recommendation, the officer commanding the command and the CO shall be informed of the decision and of the administrative conditions applicable to the retention, if any.

24. Where the approving authority does not concur with a recommendation for retention under paragraph 23, that authority shall:

a. if the CO has recommended the member's release and the member has not objected to that recommendation, initiate action to have the member released; and

b. in any other case, refer the matter to the CRB for action in accordance with paragraphs 25 to 28.

25. Where the CRB determines that it may recommend release of the member, it shall provide the member with all the available information upon which it will be basing its decision, subject to lawful exemptions, and inform the member that he may make any desired representations in writing through the CO within 14 days of the receipt of the CRB's information.

e. tout certificat de condamnation ou tout autre renseignement disponible relatif au procès civil;

f. les résultats de l'évaluation médicale, s'il y a lieu;

g. la recommandation du commandant et de l'officier commandant le commandement;

h. les renseignements et l'argumentation fournis par le militaire, s'il y a lieu;

i. tout autre facteur que le CRC détermine pertinent à cette fin.

23. Lorsque le CRC décider de recommander le maintien du militaire dans les FC sans que d'autres argumentations du militaire soient nécessaires, cette recommandation doit être acheminée à l'autorité approbatrice pour qu'elle rende sa décision. À moins d'instruction contraire, DGCMO est l'autorité approbatrice pour les officiers et DGCMP est celle des militaires du rang. Dans le cas où le CRC décide de recommander le maintien du militaire dans les FC en dépit du fait qu'elle reconnaît que le membre a commis une inconduite à caractère sexuel, le comité doit motiver sa décision en précisant les motifs pour lesquels la libération ne serait pas indiquée de même que ses recommandations quant aux mesures administratives qui devraient être prises. Si l'autorité approbatrice est d'accord avec la recommandation qui lui a été faite, l'officier commandant le commandement et le commandant doivent être informés de la décision et, le cas échéant, de toute condition administrative applicable au maintien du militaire dans les FC.

24. Lorsque l'autorité approbatrice n'est pas d'accord avec la recommandation de maintien du militaire dans les FC en vertu du paragraphe 23, elle doit :

a. si le commandant a recommandé la libération du militaire et que ce dernier ne s'est pas opposé à celle-ci, prendre les mesures pour que le militaire soit libéré;

b. dans tout autre cas, renvoyer l'affaire au CRC pour décision en conformité avec les paragraphes 25 à 28.

25. Lorsque le CRC décide qu'il est en mesure de recommander la libération du militaire, il est fourni au militaire, sous réserve de toute exemption légale, tous les renseignements disponibles sur lesquels le CRC fondera sa décision, et on l'avise qu'il peut, s'il le désire, présenter toute argumentation en la remettant par écrit en passant par son commandant dans les 14 jours suivants la réception des renseignements du CRC.

26. The CRB may extend the 14 day time limit for response where it is informed by the CO that the member is unable to meet the time limit for a valid reason such as duty requirements or illness.

27. On receipt of the representations of the member provided pursuant to paragraph 25, or on being informed by the CO that the member has not provided any further written representations, the CRB shall determine its recommendation based upon all the information before it.

28. The CO and the member shall be informed, through the chain of command, of the decision by the approving authority, the reasons for that decision, and any further action to be taken.

APPLICANTS FOR ENROLMENT OR RE-ENROLMENT

29. Where information is received during the recruiting procedure that an applicant for enrolment or re-enrolment has engaged in sexual misconduct, the enrolling authority shall not normally enrol the applicant. In cases where the enrolling authority considers that this general policy should not be applied, the enrolling authority shall refer the matter to NDHQ/Director General Recruiting, Education and Training for direction.

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26. Le CRC peut prolonger le délai de réponse de 14 jours s'il est avisé par le commandant du militaire que celui-ci ne peut satisfaire au délai prescrit pour un motif valable tel que les conditions de service ou la maladie.

27. Sur réception de l'argumentation du militaire fournie aux termes du paragraphe 25, ou en ayant été informé par le commandant du militaire que le militaire n'a pas remis d'argumentation écrite, le CRC doit faire sa recommandation en se fondant sur tous les renseignements qu'on lui a remis.

28. Le commandant et le militaire doivent être avisés, par le biais de la chaîne de commandement, de la décision de l'autorité approbatrice, des motifs appuyant celle-ci ainsi que toute autre mesure à prendre.

CANDIDATS À L'ENRÔLEMENT ET AU RÉENRÔLEMENT

29. Lorsque des renseignements sont reçus pendant la procédure d'enrôlement selon lesquels un candidat à l'enrôlement ou au réenrôlement a commis une inconduite à caractère sexuel, l'autorité compétente en matière d'enrôlement ne doit normalement pas enrôler cette personne. Dans les cas où l'autorité compétente juge que cette politique générale ne devrait pas être suivie, elle doit renvoyer l'affaire au QGDN/Directeur général - Recrutement, éducation et instruction et obtenir à cet égard des instructions.

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PERSONAL HARASSMENT

PURPOSE

1. This order prescribes the Canadian Forces (CF) policy on personal harassment.

DEFINITIONS

2. In this order:

personal harassment
means improper behaviour by an individual that is directed at or is offensive to another individual; that is based on personal characteristics including, for example, race, religion, sex, sexual orientation, physical characteristics, or mannerisms; and that a reasonable person ought to have known would be unwelcome;

sexual harassment
is a type of personal harassment that has a sexual purpose or is of a sexual nature including, but not limited to, touching, leering, lascivious remarks and the display of pornographic material; and

abuse of authority
means the misuse of authority to undermine, sabotage, or otherwise interfere with the career of another individual including, but not limited to, intimidation, threats, blackmail, coercion, or unfairness in the distribution of work assignments, in the provision of training or promotional opportunities« in the completion of performance evaluations, or in the provision of references.

GENERAL

3. Personal harassment in any form is an insidious practice that erodes mutual trust and confidence, conditions that are important to military operational effectiveness. Personal harassment, including sexual harassment, destroys individual dignity, lowers morale and breaks down unit cohesiveness.

4. Leaders at every level must be knowledgeable about and sensitive to the many forms that personal harassment can take. It may involve unwarranted comments, gestures, physical contact, or the display of offensive material. It may

LE HARCÈLEMENT

OBJET

1. La présente ordonnance prescrit la politique des Forces canadiennes (FC) sur le harcèlement.

DÉFINITIONS

2. Dans la présente ordonnance, l'expression:

abus de pouvoir
désigne le fait d'abuser de son autorité pour miner, saboter ou entraver la carrière d'une autre personne, par le recours notamment à l'intimidation, aux menaces, au chantage et à la contrainte; il peut se manifester, entre autres, au moment de répartir les tâches, d'offrir un programme de formation, de recommander l'avancement, d'évaluer le rendement ou de fournir des références.

avances sexuelles importunes
désigne tout harcèlement dont l'objet ou la nature est d'ordre sexuel, ce qui comprend, sans toutefois s'y limiter, les attouchements, les regards concupiscents, les remarques lascives et l'étalage de matériel pornographique;

harcèlement
désigne les comportements suivants : tout comportement déplacé, choquant ou injurieux, d'une personne à l'endroit d'une autre; tout comportement discriminatoire fondé sur des caractéristiques personnelles telles la race, la religion, le sexe, l'orientation sexuelle, les traits physiques ou particuliers; tout comportement dont l'importunité n'aurait pas dû échapper à son auteur;

GÉNÉRALITÉS

3. Toute forme de harcèlement constitue une pratique insidieuse qui mine la confiance réciproque, condition importante pour assurer l'efficacite des opérations militaires. Le harcèlement, y compris les avances sexuelles importunes, prive la personne de sa dignité, démoralise les membres du groupe et sape la cohésion de l'unité.

4. Les chefs à tous les niveaux doivent se sensibiliser au fait que le harcèlement peut prendre différentes formes. Il peut s'agir de remarques, de gestes ou de contacts physiques déplacés, ou encore de l'étalage de matériel choquant. Le harcèlement peut survenir

occur as a single event or it may involve a continuing series of incidents. It may involve the abuse of authority or position or it may involve relations among peers. Sexual harassment, as a specific type of personal harassment, can victimize both men and women.

5. The enforcement of high standards for training and work performance does not constitute personal harassment provided that the standards are not arbitrary and are uniformly applied.

POLICY

6. No member of the CF shall subject any other member or any other person with whom the member works to any type of personal harassment including sexual harassment.

COMPLAINTS

7. Commanding officers shall ensure that members of the CF and DND civilian employees who lodge a complaint in good faith are aware that this action will not in any way jeopardize or penalize their future service or employment opportunities.

8. Any member who believes that he or she is the victim of personal harassment should immediately report the matter to the member's direct superior. If the direct superior is the alleged offender, the complaint shall be made to the next superior in the chain of command.

9. If a member brings a complaint to a direct superior and if, after 14 days, the member has not received an interim reply and believes that the complaint has not been satisfactorily resolved, the member should then bring the complaint to the next superior in the chain of command.

ACTION FOLLOWING A COMPLAINT

10. Where a military superior receives a complaint of harassment from a civilian employee who is a member of the Public Service, the complaint shall be investigated in accordance with CPAO 7.18. If a military superior receives a complaint from a civilian employee who is not a member of the Public Service (eg, an NPF employee) but who is covered by a collective agreement or other agreement that specifies a procedure for investigating harassment complaints, the complaint shall be investigated in accordance with that agreement. In all

une seule fois, comme il peut se manifester par une série d'incidents reliés. Il peut être question d'abuser de son pouvoir ou de son poste, comme il peut s'agir de rapports entre pairs. Les avances sexuelles importunes, en tant que harcèlement d'un type particulier, peuvent brimer aussi bien les hommes que les femmes.

5. La mise en application de normes d'instruction et de travail rigoureuses n'équivaut pas à du harcèlement, pourvu qu'elles ne soient pas arbitraires et qu'elles soient appliquées uniformément.

POLITIQUE

6. Il n'est pas question qu'un militaire des FC harcèle un autre militaire ou toute autre personne qui travaille en sa compagnie, de quelque façon que ce soit, par des avances sexuelles importunes ou autrement.

PLAINTES

7. Les commandants d'unité doivent veiller à ce que tout militaire des FC ou tout employé civil qui porte plainte en toute bonne foi ne se verra pas pénaliser dans ces chances d'avancement militaire ou professionnel.

8. Tout militaire qui se croit victime de harcèlement a intérêt à en informer son supérieur immédiat dans les meilleurs délais. Si c'est le supérieur immédiat qui est le présumé contrevenant, l'intéressé portera plainte au palier suivant dans la chaîne de commandement.

9. Tout militaire qui n'a pas reçu de réponse provisoire 14 jours après avoir porté plainte auprès de son supérieur immédiat et qui juge qu'on ne lui a pas rendu justice, devrait s'adresser au palier supérieur dans la chaîne de commandement.

MESURES À PRENDRE SUR RÉCEPTION D'UNE PLAINTE

10. Lorsqu'un superviseur militaire reçoit une plainte portant sur une question de harcèlement à l'endroit d'un employé civil travaillant pour la Fonction publique, il y donnera suite en se reportant à l'OAPC 7.18. Lorsqu'un superviseur militaire reçoit le même genre de plainte touchant cette fois un employé civil qui, bien que n'étant pas à l'emploi de la Fonction publique [e.g. un employé des fonds non publics (FNP)], est protégé par une convention collective ou par toute autre convention spécifiant la marche à suivre en cas de harcèlement, il faudra que le superviseur se conforme à la convention en

other cases, whether the complainant is civilian or military, the investigation shall be conducted in accordance with this order.

11. Where a military superior receives a complaint of personal harassment, the complaint shall be investigated promptly and thoroughly. Complaints will deal with matters of varying complexity and will take varying lengths of time to resolve; however, no complaint shall remain in the possession of any military superior for longer than 14 days without the complainant being given an interim reply or being advised of the resolution of the complaint.

12. If the alleged offender is superior to or equal in rank to the member receiving the complaint, the complaint shall be referred through the chain of command to an officer superior to the alleged offender and that officer shall be responsible for taking action in accordance with this order. When military authorities refer the matter to the superior officer in such cases, the alleged offender shall be bypassed if the alleged offender would otherwise be in the chain of command.

13. The type of investigation that is conducted will depend on the seriousness of the alleged harassment and may involve an informal investigation, a summary investigation or a board of inquiry. During the investigation or a board of inquiry. During the investigation of a complaint the investigator or board of inquiry shall:

a. interview both the complainant and the alleged offender as soon as possible;

b. interview any witnesses;

c. document the situation accurately and completely;

d. state an opinion as to the validity of the complaint;

e. make recommendations to the authority who ordered the investigation or convened the board of inquiry;

f. conduct the investigation with the utmost confidentiality and sensitivity; and

g. caution persons who are questioned not to discuss the case with members or employees.

question pour régler le litige. Dans tous les autres cas, peu importe que le plaignant soit militaire ou civil, il faudra mener l'enquête en suivant la présente ordonnance.

11. Lorsqu'un superviseur militaire reçoit une plainte portant sur une question de harcèlement, il lui faudra mener une enquête rapide et approfondie. Comme la nature et la complexité de chaque plainte peuvent varier, le temps à consacrer à chacune variera également. Il faut cependant que dans les quatorze jours suivant la réception de la plainte, le superviseur en question réponde, ne serait-ce qu'à titre provisoire, ou fasse part de sa décision à la partie plaignante.

12. Dans le cas d'un présumé coupable détenant le même grade ou un grade plus élevé que la personne saisie de la plainte, il faudra respecter la chaîne de commandement et transmettre la plainte à un officier ayant un grade supérieur à celui de l'accusé; ce sera cet officier-là qui prendra des mesures conformes aux prescriptions de la présente ordonnance. Si dans ce dernier cas, l'officier représentant le palier suivant dans la chaîne de commandement est l'intimé, les autorités militaires éviteront de lui soumettre la question en litige pour passer directement à l'échelon qui lui est supérieur.

13. Le type d'enquête que l'on institue dépend de la gravité du harcèlement présumé : il peut s'agir d'une enquête ordinaire, d'une enquête sommaire, ou d'un commission d'enquête. Pendant l'instruction du cas, l'enquêteur ou la commission d'enquête devra :

a. interroger dès que possible le plaignant et l'intimé;

b. interroger les témoins;

c. établir un dossier exact et complet de la situation;

d. émettre son opinion quant au bien-fondé de la plainte;

e. faire des recommandations aux instances ayant institué l'enquête ou convoqué la commission d'enquête;

f. instruire le cas en toute discrétion et en respectant le caractère délicat du dossier;

g. et avertir les personnes interrogées de ne pas parler du cas à des militaires ou à des employés.

14. On completion of the investigation, appropriate disciplinary action or administrative action, or both, will be taken as required. If the person who ordered the investigation is not a person having jurisdiction over the alleged offender for administrative or disciplinary action, the investigation report shall be referred to the appropriate authority having jurisdiction if it is considered that further administrative or disciplinary action would be warranted.

15. Where a complaint of personal harassment has been substantiated, the military superior should consider the following factors in assessing the relative seriousness of the harassment:

a. the nature of the harassment, ie, verbal or physical;

b. the degree of aggressiveness and physical contact in the harassment;

c. the period of time over which the harassment took place;

d. the frequency of the harassment;

e. the vulnerability of the victim;

f. the psychological impact of the harassment upon the victim; and

g. the impact on the victim's career.

16. It is the responsibility of all persons involved in the processing of a complaint to ensure that a complainant who lays a complaint in good faith is neither penalized nor suffers any prejudice as a result of making the complaint. Correspondence pertaining to a complaint shall not be placed on the complainant's personal files nor shall it be made available to career boards at any level. Such correspondence shall be treated in a confidential manner and shall bear an appropriate designation in accordance with the Privacy Act.

SEXUAL ASSAULT

17. Where the complaint alleges sexual harassment and such harassment may also constitute a sexual assault under the Criminal Code, the Military Police should be requested to conduct an investigation in addition to the investigation conducted pursuant to this order. If doubt exists as to whether the available information indicates a sexual assault may have been committed, the advice of the unit legal adviser should be sought.

14. À l'issue de l'enquête, on prendra les mesures disciplinaires et administratives qui s'imposent. Si la personne ayant ordonné l'enquête n'est pas habilitée à soumettre l'intimé à des mesures administratives ou disciplinaires, le rapport d'enquête sera soumis à l'autorité compétente dans la mesure où il appert que d'autres mesures administratives ou disciplinaires s'imposeraient.

15. Dans le cas où la plainte pour cause de harcèlement s'avère fondée, le supérieur militaire évaluera la gravité relative de la chose en se basant sur les facteurs suivants :

a. la nature du harcèlement : i.e. s'agit-il de mots ou de gestes?;

b. la part d'agressivité et de contact physique dans l'affaire;

c. la durée du harcèlement;

d. la fréquence du harcèlement;

e. la vulnérabilité de la victime;

f. l'effet psychologique du harcèlement sur la victime;

g. et ses répercussions sur la carrière de la victime.

16. Il revient à tous les intervenants dans le dossier de veiller à ce que le fait de déposer une plainte en toute bonne foi ne porte pas préjudice à son auteur. Tout le courrier relatif à la plainte ne sera pas versé au dossier du plaignant, ni mis à la disposition de comités d'avancement professionnel, quels qu'ils soient. Le courrier restera confidentiel et portera la cote de sécurité conforme à la Loi sur la protection des renseignements personnels.

VIOLENCES SEXUELLES

17. Quand le plaignant se prétend victime d'avances sexuelles importunes qui pourraient faire l'objet d'une poursuite au criminel pour violences sexuelles, il faudrait demander à la police militaire de mener sa propre enquête, parallèlement à l'enquête déjà prévue par la présente ordonnance. S'il n'est pas évident d'après les renseignements obtenus qu'il peut s'agir de violences sexuelles, il convient d'en référer au conseiller juridique de l'unité.

OTHER REDRESS PROCEDURES

18. Nothing in this order precludes a member from seeking redress of grievance in accordance with the procedures contained in QR&Os 19.26 and 19.27. Where an application for redress of grievance has already been submitted with respect to the alleged harassment, the provisions of this order should be used as guidance for the investigation of the grievance but the matter shall be dealt with in accordance with the grievance procedures rather than being considered a complaint pursuant to this CFAO.

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AUTRES RECOURS

18. Il n'y a rien dans la présente ordonnance qui empêche un militaire de se prévaloir des articles 19.26 et 19.27 des ORFC pour réclamer la réparation d'une injustice. Si le harcèlement présumé fait déjà l'objet d'un grief, les dispositions de la présente devraient servir à orienter l'instruction du cas; il faudra cependant traiter le cas comme un redressement de grief plutôt que comme une plainte déposée en vertu de la présente OAFC et suivre la procédure en conséquence.

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Appendix F

RELEVANT DATA FROM SURVEYS

Table F-1

Description of the Various Surveys Cited in This Study

1. *General Social Survey* (GSS) - The GSS is conducted annually by the National Opinion Research Center at the University of Chicago. Each year the GSS contains a new nationally representative sample of about 1,500 noninstitutionalized adults. Unless otherwise indicated, the results presented here are taken from a merging of the 1988 through 1991 GSS surveys.

2. *National Survey of Adolescent Males* (NSAM) - The NSAM was a 1988 nationally representative survey of 1,880 noninstitutionalized, never-married 15 to 19 year old males conducted by Sociometrics Corporation for researchers at the Urban Institute.

3. *Monitoring the Future* (MTF) - The MTF is an annual study of the lifestyles and values of youth. All results presented here are taken from the 1991 survey, which contained a nationally representative sample of 15,676 high school seniors.

4. *Gallup Organization Public Opinion Polls* - Gallup polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

July 9-11, 1993	1002
January 29-31, 1993.....	1001
January 28-29, 1993.....	774
June, 1992.....	1002
April, 1992.....	1222
July, 1991.....	610
July, 1986.....	611
July, 1983.....	767
June, 1982.....	1531

5. *CBS News/New York Times Public Opinion Polls* - CBS/NYT polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

February, 1993.....	1154
January, 1993.....	1179
August, 1992.....	656

6. *Yankelovich/Clancy/Shulman Public Opinion Polls* - Yankelovich polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993	1800
August, 1992	1250
May, 1992	1250

7. *Roper Organization Opinion Polls* - Roper polls are nationally representative in-person polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

July, 1987.....	1997
January, 1987.....	1997

8. *USA Today 1987 Family Poll* - The USA Today Family Poll was conducted by the Gordon S. Black Corporation for USA Today in March of 1987. The sample was nationally representative of noninstitutionalized adults. The total sample size was 803.

9. *Los Angeles Times Opinion Polls* - The Los Angeles Times polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993.....	1733
February, 1993.....	1273

10. *ABC News/Washington Post Opinion Polls* - The ABC News polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993.....	549
February, 1991.....	1008
March, 1986.....	1148

11. *USA Today 1986 College Study Poll* - The USA Today College Study Poll was conducted by the Gordon S. Black Corporation for USA Today in February, 1986. The sample was representative of college students. The total sample size was 990.

12. *Wall Street Journal/NBC News Poll* - This is a nationwide telephone poll weighted to be representative of the population of registered voters. The poll was conducted June 5-June 8, 1993, and the sample size was 1502.

Table F-2

"What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"
(GSS. 1973-1991)

Year	Always Wrong	Almost Always Wrong	Some-Times Wrong	Not Wrong	Other	Don't Know	N
1973	70.3%	6.3%	7.3%	10.6%	2.1%	3.3%	1497
1974	67.0	4.8	7.5	12.3	3.4	4.9	1484
1976	67.1	5.9	7.5	15.3	---	4.2	1488
1977	68.6	5.5	7.2	14.2	---	4.5	1522
1980	69.9	5.7	5.8	13.9	---	4.6	1465
1982	70.3	5.1	6.3	14.1	---	4.1	1497
1984	73.0	4.8	7.2	13.8	---	3.7	1466
1985	74.8	3.9	6.8	11.9	---	3.1	1531
1987	74.8	4.1	6.6	11.9	---	2.6	1450
1988	74.0	4.5	5.4	12.3	---	3.7	973
1989	70.7	3.9	5.7	15.0	---	4.8	1029
1990	72.6	4.6	5.8	12.2	---	4.8	916
1991	70.9	3.9	4.2	15.0	---	6.1	986

Table F-3

"Do you personally think that homosexual relationships between consenting adults is morally wrong, or is not a moral issue?"
(Yankelovich/Clancy/Shulman. May, 1992. N = 1250)

Morally wrong	54%
Not a moral issue	39
Not sure	7

Table F-4

"Do you feel that homosexuality should be considered an acceptable alternative lifestyle, or not?"

Year	Acceptable	Not Acceptable	No Opinion	N
1992, August[a]	38%	50%	12%	656
1992, June[b]	38	57	5	1002
1989[b]	35	54	11	
1983[b]	32	58	10	767
1982[b]	34	51	15	1531

[a]CBS/New York Times
[b]Gallup

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Discussions with Experts

The following experts provided useful suggestions and insights during the preparation of this chapter. They are not responsible for the conclusions of this chapter.

Dr. Marilyn Brewer, UCLA, on intergroup contact

Dr. Jennifer Crocker, SUNY Buffalo, on stigmatization

Dr. Patricia Devine, University of Wisconsin, on prejudice

Dr. Susan Fiske, University of Massachusetts, Amherst, on stereotyping

Dr. Samuel Gaertner, University of Delaware, on intergroup contact

Dr. Norbert Kerr, Michigan State University, on small group behavior

Dr. David Marlowe, Walter Reed Army Institute, on group cohesion

Dr. Geoffrey Maruyama, University of Minnesota, on intergroup contact

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Dr. Brian Mullen, Syracuse University, on group cohesion

Dr. Steven Neuberg, Arizona State University, on stereotyping

Dr. Laurel Oliver, Army Research Institute, on group cohesion

Dr. Guy Siebold, Army Research Institute, on group cohesion

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