

AU/ACSC/CASHDOLLAR/AY09

AIR COMMAND AND STAFF COLLEGE

AIR UNIVERSITY

**NOT YES OR NO, BUT WHAT IF: AN EXAMINATION OF POLICIES AND
ISSUES TO BE ADDRESSED WITH OPEN HOMOSEXUALITY IN THE US
MILITARY**

by

Matthew P. Cashdollar, Major, US Army

A Research Report Submitted to the Faculty
In Partial Fulfillment of the Graduation Requirements

Advisor: Lt Col James E. Parco, Ph.D.

Maxwell Air Force Base, Alabama

April 2009

Report Documentation Page			Form Approved OMB No. 0704-0188	
<p>Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p>				
1. REPORT DATE APR 2009	2. REPORT TYPE N/A	3. DATES COVERED -		
4. TITLE AND SUBTITLE Not Yes Or No, But What If: An Examination Of Policies And Issues To Be Addressed With Open Homosexuality In The Us Military			5a. CONTRACT NUMBER	
			5b. GRANT NUMBER	
			5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)			5d. PROJECT NUMBER	
			5e. TASK NUMBER	
			5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Air Command And Staff College Air University Maxwell Air Force Base, Alabama			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSOR/MONITOR'S ACRONYM(S)	
			11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution unlimited				
13. SUPPLEMENTARY NOTES				
14. ABSTRACT <p>Homosexuality in the United States military has been a contentious topic since the Clinton Administrations attempt to lift the ban on open service for gay and lesbians over fifteen years ago. Since then much has been written for and against the current policy, DOD directive 1332.14, commonly known as Dont ask, dont tell. Gay rights organizations argue that it is a human rights issue and cite several countries that have lifted the ban on open homosexuality with few issues. Religious and conservative groups argue for maintaining the ban on the grounds that it would cause great harm to moral and unit cohesion. Despite the firestorm of opposing views, very little has been produced on how to implement a policy that would allow a fair and smooth transition if Dont ask, dont tell was rescinded. This paper is not an argument for or against the current policy, but rather an examination of how the United States armed forces should produce a policy that would benefit both sides of the campaign, in the event that the Obama Administration is successful in its stated goal to overturn DOD directive 1332.14.</p>				
15. SUBJECT TERMS				
16. SECURITY CLASSIFICATION OF: a. REPORT b. ABSTRACT c. THIS PAGE unclassified unclassified unclassified			17. LIMITATION OF ABSTRACT SAR	18. NUMBER OF PAGES 42
				19a. NAME OF RESPONSIBLE PERSON

Contents

Disclaimer.....	ii
Abstract.....	iii
Section 1: Introduction.....	1
Section 2: Background.....	3
Section 3: Foreign Country Study.....	6
Section 4: History of Integration in the US Military.....	15
Section 5: Current Homosexual Training within the Department of Defense.....	19
Section 6: The Integration Process: The Dos and Don'ts.....	23
Section 7: Discussion.....	27
a. Activism.....	27
b. Special or Unequal Treatment.....	29
c. Non-Military Events.....	30
d. Program Failure.....	31
Section 8: Areas for Future Research.....	31
Section 9: Conclusion.....	32
Bibliography.....	36

Disclaimer

The views expressed in this academic research paper are those of the author and do not reflect the official policy or position of the US government or the Department of Defense. In accordance with Air Force Instruction 51-303, it is not copyrighted, but is the property of the United States government.

Abstract

Homosexuality in the United States military has been a contentious topic since the Clinton Administration's attempt to lift the ban on open service for gay and lesbians over fifteen years ago. Since then much has been written for and against the current policy, DOD directive 1332.14, commonly known as "Don't ask, don't tell." Gay rights organizations argue that it is a human rights issue and cite several countries that have lifted the ban on open homosexuality with few issues. Religious and conservative groups argue for maintaining the ban on the grounds that it would cause great harm to moral and unit cohesion. Despite the firestorm of opposing views, very little has been produced on how to implement a policy that would allow a fair and smooth transition if "Don't ask, don't tell" was rescinded. This paper is not an argument for or against the current policy, but rather an examination of how the United States armed forces should produce a policy that would benefit both sides of the campaign, in the event that the Obama Administration is successful in its stated goal to overturn DOD directive 1332.14.

Introduction

With the election of Barrack Obama as the forty-fourth President of the United States, the countries' gay rights groups are looking to finally reap the rewards of their fifteen year fight to overturn the ban on open homosexuality in the United States military. The current policy, DOD Directive 1332.14, commonly known as "Don't ask, don't tell" (DADT), was created in 1994 in response to the Clinton Administration's attempt to change the policy of restricting gays and lesbians from serving openly in the armed services. Since that time, organizations such as the Palm Center and Servicemembers Legal Defense Network (SLDN) have conducted a vast amount of research and written numerous papers on why the current policy fails to properly support homosexual service members. These organizations have conducted foreign country studies, campaigned for and received support of retired Flag Officers representing all four services and documented their argument with a battery of studies and papers.

The US military leadership has done the exact opposite, becoming the preverbal ostrich by burying its head in the sand, pretending that day will never come. By taking the "*if we plan for it, we will have to do it,*" approach, the military has not only failed to prepare its forces for the possible reversal of DADT, but it has wasted an opportunity to craft contingency plan that includes input from pro-gay organizations and religious and conservative groups alike. Thus, engineering a plan that would not only answer the grievances of homosexual service members, but also providing those in the military with religious or moral objections to have a hand in crafting a policy that benefits the military and not just one side or the other.

The Palm Center and SLDN provide compelling information from countries with similar armed forces that made successful transitions from closed to openly gay militaries. Studies of British, Australian and Canadian armed forces have shown that when the ban on open

homosexuality was lifted, their armed services did not experience mass defections, drop in recruitment or an overall disintegration in unit cohesion. Issues that were encountered were handled at the unit level, attributing to the overall atmosphere of the transitions as “non-events.” It is important to note that the aforementioned countries are not carbon copies of the United States and their success does not guarantee the same success for our military. American society remains much less secular than other countries, providing a more religious-based belief system that may provide greater resistance to open homosexuality in the military. Another factor is the United States is home to more activist organizations than the foreign countries studied, and may use the issue to further their political platforms. This is why it is critical for the Obama Administration and the senior military leadership to devise a policy that addresses both sides of the issue, and creates a strategic campaign plan that includes gay and straight grievances alike.

Reports and studies have addressed the easy questions for the past fifteen years: Not allowing homosexuals to serve openly in the military or forcing all service members to accept homosexuality as a way of life are both flawed ideas and may create more problems than they solve. With a new administration willing to push for the repeal of DADT, the US military must recognize the fact that open homosexuality could become reality sooner than later, and begin the proper planning and preparation that is required for such a monumental transition. Despite all the reports and studies, it is impossible to say that open homosexuality will have a smooth transition with no issues, or that it will ultimately not succeed. But if we fail to conduct a true examination of all components that can affect such a complicated issue, we are choosing to ignore potential problems, and in doing so we fall short the ultimate objective. In the end, it is not an issue of promoting homosexual rights or defending religious and moral beliefs; it's about creating a

policy that benefits the United States military and the dedicated soldiers, sailors, airman and marines that in there serve.

Background

Prior to 1992, the overarching policy for the US military was to ban homosexuals from service if identified at reception or administrative separation upon discovery after enlistment or commissioning. Fluctuation in policy and treatment of homosexuals varied greatly throughout the 20th Century. During the interwar years, prior to the end of World War II, enlisted personnel suspected or charged with homosexual acts were discharged under Section VIII without honor.¹ Following the war in 1945, the War Department policy changed to punishment by courts-martial or hospitalization. If the service member was hospitalized, their fate after “treatment” was either returned to duty, separated or court-martialed.²

Even though separation was still the most common practice, the policies still continued to change over the next two decades. The most liberal policy of the immediate post war era was allowing enlisted members identified as having homosexual tendencies, but not yet committing a sexual offense, to be discharged honorably. Officers were allowed to resign under honorable conditions.³

During the 1950s, the Army adopted more stringent regulations dividing homosexuals into three classes. Classes I and II were homosexuals charged with offenses of assault or coercion, or engaged or attempted to engage in homosexual acts. These service members were either court-martialed or separated from service. The third class was for personnel who exhibited, professed, or admitted homosexual tendencies. Class III could receive an honorable or general discharge.⁴

Regulations continued to be adjusted during the 1960-70s, eventually developing loop holes allowing commanders to disapprove the decisions of separations boards. Even though Army policy was that “homosexuality is incompatible with military service,” the officer elimination regulation implied that separation was discretionary.⁵ This provided means for service members to begin to challenge discharges in the courts. Cases such as *Matlovich v. Secretary of the Air Force* (D.C. Cir. 1978) and *Ben-Shalom v. Secretary of Army* (E.D. Wis. 1980) caused the Army to revise the enlisted regulations in 1981 to create separate chapter specifically for homosexuality. The Department of Defense followed in 1982 by issuing a directive that made homosexuality a total exclusionary policy uniform throughout the services.⁶ Thus, eliminating any loopholes and banning the enlistment, commissioning or service of anyone identified as homosexual.

It was not until Presidential William Jefferson Clinton cast the US military in to turmoil by announcing during a speech at Fort McNair 19 July 1993, that he intended to extend civil rights to gays and lesbians. This included rescinding the ban on gays and lesbians serving in the US Armed Forces, which was met with a fire storm of criticism from the Joint Chiefs of Staff and several prominent members of Congress led by Sam Nunn. Then-Chairman of the Joint Chiefs of Staff, General Colin Powell stated “active and open homosexuality by members of the armed forces would have a negative effect on military moral and discipline.”⁷ Retired General Norman Schwarzkopf, testified at the Armed Service Committee hearings suggesting that if the ban was lifted the troops “will be just like many of the Iraqi troops who sat in the deserts of Kuwait, forced to execute orders that they didn’t believe in.” A great deal of pressure was placed on President Clinton from both sides of the issue. Vice President Al Gore insisted that Clinton shouldn’t compromise and just lift the ban as a matter of principle. The President was

worried that even private statements about homosexuality would be largely prohibited, and worried that a compromise would be too restrictive on something he considered a private matter, but he also realized that in the end, there would have to be some restrictions on conduct.⁸

Congress, despite being aligned under the Democratic Party moved quickly to override the newly elected President. To find a solution in the form of compromise, then-Secretary of Defense Les Aspin formed an internal military Working Group and charged the panel to come up with a suitable plan for accommodating homosexuals in the military.⁹ In August, 1993, the President with the concurrence of the Secretary of Defense and the Joint Chiefs of Staff, announced a compromise policy called “Don’t Ask, Don’t Tell, Don’t Pursue.”¹⁰ Congress held further hearings that led to legislation being passed on 22 December 1993,¹¹ providing regulations for the military to enforce the new law. The new policy contained two main differences over the previous. First, it included the phrase “a person’s sexual orientation is considered a personal and private matter and is not a bar to service unless manifested by homosexual conduct.” The second difference was that military recruiters and commanders were no longer allowed to ask potential recruits or service members questions related to their sexual orientation; and commanders were restricted from actively seeking to identify homosexuals in their units unless the service member is involved in homosexual conduct.¹²

The current military policy has changed very little over the past fifteen years and is seen by pro-gay organizations as failing to provide equal rights to homosexuals. Despite numerous legal challenges to the standing policy, most senior military leadership seemed to support DADT.¹³ Groups on both sides of the argument cite polls that support their argument, but even the combination of these polls show the overwhelming majority of US service members are against overturning the policy and allowing open homosexuality in the military.¹⁴ However

among the general civilian population, the trend seems to be more tolerant of homosexuals serving openly. Public opinion polls have shown that the once contentious issue has become more accepted in American society, even though the majority of military service members remain opposed.¹⁵ No matter what the polls indicate, President Barrack Obama has made it clear that his administration is in support of overturning DADT to allow gays and lesbians to serve openly in the US Military. "The key test for military service should be patriotism, a sense of duty, and a willingness to serve. Discrimination should be prohibited," reads an entry on the president-elect's transition website.¹⁶ With a democratic majority in the Senate and House, it is very likely that President Obama will have the votes to overturn DADT. The question then is going to be what they new policy entails and how will it be administered for the good of the US Military.

Foreign Country Study

Numerous studies have focused on how other countries have changed their policies to allow gays and lesbians to serve openly in their armed forces. Some of the more notable include the RAND Study,¹⁷ GAO report (1993) and several studies from the Palm Center.¹⁸ Examination of British, Canadian and Australian Armed Services, all countries with integrated militaries, provides valuable confirmation of feasibility. Although these are only a few of the countries studied by the aforementioned reports, about half of the international countries do not have laws banning the military service of homosexuals. Britain, Canada and Australia were chosen because these countries share institutional similarities and common cultural, social heritage with the United States. These factors are significant in determining whether the policy solutions will prove to be a source of relevant lessons.¹⁹ For example, the three selected countries have all

volunteer forces; comprise an active combined troop level above 60,000 and have recently changed military policy to allow homosexuals to serve openly.

Canadian Armed Forces

Canada was the first of the three nations to change its policy toward open homosexuality in its Armed Forces. The Canadian Military is an all-volunteer force, consisting of approximately 77,800 active forces and 33,700 reserves. Men constitute 86 percent of the force and women 14 percent. Women are permitted to serve in combat and non-combat positions.²⁰ The Canadian Forces are routinely committed to peacekeeping operations and have been involved with operations in Cambodia, Cyprus, Lebanon, Somali and the former Yugoslavia.

The close relation between the Canadian Defense Forces (CDF) and the social construct of the nation has had a direct result in the overturning of the ban on gays in Department of National Defense (DND). The development of both civilian and military policies run parallel, with the major change in the late 1980s, when the Canadian courts determined that sexual orientation was covered by Charter of Right and Freedoms. Later in 1993, the Canadian Department of National Defense (DND) revoked its policy and removed all restrictions on homosexuals. The DND then began a review of conduct that may be associated with the change in regulations. This included inappropriate sexual conduct, personal relationships and harassment. The goal by government officials was to create standards of conduct identical for homosexual and heterosexual service members.²¹

At the time of the inception of the new policy, the DND did not recognize partner benefits, but reversed that decision soon after. In 1998, the DND received 17 claims for medical, dental and relocation benefits for homosexual partners.²² Current information on the effects of lifting the ban in the Canadian Military is incomplete. The DND decided not to conduct any

follow up reporting because it was afraid it would be offensive to gays. However a briefing for the Director of Personnel Policy, titled “Effects of cancellation of Canadian Forces Policy Restricting Service of Homosexuals,” states two significant findings:

1. Results from a poll that asked service members the following question on human rights issues and policies: “How satisfied/dissatisfied were they with the Canadian Forces policy on sexual orientation?” Of the 3,202 respondents, 3.8% had no opinion, 28.5% were either dissatisfied or very dissatisfied, 24.4% were neutral, and 43.3% ere either satisfied or very satisfied with the new policy.
2. Attitudinal reaction to the policy change on sexual orientation appears to be mixed, but not more so than to other social policy change. On the other hand, behavioral and conduct data compiled by several agencies in National Defense Headquarters yield little or no evidence to suggest that allowing homosexuals to serve in the Canadian forces has been problematic, either in terms of their behavior or their treatment by other members. This finding must be qualified, is not known to what extent homosexual members generally refrain from identifying their sexual orientation known. In which case behavioral and conduct indicators might not be reliable and the effect of the policy change on such variables as unit cohesion and morale would be extremely difficult if not impossible to measure.²³

Aaron Belkin, of the Palm Center, University of California (a gay rights organization) published a study in *Parameters*, Summer 2003, that showed lifting of the ban in Canadian DND had little to no impact in the military performance, readiness, or cohesion among the Canadian Armed Forces. In the report, Canadian civilian official with the DND, Steve Leveque, commented that including gays and lesbians in the Canadian Forces is “not that big a deal for us... on a day-to-day basis, there hasn’t been much of a change.” The study also provided that after the ban was lifted, there was no “mass coming out of the closet” of service members. This did change with time, but the majority of gay and lesbian soldiers refrained from acknowledging their homosexuality.²⁴

Australian Armed Forces

The Australian Defense Force (ADF) is a small all volunteer force approximately 70,000 active duty personnel. Although Australia participated heavily in WWII their military presence in the Korean and Vietnam conflicts was much more restricted, and has been reduced in modern times to peace keeping operations and providing a limited number of troops to the campaigns in Iraq and Afghanistan. The ADF acts in a similar manor as does the CDF, primarily for national defense and limited peace keeping and humanitarian assistance operations.

The (ADF) did not have an official ban on service members openly admitting that they were homosexuals, and recruits were not asked their sexual orientation upon entry. Guidance to commanding officers came about in 1986 for handling cases for military personnel who were identified as gay or lesbian. If a service member self-identified as homosexual he or she was asked to resign and in most cases complied. If they refused to resign, the ADF would commence actions to remove the person from military service.

The Australian Government ended the prohibition of homosexuals from in the armed forces in 1992 by implementing a new policy that stated unacceptable sexual behavior applies to all service members regardless of their sexual orientation.²⁵ Credit is given to the passage of the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission Act for forcing the change to the ADF policy. Australia does not have any laws prohibiting sodomy that interfered with the new law. The ADF charged individual commanders with the responsibility of implication of the new policy, which is monitored routinely through the chain of command.

Despite the lack of formal obstacles to the lifting of the ban there was still a great deal of anxiety over how it would be received by the military. However, as the GAO study revealed, there seemed to be very little impact on the recruiting level or number of personnel declaring his or her sexual preference. There had been no official measurement of unit cohesiveness and the affects the new policy may have had, however the GAO report did indicate that there seemed to be little or no adverse impact. Other studies have provided information that supports the ease of the transition, such as Belkin's 2003 paper highlighting the success of the ADF new policy.²⁶ The paper quotes an Australian Flag Officer, RW Gates as saying the lifting of the ban was "an absolute non-event," and that the Defense Ministry reported recruitment figures didn't alter. Like the Canadian model, the ADF created a document that outlined acceptable behavior, known as the Defense Instruction on Discrimination, Harassment, Sexual Offences, Fraternization and other Unacceptable Behavior. This document ensured that no distinction was made between homosexuality and heterosexuality. This focus on sexual behavior and not sexual orientation has contributed greatly to the ease of transition for open homosexuality in their armed forces.

British Armed Forces

The British have been the last of the three countries reviewed to change their policy. Arguably, the British military and their social structure are most similar to that of the United States. It has an all volunteer force consisting of approximately half a million personnel, and has been the closest ally to the United States in most military operations since WWII. British attitudes toward open homosexuality in their military also closely mirror that of America. Opinion polls for both the Military and civilian population showed the majority against open service for gays and lesbians.²⁷

The history of homosexuality for the British policy took a similar track as did the United States. Several committees were assembled to consider the legal position of homosexual practice, which concluded in 1957 that the criminality of homosexuality, in some circumstances, should no longer be a crime.²⁸ This was based on a key argument that is a matter of private morality and the law should not intrude. The British government rejected this proposal that the military was not ready for this change. Ten years later the Sexual Offences Act of 1967 allowed that in most cases, “Homosexual practice conducted between two consenting adults, over the age of 21, was a private and no longer a crime.”²⁹ However, this did not translate to the military which viewed this as a civilian law only and remained a criminal act subject to military law.

As the years progressed, so did the push for decriminalization of homosexuality in the British armed services. A select committee on the Armed Forces Bill recommended a change of the policy that was approved by the government.³⁰ This led to the British government’s acceptance of the Criminal Justice and Public Order Act of 1994 and under the Sexual Offences Act of 1967 was repealed and changed the military policy to accept that homosexual acts under civil law were no longer to be criminal under military law. However, the Minister of Defense

emphasized that although military personnel would no longer be prosecuted under military law, they could still be discharged from service.

During the 1990s, numerous court challenges were brought against the British Government by Stonewall, a gay activist group who represented numerous gay and lesbian service members previously discharged from the British military. These law suits eventually found their way to the European Union Human Rights Court, which in November 2000 the European Union's 15 members, including the United Kingdom, adopted a directive prohibiting discrimination on the basis of sexual orientation in public and private employment. This decision forced the United Kingdom to drop its ban on open homosexual service in the British Armed Forces, and on 12 January, 2000, the ban was replaced with a new, sexual orientation-free general code of conduct, fully titled the "Armed Forces Code of Social Conduct" (AFCSC). The Ministry of Defense (MOD) summarized the new code in the following way. "The policy to bar homosexuals from the Armed Forces was not legally sustainable and has now been replaced with a new policy which recognizes sexual orientation as a private matter. It was formulated with the full consultation and support of the three service chiefs and is firmly underpinned by a code of social conduct that applies to all regardless of their sexual orientation."³¹

The new British AFCSC is a three-page document that outlines appropriate behavior, regardless of sexual orientation. The following is an excerpt from the AFCSC on sexual conduct:

Examples of behavior which can undermine such trust and cohesion, and therefore damage the morale or discipline of a unit (and hence its operational effectiveness) include: unwelcome sexual attention in the form of physical or

verbal conduct; over-familiarity with the spouses or partners of other service personnel; displays of affection which might cause offence to others; behavior which damages or hazards the marriage or personal relationships of Service personnel or civilian colleagues within the wider defense community; and taking sexual advantage of subordinates.³²

The code also provides guidance through “*The Service Test*,” which assist commanders in determining how to handle inappropriate behavior. AFCSC provides the following direction in the fifth paragraph of the document.

When considering possible cases of social misconduct, and in determining whether the Service has a duty to intervene in the personal lives of its personnel, Commanding Officers at every level must consider each case against the following Service Test:

"Have the actions or behavior of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Service?"

In assessing whether to take action, Commanding Officers will consider a series of key criteria. This will establish the seriousness of the misconduct and its impact on operational effectiveness and thus the appropriate and proportionate level of sanction.³³

As can be seen, the AFCSC provides commanders with simple and common sense guidance that describes appropriate social conduct and allows unit commanders discretion to

address inappropriate behavior as the situation dictates; keeping in mind that the MOD views sexual orientation as a private matter.

The ability of the British MOD to establish a common and understandable regulation that provided gay and lesbians the ability to serve openly in the military became a key to the success of the change in policy. The new regulation allowed homosexuals to serve openly, but did not provide partner benefits or family housing to gay couples. Stephen Deakin a senior lecturer at the Royal Military Academy Sandhurst, credits the success of the program was the ability of the MOD to keep it “low key” maintaining the attitude of “don’t ask don’t tell” in most cases. Professor Deakin uses a British metaphor to describe the general attitude, “the issue has been firmly kicked into touch and one that no one really wants to be brought back into play.”

If Deakin is correct, the ability of the British government to keep the issue out of play has not lasted the decade. Several events have come to the forefront in regard to sexual orientation in British culture and military. The push for civil partnerships is a new topic on the British social agenda and may have implications for partner benefits for service members. There have also been several cases made public of British military personnel having sex change operations and continuing service in the military and service members marching in uniform in gay rights parades. In addition, the Stonewall organization is working with the British military to create a plan specifically for recruitment and retention of gay and lesbians into the military ranks. It is unclear if these recent events will have an affect on the current attitudes of British military personnel toward homosexual service mates, but the evolution of such issues are to be considered by the US military when drafting a plan for the repeal of DADT.

Summary

As demonstrated in all three studies, the success of the new policy can be attributed to the emphasis on equal standards and conduct and produced new regulations that are easy to understand and implement. The Australian and British policies focus on individual rights, with neither the ADF nor the British MOD offering partner benefits, making a clear distinction between individual rights versus group rights. This is in contrast to the Canadian model which seems to have more emphasis on group rights and does provide partner benefits. As like the other two countries, another stated key to success was the ability to keep the change low key, which was assisted by the low number of gay and lesbian service members who revealed their sexual orientation after the ban was lifted.

History of Integration in US Military

While the integration of open homosexuality in the US military is not directly comparable to the desegregation of blacks in the late 1940's, the experiences of racial integration provides insights into the military's ability to adapt to change.³⁴ Numerous pro-gay organizations cite the integration of Blacks as case in point for the integration of open-homosexuality into the US military. The argument is that if such a controversial social issue as racial discrimination can be overcome, then it is time for the elimination of sexual discrimination and repeal of the DADT policy.³⁵ Although they can be viewed as two different issues, the examination of the trials and processes that ended racial segregation may provide examples of how to achieve a better and more accommodating policy for allowing homosexuals to serve openly in the US military?

When President Harry Truman gave the Executive Order to desegregate the US military in 1948, few were accepting of the idea. Polls taken both within the military and in civilian

society reflected a strong resistance to the idea. In 1943, ninety percent of white civilians and eighteen percent of black soldiers believed that Whites and Blacks should be assigned to separate units.³⁶ Truman believed the time was at hand and by Executive Order 9981, the mandate was given to provide equal treatment and opportunity to all persons in the armed services. The first paragraph of the order reads:

*It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.*³⁷

It is likely that few in America would disagree today that the President's decision in 1948 was the right and necessary thing to do. If someone was to observe relations in today's military, they would observe an integrated social system that perhaps works even more efficiently than in the civilian sector. However, the process that President Truman put into play was not so cut and dry. As Jim Garamone states in American Forces Press Service News Article, "Looking back on the order after 60 years, one might think it was a slam-dunk decision, but it was not. In fact, Truman and Defense Secretary James Forrestal were about the only two U.S. leaders who favored the proposal."³⁸ There was an extreme amount of resistance from not only American society, but more importantly from within the military and its leadership. Army Chief of Staff General Omar N. Bradley stated that "desegregation will come to the Army only when it becomes a fact in the rest of American society," while Secretary of the Army Kenneth Royall

argued in favor of maintaining segregation, saying that the Army "was not an instrument for social evolution."³⁹

The eventual success that we see today was not an easy process and it did not happen overnight. In fact it wasn't until October 1953 that the Army announced that 95% of African-American soldiers are serving in integrated units.⁴⁰ The key to the eventual success of the action was the presidential order to establish the creation of a committee in the National Military Establishment. The committee's role was to "on behalf of the President to examine the rules, procedures and practices of the U.S. Armed Services in order to determine in what respect such rules, procedures and practices may be altered or improved with a view to carrying out the policy of this order."⁴¹ The first committee established was the Fahy Committee, named after the Committee Chairman, U.S. Solicitor General Charles H. Fahy.

Even with the backing of President Truman and establishment of numerous committees and programs to help facilitate the integration of minorities, the path from 1948 until present day was a long and rocky road. It can be argued that if left to the services, desegregation would have taken a much longer time to achieve. By looking at the manner in which the Truman Administration approached the issue and the lessons learned from the process itself, it may provide incite to assist in the facilitation of open homosexuality in today's military.

Numerous articles shed light on the integration of Blacks into the armed services from the 1940s thru 1970s. Alan Osur's *Black-White Relations in the U.S. Military 1940-1972* and *Social Research and the Desegregation of the U.S. Army Project Clear*, edited by Leo Bogart provide examples of the successes and problems encountered and may serve as a template for the integration of homosexuals.

1. Implementation of the program was greatly hampered within the Army because of a lack of one strategic action plan. Different commands proceeded at separate paces and were even allowed to create their own programs. US forces were slower to desegregate than the 8th Army in Korea, with other units showing complacency to the executive order and doing nothing toward racial integration. It wasn't until thirty years after Executive Order 9981 was issued that a service wide training program on equal opportunity and race relations was integrated.⁴²

2. Integration takes time and the more it was "forced" on the services, the more they resisted. Air Force and Navy, who had begun limited integration during and immediately following WWII, had seen better reception of Blacks after the executive order was given in 1948. The US Army, whose senior leadership fought desegregation, took a great deal longer to accomplish the directives end state. Truman's EO identified the need for immediate integration, but also identified time to adjust to the transformation. "This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."⁴³ It can be said that the DADT policy has been a bridge to open service of homosexuals. The past fifteen years of the current policy, (although viewed by both sides of the argument as a reluctant concession), has served to provide time for attitudes both in the military and in civilian society to become more receptive to homosexuals serving openly in the armed forces.

3. Integration of Blacks worked relatively well in Korea during war time operations, where Blacks were more readily accepted, especially when they showed great merit. Non-combat units such as those stationed in Europe saw a slower process and experienced more problems.⁴⁴ The dependence of individuals on one another in combat situations, overrode the prejudices among most service members allowing unit cohesion to grow. This dependence upon another individual

was not as prevalent in peace time Europe units where cohesion was much slower to form. If integration of homosexuals is similar to desegregation of the 1940s, then it would go against one of the main arguments for retaining the DADT policy. The idea states that unit cohesion would be most affected in combat situations, where straight and gay service members would be into close quarters.

4. The work environment within garrison saw fewer issues with regards to race, as opposed to non-work related and off-post events where problems with race were more prevalent. This included areas like non-military social functions and billeting and housing. To a lesser scale, this is similar to the differences seen in combat units and garrison units in the aforementioned paragraph. The work environment may not have produced a “**Maslowvian**” need to bond as was seen on the battlefield, but it did foster an atmosphere in which blacks could be seen as a Soldier, Sailor, Marine or Airman and not just someone of another race. Unfortunately, this did not always hold true outside the gates of a military base or confines of a ship. The attitude of tolerance or acceptance was much less prevalent off the military installation, especially when negatively influenced from the surrounding community, particularly in the southern United States.

Current Homosexual Training within the Department of Defense

On 19 July 1993, the Secretary of Defense issued a memorandum concerning homosexual conduct in the Armed Forces. The memorandum directs the Secretaries of the Military Departments to ensure that all members of the Armed Forces are aware of their specific responsibilities in carrying out this new policy. Of particular concern are personnel involved in recruiting, accession processing, commander's inquiries, criminal investigations, and administrative separations.⁴⁵ Although all services conduct homosexual training IAW the

SECDEF guidance, the methods vary across the branches. To better understand the current system, each of the branches training programs are summarized to provide insight on what changes if any are needed to properly integrate open homosexuality into the US Military.

Army

The Army conducts “Homosexual Conduct Training,” IAW AR 600-20 Army Command (Homosexual conduct policy 4–19, page 27). Training is mandatory for all initial entry soldiers to include Basic and Initial Entry Training, ROTC, OCS and the USMA, as well as mandatory annual training classes for all active and reserve component soldiers. Classes are scheduled through the unit training program, but the Staff Judge Advocate (SJA) Office facilitates the class. Attendance to the class is tracked from the unit level to the Department of the Army, and commanders failing to account for 100% of their unit’s participation could face disciplinary action. The following is from AR 600-20, which addresses the requirements for homosexual conduct policy.

g. Training.

(1) All officers and enlisted personnel of the Active Army and Reserve Components will receive briefings upon entry and periodically thereafter with a detailed explanation of regulations governing sexual conduct by members of the Armed Forces. Briefings will include policies on homosexual conduct and applicable laws in accordance with 10 USC 654 and Article 137, UCMJ.

(2) The Army uses the DOD Homosexual Conduct Policy Training Plan as a guide in training commanders and personnel involved in recruiting, accession processing, criminal investigations, and administrative separations. The training plan includes detailed hypothetical situations that illustrate how

military personnel should approach specific, concrete scenarios under the new DOD policy on homosexual conduct.⁴⁶

The Army distinguishes this training into two areas. The first area focuses on ensuring that personnel understand the definitions of what is considered appropriate and inappropriate behavior IAW DOD Policy. The second part centers on the administrative actions that encompass commander's responsibilities and actions regarding investigations and separations for inappropriate behavior. As with most mandatory classes for Army soldiers, these training sessions are not lectures and afford the participants the opportunity to ask questions or participate in discussions while in a non-punitive environment. Training is standardized across different post and locations and is based on guidance from the SECDEF and the US Army Office of the Staff Judge Advocate.

Air Force

The US Air Force also derives its guidance from the SECDEF memorandum and Department of the Air Force Memorandum dated 10 March 2000 "Homosexual Policy Guidance." However the Air Force memorandum only requires annual mandatory homosexual conduct training for JAG officers, Commanders and Security Forces/Investigation Personnel. There is also a one-time training requirement for any Air Force or civilian employee assigned to a manager or supervisor position, but training is not mandatory for the Air Force general population.⁴⁷ The training is conducted through the US Air Force Advanced Distributive Learning Service (ADLS). ADLS is an online course that guides the user through a Power Point briefing with DOD and US Air Force policies. All US Air Force homosexual conduct training is part of a unit's annual Operational Readiness Inspection (ORI). The Air Force Chief of Staff

memorandum also mandates the Service Inspector General make the application and enforcement of the policy an “item of specific interest.”

Navy

Navy Administrative Policy (NAVADMIN 094/00 Homosexual Conduct Policy and Training Requirements) dictates the requirements for homosexual conduct training IAW the DOD directive. NAVADMIN 094/00 mandates initial accessions training for NROTC units, OCS, Naval Academy and again prior to re-enlistments, as well as annual training for all US Navy personnel.⁴⁸ The Navy’s training program is conducted via the General Military Training (GMT) program. The curriculum is hosted on Navy Knowledge Online (Navy e-Learning and Personal Development GMT page), and includes a facilitation guide to assist Navy personnel through the online program. Training completed via Navy e-Learning is tracked by Fleet Training, Management and Planning System (FLTMPS). Training Officers also have the capability to upload completion data to FLTMPS. FTMPS produces a report for tracking personnel which is monitored by the Office of Chief of Naval Operations (CNO). According to the FLTMPS Management Office, all GMT training courses are approved by the Office of Chief of Naval Operations and staffed through the Navy SJA.

All three services derive their guidance from the DOD policy, but all three systems contain notable differences. The first distinction is in the median in which the instruction is taught. Both the Navy and the Air Force provide an online, web based program which limits the ability of the service member to ask questions or receive immediate feedback from a trained instructor. The online program may also be perceived as “just another requirement” and may limit the sincerity or commitment to the learning process. The Army system may be more difficult to facilitate and track, because of the reliance on the SJA to provide instructors, and

ability to ensure that all unit personnel are included in the training. However, the Army system is more personal and provides opportunities for service members to receive immediate feedback to questions.

The second main difference is the mandatory target audience. Both the Army and Navy require initial entry training, and annual training for all personnel, but the Air Force only requires annual training for specified leadership, legal and law enforcement. While conducting this research, twenty US Air Force ACSC students were interviewed and only two were familiar with the official DOD or US Air Force policy on homosexuality.⁴⁹ This is in stark contrast to the US Navy and Army ACSC students, of which 90% knew the general guidelines of the respective service policies. Even though this was not a formal study of a large demographic, it still shows the disparity of the policies between the services that require annual training for all personnel and the Air Force which only mandates homosexual training for a selected group.

The final difference between the services programs is which internal organization is responsible for oversight of the policy and training program. For the Air Force, the SJA approves the training material, but the Inspector General is directly responsible for oversight. The Navy program is conducted and tracked through FLTMPS, but falls under the direction of the CNO. The Army's policy is conducted at the unit level in coordination with the SJA and tracked through the chain of command to department of the Army.

The data indicates that even though the three services conduct their homosexual conduct training in diverse manners, it seems to have little or no negative affect on the current policy. Nevertheless, it does not guarantee that the current system of training will suffice to properly transition the US Military personnel to a new policy of open homosexuality. It is not likely that the existing programs will be able to address the controversial nature of repeal of DADT in their

current format; nor do the Air Force and Navy online programs provide opportunities for personnel to ask questions or voice concerns. One of the main lessons learned during the integration of minorities from EO 9981 was the military lacked a comprehensive and strategic action plan, universal to all armed services that would have standardized training and required the backing of all senior leadership. The lack of a unified training plan and insufficient compliance from some of the top military leadership, caused set backs and delays in the integration process which arguably lasted almost forty years after the EO was signed. Failure for the DOD to create a comprehensive and universal action plan for all services could lead to similar or even more disruptive outcomes for a new policy.

The Integration Process: The Dos and Don'ts

There is always the over done and much too used maxim that “if we fail to learn from history, we will be doomed to relive it,” but as monumental as this transition may be, it is critical that we get it correct. Failing to do so could lead to a prodigious or incomplete policy that alienates more than it integrates. The following examples of lessons learned are not exclusive, but do provide a good basis with which to begin.

1. The process will take time and immediate acceptance of the change to the current policy may not be welcome by all service members, especially those with strong moral or religious convictions, i.e. Muslim, Mormon, Christian or Jewish Soldiers. This raises the dilemma with anti-discrimination proposals; such proposals inevitably curtail freedom of choice for someone or some group. Positively protecting one group very easily discriminates against another group that belongs to a different category.⁵⁰ It is imperative that the US military provides a safe and secure atmosphere for gay and lesbian service members, as well as demanding tolerance and restraint to foster the good of the group. It is here that the DOD must walk a fine line between

supporting equal treatment without going as far as to endorse homosexuality. Findings in the RAND Report show a program that endorses a “homosexual lifestyle” may lead to possible alienation and resentment of the policy by straight service members.⁵¹

2. A “low key” approach was the universal explanation touted in the success for the three foreign military studies. In all three countries, the opposition’s fear of “homosexuals swinging from the rafters” did not materialize which assisted in calming the anxiety for the change. It is believed that the vast majority of homosexual service members decided not to reveal their identity and thus it became a non-issue. The few gay or lesbian service members that did make known their sexual identity usually had a good relationship with their co-workers and the knowledge made little or no difference in the unit’s cohesion.

3. Having support from the leadership of all branches is critical to implementation of the plan. Failure to do so will only cause confusion and hamper the process of integration. The RAND study finds that implementation is most successful where the message is unambiguous, consistently delivered and uniformly enforced. The military must send a message of reassurance to the force that the new policy is not a challenge to traditional military values and will not create undue disruption. Leadership is critical in this regard. Once the policy is in place, any open dissention, like that displayed by some Army leadership during the integration of Blacks, cannot be tolerated. Senior leadership that has irreconcilable differences with the new policy may have to make the decision to foster support, or tender their resignation.

4. A comprehensive and strategic action plan, universal to all five armed service components will be required. Currently, the five services conduct different programs pertaining to treatment of homosexuals or considerations of others classes. The disparity in the service training plans would require the DOD to establish a universal plan that is administered by a disinterested,

independent group, preventing the perception of bias for or against homosexuality as a lifestyle. Monitoring of the process should be established to identify any problems and address those problems immediately. The RAND's research suggested several key actions that are essential to a smooth and successful policy change.

- a. Training efforts that provide leaders with the information and skills needed to implement the policy are essential. Emphasis should be placed on conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, efforts to teach tolerance would simply breed more resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day. Belkin's article points out that none of the four countries his report included studied the attempt to force its service members to accept homosexuality, but rather insist their service members refrain from abuse and harassment, and focus on equal treatment.
- b. The military must establish a standard of professional conduct that requires all personnel to behave in ways that enhance good order and discipline. The British Armed Forces Code of Social Conduct is a good example that establishes a clear and decisive message and provides guidance to commanders in dealing with inappropriate conduct. It is important that the DOD create a clear and concise policy, not shrouded in lawyer jargon and less complicated than the current DADT policy.
- c. The policy selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to the change an opportunity for continued resistance. Although inception of the policy is critical, it needs to be realized that immediate effects may be slow to materialize and patience would be required, but commanders and military leadership must show complete resolve for the program to be successful.⁵²

5. The DOD must coordinate a planning committee that not only includes gay rights groups like the Palm Center and Servicemembers Legal Defense Network (SLDN), but also include organizations that represent the views of the majority of service members. Religious and conservative groups need to be included to ensure that differing beliefs and moral issues are addressed. The Obama Administration prides itself in promoting the inclusion of all parties in resolution of conflict, and this issue should be no different. Once the decision is made, all parties need to come together to find a solution that benefits the whole of the group and not just a single party.

Of all lessons learned, perhaps the most important message is that of judging individuals on their own merit. The more we hold people accountable for their valued attributes, the less we pay attention to skin color, religion or sexual orientation/preference. This was exactly the case with the integration of Blacks during the Korean War. Long after the transition President Truman issued EO 9981, there was a significant delta between forces fighting in on the Korean peninsula and the garrison units in the US and Europe. Troops in fighting at the Pusan Perimeter or at the Chosin Reservoir learned to become discriminatory of the important traits that matter in battle. These soldiers and marines learned not to care about another person's skin color, as much as if they could shoot straight, show courage under fire or carry their share of the load. CONUS and EUCOM service members were not as exposed to this opportunity to break free from stereotypes and prejudice, and therefore it took longer to accomplish the true nature of what integration was meant to achieve. This goes directly against what most opponents of open homosexuality in the military claim to be a valid argument, the disruption of good order and discipline in combat situations. The example of integration of Blacks during the Korean conflict is not proof that the opposing argument is irrelevant, but it does provide a great example of what can be achieved

when we begin to be less tolerant of superficial traits and judge people for their ability to accomplish their mission.

Discussion

Any policy that deals with change to an institution like the US military is bound to have its share of perceived pitfalls, and when dealing with such a contentious issue of open homosexuality, those changes bring on a whole new set of challenges. That is why it is critical to examine all facets of the debate, ensuring that even if the issues don't come to fruition, they have been addressed prior to commencement of the new policy.

Activism

As noted previously in the foreign military studies, no two countries are exactly the same regarding culture and society. An argument can be made that because the United States is home to powerful gay rights and conservative organizations, and the ability of the government to keep the transition “low key” may be challenging. Gay rights organizations may not be satisfied with the idea of the “individual rights” approach, and may push for a group rights platform to be adopted, including recognition of same sex marriage, and partner benefits. Conservative groups may join the battle and attempt to block any challenges affording marriage rights to same sex couples, or partner benefits gay service members. There is also the issue of the “Defense of Marriage Act” that would have to be addressed for such benefits to be established.⁵³ The past fifteen years of DADT have provided ample time for both groups to build their arsenals, and if not managed fairly, either side could convolute an already complicated process.

The British program which has been praised for such a smooth transition, owes its success to the low key approach. British gay rights organizations as well conservative groups supported the MOD’s decision in 2002. The British military treated the subject as an individual

right (not offering partner benefits) and all parties coalesce on the outcome. However, less than six years later, Stonewall, the leading advocate for gays and lesbians in the British armed forces, is petitioning for active involvement with the British MOD. Stonewall officials are working with the MOD to push for partner benefits and the inception of a program to recruit and retain homosexuals for the armed forces.⁵⁴ Stonewall's recent activity may be viewed in two ways. The first is that of changing times and societal evolution, and such a program is required to further integrate open homosexuality into the British armed forces. The other view may be that Stonewall limited their demands in the original 2002 policy change in order to limit outcry from opposition groups and has now decided to push for a broader agenda. Either way, the issue seems not to have been completely solved for the British.

Without clear evidence that homosexuality is a genetic trait or purely behavioral, the US military is put in a position to decide whether to treat open homosexuality as an individual or group issue.⁵⁵ In both the British and Australian models, the policies address what people do sexually in their private life as of no interest or concern to the military. This presents itself as the easiest and most uncomplicated position to take for the US military, but goes against the predominate view from gay and lesbian groups, which is one of civil rights, attempting to gain public acceptance and furthering the group cause. Hanging in the balance is the issue of same sex marriage and partner benefits and possible enforcement of quotas for recruitment and retention as well as promotion. The adoption of a DOD policy that recognizes homosexuality as a private matter, but fails to address partner benefits, could fail to win support from gay advocacy groups like SLDN or the Palm Center. On the other hand, if the DOD is perceived as adopting a policy that promotes a "gay lifestyle," by recognizing same-sex marriage or openly

recruiting homosexuals, conservative and religious groups or even the military itself could provide stiff resistance to the change.⁵⁶

Special or Unequal Treatment

The subject of special or unequal treatment is an issue that may have to be addressed with regards to billeting arrangements in barracks. Countries that have an integrated homosexual population have made such concessions to remedy conflict between gay and straight service members who voice serious reservations about billeting with someone of a different sexual preference. Belkin's article cites Israeli soldiers that are given permission to live off post if they were bothered by sharing quarters with gay or lesbian soldiers. Other instances have allowed soldiers to change units if they are having trouble fitting in with their peers or afforded the opportunity to shower separately.⁵⁷ Even though this type of special treatment is rare, it was best handled by allowing commanders flexibility at the unit level, and avoid setting standards across the armed forces. There are also countries that have separate rules for homosexual and heterosexual service members, for example Germany only allows open homosexuality in their conscripted forces.

Non-Military Events

The transformation of open homosexuality in the work place or battlefield is likely the least challenging of all issues at hand. Sexual preference even with the policy of DADT seems to be irrelevant in most units where the gay or lesbian service member has proven to be an integral part of the work environment. However, the events and situations outside the work place are the areas least considered and most likely the most controversial. What could happen if the situation is carried beyond the work place to official or unofficial military social events i.e. unit organizational day, hail and farewell or military ball? Will those same personnel be as

accepting when that gay service member brings their partner to the post Easter egg hunt at the youth center? It is doubtful that someone who is accepting of a homosexual when in uniform will become openly hostile at a social event, but the presence of a gay service member or their partner could have negative effects on attendance. It may become more of an issue if the event included family members and children. The 2000 RAND study found that in work environments that employ gays, anti-homosexual sentiment does not disappear, but heterosexuals' behavior toward homosexuals becomes more moderate in the work place.⁵⁸ The idea that the negative attitude does not completely disappear may be part of a mind-set that is accepting at work, but changes when other variables are introduced, such as the attitude of, "I may have to tolerate homosexuality at work, but I don't have to accept the behavior." The end result could possibly be lowered attendance by personnel with adverse beliefs toward homosexuality, or the existence of an unwelcome atmosphere for a gay service member and their partner at unit social events. This is why it's essential that we look beyond the obvious situations and take a hard look at potential areas that may cause consternation for both personnel with deep seated religious or moral values, and a feelings of rejection for that same gay service member that was "part of the team" in the office environment.

Program Failure

From examples set by foreign militaries, and our own success with the desecration of minorities, it seems unlikely that the lifting of the ban on homosexuality will have devastating effects on the US Armed Forces. However, our military and society are not carbon copies of Canada, Australia and Britain, and the topic of race integration is not regarded as the same as open homosexuality. As improbable as it may be, there must be a plan to address such issues as lower recruitment and retention, or service wide degradation in unit cohesion. As pointed out by

the RAND study, the lifting of the ban on open homosexuality can not be approached with the attitude of “experimentation” or a “trial period.” This would limit the commitment of objectors and could further increase resistance in such a way as to “wait out” the issue. Ignoring a possible outcome may be uncomfortable to examine, but if not addressed it could be detrimental to dealing with future issues that are vital to the process.

Areas for Future Research

This paper has not addressed all issues that are pertinent to ensuring a smooth transition for our military. There are several subjects that still have to be addressed prior to repeal of DADT or in the years following the inception of a new policy. The subject of transgender soldiers in the British military has grabbed headlines in England, with the MOD adopting a policy that allows service members to remain in their current position after sex modification surgery. This is not only a moral question, but it would also be a health care benefits (Tri-Care).

If the US military abolished DADT, it may need to deal with existing sodomy laws in numerous states, and how that may impinge on the Tenth Amendment of US Continuation. As well as the subject of partner benefits and recognition of same-sex marriage. State's rights, coupled with the "Defense of Marriage Act" 5/96 H.R. 3396 (May 1996) would present a major roadblock for a military policy that attempted to recognize same-sex marriage for the purpose of partner benefits.

Even in its most modest form, the right to sexual privacy may have implications on other sexual behaviors addressed in military regulations, such as adultery. If sexual behavior is to be viewed as a purely private matter, the US military may need to address current adultery laws, and if prohibiting sexual acts outside of one's own marriage is still incompatible with military standards.⁵⁹ The effect of a relationship between two male soldiers, in accordance with

established sexual behavioral regulations may not have a drastic effect on unit cohesion or moral; however the permitted relationship of a soldier's spouse and a co-worker would most likely have serious implications on unit integrity.

Conclusion

Reports and studies have addressed the easy questions for the past fifteen years. Not allowing homosexuals to serve openly in the military or forcing all service members to accept homosexuality as a way of life are both flawed ideas and may create more problems than they solve. With a new administration willing to push for the repeal of DADT, the US military must recognize the fact that open homosexuality could become reality sooner than later, and begin the proper planning and preparation that is required for such a monumental transition. Despite all the reports and studies, it is impossible to say that open homosexuality will have a smooth transition with no issues, or that it will ultimately not succeed. However, if we fail to conduct a true examination of all components that can affect such a complicated issue, we are choosing to ignore potential problems, and in doing so we fall short the ultimate objective. In the end it is not an issue of promoting homosexual rights or defending religious and moral beliefs, it's about creating a policy that benefits the United States military and the dedicated soldiers, sailors, airman and Marines that in there serve.

¹ Davis, Jeffrey S., “Military Policy Toward Homosexuals,” 27.

² Army Regulation 615-368, para. 2.b.

³ Army Regulation 615-368, para. 3.b.

⁴ Army Regulation 635-89, para. 3

⁵ Army Regulation 635-100, para. 5, note 141.

⁶ DOD Directive 1332.14, note 1.

⁷ Assessment of the Plan to lift the Ban on Homosexuality in the Military: Hearings Before the Mil. Forces & Personnel Subcomm. of the S. Comm. on Armed Servs., 103d Cong., 1st Sess. (1993).

⁸ Drew, “On the Edge,” 248-250.

⁹ Memorandum from the Military Working Group to the Secretary of Defense, Recommended DoD Homosexual Policy Outline (June 8, 1993).

¹⁰ Cleveland and Ohl, 11.

¹¹ US Code 654, Public Law 103-160, 30 November 1993, 107 Stat. 1671.

¹² Peterson, “Homosexuality, Morality and Military Policy,” 6.

¹³ A letter signed by 1,050 retired military officers, including 47 four-star leaders, requests that a 1993 law banning homosexuals from serving in the U.S. armed services be retained. The letter was delivered to President Barack Obama and Congress 02 April 2009.

¹⁴ Military Times, http://www.militarycity.com/polls/2007activepoll_politics.php, (31 December 2007).

¹⁵ The Pew Research Center, 22 March 2006.

¹⁶ Benoit, “Obama Era Expected to End Taboo on Gays in US Military.”

¹⁷ The RAND Corporation (Research and Development) is a nonprofit global policy think tank first formed to offer research and analysis to the United States armed forces. The organization has since expanded to working with other governments, private foundations, international organizations, and commercial organizations.

¹⁸ The Palm Center, a think tank at the University of California, Santa Barbara, produces scholarship designed to enhance the quality of public dialogue about critical and controversial public policy issues. Since 1998, the Center has been a leader in commissioning and disseminating research in the areas of gender, sexuality, and the military.

¹⁹ Wolfenden, “Introduction of a Code of Social Conduct in the Armed Forces,” 4.

²⁰ GAO/NSIAD-93-215, “Homosexuals in the Military,” 29.

²¹ GAO/NSIAD-93-215, “Homosexuals in the Military,” 30.

²² Belkin, “Don’t Ask, Don’t Tell,” 4.

²³ Briefing Note for Director of Personnel Policy, Canadian Armed Forces, 2.

²⁴ Belkin, “Don’t Ask, Don’t Tell,” 110-112.

²⁵ GAO/NSIAD-93-215, “Homosexuals in the Military,” 19

²⁶ Belkin, “Don’t Ask, Don’t Tell,” 110.

²⁷ Cass, “The British Army, Manpower and Society,” 123.

²⁸ Deakin, “The British Army and Homosexuality,” 2.

²⁹ Sexual Offences Act of 1967

³⁰ Select Committee on the Armed Forces Bill, London, HMSO. 1991. Para. 38.

³¹ British MOD policy on Homosexuality, 02 November 2001.

³² British MOD, Armed Forces Code of Social Conduct, 2000.

³³ British MOD, Armed Forces Code of Social Conduct, 2000.

³⁴ RAND Research Brief, “Changing the Policy Toward Homosexuals in the US Military”, 3.

³⁵ Rimmerman, “Gay Rights, Military Wrongs,” 24.

³⁶ Lee, “Employment of Negro Troops,” 305.

³⁷ Executive Order 9981 Equal Treatment and Opportunity Order, July 26, 1948.

³⁸ Garamone, “Historian Charts Six Decades of Racial Integration in U.S. Military.”

³⁹ Harry S. Truman Library and Museum, Desegregation of the Armed Forces: *Chronology*.

⁴⁰ Harry S. Truman Library and Museum, Desegregation of the Armed Forces: *Chronology*.

⁴¹ Executive Order 9981 Equal Treatment and Opportunity Order, July 26, 1948.

⁴² Hopkins, “Out of the Closet,” 16.

⁴³ Executive Order 9981 Equal Treatment and Opportunity Order, July 26, 1948.

⁴⁴ Osur., “Black-White Relations,” 3.

⁴⁵ SECDEF Memorandum, “Training Guidance For DoD Policy On Homosexual Conduct in the Armed Forces.”

⁴⁶ AR 600-20, Army Command Policy, para 4-19, 27.

⁴⁷ AFCoS Memorandum, “Homosexual Policy Conduct,” 10MAR00

⁴⁸ NAVADMIN 094/00, “Homosexual Conduct Policy and Training Requirements.”

⁴⁹ Informal study of US Service ACSC students.

⁵⁰ Deakin, “The British Army and Homosexuality,” 17.

⁵¹ RAND Research Brief, “Changing the Policy”, 4.

⁵² RAND Research Brief, “Changing the Policy”, 5.

⁵³ Defense Of Marriage Act" 5/96 H.R. 3396 Summary/Analysis.

⁵⁴ BBC News, 13 July 2008.

⁵⁵ Abbott, Behavioral Genetics and Homosexuality, July 2007.

⁵⁶ RAND Research Brief, “Changing the Policy,” 5

⁵⁷ Belkin, “Don’t Ask, Don’t Tell,” 114.

⁵⁸ RAND Research Brief, “Changing the Policy,” 2.

⁵⁹ Strachan, ““The British Army, Manpower and Society Into the Twenty-first Century,” 207.

Bibliography

Abbott, Douglas, A. Ph.D., “Behavioral Genetics and Homosexuality,” (July 2007).

Army Regulation 615-368, Enlisted Men, Discharge, Undesirable Habits or Traits of Character, (07 March 1945)

Army Regulation 615-368, Enlisted Men, Discharge, Undesirable Habits or Traits of Character, (14 May 1947)

Army Regulation 635-89, Personnel Separations, Homosexuals, (21 January 1955).

Army Regulation 635-100, Personnel Separations, Officer Personnel, (19 February 1969).

Assessment of the Plan to lift the Ban on Homosexuality in the Military: Hearings before the Mil. Forces & Personnel Subcomm. of the S. Comm. on Armed Servs., 103d Cong., 1st Sess. (1993).

BBC News <http://news.bbc.co.uk/1/hi/uk/7504238.stm>, (21 January 2009).

Belkin, Aaron, “Don’t Ask, Don’t Tell: IS the Gay Ban Based on Military Necessity?” Parameters, US Army War College Quarterly, Summer 2003.

Benoit, Daphne, “Obama Era Expected to End Taboo on Gays in US Military,” <Http://www.Obama era expected to end taboo on gays in US military.YahooNews.mht> (07 January 2009).

Bogart, Leo, editor, Social Research and the Desegregation of the U.S. Army Project Clear (Chicago, 1969), pp. 49-50, 319-21; Nichols, pp. 127-33.

British Ministry of Defense, Armed Forces Code of Social Conduct, 2000.

British Ministry of Defense, Policy on Homosexuality, 02 November 2001.

Cass, Frank, “The British Army, Manpower and Society into the Twenty-First Century,” London, 2000.

Davis, Jeffrey S., “Military Policy Toward Homosexuals: “Scientific, Historic and Legal Perspectives,” The Judge Advocate General’s School, United States Army, April 1990.

Defense Of Marriage Act, 5/96 H.R. 3396 Chapter 115 of title 28, United States Code section 1738B, Library of Congress, <http://thomas.loc.gov/cgi-bin/query/z?c104:H.R.3396.ENR>, Washington, DC (24 February 2009).

Department of Defense Directive 1332.14 (1982)

Drew, Elizabeth, "On the Edge, The Clinton Presidency," Simon and Schuster Inc, New York, NY, 1994.

Eberhart, Dave, "Military Opposes Obama's Pro-Gay Stance,"
http://www.newsmax.com/headlines/obama_military_gays/2009/01/08/169333.html

Executive Order 9981, Desecration of United States Military, July 26, 1948

Flaherty, Anne, "Obama consults advisers on military gay ban," The Associated Press, (03 March 2009).

Garamone, Jim , "Historian Charts Six Decades of Racial Integration in U.S. Military," American Forces Press Service, Http://www.DefenseLink News Article Historian Charts Six Decades of Racial Integration in U_S_Military.mht, (31 December 2008)

Hopkins, Yvette C., "Out of the Closet: Addressing Policy Options," School of Advanced Military Studies, United States Command and General Staff College, Fort Leavenworth, Kansas, 2001.

Memorandum from the Military Working Group to the Secretary of Defense, Recommended DoD Homosexual Policy Outline (June 8, 1993).

Military Times, http://www.militarycity.com/polls/2007activepoll_politics.php, (31 December 2007).

Osur, Alan M., "Black-White Relations in the U.S. Military 1940-1972," Air University Review, November-December 1981

Peterson, Michael A., "Homosexuality, Morality and Military Policy," Naval Postgraduate School, Monterey, CA, March 1997.

Rimmerman, Craig, "Gay Rights, Military Wrongs: Political Perspectives on Lesbians and Gays in the Military," Taylor & Francis, Inc (1996)

Strachan, Hew, "The British Army, Manpower and Society Into the Twenty-first Century," Taylor and Francis, London, England (1999).

The Pew Research Center for the People & Press, "Less Opposition to Gay Marriage, Adoption and Military Service," Washington, DC (22 March 2006).

Truman, Harry S. Library and Museum, "*Desegregation of the Armed Forces: Chronology*," http://www.trumanlibrary.org/whistlestop/study_collections/desegregation/large/index.php?action=chronology, (National Archives and Records Administration, December 28, 2008)