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THESIS

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**"DON'T ASK, DON'T TELL" -
POLICY ANALYSIS AND INTERPRETATION**

by

**Fred E. Cleveland
and
Mark A. Ohl**

June, 1994

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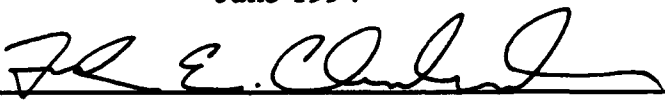
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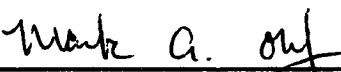
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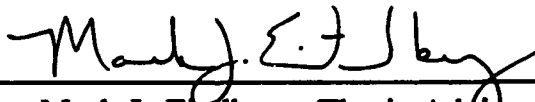
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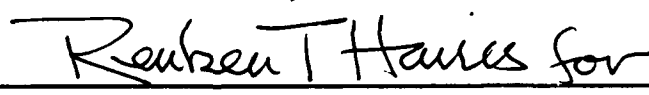
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ABSTRACT

The Department of Defense issued directives in December of 1993 revising the policy on homosexuals in the military. The policy, dubbed "don't ask, don't tell," makes a distinction between sexual conduct and sexual orientation. Sexual orientation is considered a private matter while sexual misconduct is an offense that remains punishable by separation. The new policy also prevents investigations solely for the purpose of determining sexual orientation. The purpose of this thesis is to investigate interpretations and understanding of the new policy by Navy junior officers attending the Naval Postgraduate School (NPS), at the time the policy was introduced. The research approach involved two phases: a structured questionnaire distributed to all (approximately 1,000) Navy students followed by focused interviews to probe issues raised in the written survey. The results suggest that Navy students at NPS are generally not familiar with rules under the new policy. Also, a majority of these officers are uncomfortable with perceived changes in policy and tend to interpret the new rules conservatively. The authors conclude that a general lack of understanding concerning the actual changes have contributed to a level of anxiety displayed by most officers. It is recommended that a training plan be developed, with the combined efforts of legal officers and fleet operators, to provide Naval officers with accurate information and guidelines on how to administer the new policy.

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I. INTRODUCTION

A. THE POLITICAL SETTING: A NEW POLICY IS FORMULATED

Public interest in the military's policy on homosexuals heightened considerably on October 30, 1991. This was the day presidential candidate Bill Clinton, while at Harvard's Kennedy School of Government, was asked to comment on a government report supporting the idea that homosexuals could serve in the military effectively and with distinction. He was also asked what he thought of lifting the military's ban on homosexuals. Candidate Clinton responded:

There ought to be a presumption that people who wish to do so should be able to serve their country if they are willing to conform to the high standards of the military, and that the emphasis should be always on people's conduct, not their status....This issue has never been one of group rights, but rather of individual ones, of the individual opportunity to serve and the individual responsibility to conform to the high standards of military conduct. For people who are willing to play by the rules, able to serve and make a contribution...we should give them the chance to do so.[Ref. 1]

Bill Clinton later supported his comments by pledging, if elected, to issue an executive order overturning the exclusionary policy on lesbians and gays in the military. This promise to end the 50-year-old prohibition on avowed homosexuals in the armed forces was repeated on September 19, 1992 when he added: "The issue is whether you should be able to stay [in the military] if you acknowledge you are gay. I

don't believe that alone should be justification for kicking you out." [Ref. 2]

On November 11, 1992, as President-elect, Clinton again confirmed his promise to lift the military's ban on homosexuals, but stated that he would consult with the Service chiefs before implementing the change. [Ref. 3] Within days of this pledge, political opposition became vocal. On November 15, Senator Sam Nunn (Democrat-Georgia), chairman of the Senate Armed Services Committee, announced his opposition to changing the policy and warned that gays currently serving in the military could be physically assaulted if Clinton moved too quickly. [Ref. 4] Political heat continued to rise when, one day after Clinton's inauguration, a spokesman said the new president planned to "end discrimination against homosexuals in the military" within the first two weeks of his presidency. [Ref. 5]

On January 29, 1993, President Clinton directed Secretary of Defense Les Aspin to develop a draft executive order "ending discrimination on the basis of sexual orientation in determining who may serve in the armed forces of the United States." [Ref. 6] The President also directed the services to immediately stop asking recruits about their sexual orientation. In response, the Pentagon modified the long-standing policy that viewed homosexuality as "incompatible with military service" to a less restrictive regulation. New provisions also allowed homosexuals who

declared their orientation and who were not guilty of misconduct to be transferred to the Inactive Reserve until a final policy took effect.

Despite this interim policy, which was primarily intended to give the administration some time (six months) to study the issue, public interest and political unrest mounted. For example, a Newsweek Poll conducted January 21-22, 1993, suggested that almost half of the American people wanted the President to delay lifting restrictions on gays in the military if it would produce morale and readiness problems. At the same time, 40 percent of the public thought President Clinton should not delay his promise. The same poll also asked if gays could serve effectively in the military if they kept their sexual orientation private. Approximately 72 percent of the respondents answered affirmatively, and 22 percent disagreed.

The President's opponents on Capitol Hill grumbled openly about executive branch infringement on congressional authority. Senator Sam Nunn, for example, delivered a major floor speech reiterating the Constitutional prerogatives of the Congress and the need for hearings, with testimony from all sides, before arriving at a final decision on the gay issue. As evidence of congressional intent, Senator Nunn stated: "I believe that it is essential that Congress codify the policies regarding homosexuality in the armed forces by adopting legislative findings and providing clear legislative

direction to the Executive Branch." [Ref. 7] The immediate result of his speech was a meeting with the President where the two worked out a compromise to replace the interim policy. The compromise would not allow the questioning of prospective recruits about their sexual orientation, but the discharge of homosexuals would continue. President Clinton's commitment to issue an executive order on July 15, 1993 remained firm. [Ref. 8]

The first meaningful political challenge to the President came on February 4, 1993 during a vote in the Senate. The challenge was in the form of a Republican-led overture to attach an amendment to a family leave bill, which would have kept in place the Defense Department's pre-existing policy on gays. The measure was rejected by a vote of 62 to 37. Senator Nunn, who earlier got his "slow down" compromise with the President, also voted against the Republican effort.

Meanwhile, Senate minority leader Robert Dole (Republican-Kansas), who opposed lifting the gay ban, vowed: "We are going to win, whether that is six months from now or whenever that may be." [Ref. 9] Perhaps mindful of such fulminations, on March 23, 1993, President Clinton softened his stance by saying he would not rule out placing restrictions on where gays could serve in the military, such as sea duty or combat. Two days later, however, the President insisted that his position on the ban had not changed. [Ref. 10]

March 1993 also saw Senator Nunn offer a compromise policy described as "don't ask, don't tell, don't flaunt." The "don't ask, don't tell, don't flaunt" settlement would allow gays to serve in the military as long as they made no public declarations of their sexuality and refrained from homosexual behavior.[Ref. 11] Although this proposal ultimately failed to garner wide support, it did provide a starting point for discussion and policy modification.

On April 5, 1993, Secretary of Defense Aspin directed that a Military Working Group (MWG) be formed to develop and assess alternative policy options to meet the President's requirements. The group was comprised of about 50 military members and was given instructions to come up with ways "to end discrimination on the basis of sexual orientation in determining who may serve in the armed forces." [Ref. 12] In pursuit of those aims, the MWG met with individuals and groups holding a wide range of views on the subject. This initiative included meetings with uniformed and civilian experts from within and outside the Department of Defense (DoD). The MWG also studied the experiences of militaries in other countries, researched available literature, and performed statistical analyses of military separation data obtained from the Services. Also in April, the Secretary of Defense commissioned the RAND Corporation's National Defense Research Institute to provide

information and analysis that would be useful in helping to formulate the draft policy.[Ref. 13]

The RAND study is particularly noteworthy in that it cost taxpayers approximately \$1.3 million and had virtually no influence on the policy decision. Critics of the study complained that RAND's proposals to integrate homosexuals into the military were naive and went beyond the compromise policies that were being discussed on Capitol Hill. For example, some charged that RAND "would allow the integration of homosexuals and let 'outstanding leadership' take care of any problems." [Ref. 14] The implication was that commanders would have to "deal" with openly homosexual troops and be expected to do whatever was necessary to preserve the effectiveness of their units. Other critics claimed that RAND "never mentioned cohesion and ignored any potential disruption because they said we (the military) didn't have any empirical evidence." [Ref. 15]

It was not surprising that RAND's recommendations to integrate gays into the armed forces upset senior military officers. Although they had always pledged to support whatever decision the president made, military leaders had publicly opposed lifting the ban.[Ref. 16] The depth of the military's opposition was demonstrated by a two-hour meeting at the White House between President Clinton and the Joint Chiefs of Staff to discuss this issue in the first week of Clinton's administration.

General Colin Powell, Chairman of the Joint Chiefs of Staff, was particularly vocal in his opposition to lifting the ban on homosexuals in the military. In a surprising act of dissidence, General Powell publicly criticized the Commander-in-Chief's position on the issue, strongly contending that "active and open homosexuality by members of the armed forces would have a negative effect on military morale and discipline." [Ref. 17]

Comments and actions such as these caused some to wonder whether military leaders, especially General Powell, violated the bounds of propriety in civil-military relations by entering a partisan political debate. [Ref. 18] Others noted that, under the terms of the Goldwater-Nichols Act, the Chairman of the Joint Chiefs of Staff is duty-bound to give the president his advice. Further, there was nothing wrong in the military's strategy of mobilizing veterans and members of Congress in opposition to a particular policy proposed by the President. [Ref. 19]

It is important to point out that, despite the opposition of senior military leaders to the proposed policy change, no one was ever publicly castigated for doing so. General Carl Mundy, Commandant of the Marine Corps, was rebuked for circulating a film that dramatized the potentially harmful effects of lifting the ban; but the military's most vocal critics of the policy change were seemingly given coverage by the news media, often without challenge by supporters of

change in the administration. This allowed military leadership to set a tone for the rest of the military who were generally opposed to lifting the ban. [Ref. 20] It can be argued that a president with stronger military credentials may have exercised greater control over the senior military leaders who opposed him. This was difficult for President Clinton who was viewed suspiciously by the military because he avoided service during the Vietnam era and exhibited little interest or knowledge in military matters.[Ref. 21]

As a result of the various points of view, this period was filled with intense, often heated, negotiations between Les Aspin, Sam Nunn, and the Joint Chiefs of Staff. The month of May 1993, for example, saw a flurry of activity from the Senate Armed Services Committee as it received testimony from both supporters and opponents of the ban. On one side, individuals such as retired General H. Norman Schwarzkopf warned of severe consequences if the gay ban were lifted. General Schwarzkopf testified that, in cases where homosexuals have been identified, "polarization occurred, violence sometimes followed, morale broke down, and unit effectiveness suffered." [Ref. 22]

On the other side, experts such as Dr. Lawrence Korb, a Senior Fellow at the Brookings Institution and a former Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), testified that the presumed consequences of

lifting the gay ban were speculative at best and could not be answered definitively until the policy had actually changed. [Ref. 23] Perhaps, the emotional high point of the hearings was the moving, personal testimony of Marine Colonel Fred Peck. Colonel Peck, just home from Somalia, told of learning only a few days before that his son was gay. Colonel Peck warned of the violence that might be directed toward his son if he ever attempted to enlist:

If the ban on gays and lesbians serving in the military were dropped, I would counsel all three of my sons to stay out of the military....My oldest son, Scott, is a student at the University of Maryland....If he were to walk into a recruiter's office, it would be the recruiter's dream come true. He is 6 foot 1, blue-eyed, blond hair, great student. But if he were to go and seriously consider joining the military, I would have to, number one, personally counsel against it, and number two, actively fight it. Because my son Scott is a homosexual, and I do not think there is any place for him in the military....I love him as much as I do any of my sons but he should not serve in the military. I would be very fearful his life would be in jeopardy from his own troops....I am not saying that is right, or wrong....I am telling you that is the way it is.[Ref. 24]

Ironically, in at least one case, Colonel Peck's dramatic testimony produced unexpected results. For instance, Senator John Kerry (Democrat-Nebraska), disturbed by the military environment that Colonel Peck described, changed his pro-ban position to one of advocating greater acceptance of homosexuals in the military.

Toward the end of May, Representative Barney Frank (Democrat-Massachusetts) proposed a new compromise that built on Senator Nunn's plan. Frank suggested that gays conduct

themselves as asexual on base; off base, they should not fear reprisal for homosexual activities. Days later, President Clinton followed-up this initiative by saying that he was looking for a compromise and was open to congressional proposals.

On June 17, 1993, the long-awaited Pentagon draft of a new policy was presented to Secretary of Defense Aspin. The new policy would not question recruits and troops about their sexual orientation but retain the general principle that homosexuality is incompatible with military service. Personnel could still be separated from the military for saying they are gay, and homosexual acts would also be grounds for discharge.

By this time, it was clear that public opinion was split on the issue. For example, a Gallup poll conducted in July 1993 asked people if they agreed or disagreed that homosexuality is incompatible with military service. The results were evenly divided with half of the respondents agreeing and half disagreeing.

On July 15th, President Clinton formally accepted the broad outlines of Secretary Aspin's proposal, and four days later it was unveiled to the press. With the concurrence of the Joint Chiefs and Secretary of Defense, the President announced a final policy determined to be in the best interests of the nation and its military. The policy was dubbed "don't ask, don't tell, don't pursue." It would

continue to prohibit the questioning of military applicants regarding their sexual orientation and forbid commanders from conducting investigations solely to determine sexual orientation. Service members, however, were still prohibited from openly declaring their homosexuality. The net effect of this policy was to slightly revise the old military code, making conduct, rather than homosexual status or orientation, incompatible with military service. The revised policy was to take effect on October 1, 1993, the start of the new fiscal year.

Despite the administration's efforts, Senator Nunn continued to line up members of Congress to support what he described as a proposal similar to the President's, but with a few technical changes. Soon after President Clinton announced the new policy, Senator Nunn called for hearings by the Senate Armed Services Committee. Additional hearings were scheduled by the House Armed Services Committee. It is important to note that this was also around the time when Senators Sam Nunn and John Warner (Republican-Virginia) organized a press briefing and photo session in the crowded berthing spaces aboard a U.S. Navy submarine. What makes this photo session noteworthy is that it was given wide press coverage and turned out to be singularly effective in convincing the American people that sailors lack any degree of privacy on a ship.[Ref. 25]

In testimony before both the Senate and House committees, Secretary Aspin and the Joint Chiefs formally endorsed the policy. The job of defending it, however, fell to Secretary Aspin alone, who stated: "I believe that basically if a person is homosexual, [he or she] would be much more comfortable pursuing a different profession than the military profession." [Ref. 26]

The hearings were quickly followed by action in both the House and the Senate to pass legislation that would codify the policy into law. On September 9th, the Senate passed legislation similar to the President's proposal. A major difference in the Senate bill was in language designed to discourage homosexuals from joining the military, calling homosexuality an "unacceptable risk" to morale. Also included were provisions that would allow a future Defense Secretary to reinstate the questioning of prospective recruits about their sexuality. The House passed the same legislation on September 28. Within days, President Clinton signed the measure into law with no fanfare and little public notice.

On December 22, 1993, the Pentagon outlined regulations for the armed services to enforce the new law regarding homosexuals. The regulations took effect on February 5, 1994.

The new policy has been criticized by those who campaigned for retaining the ban as well as by those who wanted it lifted. Apparently, there are many people who fear the

resulting policy is unclear, inconsistent, and destined to be contested in court.[Ref. 27]

B. OBJECTIVES OF THE THESIS

This thesis strives to accomplish three main objectives. First, it seeks to summarize the historical development of policy regarding homosexuals in the military. Second, it attempts to provide the Department of Defense and the Navy with detailed information about how a selected group of Naval officers--graduate students at the Naval Postgraduate School--view and interpret the "don't ask, don't tell, don't pursue" policy. Third, the thesis seeks to identify potential problems that might hamper effective implementation of the policy throughout the Navy.

Primary and subsidiary research questions were developed to accomplish these objectives and keep the research focused. These questions are presented and answered in Chapter V of the thesis. In general, the primary research question asks how Naval officers assess their responsibilities with respect to the 1993 Department of Defense policy on homosexual conduct. The question also asks if personal experiences and biases, as well as the potential difficulties in distinguishing between conduct and orientation, may complicate an officer's ability to administer the policy.

C. ORGANIZATION OF THE THESIS

The study is presented in five chapters. The next chapter provides a historical background of Department of Defense policy on homosexual conduct. Chapter II also offers background information on various issues related to the topic.

Chapter III contains a thorough review of the research methodology used in this study. A discussion of survey question development is also presented.

Chapter IV discusses the results of the survey and focused interviews. Trends are identified and the implications of the results are examined.

Chapter V opens with a comprehensive summary of the study and, as previously noted, addresses the primary and subsidiary research questions. Chapter V also presents several recommendations and identifies areas for further research.

A copy of the survey and question frequency of response is presented in Appendix A. Appendix B provides a copy of the scantron scoring sheet used to tabulate survey responses. A copy of the protocol used to conduct the focused interviews is shown in Appendix C. Appendix D contains portions of several transcripts to illustrate typical interviews.

II. BACKGROUND

A. EARLY POLICY DEVELOPMENT

Prior to World War II, the military had neither an official policy on homosexuality nor a screening procedure for preventing homosexuals from entering military service. If homosexuals were rejected, it was because they had physiological disorders or had prison records as "sex perverts." Because there was no medical or psychiatric consensus on the nature of homosexuality, service members were not discharged or imprisoned because they had homosexual tendencies. In his book, Coming Out Under Fire: The History of Gay Men and Women in World War Two, Alan Berubé notes:[Ref. 28]

Traditionally the military had never officially excluded or discharged homosexuals from its ranks. From the days following the Revolutionary War, The Army and Navy had targeted the act of sodomy (which they defined as anal and sometimes oral sex between men), not homosexual persons, as criminal, as had their British predecessors and the original thirteen colonies. Any soldier or officer convicted of sodomy, whether he was homosexual or not, could be sent to prison.

The first real effort to formulate government policy on homosexuals began in 1940. Influential American psychiatrists, eager to promote their profession, convinced War Department officials to institute psychiatric screening for new inductees. Arguing that it was better to screen out

potential psychiatric casualties before they became the military's responsibility, psychiatric consultants to the Selective Service System began to fashion procedures for excluding homosexuals.[Ref. 29]

The first directive to grow out of the plan for psychiatric screening, Medical Circular No. 1, was issued on November 7, 1940. The purpose of this initial circular was to explain psychiatry to volunteer physicians with the local draft boards who would conduct the screening interviews. Although Medical Circular No. 1 discussed five psychiatric "categories of handicap," homosexuality was not specifically mentioned. It was not until May 1941, when Circular No. 1 was revised, that "homosexual proclivities" joined the list of disqualifying deviations. By mid-1941, the administrative apparatus for screening out homosexuals at three examination points (the Selective Service System, the Army, and the Navy) was in place. Interestingly, only men were being screened for homosexuality, as the new directives made no reference to female applicants.

The new directives and screening procedures did not stop homosexuals from entering the military. With the social taboo against homosexuality (resulting in its concealment), the overwhelming need for personnel during wartime, and the inability of doctors to identify homosexuals in a 15-minute screening interview, many homosexuals passed through undetected.[Ref. 30] However ineffective the new

screening directives and procedures were, they did eventually introduce the military to the idea that homosexuals were unfit to serve because they were mentally ill. The military's traditional justice system was to define the sex act as the problem, for which the offender was tried and punished. The idea that homosexuals were mentally ill, on the other hand, even when there was no sexual act, defined the person as potentially disruptive and unfit to serve. This view would eventually be translated into military regulations and directives, reinforcing the position that homosexuals should be excluded from service on the basis of medical as well as military grounds.

In 1941, it was reported that the military prison system was filled with inmates convicted of homosexual acts.[Ref. 31] Under the Articles of War, the maximum penalties for non-forcible sodomy were twelve years of confinement at hard labor, forfeiture of all pay and allowances, and dishonorable discharge. Seeking to solve the "sodomist" problem, Army and Navy psychiatrists began to push for the use of discharges rather than imprisonment for homosexual servicemen.[Ref. 32]

The reform movement suffered a temporary setback on July 15, 1941, when Secretary of War Henry L. Stimson issued a directive entitled "Sodomists." [Ref. 33] This directive reminded all Commanding Generals that sodomy was a serious crime and that trial by court martial was the only

acceptable way to remove sexual deviants from the service.

It was not until 1942, with its prison system straining, that the Army reversed this decision and instructed Commanding Generals to rely on the court-martial only as a last resort.

On January 19, 1943, Secretary of War Stimson again issued a directive entitled "Sodomists." [Ref. 34] This revision of the 1941 document maintained that sodomy was a serious crime but provided exceptions for nonviolent offenders and "confirmed perverts." Men in these categories were to be examined by a board of officers with the purpose of discharge under the provision of Section Eight. (Prior to this time, Section Eight of Army Regulation 615-360 was used to discharge men with "undesirable habits or traits of character." This did not include homosexuals and was not supposed to be used to discharge sodomists.)

Also in the month of January 1943, the Navy Department issued its first specific policy on homosexuals. [Ref. 35] It acknowledged that "homosexuality in the majority of cases is a medical rather than a criminological problem." It limited court-martial trials to violent offenders and allowed habitual homosexuals who committed in-service acts to be discharged without trial. The new policy also applied to all personnel, including "the Women's Reserve." (Despite the fact that sodomy was usually identified as criminal activity exclusive to men, the Services defined it to include both oral and anal sex. Technically,

women as well as men could have been charged under this definition. In practice, however, officers were reluctant to prosecute lesbians. In the Woman Marines, for example, no courts-martial for sodomy or other homosexual acts were conducted during World War II.[Ref. 36])

Although reformists were generally pleased with the shift in policy, many front-line Army and Navy officers apparently had difficulty putting it into practice. Questions were often raised, such as how to deal with homosexuals who admitted "tendencies" but who had not committed "provable acts" on duty. Commanders also had trouble distinguishing between the many psychological terms that described various degrees of homosexual activity. As a result of the confusion generated by the directives, policy reform efforts continued.

Early in 1944, Army and Navy administrators issued revisions to their 1943 directives. The revised directives generally eased the military's position on homosexuality by making it grounds for discharge but not imprisonment. The new directives also replaced the legal term "sodomists" with the clinical term "homosexuals."

The 1944 directives additionally established a new administrative category: personnel who admitted homosexual "tendencies" or acts but committed no "provable" acts while in the military. These people were described in official language "latent" homosexuals with "tendencies." [Ref. 37]

It is interesting to note that this period of relaxed standards came at a time when military manpower needs were at a peak. In fact, there are many instances in American history when the armed forces have been willing to waive certain policies that exclude otherwise undesirable groups based on the need for manpower.[Ref. 38] For example, in 1945, just two years after the 1943 directives, and during the height of the final European offensive against Germany, Secretary of War Stimson ordered a review of all discharges cases involving homosexuals over the 1942-43 period, with a goal of reinducting persons who had not committed any in-service homosexual acts. At the same time, orders went out to "salvage" homosexuals for the military whenever possible.[Ref. 39]

Another example is provided by the Korean War. In the late 1940s, U.S. Navy discharges for homosexuality were running at around 1,100 per year. At the height of the war in 1950, this number dropped to 483. Gay-related discharges rose to a pre-war level of 1,353 when the armistice was signed in 1953.[Ref. 40]

This pattern was also apparent during the Vietnam War. Between 1963 and 1966, the Navy discharged between 1,600 and 1,700 enlistees each year for homosexuality. As the Vietnam buildup intensified during 1966-67, the number of gays removed from service dropped from 1,708 to 1,094. By 1969, at the peak of wartime manning requirements, discharges for

homosexuality dropped to 643. One year later, the number of discharges was down to just 461--nearly one-quarter of the pre-war level--at a time when the active-duty Navy was also considerably larger than in the early 1960s.[Ref. 41]

"Relaxed policy enforcement" also took place during the Persian Gulf war. In one widely reported case, the Army refused to discharge an openly gay reservist until the war ended. The Army claimed that its need for fully-staffed units took precedence over the policy banning homosexuals. [Ref. 42] The basis for relaxing the ban, or even ignoring it, was the Defense Department's "Stop Loss Policy," which permits the military to delay administrative separations of service personnel unless they are involved in actual misconduct. This policy was an emergency action to facilitate the deployment of forces to the Gulf, but it further demonstrated the flexibility of the gay ban in the face of wartime needs.[Ref. 43]

B. POLICY DEVELOPMENT: POST-WORLD WAR II

At the conclusion of World War II, the Navy reviewed the way it managed homosexual personnel. In July 1949, after two years of committee study, the Navy developed a single directive that revised and combined all prior wartime policies on homosexuals. This new Navy directive was subsequently adopted by the Department of Defense as the basis for a Service-wide policy. By August 1949, Defense Department

guidelines were clear: "Homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Forces in any capacity, and prompt separation of known homosexuals from the Armed Forces was mandatory." [Ref. 44]

In 1950, Congress enacted the Uniform Code of Military Justice (UCMJ). By 1951, the UCMJ, along with the Defense Department's consolidated guidelines, established the basic policies, discharge procedures, and channels of appeal for the disposition of homosexual personnel.

In 1953, the Supreme Court ruled that federal civil courts, for the first time, could review convictions in court-martial cases; and, in 1957, it decided that these courts could review military administrative discharges. Not surprisingly, these rulings led to a dramatic rise in court challenges to the Defense Department's 1949 policy on homosexuals.

In 1959, military policy was revised with the issuance of DoD Directive 1332.14. This directive dealt with the subject of administrative discharges and offered a definition of "sexual perversion" to include "homosexual acts and sodomy." (The reference to sodomy was eliminated in 1975 and replaced by "other aberrant sexual tendencies." [Ref. 45]) Directive 1332.14 was the basis for Department of Defense policy throughout the 1960s.

Partially in response to the increase of court challenges throughout the 1960s and 1970s, the Joint Service Administrative Study Group was created and made two important recommendations that would be incorporated into a later (1982) policy.[Ref. 46] One recommendation was to reaffirm the long-established ban on gays in the military. Specifically, the group proposed that the phrases "homosexuality is incompatible with military service" and "processing (for separation) is mandatory unless...the allegations are groundless" be included in all subsequent Defense Department directives. The second recommendation was that honorable discharges be given to personnel with homosexual tendencies.

C. 1981 DoD POLICY

In January of 1981, the outgoing Carter administration issued revised guidance addressing the issue of homosexuals. While this "new policy" barely differed from the old, it is noteworthy that it declared a tougher stance against homosexuality when compared with earlier directives. For example, in World War II, regulations had required the "reclamation," whenever possible, of known homosexuals, establishing that during a national emergency even some "confirmed" homosexuals could be retained in the military. By contrast, the 1981 regulations stated that homosexuality was never compatible with military service. It is also

significant to note that this 1981 policy remained in effect until President Clinton's January 1993 directive to the Services ending the practice of asking recruits about their sexual orientation.

Three directives were at the heart of the 1981 policy. These three directives covered: 1. Enlisted Administrative Separations; 2. Separation of Regular Commissioned Officers for Cause; and, 3. Physical Standards for Enlistment, Appointment, and Induction.[Ref. 47]

The directive on Enlisted Administrative Separations established the Defense Department policy for enlisted discharges. It basically combined all the anti-homosexual arguments the military had accumulated since World War II and, accordingly, was the most often cited and disputed statement of this policy:[Ref. 48]

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. The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order, and morale; to foster mutual trust and confidence among service members; to ensure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service; and to recent breaches of security.[Ref. 49]

Based on this policy, service members who engaged in homosexual conduct or exhibited the intention of doing such

were judged to adversely affect the ability of the military to accomplish its mission. Such conduct was considered a threat to morale, good order, discipline, mutual trust, privacy, the ability of the Services to attract and retain members, and public acceptability of military service.

The 1981 policy clearly excluded homosexuals from enlistment, appointment, and induction into the Armed Forces. Homosexuals found to be serving in the military were subject to administrative discharge. Under this policy, individuals who admitted having a homosexual orientation or past homosexual behavior, or who had been apprehended for homosexual behavior, could be denied entry into or separated from the military. Thus, the mere act of saying that one was a homosexual or that one had a tendency toward homosexuality offered sufficient grounds for exclusion from service in the Armed Forces.

D. CURRENT DEFENSE POLICY DEFINED

On December 21, 1993, Secretary of Defense Les Aspin released the most recent Department of Defense regulations on homosexual conduct in the Armed Forces. These regulations implement the law (10 USC 654) enacted as part of the fiscal 1994 Department of Defense Authorization Act. While the new policy maintains the view that homosexual conduct is "incompatible with military service" and is a "threat to good

order and discipline," it is, in fact, different from previous guidance. The new policy emphasizes that:

DoD judges the suitability of persons to serve in the armed forces on the basis of conduct and their ability to meet required standards of duty, performance, and discipline; to distinguish sexual orientation, which is personal and private, from homosexual conduct; and to make clear the procedural rights of a service member.[Ref. 50]

The following is a summary of applicable policy definitions and guidelines taken from the new Department of Defense regulations on homosexual conduct in the Armed Forces. It is important to see these definitions before viewing the results of the survey, because the terms have been carefully worded by the Department of Defense and greatly influence interpretation of the policy.[Ref. 51]

Homosexual. A person, regardless of sex, who engages in attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

Homosexual Act. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in such an act as described above.

Homosexual Conduct. A homosexual act, a statement by the member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.

Sexual Orientation. An abstract sexual preference for persons of a particular sex as distinct from a propensity or intent to engage in sexual acts.

Propensity. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

Commander. A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized a "command."

Homosexual Marriage or Attempted Marriage. When a member has married or attempted to marry a person known to be of the same biological sex.

Summary of Accession Policy. Applicants for military service will not be asked or required to reveal if they are homosexual or bisexual, but applicants will be informed of the conduct that is proscribed for members of the Armed Forces, including homosexual conduct.

Summary of Discharge Policy. Sexual orientation will not be a bar to service unless manifested by homosexual conduct. The military will discharge members who engage in homosexual conduct, which is defined as a homosexual act, a statement that the member is homosexual or bisexual, or a marriage or attempted marriage to someone of the same gender.

Summary of Investigations Policy. No investigations or inquiries will be conducted solely to determine a servicemember's sexual orientation. Commanders will initiate inquiries or investigations when there is credible information that a basis for discharge or disciplinary action exists. Sexual orientation, absent credible information that a crime has been committed, will not be the subject of a criminal investigation. An allegation or statement by

another that a servicemember is a homosexual alone, is not grounds for either a criminal investigation or a commanders's inquiry.

Activities. Bodily contact between servicemembers of the same sex that a reasonable person would understand to demonstrate a propensity or intent to engage in homosexual acts (for example, hand-holding or kissing in most circumstances) will be sufficient to initiate separation....The listing by a servicemember of someone of the same gender as the person to be contacted in case of emergency, as an insurance beneficiary or in a similar context, does not provide a basis for separation or further investigation....Speech that occurs within the context of priest-penitent, husband-wife, or attorney-client communications remains privileged.

Off-Base Conduct. No distinction will be made between off-base and on-base conduct....From the time a member joins the service until discharge, the servicemember's duty and commitment to the unit is a 24-hour-a-day, seven-day-a-week obligation. Military members are required to comply with both the UCMJ, which is federal law, and military regulations at all times and in all places. Unacceptable conduct, homosexual or heterosexual, is not excused because the servicemember is not "at work."

Investigations and Inquiries. Neither investigations nor inquiries will be conducted solely to determine an individual's sexual orientation....Commanders can initiate investigations into alleged homosexual conduct when there is credible information of homosexual acts, prohibited statements, or homosexual marriage....Commanders will exercise sound discretion regarding when credible information exists, and will evaluate the source of information and all attendant circumstances to assess whether the information supports a reasonable belief that a servicemember has engaged in proscribed homosexual conduct. Commanders, not investigators, determine when sufficient credible information exists to justify a

detail of investigative resources to look into allegations.

Credible Information. Credible information of homosexual conduct exists when the information, considered in light of its source and all attendant circumstances, supports a reasonable belief that a servicemember has engaged in such conduct. It requires a determination based on articulable facts, not just a belief or suspicion.

Security Clearances. Questions pertaining to an individual's sexual orientation are not asked on personnel security questionnaires. An individual's sexual conduct, whether homosexual or heterosexual, is a legitimate security concern only if it could make an individual susceptible to exploitation or coercion, or indicate a lack of trustworthiness, reliability, or good judgement that is required of anyone with access to classified information.

The Threat of Extortion. As long as servicemembers continue to be separated from military service for engaging in homosexual conduct, credible information of such behavior can be a basis for extortion. Although the military can eliminate the potential for the victimization of homosexuals through blackmail, the policy reduces the risk to homosexuals by removing certain categories of information largely immaterial to the military's initiation of investigations....Only credible information that a service member engaged in homosexual conduct will form the basis for initiating an inquiry or investigation of a service member; suspicion of an individual's sexual orientation is not a basis, by itself, for official inquiry or action....Extortion is a criminal offense, under both the UCMJ and United States Code, and offenders will be prosecuted. A service member convicted of extortion risks dishonorable discharge and up to three years confinement. Civilians found guilty of blackmail under the U.S. Code may be subject to a \$2,000 fine and one-year imprisonment. The risk of blackmail will be addressed by education all service members on

the policy and by emphasizing the significant criminal sanctions facing convicted extortionists.

Outing. A mere allegation or statement by another that a service member is a homosexual is no grounds for official action. Commanders will not take official action against members based on rumor, suspicion, or capricious allegations....However, if a third party provides credible information that a member has committed a crime or act that warrants discharge, for example, engages in homosexual conduct, the commander may, based on totality of the circumstances, conduct an investigation or inquiry, and take non-judicial or administrative action or recommend judicial action, as appropriate.

Harassment. Commanders are responsible for maintaining good order and discipline....All service members will be treated with dignity and respect. Hostile treatment or violence against a service member based on a perception of his or her sexual orientation will not be tolerated.

E. POLICY COST

In June 1992, the General Accounting Office (GAO) issued a report analyzing what it cost the government to enforce its ban against homosexuals in the military.[Ref. 52] The GAO acknowledged that its task was significantly limited by a lack of data. Although each of the Armed Services investigated people for suspected homosexuality, none kept records of the amount of staff time or related cost spent on such investigations. There were also no separate records for costs such as administrative proceedings, military police investigations, or litigation expenses. Because of these

limitations, the GAO report focused very narrowly on the cost of training and replacing discharged personnel.

According to the GAO, between 1980 and 1990, the military discharged 16,692 enlisted personnel and 227 officers charged with homosexuality. The study found that the recruiting and initial training cost associated with the replacement of personnel discharged for homosexuality was, on average, \$28,226 for each enlisted troop and \$120,772 for each officer. This would bring the total replacement cost over the ten-year period to about \$498 million.

As noted, this figure does not include investigative and administrative costs, including out-processing or legal expenses. These costs include legal counsel for the defendant and the command investigator or prosecutor, as well as litigation costs for civilian court challenges to the dismissals. The GAO study suggests that the actual number of persons discharged for homosexuality may be much higher than reported, because officers are often permitted to resign and enlisted service members are sometimes processed out under regulations other than the gay policy.

For the year 1990, GAO reports that 932 servicemembers were dismissed as being homosexual (no breakdown by officer or enlisted status was provided) at a replacement cost of \$27 million.[Ref. 53] The year 1990 is unique in that GAO also gives an estimate of related investigative costs. Using data provided by the Army's Criminal Investigations

Service, the Navy Investigative Service, and the Air Force Office of Special Investigations, GAO estimates a total of \$2.5 million spent on investigations for homosexuality during 1990.

F. RELEVANT EXPERIENCES OF FOREIGN COUNTRIES

The experience of developing policy to integrate homosexuals into the Armed Services, like homosexuality itself, is not uniquely American. Reviewing a GAO report initiated by Senator John W. Warner (Republican-Virginia), out of 25 countries sampled, 11 have policies that do not permit homosexuals to serve in the military and 11 have policies that do. Three of the countries did not have applicable laws, regulations, or policies that address homosexuals in the military. [Ref. 54] This gives clear evidence that, despite varying cultural values and beliefs, the development of homosexual policy regarding the military is a "shared experience" for many Western industrialized nations. Given that other countries have grappled with this issue, it seems reasonable to conclude that U.S. policy makers could learn something by studying the experiences of other countries. Ideally, cross-national comparisons would help U.S. military leaders and politicians anticipate the effects of similar policy decisions. The fact that each country's military is uniquely its own, however, makes cross-national comparisons

difficult. This is especially true if we view the U.S. military as "second to none and the example for all."

Generally speaking, comparisons between America's military and those of foreign nations are more meaningful when certain commonalities are established. For example, foreign countries that share American policy goals, such as a strong and effective national defense, are better candidates for study than those that do not. Care must be taken not to overlook the wide range of differing cultural and social norms when seeking relevance to the American experience.

To illustrate the diversity found among foreign countries, a sampling of policy and practice from various Western nations is provided in Tables I and II. [Ref. 55] As shown in the tables, at least four criteria emerge as important in describing the treatment of sexual orientation in military forces. These are defined by the difference between military accession and conditions of subsequent service, and by potential differences between policy and practice. The position of any given nation on each of these four criteria may range from exclusion of homosexuals to tolerance and support.

These four criteria, however, may differ considerably in any given nation. As shown in Table I, at the point of military accession, policies and practices frequently differ from each other. Beyond the point of accession, policies and

TABLE I. POLICY AND PRACTICE ON ACCESSION OF HOMOSEXUALS IN SELECTED FOREIGN MILITARIES

<u>United Kingdom</u> (Volunteer) Policy: Since June 1992 enlistees are not asked about sexual orientation. Homosexuality is, however, considered to be incompatible with military service. Practice: Admitted homosexuals will be rejected.
<u>Germany</u> (Conscription) Policy: Homosexual men are considered fit for military service. Practice: Men are asked during the medical exam if they are homosexual. Homosexuals are almost never admitted to military service. They are considered aptitude deficient and mentally unfit for service.
<u>Belgium</u> (Conscription) Policy: No difference between civilian and military law in employment rights. Military is part of civil service. Sexual preference not asked. Practice: Homosexuals are accepted unless behavior associated is extreme; for example, transsexuals and transvestites.
<u>Denmark</u> (Scandinavia) (Conscription) Policy: 1939-1947 homosexuals not recognized. 1947-1953 homosexuals rejected. 1954-1978 homosexuals registered. Could get themselves disqualified by swearing an oath that they were homosexual. 1979-no questions. Serve on equal terms with others. Can disqualify self by merely declaring homosexuality. Practice: Can self-eliminate by declaring homosexual status. In Norway, must prove homosexuality is disruptive.
<u>Netherlands</u> (Conscription) Policy: Strong gay movement led to legal changes in 1971. 1983 constitution change; no discrimination allowed (homosexuals implied). 1974-homosexuals no longer rejected. 1978-homosexual military group founded; later supported, in part, by Ministry of Defense. Practice: Can self-eliminate by declaring homosexual status-must prove self unfit because of homosexuality; homosexual status by itself not sufficient.

Source: Adapted from David R. Segal, Paul A. Gade, and Edgar M. Johnson, "Homosexuals in Western Armed Forces," Society, (November/December 1993): 38.

practices regarding conditions of service (Table II), also

TABLE II. CONDITIONS OF SERVICE, POLICY AND PRACTICE REGARDING HOMOSEXUALS IN SELECTED FOREIGN MILITARIES

<u>United Kingdom</u> (Volunteer) Policy: Sexual Offenses Act of 1967 legalized homosexuality for those over 21 but did not prevent it as a military offense. Lesbian acts not criminal, homosexuals not tolerated. Practice: Administrative discharge the usual way of dealing with homosexuals - conduct prejudice to good order and discipline.
<u>Germany</u> (Conscription) Policy: Homosexuals may not command or instruct. Homosexuality is not a reason for discharge. Serious offenses for example, active-duty homosexual activity, are tried before disciplinary court. Practice: Homosexuals considered unfit for military service and are discharged on those grounds. Less serious offenses get salary cuts and/or ban on promotion.
<u>Belgium</u> (Conscription) Policy: No discharge for homosexuality. However, sexual harassment or sex on ships results in transfer or if associated with other disorders - discharge. Practice: Open displays of homosexual behavior results in transfer from unit or service. Paratroopers immediately transfer known homosexuals. Homosexuals may be denied security clearances - they are considered more susceptible to blackmail.
<u>Denmark</u> (Scandinavia) (Conscription) Policy: No discharge for homosexuality - problem homosexuals eliminated at entry. No HIV testing except pilots when trained in the U.S. No postings or promotion constraints. Practice: Very little "coming out."
<u>Netherlands</u> (Conscription) Policy: "Emancipation" and integration is the official policy. No discrimination in command or posting constraints. Practice: Emancipation and integration are somewhat slowed by real world constraints. Published leaflets say homosexuals are welcome in the military.

Source: Adapted from David R. Segal, Paul A. Gade, and Edgar M. Johnson, "Homosexuals in Western Armed Forces," Society, (November/December 1993): 39.

frequently differ from each other and from policies and

practices regarding accession as well.

An example of the policy and practice conflict can be found by looking at Germany. In principle, Germany does not regard sexual orientation as a factor in determining eligibility for military service. However, in practice, German doctors ask conscripts and volunteers about their sexual orientation during the accession process. Persons who reveal a homosexual orientation during in-processing are likely to be rejected as "mentally unfit for service." [Ref. 56] Official policy states that servicemen are not rendered unfit for military service by homosexuality, nor can they be discharged for their homosexual orientation. In practice, however, if their orientation becomes known, homosexuals are not allowed to assume supervisory positions or serve as instructors. Junior officers identified as homosexual within three years after commissioning may be discharged on grounds that they are unfit for the career of an officer. [Ref. 57]

The point is that policy and practice are often quite different. Some nations, such as Germany, have policies of equality but practices of exclusion. Others, such as the United Kingdom, have policies of exclusion but practice limited tolerance of homosexuals in the military. Also, as shown by Table I, a few nations treat homosexuals as a privileged minority. In the Netherlands, for example, the Dutch Defense Minister established a commission for advice and

coordination on homosexuality in the armed forces, and homosexuals in the service have their own union, which is financially supported in part by the Defense Ministry.[Ref. 58]

In general, most countries seem to be more conservative in practice than they are in terms of their official policy. Even in countries where no questions are asked about sexual orientation at the time of accession or during service, the practice of not asking may be a way of avoiding more complex issues than of passively accepting homosexuality. It appears that the most common pattern for nations is not to ask about sexual orientation, even when exclusionary policies exist.

It is acknowledged, however, that one should not cite the mere existence of such policies in foreign nations when arguing for or against similar regulations in the United States. Comparisons of U.S. policy with those of foreign militaries must consider that there is no "perfect U.S. model" that can accurately reflect the consequences of policy decisions. It is possible, therefore, for different individuals to look at these comparative situations and arrive at different conclusions as to what they may mean for the U.S. Compiling statistics on laws and regulations alone is not enough to fully understand the complexities of policy development and application.

G. SUBSIDIARY ISSUES

In addition to the points already discussed, numerous other issues were brought out during the debate about the military's policy on homosexuals. These included a comparison of the military's policy toward gays with the policies of racial segregation or gender segregation from earlier eras [Ref. 59]; linking the existence of homosexual tendencies with biological or genetic factors, thereby disputing the idea that homosexuality is an aberrant behavior [Ref. 60]; the presence of "homophobia" in the military and the military's male-dominant culture [Ref. 61]; the point that homosexuals have always served in the military and will continue to be an important part of the nation's armed forces [Ref. 62]; the idea that the military policy excluding homosexuals is not predicated on health care issues [Ref. 63]; discussions of unit cohesion and military performance [Ref. 64]; and the subject of service member "privacy" as it relates to homosexual integration within military units. [Ref. 65] The discussion of these issues also played a role in shaping the opinions and views of people, both within the armed forces and in the general population, concerning the military's ban on homosexuals.

III. METHODOLOGY

The methodology for this study started with a comprehensive literature review on gender studies, stereotyping, and case studies. The purpose of this review was to assimilate and correlate the multitude of articles and data on the Defense Department's policy on homosexual conduct and highlight the important factors found. Although the search of these articles has by no means been exhaustive, the material provided sufficient information for discussing the historical context and relevant issues.

Following the literature review, a dual approach was used to get all the information available on the topic. Specifically, after a review of similar surveys and several brainstorming sessions between the researchers, a bank of questions was compiled. The RAND study on homosexuality in the military was an invaluable resource for helping to structure the questions.[Ref. 66] The researchers modeled the present study in a format similar to that of RAND by using both focused interviews and written surveys to generate recurrent themes. These themes could be initiated with the written survey and validated using the discussion from the focused interviews.

The Canadian Armed Forces 1991 study on homosexuality in the military was beneficial from the standpoint of determining

survey biases and its effect on the results.[Ref. 67]
Several of the questions in the present survey were modified versions of questions appearing in the Canadian research study.

A. PHASE I: WRITTEN SURVEY

The format for this portion of the data-gathering phase enabled the researchers to obtain the widest possible data collection at NPS. A sample of the actual survey instrument can be found in Appendix A.

The survey's relatively "hard line" questions allowed only one of the following responses: STRONGLY AGREE, AGREE, DISAGREE, and STRONGLY DISAGREE. Respondents were not given the opportunity to answer with "no opinion" or "do not know." The initial questions were then presented to the faculty advisors for review. Much manipulation of the survey questions was required to ensure proper ordering of items, to remove any possible bias in wording, and to ensure that the survey represented no inferred agenda.

This work resulted in the first of several pretests or trial surveys conducted from 7-11 February 1994. These trial surveys were given to small groups of military students in a controlled environment at NPS. Feedback from students was strongly encouraged at the conclusion of the trial surveys but no interaction during the administration of the survey was permitted.

Pretest results were used to modify the questionnaire and to address any problematic elements. Approval to administer the survey on campus was received from the office of the Dean of Students, Captain Roberta Groves, who indicated that the results would be used to develop an NPS training plan.

On 14 February 1994, the researchers distributed one-thousand surveys and answer sheets through the student mail-center at NPS. One survey was placed in each mailbox of a U.S. Naval officer student. There are roughly 1,000 Navy students, which represents 65 percent of the entire student body. Cardboard boxes were strategically located throughout the NPS campus so that students could conveniently return their completed questionnaires. Approximately two weeks passed between survey distribution and return. There were 605 completed surveys returned. This represents a response rate of slightly over 60 percent.

The responses were tabulated by using the NPS registrar office computer with a SCANTRON interface device examining the data-entry cards. A sample of the data card is presented in Appendix B. The data were then analyzed at the NPS computer center. The statistical software program SPSS was used to analyze the results.

B. PHASE II: FOCUSED INTERVIEWS

Immediately after the surveys were distributed, phase II of the data collection started. This process involved focused

interviews with randomly-selected Navy students. The protocol for these interviews was developed over the first six months of the research effort. This extended learning phase allowed the researchers to become familiar with interview techniques for potentially sensitive topics by practicing with other student thesis groups.

Practice interviews were presented for evaluation to Dr. Theodore R. Sarbin, clinical psychologist, one of the faculty advisors. The actual interviews, conducted under the condition of anonymity, were tape-recorded and transcribed verbatim. The intent of these interviews was to provide greater depth and insight to the answers given on the questionnaire. Appendix C lists the original protocol for these interviews.

To set respondents at ease, the early part of each interview was dedicated to getting background material on the individual's personal and professional life. In conducting the interviews, however, it was discovered that heavy reliance on established protocol was not necessary. The thesis subject of homosexual policy is extremely topical and interviewees were eager to provide opinions to the questions. As a result, the interviews were less formally structured than initially intended.

Portions of the interview transcripts are cited in the analysis section of the study to highlight recurrent themes or

significant areas of interest. Several transcripts of typical interviews are presented in Appendix D.

IV. RESULTS AND ANALYSIS

The thesis objectives (Chapter I), clearly state the direction of this research. Several research questions were developed to address the objectives. These questions, both primary and subsidiary, are presented below. They were used as a focal point and guide in developing the study methodology and analyzing the results of the survey.

Primary questions

- * How do Naval officers assess their responsibilities based on the new Department of Defense policy on homosexual conduct?
- * Do personal experiences and opinions, along with the ability to differentiate between homosexual conduct and orientation, complicate matters?

Subsidiary questions

- * What is the official Department of Defense policy on homosexual conduct?
- * How, if at all, does the new policy differ from past policies?
- * To what extent are officers familiar with the new policy?
- * Are there any elements of the new policy that are susceptible to inconsistent interpretation?
- * Are there any differences in policy interpretation between officers in different demographic groups or warfare specialties?

- * With regard to homosexuality, do officers harbor any identifiable biases that could color the way the new policy is interpreted or applied?

The analysis begins by examining the respondents' responses to selected survey questions. As briefly touched upon in Chapter III, the questions are designed to measure comprehension, interpretation, and personal feelings. The worth of this work has to do with evaluating what the objectives are in relation to what use they can be to the readers. By noting significant quantitative percentages and comparing them with others, one can piece together a pattern of interpretation and understanding.

A. BACKGROUND

The written survey was phase I of the research effort. Phase II of the research combined the written comments and focused interview responses to detail the thoughts behind the answers given on the survey. Any personal biases brought to the surface by the respondents are analyzed as well.

As a structured body, the armed forces react well to cut-and-dried policy and direction. Even when policies are not clear in writing, if the essence of the intent can be expressed conceptually, most military leaders can translate the message to field level commanders for fleet-wide implementation. Examples that come to mind are "no drinking of alcohol aboard Navy vessels" or "only Navy personnel and their official dependents may use the commissary." These very

straight-forward policies are easily understood, and few people at any rank have difficulty understanding and carrying them out.

The "don't ask don't tell" policy exists at the opposite end of the spectrum in terms of easy understanding. Chapter II presents a summary of the current Department of Defense (DoD) directives on homosexuality in the military; but, just as it appears, the concepts and situational events are vague at best. A product, it is said, is usually only as good as the process used to construct it. Keeping in mind that the level of implementation and interpretation will be at the junior-officer level, the DoD policy on homosexuality forms an incongruous message by attempting to rewrite common definitions of two words learned by most everyone in grade school: that is, "conduct" and "orientation." This discussion is central to the analysis and is addressed in detail later.

How the policy was formulated by Capitol Hill process could be a thesis in itself; so, to say that it has something for everyone speaks to the "process by committee" that arrived with the policy now called "don't ask, don't tell." The political sensitivity of this issue was never resolved between the opposing sides. The result is a directive that reads like a legislative document requiring counsel to enact. Worse, is the potential for ambiguity that could weaken the effectiveness of the document. Even if it were a policy totally disliked by the body it governs, having the intent

clearly stated or even explained to the senior echelons of the military would allow full and equitable implementation. As the analysis points out below, this policy is neither clearly understood nor popular with the fleet.

As discussed in the methodology section of Chapter III, a dual approach was used to get all the information available on the topic. Specifically, a bank of questions was compiled offering responses of STRONGLY AGREE, AGREE, DISAGREE, or STRONGLY DISAGREE, and no opportunity for the individual to answer with "no opinion." Ordering these questions and attempting to remove any hint of bias was a painstaking task. It was important that the survey represent no inferred agenda. This required the formulation of questions in colloquial language by regular Naval officers and extensive review by academic advisors at NPS.

The survey cover sheet offered space for additional comments. Approximately 50 cover sheets (8.2 percent of the 605 survey returns) were received with some very revealing insights. These insights are shared in the analysis. Some officers criticized the survey for not offering a "no strong opinion," "don't know," or "don't care" alternative for responding to the questions. This, of course, was done by design to force a definite decision. A few respondents also commented that they were unable to tell where the survey was "leading" them with the questions. This particular comment was well received by the authors, for the specific intent of

the data gathering was to not lead the respondents in any particular direction.

Immediately after the surveys were distributed, phase II of the data collection was started. This process involved twenty focused interviews obtained randomly from students across the NPS campus. The qualitative data were derived from the repeated comments and questions found in the verbatim transcripts of these interviews. Appendix C lists the protocol for these interviews. Interestingly, the authors found that discussions of the military's policy on homosexuals were often charged with emotion and personal opinion, so the interviews turned out less formally structured than originally intended. (See Appendix D for transcripts of typical interviews.)

During the interviews, the researchers' initial concern was to ensure that respondents felt comfortable in talking about this controversial topic. The early part of each interview was dedicated to getting background material from the officer on his or her personal and professional life.

B. RESULTS AND ANALYSIS

The approach in this section links both the survey questions and the reiterated themes found in the focused interviews with each of the research questions posed above. Answers to the subsidiary questions are then combined to address the primary research question. By grouping the

questions differently from this original order on the survey, five different sets of analysis emerge. Recall that the survey questions were not grouped on the form in this manner. This was done to test for logical thought, consistency in responses, as well as to eliminate any survey bias.

C. UNDERSTANDING THE NEW POLICY

The first subsidiary question of the study examines how familiar the Navy's junior officers are with the new policy. The survey dedicates five questions to this point. This grouping is called "factual knowledge" and asks the most basic questions on the survey. Table III presents seven questions derived by the authors from reading the actual DoD directives. (Shortened versions of the questions are used in all of the tables. The survey and response frequencies are presented in Appendix A.)

As shown in Table III, the results for question #5 indicate that 68 percent of the respondents claim to know the difference between conduct and orientation. This is a reasonable figure, considering that the topic has been front-page news for some time. Also, to answer negatively might suggest that the officer is uninformed on a new directive. To be uninformed is to be unprepared in the military mind; and unprepared is clearly a poor characteristic in an officer.

Table III also shows that apparently 70 percent of the respondents incorrectly answered that lawful, off-duty sexual

TABLE III. UNDERSTANDING OF THE MILITARY'S NEW POLICY ON HOMOSEXUALS

Question No. and Item	<u>Response Rate (percent)</u>			
	Strongly Agree	Agree	Disagree	Strongly Disagree
5. I can distinguish between sexual conduct and orientation	34	34	22	10
9. Lawful, off-duty sexual activity is of no concern to me	29	41	16	14
10. Responsibility to investigate hand-holding	13	30	39	17
11. Homosexual personnel within the Navy can cause the downfall of discipline.	50	29	14	7
13. Admitting homosexual orientation to a superior is equivalent to sexual misconduct	9	17	53	21
22. Marching in gay parade is homosexual orientation	16	24	48	12
30. Socializing in a gay bar is sexual misconduct	9	23	45	14

conduct is not their concern (question #9). The new policy clearly states that no distinction will be made between how one must conduct himself on or off duty. Furthermore, homosexual activity is not actually illegal (except for sodomy in certain states), but it is conduct that will result in discharge from the military. This line of thought goes hand-in-hand with reports of sexual misconduct (question #10). Over half of the respondents said that they would not have investigated the conduct of holding hands. This very example is used in the DoD directive to define sexual misconduct.

The action described in question #13--admitting to homosexual orientation--is another example of sexual misconduct presented in the DoD directive. In telling the chain of command that one has homosexual orientation, the person has demonstrated a propensity to act, which is considered as conduct according to the December 21, 1993 directive. As seen in Table III, 74 percent of the respondents said that this would not be sexual misconduct. According to common usage of the word "conduct," just saying something is not ordinarily taken as *doing* it--though there are legal precedents that interpret words as deeds. The policy definition consequently changes what one is saying into how one is acting. Marching in gay parades is placed in the category of sexual orientation by the new DoD policy. Similar to previous questions, fewer than half (40 percent) of the

Naval officers surveyed answered this one correctly (question #22).

The only factual-type question that was correctly answered by more than half of the respondents had to do with socializing in gay bars (question #30). As seen in Table III, about 68 percent of the officers answered that this activity was not sexual misconduct.

Some of the comments that were made during the focused interviews questioned the usefulness of "analyzing and interpreting" the new policy. Several officers indicated that "we are not in the business to question the policy of our civilian leadership." Most said that they "didn't really see any real differences between the old policy and the new one," or voiced the opposite view, "this policy makes us more apt to serve with homos." Clearly, there is a lot of emotion mixed in with what officers truly understand and what they just think they understand.

The next subsidiary research question looks at the differences between the old policy and the new one and involves understanding the differences between the terms "conduct" and "orientation" as applied in the actual DoD directives. The differences to the casual observer may appear obscure and trivial at best; however, this very issue is a major sticking point and the basis for much of the political maneuvering over the topic of homosexuals serving in the military.

The new policy says that homosexual conduct is the key factor in determining one's "incompatibility" (in the language of the directive) with military service. Conduct means the commission of a homosexual act or the propensity to act in this manner. Orientation, on the other hand, refers to the abstract presence of same-sex attraction in a person. A person's sexual orientation is viewed politically as a private matter that should be of no concern to anyone in the work place, whereas homosexual conduct is an activity that would harm the good order and discipline of military units by lowering overall morale.

Generally, an individual's concept of the differences between conduct and orientation are formed relatively early in life. This is then reinforced by the typical contexts found in everyday usage. As written, the new policy seems to alter basic English language definitions by declaring that some actions or activities are no longer considered "conduct" but are now described as "orientation." For example, frequenting gay bars or marching in a gay parade is not considered conduct but, rather, orientation. At the same time, telling your boss that you might have homosexual feelings or desires is defined as conduct, not orientation.

Under the new policy, commanding officers are forbidden to initiate investigations to determine a person's sexual orientation unless there are valid indications of sexual misconduct. The policy also no longer distinguishes between

sexual conduct on and off duty. The biggest change occurs in the screening process for applicants. No longer will applicants be asked about their sexuality during the admission process.

The technical language providing that homosexual conduct will not be tolerated remains in the policy. However, changes have been made with respect to the point at which homosexual activity is discovered and the person responsible for "gatekeeping." Recruiters have long been trained and skilled in how to assess the potential nonconformists to military life. Now, at least in the area of sexuality, that jobs falls to the fleet division officer and department heads.

The essence of the message to homosexuals is that, in order for you to join the Navy, we, the active Naval authority, must not find out by your actions that you are a homosexual. The Navy will not ask you about your sexual preference as a prerequisite to entry, nor will the Navy ever conduct an investigation solely for the purpose of determining your sexual "orientation." The Navy expects all sailors to keep their sexuality a private matter. Should a person demonstrate conduct indicating that he or she is a homosexual, the Navy will investigate. If the allegations prove correct, the homosexual will be processed for separation from the service.

D. INTERPRETATIONS AND APPLICATIONS OF THE NEW POLICY

Another subsidiary research question looks at which elements of the policy are most susceptible to inconsistent interpretation and application. The grouping of survey items in the previous section offers some of the "nuts and bolts" mechanics to analyzing this question. The goal of this section is to look past the written definitions and examine the spirit or intent of the policy change, focusing on where it might be misinterpreted. As written, the policy can be interpreted and applied with wide variance due to the language used and the complexity of intent. Distinguishing between activity, conduct, and orientation, as previously mentioned, supports this view. The grouping of survey questions addressed here is called "policy view."

As shown in Table IV, only 36 percent of the respondents believed that the senior uniformed leadership shaped the new policy (question #6). Given that day-to-day Naval operations are carried out by division officers and department heads loyal to the chain of command, it is somewhat disturbing to find that nearly two-thirds of the respondents feel that the military's "most senior leadership" had very little influence in shaping the new policy. Considering that 82 percent of the responding officers do not want homosexuals in their commands (question #1), and that these officers are being directed to enforce an unwelcome change to an existing policy, the possibilities for inconsistency and unfairness appear

TABLE IV. POLICY VIEW

Question No. and Item	<u>Response Rate (percent)</u>			
	Strongly Agree	Agree	Disagree	Strongly Disagree
1. Full and open acceptance sends the wrong message	53	20	19	8
2. I would prefer not to have homosexuals in my command	55	27	11	7
6. Senior uniformed leaders shaped policy	8	28	36	28
7. Positive Step for gay movement	17	50	23	10
14. Can easily determine homosexual by appearance	2	9	58	30

extremely high.

It does appear, however, that the respondents are less prone to stereotyping homosexuals than might otherwise be expected based on their generally conservative outlook. For example, as shown in Table IV, nine out of ten officers said that they could not "easily determine whether or not someone is homosexual by appearance and mannerisms" (question #14). The stereotyping by the civilian sector of military people has

a lot to do with how civilians see the armed forces function. What comes to mind is the image of the "long grey line" of identical warriors, locked-stepped in thought and deed to defeat an enemy. For those on the inside, it has become quite apparent over the past decade that the military includes a wide assortment of people with different personalities, preferences, and outlooks on life.

Answers to question #7 ("The new policy is a positive step for the gay movement") suggest that many people have not looked closely at the changes in the policy or that they did not fully understand the old one. As seen in Table IV, roughly 67 percent of the respondents said that the new policy was a step forward for the homosexual community. This perception is probably unfounded, based on the actual policy changes as written. However, the perception that a significant change has occurred appears to overshadow real differences in the policy. Again, the theme of differentiating between conduct and orientation surfaces. So very much of the political battle came across as public posturing to satisfy various constituencies rather than determining the issues that would ultimately face the military officer in the fleet.

In his book, Honor Bound: A Gay American Fights for the Right to Serve His Country, Joseph Steffan points out that the whole issue of gays in the military was not fully embraced by leaders in the gay community.[Ref. 68] In fact, the

military faction of the gay community had to lobby hard to convince gay rights leaders to invest resources in the battle to lift the ban. The question was not over its importance as a statement but, rather, how likely the success of the effort would be. Politically, the gay rights movement did not want another failure to quell the momentum of the cause. In other words, some believed that the movement's time and money could be better spent slaying smaller dragons.

Despite all of the behind-the-scenes maneuvering, the public message brought by gay rights spokespersons, such as Representative Barney Frank (Democrat-Mass.), was that a change in the military's policy would be a significant achievement for the gay movement. That seems to be what the respondents to question #7 remember most, based on their answers. The focused interviews, however, show that, when asked what the positive step actually is, most officers say it was the mere consideration of lifting the ban. It seems that the form of the message, rather than its substance, has placed a cloud over the ability of respondents to examine the elements of the policy and clearly determine how to apply what is actually there. In fact, the heated debate over the issue may have initiated a long-term process of change in the military's policy; but, the immediate results of the debate are arguably minor, if at all positive, for the gay rights movement. If the policy were better understood by the officers, then they would rely less on their "gut feelings."

Based on the responses, the officers tend to err on the side of being less restrictive than the new policy actually allows (see Table III). This misinterpretation of the new policy has logically led them to conclude that the policy has been considerably relaxed.

1. Demographic and Contact Theory Analysis

The fourth subsidiary research question raises the interesting issue of whether there are differences in the way the new policy is interpreted by Naval officers in different demographic or warfare groups. The areas studied were seniority, gender, warfare specialty, and racial/ethnic group.

The contact issue is addressed in question #38, which asks about whether the respondent has known a homosexual either as a friend or relative. This question was cross-tabulated with other survey questions, as described below after the demographic analysis.

a. Age or Seniority

Question #39 looks at the seniority of the respondents, which is easily translated into age since the drawdown in Naval personnel has forced a "promote or perish" environment. In comparing responses to question #39 with those to question #21 ("People are either heterosexually or homosexually oriented"), it is found that officers with 13 to 16 years of service are twice as likely as those with just 2 to 5 years of service to look at sexual preference from an

"on/off" or "straight/gay" perspective. As seen in Table V, the more junior officers seem to hold more that people are on a sliding scale of orientation from pure heterosexual to pure homosexual. This theory also allows for slight changes along the scale of orientation as different life experiences affect us. As seen in Table V, only 27 percent of the youngest group of officers agreed with the statement that a person is either homosexual or heterosexual.

TABLE V. AGE\VIEW CROSS-TABULATION

39. Years in the Navy.	21. People are either heterosexually or homosexuality oriented.			
	<u>Response Rate (percent)</u>			
	Strongly Agree	Agree	Disagree	Strongly Disagree
2-5	12	15	51	22
6-9	7	28	54	11
10-12	10	35	45	10
13-15	5	43	38	14
	29. Would not want a gay person as a neighbor.			
2-5	4	29	57	10
6-9	12	29	46	13
10-12	13	35	41	11
13-15	24	26	32	18

This view increased steadily, as each older group of officers agreed more with the statement, up to 47 percent of

the oldest officers. The same pattern exists for question #29 ("I would not want a gay person as a neighbor"). As seen in Table V, older groups of officers seem less willing to have an alternate sexuality in their environment.

b. Officer Community

By separating the warfare specialties into two groups, "warrior" and "support," a clear division can be found in the degree of acceptance of the new policy. The warrior group (defined as aviators, submariners, and ship drivers), demonstrated less acceptance of homosexuals in the same command, followed by the support group (supply, aviation maintenance, intelligence, and engineering duty). Warriors also tend to be less willing and more pessimistic about future policy than are the support personnel, as shown by the responses to questions 2 and 15 in Table VI. For example, more than 92 percent of the submariners said that they would not want homosexuals in their command, whereas a high of 75 percent in the support group felt the same way.

c. Gender Differences

By far, the most interesting finding in the demographic comparison came from looking at the responses of men and women, as shown in Table VII. A potential drawback in the data is the small number of female respondents (60). The number, however, is representative of the female population at the Naval Postgraduate School and the entire Navy (about 10 or

TABLE VII. GENDER COMPARISON

Question no. and Item	Response Rate (percent)	
	Male Agree	Female Agree
1. Sends wrong message to society	75	48
2. Prefer not to have homosexuals in my command	86	60
30. Socializing in gay bars is sexual misconduct	34	7
32. No difficulty obeying Commanding Officer to work with homosexual on dangerous assignment	46	74

11 percent). By comparison, there were 545 male respondents to the survey. As done in the analysis of the first subsidiary question, the survey questions are listed as a group.

The entire battery of questions suggests a level of tolerance regarding homosexuals that is considerably higher for women than for men. Perhaps, the most telling response in Table VII occurs for question #2, where 60 percent of the female officers said that they would prefer not to have homosexuals in their command, compared with 86 percent of their male counterparts. More exemplary of this sentiment was the degree of emphasis (strongly agree vs agree) between the two groups. The split for women was even at 30 percent "agree" and 30 percent "strongly agree." The men, however,

had a more emphatic 59 percent "strongly agree," with 26 percent indicating "agree" (see appendix A).

The focused interviews gave some clue as to how this line of thought originated. Most women commented to the effect that "as long as the sexuality did not impact the job, there was no problem." Some women also said that they "didn't see what the big deal was; women had the same struggle of getting acceptance." It appears that there may be a sort of kindred spirit between women and homosexuals, at least for some of the female officers surveyed. Women have climbed the walls excluding them from the military's "good-old boy" network and have recently gained entry to all facets of service, including combat. Although women have generally not yet achieved the same personal and professional connections as most men currently serving, they seem to offer encouragement to gays to "keep it professional and be who you are."

Question #32 suggests a relatively high degree of willingness among most female respondents to serve in any capacity with homosexuals. As seen in Table VII, 74 percent of the women said that they would not have difficulty obeying an order from the commanding officer to work with a homosexual co-worker on a difficult/dangerous assignment, compared with only 46 percent of their male counterparts. This finding for women may be attributable to the extremely limited number of female officers with shipboard experience or assignment to the warrior specialties. Some of the warriors complained of a

"nine-to-five" mentality by other warfare specialists. Clearly, a different view between the sexes exists; however, it is significant to note that even a quarter of the male officers would have no problem working on a dangerous assignment with a homosexual co-worker (question #32 in Table VII).

Women seem to feel that they are generally more tolerant than their "peers" who are predominantly male. Question #35 makes the statement, "compared to my peers, I consider myself more tolerant on the issue of homosexuals in the military." Over 74 percent of the female respondents agreed with this statement as opposed to only 53 percent of the men. Lastly, the distinctive variations between male and female respondents was clear and indicates that women will be more apt to make the best of the new policy or future change in the direction of liberalization. Question #20, "the new policy is good for National defense," was agreed to by nearly 30 percent of the female respondents and 15 percent of their male counterparts.

c. Racial and Ethnic Groups

The last subsidiary research question asks if personal bias exists within the demographic groups and, if so, how do these biases affect the officer's interpretation of the current policy. The preceding section of analysis attempts to answer this question using several examples. Clearly, there are biases among the groups. Older, more senior officers

correctly answered more of the factual questions, showing more awareness of the new rules; but these officers were also the most conservative on tolerance and acceptance of homosexuals. Hispanic and African-American officers appeared to be less tolerant than officers in other racial/ethnic groups. The low number of respondents in these two groups, however, cautions against placing too much emphasis on the numbers.

Comments from the focused interviews provided more insight on attitudes linked to racial or ethnic status. Foremost was the strong separation between the minority struggle and the homosexual issue. Few blacks, or whites for that matter, felt that the experience of integrating blacks into the military can or should be compared with the homosexual issue. "Race is worn on one's sleeve," one black officer stated, "whereas homosexuality is not readily discernable."

Another salient theme by both Hispanic and African-American respondents was general agreement that "homosexual orientation is learned through social interaction and can be changed by will" (question #4).

2. Interpretations Based on Contact

One of the more interesting cross-tabulations occurs by comparing question #38 ("I have a friend or relative who is homosexual") with various other questions to see if certain attitudes are shaped on the basis of personal contacts with homosexuals. The first indication that this analysis could be

valuable was the raw percentage of respondents that have (or have possibly had) a friend or relative who is homosexual. As shown in Table VIII, approximately 52 percent of respondents indicated that they did not have such a friend or relative; however, 29 percent said "yes" and another 18 percent said "possibly." If this survey were administered to Naval officers ten or fifteen years ago, the results may have been dramatically different. For nearly half of the group to admit they had friends or relatives who are gay or possibly gay may demonstrate a loosening, or at least an awareness, to what was formerly considered unspoken deviant behavior. As shown in Table IX, 67 percent of the officers with homosexual friends or family also said that they feel comfortable around gays and have no trouble interacting normally (question #23). Roughly 54 percent of those who possibly have friends or relatives answered the same way regarding their comfort level. These results are predictable, based on the "contact hypothesis," which states that as one experiences close affiliation with something once unfamiliar, the fears associated with the unknown tend to disappear. By themselves, the numbers are not extraordinary. But, considering the generally conservative leanings of Naval officers, as evidenced from other studies [Ref. 69], this seems quite a change from the view typically voiced.

Crossing the contact question with question #30 ("Service members who socialize in gay bars are committing sexual

TABLE VIII. CONTACT THEORY

Question No. and Item	<u>Response Rate (percent)</u>		
	Yes	No	Possibly
38. I have a friend or relative who is homosexual	29	52	18

TABLE IX. CONTACT THEORY CROSS-TABULATION

38. Homosexual friend or relative	<u>Response Rate (percent)</u>			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Yes	10	23	50	17
No	21	42	30	7
Possibly	12	34	43	11
	30. Socializing in gay bars is sexual misconduct.			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Yes	3	14	60	23
No	11	27	53	9
Possibly	5		55	15

misconduct") further demonstrates the premise that those who know a homosexual, either as a friend or relative, tend to exhibit generally greater tolerance with respect to this group. A full 83 percent of the respondents who answered

"yes" to knowing a homosexual also said "no," that socializing in a gay bar is not sexual misconduct.

3. The Primary Research Question: Officer Responsibilities and Complicating Factors

The primary research question addresses how Naval officers assess their responsibilities under the new policy. Additionally, it asks if personal experiences and biases, as well as certain difficulties distinguishing between conduct and orientation, may complicate the officer's ability to effectively administer the policy. The previous discussion of the subsidiary research questions provides a foundation of information to address these issues.

From the high percentage of incorrect answers concerning the details of the new policy (questions #9,10,13,31), it is clear that a majority of officers at the Naval Postgraduate School share several misconceptions about "don't ask, don't tell." Focused interviews reinforce this conclusion as well as identify a primary source of confusion: how to tell the difference between homosexual conduct and orientation as presented in the Department of Defense directives. The real issues seem to have been clouded by the highly charged debate over lifting the ban. We may be hung-up on who gained and who lost political ground, rather than directing our attention toward the field-level issues of how to implement the policy change.

As previously noted, 67 percent of the respondents said that the new policy is a "step forward" for the gay movement (question #7). Close reading of the directives indicate that the policy change is more like a lateral step at best. Previous command-level discretion on identifying and processing homosexuals is now codified. The wording of the new policy is disturbing to hard-line anti-gays, because it changes a long-understood theme of unconditional exclusion. Gay activists, on the other hand, are dissatisfied because the policy insinuates "you can do what you want, as long as we don't see it or find out that it is happening." Focused interviews brought the repeated theme that the policy actually rewards deception of the truth. The honor-bound culture in which Naval officers are steeped cannot accept this marring of the higher standard of ethics. Following the rules as a Naval officer demand meeting both the letter and spirit of the new policy.

With 82 percent of the respondents saying that they would prefer *not* to have homosexuals in their command (question #2), and about the same percent claiming that the new policy is *not* good for National defense (question #20), one cannot help but see troubled waters ahead. Without a clear understanding of what the new policy means, officers are unlikely to know why the new policy is actually good or bad for national defense. When asked how they see their responsibilities under the policy, nearly all of the subjects in focused interviews

lamented about the loss of the recruiter as a gatekeeper or pre-enlistment screen for homosexuals. Most felt untrained or unskilled at detecting homosexual activity before a problem arose. There was no consistency to how infractions should be handled when officers were given a hypothetical scenario in which to participate. All of the officers held to the premise that they could tolerate working with a homosexual as long as the officer did not have administrative responsibility for him or her. The point here is that, if the work were getting done, there would be no questions; however, full-time cognizance would require turning in the homosexual based on the rules requiring investigation of any activity. Determining whether the activity was "conduct" or "orientation" is another frustration for many officers. Because this issue carries the flavor of an ethical judgment, emotion and gut instinct seemed to motivate many responses rather than an informed knowledge of the policy. When the interviewer explained the actual policy, what ensued in most cases was a discussion of conduct and orientation as redefined and the inconsistency with typical usage.

Also of concern to officers is the perceived ability to administer the policy fairly from command to command activity. Answers to question #6 ("senior uniformed military leaders shaped the current policy") found disagreement among 64 percent of the respondents. The chain of command operates like most other hierarchial organizational structures. The

junior member follows the next senior's lead in what is important and what is not. Commitment to a cause works along the same lines. If the policy were intended to clearly lay out the rights of those inside the organization who are straight as well as gay, then that message apparently did not get through.

As shown in Table IX, questions 17 & 18 taken together suggest that most respondents believe the new policy was not directed at aiding the majority of current military members and that it may actually do more harm than good for the Navy

TABLE X. NEW POLICY IMPACT

Question No. and Item	<u>Response Rate (percent)</u>			
	Strongly Agree	Agree	Disagree	Strongly Disagree
17. New policy protects rights of all sailors regardless of sexual preference	7	29	42	23
18. Under new policy, heterosexuals aboard ships at risk of privacy invasion	24	38	29	9

as a whole.

During the focused interviews, researchers probed the subjects on these questions in an effort to identify the major areas of concern or the perceived threat posed by having the homosexual aboard ship in deployed status. Concise answers did not come rushing to the surface. As in other studies, the subject experienced great difficulty putting words to that fear. When berthing issues were raised, it seemed the concern was not for personal safety from being physically attacked but rather knowing that the respondent could be the object of a homosexual's desires. Typical responses were: "I would not feel at ease walking around in my underwear"; " I would not want someone staring at me in the shower"; and "why not make berthing co-ed if this is going to be the way it is?"

Question #34 ("homosexuals could pose a health risk to the Navy") drew an unexpected response. Over 74 percent of the officers agreed with the statement, despite the Navy's aggressive HIV testing program and random urinalysis testing. The interviews found a base-level fear concerning blood supply contamination and wartime crisis response. Other than the health issue, none of the officers could readily identify exactly what would cause them to oppose having homosexuals in the Navy.

Question #24 ("a division officer's sexual preference has no effect on the officer's ability to lead") offered the biggest lead toward understanding what the full effects of a policy change might have on the smooth operations of a unit.

Approximately 62 percent of the respondents felt that homosexual preference would indeed affect an officer's leadership capabilities. More telling was the common comment, from both informal and focused interviews, that, even if the homosexual officer could lead well, his or her following by the troops would be impaired because of perceived disdain toward homosexuality in the enlisted ranks. More write-in responses were received on this topic (a total of 23) than on any other in the survey.

Clearly, there are misconceptions about the current policy regarding homosexuals in the military. The analysis has attempted to describe how members of the Navy's officer corps view the policy, whether they fully understand it, and which parts of the policy are most difficult to interpret. The intent of the analysis was not to assess the judgment of the decision to change the policy. Throughout the analysis, the authors refrained from summing up their view of the "big picture" to emphasize the survey results and comments from the clinical interviews.

E. SUMMARY OF RESULTS

The research discovered that, although the topic of homosexuals in the military is front-page news, most junior officers at NPS are not fully informed about what the policy actually says. The four "nuts and bolts" questions from the survey on important features of the policy were missed by

approximately 67 percent of the respondents. Further analysis found that, even if the officers had the opportunity to read the DoD directives, significant ambiguity and lack of clarity exist on the issue of determining the difference between conduct and orientation. Combining the vague message as written in the directives with the inferences drawn by officers from exposure to the "media hype," the authors found interpretations to be generally more liberal than the actual policy guidelines.

This interpretation may explain the general dislike for the new policy expressed by over 75 percent of the officers interviewed and surveyed. Officers do not like the new policy, neither do they understand what it says. It is suggested that, if they understood the new policy, they might like it. Another possibility for the generally uncomfortable feeling among officers might be the very consideration of lifting the ban. This "change" to the long-established military exclusion of homosexuals is upsetting to the tradition-steeped officer corps that runs the gigantic military organization.

The researchers found a greater percentage of female officers than male officers expressing tolerance of homosexuals and more women than men ready to cope with the new policy. To a lesser degree, differences in attitudes were found between the warrior group (surface, sub-surface, aviator) and the support group (staff corps and restricted line) with respect to the new policy. Warriors were generally

less pleased and more pessimistic about the policy change, though this may be attributable in part to their misunderstanding of what has changed and what has not.

Older officers appeared to be more conservative than the less experienced officers about the acceptance of homosexuality as an alternate lifestyle. The "contact hypothesis" showed that, regardless of gender, race, age, or warfare specialty, association with homosexuals lowered the barriers of resistance. Also found was a larger than expected percentage of officers who admitted knowing homosexuals either as friends or relatives. This may be an indication of the changing societal norms that are enabling homosexuals to "come out" without the severe penalties of previous years.

An overall perception from both formal interviews and structured surveys is that many officers are nervous or uncomfortable about their new responsibilities under the "don't ask, don't tell" policy. They do not fully understand what the new policy means and, therefore, feel unprepared for the gatekeeping job, the "conduct" verses "orientation" issue, or the valid pursuit criteria.

There is ample evidence that homosexuals enjoy a greater degree of acceptance by the general society than in the recent past. The military organization reflects its host society in many ways and has, in the past, even blazed a trail for society to follow toward racial and gender integration of the workplace. On the subject of homosexuality, however, it is

evident that the military has its own, relatively conservative perspective. This is not unusual for a highly specialized organization, grounded in tradition and a warrior culture, free from pressure to change, with self-selected members. At the same time, there are suggestions that the views of the military members may have softened somewhat with respect to homosexuality, in consonance with trends in the general society. This is indicated, for example, by the fact that 25 percent of the sample agreed with the statement that the new policy is "good for national defense." Since the vast majority of officers believed the new policy relaxed the military's position on homosexuality, one can assume that most of the officers who agreed with the statement also agreed with the shift toward a more relaxed policy. One can only speculate, but it is doubtful that many officers--certainly fewer than on-quarter of the sample--would have felt this way twenty or even ten years ago.

V. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

This investigation of how Naval officers interpret and understand the new Department of Defense policy on homosexuals in the military attempts to deal objectively with a highly sensitive and emotionally-charged topic. The military's historical treatment of homosexuality (as discussed in Chapters I and II) laid the foundation for the recent changes to the exclusionary policy. The study focus is on the attitudes and knowledge of the new policy by Naval officers at NPS, not on assessing the judgment of officers about the desirability of the policy. The authors found the two points, knowledge of the policy and attitudes about the new policy, related because of the emotional content of the issue and the lack of clarity of the written policy directives.

In general, Naval officers who were surveyed do not like the new policy. Neither do they understand what it means. The analysis shows that there is a relationship between these two factors. The data suggest that, if the officers actually understood what was being said in the new policy, they would find it more in line with their generally conservative view. An overwhelming majority of officers, regardless of their

demographic background, think that the Nation's defense will be worse off as a result of the policy change. This apparently stems from their personal convictions about the lifestyle of homosexuals and strong belief that serving in the military should be a privilege and not a right of citizenship. A frequent point of discussion has centered around whether or not there is some value added to the military's fighting capability from this change. The most-received comment, both in writing and through interview was: "Of course homosexuals should have equal rights just like everyone else, but not special privilege." A frequently repeated sentiment was as follows: "Just as the military prohibits overweight or blind people from serving in the active armed forces, it should likewise keep out homosexuals, who would not improve the level of defense."

As expected from other research, officers who had contact with homosexuals through family ties or friendships tended to be more tolerant in their views. Absent the fear of the unknown, they could focus on the written meaning of the new policy and attempt to figure out how it would affect their job as a division officer or department head.

To explain why few officers understand the policy is not difficult, but it causes alarm due to the sensitive situations that will undoubtedly arise from not knowing what the rules are. Redefining common-use terminology, as the policy does with respect to conduct and orientation, is a major source of

confusion for proper execution of the intended policy. Most officers are not interested in the origins of the wording. They just want to be able to relay the correct policy to the people who work for them and be able to administer it without legal counsel present to translate.

The change itself is a task none too simple for this conservative institution to overcome, as is any managerial change. Stacked against the smooth transition is the lack of clarity of the new message. Many unpopular policies have successfully been implemented, but most were more easily understood. The perception of change itself, in this instance, is more substantive than the effective reality of what is actually different. Most of the respondents think that the gay movement has benefitted by the new policy and that the rules have liberalized how homosexuals are treated by the military.

The facts are that homosexual activity is still not tolerated and, if noticed and substantiated, members performing such acts will be discharged just as in the old policy. Because we are in an age of media-controlled information or misinformation, the facts of the matter can often get distorted in transmission. Most officers have not read anything directly from the Defense Department sources or official publications now in print; most have gotten their information solely from newspapers, magazines, radio and television sources.

The survey indicates no strong consensus by the officers on how homosexuality comes about. When asked what would change about their feelings if homosexuality were discovered to be a biogenetic trait, most offered a softer view on the strict rules. It should be noted, the respondents also said that such a discovery would not change the degree of difficulty encountered in dealing with military applications.

The military treatment of homosexuality has become a national interest issue and a political "hot potato" from the start. The situation placed a new Commander-in-Chief, who was viewed with some suspicion by most military members, against several strong advocates of the military who were widely known and respected by the defense establishment. Several senior military officers openly disagreed with the President, setting a tone of dissent with the proposed change in policy. Military officers also rallied behind their advocates, such as Senators Nunn, Warner, Dole, and McCain as a resource for resistance. The military's seemingly distant relationship with President Clinton fosters a personal undercurrent of opposition from all uniformed personnel. The reaction to the policy on homosexuals combines with the uncomfortable drawdown in military force size to destabilize the old, familiar environment, thus furthering the change message. The overall negative reaction discovered in the survey may simply be a backlash to an unpopular administration or Congress.

Women are slightly more accepting of the change in policy, possibly because it was similarly new thinking that allowed for their ascent to equality in the military. The most recent policy change, removal of combat exclusions for women, occurred during the same time frame as the development of the new policy on homosexuals. At the risk of sounding hypocritical, women may be displaying a sort of kindred spirit against the exclusion of homosexuals. Interestingly enough, during focused interviews, several male officers remarked that they would rather serve at sea with homosexual men than with straight women.

The analysis revealed that the respondents viewed the policy as tarnishing the Code of Ethics because of the concealed manner in which homosexuals are now allowed to remain legally in the service. The very wording, "don't ask, don't tell, don't pursue," sounds slippery. The assessment by some officers was that deception of the truth is encouraged by the policy language.

Another chord for resistance was the general feeling that, even if uncloaked homosexuals could operate as leaders in the military, junior members would not follow without serious problems ensuing.

Nearly all of the black and the majority of white officers did not view the homosexual issue as similar to the issue of racial integration. In fact, many black officers seemed to resent the comparison saying that "minority" status should

not be given to any group that can conceal its identity. Whites repeated the common complaint that the military is "no place for social experiments" when, in fact, it has always been so.

Regarding the general acceptance of homosexuals, the percentage of officers with some association or affiliation with homosexuals is probably higher than one would have expected if the survey had been conducted ten years ago. Some might argue that mere recognition of the homosexuals existence in and closely around the military suggests a "thawing" of the culture with regard to homosexual acceptance. The demographic-cross tabulation shows that younger officers were the most liberally-minded with respect to living next to or working with homosexuals.

The final conclusion has to do with the potential for change and the direction of future policy. Nearly 30 percent of the respondents thought that it is just a matter of time before full and open acceptance of homosexuals becomes a reality for the Navy. To have even this thought passing through the minds of the Navy's junior officers indicates a softening of the hard-line conservative view of previous days.

B. RECOMMENDATIONS

The Navy needs a training plan if the policy is to remain as written and be effectively administered. To begin with, the Department of Defense needs to clarify the language and

examples of the directives. A team of operationally experienced officers and Navy legal officers should cooperate to accomplish this task by drawing on the actual experience of both professions. Defense officials should not allow this potentially divisive and controversial issue to remain "cloudy" in the minds of field-level officers. The new policy must be totally understood and conceptually clear if the junior officers are to assume their new role as "gatekeeper." Other Navy training programs have had difficulty getting the accurate message down to the operational level. This issue is extremely difficult because of the cultural chords that are intertwined. The interpretation of the new policy must speak to the sailor in the fleet but continue to be on firm legal ground in the event of future litigation. A phone-in hotline could be established as a stop-gap measure in solving problems already facing commanding officers before the training gets underway. If nothing is done to clarify the policy at the fleet level of implementation, division officers and department heads will make costly mistakes in attempting to execute directives that they do not understand.

C. AREAS FOR POTENTIAL FUTURE RESEARCH

Future research in the area of genetics may bring greater understanding concerning the origins of homosexuality. This work has the potential to significantly change the way homosexuals are treated both socially and legally. Despite

extensive research efforts, there is presently no consensus in the scientific community on the "cause" of homosexuality. There is, however, a growing body of evidence to suggest that homosexuality exists as an identifiable and involuntary characteristic of some people. This has led some scholars to conclude that homosexuality is not a psychological dysfunction but as close to "natural" as any human condition can be. Research supporting these claims includes a biological study by neuroscientist Dr. Simon Levay in which he compared the anterior hypothalamus of brains. His findings were that an anatomical form usually found in women rather than in heterosexual men was present in homosexual subjects.[Ref. 70] A study of hereditary origins by psychologists Michael Bailey and Richard Pillard concluded that genes play a strong role in the development of homosexuality.[Ref. 71] Of 161 gay men interviewed, 52 percent of the identical twins, 22 percent of the fraternal twins, and 11 percent of the adoptive brothers were also homosexual.[Ref. 72]

Relevant follow-on study could be devoted to clarifying and quantifying the much bantered issue of the effects of homosexuals in "unit cohesion, morale, and good order and discipline." This "fuzzy" topic often surfaces without a substantive basis of support. The common theme in many of this study's focused interviews on privacy would be an interesting and valuable topic facing our ship-board

environment today with the men and women serving. Lastly, it is recommended that a follow-up study on this topic would indicate the level of understanding after the fleet training was accomplished. The study could investigate the effectiveness of the training and the changes in interpretation since this work.

As research continues and society gets better educated on the origins or "causes" of homosexuality, the relevant issues may change. But, for now, we are confined to defining and describing outcomes, such as conduct and orientation, rather than the sources. It is hoped that this thesis has helped the reader in at least two ways: first, to know what the military organization has historically done in confronting the issue of homosexuality; second, to become aware of how a sampled group of Naval officers feel about what the current rules are and how to deal with them while serving in today's Navy.

APPENDIX A SURVEY AND RESPONSE FREQUENCIES

(1) strongly agree (2) agree (3) disagree (4) strongly disagree

1. Full and open acceptance of homosexuals in the military sends the wrong message to the rest of society.

52.9% 20.0% 18.8% 8.3%

2. I would prefer not to have homosexuals in my command.

55.5% 26.7% 11.2% 6.6%

3. Homosexuals are probably born that way.

8.8% 23.8% 38.5% 28.9%

4. Homosexual orientation is learned through social interaction and can be changed by will.

19.7% 32.0% 36.8% 11.5%

5. The differences between sexual conduct and sexual orientation are clearly defined and I can distinguish the two.

33.9% 33.6% 22.0% 10.5%

6. Our most senior uniformed military leaders shaped the present policy.

8.0% 28.4% 35.6% 28.0%

7. The new policy is a positive step for the gay movement.

16.7% 50.0% 23.3% 10.0%

8. I would have no difficulty working for a homosexual Commanding Officer.

10.0% 20.4% 24.8% 44.8%

9. Lawful off-duty sexual activity would be of no concern to me.

29.3% 40.7% 16.0% 14.0%

10. As a department head, you receive a report from Seaman Smith that Airman Jones was holding hands with a same sex civilian in a movie theater. It is your responsibility to investigate this activity.
13.4% 30.4% 39.2% 17.0%
11. Allowing homosexual personnel within the Navy can cause the downfall of good order and discipline.
49.5% 29.3% 14.0% 7.0%
12. Homosexuality is a medical/psychological anomaly which can be changed to heterosexual preference through treatment.
9.3% 21.3% 45.0% 24.4%
13. If a service member tells a superior that he/she has a homosexual orientation, this is equivalent to sexual misconduct.
9.4% 17.3% 52.7% 20.6%
14. I can easily determine whether or not someone is homosexual by appearance and mannerisms.
1.4% 9.4% 58.5% 30.7%
15. It is just a matter of time until military policy is changed to full and open acceptance of homosexuals.
11.9% 36.6% 34.3% 17.2%
16. Homosexuals can be trusted with secret military documents.
19.6% 50.8% 20.2% 9.4%
17. The new policy will protect the rights of all sailors regardless of sexual preference.
6.5% 29.0% 41.9% 22.6%
18. Under the new policy, heterosexuals aboard ships are at greater risk of having their privacy invaded by homosexuals.
23.8% 38.0% 29.0% 9.2%
19. Homosexuals are more likely to suffer emotional problems in a military setting.
24.4% 41.7% 27.8% 6.1%
20. The new policy is good for National Defense.
2.6% 15.4% 36.4% 45.6%
21. People are either heterosexually or homosexually oriented.
9.8% 30.8% 47.7% 11.7%

22. Marching in "Gay Parades" demonstrates homosexual orientation.
15.8% 23.7% 48.0% 12.5%
23. I feel uncomfortable in the presence of homosexuals and have difficulty interacting normally.
17.8% 40.0% 34.7% 7.5%
24. A division officer's sexual preference has no effect on the officer's ability to lead.
11.9% 26.4% 32.5% 29.2%
25. The new policy will have more impact on enlisted members than on officers.
16.4% 25.8% 39.7% 18.1%
26. Homosexuals should not be restricted from serving anywhere in the Navy.
9.9% 14.7% 24.9% 50.5%
27. Religious teachings provide the only real obstacles to total acceptance of gays in the Navy.
4.5% 5.4% 34.3% 55.8%
28. Civilian homosexuals are of no consequence to me.
16.0% 39.4% 31.2% 13.4%
29. I would not want a gay person as a neighbor.
16.2% 28.9% 41.1% 13.8%
30. Service members who socialize in "gay bars" are engaging in sexual misconduct.
9.1% 22.6% 53.8% 14.5%
31. Heterosexual orientation is an inherited trait.
15.2% 32.3% 37.3% 15.2%
32. I would have no difficulty obeying an order from the Commanding Officer to work with a homosexual co-worker on a difficult/dangerous assignment.
14.3% 35.4% 30.2% 20.1%
33. Homosexuals and heterosexuals should have equal right.
20.3% 40.2% 21.5% 18.0%

34. Homosexuals could pose a health risk to the Navy.
37.0% 37.0% 20.1% 5.9%

35. Compared to my peers, I consider myself more tolerant on the issue of homosexuals in the military.
15.9% 40.2% 34.6% 9.3%

36. The new policy will have more impact on women than on men.
3.5% 6.1% 67.8% 22.6%

37. On the whole, I like the new policy better than the old policy.
4.7% 18.6% 30.8% 45.9%

*** Because people tend to answer questions differently, we would like to ask you some questions about yourself. **AGAIN, this information will only be used in aggregate form.**

38. I have a friend or relative who is homosexual.
(1) yes (2) no (3) possibly
28.5% 51.8% 18.9%

39. How many years have you been in the Navy?
(1) 2-5 (2) 6-9 (3) 10-12 (4) 13-15 (5) 16-20
8.8% 43.2% 26.6% 13.6% 7.8%

40. I am : (1) male (2) female
 89.3% 10.7%

41. My race/ethnicity is: (1) Hispanic (2) Black (3) White (4) Other
 6.3% 4.6% 83.3% 5.7%

42. **OPTIONAL:** Service community: (1) Surface (2) Aviator (3) Subs
 23.8% 24.8% 10.0%

43. (1) R. Line (2) Supply (3) Gen URL (4) Other
 15.2% 8.9% 10.4% 6.7%

APPENDIX C INTERVIEW PROTOCOL

INTERVIEW PROTOCOL

Opening Statement:

We are doing a study of policy interpretation on sexual misconduct in the Navy. As you know, most of the attention on this subject has been devoted to court battles and high visibility media hype of homosexuals fighting the system, how they have been victimized and harassed and discriminated against. What rarely gets looked at is what it is like for men and women in the Navy, and particularly, what it is like to be part of the Navy when the culture is so radically changing. In particular, we want to know what it is like for officers to have homosexuals integrated into the armed forces, how it feels to see the gay ban lifted, and what your beliefs about gays are. No one pays much attention to that. Few people understand what life in the Navy is like for straight men and women, so that is what we are looking for in this study. Therefore, I am going to ask you some questions about yourself, about what it is like to be a Naval Officer. I want to know what led you to join the military, there is probably something unique about your life experience that made joining the military attractive. So, I will ask some questions about your background, your family life, your parents and siblings, your early days in the Navy and some questions about your previous billets, including your experience here at the Naval Postgraduate School.

I want to emphasize that this interview is confidential, so please do not mention your name or anyone else's name. We want you to be as comfortable as possible, so you can say what ever is on your mind.

Begin Interview:

First, tell me a little about your background, your family life, what led you to join the Navy.

PROBE; Family background, relation between mom and dad, ideals, values that motivated him/her to join.

Talk briefly about your career in the Navy from ROTC, OCS, Academy, etc. First, how did you end up in the community that you are in and why did you choose it?

Talk through each assignment and position.

PROBE: Write down each billet and what it was like, what he liked about it in general. Just have him talk in general about what he did, what it was like, what is "hot" for him, or generates energy as he talks about it, ie, a particular CO he likes, or one that he did not like, etc.

Go back over each duty station and ask: Did you have any contact at all with homosexuals at this station and what was it like?

PROBE: Any incidents that typify how he felt about homosexuals. Pay attention to general typification of gays. Go for specific stories.

Sometimes men say that it is uncomfortable to have gays around, that they have to be careful, that this interrupts their comfort and camaraderie. How do you feel about this?

PROBE: Ask for examples of a time when he felt guarded, like in a bar, a party, joking, playing poker, etc.

Some people say that gays simply do not belong in a military setting. Have you had any experiences or seen any incidents that support that belief?

Receive answer to above then ask: Some say gays are a personal risk. What is your opinion?

PROBE: Look for exceptions. Gays are ok in this situation but not that. Go for the reasoning and rationale behind it.

When in your own career have you felt most successful, most alive?

PROBE: Get the story in detail. What is going on? how did it feel? What adjectives, adverbs does he use to describe the situation?

Have you ever experienced a professional peer relationship with someone who was gay or you suspected might be gay?

PROBE: How is he describing the gay person? How does he talk about the mannerisms, the way he acts, looks, etc?

APPENDIX D INTERVIEW TRANSCRIPTS

INTERVIEW 3F

Q: Did you know that DoD was operating under a new policy regarding homosexuals?

A: I was aware of that. I'm assuming that it is the "don't ask, don't tell, don't pursue" philosophy.

Q: Where did you first hear that phrase?

A: Mostly when Sam Nunn was taking the issue on...about a year ago. I remember it being an outgrowth of President Clinton's campaign promises to the gay community in an effort to get their vote. When Clinton said he was going to do it...there was such a backlash...even close to a revolt...by the services. Quite a few Congresspeople really brought it to the forefront of being an issue in the news. That's when I really noticed it.

Q: How did it make you feel?

A: I guess when the President said that homosexuals would be allowed free access to the military...I kinda had the vision in my mind of a fairy boat where everybody is performing homosexual acts.

Q: Are you concerned that our military leaders would let a policy like this pass.

A: No...I think they were fighting it. I think they were being true military people...stand up when all is said and done and say "aye" and carry out the policy. I expected them to voice strong opposition initially and then carry it out whatever policy is passed.

Q: What do you know about the new policy in comparison with the old policy?

A: My understanding is the old policy was...homosexuality wasn't to be tolerated...anybody who was identified as homosexual could be turned down or discharged. The new policy has more tolerance for homosexuals in the military...on applications you can't ask if their homosexual...there shall be no clandestine investigations of your background...you should be able to live your life as you see fit...when it comes time to put on your uniform, carry on your duties.

Q: How does the new policy make you feel?

A: I'm somewhat ambivalent. I personally don't respect homosexuals. I think that type of activity is wrong...not so much from a religious standpoint, although I can understand why...from a moral standpoint it degrades the moral fiber of our society. Until those conditions change, that's how I'll think about it. On the other hand, we live in America...America is certainly founded on the premise that people's rights are primary...people have a right to live their life the way they want to. I struggle with that quite a bit...the way I feel personally...and people's rights. Once you start taking away people's rights you end up with a communist philosophy. As far as homosexuals in the military...my personal feelings are that I think it degrades unit cohesiveness and their ability to act under stress. If you don't have total confidence in the people that you're working with or for...if you have the time to question their decisions or actions, you

can wind up dead...that quickly. It has to be almost a blind faith, without question...I think homosexuality undermines that.

Q: What do you think causes homosexuality?

A: I think it's a combination of things. I certainly believe there's some genetic basis for homosexual tendencies...which are brought out environmental exposure.

Q: Would it make any difference to you if it was proved that homosexuality is genetic.

A: I'm not sure. If it could be proved beyond a shadow of a doubt that it was genetic...I would probably tend to reevaluate my position on it. I want to say yes or no but I still think that the behavior would be incorrect.

Q: Would you prefer it if homosexuals in the military openly declared their lifestyle?

A: If they want to, that's their choice. We don't make any imposition on people to declare their promiscuity. It comes out, for the most part, naturally...it's the persons attitude and behavior. I agree with the don't ask, don't tell. If that behavior manifests itself some night in the corner, then the people living with that person should make the decision how the situation should be handled.

Q: Do you see a difference between orientation and behavior?

A: I guess I don't truly understand orientation...I thought it was pretty much the same thing.

Q: If someone admits they have a homosexual orientation, what does that mean to you?

A: That means the person certainly has the capability of being a homosexual. Engaging in sex or loving a person of the same sex...the same way a heterosexual relationship might be. A person has tendencies to do that. He may not have done it but he has the capability of doing it...mentally and physically.

Q: As a naval officer, if someone admits to having a homosexual orientation, what do you do?

A: I would tell him straight out that I'm certainly not comfortable with that...I would certainly refer him to other people who are qualified to help him. By the same token, I feel a moral obligation to let my Commanding Officer know...contain the situation to preclude any instances of abuse that may occur...especially on a small ship...everybody knows everybody else's business.

Q: Let's say a third party told you that he saw John Jones come out of a gay theater, what would your actions be?

A: First of all, I may not give it that much stock. Perceptions that sailors give can be very misleading. I'd have to identify the source and certify or find somebody to corroborate the story. Are there any other incidents that occurred separate from this person walking out of a gay bar or marching in a gay parade? Were there any other tendencies...in the shower or wherever. People can misconstrue an innocent act as being homosexual. No, I wouldn't give it that much thought unless there were other circumstances and other information available.

Q: If you knew your CO was gay, would it make a difference in the way you worked with the guy?

A: Yeah, I think subconsciously it would. I like to consider myself professional enough to deal with personalities yes...moral differences, no. There would always be that thought in the mind as I walked out of his stateroom...what's he looking at.

Q: Would you feel threatened?

A: I don't know if I'd feel threatened, I'd feel uncomfortable. I would feel uncomfortable if my CO or if one of my seaman was homosexual.

Q: What makes you feel uncomfortable?

A: My moral stance on the issue. I just don't think two men or two women engaging in that act...to me, it makes me uncomfortable. I have no doubt I would handle it with an appropriate degree of tact. It's just something I don't like to worry about.

Q: Have you ever known anybody who is homosexual?

A: Yeah, not a very close friend but an acquaintance. We confronted the issue I guess...we came to an understanding.

Q: How did that come about?

A: It came about at a bar, drinking...are you gay?...he said yes, I am. After I picked my jaw up off the ground I said "oh really." Being as intoxicated as we were...made the situation less uncomfortable...less strained. Where we talked almost factiously, there was an undercurrent of seriousness to the conversation..."do you find me attractive?"..."no, not really"..."oh really, what's wrong with me?"...that type of banter back and forth. It finally got to "I don't find you attractive...I will not make an advance at you....I like you as a friend...we will play basketball, football or golf or whatever and that's it...a strictly platonic relationship." That's were the relationship stayed....I didn't feel uncomfortable with that. Once the issue was presented there was an interaction and an understanding...but I don't think that understanding will prevail society, much less the military because of it social mores.

Q: Is this a biblical issue for you?

A: No. I can see where religious people take a stand on it based on their religious beliefs...no matter how they feel personally. For me it's more of a personal moral issue.

Q: If there was a full and open policy, would that make any difference to you whether you stay in the Navy?

A: I wouldn't get out right away. I don't know if I'd get out at all. I think I'd take a wait and see attitude. I'd say we give it a try...but if I found myself being too intimidated by the whole situation...in a sense, reverse discrimination...if the homosexuals started having preferential treatment...then I would have to weigh my position and consider leaving.

Q: What do you think the future holds?

A: I think the current policy is a precursor to more tolerance. The military has been a social experimentation ground since way back...the blacks, other minorities. I think it's just a matter of time before

society as a whole just gets fed up with fighting the issue and lets it just evolve. When society takes on the issue, the issue in the military will be resolved.

Q: Can homosexuals be good leaders?

A: They have the same skills as the next person. But I think at this point in my life...I still question that trust that's built up between leader and follower. If that follower doesn't perceive that leader as being strong or sees homosexuality as a weakness, then that person is reluctant to follow that person.

Q: Think homosexuals pose a health risk to the Navy?

A: Definitely. Their incidence of HIV is higher than heterosexuals. Anytime you have persons with viruses...I think it poses a health risk.

Q: Is it right to compare homosexual issue to black integration?

A: There are some parallels but I don't think it's the same. Once the issue is resolved formally...whether homosexuality is genetic or environmental...if it's environmental, I don't think there's a parallel. If it's genetic...then they may have a stronger case.

Q: Do you feel your views are reflective of your peers?

A: I don't care. I got to be true to myself...keeping to that I can't be swayed by what public opinion says or what my peers think. I got to say what I think. If I think it's wrong then I'm going to say it.

Q: Have you ever had anybody who's worked for you that you suspect as homosexual?

A: Worked for me directly? Yes as a matter of fact. It was on a FFG and it was a corpsman. It was a HM striker and the person had what most sailors consider to be homosexual tendencies...somewhat effeminate, slight of stature, walked light on his feet, whatever...he exhibited those tendencies. I remember one time, during general quarters during refresher training...where you have the obligatory compound fracture...this person was very quick to assist another person...almost to the point...the banter was that this person was attracted to the person that had the compound fracture...being that the lower leg...the striker kept going up the leg to check for further injury. If that person wasn't suspected of being gay it probably would have gone unnoticed...chalked up to being diligent and complete in their appraisal of the injury...since people suspected, it was blown very much out of proportion. People said they had the confirmation of this person's homosexuality and he was ostracized even further. I witnessed it and tried to be as objective as possible...I'd say the guy was homosexual...in that act. Why? I'm not really sure. I would have punched the guy. I would have done something to injure him for doing that to me.

Q: So the corpsman kept going up the leg?

A: Under the pretense of checking for further injury...it was more of a rub or squeeze. It may very well have been well intentioned...being a striker...sometimes people are overzealous. I don't know...I didn't know how to interpret that situation...but in the grand context of being on a small ship, somebody saw ya, the knowing look...people looking at each other and laughing...glad that wasn't me.

Q: What would you say are the problems with allowing gays to openly serve on Navy ships?

A: Good order and discipline...morale. I think it poses a problem in that respect. I keep going back to the trust and confidence thing. You can suspect people in the berthing of being gay and can either avoid them or as a group, segregate that person...because of sheer numbers, you can contain any possibility of acts being perpetrated. If a person want's to stare at you in the shower, I don't think that person will do it. If that person is a homosexual, I don't think he will do it. If they have a fetish for that...the berthing people will take care of it in do time.

Q: How will they take care of it?

A: In their own way...whatever way decide...whether to exclude that person from their social circle...verbal abuse, mental abuse...maybe even physical abuse. There are so few comforts and privacy on a ship...people will fight to maintain their privacy. I think being naked in a shower is a degree of privacy that sailors desire. If in fact, by law, they are allowed to be open with their sexuality...on ships as the extreme case...people will resist it. There are strong convictions about the issue...I think they'll fight back. One way or another, they will resist it. Sailors are not the most forgiving or tolerant people. If they see weakness in a person, they tend to exploit it. For the typical sailor...a person who is homosexual...that is a sign of weakness and they would tend to exploit it.

INTERVIEW 12M

Q: Do you recall the first time you ever heard anything regarding the new homosexual policy?

A: I remember that Clinton, when he was running for the nomination...Brought up the issue that homosexuals were discriminated against in the military. He promised at some point during the campaign, that he would change that once he took office.

Q: What was your reaction to that?

A: I was against it. I don't support homosexuals in the military service for a number of reasons and I remember that Clinton did not serve in the military...I felt at the time that he obviously didn't know the conditions that we work under...That was an ill advised policy that he was about to embark upon.

Q: Are you familiar with the fact that DoD is under new guidelines?

A: Yes, I am familiar. I haven't got to see all the nuances of the new policy and I haven't really been trained on what you can and can't do...I'm familiar with a good deal of the portions of the new policy. I'm familiar that homosexuals are allowed to serve in the military as long as their preferences remain invisible to other people around them.

Q: What do you think this policy is going to do for us in the services?

A: I don't really think it changes too much as far as the old policy is concerned. I think the only barrier it removed is having the applicant state whether they're a homosexual or not. In the past, homosexuals that did serve just lied on the application to come into the military...Now I think that's gone. It also removes some of the pursuing aspects of the military justice system where they have some

indication that a member is gay...And they pursue that and found out that they were gay and discharged them. I didn't see that happen that much.

Q: Did you ever come across any homosexuals in the fleet?

A: My dealings with homosexuals so far...I have (unintelligible) only three people...Who came to me and stated they were homosexual and they wished to be discharged. We had one other case later where...I wasn't actually involved...There were two members on our ship who were discovered sleeping in the same rack together. One of them was asked previously if he was a homosexual...He had very effeminate traits...He stated that he was not...Later when he was discovered in the rack he admitted he was a homosexual and wished to be discharged. The other member claimed that he wasn't a homosexual...He was discharged also.

Q: Short of someone confessing their homosexuality, do you believe it's possible to identify homosexuals by traits?

A: I cannot look at a person and tell if they're homosexual or not...Or by their behavior or not. I just haven't been able to do that. That's one of the arguments that have always interested me. A lot of people claim people want to stereotype homosexuals in a certain manner...A lot of times I see surveys were people ask whether you have that bias or if you stereotype people...I personally don't do that. I've also read articles and seen television programs where homosexual members are telling other people that they looked across a room and seen someone else and knew that they were in love. I find that it goes both ways...Where a lot of homosexuals lambast the fact that people stereotype them and say that they can tell that they're homosexuals just by looking at them, and then in the same manner they will still say that they themselves, can identify homosexuals just by looking at them in a population. I don't think it's fair that they use arguments both ways.

Q: Do you feel homosexuals are a minority group and should be afforded the same protection as other minority groups?

A: I have a problem with designating them as a minority. They are a very small minority. Once you start separating people out into groups...Putting labels on them...You start to isolate members of society and I don't like to see that. I don't agree with their behavior and I think labeling them will lead to them requesting additional benefits based on their sexual preferences. I don't think there is any basis for that in society.

Q: Do you think that DoD policy will evolve into a full and open policy or do you think it will become more restrictive?

A: I think that dod policy will follow the norms of society. I'm not exactly sure where society is going to go with this particular issue. I see movement back towards traditional family values...Moral and ethical standards being raised in this country. I think we're at a crossroads right now...We're trying to decide which way to go. If we move back towards the more traditional values then I see maybe firming up their exclusions of homosexuals in the military. If we continue on the road where homosexuals become more accepted in society, then DoD will move along that same path.

Q: If DoD implemented a full and open policy, how would that make you feel? Any bearing on your decision to stay in the service?

A: I don't think it would have a bearing on my decisions to stay in the service. For one thing, it would affect me a little bit less than it would an enlisted person who would be sharing private facilities. If society does accept them in the future...I would be able to accept them in the military. My own personal belief is that I find it unnatural...immoral. Although I wouldn't personally accept them, it's still my choice to stay in the military...I would follow the rules and regulations of the service that I'm in.

Q: You say the enlisted could be affected more?

A: Especially on ships. You have to look at the Navy in particular...Is separate from most of the other services...We deploy on ships in very cramped conditions...We don't have the facilities and room to offer everyone the privacy that a normal person has...out in society. We share open showers and cramped restrooms. Society as a whole, they don't have those conditions. The Air Force certainly doesn't have those conditions. The army normally doesn't have those conditions unless they're in a wartime scenario. The Navy, especially people on ships...Most enlisted guys, even when they're in port, still share the same private facilities. I find that society in general segregates males and females into different restroom and shower facilities, but yet, are asking the military to do something different than society has as a whole...put people in the same common area even though they have different sexual preferences.

Q: Have you met any officers that might be homosexual?

A: Yes, we had one on my last ship?

Q: You suspected him of being homosexual?

A: Yes, let's just say there's indications that he was...based on his behavior and lifestyle.

Q: What kind of indications?

A: He's somewhat effeminate...the fact that he was a very good looking guy...He was even doing some modeling...doesn't necessarily say that but, he would tell me he had dates...nobody at the command would ever get to meet any of his dates. He was very private about that portion of his life. There were certain days when his absence would be noted...corresponding with events within the gay community. There was some talk among the members of our command that he would be at these functions. Again, that's not saying he is homosexual...I don't know that...there are indications that he possibly could be.

Q: Were you friendly with him?

A: Sure, I still write him to this day. I consider him a good friend. We talk on the phone and I keep tabs on where he is. He's still in the military although he's considering getting out. I'd say he's a good friend of mine.

Q: If this individual member came out to you onboard ship, what would your actions be?

A: I'm obligated under the UCMJ to report what I know. I would certainly report him. He's well aware of my feelings towards homosexuals being in the military. I don't think he would tell that information because I made sure he would know what my actions would be. I would certainly turn him in.

Q: Would you be opposed to work with him...on a highly classified mission...just you and him where you have to be in close confines?

A: With this particular individual, I wouldn't have any objections. I know he's not attracted to me. I would certainly feel a little bit uncomfortable when I'd be in a private location with him. There might be just a little uneasiness. That's probably what I would object to. Being ordered to go, I would go with him.

Q: Where do you think that uneasiness comes from?

A: I think it has to do with...I don't share his moral beliefs and I don't approve of what he does. I don't necessarily feel that his actions should be outlawed but I don't feel I should be forced to accept his moral standards. Just because people have certain beliefs...homosexuality or any other belief that I feel is a minority or against the norms of society...I don't feel like society as a whole should be forced to accept every tangent or abnormality that other people are willing to take up as far as morality. Let me give you an example. If a group of individuals came out and they wanted everyone to know that they enjoyed having sex with animals...just the fact that a large group of people feel that this is acceptable, to me that doesn't mean society as a whole should be forced to accept their behavior. Maybe this group takes some pleasure in violating the norms of society.

Q: What do you think causes homosexuality?

A: That's a good question. I've been down this road before. I'm not certain for sure. The possibility that it could be some kind of gene seems to be plausible to me, although unlikely. Maybe people will go back to the notion of violating the norms of society and they get a certain amount of satisfaction of doing something that's considered prohibited. Some people do it just for the fact that it separates them from the rest of the masses. That could be one possible reason. I'm not really sure.

Q: Would your viewpoint change if homosexuality was determined to be genetically determined?

A: If they determined that was true...I could accept that to some extent. I would think that we would have to decide as a society how we're going to handle the privacy issue that comes up with this new classification of humans. If we decide that we're still going to segregate people out for things like restrooms and showers, then we have to make those adjustments. If we decide that we can accept them in a some different manner, then I can go along with that. I'd have to wait and see what happens.

Q: Regarding your views, do you see yourself representative of the group your in?

A: I hate to use the term "a little more liberal" but...I think most of the people in the military are dead set against homosexuals...They believe there is no way they would ever accept them. I'm tolerant of their behavior in respect that I believe that people have freedoms to do whatever they wish. I don't think they are really hurting anybody by displaying this type of behavior. I don't really want to accept it in society. What they do behind closed doors is fine along as they don't hurt anybody else. I don't want to be confronted with it. I think it's unacceptable behavior but as long as they want to do it in the privacy of their own home, that's fine. The majority of my colleagues wouldn't share that view. I'm really not sure.

Q: Much has made of unit cohesiveness, how might homosexuals affect that cohesiveness?

A: I think hurts it a lot. If you have one person in a group that you're forced to work with everyday and your morally opposed to their beliefs and behavior...you cannot work well with that person. We had an individual on one of my ships who stated that he was racist...within his division there was immediate isolation of the person. He just could not function as part of the group anymore. No one wanted to work with him...no one wanted to be living near him...he was taken off the ship a day or two later. It was very disruptive to the cohesiveness of the crew.

Q: Do homosexual have the capacity to lead?

A: I'm sure they do. I don't think that their personality, traits, or intelligence, or anything along that nature is affected by their sexual preference. The fact that they do not share the same ethical or moral beliefs of the other members, tends to hinder their ability to function within a group. Can they be effective leaders within a military group if they are a declared homosexual? I think that their leadership ability is hindered because they separated themselves out from society as a whole.

Interview 6M

Q: You said you became aware of discussions on a new policy a year ago?

A: Right, right about the time of the 92 elections. One of the president's platforms that he ran on was that he was talking about gays in the military and that was probably one of the reasons he got a lot of votes from certain states, I'm sure. At that time I didn't really have a feel for what they were talking about, but when they tried to go ahead with the policy that's when Sam Nunn and them got involved. Most people followed it in the news at least.

Q: Do you have any feeling regarding the difference between this policy and the old policy?

A: No, not really, unless it's a policy that can be abused. I'm talking about the benefit side, like housing. I can't live with somebody I'm not married to and get a Navy house. If your going to do something like that you're doing it on your own. With the homosexual population if they can find somebody.... and a lot of places don't recognize marriage between like individuals or homosexuals. I'm sure the military doesn't or at least as it stands right now they don't. So if that came about and they're allowed to move in without being married or have it recognized, I'd be kind of upset with that. You could be abusing the system.

Q: Regarding the new policy, do you feel like it's a good policy?

A: I guess it seems to make it just as gray...maybe more gray than before. It seems like it's going to be more of a problem than it was before. Before it was basically, no, we don't stand for it. Now I guess the cases are different. The way I understand it, you can be a homosexual so long as you don't admit to being a homosexual. Or, if it comes to light that you are or profess to be, then there has to be an investigation as to whether or not you are. If you are, you can be separated from the navy. It appears that they're making a bigger problem. Either yes or no is the way I felt about it.

Q: As a naval officer, if one of your best troops tells you he is a homosexual or that he has a homosexual orientation, do you know what your responsibilities are? What would you do?

A: I haven't been formally briefed on the policy but as I understand it is my responsibility to have that person investigated as being a homosexual. If anything turns up that yes he is, we can have him separated. If that were to happen to me and that's what I was supposed to do, then that's what I'd do.

Q: Would you take a different stand for your best worker?

A: The rules are the rules. If I have a feeling that a person is (homosexual), I'd go through the process.

Q: Have you ever worked or met one?

A: My brother-in-law I guess.

Q: You guess?

A: Well, he is. I meant he is. My brother-in-law is an admitted homosexual.

Q: You wouldn't have a problem working with him?

A: No. Ah...personality wise, yes. But not because of his lifestyle. There's a difference there. He has a different personality than I do. He's lazy. To me, that has nothing to do with sexual orientation.

Q: When your brother-in-law came out to the family, was there a big flap?

A: Yeah, he comes from a family of two. His sister, my wife, basically confronted him with it. When he told his parents...his mother is in denial about it until this day...maybe ten years now. In a sense he's out, but he's not. To any relatives he's not, he's just not married because he hasn't found the right girl.

Q: Do you ever talk about DoD policy or does he ever tell you what he thinks the military should do regarding dod policy on homosexuals?

A: Yeah, because he actually dated somebody in the military for a while. I told him that I don't want to know anything about it. I don't want to ever see the guy or meet the guy. I told him if I do, or find out what his name is, I'm going to follow through on it. I'll advise the guy's seniors that he is a homosexual. I think that relationship is over and done with anyway.

Q: What makes you say that?

A: Because it's over and done with. He has a new friend.

Q: Does he bring his friend to social things with you and your wife?

A: Yeah, he's brought his buddies over to the house before. Yeah.

Q: Given your circumstances, would you consider yourself, compared to your peers, more liberal or more conservative on the issue?

A: I would say more liberal (laughter).

Q: Much has been made of the privacy issue like on a small ship. How do you see that problem if it is a problem?

A: I would say it is a problem because there's most of the people... the vocal majority I guess, I don't know what the numbers are...do have a big problem and voice that opinion. In a sense if you're trying to

make those people happy there's going to be changes onboard that will have to accommodate that. I don't know the answer to that...Homosexual showers, straight showers, whatever. I've never thought about that because in officers country there are separate showers. I guess I wouldn't have a problem with it. If somebody approaches you just get out of there or show them your wedding ring...I don't know.

Q: What do you think it is that bothers that majority you just spoke of about having a full and open policy?

A: The problem is that they don't see themselves the way they should see themselves is the way women see themselves...as being harassed by guys. They think if this policy is brought out into the open, all these people that have been kept quiet will now start hitting on them. They're afraid that homosexuals will start coming out of the woods and hitting on them...they get upset with that.

Q: Would it make a difference if it was proved that it was genetic?

A: It wouldn't matter to me. Would it matter to others in the navy? It depends. If they believed it, yeah it would matter. If they can just disregard it as another bogus theory...who's the guy behind it...if it was from a reputable scientific institution, that might change some people's minds.

Q: With regard to homosexual orientation, what does the word orientation mean to you?

A: I would guess sexual preference. They prefer persons of their own sex to persons of the opposite sex.

Q: There's a debate over orientation versus conduct, is there a difference?

A: Yeah. Conduct, to me, is acting on the orientation. Even if somebody is oriented homosexual, if his conduct is not following on that, he's falling within the rules...there shouldn't be a problem.

Q: What do you think the future is going to bring? Are homosexuals making inroads?

A: I think they are. I think the military is moving in that direction (full and open policy)...I don't think it's (current policy) done much for homosexuals...unless someone can explain to me how it has advanced their cause.

Q: The policy in general, do you think it has been good for national defense? Does it make a difference?

A: To me it almost causes more problems. I'd go back to the either yes or no on it. I'd rather have it clean cut...it's easier to march to those orders.

Q: You'd rather have a outright ban or a full and open policy?

A: Yeah, I'd rather have it clean cut.

Q: Compared to other warfare communities, is there a difference in tolerance in the aviation community?

A: Yeah, it's less tolerant than others. To me it's a follow-on to the tailhook thing. My perception of the way aviators treated the women there...something must have been going on...that tailhook fraternity type thing...the same balsy bravado of a carrier pilot going

off to war, it carries over to women and also carries over to homosexuals. I'd say more so. They're less tolerant.

Q: If you were assigned a mission with a guy you suspected as homosexual, would you have any problem going on the mission?

A: Based on his sexual orientation? No.

Q: Do you have any feelings or comments towards our survey?

A: No, except that allot of the questions you asked were yes or no. My feeling is, personal feelings aside, whatever the navy says is what I'm going to follow.

Q: Did you see any questions that jumped out at you?

A: Number 27 on religious teachings. That's a hard question because I'm not up on what other religions are saying...I'm a Roman Catholic...they say love your brother...but we don't like homosexuals. I guess we're more tolerant than your southern baptists or southern christian religions. That was a good question I think.

Q: How do you feel about homosexuality in general...morality wise or ethically?

A: I think it's like anything else. I have my preferences and so long as it doesn't impinge on mine...then I don't have a problem. It would be like living in a college dorm and the guy next door is bringing home a girl every night...when I don't get sleep every night, it get's to be a problem. If it's not bothering me, it's no problem.

INTERVIEW 15M

Q: When you first heard about the policy...

A: I didn't want them to change the policy. When they changed the policy and put out this policy...I don't agree with the new policy...so again I wrote my Congressman and said, "I don't like this, do something about it"...of course it was to no avail...they don't listen to a little (deleted).

Q: What don't you agree with?

A: I think when a person declares himself to be a homosexual...period...they don't belong in the military. It's a cut and dry thing. If you have knowledge that a person's a homosexual, and you can prove it...assuming that him admitting it is 100% confirmation...they're gone in my book.

Q: The old policy was if you declared it, you were basically out.

A: Right, I agree with that.

Q: What's the difference between the new policy and the old policy?

A: Basically as I understand it, as long as you don't practice...you don't engage in the activity...you can remain in. You can say, "I'm gay but I don't practice it, I don't engage and there's really nothing you can do about it".

Q: If one of your enlisted troops declares himself to be a homosexual, what actions do you take under the new policy?

A: The new policy? Well, I'd want to read the policy. My goal would be to get him out. Can I do it utilizing the new policy? It depends.

If he's just coming to me and saying, "I'm gay but I don't do anything", I can't do anything about it. I personally don't believe that a person who says he's gay does nothing...takes no further action. I would assume that there is evidence available to get him out. The problem you have is you cannot...get into investigations as they used to...I don't know the line where it's drawn...but you can't pursue them as they once did.

Q: How does that make you feel?

A: That you can't pursue them? I'm not happy with it. When a person tells you he is gay, he should be gone. If you have suspicions that a person is gay, you should be able to conduct an investigation and remove them.

Q: Short of somebody declaring that they were homosexual, what would be, in your opinion, grounds for suspicion to conduct an investigation?

A: Behavior. There's a range on a spectrum...if a guy held hands with another guy or a woman with a woman...that would raise my eyebrows. Further down the side where it becomes more ambiguous...is they had say, gay literature...that would raise a suspicion...that would be less suspect than holding hands. Maybe attending a march might be along the same sort of lines...I realize they're only showing support for a particular position but it would raise an eyebrow in my case. If you were opposed to homosexuality and supported an anti-homosexual stand, you wouldn't even be concerned about that literature. A lot of different things can raise suspicions.

Q: Under the new policy?

A: I wouldn't be able to much about either of those...so the guy's got a gay book...I'd have to live with it.

Q: Do you have any options other than living with it?

A: Well, I would heighten my awareness and look for more evidence. Yeah, what else can you do?

Q: Does the new policy change the way you deal with the issue of homosexuality in the military?

A: It would have to...just based upon what we discussed. If a person told me he was gay, but didn't do anything...I can't take any action. So yeah, in that sense it changed it. Has it changed my basic outlook and perspective on it? No way.

Q: What is your basic outlook and perspective?

A: Homosexuality is wrong and doesn't belong in the military.

Q: I understand your viewpoint regarding the military, what's your view in general, on homosexuality?

A: Homosexuality is wrong whether you're in the military or civilian. There's a difference between military life and civilian life. You can't prosecute a person in civilian life for strictly being a homosexual. But on the other hand, you don't make policies or take action that support or condone their lifestyle. It isn't a positive or affirming lifestyle in the sense that it supports, what I consider, the family or institution of marriage...which I view as a fragile institution...and I think high divorce rates support that...this is subject to debate, homosexuality would be a detriment or stumbling block to successful marriages. The purpose of a marriage is very

basically to produce offspring...to raise those offspring to be productive members. That is the purpose of a marriage...that is why people get together. There are other reasons but that is the primary reason. The whole homosexual thing denies that very point. There's no opposite of procreation.

Q: What about the notion that the military should lead society in change, such as with blacks and women.

A: First off, the case for blacks and women are different. Consider the case, you're born black or born white or born yellow. Whether or not you're born gay is open to allot of debate...the genetic link simply cannot be made scientifically. The fact is that it's still behaviorally based...I can be gay or I cannot be gay. For example, there may be a gene in my body that says "hey, you're going to be fat", I still have to take a choice...take an action...you say "well, I'm going to eat a lot" and become fat...follow that natural instinct, so to speak...or not, and maintain my weight and be in shape. It's the same thing as being gay...if there is a gene or there is an urge to be that way, I still have to make a choice. That choice involves a behavior that should not be acceptable to society...because it doesn't affirm the principals of society.

Q: You think that being gay is a choice?

A: Clearly. You either act on your instincts if it is genetic or you don't. If it isn't genetic you make a choice to be gay based upon a preference for that lifestyle. It is always a choice. There is free will. It's a behavior. You can control behavior. The whole theory with people who have a double x chromosome...supposedly they're more violent because they have a double x chromosome...people might say, "because you have a double x chromosome, you're more prone to violence...therefore you don't have a choice to make violent acts", would you consider that a reason to punish them less? No. The man made a choice to commit a violent act. The same case for the homosexual regardless of his genetic makeup. He makes a choice. Fundamentally he has freewill.

Q: What about the question of using the military for change?

A: I don't think the military should be used for a sociological experiment. Quite frankly, when you have homosexuals in a group of men, it is not a positive force. At best it would be a neutral force and I wouldn't believe that if he was openly gay...it's a negative force.

Q: If we had a full and open policy, how would that affect the dynamics you just spoke of?

A: Well, it would make me want to leave the military. I would really, seriously, consider leaving. I don't believe in association with them. You know, my brother is gay and I don't associate with him. Because he is gay and takes gay actions...by my talking to him...becoming close to him on a regular basis...in fact I condone his behavior. Now if we were friends and I didn't talk to you about your wife or what's going on in your life...we obviously couldn't be friends. If I talk to him...and I don't talk to him about who he dates...I wouldn't have a relationship with him. In that sense...to maintain a close relationship with him condones who and what he is.

Q: Did your brother come out to you, your family?

A: Let me give you a little history here. My wife and her mom always suspected it. This is going back to 1979. They suspected but never vocalized it to me. We only started talking about the possibility of my brother being gay, within the last two years. In that time frame, basically eight or nine years, he had a lot of psychiatric problems. I always viewed my brother as a weak person...and he is...there's no doubt he's a weak person. I never really truly liked him but as a brother, I always maintained a relationship with him. The discovery happened last August, August 1993...he was visiting us. He was very suspicious about his behavior...he went up to San Francisco...some of the guys who were calling him...their mannerisms and the way they talked...we were drawn to some conclusions...we confronted him...he was...I booted him out of the house...I told my parents.

Q: How did your parents react?

A: Well, I told my mom...my parents are very old...my mom is 64, my dad is 70. I told my mom because I talked to her first...she was shocked but I think she suspected it...she isn't happy about it...she barely talks to my brother...so she's not happy with it. She doesn't want to tell my dad because she's afraid of how it will affect him. My father doesn't know. I would generally think he would be as suspicious of it as I would be. He's a regular guy...he would see how my brother acting...and he does do some weird things. My mom has asked my brother not to tell him and my brother apparently said he won't. So my dad will never know about it as far as we're concerned.

Q: Have you had much contact with your brother since then?

A: I can tell you both times. Christmas time I was home...he wasn't home...he was in Philly, we were in Scranton...he called and I answered the phone...I made polite conversation because I didn't want to arouse suspicions with my dad...I had made a promise there. About three weeks ago he called me asking me why I don't maintain a conversation with him or a relationship...and I told him why. He has to change in order for me to accept him. I explained to him the whole thing to him about behavior and how a relationship with him would be in fact, condoning who and what he is. I refuse to do that.

Q: Were you close as kids?

A: We were never close. We're two different types of people. He was an introvert...kind of wimpish his whole life. He never played sports...wasn't interested in physical contact things. Most of his friends when he was a boy, were girls. He was very different than me...I didn't like being with him...as a brother, I accepted him. We never did things like playing catch because he didn't play catch. I knew he was a sissy. There were some differences there. Some people who were close to me say we're a good case for genetic transmission...look at me and look at him...we couldn't be more different.

Q: Do you think it's possible to identify homosexuals through traits or actions?

A: Sure. I would think it would be a summation of a lot of different acts. I don't think you can draw a conclusion from one act and say he is gay. It would be a complete shunning of the sports world. It would be a complete lack of male friends, a general need to be with women. His conversations are on a feeling level than on a guy level. There is a definite break in him where he's not quite a guy. If you were to sum

up a lot of different facets of a personality, you could draw that conclusion.

INTERVIEW 2F

Q: How do you think the homosexual issue affected the troops?

A: I don't it's affected them at all. I take that back...I think if anything they might look at it as another bs decision that we get forced on us. I don't think the new policy really says anything...it says to me that homosexuals aren't welcome in the military. That's what it says to me. To me it's just a different worded document. I don't know if the troops feel like that because I didn't have much involvement with them.

Q: In the old days we were kind of...Wasn't my responsibility to do the screening...it was the recruiter's job and now those rules have changed. How does that make you feel now...you're the new gatekeeper as the division officer...What does that feel like?

A: Well, I never really thought of it in that context before...but I guess you're right. Since we can't ask that question anymore, then...well, I think in that respect it's a poor decision. I guess this goes back to the way I understand the policy...is that recruiters cannot ask...you're not required to tell your sexual orientation which means that...the thing that I have about that is that the gays are coming in anyway...we're just saying (unintelligible). From a practical standpoint I don't think there's much of a change.

Q: How does that make you feel?

A: It doesn't really bother me because if guys are going to come in and think that they are going to get away with that type of behavior...the system is going to throw them out. The fact that they lie about it doesn't really bother me. I guess I expect it. It's almost kind of ludicrous to think that you can allow that orientation and not expect that behavior.

Q: What's the difference between those two?

A: Orientation is...you say to whoever "I am a homosexual but I'm not engaging in homosexual practices"...which to me is ludicrous. (Unintelligible) on the survey..."I go to a gay bar to socialize"... "I'm a homosexual but I don't" (unintelligible)...in that respect I don't see much of a change in the two policies. I guess it is a further step if you look at the big picture, to allow the acceptance of homosexuals in society. I guess that's one little step...but I think it's a very small step. I'm not that really (unintelligible) about it at all. The problem that I have...I'm very much against it...against homosexuals in the military for several reasons. I just don't think that this policy, for me, says that there's no homosexual conduct...if you get caught holding hands or anything like that...you're out. There's not really much of a difference between homosexual orientation and homosexual acts.

Q: DoD policy says something like, homosexuality is not incompatible with the military but homosexual conduct is. How does that strike you and how do you interpret that?

A: That means to me, homosexual conduct is not allowed so if any of that happens, holding hands, getting caught doing this stuff...this

means I have to say that homosexuals are allowed in the military as long as they don't practice homosexual acts. The policy really doesn't make sense to me from a practical standpoint. I interpret it as if you're caught doing anything that suggest you're a homosexual...then you're out. So that means that homosexuals are outlawed in the military. Whereas before...I don't see much of a difference from an operating standpoint. I think that there is already homosexuals coming in to the military...they get caught, they get processed out...the same system now. The difference is that now somebody can say that they're a homosexual and I'm homosexually orientated. Frankly, I don't think anybody's really going to say that. At least not in today's Navy.

Q: Yeah...what about kids thing?

A: I mean the whole purpose of being on this earth is to foster one generation after another...I think ideals and morals are an important part of how we get along...let's say we're all homosexuals...I guess we could use artificial insemination (unintelligible)...it's just not natural. It wasn't meant to be. Because somebody wants to do it doesn't make it right. You can justify just about anything...somebody's got to say it's not right.

Q: When did you first start thinking of homosexuality? Did your dad tell you about it or was it a joke at school?

A: It was a school thing...I've been propositioned before.

Q: Oh really...tell me what that was like.

A: When I was fourteen (unintelligible)...we were sitting outside this liquor store...not having much luck...this guy comes up...we were asking people, but getting turned down...finally he backs up in the parking lot...he goes "come here"...we were on our skate boards...He goes, "yeah I'll buy you some beer"... "you guys want to make some money?"...I look at my friend Dave and I said "what is it?"...he goes "it's something weird"...I thought it was drugs or something...I go "what is it?"...he goes, "I'll give you a blow job"...I said no thank you and got out of there. My friends said I should have punched him...I was so surprised.

Q: Did it scare you?

A: No, it didn't scare me, I thought it was kind of amusing actually. It was strange. There are people out there like that. So that was my first experience. I haven't had anything else other than the Persian Gulf (unintelligible).

Q: What made you think he was (unintelligible)

A: These were locals...they were buying me drinks...we were standing at the bar...we're walking out the door and this guy is waiting for me..."hey, I'll go on the beach with you." I'm not sure 100%.

Q: What makes you suspicious?

A: He was (unintelligible) 40's...by himself...just a look on his face...I mean I don't know...one of my friends was propositioned in Kuwait (unintelligible)... "I think you're a very handsome man"... (Unintelligible)...that gave me a feeling that it may be a covert part of the culture, I'm not sure...Because the way they treat women over there. Maybe they're looking for something else. That's just a suspicion of mine. The guy was very friendly, very nice. He could have been totally innocent, I don't know. He seemed real strange.

Q: What problems do you see from a guy who appears normal and his homelife is homosexual? Is there any problem with that?...How would you feel to have a guy working for you that...kinda has suspicions...you've never seen any activity but...

A: Well I worked with a guy like that. On a ship. I could have sworn...just his mannerisms...I wasn't putting a lot of stock in it but...this guy was extremely feminine...that would show up in his mannerisms. He was very professional, very helpful, very friendly, but very, very feminine. From that standpoint I was more aware but I didn't feel a need to go out and spy on him. I have more of a problem with the acceptance of that lifestyle than with the lifestyle itself.

Q: (unintelligible)

A: I think at the same time I recognize that it goes on. Because someone's homosexual that they can't be intelligent, smart, professional...I don't think that...It's totally separate. Frankly, I wouldn't want to know if he was. I would have a hard time putting legal proceedings on a guy like that...Even though I disagree with the (unintelligible)...I wouldn't enjoy doing it. It would be a chore...that I feel that I have to do it. I believe that the way the system is now is proper and that homosexual conduct is not allowed. I feel it would be my duty to do that but I wouldn't enjoy it.

Q: How would you know the guy is homosexual?

A: I guess I'd have to see something pretty bad. Holding hands, kissing or something. I wouldn't make any inferences based on a feeling that he is.

Q: What is it that scares people in the military about having homosexual to work with.

A: I think they don't understand. I think a lot of it has to do with racism. People from different cultures I think they don't understand their point of view. People take a very defensive if not offensive posture (unintelligible)...from another standpoint, from close quarters, people are just uncomfortable with it and feel that they shouldn't have to deal with that...in an already difficult situation. I have a real problem with having homosexuals on a ship.

Q: What is it that bothers you about that?

A: I think working in close quarters with other men, especially the enlisted...it's pretty tight...that they shouldn't have to worry about...getting into showers. This guy admits he's gay...this guy knows it and now he's self conscious about it...I think it's an aggravation that shouldn't be allowed.

Q: Why do you think it shouldn't be allowed?

A: Because the morale of the ship as a whole will be affected. It is a factor. I would not be comfortable. If somebody made me live in close quarters, I would feel like...it would be like living with a group of women.

Q: What's wrong with that?

A: I'm certainly not going to share a shower with them. That's the main thing.

Q: Let's say he was your roommate and you didn't know for sure, but he was a bachelor...doesn't hang out with the guys. What is that you

would be afraid of? Is it a fear that something is going to happen to you?

A: I would just be uncomfortable that the guy was attracted to me in a sexual way. That concept doesn't sit very well with me.

Q: Do you think that there is a health risk?

A: I think that there is a health risk. I can't quantify it.

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