

DON'T ASK, DON'T TELL: A TIME TO GO, BUT HOW?

BY

MR. J. MICHAEL SAWYERS
Department of Army Civilian

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U.S. Army War College, Carlisle Barracks, PA 17013-5050

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USAWC STRATEGY RESEARCH PROJECT

DON'T ASK, DON'T TELL: A TIME TO GO, BUT HOW?

by

Mr. J. Michael Sawyers
Department of Army Civilian

Lieutenant Colonel David G. Bolgiano
Project Adviser

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U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

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Homosexual integration into the military is desirable but not inevitable. Congressional and presidential action to repeal current laws and policies is the first step in integration. However, Congress is unlikely to act without strong support from senior military and civilian officials. Such support is currently lacking. The issue is how to convince those senior leaders to support integration? First, and contrary to conventional wisdom, senior leaders can look to the historic integration of African Americans for examples of how best to institute integration of open homosexuals. In that instance civilian and military leaders used a brand of systems thinking and academic studies to support integration, followed by a comprehensive, strict enforcement of the integration process. Similar use of systems, scholarly studies, a properly focused strategic message, and a strict enforcement of current disciplinary standards will assure senior leaders that homosexuals can seamlessly integrate into today's military.

DON'T ASK, DON'T TELL: A TIME TO GO, BUT HOW?

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.

—U.S. Military Noncommissioned Officer Oath of Enlistment

The United States military is comprised of Soldiers, Sailors, Airmen, and Marines from diverse ethnic, racial, religious, and cultural backgrounds who take an oath of enlistment as an acknowledgment of unity and commonality and willingness to submit to authority. Given the violent, ferocious nature of battle, victory in war is dependent on obedience to orders. Military officers correctly expect enlisted members under their command to honor this oath regardless of whether or not they personally agree with the order. As such, one would expect the social and political rifts present in civilian society, such as ethnicity, race, religion, and various cultural backgrounds, to be attenuated greatly in the military by the strength of a system predicated on lawfully issued orders. This has proven true throughout its history – most dramatically in the last half century – as America's military leaders have faced the same daunting societal challenges in the struggle to integrate diverse groups. Interestingly and fortunately, the military approach to integration has been more successful, again mostly due to its ability to shape and influence its population with the imposition of lawful orders.

The next challenge for the military is how it integrates openly homosexual members into military service. Many scholars and pundits believe that the integration of homosexuals into the military is inevitable.¹ This paper takes the position that no such inevitability exists. There are substantial legal prohibitions and social prejudice that

prevent the military from exploiting this large pool of human talent because of sexual orientation. More importantly, political leaders lack the willingness to address directly the legal impediments that prohibit openly homosexuals from serving their country.

The paper will focus on several intrinsically intertwined issues in regards to allowing openly homosexuals in the military. After providing several personalized historical sketches of homosexuals who have served in the military, the focus will turn to the legal and leadership impediments in allowing openly homosexual members to serve. As set forth below, these impediments do a significant disservice to the United States. Specifically, while the United States fights in two theater of war, stretching the force's human resources dangerously thin,² Congress has prohibited a large, talented pool of Americans from contributing to the fight as a matter of law. Despite this objective reality, Congress and the President – even a Democratic President and democratically controlled Congress – are unlikely to end the legal impediment without senior military leaders stepping back from their heretofore strong rhetoric against allowing openly homosexual service members into the armed forces.

The focus will then shift to examining historic military social integration issues, specifically the integration of African Americans into the armed forces, and the lessons learned from that experience that might be relevant to integrating open homosexuals. After reviewing African American integration, this paper will discuss several scholarly studies that suggest the prejudices routinely used to support the current homosexual policy are meritless. Finally, and most importantly, this paper will recommend a strategy that can serve as the basis for the military's strategic message for integrating openly homosexuals into military service.

Historical Review

Homosexuals have served the military in a capable, honorable, often time heroic manner. Baron Frederick von Steuben is one such example. Von Steuben came from a prominent Prussian military family. Prussia's King Fredrick I stood as his godfather and he became known as a military "prodigy" during his boyhood education. Von Steuben became a charter member of Fredrick the Great's General Staff. During the seven-year war with Russia (1756-1763) von Steuben found himself a prisoner of war. Amazingly, he aligned himself with Czar Peter III's wife, Catherine (also Prussian by birth³). Von Steuben became her military advisor and confidant as she overthrew her husband and became "Catherine the Great".⁴

American envoy to France, Benjamin Franklin, understanding the need for military professionals in the Continental Army during the American Revolution, recruited von Steuben's talents for service to General George Washington. Von Steuben initially rejected Franklin. Ironically, following notification by the Prince of Hohenzellern-Hechingen of his pending prosecution for his familiarity with "young boys," in an ecclesiastical court, von Steuben reversed himself and accepted Franklin's offer to serve in the Continental Army.⁵ With both Franklin's and General Washington's full knowledge of his sexuality, von Steuben arrived in the United States at the lowest military point in the Revolution, February 1778 at Valley Forge, Pennsylvania. After only one week of service, von Steuben advised General Washington of the various regiments' undisciplined, ragged, unfocused, and un-uniformed nature of drilling practices and provided detailed recommendations on how to improve the situation. At Washington's direction, von Steuben began writing, in longhand French, translated in longhand English by aid Alexander Hamilton, the first uniformed drill manual. Soon

thereafter von Steuben, who spoke no English, began to lead drill and ceremony of all the Army's regiments, shouting out orders in English.

Before the year was out, General Washington presented von Steuben with a commission to the Continental Army in the rank of Major General. The following year, 1779, the Continental Congress enacted von Steuben's writings from the previous year into the "Regulations for the Order and Discipline of the Troops of the United States" thus for all practical purposes becoming the first formal codification of military justice. General Washington paid tribute to von Steuben's contribution to the war effort by making his last official act as Commander of the Continental Army a letter to von Steuben, thanking him for his service.⁶

A second example of exemplary service by open homosexuals is the crew of naval intelligence vessel the USS *LaSalle's* crew. In the late 1970s, the USS *LaSalle* obtained the reputation as the "gayest ship in the Navy." The *LaSalle* was the United States Navy's Middle East flagship with a significant and sensitive Middle-Eastern mission. The increased volatility in that region beginning in the 1960s and increasing in the 1970s required an ever-increasing need for sophisticated intelligence. The *LaSalle* mission was to provide this intelligence. Anchored permanently in Persian Gulf state of Bahrain, and given the restrictions on western women in the Middle East, few married sailors wanted duty on the ship. The local command staff purposefully drew from known homosexual men to fill many of the ship's billets. Naval headquarters in Washington were aware of local command's actions and accepted it by acquiescence. The *LaSalle's* crew made the ship the most continuously decorated ship in naval history.⁷

A final example of true heroism by a homosexual is Naval Officer Thomas A. Dooley III. Dooley became the symbol of American cooperation and vigilance for the United States relationship with Vietnam early in America's involvement in that conflict (1954). That year found a separation of Vietnam into north and south at the 17th parallel. Both sides promised free election to unite the country. However, Ho Chi Mein despised the French/Catholic influence in the south and doubted the easy eradication of its influence over the southern people. The indigenous leadership in the south and the leaders in United States found Communist's dedication to free elections dubious and doubted that the possibility of Communist holding free elections anywhere. Consequently, the United States initiated Operation Passage to Freedom.

Dooley transferred from Korea to temporary duty on the *USS Montague* anchored in the Gulf of Tonkin as the ship's medical officer during Operation Passage to Freedom. Dooley's sexual orientation within the medical chain of command was known but ignored at the time of his transfer. Over the next nine-month period Dooley oversaw the medical well being of 610,000 refugees fleeing the Communist north to the south. Dooley's work was outstanding, standing alone. However, what made Dooley famous were the meticulous personal records he keep on the atrocities heaped primarily Catholic refugees by the Vietminh. After Operation Passage to Freedom the Navy sent Dooley on a public relations mission across the United States to tout the American humanitarian efforts and the Communist' brutality. Dooley, a devout Catholic and patriotic American, enthusiastically spread the Navy's strategic message. By all accounts, Dooley's message revitalized public support for America's efforts in Southeast Asia. South Vietnamese President Ngo Dinh Diem awarded Dooley that

countries highest military honor, the *Officier de l'Ordre National de Vietnam* and the Navy presented Dooley with the *Legion of Merit*, making him youngest naval officer in history to receive that award. In the 1960s, at the insistence of senior officers, Dooley turned his personal accounts into the book *Deliver Us From Evil*. The book was a best-seller, especially among Roman Catholics because of Dooley's strong religious devotion expressed throughout the book. Chief of Naval Operations Admiral Arleigh Burke wrote that officers like Dooley were the epitome of great naval tradition. Thereafter, Dooley made the Gallup Poll's list of most admired Americans. In short, Dooley's heroic action in helping refugees fleeing the Communist North in 1954 made him a legend. However, with a change in naval leadership, Dooley's sexual orientation became an issue. Navy leadership directed Naval Intelligence to get a confession from Dooley that would allow a quick and silent discharge from the Navy. Dooley refused to confess anything. Nevertheless, just days after the interrogation, he resigned from the Navy. Even after his resignation, Dooley remained a patriotic, vigilant anti-communist. To the military's chagrin, he returned to Vietnam in the late 1950s in an attempt to influence the war effort for the benefit of Vietnamese Catholics.⁸

Legal and Leadership Hurdles

In 1993, President Bill Clinton attempted to order the integration of openly homosexuals into the military. Senior military officials, and a majority of the public, vigorously opposed the President's order.⁹ Ironically, the President's proposal and the opposition by military leaders led to a political compromise that acknowledged homosexual service in the military. After President Clinton attempted to integrate homosexuals by Executive Order, Congress passed a bill that on its face prohibited individuals who "engaged in, attempted to engage in, or solicited another engage in a

homosexual act or acts” from serving in the military.¹⁰ Facing significant political pressure, President Clinton signed the bill into law. However, as Commander-in-Chief, President Clinton created Department of Defense directives that implemented the law but prohibited any military department from asking about sexual orientation in any application procedures used in matriculating new members. The new directive also limited a commander’s discretion about questioning current military members about their sexual orientation.¹¹ As a result, the law and the directives created the compromised policy commonly referred to as the Don’t Ask, Don’t Tell policy (DADT).

Many homosexual and civil rights groups opposed DADT because it prohibited homosexuals from serving openly¹² and failed to treat homosexuals as equals to heterosexuals. Indeed DADT appears on its face to be anti-homosexual because it requires those with a propensity to commit any homosexual act from continued serve to their country.¹³ However, for the first time in American history, although most likely inadvertent, Congress and the President acknowledged that homosexuals could legally serve in the military, so long as they concealed their sexuality.

DADT’s legal impediment is real and prohibits even the Commander-in-Chief from acting. As an illustration, in October 2009, President Obama declared, “I will end ‘don’t ask, don’t tell’”¹⁴ thereby acknowledging his opposition to the law and inferring that the policy impedes an otherwise qualified segment of society from military service. Yet the President was noncommittal on when DADT would end. His equivocation is understandable in light of both the political opposition and the fact that, as President, he cannot end DADT immediately, as a matter of law. Presidents may not simply ignore the law or, more importantly, violate that law. To end DADT, Congress must act.

So why has Congress failed to take action to remove the legal barriers to DADT, given this President's stated desire to end this discriminatory? This is an especially curious question given that in the 16 years since the enactment of DADT there is significant evidence of an American attitude shift in support of homosexuals openly serving in the military.¹⁵ In large measure, the answer appears to be a lack of commitment by the military to change the policy. A majority of senior leaders, both active and retired, continue concentrated efforts to articulate a strategic message that homosexuality and military service are incompatible. In 2008 a Gallup poll found that 50% of military members support a complete ban on homosexuals in the military.¹⁶ Without military support, congress is not likely to repeal DADT, making it impossible to integrate openly homosexuals into the military.

The question becomes, then, why military members are so out of sync with the public. One reason appears to be the strategic message some former senior military leaders send to their subordinates. In March 2009, 1054 retired flag and general officers formed Flag and General Officers for the Military (FGOM).¹⁷ Members include General Carl Mundy, Admiral Leighton Smith, and General Charles Horner.¹⁸ FGOM's purpose is to lobby congress against repealing DADT. In an open letter to Congress, FGOM said, "Our experience as military leaders leads us to have great concern about the impact that repeal of Section 654, Title 10 would have on morale, discipline, unit cohesion and overall military readiness."¹⁹ These officers argue that their collective judgment on this issue should override "conventional wisdom" and that of non-military members.²⁰ Similarly, former Chairman, Joint Chiefs of Staff, Richard Myers advocated the continuation of DADT. General Myers said: "Well, I take some exception with what

Senator Levin said because gays can serve in the military; they just can't serve openly. And they do. And there's lots of them. And we're the beneficiary of all that."²¹

FGOM's influence is substantial and far -reaching. Junior military members look to their leaders for guidance and are prone by their culture to follow orders. Therefore, there is little incentive for junior officers to advocate for a policy that would allow for openly homosexual service. Moreover, while studies indicate that a majority of junior military members favor allowing openly homosexuals to serve; those junior members do not make policy.

The requirement to follow orders of senior military leaders does not encumber Congress. Nevertheless, recent statements by Democratic leaders in the Senate suggest that groups like FGOM substantially influence their decision-making process in regards to DADT. The weight of their collective opinion appears substantial given the fact that their party's leader, President Obama, supports the repeal of DADT. Democrats hold a 79-seat majority in the House of Representatives and a filibuster-proof 10-seat majority in the Senate. Yet, to date, Congress has taken no action to repeal DADT and show no inclination to do so without support from the military. In the fall of 2009, the Democratic House Whip Richard Durbin (D-III) argued that the Senate was "too busy" to take on DADT. Chairman of the Senate Armed Services Committee, Carl Levin (D-OH) was more direct, seeming to blame senior military leaders for Congress' unwillingness to repeal DADT. Senator Levin said "[any bill should] take into consideration the arguments, feelings (sic) of men and women in uniform and their leaders. I think then our chances of repealing it are reduced significantly."²²

Therefore, the challenge for those who support repeal of DADT is to convince the senior military leadership to change their strategic message. While it is difficult to find a senior military leader to call for an outright repeal of DADT, Admiral Mike Mullen changed discussion during his confirmation hearings to become the Chairman of the Joint Chiefs of Staff. "I really think it is for the American people to come forward, really through this body, to both debate that policy and make changes, if that's appropriate." He went on to say, "I'd love to have Congress make its own decisions", with respect to considering DADT repeal.²³ In May 2008, when speaking to graduating cadets at the United States Military Academy, Mullen expressed the view "that Congress, and not the military, is responsible for the 'Don't ask, don't tell' law banning openly lesbian, gay, and bisexual Americans from military service." Mullen concluded his question and answer session with the graduating cadets by noting, "[Don't Ask, Don't Tell] is a law and we follow it. Should the law change, the military will carry that out too."²⁴

Chairman Mullen's comments represent an important first step in changing the military's strategic message on this issue. Senior military members must arm themselves with appropriate scholarly data to strengthen their strategic message to their subordinates. If senior leaders can change their subordinates' attitudes toward acceptance of openly homosexuals in the military, a key leadership hurdle, Congress is more likely to repeal DADT, a key legal hurdle. Two specific areas of scholarly research represent the best source of information to arm senior military leaders with the appropriate information to advocate the services' willingness and ability to integrate openly homosexuals. Those two areas include the relevant historical aspects associated with the integration of African Americans into the military and persuasive

scholarly studies that establish the advantages of cultural diversity to deconstruct the many arguments used to deny integration of openly homosexuals.

Integration of African Americans

Some military members and scholars have argued few similarities exist between the historical integration of African Americans and the proposed integration of openly homosexuals in the military. Most notably, General Colin Powell, during Congressional hearings on the DADT policy in 1993, said:

I think it would be prejudicial to good order and discipline to try to integrate gays and lesbians in the current military structure. Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument. ²⁵

While the psychology of General Powell may or may not be supported by data, his position is considered by some a “misreading of history”²⁶ and misdirects the focus of using African American integration into the military as a guide for homosexual integration. For example, a RAND Corporation (RAND) study sponsored by the Department of Defense argued that the similarities and lessons learned from African American integration are significant to the integration of homosexuals. Specifically, RAND argued that African American integration “was a long, convoluted process which inspired many of the strong emotional reactions that the possibility of integrating homosexuals provoke today.”²⁷ RAND argued that the following three main areas of similarities existed between the two integration processes: the role of leadership in the integration process; the issue of unit cohesion and military effectiveness; and, attitude verses behavior during the integration process.²⁸ This paper will examine all three similarities with the understanding that leadership is the key component that directly enables the other two.

Leadership, both military and civilian, was the key component in African American Integration. President Roosevelt and his administration systematically created policies that created opportunities to expand and enrich Black opportunities within the military. President Roosevelt and his service secretaries insisted during the late 1930s that each military department increase the role of Blacks in the services. By 1942, the Navy agreed to take the lead in expanding the number of job opportunities open to Blacks.²⁹ The other services soon followed the Navy lead by increasing African American opportunities.

By the post war, the need for uniformity for African American service became obvious. General George Marshall appointed Lieutenant General Alvan C. Gillem, Jr. to lead a board of senior leaders to recommend such policies.^{30 31} The Gillem Board worked for six weeks, took testimony from over 60 witnesses, and reviewed reports from commanders in the field on how Blacks had fought as individual units during the war. The unanimous report to General Marshall stated that African Americans possessed a Constitutional right to fight and that the United States owed African Americans that right. Just as importantly, the use of African Americans enhanced the military and “made possible a broader selectivity with constant benefit to military efficiency.” The Gillem Board went on to suggest that full integration by African Americans and even competition between whites and blacks, enforced with military discipline, and would create the proper sense of competitiveness and camaraderie to allow in the military what was not possible in civilian society.³²

The RAND research indicates that the Gillem Board was correct in its assumptions. The Army sponsored “Project Clear” in 1951, just three years after full

integration. Project Clear studied integrated combat units stationed in Korea. Isolated instances of violence were reported but not prevalent within the Army. The study showed that in most respects integration worked, white soldiers took orders from their African American superiors, and there were no issues of adverse unit cohesion in integrated units. Project Clear did find, to the surprise of some, that those units that integrated in a 1945 experiment were more cohesive and stronger than those units that had yet to integrate. The RAND study also points out that leadership roles continued after integration by monitoring compliance at the lowest levels of the services.³³ Senior military leadership provided significant contributions to successful integration during the integration process. However, military leaderships' most important contributions came after President Truman's 1948 order to integrate fully the military. Senior military leaders established systems to monitor compliance with established policies and to deal with reoccurring violations of those policies.³⁴ For example, the Department of Defense created an equality housing policy that applied to both on the installation and off the installation. If a civilian renter discriminated against an African American military member concerning off-post housing, the policy forbade all military members from renting from that civilian.³⁵ Air Force senior leaders monitored full integration of African Americans at the lowest levels. If commanders lagged behind in integration or if violence was prevalent in a particular organization, the Air Force quickly relieved that Commander and punished the airman or airmen responsible for the violence.³⁶

The issue of leadership in integrating open homosexuals into the military mirrors that of integrating African Americans. The real issue in the integration process is a willingness of those who oppose homosexuals in the military to serve with and obey the

orders of a homosexual. Senior military leaders can spread the strategic message on the need to accept openly homosexuals into the military. More importantly, senior leaders must propose directives and regulations that will ensure smooth integration. Congress is more likely to repeal DADT if the military is in the lead on the mechanism to implement the integration after repeal. Moreover, midlevel and junior leaders are more apt to implement this policy quickly and seamlessly if the senior leadership quickly establishes the policies and guidance necessary for implementation.

As outlined in the opening quote of this paper, officers and noncommissioned officers rightly expect enlisted soldiers to obey the lawful orders. Data concerning acceptance of African Americans at all military command levels soon after forced integration supports this expectation. Only when military senior leaders take the same strategic approach as they did in the integration of African Americans will Congress consider repealing DADT.

Review of Scholarly Studies

Several comprehensive studies support the proposition that full integration of open homosexuals into the military will not harm unit cohesion or military readiness. Three such studies stand out as being both persuasive and useful for senior leaders to rely upon when articulating their strategic message. The first study of importance is broader than homosexual integration. Richard D. White, Jr.'s³⁷ analyzes the advantages and disadvantages of cultural diversity in the workplace. The study demonstrated the five advantages and five disadvantages of a culturally diverse workplace.

Advantages. First, multi-cultural organizations can attract and retain the best available human capital. "When organizations attract, retain and promote maximum utilization of people from diverse cultural backgrounds, they gain competitive advantage

and sustain the highest quality of human resources.”³⁸ Ignoring talent in a sizable gene pool minority based solely on sexual orientation does not make sense from a human resource perspective. That such talent exists is not subject to debate.

Second, White shows that culturally diverse organizations “penetrates” a wider audience and outside entities, Such diversity increases the likelihood of understanding the socio-economic culture of foreign countries.³⁹

Third, and citing a 1991 Adler study, White shows culturally diverse organizations are more creative and more open to new ideas than static organizations. In the asymmetric warfare environment now facing the West, enhanced creativity would be a welcome addition to the seemingly moribund and unimaginative U.S. response to September 11th. “The failure of the U.S. governing elite to take heed of these things and unleash U.S. forces to wipe out their authors root and branch is the best possible proof that they collectively failed to imagine that he world could ever leave Pax Atomica behind.”⁴⁰

Fifth, White shows culturally diverse organizations can avoid “groupthink.” (Janis 1991) White points to incidents such as the Bay of Pigs and the My Lai massacre as deadly “groupthink” tragedies that resulted from cohesive homogenous thinking.⁴¹ An instructional video, “The Abilene Paradox,”⁴² was popular in intermediate service school educational circles in the mid-1990s, purportedly to combat “group think.” If the military truly values innovative problem solving and differing perspectives, they should embrace inclusion of gay members.

Finally, White argues culturally diverse organizations are more flexible. Citing a Rotter & O’Connell study from 1982, he shows organizations comprised of men and

women are much more flexible than single sex organizations. Additionally, bilingual organizations are cognitively more flexible than monolinguals.⁴³ While there does not appear to be marked differences in cognitive abilities based on sexual orientation,⁴⁴ ignoring or shunning a talent pool in the general population can have unforeseen negative implications such as the underutilization of Arabic translators in a high demand, low density career field.⁴⁵

Disadvantages. Citing Sheridan's 1994 study White shows that newly created culturally diverse organizations have lower productivity as compared to homogeneous groups unless the leadership of the organization spends time and resources in cross-cultural training.⁴⁶ Historically, the military has been very successful in overcoming cross-cultural hurdles. There is no reason to believe that cultural assimilation and anti-hazing enforcement would not ameliorate such tensions.⁴⁷

White correctly shows that diversity movements are often polarizing that breed cynicism and resentment thus causing friction and lowering organizationally productivity. However, management overcomes this disadvantage by extinguishing the ignorance that exists between cultural groups through education and communications.⁴⁸ Thus, the public demeanor senior military leaders take toward integration will affect the success of life after DADT. If, for instance, the pre-decisional attitude expressed by Colonel (Ret.) David Hackworth remains – “The military simply must not and need not adhere to the same rules as civilian employment. Although the military defends the principles of a democratic society, it cannot fully embody them. Its end is victory, not equity; its virtue is courage, not justice; its structure is authoritarian, not pluralistic.”⁴⁹ – Then successful integration will be difficult.

Interestingly, White found that diverse organizations have higher turnover and absenteeism. Using 20 actual work units O'Reilly, Caldwell, & Barnett (1989) explored the relationships among multiculturalism, social integration, and individual turnover. "Results suggest heterogeneity in-group tenure is associated with lower levels of group social integration which in turn is negatively associated with individual turnover. Consequently, out-group members are the individuals more likely to leave the organization."⁵⁰ Again, successful multicultural integration plans and strict compliance from leadership will attenuate this problem. In the short-term, the costs of this potential systemic problem might actually pale in comparison with the true costs of enforcing the current DADT policy.⁵¹

Finally, White shows through several studies that culturally diverse groups can become dysfunctional (longer decision-making processes and miscommunications) and have lower morale than homogeneous working groups in the absence of affirmative action by management to provide diversity training.⁵² Management must teach that conflict between ideas, as opposed to conflict between groups, can increase creativity and performance, citing two Tjosvold studies from 1989 and 1993. The military is already a culturally diverse force accustomed to working through and avoiding many of these potentially dysfunctional outcomes.

Commanders control conflict by distributing power, allowing for cultural differences, by affirming the identity of a minority groups. Again, the strategic leader's role in identifying these problems and implementing policy and atmospherics conducive to assimilation and acceptance can turn a potential hostile situation into a positive, productive environment.

White's study on diversity advantages suggests that allowing homosexuals to serve openly would enhance the productivity, creativity, and effectiveness of military operations by integrating new ideas. Moreover, diversity fulfills a substantial military need: a larger pool of individuals to fill the human resource service requirements. Finally, and more importantly, the studies' disadvantages do not apply to the military. Concepts like homogenous groups working better together than diverse groups, the preponderance for absenteeism and personnel turnover rates in diverse working groups and the lack of cohesion simply do not apply to the military. The military's heterogeneous successes (military victories) through a diverse (racial, sex, ethnicity) work force (soldiers, sailors, airmen, and marines) is now decades old. This work force comes to work on time, stays late, and remains dedicated.

White's study provides valuable practical reasons for a policy allowing openly homosexual men and women to serve in the military. Specifically, White's study show homosexual integration will provide a stronger connection between the military services and the public it serves through diverse representation. Diverse ideas, political cohesiveness, and a better set of problem solving skill will enhance the militaries ability to think through and solve the many complex problems it faces.

Gregory Herek and Aaron Belkin's study outline the historic arguments for exclusion of homosexuals from military service, which focused on unit cohesion and privacy, and debunk each of those arguments with persuasive studies to the contrary.⁵³ Citing Kaplan's 2003 study, they argue that heterosexual members are well aware that they are living and showering with homosexuals. Kaplan showed that 22% of Marines and 20% of junior enlisted personnel assumed they were in the intimate proximity of

homosexuals but did not care.⁵⁴ Finally, Herek and Belkin, using the examples of female integration in the military and coed dormitories in the studies by Shaver in 1987 and Vivona & Gomillion in 1972, showed that men adapt more modest standards of conducting personal hygiene when in contact with women.⁵⁵

The final report, already discussed in regards to African American Integration, is the 1993 RAND study. Of particular interest are the findings in regards to other countries military policies concerning homosexuals. RAND went to five Western European countries, Canada, and Israel to conduct the study. The policy of each country differed. The United Kingdom and United States had the same policy of the United States while the Netherlands allowed homosexuals to serve openly. Israel had the same policy as the United States but was preparing to change the policy to allow open homosexuals to serve during the RAND survey.⁵⁶

The Canadian military study provided the most useful and relevant information. In 1992, Canada opened service in the military to all persons regardless of sexual orientation. The decision came after almost a decade of turmoil. Military leaders argued that homosexuals would undermine discipline and have negative impact on the morale of its soldiers. After a long court battle, a military task force to review the matter, and a decision by the Canadian Supreme Court holding the military's outright ban of homosexuals to be unconstitutional, the military changed its policy. Specifically, the Canadian Defense Force (CDF) created a message endorsing the Court's decision and ordered the court's ruling enforced prior to parliament's codification; the military's civilian provided specific guidance communicating the rationale for the change of policy and encouraging the change's full acceptance; and, promulgated new regulations prohibiting

harassment of homosexuals under the same rules as sexual harassment between men toward women.⁵⁷ One year after the change of policy the CDF noticed no reduction in recruitment, no resignation of current military members, no issues of unit cohesion, and no instance of violence or harassment toward homosexual members. The RAND Study suggests that the CDF leadership “conscious strategic leadership” as a primary reason the policy was implemented so smoothly.

Conclusion

A senior military lawyer recently argued the inevitability of open homosexual service in the military. I respectfully disagree with that assessment. While this paper illustrates the benefits of openly homosexual men and women in the military, their integration and the Army’s subsequent acceptance is far from inevitable. First, integration is possible only if Congress repeals the DADT law. Second, Congress is unlikely to take that action without the enthusiastic support of senior military leaders. Third, senior military have failed to articulate a strategic vision that gives Congress the needed support to create the legal frame-work to allow openly homosexual Soldiers, Sailors, Airmen, and Marines to serve their country. Beyond the lessons from the past and persuasive scholarly studies that show the fear of open homosexuals in the military are meritless, what else can senior military officials do to accommodate and encourage their service?

Initially, senior leaders should formulate a strategic message with three fundamental themes. The first should focus on the military necessity. In an all-voluntary force, prohibiting a large segment of society from serving in the military is counter-intuitive. Beyond the examples provided above, books relating to the patriotic service of homosexuals in the military are numerous.⁵⁸ Just as numerous are the stories of

exclusion and elimination from service these homosexuals face once their sexuality becomes public. Senior leaders can make the case that the Army needs to recruit from all segments of society so long as the individuals recruited possess the same sense of duty and loyalties as any other recruit. To so recruit from all segments of society will build a stronger, more balanced forced structure.

Second, the strategic message should focus on fiscal responsibility. In February 2005, the Government Accountability Office released cost estimates of enforcing the current DADT policy. Cautioning that the amount may be too low, the GAO reported \$95.4 million in recruiting costs and \$95.1 million for training replacements for the 9,488 troops discharged pursuant to DADT from 1994 through 2003. In February 2006, a University of California Blue Ribbon Commission including Lawrence Korb, a former assistant defense secretary during the Reagan administration, former Clinton Defense Secretary William Perry, and professors from West Point U.S. Military Academy concluded that figure should be closer to \$363 million, including \$14.3 million for "separation travel" once a service member is discharged, \$17.8 million for training officers, \$252.4 million for training enlistees and \$79.3 million in recruiting costs. The commission report stated that the GAO did not take into account the value the military lost from the departures.⁵⁹ Thus, military senior leaders can accurately contend that the policy is too costly; both for dollars spent, but also for experience lost by eliminating otherwise qualified soldiers, airmen, sailors, and marines.

Finally, the strategic message must take on the thorniest issue thwarting repeal of DADT: sex. Countless arguments pre-DADT raised concerns about the sexual aspects of allowing homosexuals to serve with heterosexuals. Senior leaders cannot

avoid this issue today if they want Congress to repeal DADT. The first part of the strategic message must outline the success story of women taking on more and more combat roles within the military in Afghanistan and Iraq without serious incidents of sexual misconduct while serving in combat.⁶⁰ The second part of that strategic message concerns the policies the Department of Defense (DoD) put in place that facilitated this success. Since 1993, the DoD implemented stronger sexual harassment policies and education programs to facilitate female integration. After outlining past successes, senior leaders can make the case that similar strong policies will allow for full, successful integration of homosexuals. Moreover, these policies would reflect protection for both heterosexual and homosexual soldiers. That is, while discrimination and violent acts toward homosexuals by heterosexuals would obviously be punishable offenses under the *Uniform Code of Military Justice* (UCMJ), any acts by homosexuals toward heterosexuals considered sexual harassment or contrary to good order in discipline would also be subject to punishment under the UCMJ. Beyond the strict enforcement prohibiting nonconsensual sexual activity and harassment regardless of gender, senior military officials must ensure that their message indicate that homosexual sexual conduct will be judged under the same rules as heterosexual conduct in lieu of the Supreme Court case of Lawrence v. Texas and subsequent military justice cases that followed the Lawrence decision.⁶¹

With these three components in a strategic message, senior military leaders will both serve as an essential element to convince the public that homosexual service is compatible with military service and pave the way for successful homosexual integration. If the strategic message is successful, Congress can repeal DADT without

the fear of political backlash from voters. The final action for senior military officials is to formulate a plan, from the strategic level down to the tactical level, concerning integration implementation. This plan would also be available for Congressional review and may serve as the final impetus for the elimination of DADT and successful integration of homosexuals into the military.

Endnotes

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² Congressional Research Service, *Army Officer Shortages: Background and Issues for Congress*, (Washington, D.C., Library of Congress, July 2006)

³ Wikipedia, http://en.wikipedia.org/wiki/Catherine_II_of_Russia (accessed December 2009).

⁴ Randy Shilts, *Conduct Unbecoming. Gays and Lesbians in the Military* (New York, New York, St. Martins Press, 1993) 7.

⁵ *Ibid.*, 7

⁶ *Ibid.*, 8-10

⁷ *Ibid.*, 310-311

⁸ *Ibid.*, 21-27

⁹ Maginnis, Robert, "Gays in the Military Debate: Déjà vu 1993?," <http://www.Humanevents.com>, October 4, 2007. Chairman of the Joint Chiefs of Staff, General Colin Powell, told Congress: "To win wars, we create cohesive teams of warriors who will bond so tightly that they are prepared to go into battle and give their lives if necessary for the accomplishment of the mission. ... We cannot allow anything to happen which would disrupt that feeling of cohesion within the force."

¹⁰ 10 U.S.C. § 654

¹¹ Department of Defense Directive 1304.26, *Qualification Standards for Enlistment, Appointment, and Induction* (Washington D.C., December 21, 1993), 2-6 – 2-5

¹² Maginnis, Robert, "Gays in the Military Debate: Déjà vu 1993?," <http://www.Humanevents.com>, October 4, 2007

¹³ 10 U.S.C. § 654

¹⁴ Associated Press, http://www.msnbc.msn.com/id/33255971/ns/politics-white_house/, October 10, 2009.

¹⁵ Dropp, Kyle and Cohen, Josh, "Acceptance of Gay People in the Military Grows Dramatically," *The Washington Post*, July 19, 2008.

¹⁶ Editorial, "GOP gays targeting 'don't ask, don't tell.'" *The Washington Times*, October 12, 2004.

¹⁷ Gaffney, Frank J. Jr. "Former Officers Rally Against Gays in the Military" http://www.newsmax.com/frank_gaffney/gays_in_military/2009/04/01/198646.html, April 1, 2009

¹⁸ Elaine Donnelly, <http://www.towleroad.com/2009/03/elaine-donnelly-steps-up-crusade-against-gays-in-the-military.html>, March 31, 2009

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²⁰ Ibid.

²¹FaizShakir,http://www.alternet.org/blogs/rights/143214/former_bush_general_defends_dadt:_%22gays_can_serve_in_the_military%3B_they_just_can't_serve_openly%22_/, October 12, 2009

²² World Press, <http://fromtheleft.wordpress.com/2009/09/03/senate-dems-too-busy-to-repeal-dont-ask-dont-tell/>, September 3, 2009.

²³ Ibid.

²⁴ Ibid.

²⁵ On the Issues, http://www.ontheissues.org/celeb/Colin_Powell_Civil_Rights.htm.

²⁶ National Defense Research Institute "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment," 1993, 160.

²⁷ RAND, 160

²⁸ Ibid. at 161

²⁹ Ibid. at 162

³⁰ MacGregor, Morris J. *Integration of the Armed Forces, 1940 - 1985*, (Washington, D.C. Center for Military History, United States Army). 152-156.

³¹ Ibid. In 1925 LTG Gillem's paper written for the U.S. Army War College recommended expanded use of African Americans in the military services and his Corps had more African Americans serving in it than any other Corps during World War II.

³² Ibid.

³³ RAND. at 164 – 172.

³⁴ Ibid., at 164.

³⁵ Ibid. at 165

³⁶ Ibid., at 169.

³⁷ White, Richard D., “Managing the Diverse Organization: The Imperative for a New Multicultural Paradigm,” Public Administration Institute, Louisiana State University,

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Scheurer, Michael, *Marching Toward Hell*, Free Press, New York, 2008, p.79.

⁴¹ White, “Managing the Diverse Organization: The Imperative for a New Multicultural Paradigm. p

⁴² Harvey, Jerry B., “The Abilene Paradox: The Management of Agreement,” American Management Association, New York, 1988.

⁴³ White, “Managing the Diverse Organization: The Imperative for a New Multicultural Paradigm. p

⁴⁴ Doan, Petra, “Cognitive Dimensions of Queer Space: The Implications for Gender Dissonance for Wayfinding in Gay and Lesbian Neighborhoods,” Florida State University, 2006

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⁴⁷ Moradi, Bonnie, “Perceived Sexual-Orientation-Based Harassment in Military and Civilian Contexts,” *Military Psychology*, January 2006.

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⁵³ Gregory Herek and Aaron Belken, “*Sexual Orientation and Military Service*,” in *Military Life: The Psychology of Serving in Peace and Combat* Westport, CN, Praeger Security International, 2005) p. 8

⁵⁴ *Ibid.* at 8-9.

⁵⁵ *Ibid.* at 9.

⁵⁶ RAND at 65-67

⁵⁷ *Ibid.* 78-79

⁵⁸ Steve Estes “Ask & Tell: gay and lesbians veterans speak out” University of North Carolina Press, Chapel Hill, N.C. (2007)

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⁶⁰ RAND Corp 2007, *Assessing the Assignment Policy for Army Women*. Chapter 4. See *also*, Lizette Alvarez, <http://www.nytimes.com/2009/08/16/us/16women.html>, August 15, 2009.

⁶¹ 539 US 558, (2003). The Supreme Court held that laws prohibiting adults from engaging in consensual, private sodomy to be unconstitutional. The Court of Appeals for the Armed Forces followed this decision in *U.S. v. Stirewalt*, 53 M.J. 344 (CAAF 2004) by overturning a male sailors conviction for performing private, consensual oral sex on his female partner. The Army Court followed suit in a factually similar case in *U.S. v. Bullock*, A. Ct. Crim. App. Nov 30, 2004, appeal denied 61 M.J. 336 (CAAF 2005).