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11 Log Cabin Republicans

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 LOG CABIN REPUBLICANS, a non-
15 profit corporation,

16 Plaintiff,

17 v.

18 UNITED STATES OF AMERICA and
19 ROBERT M. GATES, SECRETARY
20 OF DEFENSE, in his official capacity,

21 Defendants.

Case No. CV 04-8425 VAP (Ex)

DECLARATION OF ROBERT
MACCOUN IN SUPPORT OF LOG
CABIN REPUBLICANS'
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

Date: April 26, 2010

Time: 2:00 p.m.

Courtroom: 2

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1. I am a Professor of Law, Professor of Public Policy, and Affiliated Professor of Psychology at the University of California at Berkeley. I was a coauthor of the 1993 National Defense Research Institute report entitled "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment."

3. Attached as Exhibit A is a true and correct copy of the expert report that I prepared in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on April 2, 2010 in Berkeley, California.



Robert MacCoun

Exhibit A

**Ending The "Don't Ask, Don't Tell" Policy Is Unlikely to
Impair Unit Cohesion Or Military Performance**

Robert J. MacCoun, Ph.D.
Professor of Law, Professor of Public Policy,
and Affiliated Professor of Psychology
University of California at Berkeley
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BACKGROUND

President Clinton's memorandum of January 29, 1993 directed then Secretary of Defense Les Aspin to draft an Executive order that would end discrimination on the basis of sexual orientation in the military "in a manner that is practical, realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain." The Secretary of Defense commissioned two studies of the issue, one prepared by members of the Department of Defense, and a second study prepared by the National Defense Research Institute, a federally-funded research and development center at RAND, a private non-profit public policy research organization.

In a brief memorandum, the DoD group recommended the "Don't Ask, Don't Tell" (DADT) approach that was ultimately adopted by the President, and later codified as law by Congress.

The RAND group's very different conclusions were documented in the 518-page peer-reviewed report *Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment* (1993); in brief:

Only one policy option was found to be consistent with the findings of this research and the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations.

I was a coauthor of the 1993 RAND report,¹ with primary responsibility for the analysis of the link between unit cohesion and performance, and secondary responsibility for the examination of the effects of non-discrimination policies in American police and fire departments. My review of the cohesion literature included 198 bibliographic citations to academic and military research reports, both published and unpublished. I also interviewed

¹ The testimony in this report reflects my own views and should not be construed to represent the views of RAND's management, funders, or research staff.

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14 nationally recognized experts on military cohesion and/or small-group conflict and performance, I conducted field visits to various military barracks and naval craft, and I interviewed many active and retired service personnel, including officers, enlisted personnel, and military chaplains, and both avowed heterosexuals and closeted gays and lesbians.

I am a research psychologist with over 100 publications (including articles in *Science*, *Psychological Review*, *American Psychologist*, *Psychological Science*, and the *Annual Review of Psychology*), including a great many empirical studies on small group behavior and on the behavioral responses of citizens to public policy interventions. For 15 years I have taught a major graduate course at UC Berkeley on survey research and program evaluation methods. I have also published a number of examinations of the problem of political bias in the interpretation of research evidence on controversial topics.

In this brief report, I will draw heavily on the following previous publications:

National Defense Research Institute (1993). *Sexual orientation and U.S. military personnel policy: Policy options and assessment*. Santa Monica, CA: RAND. (Collective authorship; RAND working group's report to the Secretary of Defense.)

MacCoun, R. J. (1993). What is known about unit cohesion and military performance. In National Defense Research Institute, *Sexual orientation and U.S. military personnel policy: Policy options and assessment* (pp. 283-331). Santa Monica, CA: RAND.

MacCoun, R. J. (1996). Sexual orientation and military cohesion: A critical review of the evidence. In G. M. Herek, J. B. Jobe, & R. Carney (Eds.), *Out in force: Sexual orientation and the military*. Chicago: University of Chicago Press.

MacCoun, R., Kier, E., & Belkin, A. (2006). Does social cohesion determine motivation in combat? An old question with an old answer, *Armed Forces and Society*, 32, 646-654.

MacCoun, R. (1998). Biases in the interpretation and use of research results, *Annual Review of Psychology*, 49, 259-287.

Because the above sources have extensive bibliographies, I will limit new citations to new empirical research which has appeared since those publications and which directly pertains to my arguments.

PROPOSITIONS

1. There is no systematic evidence (direct or indirect) for the claim that openly gay or lesbian personnel would impair military unit cohesion or unit effectiveness.

The 1993 DOD task force did not introduce any systematic empirical evidence establishing that allowing gays and lesbians to serve openly would impair either cohesion or performance. Since 1993, no new evidence supporting that argument has been introduced, and new evidence from military settings (discussed below in Proposition 7) refutes the claim. The argument that ending the ban would impair cohesion and unit performance is based on faulty

premises due to a misrepresentation of what is actually known about unit cohesion and its relationship to performance.

2. There is no single phenomenon called "unit cohesion"; it is important to distinguish "social cohesion" from "task cohesion."

Elsewhere (MacCoun, 1993, 1996) I review considerable evidence for that there are at least two empirically and psychologically distinct types of group cohesion:

Task cohesion refers to the shared commitment among members to achieving a goal that requires the collective efforts of the group. A group with high task cohesion is composed of members who share a common goal and who are motivated to coordinate their efforts as a team to achieve that goal (MacCoun, 1993, 1996).

Social cohesion refers to the nature and quality of the emotional bonds of friendship, liking, caring, and closeness among group members. A group is socially cohesive to the extent that its members like each other, prefer to spend their social time together, enjoy each other's company, and feel emotionally close to one another (MacCoun, 1993, 1996).

Converging evidence for the task vs. social distinction is provided by independent research teams working in many different domains (military, sports, organizations, etc.) using standard psychometric methods to examine the reliability and validity of various instruments for assessing cohesion. More recent reviews (Carless & DePaola, 2000; Carron and Brawley, 2000; Dion, 2000) provide additional support for the validity and usefulness of the task-social distinction. This distinction is important for the DADT debate because no one has seriously argued that gays and lesbians are inherently less committed to the military's mission; thus, only a team's social cohesion -- the notion that unit members have to like each other and be like each other in dimensions other than task commitment -- is plausibly linked to the open sexual orientation of its members.

An influential definition of military cohesion was offered by Colonel Wm. Darryl Henderson in his 1985 book, *Cohesion: The Human Element*:

"...cohesion exists in a unit when the day-to-day goals of the individual soldier, of the small group with which he identifies, and of unit leaders, are congruent--with each giving his primary loyalty to the group so that it trains and fights as a unit with all members willing to risk death and achieve a common objective" (Henderson, 1985, p. 4);

Nothing in this definition implies that gays and lesbians might be a threat to unit cohesion -- unless of course they failed to show loyalty to the group or the military's mission. This definition is a good representation of what contemporary cohesion researchers call "task cohesion." Curiously, in his 1993 prepared statement to the Senate Armed Services Committee, Henderson adapted this definition, replacing the phrase "day-to-day goals" with "primary values and day-to-day goals." This might be taken to imply that sexual

orientation – if it constitutes a “primary value” – could bear on unit morale. But by modifying his operational definition for the Senate hearings, Henderson conflated the two forms of cohesion.

- 3. The evidence that cohesion promotes team performance is mixed. Much of the apparent benefit of cohesion is due to the effects of task cohesion rather than social cohesion. And various lines of evidence show that high social cohesion can sometimes impair performance.*

An early meta-analysis of the cohesion-performance link (Mullen & Copper, 1994) found that the association is strongest for sports teams ($r = .54$)², significantly weaker for military units ($r = .23$) and other real work groups ($r = .20$), and weakest for artificially composed laboratory groups ($r = .16$). They also reported only task cohesion was independently associated with performance; social cohesion and group pride were not correlated with performance after statistically controlling for task cohesion. Two newer meta-analyses (Beal et al., 2003; Chiocchio & Essiembre, 2009) using different statistical techniques replicate the task cohesion-performance link and but also report a reliable social cohesion and performance association. Both authors argue that the association varies as a function of task characteristics, but this also suggests an important caveat with respect to the present report – of the 10 estimates that Mullen and Copper took from military studies, only 6 were included in the Beal et al. (2003) dataset, and Chiocchio and Essiembre (2009) dropped all the military estimates. Thus, there remains little evidence for of any robust link between social cohesion and performance for military groups.

Moreover, there are many separate lines of theory and evidence (discussed in MacCoun, 1993, 1996) that suggest that high social cohesion can produce a kind of “clubbiness” or “groupthink” that is deleterious to effective group performance. For more recent evidence, see Hoigaard et al. (2006), Nemeth and Nemeth-Brown (2003), and Rovio et al. (2009).

- 4. Estimates of the cohesion-performance association are partly attributable to the effect of performance on cohesion rather than the reverse. Groups that perform successfully become more cohesive; groups that perform poorly become less cohesive.*

Mullen and Copper (1994) used cross-lagged meta-analysis to show that “while cohesiveness may indeed lead the group to perform better, the tendency for the group to experience greater cohesiveness after successful performance may be even stronger.” This implies that estimates of a positive correlation between cohesion and performance cannot establish that high (low) cohesion causes good (bad) performance; the correlation may be spuriously high due to the reverse effect of performance on cohesion. The more recent cohesion-performance meta-analyses fail to address this causal misspecification problem.

²In this report I report weighted average meta-analytic coefficients (ρ 's) but for simplicity I label them “ r ” because they can be interpreted like Pearson product-moment coefficients; i.e., they range from -1 for a perfect negative association to +1 for a perfect positive association.

5. Recent meta-analyses on the effects of team heterogeneity suggest little or no effect on either cohesion or on performance.

There is little research directly assessing mixed sexual orientation in work groups, but in recent years many studies have examined the effects of diversity due to gender, ethnicity, ability, and other member traits. Three recent meta-analyses and a narrative review have examined the effects of heterogeneous team membership on team cohesion and team performance. Bowers et al. (2000) meta-analyzed 57 estimates from 13 studies, reporting "a small and insignificant overall effect of team composition on performance in favor of heterogeneous groups." They concluded that "building teams homogeneously or heterogeneously based on any of the attributes [ability, attitude, gender or personality]... will not result in significant gains in team performance. In a meta-analysis of 45 correlations from 24 studies, Webber and Donahue (2001) found that neither "less job-related diversity" (e.g., demographics) nor "highly job-related diversity" influenced group cohesion ($r = -.03$ and $+.10$ for less job-related vs. highly job-related diversity). They also failed to find any effect of either type of diversity on team performance ($r = -.07$ and $+.02$ for less job-related vs. highly job-related diversity). A more recent and more comprehensive meta-analysis of 78 correlations from 35 studies by Horwitz and Horwitz (2007) found that task-related diversity had a modest positive effect on team performance ($r = .13$), but that "bio-demographic diversity exhibited virtually no relationship with the quality of team performance" ($r = -.006$). The recent report of the Diversity Research Network (Kochan et al., 2003) reached a similar conclusion using a traditional narrative review of various organization case studies: "There were few direct effects of diversity on performance—either positive or negative," but that "there appear to be some conditions under which diversity, if managed well, may even enhance performance."

6. Many factors in military settings will promote cohesion, regardless of the personal attributes of team members.

As argued in greater detail in MacCoun (1993, 1996), cohesion researchers have long known that many factors influence a team's cohesion. Examples of such factors include mere propinquity (being in the same place at the same time), shared goals and outcomes, rituals and ingroup markers (uniforms, slogans, etc.), a common outside threat, and effective leadership. Its unusual organizational structure and traditions equip the military to promote cohesion in many ways that would be more difficult to achieve in civilian organizations. In his early writings on the Vietnam War (quoted in Marlowe, 1979), Charles Moskos, the "father" of the DADT policy, recognized the fluid way in which combat conditions promote cohesion, suggesting (some years before his 1993 Senate testimony) that the bonding among soldiers is often "instrumental and self-serving," a temporary and situational adaptation to danger. He wrote that "in most cases, nothing more is heard from a soldier after he leaves the unit. ... The rupture of communication is mutual despite protestations of lifelong friendship during the shared combat period." This observation does not discredit cohesion, it simply underscores that it is a situational adaptation.

7. Soldiers' abstract attitudes toward homosexuality, and their speculations about hypothetical situations, are likely to be poor predictors of their actual responses when serving with a gay or lesbian colleague. In fact, new evidence from the US military from foreign militaries, and from multinational forces fails to show any significant deleterious impact of open gays or lesbians on unit cohesion or performance.

In the 1993 Congressional hearings, various service personnel testified that they did not feel they could work and live cooperately with avowed gays or lesbians, and much was made of survey evidence showing that a majority of enlisted personnel were opposed to lifting the ban. But of course, the military does not routinely adopt policies based on their popularity among active personnel, and social scientists have long known that abstract attitudes about race, gender, and other characteristics are very poor predictors of how people actually behave in intergroup settings (see MacCoun, 1993 for a review). When people consider how they might behave in hypothetical situations, they typically fail to consider the many situational factors that will constrain their behavior.

This point is well illustrated by actual military experiences in recent years. Thorough research on the experiences of the Australian, Canadian, Israeli, and British militaries has failed to turn up any evidence that openly gay and lesbian personnel impair unit effectiveness, in peacetime or in combat (see the 1993 RAND Report, and Belkin's 2003 review of newer research). Bateman and Dalvi (2004) examined five case studies in which American service members served with openly gay non-American service members in multinational task forces; they found that "no one consulted for this study could think of an instance in which an openly gay or lesbian service member undermined a unit's ability to complete its mission," and they did not find any documentary evidence indicating any problems. Finally, a 2006 Zogby International Poll of 545 Americans who served in the US military in either Iraq or Afghanistan since 2001 (Rodgers, 2006). Among those who did not suspect that they had served with gays or lesbians, 58% believed that such colleagues would have impaired their unit's effectiveness. But among those who reported actually serving with an open gay or lesbian, 64% felt that there was no impact on their unit's morale.

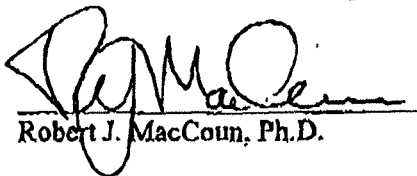
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STATEMENT

1. I have not testified in any court case in the past four years.
2. I have agreed to serve as an expert witness on a *pro bono* basis for the Log Cabin Republicans and White & Case LLP so long as they reimburse any travel expenses.


Robert J. MacCoun, Ph.D.

1/19/10
Date