

**Appendix of Evidence in
Support of Log Cabin Republican's
Opposition to Defendants'
Motion for Summary Judgment**

**LCR Appendix Pages 701-800
(Part 7 of 19)**

responsible for exercising discretion in determining whether behaviors not explicitly included in the code of conduct are acceptable (Burke, 1990).⁸ The code should explicitly recognize the need to respect the feelings and concerns of others in defining acceptable and unacceptable behaviors.

Although the military's strong hierarchical control might suggest to some that policy can be successfully implemented with only limited discretion (Burke, 1990), providing some degree of discretion to the smallest unit in terms of how to bring about behavior change captures an important tenet of the implementation perspective. Lawler (1989) suggests that subunits be given a "conceptual box" that defines the boundaries of acceptable behavior within which unit members can work. In addition, awarding discretion is consistent with the military's informal operations, where much discretion is practiced (Watman, 1993). Indeed, the military mission order, a widely used way of directing subordinates, builds in considerable lower-level discretion. Such discretion increases individual and unit commitment to the change.

The code of professional conduct must also describe the sanctions for behavioral noncompliance. These sanctions essentially define accountability and thus set parameters around leader discretion. Too much discretion concerning sanctions risks the possibility that uncommitted leaders will send a signal that inappropriate behavior will be tolerated.

The enforcement system must be made explicit (Elmore, 1978). Organization members must understand that their behavior will be observed and noted and that actions inconsistent with the code of behavior will be called to the attention of higher-ups and dealt with according to the explicit sanction policy. But military experience in the area of sexual harassment demonstrates that a code of professional

⁸Exercise of discretion in support of a new policy requires strong leadership and unambiguous signals that the policy is to be carried out. Otherwise, leadership discretion may serve to undermine policy implementation. For example, "the atmosphere created by Reagan appointees who headed the EPA discouraged civil servants from serious enforcement of social environmental laws. They were encouraged to use their discretion to reduce the scope of effective enforcement" (Palumbo and Calista, 1990, p. 8).

conduct *by itself* is not enough to ensure change when the change is inconsistent with organizational culture.

From the point of view of those with expertise in sexual harassment, the military has set in place the appropriate policies and structures to minimize the problem.⁹ Yet, there is substantial evidence that sexual harassment remains a serious problem in the military even after the formal adoption of a code of behavior.¹⁰ The high incidence of sexual harassment reported in military surveys suggests that those expected to comply with sexual harassment policies have concluded that noncompliance is unlikely to be detected, and if detected, is unlikely to result in severe sanctions. Information from the field supports this conclusion. Many sexual harassment complaints are apparently ignored. If they come to light, those who choose to ignore them are rarely sanctioned, which sends a signal that the policy need not be taken seriously. Indeed, in many cases, it is the complainant who suffers (Gilberd, 1992).

What the military's experience with sexual harassment demonstrates is that a code of professional conduct alone cannot bring change. Rather, it is just one part of an intensive implementation effort if change is to occur. The behavioral compliance expected in response to

⁹According to the Defense Manpower Data Center (DMDC), "each service requires every officer and enlisted member to be trained in the prevention of sexual harassment at initial service entry points, and periodically thereafter. . . . [E]ach service policy clearly states that the prevention of sexual harassment is a principal responsibility of the chain-of-command. All service members must be cognizant of the policy and enforce the standards required by the policy. . . . Service members who have sexual harassment complaints are encouraged to use the chain-of-command. Equal opportunity/Human Relations Advisors, Chaplains, Inspector General, and Judge Advocate General are recommended as alternate channels. . . . [E]ach service's policy refers commanders to a number of specific articles in the UCMJ when considering punishment for sexual harassment offenders" (Martindale, 1990, pp. iv-v).

¹⁰A 1988 Defense Manpower Data Center survey of 20,250 randomly selected personnel (response rate = 60 percent) revealed that 64 percent of female and 17 percent of the male personnel experienced at least one form of sexual harassment while at work in the year before the survey; 15 percent of female and 2 percent of male respondents reported one of the most serious forms, pressure for sexual favors; and 5 percent of female and 1 percent of male respondents reported the most severe form, actual or attempted rape or sexual assault.

mandates cannot be assumed. Strong monitoring and sanctioning must occur for targets to conclude that compliance is worth the effort. Steps that the Navy has taken since 1989 identify ways to reinforce a code of professional conduct. In particular, since 1992, the Navy has reinforced its zero-tolerance policy toward sexual harassment with a mandatory processing for separation policy following either the first substantiated incident of aggravated sexual harassment or the repeated occurrence of less serious incidents of sexual harassment (Culbertson et al., 1992).

Ensure Leadership Support at All Levels

Military leaders can and must become a major driving force for change. They take on this role when they are perceived to be supportive of the change and to be concerned that it be successfully implemented. Such a stance is sometimes difficult to achieve, especially when the new policy has been criticized by these same leaders early in the implementation process, when debate was occurring about the policy's value and form. Ideally, leaders' early criticisms are acknowledged and responded to during the policy formulation process in a way that enables them to emerge from the debate appearing convinced of the value and importance of the new policy. Such beliefs present leaders as committed to the change and consequently eager to see it implemented (Allaire and Firsirotu, 1985).

If lower-level commanders and troops do not believe that their superiors support the policy, they will have little motivation to abide by it. At the very top, the President must reaffirm his commitment to the new policy in language consistent with cultural norms of inclusion and equality for all. If senior military leaders do not believe in the change, efforts must be made to present leaders as *behaviorally* committed to the policy (even if they remain attitudinally opposed).

Such behavioral commitment requires that leaders send a strong, consistent signal of support for the new policy. Lack of attitudinal support makes behavioral signaling all the more important. Such signaling must include strict adherence to an existing or new code of professional conduct, with public sanctioning of personnel at all levels

who fail to comply with it. It must also include smaller actions, such as allocation of time to the new policy and keeping the change before members through video or other messages such as talks at lunches and meetings (Peters, 1978). This message of support must include a message of continuing involvement by high-level leadership. The assignment of a high-ranking individual with direct access to top management to oversee the implementation process conveys the message that this policy is to be enforced at all levels.

While top-down change is the norm in military organizations, the lessons of implementation research that implementing change is a problem of the smallest unit should be heeded. Indeed, it is particularly important to convey an understanding of what matters at the bottom of the organization to the top so that members feel heard. It is important, as well, to convince leaders at all levels, including the bottom, that it is in their own and the organization's interest to work to support the new policy. Their effective involvement depends on six key efforts: (1) signaling the military's commitment to the new policy; (2) convincing them that active monitoring and support for the new policy will be noticed and rewarded; (3) stressing the importance of reducing anxieties and creating a sense of perceived fairness for members; (4) training them to be good implementors; (5) empowering them to use their discretion within clear constraints; and (6) providing guidance.

Signaling Commitment. Lower-level leaders are the key to enforcement efforts at the bottom of the military hierarchy. Unless the seriousness of the military's commitment to the policy is effectively conveyed to them, they will exhibit great variability in their enforcement efforts. Treatment of the same issue can be expected to differ considerably from base to base, and unit to unit, in the absence of a strong message of conformity from superior officers.

Identifying Rewards. The enforcement system must be made explicit (Elmore, 1978). Leaders must be persuaded that their enforcement of the new policy will be monitored by those above them and that their behavioral support of the new policy will be rewarded. This will encourage leaders to believe that successful implementation of the new

policy accords with their own self-interest, a key aspect of leadership (Levin and Ferman, 1986).

These rewards should hold at all levels of the military and should be explicit. For example, unit leaders should know that they will be judged in part on the ability of unit members to work effectively together. For example, units would be considered well-led when members comfortably absorb newcomers. This evaluation will positively affect both group members and their leader. However, writers on procedural justice (e.g., Tyler and Lind, 1992) present cautions about the limits of outcome incentives to ensure compliance. They stress that another, compatible route to compliance lies in an implementation process that gives group members voice, conveys the impression of fairness and concern for individuals' rights, and describes the final policy as based on fact and egalitarian concerns.

Communication upward about compliance failures should be actively encouraged (Dalziel and Schoonover, 1988). Since "snitching" violates a tenet of military culture that only good news should be communicated, it is important to both redefine "snitching" as important, valued professional behavior and to set up monitoring procedures so that people are asked about problems, for example, through regular implementation surveys (e.g., Gottlieb et al., 1992).

Leaders must also understand that failure to actively support the new policy will be noticed and sanctioned. Military members must be held to high standards of conduct with regard to abiding by and enforcing the new policy. Any officer who violates the behavioral guidelines associated with the new policy should be dealt with severely. This message--that the military takes the new policy seriously--will quickly be conveyed to those lower down and contribute to behavioral compliance.

Moreover, breaches of policy by subordinates will be viewed as leadership failures. This two-pronged approach makes every leader responsible for the behavior of those below. More generally, commanders must be responsible for morale and behavior within their units, including all incidents of discrimination. It must be made clear to them that if they permit an environment in which homosexuals can be

discriminated against or harassed, it will have an effect on their likelihood of promotion. Failure to pursue instances of unacceptable behavior should, in itself, be considered a leadership failure. This latter point is key: Perceptions about what happens when these responsibilities are ignored can drive or derail implementation (Davidson, 1993).

The implementation leader must clarify the complaint process and, with the monitoring group, ensure that complaints are actively addressed. Moreover, efforts should be made to simplify the complaint process. The Army Equal Opportunity Office (EEO) is currently implementing two promising approaches: (1) a hot line that provides procedural information on filing EO complaints, and (2) a complaint form that can be reproduced easily on a photocopier (Clement, 1993).

Strengthen the Local Context for Change

Change will be facilitated by leaders who are trained and motivated to address and solve implementation problems. A new organizational structure should be helpful as well in enabling implementation and change. Finally, monitoring criteria should be developed and widely communicated.

Increase Leadership Capacity. A key task of leaders at all levels is to minimize subordinates' anxieties and create a sense of procedural justice for them. Reduced worry and feelings of justice are enhanced when leaders are prepared to absorb the anxiety of change, including challenges and anger, when leaders demonstrate dedication and commitment to the organization as a whole, and when leaders encourage members to express their anxieties and concerns and when they acknowledge these concerns (Schein, 1987; Tyler and Lind, 1992).

Leaders should also act to enhance feelings of efficacy by conveying their beliefs that personnel are capable of implementing the change and conforming to behavioral expectations. The critical distinction between behavior change and attitude change should be emphasized, with a clear message that the organization will limit its concern exclusively to behavior.

Leadership capacity will be enhanced by several means, including training, support for the use of discretion, and guidance.

Conduct Training. Training of leaders should be designed to create "fixers"--people who both care about successful implementation and have the skills necessary to anticipate and identify implementation problems and to make adjustments to improve the implementation process (Bardach, 1980; Levin and Ferman, 1986).

It should be noted that "fixer training" is distinctly different from sensitivity training. Fixer training is practical and meshes well with the strictly behavioral approach to implementation most likely to yield success. In contrast, sensitivity training attempts attitude change and is widely scorned by military personnel. Bringing in sensitivity trainers who are perceived to be very costly in a context of drawdown is as likely to increase resistance and anger as it is to reduce it.

Encourage Use of Discretion. Becoming a good "fixer" implies the possibility of action. Leaders at all levels must be accorded sufficient discretion so that they can act to correct implementation problems. But, as noted above, this discretion must be bounded by behavioral monitoring and strict enforcement of a code of professional conduct. Such a code is discussed in the chapter on legal issues and in Appendix A, which presents a code that would be appropriate for the "not germane" option.

Provide Guidance. Any code of professional conduct, no matter how prescriptive, cannot hope to identify all potential problem areas. A new code of professional conduct that describes behavioral principles and goals will identify few. Yet lower-level leaders need guidance. Therefore, codes should be supplemented with active guidance in the form of "question and answer" documents, which should be widely disseminated. These questions and answers could also include information about sexual behavior and health issues.

Create a Monitoring Structure. In the implementation literature, there is much debate about the desirability of creating a new organizational structure to lead and monitor implementation. Much depends on where such structures are located in the organization. If

central to the organization, and if led by a person with considerable formal authority who has the ear of top management, such structures can be effective (Schein, 1987). They create a place where complaints may be lodged outside the chain of command; their presence conveys organizational commitment to the change; and, if properly staffed, they can become expert at dealing with problems that arise. However, such structures are sometimes used to divert implementation concerns from key leaders and to "ghetto-ize" the new policy. In these cases, such structures send a signal of nonsupport from top managers that is likely to undermine successful implementation. Moreover, in the current climate of downsizing, the creation of apparently costly new structures is likely to be resented.

Instead, monitoring should be carried out by using the chain of command. Monitoring would begin among low-level leaders who are close to and can convey the views and behavioral problems of those who work under them. They should report on a periodic basis to their superiors up the chain and should be provided incentives, as described above, to report in a timely manner about incipient problems so that they can be remedied before they become serious. Such reporting up the chain will depend upon the development of clear reporting instruments and on creating among leaders up and down the chain a sense that accurate information about implementation problems is valued and that failures of leadership reside in refusals to comply, not in compliance difficulties.

This process should be supported by a small group in each service charged with overseeing implementation of the new policy. The group may comprise people already responsible for other similar policies, e.g., sexual harassment and racial integration.¹¹

Kilmann (1989) suggests that a shadow track--a group of 5-15 people representing all levels of a large organization, which meets regularly to monitor the implementation process and develop ways to improve it--is a good idea in very large organizations. In this case, a shadow track might receive reports from all levels as well as conduct its own monitoring process, e.g., personnel surveys.

¹¹Training for these overseers may strengthen their efforts in these other areas as well.

Develop Monitoring Criteria. Few homosexuals are likely to reveal their sexual orientation even if a policy that allows them to do so openly is mandated. Consequently, monitoring criteria used to assess the progress of more visible groups, e.g., blacks and women, cannot be used. Numbers of promotions, distribution across pay grades, and other measures of a group's progress that depend on the ability to detect group numbers are not feasible.

However, it is possible and important to monitor other outcomes of the implementation process. These outcomes should include key areas of concern, including incidents of violence, numbers of open homosexuals who serve, and measures of unit performance.

Monitoring efforts should include assessments of performance reports, the conduct of implementation surveys, and analysis of the nature and disposition of complaints. Monitors should examine written documents for their signaling messages; analyze surveys of military member attitudes; track the incidence of violence, harassment, and exclusion, and the incidence of sanctioning; and track numbers of homosexuals who disclose their orientation or whose orientation is revealed by others, and numbers of military members who leave the service because of the new policy or its implications.

A set of objective measures of unit performance must be devised. These measures should, to the extent possible, build on current efforts (e.g., National Training Center performance) and be supplemented by policy-specific measures (e.g., number of harassment complaints filed, number of instances of violence or abuse directed toward open or suspected homosexuals).

To the extent possible, monitoring measures should depend on existing, ongoing assessments. Unfortunately, however, ongoing assessment measures are not as available or as appropriate as those charged with monitoring of the new policy might hope. Measures of key military outcomes--readiness and cohesion--are flawed. Surveys of member attitudes are conducted too infrequently to be of much value.

The military does employ some measures of cohesion, although none are used on an ongoing basis. Such measures might be adapted for use in monitoring of the new policy. Such adaptation would, however, require

careful research, thought, and development. (See the chapter on cohesion for detail on these measures.)

Surveys of member attitudes toward the new policy and experiences with it could be a valuable monitoring device. However, the approximately five-year intervals between DoD personnel surveys (which survey about 5 percent of active-duty military members, spouses, and members of the reserves) limit the surveys' value. Tracking of attitude change with this survey is difficult because of the many secular changes during the long intersurvey period. A monthly survey effort that included a much smaller percentage of the population would, in contrast, be extremely valuable for tracking attitudes. A set of questions focused on the implementation of the new policy toward homosexuals would allow the monitoring group to examine key issues, e.g., behavioral compliance, reporting behaviors, and for commanders, the extent to which implementation of the policy coincided with other duties (Gottlieb et al., 1992). The opportunity to track implementation over time through a mix of unchanging attitudinal and changing implementation questions would be invaluable.

CONCLUSIONS

Despite widespread antagonism within the military to a policy that would end discrimination on the basis of sexual orientation, lessons from organization theory, implementation research, procedural justice theory, and the military's own experiences with blacks (see the chapter on racial integration) suggest that a new policy could be successfully implemented. Success depends on understanding the military as a large organization with a unique culture, on a carefully developed and actively monitored implementation plan, and on a sense of the importance of perceived fairness in the development of the policy and in its implementation.

To date, the implementation context has not supported a new policy that would allow homosexuals to serve. Widespread views both within and outside the military that homosexuality is immoral translate into concerns that removing the ban would appear to condone a homosexual lifestyle. Drawdowns, base closings, and reductions in benefits have

created considerable anxiety among military members and have fueled widespread beliefs that the military has violated its psychological contract between the organization and its members. The resulting anger and resentment have made members even less inclined to tolerate new threats to military culture. The policy debate surrounding such a policy change is occurring in a context in which norms of deference are significantly eroded. Consequently, highly placed military leaders have actively criticized the proposed policy.

In addition, a number of other factors restrain change. These include the fact that the policy will be externally imposed, which will increase the likelihood that it will be perceived as inconsistent with organizational and participant cultures. *The military's uneven experience in fully integrating another sexual outsider group, women, will be used to bolster resistance.* Perceptions that the policy is going forward for reasons other than the direct needs of the military contribute to a feeling that the policy is unfair to those serving.

These factors make change harder and must be considered in designing a plan for implementing the new policy. To promote change, planners should:

- Convey the policy as simply as possible and build in supports for change. The most important support for change is a code of professional conduct that clarifies the criteria for behavioral compliance and stresses universal responsibility for respecting the feelings and sensitivities of others. In addition, high-level individuals should be designated as responsible for successful implementation.
- To the extent possible, convey the change in terms compatible with military culture. These terms might include a focus on the submersion of individual preferences, the obligation to follow orders, and the military's "can-do" attitude.
- Stress behavioral compliance and create sanctions for compliance failures. Policy messages should make clear that leaders are responsible for their own behavior and for the

behavior of their subordinates. Communication upward about compliance failures should be encouraged.

- Create a change process that allows members to voice their views and concerns and to know that these have been heard, even if they do not agree with the ultimate policy. The change should make clear that leaders have developed the policy and the implementation plan in a fair manner.
- Ensure top leadership support, at least behaviorally. Set in place the means through which top leadership can send signals of support for the new policy, including continuing involvement in implementation, and frequent messages about the implementation process.
- Involve leaders at all levels. Even in a top-down organization, implementation remains a problem of the smallest unit. Leaders at all levels must come to see that successful implementation is in their self-interest, and their ability to lead will be assessed in part by their own compliance with the new policy and the compliance of those under their command. They must also be provided with training designed to make them successful implementors. Such training should include practice in identifying threats to implementation, guidelines for behavior, and sufficient discretion so that they can begin to feel some ownership for the change.
- Set up monitoring mechanisms, including oversight committees, that will assess the implementation process. Monitoring efforts should capture as many aspects of the change as possible.

13. POTENTIAL EFFECTS ON MILITARY RECRUITMENT AND RETENTION¹

This chapter describes research on the determinants of enlistment and reenlistment to military service and discusses possible effects of removing current restrictions on service by homosexuals. Research findings provide little direct evidence of possible changes in enlistments and reenlistments among prospective or current service members. Survey data point to declines in reenlistment intentions if the restrictions are removed, but research suggests that actual outcomes will be determined by a number of considerations, of which individuals' economic and educational status are particularly prominent. We conclude that precise effects on enlistment and reenlistment behavior will depend on the nature of the policy and its relative importance for an individual's enlistment or reenlistment decision. However, should enlistments or reenlistments decline, options exist for minimizing adverse effects, e.g., by expanding recruitment and/or removing incentives which encourage current service personnel to leave as the military reduces in size.

BACKGROUND

A key principle of military force management is to attract and retain competent personnel to assure readiness and operational effectiveness. Military personnel policy seeks, in general, to obtain high-quality personnel in meeting goals for new members. Among enlisted personnel, recruit quality is gauged as the proportion of high school graduates and the fraction scoring in the upper half of the Armed Forces Qualification Test (AFQT). Youth who hold these attributes in combination define the "prime recruiting market" and are especially prized by the military (Verdugo and Berliant, 1989). High standards also govern acceptance to the officer corps. The services require that most officer candidates obtain at minimum a four-year college or

¹This chapter was prepared by John D. Winkler, who would like to acknowledge the considerable assistance of Glenn Gotz, Susan Hosek, Bruce Orvis, and Peter Tiemeyer.

university degree. In addition, they consider other criteria such as grades, scores on aptitude tests, participation in extracurricular activities, and evidence of leadership abilities (Office of the Assistant Secretary of Defense, 1992).

Military personnel policy further seeks to retain and promote its best-performing personnel to meet its occupational requirements at advancing skill levels. For example, officer personnel management seeks to "provide career opportunity that would attract and retain the numbers of high-caliber officers needed" and "maintain a high-quality, numerically sufficient officer corps" (Rostker et al., 1993). Enlisted force management similarly seeks to encourage, reward, and promote high performing personnel (Buddin et al., 1992). Thus the military also seeks to minimize unwanted attrition; i.e., avoid separations of desired personnel during an enlistment term or at reenlistment, with attendant loss of investment in military recruitment and training.

The possibility that military service could be opened to acknowledged homosexuals has raised fears that recruitment and retention could be adversely affected (Army Times, 1993). The military expends considerable resources in the form of advertising, educational benefits, and enlistment and reenlistment bonuses to attract and retain desired personnel. If personnel whom the services wish to retain choose to leave military service over this issue, readiness could be compromised, force management could be complicated, and the costs of replacing these losses could be considerable. Further, it could be difficult and costly to meet recruiting targets if large numbers of otherwise interested young people, particularly in the prime recruiting market, failed to consider military service because of objections to serving and living with homosexuals.²

²In fact, the military is already experiencing a relative decline in the quality of military recruits. As recently reported by OASD (FM&P), 94 percent of active force enlisted accessions in the first half of FY93 were high school graduates, compared to 99 percent in the previous year. Accessions scoring in the top half of the AFQT distribution have fallen to 70 percent from 77 percent, and the share of recruits with both attributes has fallen to 65 percent from 76 percent a year earlier. The decline was most severe for the Army, which accounts for the largest number of recruits.

Actual effects on enlistments and reenlistments, however, are unknowable as a new policy regarding homosexuals has not yet been formulated or implemented. Hence, any predictions are inherently speculative. Discussion can be informed and available data interpreted, however, by more general consideration of the reasons that people choose to enlist and reenlist in the military. The following discussion summarizes key findings from this literature and assesses their implications in light of current issues and trends affecting military manpower policy.

RESEARCH ON ENLISTMENT AND REENLISTMENT

An extensive body of research, much of it conducted at RAND, has examined the determinants of enlistments and reenlistments in the all-volunteer force. One set of studies has examined the reasons why young persons join the military (e.g., Barnes et al., 1991; Benedict, 1990; Hosek and Peterson, 1985, 1986, 1990; Orvis and Gahart, 1990; Orvis, Gahart, and Ludwig, 1992). A second body of research has examined policies and factors governing retention and attrition of military personnel (e.g., Buddin, 1984; 1988; Chow and Polich, 1980; Stolzenberg and Winkler, 1983). These studies provide a common research framework and specific findings relevant to the issue at hand.

Research Framework

Much of this research examines joining and leaving the military as a choice that an individual makes among alternative courses of action. For example, Hosek and Peterson (1990) characterize the decision to enlist as an evaluation of military service against further education, civilian employment, marriage, and family (particularly for women), or a combination of these. Buddin (1984) considers attrition as a job separation in which employers and employees make rational decisions to part company to enhance their respective well-being, considering economic and non-economic benefits. Stolzenberg and Winkler (1983) describe a two-step process by which people choose voluntarily to leave one job to take another. They suggest that people first determine how satisfied they are with their current job on an absolute basis. As they become dissatisfied with their current job, they initiate a search for

alternatives. The framework presumes that people leave their current job only when they find a more attractive alternative.

These frameworks have been used in a number of studies examining enlistment and reenlistment intentions and behavior. Specific factors examined vary from study to study, depending on population, data, research objectives, and research methods. Altogether, the studies provide information on effects of demographic and socioeconomic characteristics, individual differences (e.g., in aptitude and education), attitudes and values, and measures external to the individual such as unemployment rates, civilian and military pay, and the effort made to recruit the individual.

Research Findings

Determinants of Enlistments and Reenlistments. Studies examining military enlistees typically point to the importance of economic and educational variables in guiding individuals' decisions. For example, Hosek and Peterson (1983, 1986, 1990) find that enlistment probabilities of men and women are strongly related to wage rates and employment status and experience (work-related variables); learning proficiency, ability to finance further education, parental influence (education-related variables), and expectations for further education. These findings have been replicated in studies of applicants to military service (Orvis and Gahart, 1985; Orvis, Gahart, and Ludwig, 1992). These latter studies show, however, that attitudinal variables also have a substantial effect on the probability of enlistment. These include social support for enlisting and perceived advantages (job security) of military service.

Research examining determinants of reenlistments also emphasizes the importance of economic and educational considerations. Chow and Polich (1980), for example, found that first-term reenlistment rates are strongly influenced by compensation-related variables (e.g., pay, bonuses, and allowances) more so than other factors under policy control. Hosek, Antel, and Peterson (1989) found that first-term service members who expected more education (e.g., through training or the use of educational benefits) were more likely to remain in the

service after 36 months. Drawing on a large number of research studies, Stolzenberg and Winkler (1983) point to compensation levels, perceptions of job security, and satisfaction with military life as major determinants of voluntary terminations from military service.

Intentions and Behavior. The research literature also provides empirical estimates of the predictive value of stated intentions to enlist and reenlist. These findings will be useful in evaluating the available data addressing effects on enlistment and reenlistment of listing the ban on homosexuals. Statements of intention are generally highly predictive of behavior. Chow and Polich (1980) calculated actual first-term reenlistment rates according to service members' stated probability that they would reenlist. These results indicate that of members who state their probability of reenlistment to lie between 0.9 and 1.0, the "true" reenlistment rate is 0.89 within one year. The actual reenlistment rate is 0.05 for members who state their probability of reenlistment to lie between 0.0 and 0.1.

Although intentions predict behavior, they do not fully account for the variety of factors that influence one's eventual decision. Some people who initially state positive intentions will fail to follow through; some who state negative intentions will change their mind and join or reenlist. In fact, 46 percent of male enlistees initially express negative intentions (Orvis, Gahart, and Ludwig, 1992). Intentions are more predictive when they are strongly held and proximal to the behavior. They predict behavior less well when people are unsure of their intentions. Moreover, people who are unsure of their intentions seem most sensitive to external events or changes in policy which lead them to raise or lower their intentions.

POSSIBLE EFFECTS OF REMOVING THE BAN

The research results described above help frame the issue of how enlistments and reenlistments could be affected by removing the restrictions on homosexuals serving in the military.

Enlistments

First, this literature reminds us that under ordinary circumstances, decisions to join the military are strongly influenced by

educational and employment-related considerations. Many people choose to join because the military offers employment prospects superior to what they could obtain in civilian life. Others join to receive training or obtain educational benefits. In fact, these are the "primary" reasons people offer for joining the military in the first place (Center for Human Resource Research, 1991).

The research also reminds us, however, that while employment and educational considerations are important, they are not the sole determinants of enlistment decisions. For seniors in high school who contemplate service in the military, decisions to enlist are also subject to the influence of parents, teachers, and peers. Decisions to serve are also affected by the individual's motives and attitudes for enlisting; for example, to develop self-confidence and potential, or have an experience of which one can be proud (Barnes et al., 1991; Benedict, 1990; Orvis and Gahart, 1985). Enlistments could be adversely affected to the extent that social support, motives, and attitudes supporting military service decrease as a consequence of removing the restriction on homosexuals and as other factors remain equal. The extent of attitude change would further depend, however, on the specific policy implemented and the relative importance of this issue to potential enlistees or those who influence their decisions.³

Unfortunately, there are no current data which address directly how enlistment in the U.S. Armed Forces could be affected if the restriction

³Available research does not permit the relative effects of economic and non-economic factors to be easily compared, as these factors are often studied separately and relate to each other in complex ways (e.g., attitudes and social support for military service may themselves be influenced by economic and educational considerations). Few studies simultaneously examine a full complement of economic, educational, and attitudinal variables. Those which do (e.g., Orvis and Gahart, 1990) find strong effects for all. Orvis and Gahart (1990) predict, for example, that enlistment rates among high school seniors who have taken the written test to qualify for military service would increase by 8 percentage points as parents' support for military service becomes more favorable at each point on a five-point scale. At the same time, enlistment rates are predicted to increase by 4 percentage points for each \$1000 of annual assistance needed for college. There is no way to infer how lifting the ban would affect support for military service, however.

on homosexuals were removed.⁴ Some analogous evidence comes from the experience of foreign nations with volunteer militaries who have lifted their bans on homosexuals serving in the military (Canada and Australia). Prior to lifting their ban, the Canadian Forces conducted a survey of their members. The results indicated that the presence of homosexuals would have precluded many currently serving personnel from enlisting and would "decrease the appeal of a service career" (Canadian Forces, 1986). However, according to our research (described in other sections of this report), and as stated by a well-known Canadian military sociologist (Pinch, quoted in Segal, 1993), there is no evidence of adverse effects on enlistments and reenlistments since homosexuals were permitted to serve in the Canadian Forces. Lifting the ban also had "very little or no impact" on the Australian Armed Forces (Wilson, 1993).

Enlistments to the U.S. military will depend on the response of the youth population to lifting the ban on homosexuals, but the extent of any "adverse" impact will also depend on the military's need for recruits. If recruiting becomes more difficult, more effort and resources will be required to meet recruiting requirements. Requirements, however, have fallen considerably during the drawdown (Table 13-1).

In the latter half of the 1980s, the military services recruited on the order of 300,000 enlisted personnel per year, which represented approximately 20 percent of prime market males.⁵ Accessions began to decline in 1990 and now stand at approximately 200,000 enlisted personnel per year, or approximately 16 percent of prime market males. Moreover, the supply of prime market males hits its "trough" in 1994

⁴There are some survey data which indicate how youth in the recruiting market feel about the issue of homosexuality, but these data cannot be used to assess the potential impact of policy changes on enlistment intentions and decisions. See the chapters on military and public opinion for further discussion of this point.

⁵Prime market males are used as a reference category for examining changes in recruiting requirements. Accessions draw on a larger population, including females, persons of age 21-35, and persons who lack a high school degree or whose AFQT scores fall in the lower half of the AFQT distribution, with certain restrictions.

after falling for a number of years and is expected to increase thereafter. Furthermore, although the quality of recruits has fallen from its peak levels of recent years, current quality compares well to

Table 13-1
Active Force Enlisted Accessions and the Prime Recruiting Market

Fiscal Year	Total DoD Enlisted Accessions ^a	Estimates of Male Youth in Prime Market ^b	Accessions as Percentage of Prime Market Males
1985	316,676	1,556,000	20.4
1986	333,550	1,493,000	22.3
1987	316,826	1,456,000	21.8
1988	286,763	1,495,000	19.2
1989	293,896	1,445,000	20.3
1990	232,306	1,391,000	16.7
1991	206,617	1,328,000	15.6
1992	202,752	1,288,000	15.7
1993	203,334 (est.)	1,218,000	16.7
1994	188,119 (est.)	1,214,000	15.5
1995	195,200 (est.)	1,226,000	15.9

^aAccession figures are for prior-service and non-prior-service enlisted personnel as provided by the Office of the Assistant Secretary of Defense (Force Management and Personnel), May 1993.

^bEstimates of prime market males of age 17-21 who are not in college from Verdugo and Berliant, 1989, pp. 3-4.

levels achieved during the late 1980s and still surpasses quality requirements established before Congress in 1985.⁶

Hence any fall-off in enlistments that might occur due to removing the restriction occurs in the context of a smaller need for recruits in absolute numbers and in relation to the youth population than has been the case in recent years. Moreover, based on historical behavior, enlistment intentions would have to fall considerably to produce even a modest decline in estimated enlistments (Orvis, Gahart, and Ludwig, 1982).

A modest decline in enlistments, should one occur, would still leave a recruiting pool that lies within the services' historical recruiting capability. Recruiting could be more difficult in the future as the economy improves or if interest in military careers declines.

⁶Data supplied by the Office of the Assistant Secretary of Defense (Force Management and Personnel), May 1993.

However, the services should be able to meet recruiting targets at acceptable levels of quality, given sufficient recruiting resources and effort and barring a catastrophic decline in the number of applicants to military service.

Reenlistments

Research on retention and voluntary terminations reinforces the importance of employment and education-related considerations as key for guiding service members decisions to stay or leave. Findings also point to the influential role that perceptions of job security and military life can play. Lifting the restriction on homosexuals could cause some service members to become dissatisfied with military life. The research, however, does not indicate when one set of considerations will override the others. Further, the research findings suggest that job dissatisfaction (e.g., as may concern service with homosexuals) is not sufficient for determining whether service members will leave. Employees quit if they perceive a more satisfying alternative. Thus service members would leave if they believe they can avoid contact with homosexuals or obtain superior educational, training, or employment prospects outside the military, depending on the weight they may give to these considerations.

In fact, there is some evidence that some members of the military service might leave the service if the ban on homosexuals in the armed forces were lifted. As discussed elsewhere in this report, the *Los Angeles Times* survey of 2,346 enlisted men and women found that 10 percent of respondents say that they would "definitely not reenlist" if the restriction on homosexuals is lifted, above and beyond the 28 percent who say they do not plan to reenlist anyway. This 10 percent seemingly represents a shift from people who say that "if current policy and your own plans remain the same," they would "definitely" reenlist, "probably" reenlist, or "don't know."⁷

⁷The results differ somewhat across military service, sex, race, age, pay grade and years of service. The most negative responses (i.e., negative intentions to reenlist if the ban is lifted) are found among the most junior personnel (youngest, in lower pay grades, with fewest years of service).

Using these statements of reenlistment intention from the *Los Angeles Times* survey and empirical estimates of the relationships between first-term reenlistment intentions and reenlistment rates (Chow and Polich, 1980), we can estimate changes in reenlistment rates that could occur if the ban is lifted (Table 13-2).

Table 13-2
Estimated Reenlistments by Reenlistment Intentions

Verbal category of reenlistment intention	Reenlistment probability by reenlistment intention ^a	If ban remains		If ban is lifted	
		Percent agreeing	Reenlistees per 100 service personnel	Percent agreeing	Reenlistees per 100 service personnel
Definitely no	0.05	28	1.4	38	1.9
Possibly/Don't know	0.50	43	21.5	37	18.5
Definitely yes	0.89	29	25.8	25	22.2
Total		100	48.7	100	42.6

NOTE: Reenlistment probabilities are empirical estimates of first-term reenlistments from Chow and Polich (1980, p. 11).

Table 13-2 suggests that if the ban remains, where 28 percent of respondents state they will "definitely not" reenlist, the reenlistment rate would be expected to be low but not zero among this group (1.4 per hundred). The estimated reenlistment rate across the entire *Los Angeles Times* sample is 48.7 per hundred if the ban were kept in place.⁸ If the ban were lifted, an additional ten percent of respondents "change their minds" and state they will "definitely not" reenlist. For the purpose of this analysis, we assume this "shift" occurs proportionately from the

⁸This estimate provides a benchmark for estimating changes in reenlistment rates based on *Los Angeles Times* survey results. As it is based on probabilities of reenlistments at the first term and does not make these probabilities conditional on completing term of service, it is likely to underestimate actual reenlistment rates, especially for more senior personnel. According to figures provided by the office of the Assistant Secretary of Defense (Force Management and Personnel), the reenlistment rate for first-term personnel was 51 percent in FY92. The reenlistment rate for career personnel was 86 percent, with an overall reenlistment rate of 70 percent in FY92.

"definitely yes" and "possibly/don't know" categories. If so, the overall reenlistment rate for the sample would now be estimated at 42.6 per hundred. Thus, based on responses to the Los Angeles Times survey, we might expect reenlistments could decline by approximately six persons per 100.⁹ In relative terms, this would decrease the reenlistment rate by 12.5 percent.

POLICY IMPLICATIONS

The foregoing discussion indicates no empirical basis for fearing a loss in enlistments if homosexuals are permitted to serve in the military. At the same time, except for the experience of foreign volunteer militaries, no firm evidence exists demonstrating that enlistments would be unaffected by removing the restriction. Research points to the importance of education and employment-related considerations on enlistment decisions. But these decisions are also subject to influence by policy changes as these may impinge on enlistee's attitudes, motives, and social support for military service. For these reasons, specific effects on enlistments of lifting the ban are unknowable in advance and are likely to depend on how the specific policy to be adopted is understood and accepted by the public and how the potential supply of enlistees changes in relation to recruiting requirements and resources.

We draw a similar conclusion in assessing the possible effects of removing the restriction on retention. Under ordinary circumstances, reenlistment decisions are guided by members' perceptions of compensation, job security, and quality of life, as evaluated against alternatives outside the military. How service members perceive military life is the area where the military's policy toward homosexuals would be most relevant. Hence, effects on retention should depend on whether members who are contemplating reenlistment perceive positive, negative, or neutral implications of the policy change for military

⁹To be less conservative, we could assume that members who "change their minds" are drawn exclusively from the "possibly/don't know" category. In this case the expected rate of reenlistment falls to 44.7 per hundred, a decrease of 4 reenlistments per hundred from baseline levels (a decline of 8.2 percent in reenlistments in relative terms).

life, other things being equal. This will depend on the specific policy and how it is explained and managed by the military leadership.

These arguments imply that circumstances could exist under which the ban on homosexuals could be lifted with little or no adverse consequences for recruitment and retention. This could occur if policy were changed and implemented in ways that maintain support for military service in the recruiting market and convince currently-serving personnel who are otherwise undecided about further service that military life will not be adversely affected. In such circumstances, customary employment and education-related considerations should continue to strongly influence individuals' decisions to enlist and reenlist.

These are not customary times, however. Military members now state strong opposition to serving with homosexuals. Moreover, the current drawdown of military personnel complicates individuals' decisionmaking and military personnel management. Prudent planning must consider the possibility of adverse impacts, e.g., that reenlistment rates could fall by 8 to 13 percent if the restriction is removed.

A key point is that any decrease in reenlistments, should it materialize, is likely to be limited in duration. Service members who object to the policy change may resign when policy is changed, or they may fail to reenlist upon completion of their current term of service. From that point on, however, individuals who reenlist do so in recognition of the military's policy toward homosexuals. At that point, traditional considerations governing these decisions should again prevail.¹⁰

Moreover, even if a decline of this magnitude occurs for reenlistments (or recruitment, for that matter), the resulting force size generally falls within lower end strengths anticipated under the drawdown. Active duty end strength is expected to decline by 6.4 percent from 1.73 million to 1.62 million from 1993 through 1994 (U.S.

¹⁰It can be argued, however, that reenlistment rates could remain at a lower level if removing the ban lowers the attractiveness of a service career, and larger percentages of post-ban cohorts enter with the intention of leaving once they are trained or have earned educational benefits.

Budget, 1994). Further reductions in end strength are likely in subsequent years, and deeper cuts in personnel may occur than currently planned. The military services are now employing a variety of mechanisms to shrink the force, including reduced accessions, early releases and retirements, and separation incentives and bonuses. Current Defense Department plans call for accomplishing the drawdown in part with 22,000 early releases, 14,000 early retirements, 2,000 RIFs, and 47,000 separations using incentives and bonuses in fiscal years 1993-1994 (Office of the Assistant Secretary of Defense, 1993).

The current drawdown of military personnel is already serving to lower reenlistment rates from recent levels. In fact a change in policy regarding homosexuals could provide an opportunity to accommodate some individuals who wish to leave. Hence if reenlistments rates were to drop further because homosexuals were allowed to serve in the military, effects of lower reenlistment rates could be at least partially offset by expanding accessions, suspending the use of early releases and retirements, and withdrawing incentives for service members to leave. These actions would not completely solve the problems of losses of desired personnel, as those who fail to reenlist are disproportionately more junior than those the services wish to induce to leave. Differential and undesired losses could be concentrated in selected year-groups or occupational specialties. Moreover, expanding accessions could require additional resources, e.g., enhanced educational benefits, bonuses, advertising, and recruiting effort. These measures, however, could help mitigate adverse effects on enlistments and reenlistments should these materialize.

Appendix A

ILLUSTRATIVE STANDARD OF PROFESSIONAL CONDUCT

1. Members of the military services shall comport themselves in ways that enhance good discipline and operational effectiveness. Toward that end, each individual has a responsibility to

- (a) practice tolerance toward others, and
- (b) show respect for the sensibilities of others.

2. Inappropriate personal conduct is behavior directed at or offensive to another individual or a group that goes beyond the bounds of good judgment and common sense and that a reasonable person ought to have known would be unwelcome. Such behavior is contrary to good order and discipline. It creates a negative atmosphere that undermines the integrity of the workplace, reduces productivity and morale, and destroys professionalism.

3. Categories of inappropriate personal conduct include, but are not limited to, sexual harassment, fraternization, personal harassment, abuse of authority, inappropriate displays of affection, and inappropriate discussion of sexuality. The first two of these are addressed in existing regulations; this policy statement pertains to the last four.

Personal harassment is inappropriate physical or verbal conduct toward others based on personal characteristics, such as race, gender, sexual orientation, or physical features.

Abuse of authority is inappropriate use of authority to injure another individual based on personal characteristics, such as race, gender, sexual orientation, or physical features.

Inappropriate displays of affection are those expressions of a personal relationship that would generally be viewed as unseemly or provocative under the circumstances.

Explicit discussions of sexual practices, experience or desires are generally inappropriate when directed at persons known to be offended by such discussions or when continued over the objection of persons who are offended by such discussions.

4. Leaders at every level of the chain of command are responsible for ensuring that their subordinates are aware of and comply with these standards.

Appendix B

LIVING AND PRIVACY CONDITIONS IN THE MILITARY SERVICE

As an integral part of the study effort, a RAND research team conducted on-site visits of installations and the academies of the four military services and the United States Coast Guard. The purpose of these visits was to obtain a first hand representative sample of existing living and privacy conditions. The term "privacy" as used here, means: "the quality or state of being apart from company or observation," or more directly, "freedom from unauthorized intrusion." The research effort was focused solely on the physical accommodations that currently exist in the military services and did not examine the impact of policies on living and privacy or their enforcement.

Privacy Conditions in the Military Scope of On-site Visits		
• <u>Visits to 19 Installations of the 5 Services in 11 States:</u>		
<u>US Army (4)</u>	<u>US Navy (6)</u>	<u>US Air Force (5)</u>
Ft Bragg, NC Ft Jackson, SC Ft Indiantown Gap, PA USMA West Point, NY	NB Norfolk, VA NAS Norfolk, VA NB Charleston, SC NB Kings Bay, GA NAS Pensacola, FL USNA Annapolis, MD	Pope AFB, NC Charleston AFB, SC Andrews AFB, MD Keesler AFB, MS USAFA Colorado Springs, CO
<u>US Marine Corps (2)</u>	<u>US Coast Guard (2)</u>	
Camp Lejuene, NC MCB Quantico, VA	CGSB Portsmouth, VA USCGA New London, CN	
RAND		

Figure B-1-Scope of On-Site Visits

In coordination with the Office of the Assistant Secretary of Defense for Force Management and Personnel and the five services,

installations were selected for on-site visits that would provide a fair representation of the existing living and privacy facilities. As shown in Figure B-1, nineteen different major installations, including the four service academies, were selected and visited over a four-week period from mid-April to mid-May. To accommodate time constraints, the majority of these installations were located in eleven states primarily in the East and Gulf Coast areas.

At each installation, the team collected comprehensive and detailed information on the specific facilities, such as blueprints of each structure and ship/vessel visited and general population and accommodation capacity data for each installation and building that was visited. Moreover, to document the actual state of existing living and privacy conditions, a videotape and still photographs of each facility and site visited were also taken. A condensed video and still picture record has been provided separately, and the complete videotape and all photography have been archived and are available at RAND.

The specific sites visited included the full spectrum of living conditions currently used by active and reserve component service members of both genders in the full range of environments. The environments covered transient and permanent party status; all types of units, combat through support; initial entry and basic training for enlisted and officer personnel; and garrison, field training and deployment aboard ships. These conditions, and hence one's privacy, vary considerably, but are primarily a function of the following five determinants:

- Public laws and DoD regulations
- A service member's rank, grade, or position
- The unit's or organization's mission
- Service doctrine, tactics, and traditions
- Physical, structural, and operational constraints

Figure B-2 summarizes the current DoD authorizations for living space and personal hygiene facilities that determine the level of privacy provided a service member. Coast Guard authorizations are

equivalent to DoD. For example, the authorizations and actual practices provide the following:

- Initial entry facilities for recruits or basic trainees in grade E-1 are authorized at 72 square feet of living space per service member in an open bay area with a central bathroom. All services follow these guidelines and generally billet between 10 to 50 people per open bay room. Open bays and central bathrooms within each service are segregated by gender with no significant differences in the separated facilities. These initial living conditions provide a service member little, if any, privacy and are primarily intended to accommodate closely supervised group activities associated with initial acclimation to the rigors and unique demands associated with military service life.

Privacy Conditions in the Military DoD Minimum Standards of Acceptable Space and Privacy		
Grade	Transient Personnel	Permanent Party Personnel
E-1 recruits and trainees	72 sq ft, open bay with central bath	Same as Transients of the same grade and status
E-1 thru E-4	90 sq ft, four max. per room unless open bay, central bath	Same as Transients of the same grade
E-5 and E-6	135 sq ft with room and bath shared with no more than one other	Same as Transients of the same grade
E-7 thru E-9	Same as below	270 sq ft private room with private bath
O-1, O-2, W-1 thru W-4	Same as below	250 sq ft private room with private bath
O-3 thru O-10 and civilians	250 sq ft private room with bath shared with not more than one other	400 sq ft private suite (living room and bedroom) with private bath
[DOD 4165.63-M, June 1988]		RAND

Figure B-2—DoD Minimum Standards of Acceptable Space and Privacy

- Follow-on enlisted advanced individual and skill training and officer candidate school facilities in all the services, except the Air Force, continue this practice. The Air Force uses smaller two- or three-person rooms with central bathrooms for its follow-on training.
- Subsequent assignments in permanent party status bachelor facilities with increasing seniority and promotions result in changes to the living space authorizations and privacy conditions. Middle grade enlisted bachelors permanently assigned to a unit ashore, for example, are authorized larger living space, and hence improved privacy. Permanent party senior non-commissioned officers assigned to a shore unit are authorized for and generally receive private rooms and baths. Officers, depending on grade, and DoD civilians receive authorizations for the largest and most private living space. It should be noted, however, that bachelors of any specific grade in a transient status are not usually authorized for the same conditions as permanent party people. Further, it was noted during the on-site visits that transient quarters are in limited quantities, especially for non-commissioned officers, officers, and DoD civilians. Those that do exist are often sub-standard, meaning the facilities are below the authorized levels of living space, privacy conditions or both.
- In operational or field training environments, the living space afforded a service member is very austere and seldom supports individual privacy, particularly on naval vessels. The research team visited a full range of naval and Coast Guard vessels as shown in Figure B-3. While shipboard, naval crews are typically billeted in curtain-enclosed Northampton bunks stacked three high, with 18-21 inches of vertical separation between each bunk, and with solid partitions separating the bunks in adjoining stacks. The conditions afforded embarked Marines are less accommodating with only partially curtained bunks stacked up to four high and with few partial partitions between adjoining bunks in each stack. The crews of attack

Privacy Conditions in the Military	
Visited Sixteen Different Class Naval Vessels	
On-board Ships	
<u>US Navy Ships (12)</u>	<u>USCG Vessels (4)</u>
CVN USS J F Kennedy	Cutter USCGC Bear
DD USS Briscoe	Bouy Tender USCGS Cowslip
FFG USS Taylor	Patrol Boat USCGS Aquidneck
SSN USS Phoenix	Sail Bark USCGS Eagle
SSBN USS Pennsylvania	
MCM USS Patriot	
DD Tender USS Puget Sound	
LSD USS Tortuga	
LST USS Fairfax County	
ASR USS Orlotan	
AE USS Mount Baker	
APL Barge Warrior	
	RAND

Figure B-3-Scope of Shipboard Visits

submarines are provided bunks densely packed in very tight arrangements which are even more austere. Similarly, field environments require rustic living and the use of temporary facilities and tentage for living and hygiene facilities. This also results in crowded conditions and a loss of personal privacy.

- At service academies, students are provided living space similar to college dormitories with two to four people per room, fewer depending upon seniority, and various forms of central bathrooms.

In summary, changes in DoD living space and privacy authorizations have significantly improved living and privacy conditions since the end of World War II. The numerous remaining World War II temporary wooden structures that are still in use, often for reserve component and ROTC annual training, provide ample evidence to support the extent of these

improvements. However, it was also readily apparent from the on-site visits that privacy conditions in many existing facilities are the result of older building designs and standards that do not meet today's needs. Many of these older facilities could have much improved privacy within the existing space with what appears to be only modest investments; for example, the addition of partitions and curtains to provide individual stalls in common showers. Other privacy improvements that could be made seemed to be well known to responsible officials at each installation but are not required by DoD regulations and are not currently resourced.

The simplified military life cycle model shown in Figure B-4 illustrates some of the dynamics involved, and the impact of DoD living space guidelines on service members. The research established a general pattern for living space and privacy conditions, and hence one's freedom from observation and unauthorized intrusion, that begins with initial entry training, where service members are required to live in very close

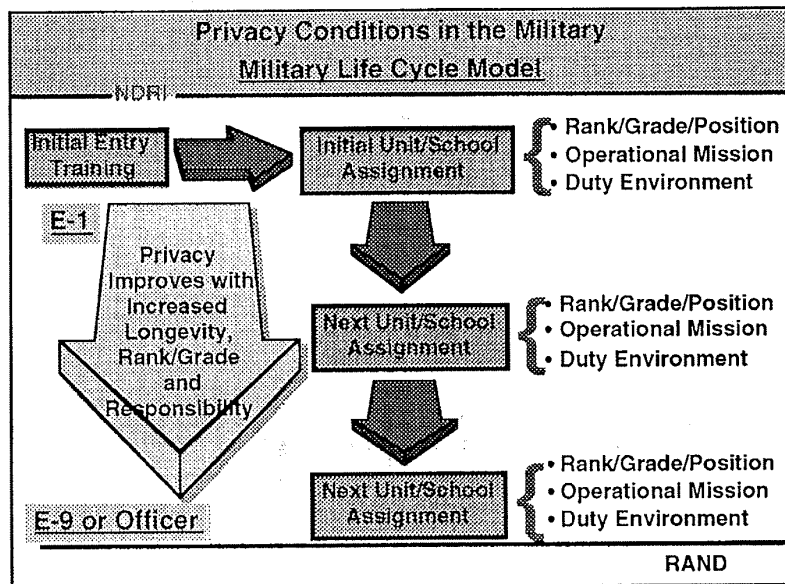


Figure B-4-Military Life Cycle Model

proximity to each other and have little or no privacy in personal hygiene facilities. Conditions improve with assignment to permanent party status and increasing seniority, responsibility, and promotion. However, operational missions and duty environments may change during an assignment or incident to a subsequent assignment to limit living accommodations and privacy with little regard for rank or seniority. Finally, DoD generally authorizes a lower standard of living space and privacy for service members in transient status and deployed personnel aboard ship or in other operational environments. Retention and use of substandard facilities, such as those found in temporary World War II buildings, which are below current authorized living spaces, continue as an apparent economy measure, but result in added deprivation to service members, particularly reservists.

The research fully substantiates the premise that military service members are required to live in close proximity in environments that provide little privacy. Living in open bays during initial training, in close and densely packed berthing aboard ships, or in field operational environments is not conducive to nor supportive of an individual's privacy or modesty. The constraints of physical dimensions and priorities for weapons and seaworthiness limit the potential for improved living conditions aboard many ships. However, in some of the other environments existing living and privacy conditions can be improved.

Appendix C

LEGAL PROVISIONS CONCERNING SODOMY

CURRENT VERSION

Statute: Uniform Code of Military Justice: Article 125:

"(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct."

From the Manual for Courts Martial:

b. Elements.

(1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal.

[Note: Add either or both of the following elements, if applicable]

(2) That the act was done with a child under the age of 16.

(3) That the act was done by force and without the consent of the other person.

c. Explanation. It is unnatural carnal copulation for a person to take into that person's mouth or anus the sexual organ of another person or of an animal; or to place that person's sexual organ in the mouth or anus of another person or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another person; or to have carnal copulation with an animal.

ILLUSTRATIVE REVISED VERSION

Statute UCMJ Article 125:

No change to current statute

Changed Provision of the Manual for Courts Martial:

b. Elements.

(1) That the accused engaged in [unnatural] carnal copulation with a certain other person or with an animal; and

(2) That the act was done by force and without the consent of the other person.

[Note: Add the following element, if applicable]

(3) That the act was done with a child under the age of 16.

c. Explanation. It is unnatural carnal copulation for a person to take into that person's mouth or anus the sexual organ of another non-consenting adult or of an animal; or to place that person's sexual organ in the mouth or anus of another non-consenting adult or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another non-consenting adult; or to have carnal copulation with an animal.

This revision limits "unnatural" to non-consenting acts between adults and to either consensual or non-consensual acts with children under 16. Neither Article 125 nor prior editions of the Manual for Courts Martial defined "unnatural." Instead the definitional role was left to the military judiciary. In this revision the President fills the definitional gap and provides clear guidance to commanders and military judges as to the precise scope of Article 125.

Appendix D

ATTITUDES ABOUT HOMOSEXUALITY AND MILITARY SERVICE IN CANADA,
THE UNITED KINGDOM, AND THE UNITED STATES

An examination of the views of citizens in other countries about homosexuality and the role of gays in the military may help in assessing American public opinion on these issues, although few countries conduct opinion polls to the same extent as the United States. Two countries for which some polling data are available are Canada and Britain, and they provide an interesting contrast. Britain currently bars homosexuals from serving in the military. Canada, on the other hand, has recently changed its policy to permit homosexuals to serve in the military.

In both countries, attitudes regarding homosexuality appear similar to those in the United States, but somewhat more accepting. Canadian and British citizens have historically been slightly less willing than Americans to classify homosexual relations as wrong, and have been slightly more supportive of equal rights for homosexuals than Americans are (Rayside and Bowler, 1988); see Table D-1. More recently, a 1991 Gallup poll found that only 27 percent of Canadians believe homosexuals should be allowed to adopt children, a nearly identical proportion as that in the United States (Table D-2). (See Chapter 5 on U.S. public opinion for a full discussion of U.S. attitudes toward homosexuality, homosexuals, and their service in the military.)

But like Americans, Canadian and British citizens appear to separate their personal convictions on homosexuality from their beliefs regarding the rights of homosexuals. By the early 1980's, 70 percent of Canadian and 73 percent of British citizens expressed support for equal rights in terms of job opportunities; the corresponding proportion of Americans expressing support in the early 1980's was 65 percent (Rayside and Bowler, 1988; see Table D-1). As with Americans, Canadians express less acceptance of equal opportunities for homosexuals in occupations where either they or their children might have close, personal contact. A 1988 Gallup Canada poll shows fewer Canadians to be accepting of

homosexual clergy, teachers, and doctors than of homosexual salespersons (Table D-3). The acceptance levels among Canadians of homosexuals in each of these occupations are nearly identical to acceptance levels among Americans.

Table D-1

Canadian, U.S., and British Support of Gay Rights in the Early 1980's

	Canada	U.S.	U.K.
Support for gay equality rights	70% (1980/85)	65% ^a (1983)	73% ^b (1979)
Homosexual relations thought wrong	69% (1980)	76% ^c (1980)	69% ^d (1985)

SOURCE: Rayside and Bowler (1988:651).

^aNewsweek-Gallup poll in *Newsweek*, Aug 8, 1983: "In general, do you think homosexuals should have equal rights in terms of job opportunities?"

^bGallup poll, in *The International Gallup Polls*, 1979:266: "As you know, there has been considerable discussion in the news lately regarding the rights of homosexual men and women. In general, do you think homosexuals should or should not have equal rights in terms of job opportunities?"

^cNational Opinion Research Center poll, in *Index to International Public Opinion*, 1979-80:228: "What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"

^dJowell et al. (1986:152): "What about sexual relations between two adults of the same sex? What would your opinion be? Always wrong, mostly wrong, sometimes wrong, rarely wrong, not wrong at all, don't know/no answer."

Table D-2

"In your opinion, should homosexuals be allowed to adopt children or not?"
(Gallup Canada. July, 1991. Sample of Canadian adults, N = 1043)

Yes	27%
No	65
Don't know	8

Canadians appear to be somewhat more accepting of permitting homosexuals to serve in the military. The 1988 Gallup Canada poll, prior to the change in policy permitting homosexuals to serve, found 60 percent supportive of allowing homosexuals to be members of the Armed Forces (Table D.3). A recent poll, taken shortly after the change in policy, found two thirds of Canadians supportive of allowing homosexuals to serve (Table D.4).

Table D-3

Canada: "Do you think homosexuals should or should not be employed in the following occupations..."
(Gallup Canada. April, 1988. Sample of Canadian adults, N = 1041)

U.S.: "Do you think homosexuals should or should not be hired for each of the following occupations..."
(Gallup. March, 1987. Sample of American adults, N = 1015)

Proportion who answered should be in occupation	Canada	United States
Salesperson	72%	72%
Armed Forces	60	55
Doctor	52	49
Clergy	44	42
Junior school teacher ^a	45	33

^aIn the United States, the category was elementary school teacher.

Table D-4

"Do you think that ... should be allowed to serve in the Canadian military or not?"
(Gallup Canada. November, 1992. Sample of Canadian adults, N = 1006)

	Gay Men	Lesbians
Yes	67%	66%
No	26	26
Don't know	8	8

Appendix E

RELEVANT CANADIAN REGULATIONS

CFAO 19-36

O AFC 19-36

SEXUAL MISCONDUCT

INCONDUITES À CARACTÈRE SEXUEL

PURPOSE

1. This order prescribes the Canadian Forces (CF) career policy and procedures applicable to cases of sexual misconduct.

OBJET

1. La présente ordonnance énonce la ligne de conduite en matière de carrière et les procédures des Forces canadiennes (FC) applicables aux cas d'inconduites à caractère sexuel.

RELATED ORDERS

2. This order should be read in conjunction with:

- a. QR&O 19.61 (Certificate of Conviction);
- b. CFAO 4-13 (Unusual Incidents);
- c. CFAO 19-38 (Personal Relationships);
- d. CFAO 19-39 (Personal Harassment);
- e. CFAO 34-25 (Psychoneurotic and Personality Disorders - Medical Examination and Disposal); and
- f. CFAO 114-3 (Conduct of Officers & WOs - Notification to NDHQ).

ORDONNANCES CONNEXES

2. La présente ordonnance doit être lu en tenant compte des ordonnances suivantes :

- a. ORFC 19.61 (Certificats de condamnation);
- b. O AFC 4-13 (Incidents inusités);
- c. O AFC 19-38 (Relations personnelles);
- d. O AFC 19-39 (Le harcèlement);
- e. O AFC 34-25 (Troubles psychonévrotiques et troubles de personnalité: examen médical et mesures prévues concernant ces cas);
- f. O AFC 114-3 (Conduite des officiers et des adjudants - avis au OGDN).

DEFINITIONS

3. In this order, "sexual misconduct" means an act which has a sexual purpose or is of a sexual or indecent nature and which, subject to paragraph 4, constitutes an offence under the Criminal Code or the Code of Service Discipline.

Note - Examples of sexual misconduct dealt with under the provisions of this order would include, but are not limited to, sexual activity between consenting adults under prohibited circumstances, sexual abuse of a child, incest, sexual assault, aggravated sexual assault, indecent exposure and bestiality.

DÉFINITIONS

3. Dans la présente ordonnance, «inconduite à caractère sexuel» s'entend d'un acte dont l'objet est sexuel ou qui est à caractère sexuel ou indécent et qui, sous réserve du paragraphe 4, constitue une infraction sous le régime du Code criminel ou du code de discipline militaire.

Nota - Des exemples d'inconduite à caractère sexuel dont fait état cette ordonnance pourraient inclure, notamment des activités à caractère sexuel entre adultes consentants dans des circonstances prohibées, l'abus sexuel sur des enfants, l'inceste, l'agression sexuelle, l'agression sexuelle grave, l'exhibitionnisme et la bestialité.

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SEXUAL HARASSMENT

4. Where conduct is alleged that could constitute sexual harassment but not an offence under the Criminal Code (e.g. lewd comments), it shall be dealt with pursuant to CFAO 19-39 (Personal Harassment). Where conduct is alleged that could be both a Criminal Code offence and sexual harassment (e.g. a pat on the behind), the applicable order will depend on the way in which the military authority responsible for taking action decides to treat the matter. If, based on the complaint or other information, the authority determines that the matter is sufficiently serious that a charge for a Criminal Code offence is a reasonable possibility upon the completion of an investigation, this order shall be applied until the investigation is completed. If the investigation does not provide sufficient evidence to support a charge for a Criminal Code offence but does support a finding of sexual harassment, the post-investigation procedures for harassment in CFAO 19-39 shall be applied. Otherwise, this order shall continue to apply.

5. Prior to making a determination that the evidence is not sufficient to support a charge under the Criminal Code, the military authority concerned should consult with the unit legal adviser. If doubt exists as to whether civilian authorities will be laying a charge under the Criminal Code, the legal adviser shall obtain the information from the civil authorities and inform the responsible military authority of the decision. In order to ensure that there is a minimal delay in dealing with the matter, these consultations are to be completed on a priority basis.

POLICY

6. It is CF policy that sexual misconduct, and sexual harassment that is dealt with under CFAO 19-39, is unacceptable and will not be tolerated. A CF member who has engaged in sexual misconduct is liable to disciplinary and administrative action, including release if appropriate. An applicant for enrolment who has engaged in sexual misconduct may be refused enrolment.

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HARCÈLEMENT SEXUEL

4. Lorsque l'on soutient que la conduite reprochée pourrait constituer du harcèlement sexuel mais non une infraction au Code criminel (c'est-à-dire des commentaires impudiques), celle-ci devrait être traitée conformément à l'O AFC 19-39 (Le harcèlement). Lorsque l'on soutient que la conduite pourrait être une infraction au Code criminel et du harcèlement sexuel (c'est-à-dire une petite tape sur le derrière), l'ordonnance applicable dépendra de quelle manière l'autorité militaire chargée du cas décidera de la traiter. Si, en se fondant sur la plainte ou sur d'autres informations, l'autorité décide que le cas est suffisamment sérieux pour qu'il soit raisonnablement possible de porter une accusation en vertu du Code criminel à l'issue de l'enquête, cette ordonnance doit être appliquée jusqu'à ce que l'enquête soit complétée. Si l'enquête ne fait pas suffisamment ressortir d'éléments de preuve pour supporter une accusation sous le Code criminel mais démontre du harcèlement sexuel, les procédures après enquête portant sur le harcèlement qui sont prévues à l'O AFC 19-39 s'appliquent. Dans le cas contraire, cette ordonnance doit continuer à être appliquée.

5. Avant de déterminer qu'une preuve n'est pas suffisante pour supporter une accusation en vertu du Code criminel, l'autorité militaire concernée devrait demander l'avis du conseiller juridique de l'unité. S'il y a des doutes quant à savoir si les autorités civiles porteront des accusations en vertu du Code criminel, le conseiller juridique devrait s'enquérir auprès des autorités civiles de la décision d'en porter ou non et en informer l'autorité militaire responsable du cas. De manière à s'assurer que le délai entourant ces consultations soit le plus court possible, celles-ci seront faites de façon prioritaire.

POLITIQUE

6. La politique des FC prescrit que les inconduites à caractère sexuel ainsi que le harcèlement sexuel dont il est question dans l'O AFC 19-39, sont inacceptables et ne seront aucunement tolérées. Tout militaire qui commet une inconduite à caractère sexuel est passible de mesures disciplinaires et administratives, y compris de libération, si cela s'avère nécessaire. Un candidat qui fait une demande d'enrôlement peut être refusé pour le motif qu'il a commis une inconduite à caractère sexuel.

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INVESTIGATION

7. Where an allegation is made that a CF member has engaged in sexual misconduct, the commanding officer (CO) shall ensure that an investigation is conducted into the allegation as soon as practicable. The type of investigation will depend on the nature of the alleged sexual misconduct. Where the allegation concerns a possible offence under the Criminal Code, the matter should be referred to the Military Police for a determination of which police force, military or civilian, should conduct the investigation. Where the allegation concerns a possible offence contrary to the Code of Service Discipline, the investigation may consist of an informal investigation, a summary investigation, a board of inquiry or a military police investigation, as appropriate under the circumstances. If a police investigation is conducted, nothing precludes the conduct of an informal investigation, a summary investigation, or a board of inquiry to resolve issues not covered by the police investigation. If there is doubt as to the most suitable type of investigation, the advice of the unit legal advisor should be sought.

8. Where the investigation supports the allegation of sexual misconduct, the CO shall consult with a medical officer on the need for a medical examination in accordance with CFAO 34-25. He shall record the results of that consultation and refer the member against whom the allegation is made for an examination if recommended.

DISCIPLINARY ACTION

9. On completion of the investigation required in paragraph 7, the CO shall take such disciplinary action, if any, as is considered appropriate.

ADMINISTRATIVE ACTION

10. When sexual activities take place in circumstances where they are contrary to the Code of Service Discipline, they constitute sexual misconduct even if they are otherwise lawful (e.g. sexual activity between consenting adults that takes place in a location where such actions are prohibited by CF orders). Cases of this nature shall be handled at the unit level unless the CO considers them to be sufficiently serious that release may be warranted.

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ENQUÊTE

7. Si l'on impute à un militaire des FC la perpétration d'une inconduite à caractère sexuel, le commandant doit s'assurer qu'une enquête est menée sur cette allegation dans les meilleurs délais. Le genre d'enquête pourra varier selon le type d'inconduites à caractère sexuel reproché. Si l'imputation de cette inconduite a trait à une infraction possiblement commise en contravention avec le Code criminel, l'affaire devrait être rapportée à la Police militaire pour que celle-ci détermine lequel des corps policiers - militaire ou civil - devrait mener l'enquête. Si l'imputation a trait à une infraction possiblement commise en contravention avec le code de discipline militaire, l'enquête peut, selon que cela s'avère indiqué suivant les circonstances, prendre la forme d'une enquête menée de façon informelle, d'une enquête sommaire, d'une commission d'enquête ou une d'enquête de la Police militaire. Si une enquête policière est menée, il n'y a rien qui empêche de faire tenir simultanément une enquête menée de façon informelle, une enquête sommaire ou une commission d'enquête si celle-ci a pour mandat de résoudre des questions qui ne sont pas couvertes par l'enquête policière. S'il y a un doute sur le type d'enquête le plus approprié, on devrait demander l'avis du conseiller juridique de l'unité.

8. Lorsque l'enquête supporte l'inconduite à caractère sexuel reprochée, le commandant devrait consulter le médecin militaire pour décider de la nécessité d'un examen médical selon l'OAFc 34-25. Il devrait noter les résultats de cette consultation et faire subir au membre un examen si cela s'avère indiqué.

MESURES DISCIPLINAIRES

9. À la fin de l'enquête prescrite par le paragraphe 7, le commandant est tenu de prendre, si nécessaire, les mesures disciplinaires qu'il juge indiquées.

MESURES ADMINISTRATIVES

10. Lorsque des activités sexuelles surviennent dans des circonstances qui sont en contravention avec le code de discipline militaire, elles constituent de l'inconduite à caractère sexuel même si elles sont par ailleurs légales (c'est-à-dire l'activité sexuelle entre adultes consentants survenant dans un endroit où de tels actes sont interdits aux termes des ordres des FC). Les cas de ce genre doivent être traités au niveau de l'unité à moins que le commandant ne les considère suffisamment sérieux pour justifier la libération.

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11. In cases not handled at the unit level under paragraph 10, the CO shall consider the results of the investigation and all other relevant factors. Where the CO is satisfied that the member has engaged in sexual misconduct, the CO shall:

- a. decide whether to recommend to NDHQ that the member is retained in or released from the CF; and
- b. if the decision is to recommend release, prepare and deliver a Notice of Intent to Recommend Release in all cases regardless of rank and years of service.

12. In those cases not handled at the unit level under paragraph 10, the CO shall not place the member on Counselling and Probation or Report of Shortcomings, give the member a reproof, or take any other administrative action that might interfere with the proper determination of the question of release until the decision with respect to release or retention has been made by NDHQ. This does not prevent the member from being suspended from duty under QR&O 19.75 where appropriate.

REPORTING

13. An allegation of sexual misconduct by a member may qualify as an unusual incident for the purposes of CFAO 4-13 and may require special reporting under that order. In addition, where proceedings under the Code of Service Discipline have been commenced against an officer, CWO, MWO or WO, there is a special reporting requirement contained in CFAO 114-3.

14. In those cases not handled at the unit level under paragraph 10, the CO shall report the alleged sexual misconduct to NDHQ/Director General Personnel Careers Officers (DGPCO) or Director General Personnel Careers Other Ranks (DGPCOR), as appropriate. This report, and all subsequent reports required by this order, (except for police investigation reports which are handled independently and made available at each level within the chain of command), shall be forwarded through the chain of command.

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11. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant doit considérer les résultats de l'enquête et tout autre facteur pertinent. Si le commandant est d'avis que le militaire a commis une inconduite à caractère sexuel, il doit :

- a. décider s'il recommande au QGDN le maintien du militaire dans les FC ou la libération de celui-ci;
- b. s'il décide de recommander la libération, préparer et remettre un avis d'intention de recommander la libération, et ce dans tous les cas, quel que soit le grade et le nombre d'années de service.

12. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant ne doit pas placer le membre en mise en garde et surveillance ou faire un rapport d'insuffisance à son sujet, ni lui adresser un reproche, ni prendre des mesures administratives qui pourraient entraver la détermination adéquate de la question de la libération avant que le QGDN n'ait pris la décision de libérer le militaire des FC ou de le maintenir dans celles-ci. Cela n'empêche toutefois pas, dans les cas jugés appropriés, de suspendre le militaire de ses fonctions en vertu de l'article 19.75 des ORFC.

RAPPORT

13. Une allégation d'inconduite à caractère sexuel à l'égard d'un militaire peut, pour l'application de l'OAFc 4-13, être qualifiée d'incident inusité et nécessiter un rapport spécial aux termes de cette ordonnance. De plus, si des procédures sous le code de discipline militaire ont été prises contre un officier, un adjudant-chef, un adjudant-maître ou un adjudant, il faut le rapporter en suivant la procédure de l'OAFc 114-3.

14. Dans les cas qui ne sont pas traités au niveau de l'unité conformément au paragraphe 10, le commandant doit rapporter l'inconduite à caractère sexuel reprochée au QGDN/Directeur général - Carrières militaires (Officiers) (DGCMO) ou au Directeur général - Carrières militaires (Personnel non officier) (DGCMF), selon le cas. Ce rapport et tout autre rapport ultérieur exigés par la présente ordonnance (sauf les rapports d'enquête policière, lesquels sont traités séparément et disponibles à chacun des niveaux de la chaîne de commandement) doivent être acheminés par la chaîne de commandement.

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15. In order to treat fairly the victim of sexual misconduct and the member against whom an allegation is made, it is essential that the reports under paragraph 14 be handled expeditiously and with respect for individual privacy. Therefore, all levels in the chain of command are to treat these reports as priority matters for onward transmission in the shortest possible time and with access controlled on a strict need-to-know basis.

16. The report made pursuant to paragraph 14 shall include:

- a. all available investigation reports, other than police reports, relating to the allegation of sexual misconduct;
- b. where applicable, a statement identifying any relevant police reports;
- c. a summary prepared by a medical authority of the findings of a report prepared under paragraph 8, if any, or confirmation that a medical examination was not required;
- d. a recommendation as to whether the member should be retained in or released from the CF with any information supporting that recommendation and any additional recommendations;
- e. where applicable, a copy of the Notice of Intent to Recommend Release;
- f. where a Notice of Intent to Recommend Release has been given, a copy of the information and representations, if any, provided by the member with respect to the alleged sexual misconduct or the recommendation for release; and
- g. a statement as to whether a charge has been, or is likely to be, laid under the Criminal Code or Code of Service Discipline with respect to the sexual misconduct.

17. On completion of any disciplinary action the CO shall forward a report to NDHQ/DGPCO or DGPCOR, as appropriate, containing:

- a. the charge report or charge sheet;
- b. a summary of the evidence presented;

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15. Afin que toute victime d'une inconduite à caractère sexuel et que le militaire faisant l'objet du rapport soient traités correctement, il est essentiel que les rapports visés par le paragraphe 14 soit traités promptement tout en respectant la vie privée des personnes en cause. Par conséquent, tous les niveaux d'autorité de la chaîne de commandement doivent traiter ces rapports comme des sujets prioritaires pour qu'ils puissent être acheminés dans les plus brefs délais tout en s'assurant que leur accès en soit strictement réservé à ceux qui doivent en prendre connaissance.

16. Le rapport fait aux termes du paragraphe 14 doit comprendre les documents et renseignements suivants :

- a. tous les rapports d'enquête disponibles relatifs à l'allégation d'inconduite à caractère sexuel, sauf ceux d'enquêtes policières;
- b. une déclaration identifiant tout rapport d'enquête policière pertinent, le cas échéant;
- c. un résumé, préparé par une autorité médicale, des conclusions du rapport confectionné aux termes du paragraphe 8, le cas échéant, ou la confirmation qu'un examen médical n'était pas requis;
- d. la recommandation appuyant la libération ou le maintien du militaire dans les FC ainsi que tout renseignement ou document appuyant cette recommandation ou toute recommandation additionnelle;
- e. une copie de l'avis d'intention de recommander la libération, le cas échéant;
- f. dans le cas où un avis d'intention de recommander la libération du militaire a été donné, une copie des renseignements et de l'argumentation fournis par le militaire à l'égard de sa présumée inconduite à caractère sexuel ou de la recommandation en vue d'obtenir sa libération;
- g. une déclaration à l'effet qu'une accusation a été portée ou est susceptible de l'être en vertu du Code criminel ou du code de discipline militaire relativement à l'inconduite à caractère sexuel.

17. Lorsque les mesures disciplinaires sont terminées, le commandant doit acheminer un rapport au QGDN/DGCMO ou DGCMF, selon le cas, qui inclut les documents ou renseignements suivants :

- a. le procès-verbal d'accusation ou l'acte d'accusation;
- b. un résumé de la preuve qui a été présentée;

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- c. the finding with respect to the charge or charges;
- d. the sentence imposed, if any; and
- e. the member's conduct sheet.

18. On the completion of any proceedings under the Criminal Code the CO shall forward a report to NDHQ/DGPCO or DGPCOR, as appropriate, containing the results of the civil court proceedings, including any certificate of conviction.

NDHQ REVIEW

19. A Career Review Board (CRB) shall be established at NDHQ to review cases of sexual misconduct. Representatives of DGPCO and DGPCOR shall be included in the membership of this board.

20. Upon receiving a report under paragraph 14, the CRB shall determine whether there is sufficient information upon which to base a recommendation. The CRB shall obtain any further information that may be required prior to considering its recommendation.

21. Where the CRB is satisfied that it has sufficient information upon which to make a recommendation, it may determine its recommendation and take further action in accordance with this order, whether or not action under the Criminal Code or Code of Service Discipline has been concluded. The propriety of the CRB proceeding in circumstances where such action has not been completed will be a matter for the board to determine based on the circumstances of the particular case.

22. If the CRB is satisfied that the evidence establishes that the member has engaged in sexual misconduct, the CRB will normally recommend the release of the member to the approving authority. In deciding whether the recommendation should be for retention or release, the CRB shall consider the following factors:

- a. the nature of the sexual misconduct;
- b. where there is a victim, the impact of the sexual misconduct on the victim if such information is available;
- c. the service record of the member;
- d. the summary of evidence and findings of any service tribunal;

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- c. le verdict rendu à l'égard de l'accusation ou des accusations;
- d. le cas échéant, la sentence qui a été infligée;
- e. la fiche de conduite du militaire.

18. À la fin de toute procédure prise sous le régime du Code criminel, le commandant doit acheminer un rapport au QGDN/DGCMO ou DGCMP, selon le cas, qui comprend les résultats des procédures devant la cour civile ainsi qu'un certificat de condamnation.

EXAMEN PAR LE QGDN

19. Un Comité de révision des carrières (CRC) est constitué au QGDN pour examiner les cas d'inconduites à caractère sexuel. Sont inclus à titre de membres de ce comité, les représentants du DGCMO et du DGCMP.

20. Sur réception d'un rapport visé par le paragraphe 14, le CRC doit décider s'il détient suffisamment de renseignements sur lesquels il peut fonder sa recommandation. Le CRC doit obtenir tout autre information qui peut être nécessaire avant de considérer la recommandation qu'il fera.

21. Lorsque le CRC est d'avis qu'il détient suffisamment de renseignements lui permettant de faire une recommandation, il peut décider de la faire et prendre toute autre mesure en conformité avec la présente ordonnance, peu importe si les mesures prises en vertu du Code criminel ou du code de discipline militaire sont terminées. L'opportunité pour le CRC de procéder dans des circonstances où de telles mesures ne sont pas terminées est une question que doit déterminer le comité selon les circonstances de l'affaire.

22. Si le CRC est d'avis que la preuve établit la commission d'une inconduite à caractère sexuel à l'égard du militaire, le CRC recommandera normalement la libération du militaire à l'autorité approbatrice. Pour décider s'il devrait faire une recommandation appuyant la libération du militaire des FC ou le maintien du militaire dans celles-ci, le CRC doit considérer les facteurs suivants :

- a. le genre d'inconduite à caractère sexuel;
- b. s'il y a une victime, les conséquences de l'inconduite à caractère sexuel sur la victime si de tels renseignements sont disponibles;
- c. l'état de service du militaire;
- d. le résumé de la preuve et des verdicts de tout tribunal militaire;

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- e. any certificate of conviction or other available information relating to a civilian trial;
- f. the results of the medical assessment, if any;
- g. the recommendation of the CO and the officer commanding the command;
- h. the information and representations provided by the member, if any; and
- i. such other factors as the CRB may determine to be relevant.

23. Where the CRB determines that the recommendation is to retain the member without the need for further representations by the member, that recommendation shall be forwarded to the approving authority for a decision. Unless otherwise directed, the approving authority for officers is DGPCO and for non-commissioned members is DGPCOR. Where the CRB decides to recommend retention despite finding that the member has engaged in sexual misconduct, it shall provide reasons why release would not be appropriate as well as recommendations as to what other administrative action should be taken. If the approving authority concurs with the recommendation, the officer commanding the command and the CO shall be informed of the decision and of the administrative conditions applicable to the retention, if any.

24. Where the approving authority does not concur with a recommendation for retention under paragraph 23, that authority shall:

- a. if the CO has recommended the member's release and the member has not objected to that recommendation, initiate action to have the member released; and
- b. in any other case, refer the matter to the CRB for action in accordance with paragraphs 25 to 28.

25. Where the CRB determines that it may recommend release of the member, it shall provide the member with all the available information upon which it will be basing its decision, subject to lawful exemptions, and inform the member that he may make any desired representations in writing through the CO within 14 days of the receipt of the CRB's information.

- e. tout certificat de condamnation ou tout autre renseignement disponible relatif au procès civil;
- f. les résultats de l'évaluation médicale, s'il y a lieu;
- g. la recommandation du commandant et de l'officier commandant le commandement;
- h. les renseignements et l'argumentation fournis par le militaire, s'il y a lieu;
- i. tout autre facteur que le CRC détermine pertinent à cette fin.

23. Lorsque le CRC décide de recommander le maintien du militaire dans les FC sans que d'autres argumentations du militaire soient nécessaires, cette recommandation doit être acheminée à l'autorité approbatrice pour qu'elle rende sa décision. À moins d'instruction contraire, DGCMO est l'autorité approbatrice pour les officiers et DGCMP est celle des militaires du rang. Dans le cas où le CRC décide de recommander le maintien du militaire dans les FC en dépit du fait qu'elle reconnaît que le membre a commis une inconduite à caractère sexuel, le comité doit motiver sa décision en précisant les motifs pour lesquels la libération ne serait pas indiquée de même que ses recommandations quant aux mesures administratives qui devraient être prises. Si l'autorité approbatrice est d'accord avec la recommandation qui lui a été faite, l'officier commandant le commandement et le commandant doivent être informés de la décision et, le cas échéant, de toute condition administrative applicable au maintien du militaire dans les FC.

24. Lorsque l'autorité approbatrice n'est pas d'accord avec la recommandation de maintien du militaire dans les FC en vertu du paragraphe 23, elle doit :

- a. si le commandant a recommandé la libération du militaire et que ce dernier ne s'est pas opposé à celle-ci, prendre les mesures pour que le militaire soit libéré;
- b. dans tout autre cas, renvoyer l'affaire au CRC pour décision en conformité avec les paragraphes 25 à 28.

25. Lorsque le CRC décide qu'il est en mesure de recommander la libération du militaire, il est fourni au militaire, sous réserve de toute exemption légale, tous les renseignements disponibles sur lesquels le CRC fondera sa décision, et on l'avise qu'il peut, s'il le désire, présenter toute argumentation en la remettant par écrit en passant par son commandant dans les 14 jours suivants la réception des renseignements du CRC.

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26. The CRB may extend the 14 day time limit for response where it is informed by the CO that the member is unable to meet the time limit for a valid reason such as duty requirements or illness.

27. On receipt of the representations of the member provided pursuant to paragraph 25, or on being informed by the CO that the member has not provided any further written representations, the CRB shall determine its recommendation based upon all the information before it.

28. The CO and the member shall be informed, through the chain of command, of the decision by the approving authority, the reasons for that decision, and any further action to be taken.

APPLICANTS FOR ENROLMENT OR RE-ENROLMENT

29. Where information is received during the recruiting procedure that an applicant for enrolment or re-enrolment has engaged in sexual misconduct, the enrolling authority shall not normally enrol the applicant. In cases where the enrolling authority considers that this general policy should not be applied, the enrolling authority shall refer the matter to NDHQ/Director General Recruiting, Education and Training for direction.

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26. Le CRC peut prolonger le délai de réponse de 14 jours s'il est avisé par le commandant du militaire que celui-ci ne peut satisfaire au délai prescrit pour un motif valable tel que les conditions de service ou la maladie.

27. Sur réception de l'argumentation du militaire fournie aux termes du paragraphe 25, ou en ayant été informé par le commandant du militaire que le militaire n'a pas remis d'argumentation écrite, le CRC doit faire sa recommandation en se fondant sur tous les renseignements qu'on lui a remis.

28. Le commandant et le militaire doivent être avisés, par le biais de la chaîne de commandement, de la décision de l'autorité approbatrice, des motifs appuyant celle-ci ainsi que toute autre mesure à prendre.

CANDIDATS À L'ENRÔLEMENT ET AU RÉENRÔLEMENT

29. Lorsque des renseignements sont reçus pendant la procédure d'enrôlement selon lesquels un candidat à l'enrôlement ou au réenrôlement a commis une inconduite à caractère sexuel, l'autorité compétente en matière d'enrôlement ne doit normalement pas enrôler cette personne. Dans les cas où l'autorité compétente juge que cette politique générale ne devrait pas être suivie, elle doit renvoyer l'affaire au QGDN/Directeur général - Recrutement, éducation et instruction et obtenir à cet égard des instructions.

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PERSONAL HARASSMENT

PURPOSE

1. This order prescribes the Canadian Forces (CF) policy on personal harassment.

DEFINITIONS

2. In this order:

personal harassment

means improper behaviour by an individual that is directed at or is offensive to another individual; that is based on personal characteristics including, for example, race, religion, sex, sexual orientation, physical characteristics, or mannerisms; and that a reasonable person ought to have known would be unwelcome;

sexual harassment

is a type of personal harassment that has a sexual purpose or is of a sexual nature including, but not limited to, touching, leering, lascivious remarks and the display of pornographic material; and

abuse of authority

means the misuse of authority to undermine, sabotage, or otherwise interfere with the career of another individual including, but not limited to, intimidation, threats, blackmail, coercion, or unfairness in the distribution of work assignments, in the provision of training or promotional opportunities, in the completion of performance evaluations, or in the provision of references.

GENERAL

3. Personal harassment in any form is an insidious practice that erodes mutual trust and confidence, conditions that are important to military operational effectiveness. Personal harassment, including sexual harassment, destroys individual dignity, lowers morale and breaks down unit cohesiveness.
4. Leaders at every level must be knowledgeable about and sensitive to the many forms that personal harassment can take. It may involve unwarranted comments, gestures, physical contact, or the display of offensive material. It may

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LE HARCÈLEMENT

OBJET

1. La présente ordonnance prescrit la politique des Forces canadiennes (FC) sur le harcèlement.

DÉFINITIONS

2. Dans la présente ordonnance, l'expression:

abus de pouvoir

désigne le fait d'abuser de son autorité pour miner, saboter ou entraver la carrière d'une autre personne, par le recours notamment à l'intimidation, aux menaces, au chantage et à la contrainte; il peut se manifester, entre autres, au moment de répartir les tâches, d'offrir un programme de formation, de recommander l'avancement, d'évaluer le rendement ou de fournir des références.

avances sexuelles importunes

désigne tout harcèlement dont l'objet ou la nature est d'ordre sexuel, ce qui comprend, sans toutefois s'y limiter, les attouchements, les regards concupiscents, les remarques lascives et l'étalage de matériel pornographique;

harcèlement

désigne les comportements suivants : tout comportement déplacé, choquant ou injurieux, d'une personne à l'endroit d'une autre; tout comportement discriminatoire fondé sur des caractéristiques personnelles telles la race, la religion, le sexe, l'orientation sexuelle, les traits physiques ou particuliers; tout comportement dont l'importunité n'aurait pas dû échapper à son auteur;

GÉNÉRALITÉS

3. Toute forme de harcèlement constitue une pratique insidieuse qui mine la confiance réciproque, condition importante pour assurer l'efficacité des opérations militaires. Le harcèlement, y compris les avances sexuelles importunes, prive la personne de sa dignité, démoralise les membres du groupe et sape la cohésion de l'unité.
4. Les chefs à tous les niveaux doivent se sensibiliser au fait que le harcèlement peut prendre différentes formes. Il peut s'agir de remarques, de gestes ou de contacts physiques déplacés, ou encore de l'étalage de matériel choquant. Le harcèlement peut survenir

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occur as a single event or it may involve a continuing series of incidents. It may involve the abuse of authority or position or it may involve relations among peers. Sexual harassment, as a specific type of personal harassment, can victimize both men and women.

5. The enforcement of high standards for training and work performance does not constitute personal harassment provided that the standards are not arbitrary and are uniformly applied.

POLICY

6. No member of the CF shall subject any other member or any other person with whom the member works to any type of personal harassment including sexual harassment.

COMPLAINTS

7. Commanding officers shall ensure that members of the CF and DND civilian employees who lodge a complaint in good faith are aware that this action will not in any way jeopardize or penalize their future service or employment opportunities.

8. Any member who believes that he or she is the victim of personal harassment should immediately report the matter to the member's direct superior. If the direct superior is the alleged offender, the complaint shall be made to the next superior in the chain of command.

9. If a member brings a complaint to a direct superior and if, after 14 days, the member has not received an interim reply and believes that the complaint has not been satisfactorily resolved, the member should then bring the complaint to the next superior in the chain of command.

ACTION FOLLOWING A COMPLAINT

10. Where a military superior receives a complaint of harassment from a civilian employee who is a member of the Public Service, the complaint shall be investigated in accordance with CPAO 7.18. If a military superior receives a complaint from a civilian employee who is not a member of the Public Service (eg, an NPF employee) but who is covered by a collective agreement or other agreement that specifies a procedure for investigating harassment complaints, the complaint shall be investigated in accordance with that agreement. In all

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une seule fois, comme il peut se manifester par une série d'incidents reliés. Il peut être question d'abuser de son pouvoir ou de son poste, comme il peut s'agir de rapports entre pairs. Les avances sexuelles importunes, en tant que harcèlement d'un type particulier, peuvent brimer aussi bien les hommes que les femmes.

5. La mise en application de normes d'instruction et de travail rigoureuses n'équivaut pas à du harcèlement, pourvu qu'elles ne soient pas arbitraires et qu'elles soient appliquées uniformément.

POLITIQUE

6. Il n'est pas question qu'un militaire des FC harcèle un autre militaire ou toute autre personne qui travaille en sa compagnie, de quelque façon que ce soit, par des avances sexuelles importunes ou autrement.

PLAINTES

7. Les commandants d'unité doivent veiller à ce que tout militaire des FC ou tout employé civil qui porte plainte en toute bonne foi ne se verra pas pénaliser dans ses chances d'avancement militaire ou professionnel.

8. Tout militaire qui se croit victime de harcèlement a intérêt à en informer son supérieur immédiat dans les meilleurs délais. Si c'est le supérieur immédiat qui est le présumé contrevenant, l'intéressé portera plainte au palier suivant dans la chaîne de commandement.

9. Tout militaire qui n'a pas reçu de réponse provisoire 14 jours après avoir porté plainte auprès de son supérieur immédiat et qui juge qu'on ne lui a pas rendu justice, devrait s'adresser au palier supérieur dans la chaîne de commandement.

MESURES À PRENDRE SUR RÉCEPTION D'UNE PLAINTÉ

10. Lorsqu'un superviseur militaire reçoit une plainte portant sur une question de harcèlement à l'endroit d'un employé civil travaillant pour la Fonction publique, il y donnera suite en se reportant à l'OAPC 7.18. Lorsqu'un superviseur militaire reçoit le même genre de plainte touchant cette fois un employé civil qui, bien que n'étant pas à l'emploi de la Fonction publique [e.g. un employé des fonds non publics (FNP)], est protégé par une convention collective ou par toute autre convention spécifiant la marche à suivre en cas de harcèlement, il faudra que le superviseur se conforme à la convention en

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other cases, whether the complainant is civilian or military, the investigation shall be conducted in accordance with this order.

11. Where a military superior receives a complaint of personal harassment, the complaint shall be investigated promptly and thoroughly. Complaints will deal with matters of varying complexity and will take varying lengths of time to resolve; however, no complaint shall remain in the possession of any military superior for longer than 14 days without the complainant being given an interim reply or being advised of the resolution of the complaint.

12. If the alleged offender is superior to or equal in rank to the member receiving the complaint, the complaint shall be referred through the chain of command to an officer superior to the alleged offender and that officer shall be responsible for taking action in accordance with this order. When military authorities refer the matter to the superior officer in such cases, the alleged offender shall be bypassed if the alleged offender would otherwise be in the chain of command.

13. The type of investigation that is conducted will depend on the seriousness of the alleged harassment and may involve an informal investigation, a summary investigation or a board of inquiry. During the investigation or a board of inquiry. During the investigation of a complaint the investigator or board of inquiry shall:

- a. interview both the complainant and the alleged offender as soon as possible;
- b. interview any witnesses;
- c. document the situation accurately and completely;
- d. state an opinion as to the validity of the complaint;
- e. make recommendations to the authority who ordered the investigation or convened the board of inquiry;
- f. conduct the investigation with the utmost confidentiality and sensitivity; and
- g. caution persons who are questioned not to discuss the case with members or employees.

question pour régler le litige. Dans tous les autres cas, peu importe que le plaignant soit militaire ou civil, il faudra mener l'enquête en suivant la présente ordonnance.

11. Lorsqu'un superviseur militaire reçoit une plainte portant sur une question de harcèlement, il lui faudra mener une enquête rapide et approfondie. Comme la nature et la complexité de chaque plainte peuvent varier, le temps à consacrer à chacune variera également. Il faut cependant que dans les quatorze jours suivant la réception de la plainte, le superviseur en question réponde, ne serait-ce qu'à titre provisoire, ou fasse part de sa décision à la partie plaignante.

12. Dans le cas d'un présumé coupable détenant le même grade ou un grade plus élevé que la personne saisie de la plainte, il faudra respecter la chaîne de commandement et transmettre la plainte à un officier ayant un grade supérieur à celui de l'accusé; ce sera cet officier-là qui prendra des mesures conformes aux prescriptions de la présente ordonnance. Si dans ce dernier cas, l'officier représentant le paller suivant dans la chaîne de commandement est l'intimé, les autorités militaires éviteront de lui soumettre la question en litige pour passer directement à l'échelon qui lui est supérieur.

13. Le type d'enquête que l'on institue dépend de la gravité du harcèlement présumé: il peut s'agir d'une enquête ordinaire, d'une enquête sommaire, ou d'une commission d'enquête. Pendant l'instruction du cas, l'enquêteur ou la commission d'enquête devra:

- a. interroger dès que possible le plaignant et l'intimé;
- b. interroger les témoins;
- c. établir un dossier exact et complet de la situation;
- d. émettre son opinion quant au bien-fondé de la plainte;
- e. faire des recommandations aux instances ayant institué l'enquête ou convoqué la commission d'enquête;
- f. instruire le cas en toute discrétion et en respectant le caractère délicat du dossier;
- g. et avertir les personnes interrogées de ne pas parler du cas à des militaires ou à des employés.

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14. On completion of the investigation, appropriate disciplinary action or administrative action, or both, will be taken as required. If the person who ordered the investigation is not a person having jurisdiction over the alleged offender for administrative or disciplinary action, the investigation report shall be referred to the appropriate authority having jurisdiction if it is considered that further administrative or disciplinary action would be warranted.

15. Where a complaint of personal harassment has been substantiated, the military superior should consider the following factors in assessing the relative seriousness of the harassment:

- a. the nature of the harassment, ie, verbal or physical;
- b. the degree of aggressiveness and physical contact in the harassment;
- c. the period of time over which the harassment took place;
- d. the frequency of the harassment;
- e. the vulnerability of the victim;
- f. the psychological impact of the harassment upon the victim; and
- g. the impact on the victim's career.

16. It is the responsibility of all persons involved in the processing of a complaint to ensure that a complainant who lays a complaint in good faith is neither penalized nor suffers any prejudice as a result of making the complaint. Correspondence pertaining to a complaint shall not be placed on the complainant's personal files nor shall it be made available to career boards at any level. Such correspondence shall be treated in a confidential manner and shall bear an appropriate designation in accordance with the Privacy Act.

SEXUAL ASSAULT

17. Where the complaint alleges sexual harassment and such harassment may also constitute a sexual assault under the Criminal Code, the Military Police should be requested to conduct an investigation in addition to the investigation conducted pursuant to this order. If doubt exists as to whether the available information indicates a sexual assault may have been committed, the advice of the unit legal adviser should be sought.

14. À l'issue de l'enquête, on prendra les mesures disciplinaires et administratives qui s'imposent. Si la personne ayant ordonné l'enquête n'est pas habilitée à soumettre l'intimé à des mesures administratives ou disciplinaires, le rapport d'enquête sera soumis à l'autorité compétente dans la mesure où il appert que d'autres mesures administratives ou disciplinaires s'imposeraient.

15. Dans le cas où la plainte pour cause de harcèlement s'avère fondée, le supérieur militaire évaluera la gravité relative de la chose en se basant sur les facteurs suivants :

- a. la nature du harcèlement : i.e. s'agit-il de mots ou de gestes?;
- b. la part d'agressivité et de contact physique dans l'affaire;
- c. la durée du harcèlement;
- d. la fréquence du harcèlement;
- e. la vulnérabilité de la victime;
- f. l'effet psychologique du harcèlement sur la victime;
- g. et ses répercussions sur la carrière de la victime.

16. Il revient à tous les intervenants dans le dossier de veiller à ce que le fait de déposer une plainte en toute bonne foi ne porte pas préjudice à son auteur. Tout le courrier relatif à la plainte ne sera pas versé au dossier du plaignant, ni mis à la disposition de comités d'avancement professionnel, quels qu'ils soient. Le courrier restera confidentiel et portera la cote de sécurité conforme à la Loi sur la protection des renseignements personnels.

VIOLENCES SEXUELLES

17. Quand le plaignant se prétend victime d'avances sexuelles importunes qui pourraient faire l'objet d'une poursuite au criminel pour violences sexuelles, il faudrait demander à la police militaire de mener sa propre enquête, parallèlement à l'enquête déjà prévue par la présente ordonnance. S'il n'est pas évident d'après les renseignements obtenus qu'il peut s'agir de violences sexuelles, il convient d'en référer au conseiller juridique de l'unité.

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OTHER REDRESS PROCEDURES

18. Nothing in this order precludes a member from seeking redress of grievance in accordance with the procedures contained in QR&Os 19.26 and 19.27. Where an application for redress of grievance has already been submitted with respect to the alleged harassment, the provisions of this order should be used as guidance for the investigation of the grievance but the matter shall be dealt with in accordance with the grievance procedures rather than being considered a complaint pursuant to this CFAO.

AUTRES RECOURS

18. Il n'y a rien dans la présente ordonnance qui empêche un militaire de se prévaloir des articles 19.26 et 19.27 des ORFC pour réclamer la réparation d'une injustice. Si le harcèlement présumé fait déjà l'objet d'un grief, les dispositions de la présente devraient servir à orienter l'instruction du cas; il faudra cependant traiter le cas comme un redressement de grief plutôt que comme une plainte déposée en vertu de la présente O AFC et suivre la procédure en conséquence.

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Appendix F

RELEVANT DATA FROM SURVEYS

Table F-1

Description of the Various Surveys Cited in This Study

1. *General Social Survey (GSS)* - The GSS is conducted annually by the National Opinion Research Center at the University of Chicago. Each year the GSS contains a new nationally representative sample of about 1,500 noninstitutionalized adults. Unless otherwise indicated, the results presented here are taken from a merging of the 1988 through 1991 GSS surveys.

2. *National Survey of Adolescent Males (NSAM)* - The NSAM was a 1988 nationally representative survey of 1,880 noninstitutionalized, never-married 15 to 19 year old males conducted by Sociometrics Corporation for researchers at the Urban Institute.

3. *Monitoring the Future (MTF)* - The MTF is an annual study of the lifestyles and values of youth. All results presented here are taken from the 1991 survey, which contained a nationally representative sample of 15,676 high school seniors.

4. *Gallup Organization Public Opinion Polls* - Gallup polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

July 9-11, 1993	1002
January 29-31, 1993.....	1001
January 28-29, 1993.....	774
June, 1992.....	1002
April, 1992.....	1222
July, 1991.....	610
July, 1986.....	611
July, 1983.....	767
June, 1982.....	1531

5. *CBS News/New York Times Public Opinion Polls* - CBS/NTT polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

February, 1993.....	1154
January, 1993.....	1179
August, 1992.....	656

6. *Yankelovich/Clancy/Shulman Public Opinion Polls* - Yankelovich polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993	1800
August, 1992	1250
May, 1992	1250

7. *Roper Organization Opinion Polls* - Roper polls are nationally representative in-person polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

July, 1987	1997
January, 1987	1997

8. *USA Today 1987 Family Poll* - The USA Today Family Poll was conducted by the Gordon S. Black Corporation for USA Today in March of 1987. The sample was nationally representative of noninstitutionalized adults. The total sample size was 803.

9. *Los Angeles Times Opinion Polls* - The Los Angeles Times polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993	1733
February, 1993	1273

10. *ABC News/Washington Post Opinion Polls* - The ABC News polls are nationally representative telephone polls of the noninstitutionalized adult population. The table below presents the survey dates and their sample sizes.

January, 1993	549
February, 1991	1008
March, 1986	1148

11. *USA Today 1986 College Study Poll* - The USA Today College Study Poll was conducted by the Gordon S. Black Corporation for USA Today in February, 1986. The sample was representative of college students. The total sample size was 990.

12. *Wall Street Journal/NBC News Poll* - This is a nationwide telephone poll weighted to be representative of the population of registered voters. The poll was conducted June 5-June 8, 1993, and the sample size was 1502.

Table F-2

"What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"
(GSS. 1973-1991)

Year	Always Wrong	Almost Always Wrong	Some-Times Wrong	Not Wrong	Other	Don't Know	N
1973	70.3%	6.3%	7.3%	10.6%	2.1%	3.3%	1497
1974	67.0	4.8	7.5	12.3	3.4	4.9	1484
1976	67.1	5.9	7.5	15.3	---	4.2	1488
1977	68.6	5.5	7.2	14.2	---	4.5	1522
1980	69.9	5.7	5.8	13.9	---	4.6	1465
1982	70.3	5.1	6.3	14.1	---	4.1	1497
1984	73.0	4.8	7.2	13.8	---	3.7	1466
1985	74.8	3.9	6.8	11.9	---	3.1	1531
1987	74.8	4.1	6.6	11.9	---	2.6	1450
1988	74.0	4.5	5.4	12.3	---	3.7	973
1989	70.7	3.9	5.7	15.0	---	4.8	1029
1990	72.6	4.6	5.8	12.2	---	4.8	916
1991	70.9	3.9	4.2	15.0	---	6.1	986

Table F-3

"Do you personally think that homosexual relationships between consenting adults is morally wrong, or is not a moral issue?"
(Yankelovich/Clancy/Shulman. May, 1992. N = 1250)

Morally wrong	54%
Not a moral issue	39
Not sure	7

Table F-4

"Do you feel that homosexuality should be considered an acceptable alternative lifestyle, or not?"

Year	Acceptable	Not Acceptable	No Opinion	N
1992, August ^a	38%	50%	12%	656
1992, June ^b	38	57	5	1002
1989 ^b	35	54	11	
1983 ^b	32	58	10	767
1982 ^b	34	51	15	1531

^aCBS/New York Times

^bGallup

Table F-5

"What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?"
(GSS. 1988-1991. N = 5907)

Proportion answering "always wrong"		Overall population = 76%	
Sex		Race	
Male	79%	White	75%
Female	74	Black	85
		Other	80
Age		Political Affiliation/Ideology	
24 to 26	71	Democrat	77%
27 to 29	68	Independent	71
30 to 33	69	Republican	82
34 to 36	74		
37 to 39	65	Liberal	60
40 to 45	72	Moderate	78
46 to 55	79	Conservative	86
56 or older	86		
Education Attainment		Veteran Status	
Less Than High School	89	Veteran	81
High School Degree	79	Non-Veteran	76
College Degree	61		
Graduate Degree	45	Region	
Religious Affiliation		New England	57
Protestant	82	Middle Atlantic	75
Catholic	73	East-North Central	76
Jewish	29	West-North Central	78
None	47	South Atlantic	78
		East-South Central	94
Protestant Denomination		West-South Central	91
Baptist	88	Mountain	75
Methodist	81	Pacific	64
Presbyterian	73	Urban/Rural	
Lutheran	72	Central city of 12 largest SMSAs	71
Episcopalian	61	Central city of other SMSA	69
Other Protestant	84	Suburb of 12 Largest SMSAs	67
		Suburb of Other SMSA	70
Fundamentalism of Religion		Other Urban	81
Fundamentalist	89	Rural	89
Moderate	74		
Liberal	63		
Interpretation of the Bible			
Actual Word	93		
Inspired Word	73		
Ancient Book	52		

Table F-6

"Do you feel that homosexuality should be considered an acceptable alternative lifestyle or not?" (Gallup, June, 1992. N = 1002)

	Acceptable	Not Acceptable	No Opinion
National	38%	57%	5%
Sex			
Male	34	63	3
Female	42	52	6
Age			
18 to 29	46	51	3
30 to 49	42	55	3
50 to 64	31	62	7
65 or older	25	65	10
Region			
East	39	56	5
Midwest	41	54	5
South	34	61	5
West	40	56	4
Race			
White	37	58	5
Non-White	47	48	5
Education			
College graduate	52	43	5
Some college	39	57	4
No college	32	63	5
Political Affiliation/Ideology			
Republican	24	70	6
Democrat	45	51	4
Independent	44	51	5
Liberal	56	40	4
Moderate	43	53	4
Conservative	24	72	4
Income			
\$50,000 & over	45	52	3
\$30,000 to \$49,999	38	58	4
\$20,000 to \$29,999	41	56	3
Under \$20,000	37	59	4
Religion			
Protestant	31	63	6
Catholic	44	53	4

Table F-7

"Would you say you agree a lot, agree a little, disagree a little, or disagree a lot... I could be friends with a gay person."
 (NSAM. 1988. Sample of male 15-19 year olds, N=1880)

Highest grade you think you will complete	Agree a lot	Agree a little	Disagree a little	Disagree a lot
12 or fewer years or GED	10%	18%	13%	58%
1 or more years vocational	3	12	30	55
1 to 3 years of college	6	38	22	34
4 years of college	13	28	21	37
Graduate school	17	32	23	28

Table F-8

"Do you think being homosexual is something people choose to be, or do you think it is something they cannot change?"
 (CBS/NYT. February, 1993, N = 1154)

Choose to be gay	44%
Can't change	43
Don't know	13

	Total adults	Those who say homosexuality...	
		Is a choice	Cannot be changed
Say homosexuality should be considered an acceptable alternative life style	36%	18%	57%
Say homosexual relations between adults are morally wrong	55	78	30
Say homosexual relations between consenting adults should be legal	46	32	62
Say homosexuals should have equal rights in terms of job opportunities	78	69	90
Say it is necessary to pass laws to make sure homosexuals have equal rights	42	30	58
Favor permitting homosexuals to serve in the military	43	32	54
Would permit their child to play at the home of a friend who lives with a homosexual parent	34	21	50
Have a close friend or family member who is gay or lesbian	22	16	29

Table F-9

"In general, do you think homosexuals should or should not have equal rights in terms of job opportunities?" (CBS/NYT. January, 1993. N = 1179)

Should	79%
Should not	16
Don't know/No answer	5

Table F-10

"Do you think homosexuals should or should not be hired for each of the following occupations?" (Gallup. June, 1992. N = 1002)

Occupation	Should	Should Not	Depends
Salespersons	82%	13%	3%
Armed Forces	57	37	2
President's Cabinet	54	39	3
Doctors	53	42	2
High school teachers	47	49	2
Clergy	43	50	2
Elementary school teachers	41	54	3

Table F-11

"Would you permit or not permit your child to go play at the home of a friend who lives with a homosexual parent?" (CBS/NYT. February, 1993. N = 1154)

Permit	34%
Not permit	58
Don't know/No answer	8

Table F-12

"Some time ago, the citizens of Miami voted to repeal a county ordinance that banned discrimination in employment and housing based on a person's sexual preferences. The ordinance essentially meant that someone who is homosexual could not be kept from holding a particular job or living in any type of housing simply because he or she is homosexual. Which of these statements best describes how you feel about the law and discrimination against homosexuals?" (Roper. July, 1987. N = 1997)

Homosexuals should be guaranteed equal treatment under the law in jobs and housing	65%
It should be legal to keep people out of jobs and housing if they are homosexual	23
Don't know	12

Table F-13

"We can choose our friends, but we can't always choose the people we work closely with. Here is a list of some different types of people. For each one, would you tell me whether you would strongly object to working around them, or prefer not to work around them, or wouldn't mind working around them?" (Roper. January, 1987. N = 1997)

People who...	Strongly Object	Prefer Not To	Wouldn't Mind	Don't Know
are homosexual	25	27	45	3
are mentally handicapped	2	16	78	4
smoke cigarettes	19	29	51	1
use foul language	31	41	27	1
have AIDS	34	33	26	7
get high on alcohol or drugs during the workday	60	30	8	2

Table F-14

"Do you think marriages between homosexual men or between homosexual women should be recognized as legal by the law?" (Yankelovich. January, 1993. N = 1800)

Yes	27%
No	65%
Not sure	8

Table F-15

"Do you think that homosexual couples should be legally permitted to adopt children?" (Yankelovich. August, 1992. N = 1250)

Yes	29%
No	63
Not sure	8

Table F-16

"What about a Can this be a family?" (USA Today. March 1993. N = 803)

	Homosexual Couple Raising Children	Unmarried Couple Living Together
Yes	33%	45%
No	61	52
Don't Know	6	3

Table F-17

"Do you feel that family leave laws should or should not also apply to homosexual people who need to care for a seriously ill companion?"
 Asked of the 83% who favor a national family leave law. (Gallup.
 April, 1992. N = 1222)

	Of Those Who Favor a National Leave Law	Of Total Population
Yes, should apply	72%	60%
No, should not	24	20
Don't know/Refused	4	3
Don't favor national leave law	---	17

Table F-18

"In general, do you think that states should have the right to prohibit particular sexual practices conducted in private between consenting..."
 (Gallup. July, 1986. N = 611)

	Adult Men and Women	Adult Homosexuals
Yes	18%	34%
No	74	57
Don't know	8	9

Table F-19

"Do you think homosexual relations between consenting adults should or should not be legal?" (Gallup. June, 1992. N = 1002)

Legal	49%
Not legal	44
Don't know/Refused	8

Table F-20

"Do you think that the laws which protect the civil rights of racial or religious minorities should be used to protect the rights of homosexuals?" (Yankelovich. January, 1993. N = 1800)

Yes	48%
No	43
Not sure	9

Table F-21

"Should a federal law be passed protecting homosexuals from discrimination?" (CBS/NYT. July, 1988. N = 1177)

Yes	37%
No	48
Don't know/No answer	15

Table F-22

"Do you think homosexuals should or should not be able to serve in the armed forces?" (Gallup. January 28-29, 1993. N = 774)

Should	53%
Should not	42
Don't know/Refused	5

Table F-23

"Do you favor or oppose permitting homosexuals to serve in the military?" (CBS/NYT. January, 1993. N = 1179)

Favor	42%
Oppose	48
Don't know/No answer	10

Table F-24

"Do you think people who join the military should be asked if they are homosexual, or not?" (ABC/Washington Post. January, 1993. N = 549)

Yes, should be asked	44%
No, should not be asked	53
Don't know/No opinion	3

Table F-25

"Do you approve or disapprove of allowing openly homosexual men and women to serve in the armed forces of the United States?" (Los Angeles Times. January and February, 1993.)

	January, 1993 N = 1733	February, 1993 N = 1273
Approve strongly	22%	19%
Approve somewhat	23	21
Disapprove somewhat	8	9
Disapprove strongly	39	45
Don't know/Not sure	8	5
Refused	---	1

Table F-26

"Do you approve or disapprove of ending the ban on homosexuals from serving in the military?" (Gallup. January 29-31, 1993. N = 1001)

Very strongly approve	29%
Not so strongly approve	14
Very strongly disapprove	39
Not so strongly disapprove	11
No opinion	7

Table F-27

"Which is closer to your position on allowing gays and lesbians in the military?" (WSJ/NBC. Sample of registered voters, N = 1502)

Should not be allowed to serve under any conditions	21%
Should be allowed to serve as long as they keep their homosexuality private, and the military should not ask them about sexual orientation	38%
Should be allowed to serve openly, as long as they follow the same rules of conduct as other military personnel while they are on base	40%

Table F-28

"If the United States returned to a military draft, it would not be necessary to draft everyone of military age. That is, certain types of people could be exempted, even though they were otherwise qualified for service. Should homosexuals be exempted?" (GSS. 1982. N = 1860)

"If a military draft were to become necessary, should young women be required to participate as well as young men, or not?" (Gallup. July, 1991. N = 610)

	Homosexuals	Women
Draft	77%	50%
Don't Draft	16	47
Don't know/No opinion	6	3

Table F-29

"For each that I mention, please tell me if you agree or disagree...."
(USA Today. February 1986. Sample of college students, N=990)

	Agree	Disagree	Don't Know	Refused
Homosexuality is immoral	44.2%	49.6%	5.6%	0.6%
Sexual preference is someone's own business	78.7	19.4	1.4	0.5
Homosexuals are entitled to the same protection against discrimination as any other minority group	74.3	23.1	2.1	0.4

Table F-30

Proportion who "agree a lot" or "agree a little" to the statement "I could be friends with a gay person" by various characteristics. (NSAM, 1988. Sample of male 15-19 year olds, N=1880)

Race	
Black	31%
White	39
Hispanic	45
Other	72
Importance of Religion	
Very important	41
Fairly important	36
Fairly unimportant	36
Not important at all	61
Frequency of Service Attendance	
Once a week or more	39
1 to 3 times per month	36
Less than once per month	42
Never	41
Religious Affiliation	
Baptist	32
Lutheran	34
Methodist	46
Presbyterian	68
Episcopalian	39
Roman Catholic	40
Later Day Saints	39
Jewish	68
None	45
Rural/Urban	
Urban, 1,000,000+	44
Urban, 250,000-999,000	47
Urban, 50,000-249,999	37
Urban, 0-49,999	47
Other	32
Region	
North East	46
South	35
Midwest	38
West	44

Table F-31

Characteristics of those stating that they "definitely will" or "probably will" serve in the armed forces contrasted with those stating that they "probably won't" or "definitely won't". (MTF, 1991. Sample of high school seniors N = 15676)

Characteristic	Won't Serve	Will Serve	Characteristic	Won't Serve	Will Serve
Sex			Denomination		
Male	47%	76%	Baptist	18%	29
Female	53	24	Churches of Christ	6	8
Race			Episcopal	1	1
White	92	68	Lutheran	5	3
Black	8	32	Methodist	7	7
Region			Presbyterian	3	2
North East	22	17	Roman Catholic	28	22
North Central	29	24	Jewish	2	1
South	31	45	Latter Day Saints	7	6
West	19	14	Other	7	7
Where Grew Up			None	15	14
On a farm	6	0	Religious Service Attendance		
In the country, not farm	14	19	Never	14	14
Small city or town	32	32	Rarely	39	43
Medium-sized city	10	12	Once or twice a month	16	15
Suburb of medium city	9	6	About once a week	31	28
Large city	9	11	Plan to Attend 2-year College		
Suburb of large city	9	7	Definitely won't	49	31
Very large city	6	8	Probably won't	25	26
Suburb of very large city	5	4	Probably will	25	31
Political Party			Definitely will	2	12
Strongly Republican	11	14	Plan to Attend a 4-year College		
Mildly Republican	18	15	Definitely won't	15	19
Mildly Democrat	11	09	Probably won't	13	22
Strongly Democrat	8	12	Probably will	21	28
Independent	25	24	Definitely will	51	30
Don't know	23	22	Plan to attend graduate school		
Political Ideology			Definitely won't	23	32
Very conservative	3	7	Probably won't	30	33
Conservative	14	14	Probably will	31	25
Moderate	29	28	Definitely will	16	11
Liberal	16	13			
Very liberal	4	4			
Radical	2	4			
None of above/Don't know	31	29			

Appendix G

LOS ANGELES TIMES POLL

STUDY #307--United States Military Survey

Methodology

The Times Poll interviewed 2,346 enlisted personnel, on active duty, in the U.S. Army, Navy, Marine Corps, and Air Force outside of 38 military bases in the continental United States and Hawaii, from February 11 through 16. Respondents were approached by Times interviewers at off-base commercial sites and residence housing and asked to fill out a written questionnaire confidentially and anonymously. Each respondent then placed the complete survey in a sealed envelope for return to The Times. Quota methods were utilized to ensure proper representation of service people within service branch by sex, race, and age. The sample was additionally weighted slightly to conform with Department of Defense demographic information for enlistee age, education, and marital status. By branch, the sample includes 728 personnel from the Army, 591 from the Navy, 488 from the Marine Corps and 539 from the Air Force. Results for the total sample of enlistees are adjusted so that each branch of service is represented in its proper proportion.

List of Questions

7. Overall, how would you rate your feelings about life in the military today? Are you:

	<u>Male</u>	<u>Female</u>
Very satisfied	24	29
Somewhat satisfied	50	49
Somewhat dissatisfied	17	15
Very dissatisfied	7	6
Don't know	2	1

8. What are the top two problems facing the U.S. Military today?

	<u>Male</u>	<u>Female</u>
Troop cuts/downsizing	52	53
Possible lifting of ban on homosexuals	50	32
Low morale	28	35
Few opportunities for advancement	19	26
Race relations	9	13
Poor civilian leadership/ no policy direction	6	4
Poor equipment	6	3
Relations between men and women in service	4	19
Pay/benefits	3	1
Poor military leaders	-	-
Other	2	-
Don't know	2	-

10. Do you think the Clinton administration proposals for downsizing the U.S. military:

	<u>Male</u>	<u>Female</u>
Are necessary given the end of the Cold War	13	18
Go too far in a still dangerous world	66	59
Don't know	21	23

11. How worried are you personally about the possible effects of the proposed downsizing of the armed forces on you and your career?
Are you:

	<u>Male</u>	<u>Female</u>
Very worried	20	17
Somewhat worried	40	45
Not too worried	24	24
Not worried at all	14	10
Don't know	3	4

12. Has the military generally fulfilled the commitments it made to you when you enlisted or has it disappointed you?

	<u>Male</u>	<u>Female</u>
Fulfilled commitment	60	67
Disappointed me	29	23
Don't know	11	10

13. How would you rate the programs and services available to help victims of downsizing get going in civilian life? Would you rate those programs as:

	<u>Male</u>	<u>Female</u>
Excellent	7	4
Adequate	37	36
Inadequate	26	28
Very poor	11	11
Don't know	20	21

14. If you had to leave the service in the next few months, how confident are you that you could get a well-paying secure civilian job in a relatively short time?

	<u>Male</u>	<u>Female</u>
Very confident	17	15
Somewhat confident	29	33
Somewhat doubtful	26	26
Very doubtful	24	23
Don't know	4	3

15. How do you feel about allowing women to take combat roles in the U.S. armed forces? Do you:

	<u>Male</u>	<u>Female</u>
Approve strongly	25	39
Approve somewhat	30	40
Disapprove somewhat	19	7
Disapprove strongly	22	12
Don't know	4	2

16. If current policy and your own plans remain the same, when your term is up will you:

	<u>Male</u>	<u>Female</u>
Definitely reenlist	28	32
Possibly reenlist	34	34
Not reenlist	28	28
Don't know	10	6

17. How do you feel about lifting the ban on homosexuals in the armed forces of the United States? Do you:

	<u>Male</u>	<u>Female</u>
Approve strongly	4	8
Approve somewhat	12	27
Disapprove somewhat	13	27
Disapprove strongly	63	28
Don't know	8	10

(IF APPROVE OF LIFTING THE BAN)

18. What are the two main reasons you approve of lifting the ban on homosexuals? (Check up to two answers, or write in your own answers on the lines below.)

	<u>Male</u>	<u>Female</u>
It's discrimination to ban them	56	61
It's not important to me	24	17
Homosexuals are no different from heterosexuals	19	24
Homosexuals already in military	2	1
Other	3	1
Don't know	4	-

(IF DISAPPROVE OF LIFTING BAN)

19. What are the two main reasons you disapprove of lifting the ban on homosexuals? (Check up to two answers.)

	<u>Male</u>	<u>Female</u>
Oppose sharing facilities/quarters with them	64	55
It is immoral	41	29
Contribute to the spread of AIDS	26	45
It is against my religious views	19	34
They are not as reliable in a combat situation	16	7
Morale	3	2
Cause conflict	2	1
Threat of violence	1	3
Cost of facilities	1	-
Other	2	3
Don't know	1	1

20. How worried are you personally about the possible impact of permitting homosexuals into the military? Are you:

	<u>Male</u>	<u>Female</u>
Very worried	38	17
Somewhat worried	32	35
Not too worried	17	25
Not worried at all	9	14
Don't know	4	9

21. If the ban is lifted on homosexuals in the military, would you definitely not reenlist on account of that issue alone, or would you consider reenlisting anyway?

	<u>Male</u>	<u>Female</u>
Not reenlisting under current policy	28	28
Not reenlisting if gay ban is lifted	11	5
Will consider reenlisting	43	49
Don't know	18	18

22. If the ban is lifted on homosexuals in the military, how likely is it that they will be subjected to physical violence from others in the service? Is that:

	<u>Male</u>	<u>Female</u>
Very likely	57	41
Somewhat likely	26	29
Not too likely	7	10
Not at all likely	2	3
Don't know	8	17

23. Do you think the issue of permitting homosexuals in the military is:

	<u>Male</u>	<u>Female</u>
Getting the attention it deserves	23	23
Draining attention from other more important issues facing the military	67	64
Don't know	10	13

24. Are you currently serving with someone who you believe is homosexual?

	<u>Male</u>	<u>Female</u>
Yes	18	29
No	55	45
Don't know	27	26

25. How serious a problem is sexual harassment in the armed forces? Is it:

	<u>Male</u>	<u>Female</u>
Very serious	16	26
Somewhat serious	27	29
Not too serious	33	27
Not serious at all	16	11
Don't know	8	7

26. Would you rate your personal finances as:

	<u>Male</u>	<u>Female</u>
Very secure	14	12
Somewhat secure	53	59
Somewhat shaky	24	21
Very shaky	7	6
Don't know	2	2

27. Would you describe yourself as:

	<u>Male</u>	<u>Female</u>
Very religious	10	21
Somewhat religious	52	59
Not too religious	25	14
Not religious at all	10	4
Don't know	3	2

29. In most political matters, do you consider yourself:

	<u>Male</u>	<u>Female</u>
Liberal	21	24
Middle-of-the-road	53	48
Conservative	24	26
Don't know	2	2

Appendix H

1992 SOCIOLOGICAL SURVEY OF THE ARMY

Methodology

Charles Moskos and Laura Miller, sociologists from Northwestern University, surveyed a total of 2,804 enlisted personnel and officers, on active duty, at six Army bases in the continental United States and one overseas base (Somalia) between February 1992 and December 1992. This survey (entitled the 1992 Sociological Survey of the Army) was designed to collect survey data on the attitudes of active duty Army personnel about women in combat and race relations. However, the survey did include a single attitudinal question to solicit military members' views about homosexuals serving in the military. At each Army base, a stratified sample of military members was selected to ensure a good mix of combat and noncombat personnel from diverse military occupational specialties and different types of units. Quota methods were utilized to select appropriate numbers of males and females, enlisted and officers, and blacks, whites, and other races. Women were oversampled so that equal numbers of females and males would be surveyed. Efforts were also made to sample military members who had Persian Gulf experience as well as those who did not participate in Operation Desert Shield/Storm. The actual sample included 1,420 males and 1,384 females.

Using quota sampling guidelines provided by Moskos and Miller, Army personnel at each site selected potential survey respondents and invited them to attend a group survey session which was typically held in a large auditorium or testing room. Each participant was asked to complete an anonymous self-administered survey and to return it directly to Laura Miller, who conducted each survey session. The most recent survey, which was conducted in December 1992 with 471 males and 470 females at two Army posts, used the single attitudinal item plus an expanded series of questions about homosexuals in the military.

The actual wording of the questions from the 1992 Sociological Survey of the Army and the percentage distributions are reported below.

Single Attitudinal Question About Homosexuals in the Military

11. Indicate below which view comes closest to your own with regard to the following item:¹

- b. Lesbians/gays should be allowed to enter and remain in the military.

	<u>Male</u>	<u>Female</u>
Strongly agree	6	17
Agree	11	27
Disagree	12	14
Strongly disagree	64	29
Not sure	7	12

Expanded Series of Questions About Homosexuals in the Military

32. Do you personally know any men in your company who are gay?

	<u>Male</u>	<u>Female</u>
Yes	9	18
No	74	66
Not sure	18	16

33. Do you personally know any women in your company who are lesbian?

	<u>Male</u>	<u>Female</u>
Yes	14	27
No	60	54
Not sure	16	19

34. Has a soldier of the same sex ever made a sexual advance toward you?

	<u>Male</u>	<u>Female</u>
Yes	6	17
No	93	81
Not sure	2	2

¹This attitudinal measure about homosexuals in the military was included in a series of agree/disagree items on attitudes toward women in combat.

35A. FOR MALES ONLY: If you were in a foxhole in combat and had to choose whether to fight along side a female soldier or a gay male soldier, which would you choose?

	<u>(Males Only)</u>
Female soldier	51
It doesn't matter	27
Gay male soldier	5
I would rather fight alone	17

35B. FOR FEMALES ONLY: If you were in a foxhole in combat and had to choose whether to fight along side a male soldier or a gay female soldier, which would you choose?

	<u>(Females Only)</u>
Male soldier	42
It doesn't matter	56
Gay female soldier	2
I would rather fight alone	1

36A. FOR MALES ONLY: In your present job, if you had to choose whether to work along side a female soldier or a gay male soldier, which would you choose?

	<u>(Males Only)</u>
Female soldier	69
It doesn't matter	21
Gay male soldier	2
I would rather work alone	9

36B. FOR FEMALES ONLY: In your present job, if you had to choose whether to work along side a male soldier or a gay female soldier, which would you choose?

	<u>(Females Only)</u>
Male soldier	39
It doesn't matter	57
Gay female soldier	1
I would rather fight alone	3

37. Indicate below which view comes closest to your own with regard to the following items about gays and lesbians and the Army:

a. I would feel uncomfortable if there were some homosexuals in my unit.

	<u>Male</u>	<u>Female</u>
Strongly agree	56	18
Agree	20	17
Disagree	17	37
Strongly disagree	3	22
Not sure	5	7

b. I would feel uncomfortable having to share my room with a homosexual.

	<u>Male</u>	<u>Female</u>
Strongly agree	77	41
Agree	13	21
Disagree	5	19
Strongly disagree	3	13
Not sure	3	6

c. Gay males make me more uncomfortable than lesbians.

	<u>Male</u>	<u>Female</u>
Strongly agree	48	4
Agree	27	5
Disagree	14	55
Strongly disagree	3	25
Not sure	7	10

d. What people do in their private sex lives is no business of mine.

	<u>Male</u>	<u>Female</u>
Strongly agree	35	53
Agree	37	34
Disagree	15	7
Strongly disagree	10	5
Not sure	3	2

e. Allowing openly gay and lesbian soldiers in the Army would cause some problems, but we could manage.

	<u>Male</u>	<u>Female</u>
Strongly agree	9	11
Agree	24	42
Disagree	28	20
Strongly disagree	34	20
Not sure	5	7

- f. Allowing openly gay and lesbian soldiers in the Army would be very disruptive of discipline.

	<u>Male</u>	<u>Female</u>
Strongly agree	52	27
Agree	23	22
Disagree	14	31
Strongly disagree	5	12
Not sure	7	8

- g. Homosexuality is abnormal and perverted.

	<u>Male</u>	<u>Female</u>
Strongly agree	48	21
Agree	25	22
Disagree	13	28
Strongly disagree	4	18
Not sure	9	11

- h. It is all right for gays and lesbians to be in the Army as long as I don't know who they are.

	<u>Male</u>	<u>Female</u>
Strongly agree	6	7
Agree	19	25
Disagree	33	39
Strongly disagree	33	20
Not sure	8	9

- i. Openly gay and lesbian soldiers will try to seduce straight soldiers.

	<u>Male</u>	<u>Female</u>
Strongly agree	14	10
Agree	24	19
Disagree	28	31
Strongly disagree	9	21
Not sure	25	20

- j. Allowing gays and lesbian in the Army will increase soldiers' acceptance of gays and lesbians.

	<u>Male</u>	<u>Female</u>
Strongly agree	7	9
Agree	19	30
Disagree	28	24
Strongly disagree	31	16
Not sure	14	22

- k. We need sensitivity courses on accepting gays and lesbians in the Army.

	<u>Male</u>	<u>Female</u>
Strongly agree	8	14
Agree	16	34
Disagree	24	23
Strongly disagree	42	20
Not sure	10	9

1. In the event of a draft, gays should be drafted the same as straight men.

	<u>Male</u>	<u>Female</u>
Strongly agree	20	39
Agree	20	26
Disagree	18	11
Strongly disagree	33	10
Not sure	10	15

Appendix I

STATE RESTRICTIONS ON SODOMY

As of 1961, all states had bans on non-procreative sex. Subsequently, sodomy laws in many states have been repealed by the legislatures or ruled unconstitutional in court challenges. Table I-1 shows which states currently have or do not have sodomy restrictions.

Eight states have enacted laws prohibiting discrimination on the basis of sexual orientation:

California
Connecticut
Hawaii
Massachusetts
Minnesota
New Jersey
Vermont
Wisconsin

Table I-1
Current Status of Sodomy Restrictions, by State

Sodomy Restrictions	No Sodomy Restrictions
Alabama	Alaska
Arizona	California
Arkansas*	Colorado
Florida	Connecticut
Georgia	Delaware
Idaho	Hawaii
Kansas*	Illinois
Louisiana ^a	Indiana
Maryland	Iowa
Massachusetts**	Kentucky
Michigan ^b	Maine
Minnesota**	Nebraska
Mississippi	Nevada
Missouri*	New Hampshire
Montana*	New Jersey
North Carolina	New Mexico
Oklahoma*	New York
Rhode Island	North Dakota
South Carolina	Ohio
Tennessee*	Oregon
Texas ^c	Pennsylvania
Utah	South Dakota
Virginia	Vermont
	Washington
	Washington, D.C.
	West Virginia
	Wisconsin
	Wyoming

SOURCES: *American Civil Liberties Union Handbook: The Rights of Lesbians and Gay Men* (Third Edition: 1992). Personal communications: Mr. Thomas F. Coleman, Executive Director, Spectrum Institute, Los Angeles, CA; Mr. Jon Davidson, ACLU, Los Angeles Office; Professor Arthur Leonard, New York Law School, New York, NY; Mr. William B. Rubenstein, ACLU New York Office.

^aLouisiana's sodomy law was recently struck down in trial court (*State v. Baxley*) on the grounds that it violated the state constitution's guarantee to the right of privacy. The state is appealing the decision.

^bMichigan's sodomy law (felony) was ruled unconstitutional as applied to private consensual adult behavior (*Michigan Organization for Human Rights v. Kelley*, No. 88-815820). The decision by the state's attorney general, a named defendant in the case, not to appeal left in question the broader precedential application of the ruling. Since no appeal was taken, the ruling may only apply to Wayne County where it was issued.

^cTexas' sodomy statute (misdemeanor) is currently under review by the state supreme court in a declaratory relief action (*Morales v. State of Texas*, D-2393) where lower courts ruled the statute unconstitutional. In a later case involving both declaratory and injunctive relief actions (*England v. City of Dallas*), the state supreme court has failed to grant review to an appeals court ruling that the sodomy statute was unconstitutional on privacy grounds. The Texas legislature reaffirmed the state's constitutional ban on same-sex sodomy in its most recent session.

* Restriction applies to same-gender sex only.

** Sodomy laws remain in force, but states ban discrimination on the basis of sexual orientation.

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