

crimination against gays is no less pronounced now than it was against blacks then."

Now, Dr. Korb, in your statement you referred back to the Vietnam war. I was involved in offering the amendments to eliminate the exemptions based on education and also on skills during Vietnam. We lost those amendments, and eventually went to a random selection system that was based on a commission led by Burke Marshall. But if once again we have an active conflict that would involve the young people in this country, I think most Americans would believe that that burden of service ought to be assumed across the entire spectrum of our population.

That is what has happened at other times when we have had major conflicts. What would we do, then, with individuals that were going to come down to say that they were gay or lesbian. I can remember very well the resentment that took place in this country when young Americans said that they had a conscious objection to fighting the war. Many of them became medics and served with great distinction and gallantry. Others went to Canada. And we went through enormous turmoil on that issue.

Are we going to say that any time this country gets into trouble that anyone then is going to be able to say that they are gay and be excluded, and somebody else who is straight is going to be sent out to the firing line and risk his or her life?

Dr. KORB. That is what would happen under the current policy, because if you say that a person says I am homosexual that makes them a homosexual, you could not take them and it would be paradoxical. Here we have a situation where they are fighting to stay in, and then if we went to war that would be a reason that they could avoid this very difficult burden.

Senator KENNEDY. So if we were back at a time even of a random selection system where they went on down and said and these were going to be sent, these young people being sent to Vietnam, effectively, instead of having to go to Canada, all they have to do is say I am gay.

Dr. KORB. Under the current procedures, that is correct.

Senator KENNEDY. On the issue of women in the service, as I understand it, a total of 13 females died in the Gulf war operations. Two women were killed in separate accidents during Operation Desert Shield, 11 female casualties resulted from Operation Desert Storm, 5 of whom suffered nonhostile deaths. Three of the six women killed in action were among the 28 soldiers lost during the February 26 scud attack on the American base near the City of Al-Khubar.

During World War II, more than 200 women, mostly nurses working at the front lines, died. One nurse was killed during the Korean War. Eight females, all nurses, died during the 9 year stretch of the Vietnam war.

We have a report that was done by the defense manpower data center branch of the Defense Department. In 1990, the survey says, 20,000 military personnel were surveyed about incidents of sexual harassment, defined as uninvited, unwarranted sexual attention broken down into specific areas. 64 percent of women surveyed reported they had been sexually harassed. This is as compared with between 30 and 40 percent of women in private business.

What does sexual harassment do for cohesion in a military unit, the effectiveness of a military unit?

Dr. KORB. I think it is devastating. That is why the military is taking such strong steps to deal with it. I do not think that the Navy has psychologically recovered from the Tailhook incident yet.

Senator KENNEDY. Dr. Marlowe?

Dr. MARLOWE. Where we have seen it at the small unit level, it is devastating. It polarizes the unit, it shreds them.

Senator KENNEDY. Dr. Henderson?

Dr. HENDERSON. I agree with that.

Senator KENNEDY. What has been the best way that the most effective units have acted in order to try and deal with this problem? Dr. Korb?

Dr. KORB. I think it is through the type of training that the Chairman was referring to before, and that is why we have the Defense Equal Opportunity Management Institute, to help people deal with this particular problem as well as penalizing the behavior.

Senator KENNEDY. Dr. Marlowe?

Dr. MARLOWE. Immediately bringing severe charges and as severe a punishment as possible.

Senator KENNEDY. Dr. Henderson?

Dr. HENDERSON. There have to be leadership steps taken to ensure that everybody in the service is aware of the behavior and that it is not approved.

Senator KENNEDY. Well, Dr. Korb, it seems to me that there we are talking about sexual harassment, we are talking about conduct, are we not?

Dr. KORB. That is correct.

Senator KENNEDY. That is intolerable in our military. I think that the various studies show that the incidence of harassment in the military is approximately twice what it is in the civilian area.

Now, the military is attempting to deal with this problem. When one goes into the military, they do not go in and say I am a sexual harasser, do they? I mean, obviously, they do not. All of you have said what the obligation of the military is to deal with conduct. And as I understand from what all of you have said, the best way to deal with that issue is through leadership and through effective training and education programs.

And as I understand, from what all of you have said, is that there should be a standard, that if the ban is lifted there would be a standard of conduct that would apply to homosexual behavior and heterosexual behavior, and that that standard should be enforced. Is that correct?

Dr. KORB. That is correct.

Senator KENNEDY. What do you think about such a code of conduct, Dr. Henderson and Dr. Marlowe?

Dr. HENDERSON. Well, basically, if you survey the troops, which has been done as I said, you do not find this concern. What you find their concern is are privacy issues. You do not have that. That is not analogous to the women's situation because women in the service are segregated for privacy reasons.

Senator KENNEDY. Well, they are sure not segregated when they are being sexually harassed. They sure are not segregated when they are being raped.

Dr. HENDERSON. Well, that is not my point. My point is—  
 Senator KENNEDY. Well, I do not get your point, then.

Dr. HENDERSON. My point is that women in the service are segregated for privacy reasons. They have got their own living quarters, they have got their own latrines, their own showers, and so forth.

The other point is that—and if you look at the LA Times survey, another major objection was the problem of perceived morality amongst the troops and reacting to that particular lifestyle. Now, I am not saying that is right or wrong personally. I am just saying that is—that exists in the ranks and it is there. You do not find that morality problem with women in the service, so that does not hold up in terms of your analogy.

And the third thing that does not hold up is, and this is by survey also and this is a concern for health reasons. And you do not find that with the women. And so I understand your analogy but it is very limited.

Senator KENNEDY. Dr. Marlowe, and my time has expired, but maybe you could just complete your thought.

Dr. MARLOWE. Let me say two things. A, the question is what are we defining as behavior and as behavior that is potentially harassing and divisive to the group. B, leaders can control behavior. They cannot control attitudes, sentiments, thought, what goes on in people's heads, and what then happens at the basic level of the small group of four or five. Obviously, if the ban is lifted we should have as rigorous a code of conduct controlling homosexual behavior and its display within the organization as we do heterosexual behavior and its display.

Senator KENNEDY. My time is up.

Senator LEVIN. Senator Cohen?

Senator COHEN. Mr. Chairman, let me say to the panel that this has been a very educational experience, I think, for all of us and that is what we are here to do, is to conduct a rational examination to determine whether there is any rational basis for discriminating against a class of people. However, I must say there are some interesting paradoxes, Dr. Marlowe.

We can burn a flag, for example, under the Constitution but that is not an act of speech. You can declare your sexual orientation, that is not speech, that is an act. So I find that we are involved in some serious paradoxes, and I think you used the phrase that orientation is in the head and you should not penalize for what is occurring in one's head. Yet, the declaration itself means that it would inevitably lead to certain action.

I recall one President, I think it was pointed out by one of my colleagues, said he had lust in his heart. I do not know that he ever carried out that particular act. Nonetheless, he was declaring what was in his head or what was in his heart. But you seem to feel that, and the majority seem to feel that, the mere declaration will inevitably lead to a manifestation of a sexual act, is that correct?

Dr. MARLOWE. No.

Senator COHEN. Then why would you penalize someone for simply declaring?

Dr. MARLOWE. I did not say I would penalize someone for declaring himself. I said the group would probably penalize him, Senator.

My concern is the declaration of the act and the effect it has on the small group and the relationships within that group. And I would like to be very clear about that.

Senator COHEN. Dr. Korb, you indicated before, and I think you stated the truth, that not all homosexuals are attracted to one another, and it is fair to say that not all heterosexuals are attracted to one another. But it is also fair, I think, to say that those who might not otherwise be attracted to each other might find attraction grows in direct proportion to one's absence of choice. Would you not agree with that? [Laughter.]

Dr. KORB. I would give that a qualified yes. I think I understand what you are saying.

Senator COHEN. Well, what I am saying is the lack of a magnetic attraction might diminish when compared to a total lack of gratification. That is what we get involved with when we have people who are on board ship for 6 months at a time, in a submarine for 3 or 4 months at a time, or whatever that time might be, you might find that even though people are not otherwise attracted to each other, given a wider choice might, under those circumstances, find themselves attracted to one another. And so I do not think just by saying that either heterosexuals or homosexuals are automatically attracted to one another really states the nature of the dilemma that is posed.

Dr. KORB. Senator, could I comment on that.

Senator COHEN. Comment at the end of my comments, because I am going to run out of time.

You also indicate there is no reason to exclude women from front-line combat as long as they meet the same rigorous standards applied to men. Do you know whether or not we insist upon the same physical standards in our academies for male and female?

Dr. KORB. No, we do not.

Senator COHEN. And do you think that we should have the same physical standards for men and women?

Dr. KORB. Providing you can show that they are related to what it takes to be a military officer. I have never been in favor of having different standards for men and for women.

Senator COHEN. So do you think women should meet the same physical standards that men do in basic training?

Dr. KORB. If, in fact, those standards can be shown to have a relationship to the job performance.

Senator COHEN. Do you think the standards that are now set are inconsistent with combat realities?

Dr. KORB. Well, I know from my days in the Pentagon when we went through this women in the Army study, when we had people look at them they found out that in some cases people were raising the standard so that they would exclude women. All I would say is you need to have the same standards, providing that those standards are necessary to accomplishing the task.

Senator COHEN. Another point you made in reference to, I think, Senator Levin about displays of one's religion or displays of religious paraphernalia permitted to the general military population. In other words, can each individual wear a yarmulke or perhaps an Indian arm band or some display of one's religious affiliation? Is that permitted in the general population?

Dr. KORB. Well, it is now because of the action that the Congress took. Because when I was in office we had a commander who refused to let a Jewish Chaplain wear his yarmulke.

Senator COHEN. I am talking about the general military population. Throughout the general population, is that permitted now?

Dr. KORB. I think you are allowed to wear things provided that they do not endanger. In other words, wearing a medal around you neck or something like that. I do not think you are allowed to wear things in the exterior.

Senator COHEN. And that is for the reason you stated before, that the objective of the military is to try to really reduce the number of differences that exist within the unit so that each individual is subordinated to the overall whole?

Dr. KORB. That is correct.

Senator LEVIN. If the Senator would yield, I did not say religious paraphernalia. I said a statement of one's religious beliefs.

Senator COHEN. With respect to other Nations' experience, I must say that we ought to at least proceed with some caution rather than simply pointing to other Nations. Canada and Australia have only adopted this policy for about a period of 6 months. In Britain, there is still an absolute ban, and France has no announced policy. You also cited The Netherlands. I believe the policy is relatively recent, but The Netherlands says the military does not discriminate on the basis of sexual orientation.

In Belgium, for example, no discrimination against homosexuals in the military, but gays will be rejected when they show, "a sexual perversion or when they pose a problem for the people around them or for themselves." I am not sure exactly what that means, but I think that when we look at Russia, for example, or Italy or Germany, we at least ought to proceed with some degree of caution before we say that because other Nations have, in fact, lifted the ban, we should follow suit.

I do not think that Canada, Australia—certainly not Israel—or others deploy people for 6 months at a time on board aircraft carriers or submarines. As I have indicated before, I am trying to keep completely open on this subject matter. I want to impose as rigorous an intellectual examination of this issue as I possibly can to find out whether or not the myths and the stereotypes that were erected as a barrier to blacks and other minorities over the years that were shown to be false, malicious, and really quite evil, apply here, as well.

And I intend to continue this kind of examination, but I think we have to be very careful as we go about trying to come up with the right result.

That is all I have. Thank you, Mr. Chairman.

Senator EXON. Senator Robb?

Senator ROBB. Thank you, Mr. Chairman. As I indicated earlier, I was not able to attend some of your testimony, but I do have a couple of things that I do not think have been covered, and I would like to just pose them in the context of this particular hearing.

First, let me state that I accord great significance to the question of unit cohesion. I think it is terribly important. And if we cannot find a way to solve the problem without maintaining unit cohesion, I think we have got a more serious problem than any of us clearly

want to solve this particular dilemma and have fully come to grips with yet.

But I am curious in terms of the time that this cohesion is really critical in the phase we have talked about, the combat phase, which, of course, is what we are all trained for, ultimately. And much discussion of those who re in combat. It has been my own experience that bonding takes place after a certain period of of time where there is a shared experience and a shared knowledge that each individual is relying on the other individuals in his, or I guess presumably her unit, whatever the case might be, for mutual protection, sustaining life, whatever the case may be.

I find it easier to look at from an infantry context with which am more familiar, and I think it is fair to say that everyone understands when they are in a combat environment, that their life may, in fact, depend in every other individual. And if someone does not exercise proper fire discipline, if you are working and moving at night, whatever the case may be, that a breakdown is going to occur.

Having said that, it is hard for me to envision that anyone who was a part of that kind of a bonding process would fail to uphold their commitment to their comrades in arms when the fighting or the prospect of imminent fighting does, in fact, occur. Is it fair to say that the examination that we are conducting here ought to focus on 365 days a year, in and out of the combat environment? Or should we be focusing more on the critical stage for which most military training ultimately prepares is service people in terms of when that is important.

I recognize this is something of a stream of consciousness, but it seems to me that if we are looking for unit cohesion we need to decide or we need to determine whether unit cohesion is going to be disrupted at a critical phase, i.e. when there at least is cause for imminent danger or imminent likelihood of engaging the enemy in battle.

And under those circumstances, is it really likely that regardless of background, individuals, whatever their differences might be going into that equation, are not going to bond together for the survival of the unit? And I direct that question to any of you again.

Let me just make one additional statement saying that I think all of us like to think we are fighting for the flag, we are fighting for the folks back home, we are fighting for, in the case at least of men, of their wives or sweethearts or others. But when push comes to shove, you really are fighting for the person on your right and your left in an infantry context, or if you are manning a battle station or general quarters in the Navy, whatever the case may be, you know you have to functional together. Are we looking at the right phase?

Dr. MARLOWE. Senator Robb, let me answer the question this way: We are, from my point of view, we are talking about a transition that is highly dependent upon the state of cohesion the unit is at prior to going into combat. The evidence for this is fairly overwhelming. It goes back to Stouffer's work on the American soldier, the work particularly done on Bradley's 1st Army in which the cohesiveness of units directly related, according to one of the men

who did the work, Bill Reiter, a sociologist formerly at Cornell, to the performance of those units.

In our own work, what we have seen in our debriefings from Panama and from the Gulf, in our work prior to combat in the Gulf and then after the Gulf, units, and I am here talking about squads and platoons that were not cohesive before going into combat had problems in combat that other units did not have. I can think of one unit in one of these combat actions which was driven between two factions involving an issue of favoritism.

Some people refused the orders of one of the junior leaders; there were arguments about whether or not they should take certain risks in terms of providing fire support to another unit. This can be paralleled over and over again.

Cohesion is not something magical. It does not just suddenly happen the moment the bullets come. If it was not there to begin with it is going to take a long time and some dead and mangled bodies before you get it, sir.

Senator ROBB. Dr. Korb?

Dr. KORB. I agree. You need to build it in peacetime, and to the extent you build it in peacetime you are going to be more effective in wartime. That is why we have training before we send people into battle.

Dr. HENDERSON. I agree also. A good case in point is the Israeli Army. They make a very specific point of keeping people together and they build cohesion over the years, and that is certainly reflected in their performance.

Senator ROBB. Well, my time is expired, but just one exit question, if I may. How are we handling this right now with respect to women, particularly those who were in at least a combat environment in the Gulf situation? How are we evaluating the same factors as they relate to cohesiveness in the present context?

Dr. MARLOWE. Sir, the same way, and the one thing I can say is that in looking at support and service support units in the active Army, the level of cohesion was extremely high. Women bond with men as members of the family. It is the common metaphor of the combat group, became the common metaphor of the support group. They were, in fact, probably the most stressed people in the Gulf given the work load that they had for months before the war began.

Senator ROBB. But is there any reason to believe that bonding would not occur between members of opposite gender who happen to have different sexual orientation?

Dr. MARLOWE. I do not know, sir. I know that it has occurred between members of opposite gender with different sexual orientations when they did not know about it. I think we would be in for a fairly difficult period for some time finding it out.

Senator ROBB. Thank you very much, Mr. Chairman.

Senator EXON. Thank you. Senator McCain?

Senator MCCAIN. Thank you, Mr. Chairman.

Mr. Chairman, I would ask unanimous consent that for the record that the article—so-called article which is actually a message from Commandant of the Marine Corps to members of the United States Marine Corps be made a part of the record.

Senator EXON. Without objection, that is so ordered.

[The information follows:]

**SUBJECT: HOMOSEXUALS IN THE ARMED FORCES**

1. The Commander in Chief has directed the Secretary of Defense to:

A. Remove from future versions of the induction application questions regarding sexual orientation. During the review period discussed below, these questions will not be asked.

B. Complete a review of the current Department of Defense policy that excludes homosexuals from military service and prepare a draft executive order based upon that review by July 15, 1993.

2. The conditions under which homosexuals might serve do not now, or in the future, envision public conduct or behavior that is inconsistent with the standards of good order and discipline in the Armed Forces or the standards of public behavior expected of Marines on or off duty. The strict standards on sexual behavior that exist in the military today will continue, and as in the past, all individuals who enter the military must be prepared to accept necessary restrictions on behavior many of which would be intolerable in civilian society.

3. Subsequent guidance will address necessary administrative details. In the meantime, I want each of you to reflect on the following:

A. Our Corps is a national treasure and there is no other institution like it in the world. Nowhere else is there a gathering of people with as common a calling, as purposeful a dedication, or as selfless a focus as Marines. We take ordinary people from diverse walks of life and imbue them with the pride, the spirit, the camaraderie and the will to be Marines.

B. The greatest contribution our Corps has made to this Nation, or will ever make, is not that we win wars, but that we make Marines. We are made up not of individuals who seek self-identity, but of selfless men and women who place country and Corps ahead of self; men and women who exhibit a singular allegiance to the standards of our Corps and to their fellow Marines, the sailors who serve with and the civilians who support us—whatever their privately held preferences or belief may be.

C. Personal conduct and respect for human dignity are not new concepts; they have been and will continue to be core values of our Corps. We treat all Marines with firmness, fairness, and dignity. We treat them as Marines; nothing more, nothing less.

4. Let me state also that it is not characteristic of Marines to quit their posts, either under fire or when things are not to their liking. Those of you whose pride in the Corps, sense of duty, honor and personal moral values run so deep are exactly the ones needed to remain on watch to provide a steady hand.

5. Stand tall; and remember the Corps is and will continue to be Marines; not individuals. Semper Fidelis, Marines.

GENERAL C.E. MUNDY, JR.

Senator MCCAIN. I ask that because clearly, a full reading of this message is not a statement about whether the Marine Corps could or could not adjust to the presence of homosexuals in the Marine Corps. It is an effort on the part of the Commandant of the Marine Corps to frankly bolster the morale and reassure the members of the United States Marine Corps that they will get through this crisis as they have others throughout the history of the Marine Corps.

And frankly, at the end of it where he says: "Let me state it is not characteristic of Marines to quit their post, either under fire or when things are not to their liking. Those of you whose pride in the Corps, sense of duty, honor, and personal moral values run so deep are exactly the ones needed to remain on watch to provide a steady hand." That is basically the message of the Commandant in his message, and I think it should not be construed in any other fashion.

Mr. Korb, did you say the Joint Chiefs of Staff are behaving in improper behavior for expressing their judgment on lifting the ban on homosexuals? Did you say, and I quote, it is legalized insubordination?



Dr. KORB. I said—again, Senator, your taking things—this hearing is about unit cohesion, and I would be more than happy to talk—now, if you want to go back and review statements that I have made, I give over 200 phone interviews a year. But let me explain the context. That word was used by President Eisenhower, as I tried to explain to the person who called me, that in fact that is the way he typified that behavior. Those were his terms.

Senator MCCAIN. Well, I want to ask about a statement. Could I just ask then, do you believe that the Joint Chiefs of Staff are engaging in improper behavior for expressing their judgment on lifting the ban on homosexuals?

Dr. KORB. I said that their behavior that they exhibited during this was—this type of behavior was characterized by President Eisenhower, himself a military person, as legalized insubordination.

Senator MCCAIN. I guess I could ask a third time. Do you believe the Joint Chiefs of Staff are engaging in improper behavior for expressing their judgment on lifting the ban on homosexuals in the military?

Dr. KORB. I said again, Senator, I will answer you for the third time. I said that Eisenhower would have said—described that behavior as legalized insubordination. Those were his terms, not mine.

Senator MCCAIN. Given the fact that he has departed some time ago, I guess we could make our own judgments as to how he would view this. I think President Eisenhower would believe, especially before the decision has been finally made, that the Joint Chiefs have not only a right but an obligation to state their views on policy that directly affects their ability to carry out their mission.

Dr. KORB. As a matter of fact, he said that that right which was written into the law, he described as legalized insubordination. He tried to change that law in 1958, and that is the point I was trying to make.

Senator MCCAIN. I am sorry that you will not answer whether you think the Joint Chiefs of Staff are engaging in improper behavior by expressing their judgment on this issue.

Dr. Marlowe, you and Dr. Henderson, I believe, from paying attention for several hours now, believe that we should probably pursue a policy—or a viable policy would be no questions asked when entering the military. But you also said that an expression of sexual preference, i.e., one who is homosexual or lesbian, would then be grounds for some kind of action. Is that basically what you are saying?

Dr. MARLOWE. That is basically what I am saying.

Senator MCCAIN. Well, explain this to me. If a person joins the military and does not state his or her sexual preference and announces sometime later that they are a heterosexual, there clearly is no punishment. How can we justify a punishment on the grounds of statement of one preference as opposed to another?

Dr. MARLOWE. I see your point, Senator. Again, I will go back to the answer I gave before, that this statement—my concern is that the effect of that statement on the small group that the individual is working with and is a part of. I will also go back to what I said several hours ago. I do not understand what role the public asser-

tion of gender preference has in terms of being a soldier, a sailor, or a Marine.

Senator MCCAIN. Let me play the devil's advocate here for a second. A young man might like to say I prefer the company of women or a woman might say I prefer the company of men. Maybe a young person who is male would say I prefer the company of males. Do you see? I think it is a bit of a dilemma here as to we would allow one to state their sexual preference if they are a heterosexual but not if they are not.

Dr. MARLOWE. I think, Senator, it is a dilemma. It is not an easy issue. But it is an issue that is fraught with many consequences. I am personally, and I underline personally, opposed to punishing individuals for status rather than behavior. I am deeply concerned about the effects of a range of behaviors on the capacity of the military to perform its mission and on the consequences that can come out of injuring that capacity.

Senator MCCAIN. I share that view. My point is, though, that we are going to have to recommend specific policies. And I am very appreciative of the testimony here this morning and I think it has been very helpful to the entire committee, but I think you also understand that we have to understand the ramifications of those policies. And in this one, I am not sure how we get through it, if that were a policy that were adopted.

Dr. MARLOWE. If I could have 1 minute, let me give you an example, having spent some time in the Gulf. Six guys sleeping on top of each other in a fighting position in the sand, a thousand people sleeping in a warehouse with 4 to 5 inches between each cot, the profound intimacy of military life when we deploy is something that one has to see.

Within that crowding and that intimacy there arise great possibilities for hostility, there is great stress. The way it was handled in the Gulf in unit after unit is by people getting out and wrestling in the sand so that they would not have to fight with each other over the fact that they were living in each other's hip pockets 24 hours a day.

I would be concerned about the effects in a group of heterosexuals sharing the normative values we see in the United States on someone who proclaimed at that point or within that context that he was publicly homosexual. Given the nature of the intimacy, I would be concerned about his rejection by the group, his exclusion by the group, his loss of support from the group.

Senator MCCAIN. Mr. Chairman, my time has expired. I would ask your permission to have Dr. Henderson comment on that question, if possible, to finish it up. Doctor, would you have any comment on this?

Dr. HENDERSON. I would not differ much from what Dr. Marlowe said.

Senator MCCAIN. Dr. Korb?

Dr. KORB. I support that.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman NUNN. I think we are winding down now, but I am not going to cut anyone off. But I do want to give our witnesses a chance for a brief break if they would like one.

Senator COATS. Mr. Chairman, if I could just take my 5 minutes.

Chairman NUNN. Well, let me give them a brief break first. I think I am getting some distress signals here—without identifying which corner that has come from. So why do we not take a 5 minute break and we will come back. And I think we can wrap up, for your information, probably within 30 minutes. [Recess.]

Chairman NUNN. Okay. I believe we are back to Senator Exon.

Senator EXON. Mr. Chairman, thank you very much. I will try to be as brief as possible here.

First, I think this question has been asked. I just want to back up and make sure that I understand the position and recommendations of our three panel members. As I understand it, the President has said the Joint Chiefs have said there has been at least some general agreement that a lot of the decisionmakers feel that one of the things that we should do is stop asking the question about sexual preference on application forms. Do all three of you agree with that?

Dr. HENDERSON. Yes. I do not have any problem with that as far as the cohesion issue goes. What causes a problem with the cohesion issue is the open declaration.

Dr. KORB. I have no problem with that.

Dr. MARLOWE. No problem, Senator.

Senator EXON. Now, that is good. I guess one of the things I would like to say, Mr. Chairman, and I do not necessarily think the panel has to get into this unless they want to, I think there has been a lot of confused thinking and statements by an awful lot of people, including the President, on this issue. I have heard many people say oh, well, we should have gays in the military. But they should not be in combat and they should not be in this and they should not be in that.

I have heard other people say, along the same lines, that, well, maybe under certain conditions there should be some segregation. The President, at least, indicated something like that in his statement last week. I guess it seems somewhat confusing to me if you are not going to ask the question and if you are not going to identify them in the first instance, how could you, even if you decided that you should keep them out of combat, which I do not agree with, if you do not know who they are, how are you going to keep them out of combat?

Dr. HENDERSON. That is right. It is a nonproblem as long as there is no open declaration.

Dr. KORB. I agree.

Dr. MARLOWE. I fully agree, Senator.

Senator EXON. Dr. Marlowe, if I could turn to you, how big a department of psychiatry do you have out there with regard to at Walter Reed, the number of people?

Dr. MARLOWE. Well, I am at the Institute of Research, sir. My department, I have about 12 professionals and 15 technicians and support folk and a number of students who work with us.

Senator EXON. In what percentage of your practice of treatment and consultation, whatever it is—

Dr. MARLOWE. I am not a psychiatrist.

Senator EXON. Do you have psychiatrists in your department?

Dr. MARLOWE. Yes, I do.

Senator EXON. And they work under your supervision?

Dr. MARLOWE. Yes.

Senator EXON. What percentage of the treatment, consultation, and so forth, at Walter Reed with regard to psychiatric problems have involved directly or indirectly homosexual activity or alleged problems with homosexual activity?

Dr. MARLOWE. I cannot answer that question, Senator. That is Walter Reed Hospital. The Institute of Research is a separate institution. We are basically the Army's central medical research institute. People who work for me do not have clinical responsibilities. It is purely research organization.

Senator EXON. It is purely research organization, therefore you cannot answer the question?

Dr. MARLOWE. I cannot answer the question. You would have to ask either General Blank, the commander of Walter Reed Hospital or someone at the Department of Psychiatry. We belong to another part of the Army, sir.

Senator EXON. Well, thank you. I think that is one of the issues we should be getting into, just how big a problem we have and what are the pros and cons of this issue, but I appreciate your position and I understand.

I have no further questions, Mr. Chairman. I thank the Chair.

Chairman NUNN. Thank you, Senator Exon. Senator Coats?

Senator COATS. Mr. Chairman, I would just like to briefly follow up on a question just before the break. It was a description by Dr. Marlowe of the profound intimacy of living together on deployment. You described situations that occurred in the Gulf during the Gulf war. I believe you said you would be very concerned about the stress, the reaction of soldiers, and so forth, if those who were openly declaring their homosexuality were allowed into that situation. Did I characterize that correctly?

Dr. MARLOWE. Yes, you have, Senator.

Senator COATS. Dr. Henderson, you agreed with that?

Dr. HENDERSON. Yes.

Senator COATS. Dr. Korb, you agreed with that?

Dr. KORB. No. If I did, I did not understand the question because it had taken so long to get to it because I was in a colloquy with Senator McCain at the time I was still thinking about it. If I did or it appeared that I did, then I do not.

Senator COATS. I thought quite clearly you agreed. You do not?

Dr. KORB. That is right.

Senator COATS. You do not agree, either with Dr. Marlowe or Dr. Henderson, that the type of situation that Dr. Marlowe described would lead to additional stress or additional tension?

Dr. KORB. I think it is a problem that could be handled. I mean, I have seen people in pressure situations, both in and out of the military, get up and say all kinds of bizarre things.

Senator COATS. You do not agree?

Dr. KORB. No.

Senator COATS. A number of questions have come up today relative to the relationship between racial discrimination and sexual orientation. Senator Kennedy, in particular, pursued that line. General Powell addressed that directly in a letter that has been pretty well published. I want to just quote a couple of times from it here.

General Powell explains that he obviously, as leading officer in our military and being African American, is well aware of the attempts to draw those parallels. In fact, he reminded the person he wrote the letter to, that he did not need any reminders of the difficulties of moving up in a system being black. But he also said, "Skin color is a benign nonbehavioral characteristic, while sexual orientation is perhaps the most profound of human behavioral characteristics." Do all of you agree with that statement, that skin color is a benign nonbehavioral characteristic and sexual orientation, in general, assuming there are exceptions, is behavioral? Dr. Marlowe?

Dr. MARLOWE. I would agree, Senator.

Dr. HENDERSON. I would generally agree with that.

Senator COATS. Dr. Korb?

Dr. KORB. No, I agree with the first part. The second part, I think the research shows that sexual orientation is not a chosen behavior.

Senator COATS. That would not make any difference, would it? The manifestation of it would still be behavioral, whether they were born with it.

Dr. KORB. Well, if we are talking about sexual orientation, I think we have to make the distinction between orientation and behavior.

Senator COATS. You think that because someone says they are a homosexual or declares they are a homosexual, that that does not imply that by very definition, an interest in someone in the same sex?

Dr. KORB. Well, I guess we could be splitting hairs, but if people say I engage in homosexual behavior as opposed to saying I am, or if you were asked what is your orientation—

Senator COATS. When they are asked their sexual orientation, if you did not engage in the behavior, would you not declare yourself asexual or celibate?

Dr. KORB. Well, I do not know if you are given those choices when you are asked whether you are homosexual or heterosexual. I do not think they have celibacy as an option. I think you are asked your orientation.

Senator COATS. But my question goes to behavior. I guess you just disagree.

Dr. KORB. Well, again, if you phrase it correctly, I mean, I think all I am saying is I think we have to define our terms because I think that what it is, it becomes a loaded question. Because if you say well, then, you know, this is a behavioral thing, then we are into regulating behavior, and that is what we are talking about.

Senator COATS. My question is whether or not you agree with General Powell.

Dr. KORB. I do not know what he means by the second part. I agree with the first part. I am not quite sure what he means by the second part. I would have to see more elaboration on it.

Senator COATS. I could just finish up by following up on where I was in the first round of questions, Dr. Marlowe indicated that sexual tensions in the small unit could destroy the cohesion of that unit. Dr. Henderson basically agreed, and indicated that one of the primary reasons why we separate men from women, in that small

unit, when they are deployed, or in their close living confinements, is sexual tension. There may be other reasons, but that is the primary reason. I think there is agreement with that statement.

This is not to make a judgment on any one particular person. There may be someone there that has extraordinary self control or perhaps does not express that sexual interest. In general, I would hope we would acknowledge that men and women living in close intimate, profound intimate situations, would encounter a sexual dimension.

It seems to me, and I know, Dr. Korb, you do not agree here, but it seems by definition, at least by Webster's definition and every psychiatrist, psychologist opinion, and writer definition that I have ever read, that, by definition, a homosexual is someone interested in someone who has a sexual desire or interest in someone of the same sex. Again, there may be individual exceptions, but we are talking in general here. We are talking about policies that affect 1.8 million men and women in uniform.

My question is do we not run the same risk of injecting sexual tension into the small unit and therefore destroying the cohesiveness of that unit, if we allow individuals to openly declare their homosexual preference? Do we not run that same risk if we put men and women together, confining them in profound, intimate living situations? Dr. Marlowe?

Dr. MARLOWE. I think we run a risk. I think we run a risk in any situation if there is going to be any open declaration of sexual intent, if you will, within the situation.

Senator COATS. Dr. Korb?

Dr. KORB. I think you have got to talk about how that person declares their sexual preference. If the individual is not asked when he or she comes in and they have been serving in the unit for a while and they become—

Senator COATS. My question is whether or not it is declared.

Dr. KORB. That is what I am saying. It depends upon whether they declare that and what people know about them at the particular time.

Senator COATS. It would make a difference if they declared it, depending upon where they were in the spectrum of time and circumstance?

Dr. KORB. And how long they had been in the unit, whether they had been under fire, whether they have lead people through battle, whether they have lived in the situations you have been describing and had not caused any problems.

Senator COATS. Dr. Henderson?

Dr. HENDERSON. Yes, I agree. I think there definitely would be a risk.

Senator COATS. Thank you, Mr. Chairman.

Chairman NUNN. Thank you, Senator Coats.

Dr. Korb, you have mentioned two or three times people are born with this and it is genetics and so forth. I would like for, if you would, to give us your sources. Not now, but if you could furnish them for the record on that, because all of our testimony thus far, and we have just gotten started, is just the opposite of that.

We have had Dr. Burrelli testify, Library of Congress, and that was one of the questions we asked him. And he did directly address

that. He says, quoting him, scientific attempts to ascertain the origin of homosexuality have to date proven inconclusive and no generally agreed causality has been determined, end quote.

He goes on to say: Nevertheless, assertions of a link between genetics and sexuality have been made and the argument pressed that homosexuals represent a class meriting protection under the law or that homosexuality is an immutable characteristic comparable to race. For example, these arguments are sometimes made in the pursuit of legal protection as a statutorily recognized minority. Since these arguments are based on scientifically disputed theses, the courts have been generally unwilling to grant special protection to homosexuals, end quote.

I mean, that is the subject of another hearing, I am sure, but I would like if you would give us your sources on that because that is in dispute. Maybe Dr. Marlowe would like to just give us his opinion.

Dr. MARLOWE. Let me say two things. I thought that was an excellent review article in The Atlantic the other month which comes to the same conclusion, inconclusive and not proven.

As an anthropologist, I have to query biological determinism because of the number of human cultures in which homosexual experience was universal for all males growing up within the culture, ranging from classical Greece to many societies in Southeastern Asia, Oceania, and Africa, in which periods and life-cycle developmental cycle of the individual involved regularized homosexual relationships as part of the cultural expectation of behavior.

And so I think one has to counterpoise that to biological determinism, particularly as a number of these cultures changed over time and homosexuality went out or went in within them.

Chairman NUNN. Do you agree, then, with Dr. Burrelli's testimony that it is inconclusive?

Dr. MARLOWE. It is inconclusive. It is not proven, sir.

Chairman NUNN. Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

There was a TV program the other night, Nurture or Nature, I believe was the title of it, and I watched it thinking I was going to get a definitive answer. But I did not know any more about it when it finished than I did when it started.

Is there going to be a major impact, do you think, on unit cohesion when homosexual orientation is openly declared as opposed to when it remains a private matter, even though it be known or suspected? Dr. Korb, what do you think?

Dr. KORB. Well, again, I think it depends upon when it is declared and how well the people know the other person in the unit. I think if you came back from a 6-month deployment or you came back from the Persian Gulf where you won the silver star and you let people know, I think that would be different than somebody who would declare it at the beginning of boot camp, for example.

Senator GLENN. Dr. Marlowe?

Dr. MARLOWE. I think Dr. Korb has just had the same argument I have made. And I think this is the difference between public proclamation to begin with.

It will depend on the group, the relationship of the individual with the group, the experiences they have had, the intimacy that

he feels with other members of the group, that will determine whether or not they accept that statement.

I think there is a massive difference between that and coming in, having stamped on your 201 file, your military personnel file, homosexual.

Senator GLENN. Well, I think everybody would probably agree that if this goes ahead that the acceptance of openly gay men and lesbians in the military would require a major change in the attitude of most military personnel, or many of them, at least. I think that would be a fair statement.

And I do not think you can just put out a proclamation to change attitudes, so I am concerned a little bit about how we go about changing some of these attitudes, and I am not sure how you go about that.

Dr. Korb, how do you do this? How would you implement a policy to remove the ban on openly homosexual personnel serving without prejudicing good order and discipline?

Dr. KORB. I think that is way we created the Defense Equal Opportunity Management Institute to deal with problems of unit cohesion caused by racial and gender problems. And I think you would want to learn from them how to go about helping people to understand the ramifications of this policy and to think through the reasons that they have the attitudes that they do.

Senator GLENN. Well, how far do you think this goes? If this goes through—I do not think you just leave it up to local commanders. There has to be something that is put out that applies military-wide, DOD-wide for everybody.

Has anyone addressed the idea of housing, and of issues such as the survivor benefits and insurance? You know, we have some communities around the country now that are now, in effect, recognizing gay marriages—or they are not called marriages, but significant others. And they take their vows to each other and it is recognized, at least to some extent, as having some degree of legality, anyway, for certain purposes, whether it is in the municipal retirement system, or whatever it is.

So that is something that is spreading. Now I think we have to think this through a little. Would you carry this through to where a gay or lesbian couple would have rights to base housing and the survivor benefit plan and all the others? In other words, would they be treated just the same as a married couple on a base?

Dr. KORB. I think Senator Nunn addressed that before. And my feeling—

Senator GLENN. I am sorry I was not here.

Dr. KORB. —would be that the military must do what society does. And, if in fact, they decided not to do this, this would be a question for the courts to decide.

Senator GLENN. Dr. Henderson, in your book, *Cohesion and the Human Element in Combat*, published in 1985, and you compare the cohesion of North Vietnamese, US, Soviet and Israel armies and concluded that our US Army was the least cohesive, I believe, of those ones that you had reviewed. And I will not go into that in detail.



But are you aware of the results of any substantive studies that have been done on the subject of unit cohesion in the other services, too, Navy, Marine, Air Force?

Dr. HENDERSON. Two parts to the answer. First of all, the book was published in 1985, but it was really written in 1982 and was based largely on the Army that came out of the late seventies, early eighties, recovered from Vietnam where we certainly did have cohesion problems. And the book reflects that. It is different than today's Army.

Most of the cohesion research has been done by the US Army, although I can tell you from extensive interviews with fighter pilots and Navy sailors and so on, cohesion is alive and well aboard ships and fighter squadrons, for instance, although they have not studied it as much as the Army has.

Senator GLENN. My main experience was with the Marine Corps, of course, and I know that in Marine boot camp cohesion is built from the ground up, the common experience and so on, as we have talked about earlier today.

Dr. Henderson, you indicated in your book that, and I quote, "high recruit pay, permanent pass policies, liberal release policies, turbulent social affiliation with outside groups living off post, cost-effective barracks and messes, many other factors identified earlier in this study, all work to ensure that the small US unit remains a fragmented group unable to coalesce around its leaders to produce a cohesive unit."

What happened in Desert Storm when we supposedly had great cohesion? Did the units have a 6-month grace period after we decided to go over there to get the outfit together?

Dr. HENDERSON. As a matter of fact, the 6 months that those units were over there were a major factor in the increasing cohesion in those units. We find also, for instance, that the units in Korea that are over there, they are isolated and live on posts, living in barracks, living under almost 24-hour leadership of their junior leaders, have greater cohesion than units that are fragmented amongst the American community back here in the States.

So that definitely does have an impact on cohesion.

Dr. KORB. Senator Glenn, if I might comment on that, I think that refers to the point I made in my testimony. There were those that thought, given the things that you mentioned from Colonel Henderson's research, that an AVF never could get that cohesion.

You had more married people, for example, and all of the other things that you talked about. And while I certainly would not argue that the build-up period before the war started had no impact, I think it goes to show that you can take a group with all of those, if you will, intervening variables and make them very cohesive.

Dr. MARLOWE. If I may, Senator Glenn, from 1982 on and because we were engaged in assessing and analyzing of it, the Army instituted a large series of programs to build cohesive units. There were massive changes in leadership training and massive changes in the way in which we handled and dealt with troops.

The desert period was a very, very important one. But what we saw in Desert Shield, Desert Storm, was the end point of 10 years almost of rebuilding the Army.

Senator GLENN. My time is up. I was not here for the whole hearing this morning, but I have a little final statement here. The key to this whole thing to me is what happens in that first 10, 11 weeks that people are in the service.

I think that is where they are more indoctrinated than any other time. You get beyond that point, a lot of troops go off into supply duty and logistics, and they go off into all sorts of other jobs where this business of cohesion is not nearly as important. But in the combat units, you have to put increased reliance on boot camp or recruit training, on a commonality of experience that says that every person coming in is liable for combat, and that you need to build that unit cohesion.

It has always been amazing to me how these young people come out of boot camp after 10 weeks or so, and they have changed from fuzzy haired civilians with their whole schmear of civilian appurtenances that they hold dear these days. You put them through boot camp indoctrination, and you shave their heads, and you take their civvies and send them home or burn them—probably most of them are better off burned—and then you take them down by DI's yelling in their faces and forcing them to crawl through the mud and forging a commonality of experience. And in that way you gradually start building loyalty to that squad.

And that is the basic question. Whether if you put a homosexual in the middle of that squad, you would get the same kind of cohesive feeling where each person that goes through that process winds up at the end of that time feeling more loyalty to that squad, and more loyalty to his buddies, than he is concerned about getting hurt himself. That is an amazing transformation in a short period of time.

Whether an open homosexual would adversely affect that kind of bonding going on, I guess that is the bottom line of our inquiry here.

Thank you much. My time is up. Thank you, Mr. Chairman.

Chairman NUNN. Senator Glenn, some of the shaved heads never recover. Right? [Laughter.]

Senator Levin?

Senator LEVIN. Mr. Chairman, there are some differences, I think, between race, sex, ethnic origin, religion, sexual orientation. But what we are talking about today is where --we are talking about the impact of any of those, particularly homosexuality, on cohesion.

And there, it seems to me, a lot of the questions become the same. Will we tolerate an impact on unit cohesion? If the source of that impact is race, the answer now is no. If the answer is gender, the answer is now no.

In other words, we are not going to allow anyone, if there were an all-white unit, to say, "we do not want any blacks in our unit; it is going to affect our cohesion." We simply say, "that is too bad. Whether it affects your cohesion or not, whether you think it affects your cohesion or not, it is too bad."

We have adopted a standard—we are not going to let it affect your cohesion. We are going to give the capability to our commanders, and we are going to say, we are not going to tolerate that situ-

ation and we are not going to prevent someone from serving because of their race.

The same thing, I think, is true with religion. The same thing now is true with gender and the question is whether we are now going to do that relative to sexual orientation.

And I am reminded in this regard of—and I think it is fair here to quote the reaction of some of the military leaders when it was proposed that it integrate racially, the services.

The Secretary of the Navy said, in December of 1941—and this goes directly to the cohesion question, putting aside the source—“the close and intimate conditions of life aboard ship, the necessity for the highest possible degree of unity and esprit de corps, the requirement of morale, all these demand that nothing be done which may adversely affect the situation. Past experience has shown irrefutably that the enlistment of Negroes other than for mess attendance leads to disruptive and undermining conditions.”

Now, that is what was said by the Secretary of the Navy in 1941. And finally the President of the United States said, whether it does or does not, you are going to live with it. That may affect unit cohesion or not in the short term. We, as a country, are not going to allow that to dissuade us from our course.

That was a decision that was made by the Commander in Chief. And in that regard, it is relevant to look at arguments which were made relative to race. Unless there is a rational basis, unless there is a rational basis here for the antipathy among our troops to homosexuals, and that becomes the issue. Is that a rationale basis or not?

Now, all of you say, as I understand it, that you would allow homosexuals to serve if they keep it to themselves. Is that fair, Dr. Marlowe?

Dr. MARLOWE. Yes, it is.

Senator LEVIN. Dr. Korb, do you say that and Dr. Henderson, you say that?

To put it another way, the current ban on homosexuals serving, you would modify to read that only homosexuals who acknowledged their homosexuality should be banned. Is that accurate, Dr. Marlowe?

Dr. MARLOWE. Publicly presented within the military context.

Senator LEVIN. Right. Who acknowledge in the military context that they are homosexual. Those are the only ones who should be banned. Other homosexuals should not be banned.

Dr. MARLOWE. That is fair, sir.

Senator LEVIN. I want to ask you because your position is different. Dr. Henderson, is that your position?

Dr. HENDERSON. You know, by the use of the word acknowledge, you are implying that somebody is going to ask them about it and they are going to say, yes. Well, I do not agree with that.

Senator LEVIN. Okay. You would use the word state?

Dr. HENDERSON. I would say that if a homosexual comes in and asserts, in a very public manner, that he is homosexual and that is his lifestyle and that is what he is going to be, then that is the problem.

Senator LEVIN. Okay. Let me put it in your terms, then. For the homosexual who does not, on his own initiative, assert his that he is a homosexual, you would permit homosexuals to serve?

Dr. HENDERSON. Yes, as I said before.

Senator LEVIN. Now that is a change to the current law. Not just a change as to whether we ask the question. I think you both have to realize the current law is that homosexuals cannot serve.

Dr. HENDERSON. I thought there was some sort of compromise worked out between the administration—

Senator LEVIN. No, the compromise is, the question is not going to be asked. There is no change to the current law.

Dr. HENDERSON. Well, basically, I am in favor of the current compromise.

Senator LEVIN. There is no current compromise. Are you in favor—I just asked you a minute ago, do you believe that someone who does not openly assert his homosexuality should be allowed to serve? And I thought your answer was yes.

Dr. HENDERSON. If I am reading you correctly, your saying that if somebody keeps it private, should they be able to serve? And I say yes.

Senator LEVIN. Okay. I am just saying that that is a change to the current law.

Chairman NUNN. That is the interim policy, Senator Levin.

Senator LEVIN. That is the interim policy, but it is not the—

Chairman NUNN. Well, the law does not govern this anyway. It is the regulations.

Senator LEVIN. Well, it is a change to the regulations. Because the current regulations prohibit homosexuals from serving.

Chairman NUNN. That has been circumvented by the President's new directive, though, which supersedes those regulations.

Senator LEVIN. The regulation is that that person will—cannot serve if that person asserts his homosexuality. I am talking about the regulations.

Well, let me get back—I just want to make sure we understand each other. You are suggesting that the current ban on homosexuals serving in the regs should be lifted for those who keep their homosexuality private?

Dr. HENDERSON. In terms of the issue before this committee today and in cohesion, I do not see a problem for cohesion issues under that—

Senator LEVIN. Now let us get to the question you got to, Dr. Marlowe and I asked the other day. You have a commanding officer now who asks the question, are you a homosexual? If the answer to that question is yes, would you allow that person to serve?

Dr. MARLOWE. Two things, Senator. First, under the interim policy, the commanding officer would not ask the question. The question would be asked only if some issue of behavior had come up.

I think my answer would be, if this is a private conversation between the commanding officer and the soldier and not a public assertion on the part of the soldier to his group, which may not want to hear this assertion, I would not have a problem with the soldier continuing to serve.

Under the present guidance, however, the commanding officer would not ask that question and the question would not come up

if the soldier did not get into some kind of public issue, equivalent to a DUI or what have you, involving his or her—

Senator LEVIN. Assume there was a discussion in the barracks and the soldier says, I think—defends the rights of homosexuals. And everybody else says they should not be here. We do not want them here.

And that one soldier says, I am going to defend the rights of homosexuals. I think we ought to allow people in the Army to openly assert their homosexuality.

Now the commander takes that person aside and says, are you a homosexual? And the person answers, yes. Would you allow that person to serve?

Dr. MARLOWE. Would I allow that person to serve? The person has not publicly asserted to his people, his friends, that he is a homosexual. You know, my first question is why is the commanding officer taking him aside? This issue was being argued in barracks.

Senator LEVIN. He wants to maintain the morale of the unit. Whatever the reason is—

Dr. MARLOWE. This issue is being argued in—

Senator LEVIN. Would you allow the question to be asked?

Dr. MARLOWE. I would not allow the question to be asked.

Senator LEVIN. So that we then ought to have a new regulation which then prohibits questions of persons asked of their homosexuality except under certain conditions.

Dr. MARLOWE. Right.

Senator LEVIN. Do you agree with that, Dr. Henderson?

Dr. HENDERSON. Yes.

Senator LEVIN. Both of you then would agree that is part of any new policy? A policy you would agree with is that we have to prohibit CO's from asking the question, except under certain conditions.

Dr. HENDERSON. Yes. I think what you are getting at this time is a legal regulation sort of—

Senator LEVIN. In terms of morale. I am only taking about terms of cohesion.

Dr. HENDERSON. Okay. Well, you know, my judgment criteria is the effect on unit performance and cohesion, as we are all talking about today. And every situation you bring up, you have to judge in that context.

Senator LEVIN. All right. If I can ask one more question. My time has expired, so I do not know.

Chairman NUNN. Go ahead.

Senator LEVIN. Do you believe, let me start perhaps with Dr. Marlowe, do you believe a large amount of antipathy among the troops against homosexuals serving is based on rational grounds of the likelihood of homosexual behavior or is based on prejudice?

Dr. MARLOWE. I believe a significant part of it is based on prejudice.

Senator LEVIN. And the last question I have is of Dr. Henderson. Dr. Henderson, do you agree with that?

Dr. HENDERSON. No.

Senator LEVIN. Okay.

Dr. HENDERSON. A large part of it is based on basic socialization, you know. Kids 18, 19, 20 years old, raised in the mid-west, they

are raised with certain values. I do not take the position I can normatively say their values are right or wrong.

Also, we found out in cohesion studies, for instance in Korea, the fighter studies done by Humro, that what causes young men like that to behave the way they do is this intense masculinity that comes out in a cohesive unit. They are young men, they are exploring their masculinity, they get macho. That is I would not say prejudice. I would just say that is a characteristic of being that old and doing what they are doing.

Senator LEVIN. My last question then would be whether or not—and Dr. Henderson, let me ask you this question.

Do you believe that if military leadership is committed to making a policy mandated by the Commander in Chief work in this area that that military leadership can make it work?

Dr. HENDERSON. Could you restate that again?

Senator LEVIN. Do you believe if the Commander in Chief decides to lift the ban on homosexuals and to allow somebody who states that they are homosexual to serve—we are not getting to any conduct other than that—do you believe if that is the decision of the Commander in Chief and assuming it is not reversed by the Congress that the military leadership of our country could make that policy work? Are they capable of making that policy work if that ends up being the policy?

Dr. HENDERSON. And the policy would be implemented. But let me point out that there would be, I am convinced, degradation of military effectiveness, unit effectiveness. And we would have to live with that reduced readiness.

Senator LEVIN. Do you think that would be true long-term, too?

Dr. HENDERSON. You talk about race. You talk about this particular issue. I think this issue is much more intractable than any issue we faced before.

Senator LEVIN. It's more intractable than race?

Dr. HENDERSON. More intractable.

Senator LEVIN. Than race, in your opinion?

Dr. HENDERSON. Than race. It is a bigger problem. The magnitude is much larger.

Senator LEVIN. Thank you.

Chairman NUNN. Thank you, Senator Levin. Senator Levin, on that line of questioning, which I think is very interesting, about if someone does not assert they are gay or lesbian, but for whatever reason a commanding officer or sergeant of someone asked them if they were gay or lesbian?

As I understand it, that is not being done under the interim policy, as Dr. Marlowe basically said. But that is a good question and it has got to be addressed. It has got to be addressed.

But I would also submit that if you change and you say status is all right, you can announce you are gay or lesbian, but we go to a behavior standard, whatever that behavior is, you have got the same question. Because unless someone says you are going to change the Uniform Code of Military Justice, the same commander that asked that question when status was not permitted could ask the same question about conduct.

Now Dr. Korb says that off base conduct he would exclude. I do not know that many people are going to agree with that, because

that has tremendous ramifications. But that is another subject, off base conduct.

My point is that even if you go to a status permitted situation, you still can have the question posed, do you engage in homosexual activities? And even if status is permitted and that question comes back affirmative, then that is a violation, an admission of a violation of the Uniform Code of Military Justice and basically would defy, I suppose, anyone's behavior standard that has testified thus far.

Senator LEVIN. Except that was not my question. Whether you engage in prohibited—

Chairman NUNN. I know it was not your question. My question was—

Senator LEVIN. My question was, are you a homosexual?

Chairman NUNN. I know it. That is the status. But what I am saying is that you have got a good question. And that one has got to be answered on the status basis, even under the interim policy. That has got to be answered as to whether we permit those questions to be asked.

But, I am just saying, if you go to a status permitted situation, where status is no longer a bar, then you still have got that same kind of scenario taken one step further on conduct.

Senator LEVIN. That is also true with adultery.

Chairman NUNN. That is true on any violation of the Uniform Code of Military Justice.

Senator LEVIN. It is the same question.

Chairman NUNN. Exactly.

Senator LEVIN. I agree with that.

Chairman NUNN. I am not disagreeing with you, I am just saying that the question you posed is not going to end if the President moves toward a status—

Senator LEVIN. But the question when you go beyond it is no different from the question you now ask, whether or not somebody commits a crime.

Chairman NUNN. And they can.

Senator LEVIN. And they can.

Chairman NUNN. And they can.

Senator LEVIN. Did you drive drunk the other night? And I guess you can ask that question.

Chairman NUNN. Well, that is what I am saying. If we go to a status permitted situation and people can announce, I am gay or lesbian, then we have then the situation, can a commanding officer ask whether you engage in that activity?

Senator LEVIN. And the same thing with heterosexual activity. Did you engage in an assault on a person of the opposite sex? That is the same question.

Chairman NUNN. And they do. I am just saying that you have not solved the problem by going to status. You have not solved the problem. The problem is, if a commanding officer wants to pose the question for the purpose of disciplining someone and kicking him out, even if you permit status, you still have that ability to do that unless we change the code and say, you will not ask any questions about any violation of the Uniform Code of Military Justice, which would basically wreck the—

Senator LEVIN. No. You have got to keep the same principle we have now. You can ask any question about any illegal conduct.

Chairman NUNN. Well, I am just saying, the problem is not going to be solved against someone and the commanding officer if you move to status. You still are going to have a tremendous host of problems out there. I am not arguing with you. I am just making that observation.

Senator LEVIN. Mr. Chairman, could I comment on one thing you said, though. I do not think they have changed the rule about a commanding officer can ask. I may be wrong on that.

Chairman NUNN. Well, they have barred anything that would resemble witch hunts. And that is someone's own interpretation of what that is.

Senator LEVIN. My understanding—

Chairman NUNN. I think there is an understanding with the Joint Chiefs now that the questions are really basically not going to be asked.

Dr. Marlowe, I think, is—

Senator LEVIN. I do not mind—what they have done is that you cannot ask somebody on enlistment. Have they gone beyond that and said, CO's now cannot ask questions about homosexuals?

Chairman NUNN. Not by directive. Not by directive.

Dr. MARLOWE. My understanding which comes from the New York Times is no.

Senator LEVIN. There is a directive that the question not be asked by a CO?

Chairman NUNN. No, there is no directive.

Dr. MARLOWE. I have no knowledge.

Senator LEVIN. In this rare case, the New York Times is wrong. [Laughter.]

Chairman NUNN. I do not think there is a directive. I think it is more of an understanding.

Senator LEVIN. Thank you, Mr. Chairman.

Chairman NUNN. Let me ask one final question, Dr. Marlowe. You mentioned that basically there was a great deal of prejudice involved in this area. Right?

Dr. MARLOWE. Yes, sir.

Chairman NUNN. Let me ask this question. Would someone on a rational basis in a barracks or in a military situation, have also a rational basis to believe that if someone announced their sexual orientation, that they might act on that sexual orientation, that there was a likelihood of acting on it? Is that prejudice or is that a rational reason?

Dr. MARLOWE. I think it is a combination of both, Senator, both prejudice but rational expectation given the kinds of things most people in this country are brought up thinking about almost all sexual behavior and all proclamations, particularly of homosexuality within an all male group.

Chairman NUNN. Right, right.

Senator LEVIN. In that regard, could I jump in? Is it also not true then that if a person who is homosexual did not announce their homosexuality, that there is a rational basis to believe that that unannounced homosexual might act on his homosexuality?



Dr. MARLOWE. There is no rational basis for anyone who does not now.

Senator LEVIN. But is there a rational basis to believe that an unannounced homosexual might act on—

Dr. MARLOWE. There is a rational basis to believe that any human being is capable of almost anything, Senator.

Senator LEVIN. So there is a rational basis, whether there is an announced or unannounced policy?

Dr. MARLOWE. Yes. But we have got to distinguish two things. One is the rational basis for you or I believing that any human being can act on any set of intentions.

The other is the belief of the people who live with that person as to what his or her behavioral intentions might be or what risks might be—

Senator LEVIN. And a significant part of that, you said, was prejudice?

Dr. MARLOWE. A significant part of that is prejudice. But prejudice is as great a controller of behavior as rationality. In fact, it is a greater one.

Senator LEVIN. I am afraid you are right.

Chairman NUNN. Senator Levin, you had the last question and the last word. I mean, you have had it.

Senator LEVIN. I think that is the last word.

Chairman NUNN. We have a vote up there. Dr. Henderson, Dr. Korb, Dr. Marlowe, we thank you very much. It has been a very interesting day and we appreciate you spending 5 hours now in educating us. Thank you very much.

[Whereupon, at 2:20 p.m., the committee was adjourned.]



## **POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES**

**THURSDAY, APRIL 29, 1993**

**U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC.**

### **THE EXPERIENCE IN FOREIGN COUNTRIES**

The committee met, pursuant to notice, at 9:40 a.m., in room SH-216, Hart Senate Office Building, Senator Sam Nunn (chairman) presiding.

Committee members present: Senators Nunn, Exon, Levin, Kennedy, Bingaman, Glenn, Robb, Lieberman, Thurmond, Warner, Cohen, McCain, Lott, Coats, Smith, and Kempthorne.

Committee staff members present: Arnold L. Punaro, staff director; Andrew S. Effron, general counsel; David W. Fuchs, system manager, Elizabeth I. Solomon, research assistant; Julie W. Kemp, research assistant; and Lucia M. Chavez, research assistant.

Professional staff members present: David S. Lyles, Frank Norton, and Frederick F.Y. Pang.

Minority staff members present: Richard L. Reynard, minority staff director; Romie L. Brownlee, deputy staff director for the minority; Charles S. Abell and George W. Lauffer, professional staff members.

Staff assistants present: Barbara L. Braucht, Kelli J. Corts, Camden Jones Flick, Diane E. Schratz, and Mickie Jan Wise.

Committee members' assistants present: Andrew W. Johnson, assistant to Senator Exon; Phillip A. Upschulte and Suzanne M. McKenna, assistants to Senator Glenn; Terence M. Lynch, assistant to Senator Shelby; Melvin G. Dubee, assistant to Senator Byrd; Jeremiah J. Gertler, assistant to Senator Robb; Thomas R. Parker, assistant to Senator Lieberman; Grayson F. Winterling, assistant to Senator Warner; Dale F. Gerry, assistant to Senator Cohen; Anthony H. Cordesman and Christopher J. Paul, assistants to Senator McCain; Samuel D. Adcock, assistant to Senator Lott; Pamela G.D. Sellars, assistant to Senator Coats; Thomas L. Lankford, assistant to Senator Smith; Glen Tait, assistant to Senator Kempthorne; and David S. Sullivan, assistant to Senator Faircloth.

### **OPENING STATEMENT OF SENATOR SAM NUNN, CHAIRMAN**

Chairman NUNN. The committee will come to order.

The Armed Services Committee meets this morning to continue our hearings on the Defense Department's policy with respect to the service of gay men and lesbians in our Nation's Armed Forces.

During our first two hearings on this subject last month, we had several comments and observations about the treatment of gay men and lesbians in the armed forces of other countries, particularly NATO countries. Our hearing this morning is designed to examine the experience of foreign military services in detail.

We have an impressive panel of witnesses to discuss this issue this morning. Dr. Charles Moskos is a Professor of Sociology at Northwestern University. Since his days as an Army draftee, Charlie Moskos has earned the reputation of a sociologist with mud on his boots from the amount of time he spends in the field with soldiers; I understand that he recently returned from a trip to Somalia. Over the years, Dr. Moskos has provided expert testimony and advice to this committee and to the whole Congress on a broad range of military personnel matters, including the Montgomery GI bill, as well as the National Service Program.

Dr. David Segal is a Professor of Sociology at the University of Maryland. He has served as a visiting professor of Sociology at West Point, and last year he held the S.L.A. Marshall Chair at the U.S. Army Research Institute. Dr. Segal recently attended the international academic conference in England on the policies of foreign military services with respect to the service of gay men and lesbians.

Dr. Judith Stiehm is a Professor of Political Science at Florida International University. She has written extensively on women in the military services, and she has been deeply involved in the debate over the issue of women in combat. Dr. Stiehm's primary research interest has been in the process of social change, and she has analyzed the current exclusion of gay men and lesbians from the U.S. Armed Forces.

Lt. Gen. Calvin Waller retired last year after a distinguished career of over 32 years in the U.S. Army. During his Army career, Lieutenant General Waller served with Army units in Vietnam and Korea, as well as Western Europe. In one of his last assignments before retiring, he was General Schwarzkopf's Deputy Commander in Chief during Operation Desert Shield/Desert Storm. In this capacity, he has worked closely with the armed forces of the 30 countries that contributed forces to the Allied coalition effort. Currently, General Waller is the Chief Operating Officer of RKK Limited, an environmental technology company. General Waller brings the unique perspective of having served directly with the armed forces of other nations, and we invited him here today to give us the benefit of his personal experience in that regard.

I want to welcome all of our witnesses to the committee today. Senator Thurmond and I asked each of our witnesses to discuss the current policies of foreign countries with respect to the service of gay men and lesbians in the armed forces, as well as the actual practice in these countries. And I also intend, and I am sure all of us will want to know how the witnesses believe their own experience in dealing with our military services and dealing with foreign military services and studying these subjects should be relevant to our own Armed Forces.

Before hearing from our witnesses, let me recognize the ranking minority member of the committee, Senator Thurmond, for any opening remarks that he has.

Senator THURMOND. Thank you, Mr. Chairman.

The focus of today's hearing is the policies and practices of foreign nations concerning homosexuals in their military and how these policies may influence the development of our policy.

I look forward to hearing Senator Warner's report on his meetings with officials of our European Allies. I also look forward to the testimony of our witnesses.

I think it is important to understand the policies and the practices of other countries. Their experiences may provide us some insight and lessons from which we can benefit. I will be interested to hear about any differences between official policy and actual practice. We may be able to learn from our foreign friends, but we have to make sure we learn the correct lessons.

Our military is unique. We have an all volunteer force. Ours is a high tech force which is deployed all around the world. The United States' Armed Forces are called upon to accomplish many complex missions that our friends and allies do not expect from their armed forces. The American people have high expectations from our military, and rightly so. The Armed Forces are role models in our society. Many Americans attribute their success in life to the discipline, standards, and ethics they learned during their military service.

Most of the foreign countries have conscript-based forces. Most do not deploy outside the country for long periods. Most do not ask their armed forces to perform duties ranging from peacekeeping to peacemaking to hurricane relief to domestic youth programs to participating in college and university education. Many of these countries have vastly different societal and cultural norms.

As we gather information and deliberate on how or whether our policy might change, I hope the experiences of our friends and allies will be helpful. I appreciate the expertise of our witnesses. I anticipate a careful and objective examination of the issue. For our part, we need to find the wisdom to learn the right lessons and recognize those areas where policy may be proper for a foreign government but not necessarily for the United States.

Thank you, Mr. Chairman.

Chairman NUNN. Thank you, Senator Thurmond.

Senator Warner has been keenly interested in this subject and has traveled in recent weeks to take a look at other countries and to have detailed conversation with them. So I am going to make an exception this morning and call on Senator Warner for an opening statement he would like to share on this subject before we get to our witnesses. Senator Warner.

Senator WARNER. Mr. Chairman, I thank you, and I will speak just for a very few minutes because we are anxious to hear from our panel. My report will be filed with the Committee today.

Essentially, I became quite interested in this issue because at first glance it seemed to be quite persuasive; that is, the allegations that were made by the proponents of lifting the ban. They cited this frequently as a basis for lifting it.

In brief summary, I find, after my trip and consultations with defense officials in Great Britain, France, Germany, The Netherlands, and Canada, that it does not provide a basis for lifting the ban. In

fact, the evidence that I have gathered indicates to me that we should leave the ban in place.

In brief summary, there are two Nations—Netherlands and Canada—which do not discriminate in any manner. Canada, I do not believe, can be used as example because their time for experience with this has been so brief. They are basically just getting underway with their program.

The Netherlands, however, has had this policy in effect for some period of time. It works for them. They have a very small armed force.

But throughout our discussions, the key factor was that it will work in a military organization if it works in society. If society is prepared and does, in fact, accept the openness of a professed homosexual or a lesbian, then it will work in the military.

Now, in the case of Great Britain, France, and Germany, they have conscript recruitment. As such, they are faced with the problem of discrimination at the threshold. And they, in the course of the recruiting, do not indicate in any of the written materials, so to speak, that a homosexual should not come in. But often there are interviews with the recruits in which it is strongly indicated that if they are of a persuasion to be homosexual or lesbian, they had best not come into the armed forces or find a reason to remove themselves from the recruiting process or the conscript process.

However, many do get in. Once in, if they are—as the phrase is now used—in the closet, they go ahead and pursue their careers. But if they come out of the closet, it is quickly brought to the attention of commanding officers. They are not given the ordinary equal basis for promotion, they are not given the equal basis for command and opportunities, and they are quietly shunted aside, often stationed near their homes where they can use their homes or other living facilities apart from those offered by the military. And in due course, most of them are asked to leave the military quietly, without any undignified acts associated with their departure.

That is the essence of what we learned, Mr. Chairman, and the report spells it out in greater detail.

Chairman NUNN. Thank you Senator Warner, and we will continue to work closely with you in that, and we look forward to reading your report in detail. We appreciate all the effort you put forward in looking at this matter.

Senator WARNER. I would like to add, Mr. Chairman, one footnote. In talking to the senior military officials in these countries, it is their fervent hope that this problem does not come across the ocean and visit itself on their military establishments.

Chairman NUNN. Which countries?

Senator WARNER. That was Germany, Great Britain, and France. They said we have no problem. No problem meaning when we do have a problem we are able to handle it. We equate the problem of homosexuality in the same category as alcoholism, drugs, and other difficulties that confront men and women in the Armed Forces. We treat it just the same. If it manifests itself, they receive the same treatment as does an alcoholic or drug user or a case of repeated infractions of discipline.

Chairman NUNN. Thank you, Senator Warner. We will start with Dr. Moskos and work right down the line here. Charlie, we are delighted to have back this morning.

**STATEMENT OF DR. CHARLES C. MOSKOS, PROFESSOR OF  
SOCIOLOGY, NORTHWESTERN UNIVERSITY**

Dr. MOSKOS. Thank you. It is always an honor to be here.

Chairman NUNN. You have helped us many times, and we appreciate your giving us the benefit of your research on this subject also.

Dr. MOSKOS. Well, Mr. Chairman and members of the committee, the task before you is complex and contentious, to say the least. You must balance such issues as military effectiveness, civil rights, and personal privacy. Some facets of these issues are fairly clear cut to factual analysis, but others involve subjective interpretations. And my purpose today is to share some information on how the militaries of other Western democracies address the issue of sexual orientation.

No neat and tidy lessons can be drawn from one country to another. Countries vary according to their military tradition, size of their defense establishments, strategic situation, and general culture of what is considered proper sexual behavior.

Yet, looking at the experiences of other countries may inform you on the difficult task you have undertaken. The major problem in making cross-national comparisons, as Senator Thurmond mentioned, is the difference between de jure and de facto situations. A look at official regulations and statements rarely captures the realities of how persons of different sexual orientations are treated in their respective military.

I shall first make a comment on two countries—Israel and Germany—for which I have great confidence in my observations. Second, I shall make some brief comments dealing with the particularities of several other countries based on the research of colleagues in those countries. And finally, I will close with some general remarks.

Let me add, to start my focus is on male homosexuals or gays. This is not to understate the role of lesbians but rather to avoid confusion that may arise from the different social dynamics between lesbians and straights as compared to gays and straights. Indeed, survey data collected from American soldiers by Laura Miller and myself convincingly show that support for the gay ban is significantly higher among men than it is among women. I might add, by the way, if we had an all female force we probably would not be having these hearings today. If the Committee would like to return to some of these differences between men and women I shall be happy to reply.

In late November and Early December of 1992, I visited Germany and Israel. During my stay in those countries I conducted extensive interviews with serving military members, Reservists, and social scientists who have studied the armed forces. This information given below is more accurate in detail than usually given through official public relations sources, and the information seeks to ascertain differences between de jure and de facto treatment of gays.

Let us first turn to Israel. With some exemptions, Israeli men and women are drafted at age 18. Significantly, every Israeli soldier starts his military career as a draftee private. Military service is a right of passage in Israeli society. Indeed, a person without military service is handicapped in social acceptance and career opportunities.

Israel is a society with very few open gays. No gay rights movement exists in Israel as we know it in the United States. Only in recent years have gay bars opened up in Tel Aviv, though apparently nowhere else in Israel. Open gays are treated more as objects of condescension and sometimes ridicule rather than hostility. However, in 1991 the Knesset made it illegal to discriminate against homosexuals in the workplace.

Officially, the Israeli Defense Force, or IDF, does not discriminate on the basis of homosexuality per se. Inductees are not asked if they are homosexual. A person suspected of being a homosexual is referred to a mental health officer for special psychological assessment. A declared gay is checked for personality disorders that could excuse him from service.

Most gay soldiers are assigned to what are called "open" bases; that is, bases where the majority of soldiers commute to their homes at night. These are the same kind of bases to which most women soldiers are assigned. Closed bases are those in forward areas and at higher levels of combat readiness.

Openly gay soldiers are not assigned to elite combat units nor are they assigned to intelligence work. I can categorically state that no declared gay holds a command position in a combat arm anywhere in the IDF. That any open gay holds a command position even in a support branch is unlikely, though an openly gay technician or specialist with some rank may be found here or there.

In brief, open gays in the IDF are treated much in the manner of women soldiers. That is, they usually reside in their own homes, are basically excluded from combat units, kept out of forward base areas and serve mainly in support roles. But let me stress that then proportion of known gays in the IDF where they are officially allowed is much lower than in the United States Army where gays are officially prohibited. That is an interesting paradox.

Let us turn to Germany. Germany is a society with a visible gay community resembling in some ways the situation in the United States. Unlike the United States, however, the German gay movement has not made acceptance into the military a priority issue. Likewise, feminist groups in Germany have not argued for greater participation of women in the armed forces. Gay groups in Germany, like feminist organizations, are much more hostile to the military than their counterparts in the United States.

Germany has a conscription system. About half of all German men serve in the Bundeswehr, 20 percent do civilian alternative service, and 30 percent do not serve at all. Officially, homosexuality does not exclude one from conscription. In practice, examining doctors query potential draftees as to their sexual orientation to ascertain psychological fitness. It appears that psychological unfitness is defined more broadly for a homosexual than for a heterosexual. In practice, a declared gay who does not want to serve in the military



will be exempted or do alternative civilian service. Still, some number of open gays are conscripted into the Bundeswehr.

De facto, a soldier already in the army who declares he is a homosexual and wants to leave the service will usually be discharged. But the exception to this rule pertains to contract soldiers, those who have received advanced technical training with corresponding long-term obligation. The Bundeswehr seeks to prevent a soldier cutting short such an obligation simply by declaring homosexuality.

No display of gay orientation is allowed in military areas, nor does the military acknowledge homosexuals as a definable group. Off-base behavior is not monitored.

A most significant feature of the German military system is that homosexuals cannot be promoted. The stated reason is that gays cannot command adequate respect from soldiers. This is a military regulation that has been upheld by both military and civilian courts.

The no-promotion rule means, in effect, there are no open gays in the career force of the Bundeswehr. The German armed forces foresee no change in their policy toward gays.

A brief remark about France. Another country with conscription is France. In France, recruits are not asked their sexual orientation. Under various pretexts, however, open gays are exempted from conscription. No outward manifestation of one's gay sexual orientation is allowed in the service. Off-base behavior is not monitored. French authorities and military socialists state no gay problem exists in their military. In effect, France has successfully adopted a policy of discretion: From the military side, "don't ask, don't seek," and from the gay side, "don't tell, don't flaunt."

Let us turn briefly to The Netherlands and Scandinavia. As is well known, the Scandinavian countries and Netherlands have the most liberal policies toward gays. I shall not cover these countries as my colleague David Segal will report on them.

One feature does deserve comment here, however. A gay has three options in these countries. One, be openly gay and serve in the military; two, stay in the closet and serve in the military; or three, be openly gay and leave the service. A declared homosexual, that is, has an option of being exempted from military service that is unavailable to a heterosexual. This, a double standard continues to exist, even in these liberal societies, albeit of a different sort than that found in the more restrictive societies.

Let me now make some generalizations.

First: In societies with conscription, acceptance of gays is more liberal in the conscription process than during service.

Two: In societies with conscription, the de facto treatment of gays tends to be more restrictive than the official policy.

Three: In societies with all-volunteer forces, for example, the United States and the United Kingdom, the de facto treatment of gays may be more permissive than the official policy.

Four: In military systems where gays are officially allowed, the number of open gays is surely a fraction of the actual number of gays in the armed forces, though of course we have no real data on that.

Five: Gay advocates in Europe are much less likely to make acceptance in the military a priority issue than their counterparts in the United States.

Six: Recourse to litigation occurs much less frequently in Europe than in the United States. And I really want to underscore that one.

Seven: Societies with a high likelihood of national threat—for example, Israel and Cold War Germany—or military overseas deployments—the United States, the United Kingdom, and France—tend to have more restrictive policies than societies where such likelihood is lower—namely, Netherlands and the Scandinavian countries.

A summary: Comparative analysis can shed light on some of the policy issues with regards to gays and straights in the armed forces. Due attention must be paid to both points of difference and similarity. For sure, certain lessons can be drawn from the experience with gays in the militaries of other countries. But inasmuch as the United States has the most formidable military force in the world, it could also be argued that such countries might draw lessons from the United States.

In closing, let me state that the situation of gays in Western European militaries is much more varied and more restrictive than is usually stated in the media coverage. With the exception of several small countries in Northwest Europe, there is no country in Europe, much less Israel, that American advocates of gay rights would find a suitable model.

Thank you.

[The prepared statement of Mr. Moskos follows:]

CHARLES MOSKOS, DEPARTMENT OF SOCIOLOGY, NORTHWESTERN UNIVERSITY

Mr. Chairman and members of the Armed Services Committee, the task before you is complex and contentious. You must balance such issues as military effectiveness, civil rights, and personal privacy. Some facets of these issues are subject to fairly clear-cut factual analysis; others involve more subjective interpretations. My purpose today is to share some information on how the militaries of other Western democracies address the issue of sexual orientation.

No neat and tidy lessons can be drawn from one country to another. Countries vary according to their military traditions, size of their defense establishment, strategic situation, and general culture of what is considered proper sexual behavior. Yet, looking at the experiences of other countries may inform you in the difficult task you have undertaken.

The major problem in making cross-national comparisons is the difference between de jure and de facto situations. A look at official regulations and statements rarely captures the realities of how persons of different sexual orientations are treated in their respective militaries. I shall first make comment on two countries—Israel and Germany—for which I have great confidence in my observations. Second, I shall make some brief comments dealing with particularities of several other countries based on the research of colleagues in those countries. Finally, I will close with some general remarks.

Let me add at the start that my focus is on male homosexuals or gays. This is not to understate the role of lesbians, but rather to avoid confusion that may arise from the different social dynamics between lesbians and straights as compared to gays and straights. Indeed, survey data collected from American soldiers by Laura Miller and myself convincingly show that support for the gay ban is significantly higher among men than it is among women. If the committee would like to return to some of these differences between men and women, I shall be happy to reply.

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tailed than that usually given through official public relations sources. The information seeks to ascertain differences between de jure and de facto treatment of gays.

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In brief, open gays in the IDF are treated much in the manner of women soldiers, e.g. usually reside in their home, basically excluded from combat units, kept out of forward base areas, and serve mainly in support roles. But I stress the proportion of known gays in the IDF where they are officially allowed is much lower than in the United States where gays are officially prohibited.

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De facto, a soldier already in the army who declares he is a homosexual and wants to leave the service will be discharged. The exception to this rule pertains to "contract" soldiers, i.e. those who have received advanced technical training with a corresponding long-term obligation. The Bundeswehr seeks to prevent a soldier cutting short such an obligation simply by declaring homosexuality.

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A most significant feature of the German military system is that homosexuals cannot be promoted. The stated reason is that gays cannot command adequate respect from soldiers. This is a military regulation that has been upheld by both military and civilian courts.

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tries as my colleague David Segal will report on them. One feature does deserve comment here. A gay has three options in these countries: (1) be openly gay and serve in the military, (2) stay in the closet and serve in the military, or (3) be openly gay and leave the service. A declared homosexual that is, has an option of being exempted from military service that is unavailable to a heterosexual. Thus, a double standard continues to exist even in the most liberal societies, albeit of a different sort than that found in more restrictive countries.

#### SOME GENERALIZATIONS

1. In societies with conscription, acceptance of gays is more liberal in the conscription process than during service.
2. In societies with conscription, the de facto treatment of gays tends to be more restrictive than the official policy.
3. In societies with all-volunteer forces (e.g. the USA, and the UK), the de facto treatment of gays may be more permissive than the official policy.
4. In military systems where gays are officially allowed, the number of open gays is surely a fraction of the actual number of gays in the Armed Forces.
5. Gay advocates in Europe are much less likely to make acceptance in the military a priority issue than their counterparts in the United States. (The same is true for feminists viz. women in the military.)
6. Recourse to litigation occurs much less frequently in Europe than in the United States.
7. Societies with a high likelihood of national threat (e.g. Israel, Cold-War Germany) or military overseas deployment (e.g. USA, UK, France) tend to have more restrictive policies than societies where such likelihood is lower (e.g. Netherlands, Denmark, Sweden, Norway).

*Summary.* Comparative analysis can shed light on some of some of the policy issues with regard to gays and straights in the Armed Forces. Due attention must be paid to both points of difference and similarity. For sure, certain lessons can be drawn from the experiences with gays in the militaries of other countries. Inasmuch as the United States has the most formidable military force in the world, it could also be argued that such countries may also draw lessons from the United States.

In closing let me state that the situation of gays in Western European militaries is much more varied and restrictive than is usually stated by media coverage. With the exception of several small countries in northwest Europe, there is no country in Europe, much less Israel, that American advocates of gay rights would find a suitable model.

Chairman NUNN. Thank you, Dr. Moskos. Dr. Segal.

#### STATEMENT OF DAVID R. SEGAL, PROFESSOR OF SOCIOLOGY, UNIVERSITY OF MARYLAND

Dr. SEGAL. Mr. Chairman, members of the committee, I appreciate the opportunity to appear before this committee today.

I have been asked to speak to you about what social scientists know of the experience of foreign military forces with integration on the basis of sexual orientation to assist you as you consider the direction in which American military personnel policy will move in this realm.

Neither your task nor mine is a particularly easy one. Your task has been made difficult by the level of emotion associated with the issue of sexual orientation integration on both sides of the debate. Mine is difficult because, frankly, the social science community does not have a long research tradition nor a great deal of in-depth, systematic data on the experience of foreign military forces with homosexuals in uniform.

I have studied military personnel policies for a quarter of a century, but have only within the past year been asked to focus on the issue of sexual orientation. I will do my best to share with you our state-of-the-art knowledge as I understand it based upon reviews of the research literature, consultation with social scientists who study foreign military forces, and with military officers with per-

sonnel policy responsibilities within those forces, and participation in professional conferences that deal with this issue.

The most recent of these, as the chairman noted, was in England at the beginning of this month, a conference supported by the Army Research Institute.

My goal is to add some light to the heat that has been generated. I include in my written testimony bibliographical information on the research that I cite so that you may refer to it further.

Let me begin by noting two general patterns. First, there are at least four dimensions that are important in describing sexual orientation integration in military forces. Policies regarding accession, policies regarding conditions of service, practices regarding accession, and practices regarding conditions of service.

I am suggesting that the simple bifurcation of de jure and de facto integration is not sufficient. We also have to divide it further into whether we are talking about accession or what happens later on. The position of any given Nation on each of these four dimensions may range from exclusion of homosexuals through laissez-faire to complete tolerance and support. However, in any given nation, there may be considerable differences among these four dimensions.

If I had any major surprise in beginning to look at this issue it was how great the divergence is in some cases between stated policy and actual practice.

Second, in many of the nations I will discuss, I will note that policy on sexual orientation has been regarded as being related to policies on racial or ethnic intervention and gender integration.

I do not want to prejudge the appropriateness of this linkage, but I do want to note that the United States is not the only nation in which this association has been raised.

Most nations with which I am familiar do not categorically exclude homosexuals. Some of those that in the past have excluded homosexuals have changed their policies in recent years. I know of no nation that in the past has admitted homosexuals and has recently moved to exclude them. Thus, the number of nations which exclude homosexuals from military service has been declining.

I will begin my testimony by discussing the experience of the Anglo-American nations, those most similar to us culturally. I will then discuss a number of other European nations, most of which belong to NATO, to exemplify the range of national experiences from minimal exclusion through active integration. I will conclude by identifying what seem to be the most common positions.

First, I will discuss the Anglo-American nations, the major group of nations that in recent history has been concerned with homosexuals in the military is in fact composed of the Anglo-American nations, those culturally similar to us—the United States, Great Britain, Canada, Australia, New Zealand and Northern Ireland. These nations share a more or less common cultural heritage.

Reporting on Australia and New Zealand at a conference in Baltimore organized by Professor Moskos about a year-and-a-half ago, Dr. Kathy Downs, an analyst in the Office of the Chief of Defense Staff of New Zealand reported the following. At that point the issue in Australia and New Zealand was being debated.

She reported, "Arguments challenging the exclusion of homosexuals from armed forces have been raised. These flow from changes in the parent societies of these armed forces. For example, the change between early and late Cold War periods is also the time period in which there is a significant shift in societal attitudes towards tolerance of homosexuality.

"If the relationship between social change and military response holds true, the gradual normalization of homosexuality in larger societies, which is a 1980s phenomenon, is likely to be increasingly refracted in military forces of the 1990s."

Dr. Downs was prescient. As you know, late last year, Australia set aside its exclusion. New Zealand in fact began to move toward a policy change after our presidential election, but seems to have delayed further consideration until the direction that the United States will take is clear. There may be a case of our exporting across the Pacific.

At the same conference, Col. Franklin Pinch, who holds a Ph.D. in military sociology and who at the time was the ranking behavioral scientist in the Canadian forces reported:

"The Canadian forces are preparing a defense involving homosexuality which is before the courts. While these outcomes cannot be prejudged, two points are relevant. First, the tribunal on the employment of women did not accept the argument that cohesion and morale would be impaired by the introduction of women, since it was based largely on customer preference. That is, that men would not accept women, and it is unlikely to be accepted for other issues.

"Second, the Canadian public and especially opinion leaders are generally not supportive of such exclusions. Sexual behavior that is disruptive may well supplant concerns regarding sexual orientation."

Again, the statement was prescient. Canada has set aside its exclusion as one part of a more general human rights movement. I spoke with Dr. Pinch last week. He is retired from the Canadian forces and is now doing research on the impact of their policy change.

He indicated that in the few months since the change, and I admit this is a very brief window of time to be looking at, there has been no impact of the policy change on recruitment or retention, nor have there been incidents of harassment of homosexuals. Homosexuals for their part have not made declarations of their sexual orientations.

The United Kingdom is a particularly interesting case, because I think it highlights the direction of social change, reflects the frequently found divergence between official policy and actual practice, and exemplifies a common pattern, that which I would call limited tolerance.

In terms of official policy, as Senator Warner noted, homosexuality is regarded as incompatible with military service. When most homosexual acts were decriminalized in the 1967 Sexual Offenses Act, the British military was exempted from decriminalization. That is, they were allowed to continue to prosecute for homosexuality.

In May 1991, a Parliamentary Select Committee on the Armed Forces recommended decriminalization in the armed forces as well, and in June 1992, the government accepted this recommendation. I understand they are now in transition and figuring out how to do that.

While decriminalized, homosexuality is still regarded as incompatible with military service and is grounds for denial of enlistment or instant dismissal. Thus, the official policy is still one of exclusion.

However, military personnel in general are not asked about their sexual orientations. The practice is not to act unless they call attention to themselves. Indeed, if their orientations become known but they are not openly engaged in homosexual behavior, the research suggests they might be counseled and warned against misconduct rather than discharged.

With regard to other European nations, most of our other NATO allies do not exclude homosexuals in terms of policy. The exceptions are Turkey, Greece, where homosexuality is regarded as a mental illness, and Italy, although Italy, like Great Britain, while it has exclusionary policies does not seem to be completely exclusionary in practice, and Turkey does not seem to ask about sexual orientation at entry.

Germany, by contrast, is exclusionary in practice. Germany, too, is an especially interesting case, because of its place in the research literature, because, like Great Britain, it manifests a major difference between explicit policy and practice but in the opposite direction, and because it lies at one end of the range of patterns found in Western Europe.

In practice, it is the most exclusionary country that I have studied. Both Colonel William Darryl Henderson in his statement regarding cohesion to this committee of March 31st, 1993 and Dr. David Marlowe in response to questions from members of this committee on the same date referred to research conducted by Edward Shils and Morris Janowitz on the integration of units in the Wehrmacht in World War II.

The World War II research on both the German and American armies was crucial to our current concerns with cohesion, but it tends to be selectively remembered and misinterpreted both in the policy and in the research communities.

Let me share with you a portion of the published report by Shils and Janowitz that I have never seen cited, although it would appear to be central to the current debate. They wrote, and I quote from their report: "The stability and military effectiveness of the military primary group were in large measure a function of the hard core who approximated about 10 to 15 percent of the total enlisted men. They had definite homo-erotic tendencies and accordingly placed a very high value on toughness, manly comradeship, and group solidarity."

The assertion seems to be that primary group solidarity was based in part on a latent homosexual subculture in the Wehrmacht that was assertively masculine rather than effeminate.

I introduce this observation not to argue that we should encourage homosexuality in the military in order to generate cohesion, but rather to point out that the one piece of research of which I

am aware that addresses this issue, a piece of research that has previously been brought to the attention of this committee, throws into question the assertion that homosexual tendencies will necessarily undermine unit cohesion.

Currently, Germany in principle regards homosexuals as fit for military service. However, in practice, very few homosexuals seem to serve. Unlike most nations, Germany asks conscripts and volunteers, contract servicemen, about their sexual orientations.

Talking through the process of accession with people in the personnel business in Germany, it seems to me that conscripts are in fact asked three different times in the course of in-processing.

Many homosexual young men seem to apply for alternative civilian service rather than serving conscripted military service, and Germany now, with the death of the Warsaw Pact threat and the integration of the two Germanies, is faced with enough young men that it looks for reasons, frankly, to put people into alternative civilian service rather than bring them in as conscripts, so it is very easy for them to do that.

Those who are conscripted, if they reveal their sexual orientations during in-processing, are likely to be mustered out as mentally unfit for service. They are accumulated there with people of other problematic characteristics. Germany does not keep records on how many people are identified as homosexual. By being mustered out they avoid both military service and alternative civilian service.

In terms of policy—again, policy—regular servicemen and volunteers are not rendered unfit for military service by homosexuality if they are already serving, nor can they be discharged for homosexual orientation. If they are discovered to be homosexual and have served for more than 4 years, they are not discharged before their term of service is completed.

However, in terms of practice, if their orientations become known, they will not be allowed to assume supervisory positions. They may be restricted from high security assignments. Junior officers within 3 years of commission may be discharged not on grounds of homosexuality but on grounds of unfitness for career as an officer.

Homosexuality has been decriminalized in German society, and homosexual behavior by military personnel off duty is not prosecuted. However, the German courts, both civilian and military, have affirmed the right of the Bundeswehr to prosecute soldiers for homosexual acts while on duty. Molesting a subordinate is grounds for discharge. Less serious offenses may be punished by demotion, bans on promotion, and salary cuts.

A more common pattern in Europe might be labeled *laissez faire*, or benign neglect. Spain, for example, decriminalized homosexuality in the military in 1984, making sexual orientation simply a matter of personal choice. France officially takes a similar position. Two of France's foremost military sociologists, Professor Bernard Boene, head of the sociology program at the French Military Academy, and Michel Martin, at the University of Toulouse, reported the following at Professor Moskos' 1991 conference: "As a Catholic country, France tolerated deviant behavior because the possibility of forgiveness is current. This explains why one finds great military