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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE; DONALD H.  
RUMSFELD, Secretary of Defense;  
MICHAEL W. WYNNE, Secretary,  
Department of the Air Force; and  
COLONEL MARY L. WALKER,  
Commander, 446<sup>th</sup> Aeromedical  
Evacuation Squadron, McChord AFB;

Defendants.

NO. C06-5195 RBL

DECLARATION OF PROFESSOR  
ELIZABETH KIER

I, ELIZABETH KIER, do hereby declare under penalty of perjury under the laws  
of the United States of America that the following facts are true and correct:

DECLARATION OF PROFESSOR  
ELIZABETH KIER – 1

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BADLEY  
SPELLMAN**

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1           1.     I make this statement of my own personal knowledge and my personal  
2 review of the government reports, social scientific studies, and other documents discussed  
3 herein, unless otherwise stated. If called as a witness, I could and would testify  
4 competently to the matters set forth herein.

5           2.     I am an Associate Professor of Political Science at the University of  
6 Washington. I specialize in international relations with an emphasis on international  
7 security and civil-military relations.

8           3.     I received a Ph.D. in political science from Cornell University in 1992.

9           4.     Prior to coming to the University of Washington I was an Assistant  
10 Professor of Political Science at UC Berkeley, and a Senior Fellow at the Belfer Center  
11 for Science and International Affairs at Harvard. I was also a fellow at the Center for  
12 International Security and Arms Control at Stanford; the Olin Institute for Strategic  
13 Studies at Harvard; and a Social Science Research Council (SSRC)-MacArthur Fellow in  
14 Peace and International Security. I have also received fellowships from the UC Regents,  
15 the MacArthur Foundation, SSRC-Western Europe, the Institute for the Study of World  
16 Politics, and the Council for European Studies.

17           5.     My book, Imagining War: French and British Military Doctrine Between  
18 the Wars (Princeton University Press, 1997), won the 1998 Edgar S. Furniss Award for  
19 exceptional contribution to the study of national and international security.

20           6.     My research on gays and lesbians in the military has appeared in a number  
21 of publications, including *Homosexuals in the Military -- Open Integration and Combat*

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1 *Effectiveness, International Security*, Vol. 23, No. 2 (Fall 1998). A copy of this article is  
2 attached to this declaration as Appendix A.

3 7. Based on my research as a long-time student of national defense policy, I  
4 am of the opinion that there is no rational justification for the current ban on homosexuals  
5 serving openly in the U.S. military. As detailed below, the justification offered in support  
6 of this policy is without factual foundation. Sexual orientation does not provide a rational  
7 basis upon which to exclude a person from military service.

8 8. The stated policy of the Department of Defense, on which policy the Air  
9 Force policy is founded, is set forth in 10 U.S.C. § 654. That policy rests upon the belief  
10 that “[t]he presence in the armed forces of persons who demonstrate a propensity or intent  
11 to engage in homosexual acts would create an unacceptable risk to the high standards of  
12 morale, good order and discipline, and unit cohesion that are the essence of military  
13 capability.” 10 U.S.C. § 654(a)(15).

14 9. There is no evidence supporting the Pentagon’s rationale. To the contrary,  
15 decades of social science research provides overwhelming evidence that the open  
16 integration of homosexuals in the armed forces does not hurt combat performance. Just  
17 as racial segregation degraded military effectiveness, the current policy toward  
18 homosexuals in the U.S. military degrades military efficiency. Abolishing discrimination  
19 on the basis of sexual orientation in the U.S. armed forces would advance civil rights *and*  
20 military readiness.  
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1           10.    There is substantial evidence that gays and lesbian service members  
2 perform as ably and courageously as their heterosexual counterparts. Even opponents of  
3 the open integration acknowledge that gays and lesbians are effective soldiers: discharge  
4 proceedings against homosexuals are filled with testimony about the individuals'  
5 outstanding records, dependability, and dedication to their jobs. Moreover, extensive  
6 social scientific studies show that the presence of openly gay and lesbian service members  
7 does not disrupt the performance of cohesive units or undermine a unit's morale, good  
8 order and discipline. In other words, homosexual service members are effective as  
9 individual soldiers and as members of a unit. Indeed, there is no evidence that the open  
10 integration of gays and lesbians in foreign militaries has hurt combat effectiveness.

11           11.    Several studies have analyzed the effects of lifting restrictions on gay and  
12 lesbian service in the armed forces of other countries. Each study concludes that the open  
13 integration of homosexuals has no negative effect on military effectiveness. For example,  
14 following a Canadian judicial decision prohibiting discrimination on the basis of sexual  
15 orientation in the military, gays and lesbians have served openly in the Canadian armed  
16 forces. A 2000 study concluded that this change in policy has not hurt military  
17 performance:  
18

19           CF officials, military scholars, involved non-governmental and political  
20 leaders, and gay soldiers have all concurred that the removal of the ban has  
21 had, to their knowledge, no perceivable negative effect on the military.  
The issue of gay and lesbian soldiers in the Canadian Forces has all but  
disappeared from public and internal military debates.

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1 A. Belkin and J. McNichol, *Effect of the 1992 Lifting of Restrictions on Gay and Lesbian*  
2 *Service in the Canadian Forces: Appraising the Evidence*, University of California at  
3 Santa Barbara, Publications (April, 2000) (Appendix B).

4 12. A similar study reached the same conclusion regarding the effects of  
5 Israel's 1993 decision to allow open homosexuals to serve in its armed forces:

6 In our comprehensive search for published evidence and our interviews  
7 with all known experts on homosexuality in the IDF, we were not able to  
8 find any data suggesting that Israel's decision to lift its gay ban  
undermined operational effectiveness, combat readiness, unit cohesion or  
morale.

9 A. Belkin & M. Levitt, *Homosexuality and the Israeli Defense Forces; Did Lifting the*  
10 *Gay Ban Undermine Military Performance?* Armed Forces & Society, vol. 27, No. 4, 541-  
11 566 (2001) (Appendix C).

12 13. When the European Court of Human Rights ruled that homosexuals could  
13 not be excluded from the armed forces of EU countries, there were fears that the  
14 admission of open homosexuals would cause severe problems in the British military.  
15 These fears proved groundless:

16 The first ten months of the new policy have been an unqualified success.  
17 The military's own classified, internal assessment at six months found that  
18 the new policy has "been hailed as a solid achievement" (Ministry of  
19 Defense, 2000e, p.2). There have been no indications of negative effects  
20 on recruiting levels. No mass resignations have occurred. There have  
21 been no major reported cases of gay-bashing or harassment of sexual  
minorities. There have been no major reported cases of harassment or  
inappropriate behavior by gay or lesbian soldiers. There has been no  
perceived effect on morale, unit cohesion or operational effectiveness. The  
policy change has been characterized by a "marked lack of reaction."  
(Ministry of Defense, 2000e, p. 2).

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2 A. Belkin & R.L. Evans, *The Effects of Including Gay and Lesbian Soldiers in the British*  
3 *Armed Forces: Appraising the Evidence*, University of California at Santa Barbara,  
4 Publications (November, 2000) (Appendix D).

5 14. A study of the Australian Defense Forces reached the same conclusion:

6 [T]his study finds that the full lifting of the ban on gay service has not led  
7 to any identifiable negative effects on troop morale, combat effectiveness,  
8 recruitment and retention, or other measures of military performance.  
9 Furthermore, available evidence suggests that policy changes associated  
10 with the lifting of the ban contributed to improvements in productivity and  
11 working environments for service members.

12 A. Belkin & J. McNichol, *The Effects of Including Gay and Lesbian Soldiers in the*  
13 *Australian Defense Forces: Appraising the Evidence*, University of California at Santa  
14 Barbara Publications (September, 2000) (Appendix E).

15 15. Twenty-three countries expressly permit gay and lesbians to serve in their  
16 armed forces without any restrictions. For a list of these countries see  
17 [www.ilga.info/Information/Legal\\_survey/Summary%20information/armed\\_forces.htm](http://www.ilga.info/Information/Legal_survey/Summary%20information/armed_forces.htm).

18 In 1993 the General Accounting Office studied many of these foreign forces and  
19 concluded that “the presence of homosexuals in the military is not an issue and has not  
20 created problems in the functioning of military units.” GAO, *Homosexuals in the*  
21 *Military: Policies and Practices of Foreign Countries* (Washington, D.C.: GAO, NSIAD-  
93-215, (June 1993), p. 3. See also Gade, et al., *The Experience of Foreign Militaries*, in  
Herek, et al., *Out in Force*, pp. 106-130.

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1           16. Despite the consensus among scholars and foreign military professionals  
2 that the open integration of homosexuals in the armed forces has not hurt unit cohesion or  
3 military effectiveness, supporters of the current U.S. policy argue that the situation in this  
4 country is different. They suggest that the global role of U.S. forces places greater  
5 demands on its combat effectiveness and thus justifies continued discrimination. Or they  
6 imply that American cultural values and beliefs mean that U.S. institutions cannot adopt  
7 the nondiscriminatory policies of their counterparts in democracies in Europe, the Middle  
8 East, Asia/Pacific, and North America. The very existence of the “Don’t Ask, Don’t  
9 Tell” policy prevents empirical tests of this argument. Because American gay and lesbian  
10 service members cannot reveal their sexual orientation to peers or scholars, it is  
11 impossible to directly study the plausibility of the unit cohesion rationale in the context of  
12 heterosexual American military personnel who serve alongside closeted gay and lesbian  
13 peers. As one scholar noted, the policy insulates itself from the development of evidence  
14 that might challenge its unproven underlying assumptions:

15           Don’t Ask, Don’t Tell . . . [places] a severe restriction on the military’s  
16 own ability to assess the policy from within as gay soldiers are forbidden  
17 to speak to their own commanders about the policy’s effects upon their  
18 morale and their performance. The mandate of absolute silence that the  
19 policy lays upon gay and lesbian soldiers prevents both the public and the  
20 military itself from measuring the policy’s impact upon the soldiers whom  
21 it regulates, and hence from discerning its sustainability and efficacy.

22 Tobias Wolff, *Political Representation and Accountability Under Don’t Ask, Don’t Tell*,  
23 89 Iowa L. Rev. 1633, 1683 (2004).

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1           17. Researchers have recently addressed this problem by studying multinational  
2 military units which include openly gay soldiers from other countries and American  
3 soldiers. American military personnel serve in NATO and United Nations forces, where  
4 they interact with openly gay service members from EU countries. One case study  
5 concluded “that American personnel serving in multinational units have worked quite  
6 closely and effectively with openly gay members from foreign countries, and that  
7 integrated service has not compromised the effectiveness of military units.” G. Bateman  
8 & S. Dalvi, *Multinational Military Units and Homosexual Personnel*, University of  
9 California at Santa Barbara Publications (February, 2004) (Appendix F).

10           18. Many gay and lesbian service members have recently served in Afghanistan  
11 and Iraq. Although “Don’t Ask, Don’t Tell” requires them to keep their sexual orientation  
12 secret, many have served openly. One study of these service members concluded that  
13 serving openly enhanced their ability to bond with their peers and develop trust within  
14 their units. In contrast, homosexual members who comply with current policy and keep  
15 their orientation secret had a harder time developing productive relations with fellow  
16 service members.

17  
18           Gays and lesbians serve on the frontlines of Operation Enduring Freedom  
19 and Operation Iraqi Freedom, taking combat and combat-support roles as  
20 officers and enlisted personnel in the Army, Air Force, Navy and Marines.  
21 Despite the prohibitions of “don’t ask, don’t tell, don’t pursue,” many  
serve openly or are known to a majority of the troops in their unit. ***When  
gays are out, they report greater success in bonding, morale, professional  
advancement, levels of commitment & retention and access to essential  
support services.***

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1 *Nearly all gay and lesbian service members interviewed for this study*  
2 *reported that the “don’t ask, don’t tell” policy impeded their capacity to*  
3 *bond with their peers, to develop trust within their units, to discuss basic*  
4 *personnel matters, and to achieve maximum productivity in their*  
5 *working lives as fighters and support personnel.* Reported hardships were  
6 exacerbated during deployment, when support networks and resources  
7 outside the military are less accessible. Many reported that, due to the  
8 policy’s strictures on expression, they sometimes avoided socializing with  
9 their comrades, and were perceived by others as anti-social.

6 *None of the gay and lesbian interviewees reported any impairment of*  
7 *unit cohesion as a result of their homosexual identity being known*  
8 *during deployment.* Some reported that the “don’t tell” clause of the  
9 policy undermined unit cohesion and impeded their ability to reach their  
10 potential. . . .

9 N. Frank, *Gays and Lesbians at War: Military Service In Iraq and Afghanistan Under*  
10 *“Don’t Ask, Don’t Tell”*, University of California at Santa Barbara Publications  
11 (September 15, 2004) (bold italics added) (Appendix G). Thus the “Don’t Ask, Don’t  
12 Tell” policy seems to undermine its apparent intent: rather than promote unit cohesion, the  
13 policy seems to impede it.

14 19. The current policy of excluding open gays and lesbians from the U.S. armed  
15 forces is based on two propositions:

- 16 (a) primary group cohesion enhances military effectiveness, and  
17 (b) openly gay and lesbian personnel would disrupt unit cohesion and thus  
18 military performance.  
19

20 Both of these propositions are *wrong*. They do not reflect what social science  
21 research and experience have shown about the relationship between cohesion and

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1 performance and whether the integration of previously excluded groups affects primary  
2 group cohesion.

3 20. Fifty years of research in organizational theory, sociology, social psychology,  
4 and history has failed to uncover persuasive evidence for the proposition that primary  
5 group cohesion enhances military effectiveness. Despite an enormous amount of research  
6 on military and nonmilitary groups, scholars do not even concur that there is a  
7 *correlation* between cohesion and performance. Plus, those studies that have uncovered a  
8 correlation between cohesion and performance have not determined the *causal*  
9 relationship. In fact, to the extent that evidence of causality is found, the relationship  
10 differs from what is commonly assumed: the link from performance to cohesion is  
11 stronger and more reliable than the link from cohesion to performance.

12 21. Scholars stress the importance of distinguishing social cohesion from task  
13 cohesion. Social cohesion refers to whether group members like each other, while task  
14 cohesion refers to whether they share the same goals. This distinction is critical for two  
15 reasons. First, social cohesion is the type of cohesion that some argue is disrupted by the  
16 presence of open homosexuals in the military. Second, studies repeatedly find that social  
17 and task cohesion differ in their relationship to unit performance. Researchers consistently  
18 find a positive relationship between task cohesion and performance, but *not* between  
19 social cohesion and performance. Indeed, high levels of social cohesion (or “clubbiness”)  
20 often undermine task performance.  
21

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1           22. If socially cohesive groups do not enhance military performance, then there  
2 is no need to worry if the presence of homosexuals affects group cohesion. However,  
3 because this claim about the link between cohesion and performance persists despite  
4 overwhelming evidence to the contrary, it is necessary to examine the second part of the  
5 rationale for the Pentagon's policy: that openly gays and lesbian personnel would degrade  
6 unit cohesion (and so undermine military performance).

7           23. Social science research on the sources of primary group cohesion  
8 challenges the proposition that the presence of others with apparently different values and  
9 behavior would disrupt unit cohesion and military performance. Dissimilar values and  
10 attitudes do not hinder the formation of the type of cohesion -- task cohesion -- that may  
11 contribute to performance, and cohesion develops easily regardless of the characteristics  
12 of individual members. Take, for example, two Marine recruits at Parris Island, an  
13 African American and a Southern Skinhead, who overcame their differences and bonded  
14 against another out-group: "We both agreed that the Jews owned the first slave ships."  
15 This example, however distasteful, illustrates how easily a sense of group cohesion  
16 develops, even among individuals who appear to have little in common.

17           24. Our historical experience also shows that the integration of new social groups  
18 into the U.S. military does not disrupt unit cohesion or degrade military performance, even  
19 though military authorities had forecast serious risks to combat effectiveness. Studies of  
20 racial and gender integration of the U.S. armed forces repeatedly find that these previously  
21 segregated groups were integrated *without* disrupting unit cohesion and military

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1 performance. Moreover, these studies support the conclusion that the open integration of  
2 gays and lesbians into our armed forces would *increase* military effectiveness.

3 25. In the 1930s and 1940s the U.S. armed services argued that racial  
4 integration would undermine unit cohesion. For example, Navy officials explained their  
5 support for racial segregation:

6 The necessity for the highest possible degree of unity and spirit de corps –  
7 the requirement of morale – all these demand that nothing be done which  
8 may adversely affect the situation. Past experience has shown irrefutably  
9 that the enlistment of Negroes (other than for mess attendants) leads to  
10 disruptive and undermining conditions.

11 Reproduced in M. McGregor & B. Nalty, eds. Blacks in the United States Armed  
12 Services: Basic Documents, Vol. 6, Blacks in the World War II Naval Establishment  
(Wilmington, Del., Scholarly Resources, 1977), p. 61.

13 26. Army Chief of Staff George Marshall made the same argument, contending  
14 that “to intermingle colored and white enlisted personnel in the same regimental  
15 organization . . . would inevitably have a highly destructive effect on morale – meaning  
16 military efficiency.” Letter to Senator Henry Cabot Lodge, dated September 27, 1940,  
17 reproduced in M. McGregor & B. Nalty, supra, at p. 28.

18 27. But the segregationists were wrong. First, during World War II, the army  
19 integrated officer candidate training, and no problems were encountered. Second, the  
20 army used black infantry replacements during the Allied advance in Western Europe in  
21 the spring and summer of 1945. Shortly after the war ended, a team of researchers  
studied this “experiment” and concluded that the integration of black troops had not

1 created social dissension, disrupted unit cohesion, or undermined combat effectiveness.

2 Stouffer, et al., The American Soldier, Vol. I, p. 592. General Eisenhower agreed:

3 I decided to infiltrate them as individuals into units already in the front  
4 lines. Some of the commanders, one of whom was [General] George  
5 Patton, strongly objected on the ground that some of our units were from  
6 the South and trouble would result. Our experience was just the opposite.  
7 There was not a single objection brought to my attention. On the contrary,  
8 from all sides there came heartwarming reports of the success of the  
9 experiment, including from George.

7 M. Macgregor & B. Nalty, Blacks in the United States Army, Vol. 5, p. 503.

8 28. In the Korean War blacks were again assigned to previously all-white units,  
9 and again no problems developed. Social scientists from the Operations Research Office  
10 at Johns Hopkins University conducted a large-scale investigation, called *Project Clear*,  
11 comparing segregated and integrated units. The results were unambiguous and contrasted  
12 sharply with what opponents of racial integration anticipated. The report concluded that  
13 “integration had proceeded smoothly and without friction or conflict. No major problems  
14 have arisen and each group accepts the presence of the other.” Leo Bogart, ed., Social  
15 Research and the Desegregation of the U.S. Army (Chicago, 1968), at p. 182. The  
16 integrated units also performed well. *Project Clear* explained that “no indication has  
17 been found, in a careful examination of the available data, that the presence of a  
18 proportion of Negroes is in any way related to the efficiency of the units as rated by its  
19 commanding officer.” *Id.* at p. 64.

20 29. Opponents of expanding the participation of women in the U.S. armed  
21 services often argue that gender integration will disrupt unit cohesion. As in the case of

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1 racial integration, these concerns are unfounded. Studies of basic training, extended  
2 exercises, and day-to-day operations show that gender integration does not disrupt unit  
3 cohesion or military performance. Indeed, integrated units are often more cohesive and  
4 effective than segregated ones. See J. Scarpate & M. O'Neill, Evaluation of Gender  
5 Integration at Recruit Training Command, Orlando Naval Training Center, Orlando,  
6 Florida (Patrick Air Force Base, Fla.: Defense Equal Opportunity Management Institute,  
7 Division of Policy Planning Research, 1992), p.2; J. Mottern, et al., 1995 Gender  
8 Integration of Basic Combat Training Study, ARI Study Report 97-01 (Alexandria, Va.:  
9 U.S. ARI, 1997), pp. 27, 30, 52; M. Harrell & L. Miller, New Opportunities for Military  
10 Women: Effects upon Readiness, Cohesion, and Morale (Santa Monica, Calif.: RAND,  
11 1997), at pp. xvii, 53-67; GAO, Basic Training Services Are Using a Variety of  
12 Approaches to Gender Integration (Washington, D.C.: 1996), at p. 2; ; L. Rosen, et al.,  
13 Cohesion and Readiness in Gender-Integrated Combat Service Support Units, Armed  
14 Forces Security, Vol. 22, No. 4 (Summer, 1996), at p. 538.

15  
16 30. In sum, those who oppose the integration of open homosexuals into the  
17 U.S. armed forces because they believe it would decrease unit cohesion and degrade  
18 combat effectiveness are mistaken, just as those who opposed racial and gender  
19 integration of the military were mistaken.

20 31. Since the 1970s many U.S. police and fire departments have openly  
21 integrated homosexuals. While these organizations differ from the military in important  
ways, they share characteristics that are often cited as barriers to the open integration of

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1 gays and lesbians into the U.S. military. They work in teams, often use the same rest  
2 rooms, and sometimes sleep in close proximity. More important, the stakes can be life or  
3 death, and morale, unit cohesion, and trust are all seen as important to the successful  
4 performance of their missions. Studies of the integration of homosexuals into these  
5 organizations thus provide indirect evidence that open integration of gays and lesbians in  
6 the U.S. military would not disrupt unit cohesion. In 1992 the GAO visited eight police  
7 and fire departments, and all of them reported that the open integration of gays and  
8 lesbians had not led to any serious problems or degraded performance. GAO, DOD's  
9 Policy on Homosexuality, pp. 6, 15, 41. A RAND Corporation study of police and fire  
10 departments in six large American cities reached the same conclusion. RAND, Sexual  
11 Orientation and U.S. Military Personnel Policy, pp. 106-157.

12 32. Because U.S. policy prohibits gays and lesbians from serving openly in the  
13 armed forces, there are few studies about their effect on unit cohesion and military  
14 effectiveness. However, two Defense Department commissioned reports reached  
15 conclusions that are at odds with the Pentagon's policy towards gays and lesbians: the  
16 1957 Crittenden Report and the 1988 PERSEREC report. For example, the PERSEREC  
17 report bluntly stated: "Studies of homosexual veterans make clear that having a same  
18 gender or an opposite gender-orientation is unrelated to job performance in the same way  
19 as is being left or right-handed." Quoted in Sarbin & Karols, Nonconforming Sexual  
20 Orientation, p. 33.  
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1           33.     The pattern of homosexual discharges in the U.S. military also suggests that  
2 homosexuality is compatible with military service, and in particular, that the inclusion of  
3 gays and lesbians does not degrade unit cohesion or combat performance. How else to  
4 explain a simple but widespread finding: discharges of gay and lesbian personnel from the  
5 U.S. military *always* decrease during wartime, when cohesion and performance are  
6 paramount. Shilts, Conduct Unbecoming, pp. 68-71, 295-296, 384, 387.

7           32.     Finally, there is anecdotal evidence of gays and lesbians serving openly in  
8 the U.S. military. For example, Sgt. Perry Watkins was drafted into the Army in 1968  
9 and served openly in peacetime and in combat. During discharge proceedings in 1975,  
10 which ended with his being retained in the Army, the Army board of officers found that  
11 “there is no evidence suggesting that his behavior has had either a degrading effect upon  
12 unit performance, morale, or discipline, or upon his own job performance.” Quoted in  
13 Shilts, supra, at 242.

14           34.     While there is theoretical and empirical evidence that the open integration  
15 of gays and lesbians would not disrupt unit cohesion or military performance, there is no  
16 comparable evidence to support the Pentagon’s discriminatory policy. The GAO  
17 concluded that the Defense Department’s “policy is not based on scientific or empirical  
18 data, but rather on the considered judgment of military professionals . . .” GAO,  
19 Homosexuals in the Military, at p. 68. Other analysts agree: Lawrence Korb, former  
20 assistant secretary of defense for manpower, reserve affairs, and logistics during the  
21 Reagan administration, stated that the justification for the ban on homosexuals in the

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1 military is “without factual foundation.” See Declaration of Dr. Lawrence J. Korb, dated  
2 June 7, 1993, (Appendix H), on file in Cammermeyer v. Aspin, 850 F. Supp. 910, 024  
3 (W. Wash. 1994). Indeed, DoD admits that it cannot provide scientific evidence in  
4 support of its argument. In 1993 General John Otjen, a member of a working group that  
5 studied the issue of homosexuals in the military, and former Assistant Secretary of  
6 Defense Edwin Dorn stated that they had no facts – defined as statistics, scientific studies,  
7 and reports, rather than opinions and anecdotes – supporting the rationale for the  
8 military’s discriminatory policy towards gays and lesbians. Id. at 924 & n.22.

9 35. The lack of evidence is not surprising: DoD has never attempted to  
10 document its argument about the negative effect of homosexuals on unit cohesion or  
11 operational effectiveness. In 1988 the PERSEREC report recommended that future  
12 research examine the claim that the presence of gays and lesbians is a barrier to the  
13 development of group cohesion and morale, but DoD never followed up on this advice.  
14 Instead, the DOD attempted to suppress the PERSEREC Report: DoD labeled it a draft so  
15 that it would not be released to the public. This pattern of behavior is familiar. After  
16 World War II, the U.S. Army tried to prevent the public release of studies that showed  
17 that the limited experiments with racial integration had worked. For example, Army Chief  
18 of Staff General George Marshall argued that surveys regarding racial integration of units  
19 in 1945 should not be disclosed. MacGregor, Integration of the Armed Forces, pp. 54-55.

20 36. In addition to there being no evidentiary support for the military's ban  
21 against open gays and lesbians, the policy’s costs are substantial. First, investigating and

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1 discharging homosexuals is time-consuming and expensive.. For example, in the 1980s  
2 the U.S. armed forces discharged 16,692 enlisted personnel and 227 officers. According  
3 to GAO estimates, the recruiting and training cost of replacing each enlisted service  
4 member was \$28,226, and every officer was \$120,772. GAO, Homosexuals in the  
5 Military, pp. 4, 25, 31-32. Second, the policy hurts the morale of gay and lesbian service  
6 members who serve in the U.S. military. Third, the policy supports a practice of “lesbian  
7 baiting” in which women are often accused of being lesbians when they rebuff men’s  
8 sexual advances or report sexual abuse. Instead of investigating and disciplining the  
9 individuals accused of harassment, commanders often respond by investigating and  
10 sometimes discharging the target of harassment. C. Dixon Osborn, et al., *The Fourth*  
11 *Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue”* (Washington, D.C.:  
12 Servicemembers Legal Defense Network [SLDN], 1988),  
13 <http://www.sldn.org/reports/fourth.htm>. Allowing lesbians to serve openly would not  
14 abolish sexual harassment, but it would curtail the lesbian baiting that discourages women  
15 from reporting sexual harassment and destroys the careers of dedicated personnel.  
16 Fourth, research has shown that soldiers who perceive that the army is supportive of their  
17 families are more likely to be committed and satisfied, and thus to reenlist. Since the  
18 armed forces are not supportive of the families of gay and lesbian service members, they  
19 presumably reenlist at lower rates than heterosexual service members.

21 37. In sum, in my opinion, there is no rational basis underlying the military's  
claim that homosexuality is incompatible with military service. This policy has

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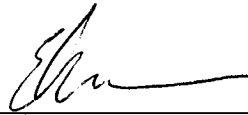
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1 needlessly ruined many lives and deprived the armed services of capable men and  
2 women. It has done so at great expense to the American taxpayer. Abolishing all  
3 discriminatory policies toward homosexuals in the military would not degrade military  
4 readiness. On the contrary, the open integration of homosexuals would advance the  
5 effectiveness of the U.S. armed forces and the civil rights of citizens in uniform.

6 DATED this 31 day of March, 2006.

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9 Elizabeth Kier

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