

The Army JAG officer who served in the Navy during OEF said she had experienced both private and communal showers. She said she shared communal showers with straight people and people widely suspected of being gay, and there were no problems. She emphasized that showering together as adults meant compromising privacy for both straights and gays alike, and rather than causing disruptions, this fact was accepted as part of military life. “I don’t care if I’m in the shower with men or women,” she said, “because I’m not looking at anyone’s anything. It’s pretty embarrassing, especially as an adult, to be there, and you’re not looking like you used to look, so you’re not looking at anyone. You’re just getting in and getting out.” She said that communal showers were “pretty rare” and that in those cases, “you probably don’t have much opportunity to shower at all. So you want to get in and get out and it’s not a sexualized atmosphere like it is in a porn flick. I just don’t see it as a charged opportunity. I think that’s more of a fantasy type situation.”⁶⁸

Brian Muller, the former Army Staff Sergeant, echoed the JAG officer’s sentiment that privacy was both a desired commodity and one whose short supply was accepted as part of military life. He said that in Afghanistan, even the shower tents in remote outposts had curtains. “They do that for soldiers’ privacy,” he said. “People like to have a shower curtain.” Nevertheless, he said that even though men and women are supposed to have separate quarters in hostile territory, sometimes they simply put up dividers between their tents.⁶⁹ “Privacy is a rare thing for us when we’re off-duty in the States,” summarized another soldier. “It is non-existent in the field.”⁷⁰

An Army Specialist who spent 11 months deployed to OEF, and also served in Iraq and lived in one of Saddam’s former palaces in Mosul, described a “field shower, essentially a canvass bag.” She said they used wood boards and a poncho for a door and said soldiers hoisted the unit over their heads. “There’s your shower,” she said, indicating that, although it was primitive, it afforded full privacy. “You don’t get ashamed anymore after being in the Army,” she said. “You just knock on the door and you say, ‘hey, is there anyone in there,’ and you wait a few seconds and if no one answers, you just go in.”⁷¹

An E4 Army National Guardsman deployed to Iraq experienced both communal and individual showers. “It comes down to the person,” he said. “I like to sneak a peak, but I respect other people and their spaces.” He said that straight men look at each other in the showers too. “They compare each other in the shower and in the bathrooms, silently of course.” In his view, military service requires a degree of self-control as a pre-requisite for service. “If you cannot maintain control in the environment you are in,” he said, “then you do not belong in the military in the first place.”⁷²

⁶⁸ SH Interview.

⁶⁹ Brian Muller Interview.

⁷⁰ Brian Hughes Interview.

⁷¹ Kelly Interview.

⁷² RB Interview.

Others elaborated that the showers were an area of forced proximity in which straights, as well as gays, navigate their reduced privacy in similar ways. "Everyone looks," said one service member. "You go into the shower and everyone, even straight people, are ...grabbing ass and talking about each other..."⁷³ The Bradley Commander said that in his experience, "everyone was uncomfortable" in the showers, not just gays. "I was uncomfortable because I didn't want anyone finding out about me, and they [straights] were uncomfortable because god forbid anyone would touch them. It was just something we had to do and no one ever paid that much attention to it and no one ever seemed too concerned."⁷⁴

A Psychological Operations Sergeant serving in Kirkuk said conditions there provided significantly more privacy than during training exercises. In contrast to stateside accommodations where fifty men shared open bays with communal showers, his experience in Kirkuk was that soldiers had one roommate in a living container with ponchos or sheets to provide privacy between them. Showers were stalls with curtains. "Showering and sleeping arrangements are not a big issue as far as I'm concerned," he said. "The Army has done a fairly decent job in renovating soldiers' rooms so that each soldier has a room to him/herself and share only a kitchen and bathroom." The sergeant said that during both training and fighting conditions, "a separate bond occurs between soldiers. You no longer look at them as 'Joe' or think 'Joe' is cute. You look at them as your brother who just saved your ass while you were fighting, or someone that you can rely on when the shit hits the fan. You don't look at them as a potential sex partner. Once the bond as a military brother is formed it is extremely hard to break that bond and look at them as a sexual possibility. Whoever thinks that gays join the military to sleep with a bunch of soldiers has obviously never served a day in the shoes of a soldiers."⁷⁵

Another soldier who served in Iraq said that in the first few weeks, bathing facilities were so scarce that people showered outside in the open, where even men and women could see one another. Although commanders try to avoid this scenario as an unwelcome compromise of privacy, the soldier said all the troops took effective steps to accommodate that reality. He said the women would shower in remote areas or at different times. "Everybody finds a way to shower in whatever way is most comfortable for them," he said. "You just do what you have to do, and that's nothing new in the military. You can't be so sensitive as to [say,] 'it's not fair, he's gay and he's looking at me.'" Eventually, plywood arrived to form walls around the makeshift showers, affording full privacy, except for the collective changing area. Even here, however, soldiers could wrap a towel around them if they chose, until safely behind the dividers. "I have not seen a group shower since about 1995, and in extreme circumstances like war you do what you have to do," he said. He also explained that modern living quarters afforded more privacy, making the showers less of an issue than in the past. "Nowadays they get contractors in [rather quickly]," he said, "so it's not like it used to be; that issue is becoming obsolete." The soldier added that he thought gays would be the least likely

⁷³ RO Interview.

⁷⁴ MC Interview.

⁷⁵ SM Interview.

to gawk. Not everyone in the military is a head-turner, he said, but “when there is someone worth looking at, the last thing I want to do is look and then have nature take its course down south.”⁷⁶

Many service members, such as Austin Rooke, the Army Captain, described environments that offered substantial choice over how private to be. Rooke’s unit used a shower trailer in Qatar that offered stalls with shower curtains. In the adjacent undressing area one could choose to remain covered or not. Some people stay naked for a lot longer than others,” he said, for instance, remaining voluntarily unclothed while they shave. He also described other experiences of showering communally with people who knew he was gay: “I’ve showered naked beside straight guys who knew I was gay, and they didn’t mind. I was probably more uncomfortable at the beginning, after I came out to them, than they were.” He also pointed out that all troops “are already showering with gays; they just don’t know which ones are gay.” As for his own feelings, “I’ve showered with a thousand guys; it does nothing for me.”⁷⁷

In those cases where personnel used communal showers, none reported being distracted or seeing or participating in homosexual conduct in the showers, and none reported any impact on unit cohesion as a result of sharing showers. These findings hold true for both “closeted” and “out” gay and lesbian troops. The majority of those interviewed had revealed their sexual orientation to at least a handful of people in their unit, and many were out to most of their unit. In other cases, service members had not announced their sexuality, but reported that many or most of their comrades knew or suspected their sexual orientation. For instance, one member of the Navy said, “you get five or six gay people in a straight community [and] you’re going to know they’re gay.”⁷⁸ In no case did a service member report any problems resulting from a known gay person showering with a straight person.

Interviewees reported that, during boot camp, enlisted people are worked to exhaustion and during deployment, their minds are more focused on the mission than on the sexual orientation of their comrades. In both cases, time in the showers is limited and there is little opportunity or motivation to turn the showering facilities into anything beyond the hygienic exercise they are designed to be. In both communal and private shower situations, service members repeatedly said their sexuality was a “non-issue.” “When you go in, you just have one thing on your mind: you just want to get clean and go to bed,” said one.⁷⁹ “We were so tired all the time,” said another, “that [sexuality] doesn’t even really enter into the picture for me.” He added, “there were limited opportunities even if you were in that frame of mind.”⁸⁰

⁷⁶ QU Interview.

⁷⁷ Austin Rooke Interview.

⁷⁸ RO Interview.

⁷⁹ DN Interview.

⁸⁰ AN Interview.

“Pretty much at the end of the day I’m tired,” said a Petty Officer First Class in the Navy. “I want to get in the shower and get out and I don’t have time to get aroused.” He said there were no problems even when people know they were sharing showers with gays. “I had six other guys in my unit who were pretty effeminate and everyone knew they were gay, and they used the heads just like everyone else and no one batted an eye.”⁸¹

A Sergeant First Class in the Army who served in Iraq said that there was homosexual conduct in the military, but it had nothing to do with the showers: “Any gay stuff I had, I certainly had it, but not in the shower. There was nothing you could do about it there.” He said that people in his unit shared the same showerhead. But he also reported he only took two showers in his four-month deployment (though he also bathed with buckets of water in bathing stations). “My experience was that [sexuality] had no effect whatever. You didn’t have time to think about that. You just got in and got out.”⁸²

OPENLY GAY SERVICE

The effort to protect privacy by limiting statements about homosexuality relies on the assumption that straight service members will be more comfortable and more willing to serve with gays if they do not know or hear about their sexual orientation. Data from this study, however, suggest that gays are increasingly serving openly and that straights tolerate serving alongside known gay and lesbian troops. Interviewees repeatedly asserted that they were out to peers or they knew of other gays who were out and their sexuality was accepted and did not cause problems in the Middle East. The following statements represent a sample of remarks to this effect: “Most of my unit does know I am gay and they don’t care one way or the other... that’s really the last thing on anyone’s mind”⁸³; “There was another gay guy in my squadron who was really good friends with my roommates, and they were really cool with it and so that kind of paved the way for me”⁸⁴; “most of it’s accepted... it’s not a problem”⁸⁵; “I came out to a couple of co-workers and that went quite well”⁸⁶; “after I developed a strong relationship with my supervisor, we would talk about it [sexual orientation] and would even joke about it”⁸⁷; [from a female:] “the women didn’t mind it; they were my friends. If I told someone, it never changed our relationships... I was never looked at differently for being gay”⁸⁸; “almost every one of my friends said, ‘oh, we all knew that. What’s the big deal?’”⁸⁹

⁸¹ TR Interview.

⁸² WE Interview.

⁸³ IN interview.

⁸⁴ TR Interview.

⁸⁵ SA Interview.

⁸⁶ Austin Rooke Interview. Rooke followed his statement with an indication that others had more trouble than he did: “However, I don’t think that’s the norm. I still come into contact with people in the military who have been in for years and are absolutely terrified” that they will be outed. Consistent with evidence reported earlier, the difficulty appears to result from the policy, rather than the presence of known gays.

⁸⁷ WA Interview.

⁸⁸ Wendy Biehl Interview.

⁸⁹ MI Interview.

Significantly, many gays also visited gay bars with straight friends in the military, an activity which served as a source of bonding. Gay troops were observed performing homosexual acts in front of straight peers, indicating that gays serve openly in the military.⁹⁰

“We were as intimate as intimate can get,” said an Army Specialist about his combat unit in Iraq. He said he slept in the same three to five cubic feet as his sergeant inside a tent. “It didn’t matter,” he said, referring to his sexuality. “There wasn’t much of a question of, ‘okay, this guy does this, would he do it here?’” He said when his friend learned of his sexuality after he was seen at a gay bar, he first tried to explain it away by saying the drinks were cheaper there. “Then I told him and he said, ‘I don’t care.’” When his sergeant during another tour learned of his sexuality, he told him he would not mention it to anyone. The Specialist also described a gay soldier “who was girlier than any girl I knew. He was extremely flamboyant and nobody gave a shit.”⁹¹ A Surgical Technician onboard the U.S.S. Abraham Lincoln said he worked with gays who were so flamboyant, “we need to have an extinguisher.” He said one of his JAG officers “sashed down the hanger bay, hand on the hip and everything,” and it did not create problems.⁹² Others described increased hostility toward those who were less conformist: “The environment around [gay] soldiers changed if they were flamboyant.”⁹³

The Squadron Leader who commanded Bradley fighting vehicles, and who also commanded a dismounted unit for the Fourth Infantry Division, said he served openly with no problems. “I don’t advertise,” he said, “but I don’t hide anything either.” He said all nine of the soldiers who worked under him as a dismounted infantry squad leader knew he was gay. “It doesn’t affect unit cohesion,” he said. “When I was on the ground, I was leading the charges through buildings,” he said. “And I’ve never had people not follow me. I’ve never heard of that happening at all,” referring to insubordination due to a leader’s sexual orientation.⁹⁴

Kelly, the Army Specialist who was deployed to Afghanistan, said her Platoon Sergeant found out about her sexuality and fully tolerated it. “He said, ‘well, don’t go tell the world, but I don’t really care; I’ll try to look out for you unless you’re a total piece of crap. Just don’t make it to where me looking out for you makes me look stupid.’” Kelly said she could “read people a bit and I can tell who it’s okay to be open with and who not.”

The relatively smooth outcome of openly gay service appears to have been due, in part, to effective judgment calls by individual gay troops based on the appropriateness of

⁹⁰ BY Interview; Homosexual acts are defined by law as same-sex bodily contact “for the purpose of satisfying sexual desires,” or “which a reasonable person would understand to demonstrate a propensity or intent to engage in” such acts. USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces”; Observations were based on field visits.

⁹¹ JO Interview.

⁹² RO Interview.

⁹³ SM Interview.

⁹⁴ MC Interview.

individual situations. Since surveys show that majorities of members of the military oppose letting gays serve openly, hostile or negative responses to homosexual statements might be expected; however, interviewees routinely explained that, while they felt the need to confide in someone about their sexuality, they were careful to establish preliminary bonds of trust with confidantes, or to judge the probability of acceptance before coming out.

“I see myself as a good instinctive judge of character,” said an Army Captain, “and thankfully for me that’s turned out to be the case when I told my friends [that I’m gay].” On one occasion, when a date went longer than expected, the Captain’s best friend hounded him about his whereabouts. After staving off the questions, he finally said, “I’m not going to lie to you, you’re my best friend. I went to meet a guy.” The Captain’s friend nearly choked on his burrito, collected his thoughts and then said, “that’s cool, but don’t expect me to be down with it because I’m not. Now let’s go get a beer.” The friendship has remained strong and the Captain now baby-sits for his friend’s children.⁹⁵ The episode is an important illustration of the kind of response that may ensue even from those who may have indicated on impersonal surveys that they oppose letting gays serve in the military.

AN INFORMAL “DON’T ASK, DON’T TELL”

Many service members described an informal “don’t ask, don’t tell” norm prevailing among both gay and straight troops. This is partly attributable to the policy’s strictures on discussing the matter; however, the fact that so many gays and lesbians do come out to their peers in certain situations reveals that the law alone is not governing their behavior; rather, their decisions are shaped by individual judgments about when and to whom to reveal their sexual orientation. Interviewees corroborated this conclusion by explicitly linking their decisions to particular contexts and cultural norms in general, as opposed to the dictates of the policy. The same reportedly holds true of “asking” behavior. One soldier, for instance, said that “many people are just not asking, not because of the ban but because it’s none of their business.” He said the custom was “don’t know, don’t want to find out.”⁹⁶

Indeed, most respondents said that, while some or most of their peers knew they were gay, they did not wish to announce the fact publicly, and they had no intention of doing so if the policy were changed to allow it. Rather, such a policy change would reduce their stress, remove impediments to productive work and allow them to stop taking proactive steps to misrepresent and isolate themselves.

The Bradley Commander made clear that he used discretion in choosing the people with which he shared his sexual orientation. “You won’t see me walking in the gay pride parade,” he said, “but the people who need to know know, and the people that don’t, it’s

⁹⁵ FD Interview.

⁹⁶ JO Interview.

none of their business.”⁹⁷ A marine said, “I don’t think that people should be going to work and announcing it [their sexual orientation], but if it does come out I don’t think it should [matter].”⁹⁸ A Petty Officer First Class said if the ban were lifted, “I wouldn’t just tell people I’m gay, but I probably wouldn’t go through such measures to hide it.”⁹⁹ “I wouldn’t come out just for the hell of it,” said another.¹⁰⁰

The Bradley Commander’s experience also suggests the ultimate impossibility of regulating the expression of sexual orientation. Although he did not announce his sexuality publicly, “the stuff I do, it causes people to wonder.” He said when he lived in the barracks, “you can look at the visitor’s log and see that no women come in under my name.” His vocal opposition to derogatory statements about women, the placement of rainbow stickers in his room, and the lack of female visitors add up to a clear picture that he is gay, he said. “If you look at the whole big picture,” he concluded, “eventually people will start to wonder.” Those soldiers who didn’t know that he was gay “suspect that I am.”¹⁰¹ “People know by deduction,” agreed a Naval Pilot who has served since 1984. “You’re not married, you’re in your 40’s, all your friends are male, and you don’t talk about any personal or private life.”¹⁰²

An Army Captain was confident that changing the policy would not unleash a torrent of homosexual announcements. “Just lifting the ban, there’s not going to be a rainbow flag hoisted on the headquarters of the Army,” he said. “All you’re doing by lifting the ban is allowing people not to live in secrecy.”¹⁰³ If the ban were lifted, said another, “I don’t think I’d run and tell everyone at once.” He did, however, say the main reason he didn’t tell people was the fear that someone could turn him in. “If the law were overturned, I’d probably gradually come out to everyone,” he concluded, emphasizing that he would do so in a private manner.¹⁰⁴

“I’d be truthful as far as filling out documentation,” said a senior NCO in the Air Force about how things would change if the gag rule were lifted. “But as far as sticking a big old rainbow sticker on my car, [I wouldn’t do that].”¹⁰⁵ At the same time, some did report that they had rainbow stickers on their belongings in public view, or that they had seen them on-base. Such signs are not allowed to be used to initiate an investigation into the sexuality of a service member.¹⁰⁶

⁹⁷ MC Interview.

⁹⁸ JS Interview.

⁹⁹ TR Interview.

¹⁰⁰ QU Interview.

¹⁰¹ MC Interview.

¹⁰² MI Interview.

¹⁰³ FD Interview.

¹⁰⁴ Matthew Interview.

¹⁰⁵ DN Interview.

¹⁰⁶ DN Interview, in which he reported he had seen rainbow stickers “occasionally. I could drive a few blocks and find a couple.” He also reported seeing HRC stickers [the yellow and blue equals sign of the Human Rights Campaign]; Biehl Wendy Interview in which she reported seeing a rainbow sticker on a duffel bag, placed by someone with “no shame.”

A sailor, who described himself as inconspicuous with regard to his sexuality, said that most gays in the military blended in. "Just because you're gay doesn't mean you have to be really queeny," he said. "I'm not like that and most of the time, people aren't." He added that if people were to see him walking down the street "they'd be like, who's that boring guy dressed in jeans and a tee-shirt?"¹⁰⁷

¹⁰⁷ WA Interview.

Section IV: Leadership, Enforcement & the Rule of Law

Military experts have long recognized that effective leadership and a consistent and strong chain of command are essential to a successful fighting force. Setting and embodying standards of behavior and action begin at the top and affect the discipline, morale and effectiveness of units throughout the force. Leadership is particularly important to the success of the current wars in Iraq and Afghanistan, as the behavior of American service members, which can be integral to gaining the support of the Arab world, has been under international scrutiny.

Evidence from this study suggests that the military leadership frequently fails to enforce the “don’t ask, don’t tell” policy. Some interviewees asserted that the policy is unenforceable at its core because of the inherent ambiguity of defining what it means to “ask” or “tell.” Evidence also indicates that uneven commitment and enforcement at the leadership level cause fear and uncertainty about how to behave. The conflicting message of the policy, which states that “homosexuality is incompatible with military service” while stipulating that “homosexual orientation is not a bar to service,” breeds further confusion.¹⁰⁸ The existence of a policy which is difficult or impossible to enforce, and whose enforcement is frequently not prioritized by commanders, may weaken respect for the rule of law and the norms of obedience, integrity and loyalty that are essential ingredients of an effective military.

Although respondents in this study did not report high levels of harassment, many said the policy itself gives a green light to anti-gay rhetoric and behavior, and that a policy which clearly stated that gays were not unwelcome would go far toward curbing such overt homophobia and provide a safer and more productive training and fighting environment. Austin Rooke, the Army Captain, said harassment was not sufficiently routed out by the command structure. He said he never saw or heard of an officer reprimanding anyone for saying something anti-gay, which is a violation of the “don’t harass” clause of the policy. “Right now gays are about the only people you can make fun of,” he explained, saying the policy itself creates an “out status” comprised of gays. He pointed out that the military actually has an infrastructure set up to address issues of tolerance and diversity called the Equal Employment Opportunity Commission, but gays are not included. “If you actually put gays and lesbians under the auspices of the EEOC, and commanders were held responsible for the behavior of people in their units, things would change dramatically,” he predicted. “Individuals would still have their beliefs, just as they have racist beliefs, but you would not hear them.” He concluded that “the Army has a lot of control over the people in it.”¹⁰⁹

Other reports corroborate the presence of leaders who violate the “don’t harass” components of the law and set a permissive tone for anti-gay behavior. “The command

¹⁰⁸ “Policy on Homosexual Conduct in the Armed Forces,” Secretary of Defense Memorandum for the Joint Chiefs of Staff, Les Aspin, July 19, 1993.

¹⁰⁹ Austin Rooke Interview.

climate as it pertains to that is negative,” said one combat soldier from the Fourth Infantry Division in Iraq. “Both my current commander and my last commander, both in company formations [and] during safety briefings said derogatory statements; my commander uses the word, ‘faggot’ in safety briefings. And my last commander did the same thing.” In his view, “they’re actually engaging in behavior that could cause problems.”¹¹⁰ He recounted that the commander who used derogatory language about gays, who did not know that he was gay, awarded him an army commendation medal. But he feared his commander’s opinion of him would change if he learned of his sexual orientation.¹¹¹

Enforcement of “don’t ask, don’t tell” is further taxed by the difficulty of defining what it means to “ask” or to “tell.” Such actions need not be verbal or explicit. The law requires a discharge when a service member “has stated that he or she is a homosexual or bisexual, or words to that effect...,” leaving a gray area in the definition of “tell.” The policy further instructs that commanders will initiate investigations “when there is credible information that a basis for discharge” exists, which appears to allow, and perhaps require, discharge when information comes to them that they believe indicates that a service member is gay.¹¹²

“There is no such thing as ‘don’t ask,’” said the Army JAG officer, because the most basic conversations entail questions about friends, lovers, spouses and family which, if answered fully and honestly, could reveal one’s sexual orientation.¹¹³ As another soldier pointed out, “using the policy in defense to not answer the question is basically the same as admitting guilt.”¹¹⁴ Even when soldiers choose to follow the letter of the law, it is rarely fully under one’s control to totally conceal one’s sexual orientation, since unconscious codes, signals and mannerisms frequently mark a person or raise suspicions, thus giving a form of knowledge to straight soldiers who do not know what to do with it. The impossibility of fully regulating these forms of expression suggests that the policy cannot significantly affect the privacy of either gay or straight troops.

In addition to encouraging leaders to tolerate anti-gay harassment, “don’t ask, don’t tell” precludes what scholars say is the single most important ingredient to generating tolerance of gays and lesbians: knowing someone who is gay or lesbian. Brian Muller, the former Army Staff Sergeant, found that when he did discuss his sexuality, many young straight people he encountered had little known exposure to gays and lesbians, “and I think some of them changed their views.” He concluded that “the best thing the military can do if they lift this ban is to educate people... Once they see that we have the same relationships, the same fears, go to the same restaurants [as straights do], they come

¹¹⁰ MC Interview.

¹¹¹ MC Interview.

¹¹² USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces”; “Policy on Homosexual Conduct in the Armed Forces,” Secretary of Defense Memorandum for the Joint Chiefs of Staff, Les Aspin, July 19, 1993.

¹¹³ SH Interview.

¹¹⁴ SM Interview.

around.” Regarding his sexuality, he said, “some say, look, I don’t really like it, but as long as you can carry the same pack, I don’t care.”¹¹⁵

“If they allowed homosexuals to be gay in the military, then a result of that would be teaching acceptance of another part of their family,” said Muller, who served in both single-sex and co-ed units and noticed a sharp difference in attitudes between the two. The co-ed units “were always the best units because you don’t have as much machismo floating around and you get people who are more tolerant and people realize they have to be more careful with their words.” He said that in all-male units, he heard some of the most discriminatory language, largely against women. “So to me, the more diverse the unit, the more tolerant.” He saw an explicit analogy between gays and women: “When they mixed females with males, they taught acceptance, so they could do the same with gays.”¹¹⁶

A Petty Officer First Class drew precisely the same conclusion from his experience in the Navy. The sailor was deployed twice to the Persian Gulf since 2001, having joined the service in 1990. As a Nuclear Operator with a top security clearance, he spent time both in all-male units and mixed-sex units. “As the Navy changes and allows women on combat ships,” he said, “I have found that conversations have changed over the years. They’re not quite as trashy toward women.” Straight men, in particular, he reported, “are not as demoralizing toward women as they used to be because we work with them.”¹¹⁷

Other service members echoed the importance of allowing gays and straights to get to know one another and speak freely. “I’ve had people come up to me who were dead set against [letting gays serve openly],” recalled one, “and then they found out I was gay and they changed their minds.”¹¹⁸ These experiences suggest that the policy, by keeping people in the dark about sexual orientation, breeds a culture of ignorance and prejudice, which perpetuate the anti-gay sentiment which is then used to justify “don’t ask, don’t tell.” It should also be noted that many people falsely believe they are not permitted to discuss the issue of homosexuality. This perceived gag rule erodes the opportunity to hear, contemplate and weigh information about gay service. By contrast, in those situations where people knew they were allowed to discuss the policy, open debate prevailed. In a Marine training office of six people, for instance, a service member reported that after a discussion of gay service, one person’s opposition to letting gays serve evolved into support. “People in the office convinced him otherwise,” he said.¹¹⁹

The Petty Officer First Class in the Navy who had described working with effeminate men who were known to be gay confirmed the centrality of effective leadership to creating a productive work environment. He reported that these suspected or known gays worked successfully with their peers, in part, because of a tolerant and dedicated

¹¹⁵ Brian Muller Interview.

¹¹⁶ Brian Muller Interview.

¹¹⁷ WA Interview.

¹¹⁸ BY Interview.

¹¹⁹ JS Interview.

command structure. "Our commanders made it clear that anti-gay harassment would not be accepted," he said. "And that's why those effeminate men were accepted." He said that tolerance was the product of "a climate that's created." "All they need to do is hear it from a higher up. If you create a climate at a commanding officer level that [homosexuality] is acceptable, then I think everybody will fall in line."¹²⁰

A Technical Sergeant who spent four months in Afghanistan said the law gives cover to anti-gay sentiment, and that changing the law would likely reduce homophobia. "If the ban were lifted, then the people who don't like it wouldn't have a leg to stand on. It's the law; you either accept it or you get out." Currently, he explained, the law says that homosexuality is incompatible with service, and that message ultimately condones anti-gay sentiment. "There's a sense that you shouldn't be here anyway," he said.¹²¹ "Changing the law will not end prejudice," said an Iraqi war veteran, but people like me will say they're gay and people will say, 'obviously, this person is capable of serving.'"¹²² "In a way," said another, "they can't help being ignorant about it if they're not educated about it."¹²³

"In the military," said the Army JAG officer who deployed to OEF while serving in the Navy, "we learn to follow rules, and we promote what we're told to promote." She said the result was that laws and policies sent clear messages about what was and was not acceptable in the service. "The best thing you can do as a soldier or sailor is to stand up for what the military says is right." If the military said that gays and lesbians were welcome, it would have an enormous impact on attitudes toward them in the service. But "when the military is giving the message that there's something wrong and shameful about being gay, then we're also giving the message that to hate gays is acceptable." She also pointed out that the policy, by banning coming out, deprived people in the armed services of the opportunity to understand and come to accept all the people they're serving with. "If you're in the military, then you'll never be exposed to anyone who's gay unless they out themselves and you choose not to turn them in."¹²⁴

UNEVEN ENFORCEMENT

Evidence from this study indicates that commanders, who wish to retain gay troops during deployment, disregarded information about homosexuality that would legally require an investigation. When a soldier serving in Iraq was reported to have been gay, the command response was, "so what?" Since the policy mandates that "commanders will continue to initiate inquiries or investigations, as appropriate, when there is credible information that a basis for discharge or disciplinary action exists," some interviewees concluded that the policy was not being followed by commanders. "As far as

¹²⁰ TR Interview.

¹²¹ BY Interview.

¹²² QU Interview.

¹²³ Kelly Interview.

¹²⁴ SH Interview.

enforcement,” said one, “there’s discretion.” The problem, he said, was that the policy requires known gay soldiers to be separated from service, “and that doesn’t [always] happen.”¹²⁵

In one reported episode in the Middle East, two women got drunk and danced intimately, holding hands and kissing before an audience. When it came to the commander’s attention, he said, “I don’t even want to touch that. I just want to find out if they were drinking. I couldn’t care less [about their sexual orientation].” The incident left the impression that leaders in this case wished to avoid the issue of sexual orientation and focused instead on the issue of excessive alcoholic consumption.¹²⁶

One of the most damaging effects of “don’t ask, don’t tell” has been the impact of uneven enforcement. Because so many commanders do not want to lose their subordinates, there are frequent reports of the leadership “looking the other way,” creating uncertainty across the board about when and whether the law will be enforced or used selectively against specific service members. Because it is impossible to achieve the policy’s goal of banning known gays from service, due to the impossibility of effectively regulating who knows or suspects that one is gay, the policy is routinely violated and creates a climate of lawlessness surrounding this issue. As a result, “don’t ask, don’t tell” quickly gained a reputation as a “hollow shell of a policy”¹²⁷ and as a “joke,” a word that was repeatedly heard in a string of separate interviews.

“‘Don’t ask, don’t tell’ became a punch line in the military,” said one soldier. “After ‘don’t ask, don’t tell,’ the homophobic humor was everywhere.” He explained that anti-gay sentiment itself did not worsen, but that the policy and its name became the butt of jokes and increased the frequency with which discussion and jokes about gay issues occurred. “It was almost a daily occurrence,” he said, adding that even he had used the term. People would ask simple questions such as, “where are you going tonight,” and the retort would be, “don’t ask, don’t tell.” Or two men would appear together and someone would point and say, “don’t ask, don’t tell.”¹²⁸

Many others also reported that the policy was not taken seriously, made a mockery of military law and compromised effectiveness. “The policy is a joke,” said an Army National Guardsman. “It basically says that I can be gay but I can’t *be* gay; they are denying me the right to be who I am and they expect no fallout from that. A person can only repress himself so long before it starts to have negative effects on his performance and attitude.”¹²⁹ “The ban’s a joke. It’s a joke. It’s not uniformly enforced,” said another, adding that enforcement is, in reality, at the discretion of each commander.¹³⁰

¹²⁵ MC Interview.

¹²⁶ AN Interview.

¹²⁷ JA said, “I think the average GI see it as a hollow shell of a policy.” JA Interview.

¹²⁸ QU Interview.

¹²⁹ RB Interview.

¹³⁰ MC Interview.

“The whole policy literally became a joke,” agreed an Air Force Captain who entered the military before the policy was adopted. “It still is to this day.”¹³¹

“It’s in our doctrine that we can’t tolerate any kind of systematic or individual discrimination,” noted a senior NCO in the Air Force, “and this is exactly what they’re doing here, and if they want to contradict themselves, it’s not going to make them look very credible.” He also said that even though everyone knew the term, “don’t ask, don’t tell,” few understood what the law said and required, and commanders ignored training on the policy. “The first time young troops hear about ‘don’t ask, don’t tell,’ it’s in basic training,” he said. “And there’s no refresher training at all.” He noticed it was in the lesson plan but recalled that his instructor at Lackland Air Force base said they would skip right over it.¹³² An Army Staff Sergeant had much the same experience: “they’re supposed to have annual training on the policy, but in eight years I had one. They don’t follow their own policies.” He said that, although the training is built into the policy, “because of the personal beliefs of some commanders, it doesn’t happen. It’s not something they like to talk about.”¹³³ This conclusion echoes other assertions that much of the support for “don’t ask, don’t tell” comes from a command leadership which personally dislikes homosexuality, rather than from evidence showing that combat effectiveness relies on restricting gays and lesbians to the closet.

¹³¹ JA Interview.

¹³² DN Interview.

¹³³ Brian Muller Interview.

Section V: Talent & Retention

Some people have worried that lifting the gay ban would hurt recruitment and retention due to the level of anti-gay sentiment in the military and those considering service.¹³⁴ Since the ban was not fully lifted, conclusions cannot be drawn about this concern in the U.S. military. Indications from this study are that gays and lesbians do serve openly, and no major studies or senior leaders have suggested that recruitment has suffered as a result. This could be attributable, in part, to the continued existence of an official policy banning open service, despite the known presence of gays who nevertheless do serve openly.

While there are no reports of heterosexual talent loss due to gays serving openly, interviews with gay troops indicate that the loss of talent and expertise among gays resulting from “don’t ask, don’t tell” is immeasurable. This is because it is impossible to determine what number of service members cut short their military service or never sign up at all due to the burdens imposed by the policy and the sense of being unwelcome.

What is measurable are the discharge numbers themselves. Under “don’t ask, don’t tell,” homosexual discharges rose every year but one, until America went to war, when the discharge figures began to drop. In 2001, a record 1256 service members were discharged under the policy, a figure nearly double the separation rate of 1992, prior to “don’t ask, don’t tell.” Since 2002, the first full year America was at war, 1655 troops have been ousted under the policy. At least 37 of those were language specialists. Figures assessing job specialties since 1998 indicate the discharges covered 161 different occupational categories, including linguists, intelligence personnel, engineers, administrative specialists, transportation workers and military police. In the summer of 2004, the Pentagon announced it would issue involuntary recalls to thousands of civilians with these same occupational specialties, indicating that the “don’t ask, don’t tell” policy directly affects the capacity of the military to retain the expertise and troop strength it needs to fight in the Middle East.¹³⁵

Although the total talent loss among gays and lesbians is impossible to measure, Austin Rooke, the Army Captain, said that for any gay person who leaves the military, the policy is definitely part of their decision. “If the ban weren’t there, it’s quite possible that I could still be on active duty to this day,” he said, adding that it was difficult to measure the true costs of the policy because many gay people leave prematurely due to the ban.¹³⁶ Rooke’s sentiment was reflected in remarks by many other service members. “When

¹³⁴ See, for example, “Clinton Should Change His Mind,” *Chicago Sun-Times*, Feb. 2, 1993; “Personnel Prospects Darken,” *Army Times*, May 17, 1993.

¹³⁵ “Conduct Unbecoming: The Ninth Annual Report on ‘Don’t Ask, Don’t Tell,’” Servicemembers Legal Defense Network, 2003; “Uniform Discrimination: The ‘Don’t Ask, Don’t Tell’ Policy of the U.S. Military,” Human Rights Watch, report, January, 2003, Vol. 15, No. 1; Job specialty classifications and statistics come from the Department of Defense and the Defense Manpower Data Center, and were analyzed in a report by the Center for the Study of Sexual Minorities in the Military, University of California, Santa Barbara, June, 2004.

¹³⁶ Austin Rooke Interview.

people ask me why I don't want to re-enlist, I say because of the family life," said Brian Hughes, the Army Ranger who fought on the frontlines of Iraq and Afghanistan. He explained that the policy meant he was not allowed to "bring your partner to events" and precluded his partner from being able to "plug into support networks."¹³⁷ Wendy Biehl, the former Army Specialist who opted for a discharge when her tour ended, said the policy did not allow her to be herself. "It's one of the reasons I got out of the military, because I wanted to be gay, I wanted to be openly gay," she said. "It became a big issue because the person I am now and the person I was in the military were two completely different people. I really wasn't happy and that became a problem for me."¹³⁸

Another service member reported that many gays grow to resent the military when they realize what they're being asked to do in order to serve. In preparing to go to war, he said, "some people have the sense: 'why should I face that situation if I'm being dealt such a hard hand by the military?' Frankly a lot of gay people are driven to take advantage of the policy and to come out because of this. If the military is not going to let me form normal, happy, healthy relationships," he asked rhetorically, "if they're going to discriminate against me, why should I fight for that institution and risk death?"¹³⁹ This conclusion was seconded by a sailor who deployed to Iraq, and reported that, "a lot of people are getting out" by exploiting the policy. "They don't want to be there."¹⁴⁰ An officer with an Air Force expeditionary unit in the Middle East echoed this report, saying "a lot of the people who were voluntarily identifying as gay were [doing so] with the full knowledge that they were going to be discharged."¹⁴¹ The policy "turns a lot of people away from joining the military," agreed an Iraqi war combat veteran. "People know this ban is in place and I imagine there's some fear in the civilian world, so I imagine that the ban being in effect might strike some fear into some folks who might otherwise want to enlist."¹⁴²

Brian Muller, the Army Staff Sergeant, well illustrates how the policy results in premature discharge and the waste of talent. Muller's commander knew he was gay as a result of both his own suspicions and some third-party disclosures to that effect over the years. After nearly eight years of service and a deployment to Bosnia and Afghanistan, in which he slept in the same safe houses as British troops who are allowed to serve openly if they are gay, Muller felt he had done everything he could do in the military while continuing to conform to the policy. He had celebrated his 18th birthday in Bosnia, had been to war and had twenty-one medals to show for it. He had also heard commanders say "all fags should get AIDS and die," and continued to feel uniquely burdened as he strove to continue service while maintaining a forbidden relationship. So he came out. "I'd done everything I could do in the military," he recalled. "People couldn't say I was trying to get out of war because I had gone to war, so for me, it was a principle." He was

¹³⁷ Brian Hughes Interview.

¹³⁸ Wendy Biehl Interview.

¹³⁹ IN Interview.

¹⁴⁰ RO Interview.

¹⁴¹ AN Interview.

¹⁴² MC Interview.

also tired of not being able to be with his partner. But equally important, he was driven to leave by fear. He knew that his superiors knew he was gay and he thus risked discharge on dishonorable terms if he was outed instead of coming out himself. "My fear was that they'd discover it and I'd be dishonorably discharged," he said. With the record he had built up and with the credit toward a sizable pension, he felt he could not risk being dishonorably discharged, so he left voluntarily.¹⁴³

Derek Sparks is another illustration. Sparks, who joined the Navy in 1987, was a Signalman Seaman Recruit specializing in Visual Communications. As a command career counselor, Sparks had his own office, where, one night, he and two other gay friends were socializing while deployed off the coast of Pakistan. After leaving his two friends behind in his office, he learned the next morning that they had been caught by the Command Master Chief in violation of the homosexual conduct policy.

The first statement of the Master of Arms made no mention of Sparks but his second statement tried to implicate him in the violation, despite dozens of witnesses who saw him elsewhere at the time of the incident. At this point, he admitted he was gay. "I was tired of playing, I was tired of hiding, I was tired of all the bullshit," he recalled. "I know that the only reason the Command Master Chief tried to implicate me was because he knew I was gay." Sparks was discharged four months into his tour for Operation Enduring Freedom.¹⁴⁴

PROFESSIONAL ADVANCEMENT

What is particularly damaging about the talent loss is that the older and more senior a service member becomes, the more difficult it is to serve without explaining the details of one's personal life. Specifically, many respondents mentioned that officers and personnel with senior positions are generally expected to be married, and are expected to attend social events designed to encourage comradery and identification with the force. The gag rule and the ban on homosexual relationships under "don't ask, don't tell" make it uniquely difficult for senior personnel to attend such events and to maintain normal ties with their peers, since they face myriad questions about whether they have a spouse or why they have not showed up with a date. The result is that the most highly trained gay service members have a greater incentive to leave the military because of the requisites of the policy on gay service.

"I'm getting up in age there," said a senior NCO in the Air Force, "and they're asking me, 'hey, where's your girlfriend, where's your wife?' and I say, 'she's away, she has a very prestigious job, she couldn't be here.'" He said the policy "stifles innovative thinking within the ranks because I possess the knowledge and willpower to go further in my career, but once you go so far, there's that time when [people start to ask], 'why isn't this guy married?' and 'why is his girlfriend always away?'" The NCO said he wouldn't be

¹⁴³ Brian Muller Interview.

¹⁴⁴ Derek Sparks Interview.

able to land a major command job because high-profile jobs would prompt close scrutiny of his files and many detailed questions. Being an apparent bachelor, he added, would count against him, as it indicates instability to those weighing his suitability. In addition, when people take visible jobs that put them in charge of many subordinates, people routinely try to fix them up with dates. "You can only duck a blind date so many times," he said, and "lies are very hard to juggle; it's hard to keep the story straight."¹⁴⁵

Others agreed that it becomes more difficult to dodge questions as they get older. A Petty Officer First Class in the Navy, who has been serving for over ten years, said it was getting harder to stay in the military and keep up a front now that he was approaching age 30. "I'm 29," he said. "I'm not 21 anymore, and most people are either married or have been divorced."¹⁴⁶ When asked how the policy affects his ability to bond with his comrades, a Counterterrorism Specialist who deployed to Iraq with the Army and was then commissioned as an officer in the Navy, said, "it's starting to more now. When we were young and few of us were married, it didn't matter so much. But now, more of us are married and there's more of a divide now. He said that, especially as an officer, "the social parts of the military are very important to cohesion and comradery."¹⁴⁷ In some cases, people were reportedly passed over for promotions because they were unable to explain why they were not married. A Navy Pilot said his boss considered him for a company commander but passed because he was not married. "Professionally," he said, "the ban had the effect of limiting what you might be able to do."¹⁴⁸

¹⁴⁵ DN Interview.

¹⁴⁶ TR Interview.

¹⁴⁷ QU Interview.

¹⁴⁸ MI Interview.

CONCLUSION

This study set out to assess the impact of “don’t ask, don’t tell” on the service of gay and lesbian soldiers, sailors, marines and airmen at war. In the process, it explored the qualitative experiences of gay troops deployed to Iraq and Afghanistan by asking a set of questions and appropriate follow-up questions about morale, cohesion, privacy, retention, leadership and enforcement.

Evidence from this study suggests that the “don’t ask, don’t tell” policy increases gay troops’ stress levels, lowers their morale, impairs their ability to form trusting bonds with their peers, restricts their access to medical care, psychological services and religious consultations, and limits their ability to advance professionally and their willingness to join and remain in the services. The detrimental effects of the policy on gay service are heightened during deployment for Operation Enduring Freedom and Operation Iraqi Freedom, when alternative sources of support are less available than when stateside, and when military effectiveness is at its most critical.

At the same time, the findings present a portrait of a military in transition, in which the fears, discomfort and dislike that were reported during the time when “don’t ask, don’t tell” was formulated were not pronounced. Relations between gays and straights appear to create negligible disruptions and have even reached a new status in which the rapport between gays and straights can provide a positive source of bonding and social cohesion. When gays are out, they report greater success in bonding, morale, professional advancement, levels of commitment & retention and access to essential support services. Gay and lesbian troops serve openly in Operation Enduring Freedom and Operation Iraqi Freedom without undermining unit cohesion, in part, because their openness is largely moderated by discretion to foster an atmosphere of mutual respect.

Evidence from this study as well as polls and other scholarly research show that younger people are substantially more tolerant of gays and lesbians than older people. The positive responses from younger service members to the presence of open gays and lesbians in the military reflects that the armed forces are no exception, and that, indeed, a marked liberalization of attitudes toward gays and lesbians has been underway for some time.

Nevertheless, many gay service members remain afraid of the consequences of being out or of being outed, as well as the harm that can come from anti-gay harassment in the military. Consequently, many remain closeted, to the detriment of their own well-being and that of their comrades.

The compromise policy reflected in “don’t ask, don’t tell” does not appear to rectify the conditions that may be said to generate concerns about privacy. Since it explicitly allows gays and lesbians to serve in the military and simultaneously bans them from identifying themselves as gay, straight service members who might wish to protect their privacy in

the presence of gays have no way of identifying when they should do so. In addition, the policy itself may exacerbate privacy concerns by shining a spotlight on sexuality. The result is to generate suspicion among *all* personnel that one or another might be gay, and to encourage the performance of hyper-heterosexuality to quell such suspicions.

The primary rationale for “don’t ask, don’t tell” was the concern that heterosexual men would not tolerate serving alongside known gays, and for this reason, continuing research is needed to assess the evolving attitudes of straight service members. But the impact of this policy on gay service members has been widely ignored in the literature on gays in the military, as have the costs of the policy for the military as a whole. The strictures against self-identification make it difficult to study the impact of the policy on a sufficiently broad scale to form definitive conclusions, a fact which undermines the capacity of the armed forces to adequately serve the needs of its troops.

Biographical Sketch

Dr. Nathaniel Frank is Senior Research Fellow at the Center for the Study of Sexual Minorities in the Military, University of California, Santa Barbara, and teaches history at New York University and New School University. He has been interviewed on national television and radio programs to discuss the military service of gays and lesbians, and is currently writing a book on the U.S. military's gay ban. Dr. Frank holds a Ph.D. and Masters Degree in History from Brown University, and a Bachelors Degree from Northwestern University in History and American Culture. He would like to thank Dr. Aaron Belkin for support for this study and Joshua L. Vandeburgh and Cindy Gorn for their essential research assistance.

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