

APPENDIX D

**THE EFFECTS OF INCLUDING GAY AND LESBIAN SOLDIERS
IN THE BRITISH ARMED FORCES: APPRAISING THE EVIDENCE**

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November, 2000

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I. EXECUTIVE SUMMARY

Like the U.S. military, the British Services is an all-volunteer force comprised of army, air force and navy contingents. Until January, 2000, when Britain lifted its gay ban following a ruling by the European Court of Human Rights, gay and lesbian soldiers were prohibited from serving in the British Armed Forces.

The first ten months of the new policy have been an unqualified success. The military's own classified, internal assessment at six months found that the new policy has "been hailed as a solid achievement" (Ministry of Defense, 2000e, p. 2). There have been no indications of negative effects on recruiting levels. No mass resignations have occurred. There have 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).

The conclusions of the Ministry of Defense report have been confirmed by our conversations with more than twenty-five representatives from the military, academia, and non-governmental organizations. None of those interviewed know of any major problems associated with the policy change. No one has heard of any difficulties related to recruitment or training completion rates; recruitment levels are characterized as "quite buoyant."

None of those interviewed for this report have heard of cases of serious homophobic harassment. Open gay service personnel interviewed for this report and by other sources describe collegial treatment by their co-workers and other service members.

Experts in all fields acknowledged that more work remains to be done, and new obstacles could still emerge. Homophobic attitudes persist throughout the Services. It is possible that some problems will develop as more gay and lesbian service personnel acknowledge their sexual orientation to colleagues, or if the Armed Forces relaxes its vigilance against harassment and inappropriate behavior of all kinds. Issues of equality such as pension, accommodation and partnership rights have yet to be addressed. Still, concerns of dire consequences have been replaced by a general recognition that the transition has proceeded smoothly.

II. INTRODUCTION

Until January 12, 2000, the British Services maintained an official policy of discharging all known gay and lesbian soldiers.¹ It was felt that close living quarters and the stresses of military life precluded the inclusion of homosexual servicemembers; military commanders argued that “homosexual behavior can cause offence, polarize relationships, induce ill-discipline, and as a consequence damage morale and unit effectiveness” (Ministry of Defense, 1994, p.1). At the beginning of this year, the British Armed Forces ended its policy of excluding gay and lesbian soldiers. The change came as a result of a ruling by the European Court of Human Rights and after years of resistance by the Armed Forces to lifting the ban. Once the decision was announced, however, the Services quickly established a policy of nondiscrimination on the basis of sexual orientation. Instead, the social conduct rules were rewritten to prohibit sexual behavior, by both heterosexuals and homosexuals, that adversely affects operational effectiveness. Such misconduct includes, but is not limited to, sexual harassment, sexual contact with subordinates, and overt displays of affection between servicemembers. The new inclusive policy remains politically charged; even with the European Court decision, leaders of the Conservative Party have declared that they would reevaluate the policy if returned to majority status.

This report draws together military documents; press coverage; prior research on homosexual military issues; and interviews with military officials, academics, think tank and non-profit organization representatives, and sexual minorities presently serving in the military to provide an appraisal of the initial effects of the policy change. All available

¹ Original research and analysis conducted for this report were furnished by ELM Research Associates, an independent, non-partisan research consultancy.

information indicates that the removal of the ban has been a success in its first nine months. The military undertook its own internal review of the new policy six months after enactment and declared that the transition has been characterized by a “marked lack of reaction” (Ministry of Defense, 2000c, p. 2). The policy change has had no perceptible impact on unit cohesion, morale, or operational effectiveness. There is no indication of any discernible effects on recruiting, training completion or resignation rates. There have been no major problems of gay-bashing, harassment or sexual misconduct associated with the new policy. While the long-term consequences of the policy change remain to be seen, fears of upheaval within the military have largely been replaced with an awareness that the transition has proceeded smoothly.

III. METHODOLOGY

Information collected for this report was systematically gathered from publicly available primary and secondary sources relevant to an understanding of military outcomes associated with homosexual service in the British Armed Forces. Sources and methods included: identification, retrieval, and analysis of prior research bearing on homosexual service in the British military conducted by governmental, academic, and policy-focused organizations; content analysis of Lexis/Nexis search retrievals for all news articles and wire service dispatches relating to homosexual service in the British Armed Forces (n=101); interviews with present and former military officials (n=10); interviews with journalists and major academic, non-governmental, and policy observers familiar with gay-military issues in Britain or British military concerns generally (n=14);

and interviews with present and former sexual minority participants in the British Services who were located through snowball sampling (n=5²).

This report relies on a multi-method approach to compare and synthesize evidence provided by a variety of sources in order to draw conclusions. Whenever possible, independent observations from multiple sources are compared to draw out common findings that are consistent among observers in different sectors (e.g., military, academic, non-governmental). During the interview process, we also sought to ensure the broadest universe of sources by repeatedly asking expert observers from different sectors for recommendations of additional sources of information.

IV. POLITICAL AND CULTURAL CONTEXT

From 1864 to 1885, male homosexuality was illegal in Britain unless conducted in private and by consent. In 1885, the new offense of “gross indecency” criminalized all sexual activity between men, and male homosexuality remained wholly illegal until the passage of the 1967 Sexual Offenses Act³. Female homosexuality was never similarly banned, purportedly because Queen Victoria refused to believe that lesbianism existed. In 1967, Parliament partially decriminalized gay sexual activity by legalizing private consensual sex between two men over the age of 21. Male homosexual sex with anyone under 21, in public, or between more than two men remained a criminal offense. The 1967 Sexual Offences Act also included an exemption for the Armed Forces, so that male

² This includes one former servicemember, Joan Heggie, who is also listed as an academic expert. Several other observers interviewed for this report are also former service personnel, but only Ms. Heggie was interviewed about her prior military experiences in addition to her present expertise.

³ The 1864 Sexual Offences Act was amended in 1885, when Henry Labouchère added a clause to the Criminal Law Amendment Act punishing “gross indecency” between males (Hansard, Col. 1397 + 1398). See Rayside (1998) and Hall (1995) for more information on the earlier legislation.

servicemembers could still be convicted for consensual homosexual sex of any kind (Rayside, 1998; Harries-Jenkins and Dandeker, 1994).

Although British attitudes towards homosexuality have become more tolerant over the last twenty-five years⁴ (Scott, 1998), polling data reveal continued widespread discomfort with sexual minorities. A 1994 study found that a majority of British respondents felt sex between members of the same sex is always wrong⁵ (cited in Hayes, 1997). The British public also continues to be conservative about issues such as gay and lesbian public school teachers and adoption by homosexuals (Hayes, 1997). The data does, however, show greater tolerance of sexual minorities in other areas. Polling on the age of sexual consent revealed that approximately 75% favored equality in principle, although less than 20% specifically supported changing the age of consent to sixteen (Rayside, 1998). With respect to the issue of homosexual service in the military, a 1999 Stonewall poll found that approximately 70% of Britons opposed the ban on homosexual soldiers, with a majority in every class and party in favor of inclusion of gays and lesbians in the military (Norton-Taylor, 1999)⁶.

Homosexuality has been the subject of fierce skirmishes between the Conservative and Labor parties, and between religious leaders and gay rights advocates, for more than a decade. The passage in 1987 of Section 28, a law that bans local authorities from promoting the acceptability of homosexuality in schools, became a

⁴ There is conflicting data about British attitudes toward homosexuality. Some attitudinal surveys have shown a gradual liberalization between 1985 and 1989, followed by a stabilization in public attitudes (see Hayes (1997)), while others suggest increases in disapproval between 1983 and 1987 followed by decreases in disapproval, with a particularly marked (more than 15%) change among British women (see Scott (1998)). Rayside (1988) notes that Britain was one of only two countries in Europe and North America where attitudes had become more negative during the 1980s. See also RAND (1993).

⁵ The original study was conducted by Wellings et al (1994). See Hayes (1997) for more detail.

⁶ See also Hall (1995b) for a discussion of British attitudes on homosexual service in the military.

catalytic force for supporters of expanded gay and lesbian rights (Rayside, 1998)⁷. After considerable pressure by the gay-rights groups Stonewall and Outrage!, the age of consent for homosexual sex was decreased from 21 to 18 in 1994; this new minimum was, however, still higher than the age of 16 for heterosexual consent (See Majendie, 1995). The Labor Party, which presently holds power, has long supported the inclusion of sexual minorities in the military and expanded rights for homosexuals (Rayside, 1998). The Labor government has been working on a code that will instruct employers to grant homosexual partners the same rights to health care, travel benefits and relocation allowances as heterosexual married couples (Sylvester, 2000; Sylvester, 2000a). The government has also been trying unsuccessfully for more than a year to repeal Section 28 (See Jones, 2000; Jones, 2000a; and Britton, 2000).

Until the Human Rights Act⁸ went into effect in October 2000, Britons were not protected by a set of enumerated fundamental human rights similar to that provided by the U.S. Bill of Rights. British citizens looking for judicial redress for governmental human rights violations had to pass what is known as the “Wednesbury test”, which mandated that courts could only overrule a governmental action if it “outrageously defies logic or accepted moral standards” so that “no sensible person who had applied his mind to the question could have arrived at it” (cited in The Lawyer On-Line, 1995). In practice, the Wednesbury test proved to be an extremely difficult hurdle to overcome. Since Britain was a signatory of the 1950 European Convention on Human Rights, British citizens could also take human rights complaints before the European Court of

⁷ See also Jones (2000).

⁸ For more information about the Human Rights Act, see Shaw (1999), Shrimmsley (1999), and Booth (2000).

Human Rights⁹. They could only do so, however, after exhausting all British channels, including the High Court, the Court of Appeals, and the House of Lords¹⁰¹¹. While the European Convention on Human Rights does not explicitly include sexual orientation, it has been interpreted expansively to encompass the rights of sexual minorities¹².

V. A HISTORY OF BRITAIN'S MILITARY POLICY CONCERNING SEXUAL MINORITIES

Like the U.S. military, the British Services is an all-volunteer force comprised of army, air force and navy contingents¹³. Military conduct is governed by the Queen's Regulations, which are reviewed by Parliament every five years (RAND, 1993). The British military includes approximately 211,000 soldiers; 7.9% of the officers and 5.4% of the enlisted soldiers are women. During the 1980s and early 1990s, women became more fully integrated into the British military. Women are employed in all corps except armor and infantry, although they are not permitted beyond the second echelon of brigade in combat. Women are allowed to serve at sea in most of the surface specialties, although they cannot work on small vessels such as submarines (Dandeker, 2000).

⁹ For the actual text of the European Convention, see Convention for the Protection of Human Rights and Freedoms (1950).

¹⁰ The opinions of the Strasbourg court are not strictly binding, but in practice Britain has always complied with its decision. Failure by the British government to uphold the rulings of the European Court could result in Britain being expelled from the Council of Europe; participation in the Council is mandatory for all countries in the European Union. See Cullen (1999).

¹¹ In 1998, Parliament passed the Human Rights Act, which incorporated the rights enumerated under the Human Rights Convention into British law. This meant that human rights protected under the convention would be enforceable for the first time in British courts, and that British citizens could invoke the protections in the European Convention without having to go to the European Court of Human Rights (See Shaw (1999a); Shaw and Shrimley (1997); Shrimley (1999); and Booth (2000)).

¹² See Rayside (1998) and Shaw and Jones (1996) for discussions of earlier European Court and European Parliament decisions. The European Court of Human Rights recently also ruled that the section of the 1967 Sexual Offenses Act that circumscribed consensual male homosexual sex was unlawful (Laville, 2000).

¹³ The Royal Marines serve under the Royal Navy.

Like most of its NATO allies, the British military has faced conflicting pressures since the end of the Cold War. Troop strength has been reduced by 30%, and the percentage of GDP devoted to defense decreased from 5.2% in 1984-85 to approximately 2.8% in 1997-98¹⁴ (Dandeker, 2000). At the same time, the scope of peacekeeping missions has expanded considerably, and the Armed Forces has had to prepare itself for a wider variety of operations due to changing defense roles. The British Services has also faced recruiting shortages since 1992 (Tweedle, 2000)¹⁵. The military has responded to these constraints in part by developing a recruitment initiative, increasing the use of reserves and by civilianizing and outsourcing some jobs previously performed by soldiers (Dandeker, 2000; Kirkbride, 1996).

Until January 2000, gay and lesbian soldiers were prohibited from serving in the British Armed Forces. Prior to 1967, British civil and military law were congruous with respect to male homosexuality – sodomy was illegal, and both civilians and soldiers could be imprisoned for homosexual activity. The 1967 Sexual Offences Act decriminalized gay male sex for civilians, but it included an exemption that allowed the British military to continue to prosecute servicemembers engaging in gay sex (Rayside, 1998; Harries-Jenkins and Dandeker, 1994). Gay soldiers could also be administratively discharged from the Services. While civil law did not cover same-sex female sex, however, the military was able to discharge lesbians under the offense of general misconduct¹⁶. Offenses for homosexuality were usually charged as “disgraceful conduct

¹⁴ This figure is based on 1995 estimates. See Dandeker (2000).

¹⁵ See also Smith, (2000); Smith, (2000a); and Schofield, (2000)

¹⁶ Because lesbian soldiers were not guilty of any crime under British statutes, they did not receive legal protections such as the right to counsel in their defense (Heggie, Personal Communication, October 2, 2000).

of an indecent kind”, “conduct prejudicial to good order or discipline”, or more rarely “scandalous conduct by officers” (Harries-Jenkins and Dandeker, 1994).

In the wake of considerable Parliamentary debate on the subject during discussions about the 1991 Armed Forces Bill, the government acknowledged that the military exemption from the 1967 Sexual Offences Act was no longer justifiable. In June 1992, the Ministry of Defense (MOD) announced an administrative order to immediately halt criminal prosecution for sexual activities that were legal for civilians under the 1967 act. The British restricted court-martials for homosexuality to those male servicemembers who were found to have had sex in public or with anyone under the age of 21. The legislative reconciliation of military and civilian law occurred later with the passage of the 1994 Criminal Justice Act. The military persisted in maintaining, however, that both male and female homosexuality were incompatible with military service. Gay and lesbian soldiers continued to face discharge if their sexual orientation was discovered (Harries-Jenkins and Dandeker, 1994).

Figures for the number of gay and lesbian service members discharged while the ban was in place vary among sources. Estimates range between 60 and 100 each year between 1988 and 1995¹⁷. Harries-Jenkins and Dandeker report that 296 service members were administratively discharged between 1988 and 1992, while an additional 39 soldiers were dismissed following conviction for an offense involving homosexuality during the same period (Harries-Jenkins and Dandeker, 1994, p. 193)¹⁸¹⁹. When

¹⁷ See Davies (1992); Campbell and Wharton (1995); Beaumont and Mesmith (1995); O’Kelly (1995); Guardian (1995); Majendie (1995); Davies (1997); Macklin (1999); Cullen (1999).

¹⁸ Harries-Jenkins and Dandeker report the following conviction rates by Service: 9 in the Navy, 22 in the Army, and 8 in the Air Force.

¹⁹ Discharge figures for earlier periods are not available, because the Ministry of Defense did not keep track of such statistics (Hall, 1995). See also Hall (1995a).

factoring in servicemembers who left without being discharged, Evans surmises that as many as 150 soldiers departed the military each year due to the policy on sexual orientation (Evans, 2000). Because the British Services did not keep statistics about the cost of the policy, no definitive figures exist about the fiscal impact of the ban on sexual minorities. Using GAO figures for the U.S. and extrapolating them to the British case, Edmund Hall estimated that the restrictive policy cost the British military L40 to 50 million between 1990 and 1995 (Hall, 1995)²⁰.

Prior to 1994, the Royal Navy was the only branch of the Armed Forces that maintained specific guidelines related to homosexuality²¹; the other Services dealt with homosexuality through general regulations. The Navy's guidelines provided the following instructions for medical officers when dealing with suspected gay or lesbian personnel:

...homosexuals are often a source of sexually transmitted diseases ... Tears and stains, particularly of the underpants, trousers and shirt, should be examined and, if available, an ultra-violet light should be used to screen the clothing, bearing in mind that semen is not the only substance which fluoresces under UV light. (cited in Hall, 1995, p. 75)

The guidelines also suggested that investigators seek to determine “whether the man may have played the passive role” and recommended that the agent “look for feminine gestures, nature of clothing and use of cosmetics” (Hall, 1995, p. 76).

²⁰ The U.S. GAO figures are based on training replacement costs and do not include the administrative costs of investigation and discharge. See GAO (1992).

²¹ Army and Air Force commanders discharged homosexual servicemembers under Section 64 (Disgraceful Conduct by Officers), Section 66 (Disgraceful Conduct of an Indecent Kind), and Section 69 (Conduct Prejudicial to Good Order and Service Discipline) of the 1955 Army and Air Force Acts, while the Royal Marines used Sections 36, 37 and 39 of the Naval Discipline Act of 1957. Royal Navy regulations, which were enforced at least until 1992, lumped together homosexuality with transvestism, sadism, masochism and ‘other forms of sexual deviancy’ (cited in Hall, 1995, p. 75).

In 1994, the Ministry of Defense issued Service-wide regulations concerning homosexual soldiers. The new regulations maintained the policy of barring homosexual service, but they standardized policy and provided more detailed protocol. Any recruit who admitted to being gay would not be allowed to enlist, and any servicemember who was discovered to be homosexual would be discharged from the military. Homosexual sex between adults of consensual age would not be considered a criminal offense, but the military could prosecute a gay or lesbian soldier for otherwise consensual sex if “the act was to the prejudice of good order and Service discipline”²² (Ministry of Defense, 1994, Annex 2). All recruits were to be informed that homosexuals were not allowed to serve in the British Armed Forces. The 1994 policy made it clear that homosexual orientation as well as homosexual behavior would be a bar to enlistment and service:

Even if a potential recruit admits to being homosexual, but states that he/she does not at present nor in the future intend to engage in homosexual activity, he/she will not be enlisted. (Ministry of Defense, 1994, p. 2)

The 1994 policy also included instructions for medical officers²³ in dealing with homosexual service personnel. The guidelines informed medical officers that “homosexuality is not in itself a medical condition” and “intimate examinations are not indicated purely on the grounds of homosexuality” (Ministry of Defense, 1994, Annex A). The medical officer was to be consulted to confirm the orientation of a professed homosexual, to advise commanders in dealing with cases of homosexuality, and to insure the emotional stability of the soldier in question. If a gay or lesbian soldier was referred to the medical officer after his or her sexual orientation was already known, the health

²² The instructions list this as an example only, leaving room to prosecute servicemembers on other grounds as well. See Ministry of Defense, 1994, Annex 1.

practitioner's job was to "assess the individual's physical and mental wellbeing, including the need for onward referral to specialist services if required" (Ministry of Defense, 1994, Annex A). The Ministry of Defense recognized that revelation of one's homosexual orientation could be psychologically devastating in the context of the military's ban on sexual minorities:

The Medical Officer should remember that 'coming out', [sic] can be highly stressful, particularly because of the prospect of the loss of a career, and attention should be paid to assessment of the individual's mental state since some individuals are vulnerable to thoughts of self harm at this time. (Ministry of Defense, 1994, Annex A)

The military's need for information about gay and lesbian soldiers did, however, outweigh any medical confidentiality rules. If a soldier's sexual orientation was already known and the purpose of an interview was therefore not to establish sexual identity, the medical officer might still be required to discuss the "health and psychological development" of the soldier with a commanding officer (Ministry of Defense, 1994, Annex A). While the medical officer was advised to obtain the consent of the servicemember, disclosure would be expected even if consent was not procured. If a servicemember was acknowledging his or her orientation for the first time, the individual was to be informed that:

...notwithstanding medical confidentiality, the Medical Officer has a duty to report to the Commanding Officer any information relating to a serious offence or matters which might adversely affect the health, security or discipline of the unit. If the Medical Officer is satisfied that the individual is experiencing homosexual feeling then it would be most unusual not to discuss the matter with the Commanding Officer (again if possible having obtained the individual's consent). (Ministry of Defense, 1994, Annex A)

²³ The instructions applied only to those with a 'medical qualification'. Nurses and medical assistants were not to undertake any form of examination of a gay or lesbian soldier; they instead were to refer all such cases to medical officers 'as a matter of urgency' (Ministry of Defense, 1994, Annex A).

Commanding officers could handle cases of suspected homosexuality with their own staff or through official investigatory channels (Ministry of Defense, 1994, Annex A). Military investigations were conducted by each service's police forces: the Royal Military Police (RMP) and Special Investigating Branch for the Army, the RAF police and Security Services (P&SS) for the Air Force, and the Royal Navy's Regulating Branch and Special Investigating Branch (SIB). Investigations could include undercover surveillance, lengthy questioning, medical examinations, and searches through personal materials to uncover information about other homosexual soldiers (Hall, 1995).

Former servicemember Joan Heggie experienced investigations for suspected homosexuals as both a military policewoman and a target of investigation. She describes common tactics used during her tenure with the British Army in the late 1970s and early 1980s:

The MPs conducted raids in the middle of the night to women's barracks to "catch people in the act". The military police would gain access to the garrison with the permission of the commanding officer. Nine out of ten times the commanders would give permission, because they wanted to show that they were not accepting of lesbianism. The MPs would bring dogs and say they were looking for drugs, even though drugs were not a major problem in the early 80s. They would look under beds, in wardrobes and even out windows to make sure that no one was hiding there. I've been told that some MPs who really had a thing about homosexuality, particularly with women, would keep information on people on an index card and build up a record. If they came across information that corroborated what they had heard earlier, even if it was years later, they would target that person for investigation²⁴. (Personal Communication, October 3 and 16, 2000)

Heggie added that, in such a restrictive environment, "Every day I woke up thinking 'Today might be the day that I get kicked out'" (Personal

²⁴ Heggie added that if this report of information-gathering is true, keeping such information was illegal. Under British law, you cannot keep personal information about someone without his or her knowledge (Personal Communication, October 3 and 16, 2000).

Communication, October 3 and 16, 2000). Other former service personnel have told of the military using information from blackmailers, staking out local gay bars and pubs, asking detailed and embarrassing questions about sexual practices in interrogations, and even recommending shock aversion treatment (Nunn, Personal Communication, October 17, 2000; O'Kelly, 1995; Mills, 1995; Hall, 1995).

Ministry of Defense officials in told journalist Edmund Hall in 1995 that they did not believe the police routinely carried out surveillance of gay and lesbian establishments. They did, however, acknowledge that individual surveillance probably occurred. One Ministry of Defense official declared:

Policemen are very difficult to control. ... If you tell me that this kind of surveillance is taking place then it's beyond the call of duty. Policemen have got to have their own agenda. (Hall, 1995, pp.78-79)

General Sir Charles Guthrie, Chief of the Defense Staff, admitted at the time of the removal of the ban that military police investigations of suspected gays and lesbians sometimes "went too far" and expressed regret at the way some interrogations had been carried out (cited in Evans, 2000). The European Court of Human Rights also condemned the investigations of the plaintiffs as "exceptionally intrusive" in their ruling against the Ministry of Defense (Evans, 2000).

The British Armed Services' exclusion of homosexuals from service, even after gay sex was decriminalized by Parliament in 1967, stemmed from the conviction that the unique conditions and objectives of the military precluded behavior that was acceptable in civilian life. Defense Minister Nicholas Soames commented in 1996 that:

The view of the service chiefs and of Ministers is not based on any moral judgment but on the impracticality of homosexual behavior, which is clearly not compatible with service life. (The Lawyer Online, 1996)

Military commanders argued that the sacred duties of the Armed Forces - to protect the nation from harm and to advance Britain's interests even at the expense of loss of life - necessitated considerable caution when advocating changes in military organization or the composition of personnel. The inclusion of gay and lesbian soldiers was viewed as social engineering that could damage the integrity of military units.

The unique conditions specified by military officials included cramped living conditions, same-sex facilities and the dependence on one's comrades in life-threatening situations. Given extended excursions at sea and on foreign missions, military personnel often live under conditions of minimal privacy. First Sea Lord Admiral Sir Jock Slater declared in 1995 that:

Everyone who joins the Navy is committed to going to sea and therefore there is no question of 'it is acceptable ashore but not at sea'. I then look at the conditions at sea, where relatively they are cramped, they are crowded; it can be tough, it can be stressful. (Weale, 1995, p. 1)

Military leaders argued that the intimacy of living together in same-sex barracks, showering together, and sharing toilet and washing facilities made homosexual service impractical (see The Lawyer Online, 1995). They further contended that heterosexual servicemembers would feel uncomfortable showering or sleeping next to a homosexual soldier.

British commanders also asserted that the friction that could arise between gay and lesbian soldiers and their heterosexual colleagues would undermine morale and unit cohesion and even threaten the success of its operations. Soldiers need to depend on their comrades in life-threatening situations. Commanders argued that the introduction of

distrust or ill-will among individuals within a unit due to differences in sexual orientation could have disastrous consequences on the effectiveness of that unit. Defense Minister

Archie Hamilton argued during a 1991 debate in Parliament:

[B]oth homosexual activity and orientation are incompatible with service in the armed forces. The main reason centers on the need to maintain discipline and morale. The services are hierarchical, close knit [sic] overwhelmingly single sex and young communities. Units can work to full effectiveness only on the basis of mutual trust and the expectation of equal treatment among each rank. The formation within these units of sexually motivated relationships are potentially very disruptive of discipline and morale, particularly when they cross rank boundaries. (cited in Harries-Jenkins and Dandeker, 1994)

The 1994 regulations regarding homosexuality explicitly included concerns about operational effectiveness as well:

Homosexuality ... is considered incompatible with service in the Armed Forces. This is not only because of the close physical conditions in which personnel often have to live and work, but also because homosexual behavior can cause offence, polarize relationships, induce ill-discipline, and as a consequence damage morale and unit effectiveness. (Ministry of Defense, 1994, p.1)²⁵

Much was also made of the need of the military to protect its youthful servicemembers from the danger of homosexual sexual predators. One third of the British Armed Forces recruits in the mid 1990s were under the age of eighteen. Military officials argued that removal of the ban would result in "sexual exploitation by older, more senior, personnel" (cited in Hamden, 1996). Not only did the service chiefs feel they had a duty to protect the minors in their care, but they also worried that the potential for sexual abuse could also jeopardize recruitment among young men and women²⁶. Air Chief Marshal Sir John Willis warned in 1995 that "the confidence both of young people

²⁵ See also Copley (1996) and Shrimmsley (1996) for further justifications of the ban.

²⁶ See also Mills (1995).

to join the Armed Forces, and their parents to permit them to join the Armed Forces, would be seriously damaged” (The Lawyer Online, 1995).

VI. COURT CASES CONCERNING THE ARMED FORCES’ BAN ON SEXUAL MINORITIES AND THE MILITARY’S RESPONSE

In 1994, four servicemembers discharged for homosexuality began a legal challenge in British courts against the military’s ban on gay and lesbian soldiers. Lawyers for the servicemembers invoked the Wednesbury doctrine and the European Convention on Human Rights to argue that the privacy rights of the soldiers had been violated. The former service personnel included: Lt. Cdr. Duncan Lustig-Prean, a former naval supply officer; Sgt. Graeme Grady, a former RAF intelligence officer; Jeanette Smith, a former RAF nurse; and John Beckett, a former naval weapons engineer on a nuclear submarine. Their case was backed by Stonewall, a British gay and lesbian rights group.

The four plaintiffs had excellent military records and many years of service between them (see Lyall, 1999). Lieutenant Commander Lustig-Prean maintained an ‘exemplary’ service record of fifteen years (Hicklin, 1995). He was about to be appointed a military advisor to John Major when he was discharged after reporting a blackmail attempt. Sergeant Grady, the married father of two children, was the chief clerk at the British defense intelligence liaison office in Washington, D.C. and had high security clearance. He was released after he was seen attending a counseling group for gay married men (Agence France Presse, 1999; Guardian, 1999). Smith, an RAF nurse for five years who had been recommended for promotion four times, was dismissed after an anonymous caller informed her superiors of her relationship with a civilian woman

(Booth, 1999; Guardian, 1999a). During her interrogation, Smith was asked if she had ever had sex with her partner's adolescent daughter, whether she used sexual appliances during sex, and who was the dominant sexual partner in her relationship (Agence France Presse, 1999). Beckett was a potential officer candidate. He was released from service after disclosing his relationship with a civilian man to his chaplain, who encouraged him to tell his commanding officer. It was his only gay relationship. Beckett alleges that the Royal Naval psychiatrist suggested electric shock aversion therapy (Mills, 1995).

In June 1995, the High Court ruled against the discharged service members on the grounds that the British courts did not have the authority to invoke the European Convention on Human Rights. Justices of the High Court signaled, however, that the policy was unlikely to withstand judgement by the European Court. Lord Justice Simon Brown declared at the time that "the tide of history is against the Ministry", and "so far as this country's international obligations are concerned the days of this policy are numbered" (cited in *The Lawyer On-Line*, 1995). Britain's Court of Appeals upheld the High Court's decision in November 1995 (Majendie, 1995)²⁷.

In response to the High Court's warning that the ban would likely be overturned by the European Court, the Ministry of Defense assembled the Homosexual Policy Assessment Team (HPAT) in 1995 to appraise the existing policy and determine if changes were needed (Butcher, 1995). The HPAT report²⁸, which was released in 1996, included survey data from servicemembers and analyses of the military policies toward sexual minorities in Australia, Canada, Israel, the Netherlands and the U.S. A month before the release of the report, an insider leaked to journalists that the HPAT committee

²⁷ For details on the appeals case, see Butcher (1995a).

²⁸ See Ministry of Defense (1996).

would propose a compromise policy that would permit individuals with a homosexual orientation to serve while continuing to prohibit homosexual contact between servicemembers. A source close to the committee commented, “We are looking to take some of the heat out of the issue. We need to make some changes while respecting the strong feeling in the Services” (Gilligan, 1995, p.1). But the source also acknowledged that the proposals were provisional and could be changed (Gilligan, 1995). By the time the report was released in February, the committee did in fact recommend the continued prohibition of homosexual service.

The HPAT report argued that lifting the ban on homosexual soldiers would be an “affront to Service people” and would harm fighting efficiency. The report maintained that while “evolving social attitudes towards homosexuality” might induce further review, “it may equally be that the permanent features of the military environment are such that it will never be possible to integrate homosexuals” (cited in Harnden, 1996). The report evoked the unique demands of military life to justify restrictions not necessary in civilian life, declaring: “No other employer sends its employees out in disciplined teams to kill and be killed”. Ending the ban would likely lead to “heterosexual resentment and hostility” and would be viewed by military personnel as “coercive interference in their way of life” (cited in Harnden, 1996).

The HPAT report also included an attitudinal survey of 13,500 servicemembers. 80% of those surveyed felt that the ban should continue indefinitely, while only 5% felt the ban should be lifted immediately. Only 3% believed that the Armed Forces would be a more comfortable environment if gays were accepted; 84% disagreed (Copley, 1996; Bowcott, 1996). Opposition to a more relaxed policy was strongest in the Army and

weakest in the Air Force (Harnden, 1996), and women were less resistant than men to removal of the ban (Shrimpsley, 1996). Greater hostility toward male homosexuality than to lesbianism was also reported (Bowcott, 1996). More than two-thirds of the men felt that admitting gay and lesbian soldiers would damage recruiting, and a similar amount said they would not willingly serve under those circumstances (Shrimpsley, 1996). Some complaints about bias in the survey and the methodology were, however, registered at the time (Bowcott, 1996; Bowcott, Stewart and Zinn, 1996).

In addition, the committee received 639 letters about the policy; 587 of those received, or 92%, opposed changing the regulations (Bowcott, 1996). The letters included comments like those expressed by a warrant officer in the Royal Marines who said, "Men don't like taking showers with men who like taking showers with men", and those from a senior aircraftsman who warned that, "Homosexuals would definitely get beaten up" (cited in the Daily Telegraph, 1996). A lieutenant in the Royal Marines argued that:

We do not want a citizen army with the same weaknesses as Continental forces. The role of British Forces is to mount successful operation as directed, not to be a medium of social change. (cited in the Electronic Telegraph, 1996)

However, not all of the comments were negative. For example, one lieutenant in the Army wrote, "When I go to war, I would rather have alongside me a guy [sic] who shoots straight, than a straight who shoots crooked" (cited in the Daily Telegraph, 1996).

The committee's recommendation for the continuation of the ban came even though "...committee members who visited foreign armed forces, most of which permit homosexuality, were told that the admission of gays had made little practical difference to operational efficiency" (Gilligan, 1995). This view was reinforced by the comments of

a Canadian officer who said that British researchers told him that, “We believe we could change our policy, based on your experience, and what we heard in terms of candid comments from former commanders” (Belkin and McNichol, 2000). The British team also told the CF official, however, that they did not believe a more inclusive policy would be politically feasible in Britain at that time²⁹.

A legal advisor for the Ministry of Defense also warned military officials that the British Forces were likely to lose their case with the European Court of Human Rights, and that they would have a better case if they “mov[ed] to a compromise solution, eg. [sic] no open homosexuality” (cited in The Lawyer Online, 1996a). But the armed forces minister and the three service chiefs of staff were said to strongly support a continuation of the exclusion of homosexuals (Bowcott, Stewart and Zinn, 1996; Copley, 1996). Instead, defense ministers ordered a relaxation of the ban, which Armed Forces Minister Soames described as the “softly softly” approach (Gilligan and Wastell, 1996). Military police were instructed not to actively search for gay and lesbian soldiers; they were only to act if a problem was drawn to their attention. The defense ministers also made it clear that overzealous investigation, surveillance and harassment would no longer be tolerated (Gilligan and Wastell, 1996)³⁰.

Despite the recommendations of the HPAT report and the relaxed approach, it appears that over the next three years ministers and service chiefs behind the scenes were adjusting to the possibility that they would lose the case of the former servicemembers in the European Court of Human Rights (ECHR) (Sylvester and Thomson, 1998; Carrell,

²⁹ Researchers for this report were unable to reach MOD employees who worked on the HPAT recommendations and could therefore not verify this assessment.

³⁰ See also Johnston (1997) and *The Observer* (1997) for further details of the MOD review.

1999)³¹. The Defense Minister announced in 1998 that the ban “in principle” should be lifted, and Rank Outsiders reported the same year that they were consulted on a draft code of conduct for all military personnel, heterosexual and homosexual (Gilligan, 1998). In a related case, the European Court ruled in July 1999 that discrimination against transsexuals fell under the definition of “sex discrimination” in the European Convention. The ruling undermined part of the Armed Forces’ defense in the European Court case, which, in accordance with the British Sex Discrimination Act, argued that neither transsexuals nor homosexuals suffered from sex discrimination as long as transsexuals or homosexuals of both sexes were treated identically. On August 2, 1999, it was reported that transsexuals would henceforth be permitted to serve in the Armed Forces (Davies and Jones, 1999). The decision was criticized by the Conservative shadow defense secretary, Iain Duncan-Smith, who accused the Government of having a “politically correct agenda” and seeking to “end by stealth” the ban on homosexual service (Jones, 1999). The Ministry of Defense continued to discharge homosexual service personnel, however, and the last gay servicemember was dismissed from the Armed Forces on September 24, 1999 (Norton-Taylor, 1999).

On September 27th, the European Court of Human Rights ruled unanimously that the ban on homosexual military service violated the privacy rights of the plaintiffs. The seventy cases being investigated by the Armed Forces were immediately put on hold (Norton-Taylor, 1999a; Cullen, 1999)³². Civil servants suggested that a new code of conduct could be put in place earlier than 2001, presumably because considerable work

³¹ Parliament upheld the ban on homosexuals in May, 1996 (Hibbs and Millward, 1996). The Labor Party announced the same month that it would accept a ruling from the European Court of Human Rights overturning the ban if it formed the next government (Hibbs, 1996).

had already been done on it. The Conservative Party signaled that it might try to overturn the policy change if it were returned to power (Shrimpsley, 2000).

A week after taking office, the new Secretary of State for Defense Geoffrey Hoon set aside “at least £4m” to cover pending compensation claims by homosexual servicemembers (Syal and Gilligan, 1999). The more important question, however, was what model to choose for the new army regulations. There was considerable opposition from both gay groups and services chiefs to basing the regulations on the American model, which was seen as “a disaster”; services chiefs saw the Dutch and Israeli options as “too liberal” (Sparrow, 1999). Stonewall recommended the Australian regulations, which bans heterosexual and homosexual public displays of affection, as a possible model (Waugh, 1999). In mid-December, Hoon announced that the new code would be published the following month, and that it would govern “sex not sexuality” - a reference to the Australian rules.

With respect to the model that was chosen, Michael Codner of the Royal United Services Institute explained:

I think both sides of the debate saw ‘Don’t Ask, Don’t Tell’ as something which hadn’t worked, which was unworkable and hypocritical. The internal advice given to service chiefs by the civilian civil service was in favor of another model.

...But the Australian model was pushed strongly by Australian service chiefs. Their defense attaches were also very proactive in pushing the success of the Australian option. And I think the British service chiefs saw some logic to it. The two forces have a similar structure and ethos. (Personal Communication, September 26, 2000)

On January 12th, the Secretary of State for Defense announced the lifting of the ban to the Commons. He declared that the European Court judgement made the ban “not

³² For greater detail about the ruling and the military’s response, see Norton-Taylor and Dyer (1999) and

legally sustainable” and proclaimed that a new code of conduct governing personal relationships, based on that of the Australian armed forces, would be introduced. No legislation was required to effect this change, which went into effect immediately. Discharged homosexuals were also invited to reapply for their jobs (Waugh, 2000). Shadow Defense Minister Iain Duncan-Smith voiced “regret”, and he said that if the Conservatives won the next election they would review the decision and allow military chiefs to decide (Waugh, 2000). On that day a sailor became the first homosexual servicemember to come out openly to colleagues (Fleet, 2000).

Since the January 2000 decision, the enactment of the Human Rights Act in Britain has resulted in the replication of the European Court decision by a domestic court. A former RAF officer won an employment tribunal appeal against the Ministry of Defense in September, after it was ruled that the officer suffered sex discrimination in his dismissal for homosexuality (Robertson, 2000). The original plaintiffs in the European Court case were also awarded more than L400,000 as compensation for loss of future earnings, the emotional and psychological impact of the investigations, and court costs (Dyer, 2000; BBC News, 2000). A number of other suits are presently pending.

VII. BRITAIN'S PRESENT POLICY CONCERNING SEXUAL MINORITIES

In their development of a new policy, the Ministry of Defense emphasized the need for: 1) compliance with the ECHR ruling, 2) regulations that were non-discriminatory; 3) the preservation of operational effectiveness, 4) accordance with the general requirements of the military, and 5) protection of individual rights under the Human Rights Act (Ministry of Defense, 2000). Homosexuality is no longer a bar to

military service. Gay and lesbian soldiers are not, however, eligible for married accommodations, spousal pension or other partnership rights. In addition, a code of social conduct establishes rules of behavior that apply equally to heterosexuals and homosexuals. Soldiers, regardless of sexual orientation or sex, are prohibited from engaging in social behavior that undermines, or may potentially undermine, the trust and cohesion, and therefore the operational effectiveness, of the Services. Enumerated inappropriate behavior includes: unwelcome physical or verbal sexual attention, overfamiliarity with the spouses of other service personnel, displays of affection which might cause offense to others, taking sexual advantage of subordinates, and behavior which damages the marriage or personal relationship of other service personnel. The code of conduct further covers other types of “social misbehavior” that have not been enumerated. Discretion is left up to the commanding officer to determine if behavior constitutes a threat to the cohesion of the unit or the military command chain. Abuse of authority, trust or rank, or taking advantage of a person’s separation, are deemed particularly serious types of misconduct (Ministry of Defense, 2000a)³³.

The new guidelines for social conduct are general and involve considerable discretion. The code therefore provides a “service test” for commanding officers to use in their assessment of the need to “intervene in the personal lives of personnel” (Ministry of Defense, 2000a, p. 1). Commanding officers must consider each case in light of the following question:

Have the actions or behavior of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Service? (Ministry of Defense, 2000a, p. 1)

³³ See also *The Star Tribune* (2000), Reid (2000), and *The New York Times* (2000).

In the event of an affirmative answer, commanders are instructed to take prompt and decisive action to minimize damage to the effectiveness of the unit. If the misconduct is sufficiently serious, commanders may institute immediate administrative or punitive action. Such action may include a formal warning, official censure, the posting of the parties involved, or other disciplinary action. If the behavior is sufficiently serious, or if the servicemember has a history of social misconduct, termination of service may occur (Ministry of Defense, 2000a).

The Ministry of Defense also issued guidelines and speaking notes for commanding officers to help them explain and enforce the new policy. The speaking notes emphasize that the lifting of the ban brings the Armed Forces into greater concordance with the general society. A person's sexual orientation is to be considered a private matter, and every servicemember has a right to personal privacy. The speaking notes exhort service personnel to "[r]espect that right, and do not try to make their private business your concern" (Ministry of Defense, 2000c, p.2) Commanders were further advised to stress the continuity of the policy:

This change is not a major issue, and you should not make it into one. There have always been homosexuals serving in the Armed Forces. We do not expect that this change will result in a significant increase in the number of homosexuals coming into the Service. (Ministry of Defense, 2000c, p.2)

Continuity is emphasized with respect to the new code of social conduct as well. The speaking notes explain that the code "largely reflects existing policies" and "does not mean a tightening up on heterosexual relationships" (Ministry of Defense, 2000c, p. 2)

The notes for commanding officers state that their actions should be guided by the following principles:

- a. Sexual orientation is regarded as a private matter for the individual.
- b. Knowledge of an individual's sexual orientation is not a basis for discrimination.
- c. Incidents which involve the possible commission of civil or military offences, or which come to a Commanding Officer's attention through a formal complaint, should be investigated and dealt with in accordance with Service disciplinary or administrative procedures.
- d. The Service Test ... should be applied when there is any doubt about the impact on operational effectiveness of any particular incident.
- e. The Armed Forces value the unique contribution which every individual makes to operational effectiveness, regardless of their sexual orientation.
- f. The Armed Forces ... will only intervene in the private lives of individuals where it is necessary in the interests of preserving operational effectiveness.
- g. The new policy makes no moral judgements about an individual's sexual orientation.
- h. There is no place in the Armed Forces for harassment, bullying or victimization.
- i. Commanders have a duty of care towards all those under their command. (Ministry of Defense, 2000d, p. 1)

The guidelines also include a list of questions and answers that commanding officers might encounter under the new policy. The list provides responses to such situations as: what to do regarding someone who wants to 'out' themselves³⁴; whether homosexual personnel will be able to bring their partners to 'semi-official' functions³⁵; how they should handle a situation in which a person

³⁴ It is a personal matter whether or not to publicly announce one's sexual orientation. Servicemembers should be advised to "bear in mind that sexual orientation is a private matter", and they should: particularly consider how such a declaration might be received by the colleagues and what impact it might have on their future working relationships. If they decide to go ahead, they should be advised not to make an issue of their sexuality and to go no further than a simple acknowledgement of it. (Ministry of Defense, 2000d, p. 4)

³⁵ The Mess Presidents are to exercise discretion, as they do for all Mess guests. "In general, however, it would be appropriate to extend to homosexual partners the same arrangements as apply to unmarried heterosexual partners in respect of the particular function" (Ministry of Defense, 2000d, p. 5). The guidelines add:

is unwillingly 'outed'³⁶; whether an individual has a legal right to refuse to share accommodations with a homosexual³⁷; and how to deal with an extra-marital relationship between heterosexual servicemembers³⁸. With respect to a question about protecting young soldiers from predatory homosexuals, the guidelines declare that "It would be wrong to assume that homosexuals are predatory" and remind commanding officers that they must be "particularly alert to ensure young people are protected, regardless of their sex" (Ministry of Defense, 2000d, p. 5). Commanding officers are advised to remember that an open display of sexual behavior of any kind can cause offense, and to respond quickly to defuse situations before they spread (Ministry of Defense, 2000d).

When the new policy was announced by Secretary of State for Defense Geoff Hoon on January 12, 2000, he highlighted the fact that the chiefs of staff were completely involved in the creation of the new policy and endorsed the changes. Secretary Hoon stated that the code would apply to all members of the Forces, regardless of "Service, rank, gender or sexual orientation" (Ministry of Defense, 2000b, p. 2). He further

Where partners wish to dance together, the circumstances will need to be judged: on some occasions this might pass virtually unremarked and cause no difficulty, on others it could cause offense (with, perhaps, further consequences). Where necessary, those responsible for the function should intervene as discreetly as possible with a view to minimizing any disturbance. It will always be appropriate for couples attending such functions to bear in mind that any overt displays of a partner's affection can cause offence. (Ministry of Defense, 2000d, pp. 5-6)

³⁶ It is up to the individual to decide whether or not to acknowledge their sexual orientation. If they decide to acknowledge their homosexuality, "they should do so with the minimum of fuss and not make a major issue of it" (Ministry of Defense, 2000d, p. 6). Knowledge of one's sexual orientation should not be reason in itself to move a servicemember. The commanding officer should be alert for any harassment or bullying (Ministry of Defense, 2000d, p. 6).

³⁷ Individuals have no legal rights to do so under either the European Convention on Human Rights or the Human Rights Act. Accommodations and facilities will be assigned without regard to sexual orientation (Ministry of Defense, 2000d, p. 3).

³⁸ Commanders are instructed to first assess whether an offense has occurred and then apply the Code to determine whether administrative action is necessary. "The most serious cases, especially where there has been an abuse of position or trust, may warrant the most severe consequence and result in discharge, resignation or retirement" (Ministry of Defense, 2000d, p. 4).

stressed that the code complemented existing policies, including “zero tolerance for harassment, discrimination and bullying” (Ministry of Defense, 2000b, p. 2). As for the use of the service test, Secretary Hoon declared that:

Commanders will have to apply this Service Test through the exercise of their good judgement, discretion and common sense – the essence of command and the effective management of people. (Ministry of Defense, 2000b, p. 2)

Shifting gears from the public statements in support of the ban before the European Court ruling, Chief of the Defense Staff General Sir Charles Guthrie went on record at the time of the announcement of the new code of conduct to say that lifting the ban was likely to lead to some difficult situations for commanding officers, who would be required to decide if conduct was damaging to a unit’s operational effectiveness. He added, however, that “As CDS (Chief of the Defense Staff), I don’t believe that the operational efficiency of the Services will be affected, although I’m not saying we won’t have some difficult incidents”. He acknowledged that some people would still be against the ban “because they are homophobic or on religious grounds”, and that his assessment of the new policy differed from that of former service chiefs and ministers. But he added that “times have changed”, and he doubted that the change in policy would have any effect on recruiting (Evans, 2000). General Guthrie characterized the new code of conduct as “sensible and pragmatic” and said that it would be up to commanding officers to reassure their subordinates. “We think we can make it work”. (Evans, 2000)

Discussions on the code of social conduct and the importance of equal treatment for heterosexuals and homosexuals have since been integrated into training at the Tri-Service Equal Opportunities Training Center, the training site for the Services’ Equal Opportunity Advisors (Ministry of Defense, 2000c). In

February, the Royal Air Force became the first service to include tolerance toward homosexuality in its officer training courses. The training course discusses the issue during the “beliefs and values” session, which is conducted by chaplains and staff. Officer candidates are informed that homosexuality is compatible with service and does not damage team morale. They are also taught that overt displays of affection, whether heterosexual or homosexual, threaten team discipline (Butcher, 2000). The other Services have since followed suit.

In October, 2000 it was reported that a naval lieutenant-commander had won the right to some of the partnership benefits previously reserved for heterosexual personnel. The companion of Lieutenant-Commander Craig Jones will be flying out with other naval spouses to visit the HMS Northumberland in the Mediterranean. Spousal flights are subsidized by interest-free loans from the Navy. Jones’ partner has also been invited to a black-tie dinner and other mess dinners on shore and aboard the ship (Gilligan, 2000).

VIII. INITIAL ASSESSMENT OF THE EFFECTS OF THE CHANGE IN POLICY

Six months after the lifting of the ban and the enactment of the new social code of conduct, the Ministry of Defense conducted its own assessment of the policy change. Commanders from each of the Services were asked to comment on a variety of issues related to the policy change and on developments arising from it. The assessment was for internal review only, and the resulting report was not released to the public. The Ministry of Defense report therefore constitutes the best evidence to date on the effect of the military’s new policy. It conducted a comprehensive managerial review with access to

all relevant data. Further, since it was not intended for a civilian audience, the report was not written with an eye toward shifting the public opinion or influencing policy debates. The Ministry of Defense provided the researchers of this report with a summation of the contents of the internal assessment. This marks the first time that the findings of the report have been released to the public.

The appraisal by the Ministry of Defense depicts the policy change as an unqualified success. No problems associated with the new policy were reported. It found that both the lifting of the ban on homosexual soldiers and the new social code of conduct have been effectively instituted. It also states that there have been no significant difficulties in the transition to the new policy, that servicemembers have come to widely accept the policy change, and that the implementation has gone surprisingly well. Given the success, the internal review found that no further changes in regulations or enforcement were needed:

... [T]he change in policy has generally been hailed as a solid achievement. It has been introduced smoothly with fewer problems than might have been expected and no changes either to the policy, the Code of Social Conduct, or the content of our training courses are planned at the present time. (Ministry of Defense, 2000e, p. 2)

The Ministry of Defense determined that the policy change has not affected recruitment levels. The three Services “reported that the revised policy on homosexuality had had no discernible impact, either positive or negative, on recruitment” (Ministry of Defense, 2000e, p. 2). The evaluation did, however, find that the more inclusive policy had positively affected their access to recruiting fairs. College recruiting fairs that used to forbid participation by the military have reversed themselves in the wake of the lifting of the ban: