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**GAYS AND LESBIANS AT WAR: MILITARY SERVICE IN IRAQ
AND AFGHANISTAN UNDER “DON’T ASK, DON’T TELL”**

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Findings

1. Gays and lesbians serve on the frontlines of Operation Enduring Freedom and Operation Iraqi Freedom, taking combat and combat-support roles as officers and enlisted personnel in the Army, Air Force, Navy and Marines. Despite the prohibitions of “don’t ask, don’t tell, don’t pursue,” many serve openly or are known to a majority of the troops in their unit. When gays are out, they report greater success in bonding, morale, professional advancement, levels of commitment & retention and access to essential support services.
2. Nearly all the gay and lesbian service members interviewed for this study reported that the “don’t ask, don’t tell” policy impeded their capacity to bond with their peers, to develop trust within their units, to discuss basic personal matters, and to achieve maximum productivity in their working lives as fighters and support personnel. Reported hardships were exacerbated during deployment, when support networks and resources outside the military are less accessible. Many reported that, due to the policy’s strictures on expression, they sometimes avoided socializing with their comrades, and were perceived by others as anti-social.
3. None of the gay and lesbian interviewees reported any impairment of unit cohesion as a result of their homosexual identity being known during deployment. Some reported that the “don’t tell” clause of the policy undermined unit cohesion and impeded their ability to reach their potential. Some members reported minor disruptions resulting from anti-gay sentiment which were comparable to other kinds of tension resulting from gender- or race-based interpersonal conflicts.
4. Privacy does not appear to be affected by the presence of openly gay troops in the wars in Afghanistan and Iraq. Despite widespread knowledge of the presence of gay service members, a norm of discretion prevails, and most gays and lesbians who come out voluntarily do so quietly and to close confidantes.
5. Troops described a wide variety of sleeping and showering arrangements, including open showers, communal shower tents and makeshift showers that were used before sites in Iraq and Afghanistan were improved, as well as single-stall showers and private bathrooms. No particular arrangement was seen to have impaired unit cohesion or undermined combat effectiveness.

6. Enforcement of “don’t ask, don’t tell” in Operation Enduring Freedom and Operation Iraqi Freedom is inconsistent and often arbitrary, and is largely dependent on the discretion of individual commanders. It appears to be tied to troop strength needs rather than privacy or unit cohesion. In many cases, the unpredictability of enforcement appears to have undermined respect for military law. The message of policy itself, which states that homosexuality is “incompatible with military service,” nurtures anti-gay sentiment, which some commanders endorse and perpetuate. Service members also reported uneven distribution of training on the “don’t ask,” “don’t tell” and “don’t harass” tenets of the policy.
7. The attitudes of younger recruits were reportedly more accepting of homosexuality than those of older and senior military personnel. Some indicated that enforcement of and support for the ban on openly gay service came primarily from older members of the military who had served when an outright ban was in place. Service members who had served both before and after the current policy was adopted said a significant evolution in feelings about homosexuality had occurred since 1993.
8. The policy frequently deprives gay and lesbian service members of access to support services, including medical care, psychological assistance and religious consultations, because they have no guarantee that personnel in these offices will hold their words in confidence.
9. Some gay troops cut their service short, declined to re-enlist or were discharged due to “don’t ask, don’t tell” in the midst of Operation Enduring Freedom or Operation Iraqi Freedom. Discharges have declined since the start of Operation Enduring Freedom, which is consistent with the historical trend of dwindling gay discharges during wartime. Nevertheless, gays continue to be expelled in 161 different occupational specialties, including linguists, intelligence personnel, engineers, administrative specialists, transportation workers and military police. Cases were also reported in which service members came out in order to get out of their service obligations.

Overview & Parameters

This study assesses the qualitative experiences of gay, lesbian and bisexual service members who were deployed as part of Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF) between October 7, 2001 and September 1, 2004. It is designed to evaluate the impact of the “Don’t Ask, Don’t Tell” policy on the capacity of gay troops to perform their duties as part of an effective military force. To make these assessments, analyses addressed the effects of the policy on morale, cohesion, privacy and retention, as well as the effects of leadership and policy enforcement on gay troops.

A study of this nature is important for several reasons. The rationale for a policy banning openly gay troops has been that letting avowed gays serve in the military would compromise the privacy, morale and unit cohesion that are essential to an effective fighting force.¹ Social scientific data supporting these claims have been scant, and much of the public debate on this issue has relied on anecdotal evidence and political rhetoric. In addition, most of the discussion about how and whether to limit gay service has been carried out from the perspective of straight service members, with little attention to the impact of actual and potential gay and lesbian recruits. Finally, U.S. military forces have been engaged in major combat operations in the Middle East for the first time since “don’t ask, don’t tell” was adopted, affording the opportunity to assess the impact of the policy in the field. An investigation of this sort is particularly valuable during a period when military forces are stretched thin, and the stakes for national security of well-designed personnel policies are high.

This study is based on thirty in-depth interviews with gay, lesbian and bisexual service members who were deployed to the Middle East, as well as field observations made stateside. It draws additionally on secondary research and interviews with government officials, academics and other experts on military affairs (see section on *Methodology*, below, and attached bibliography). Subjects for the study were drawn from the Army, Navy, Marines and Air Force. They include active duty, Reserves and National Guard, enlisted and officer corps, male and female, combat, combat-support and service-support (e.g. administrative) specialties. They represent all regions of the country and diverse racial, ethnic, class, age and educational backgrounds. Straight service members were consulted for background information, but in-depth interviews were limited to those who identify as gay, lesbian or bisexual. Previous studies have assessed attitudes of straight service members, although these studies are limited and more qualitative research is needed to accurately assess the values, beliefs and attitudes of straight troops with regard to gay service.²

¹ USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces”; See also the comments of Charles Moskos, principal architect of the policy, in Nathaniel Frank, “What’s Love Got To Do With It: The Real Story of Military Sociology and ‘Don’t Ask, Don’t Tell’” in *Lingua Franca*, October, 2000.

² For example, one study reporting on attitudes of straight troops about gay service relied on convenience sampling methods rather than strict probability sampling to select respondents, and it did not include senior officers. It is therefore not possible to generalize their results to the entire military population. See “Sexual

Orientation and U.S. Military Personnel Policy: Options and Assessments,” National Defense Research Institute, 1993, pp215-216.

History

The current policy on gays in the U.S. military, commonly known as “don’t ask, don’t tell,” allows gays and lesbians to serve so long as they refrain from stating their sexual orientation or engaging in homosexual conduct. In 1993, President Clinton, seeking to fulfill a campaign promise to lift the ban on gay troops, ordered his Defense Secretary, Les Aspin, to review the military’s existing regulation on gay troops, a Carter-era ban which was Pentagon-wide but had no basis in federal law.³ The directive stated that the review should “end the present policy of the exclusion from military service solely on the basis of sexual orientation.”⁴

The action prompted intense opposition from members of Congress and senior military leaders, including the Joint Chiefs of Staff. After meeting with law-makers and senior military leaders, President Clinton suspended enforcement of the Pentagon’s existing ban on gay troops, but said he would not issue an executive order lifting the ban until interested parties had a chance to review and debate the merits of the plan.⁵

Congress held hearings on the matter in the spring of 1993, after which the President, along with military and Congressional leaders, agreed to a compromise policy in which gays would be allowed to serve if they were not open and if they did not engage in homosexual conduct.⁶ The policy was written into law in November, 1993, and the Department of Defense promulgated its implementing regulations the following month.⁷

Both discharge figures and reports of anti-gay harassment increased substantially in the years following the implementation of “don’t ask, don’t tell.” But other aspects of the impact of serving under the policy have not been adequately investigated.⁸ This study aims to assess the qualitative experiences of gay and lesbian troops who have served in Operation Enduring Freedom and Operation Iraqi Freedom under “don’t ask, don’t tell.”

³ Les Aspin Memorandum to the Joint Chiefs of Staff on “Policy on Homosexual Conduct in the Armed Forces,” July 19, 1993.

⁴ Weekly Compilation of Presidential Documents, vol. 29 (Jan. 29, 1993): pp. 108-112.

⁵ New York Times, Jan. 21, 24, 25, 26, 27, 1993; Weekly Compilation of Presidential Documents, vol. 29 (Jan. 29, 1993): pp. 108-112.

⁶ “Policy Concerning Homosexuality in the Armed Forces,” Hearings Before the Committee on Armed Services, U.S. Senate, 103rd Congress, 2nd Session, Senate Hearing 103-845 (1993).

⁷ USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces”; New York Times, Dec. 23, 1993.

⁸ “Conduct Unbecoming: The Ninth Annual Report on ‘Don’t Ask, Don’t Tell,’” Servicemembers Legal Defense Network, 2003.

Methodology

A study assessing the impact of military policy on gay and lesbian service members faces a number of methodological challenges. Because it is illegal for service members to state that they are gay, it is not possible to conduct random selection surveys of gay troops, and it is difficult to reach large numbers of gay and lesbian troops. In addition, quantitative surveys on this topic are limited in their ability to generate reliable information because responses may be swayed by the knowledge that there is a ban on openly gay service members. The language of the federal statute, which says that known homosexuals “would create an unacceptable risk to the high standards of morale, good order and discipline” essential to the military, sends the message that gay people are unwelcome in the military and “good soldiers” may be inclined to echo the tone set at the top.⁹

Since random selection surveys were both impossible and of limited use, subjects for this study were recruited in three ways: First, calls for interviewees were placed in the Advocate.com, the website of the nation’s largest gay and lesbian news magazine. Second, calls for subjects were sent out via email lists and listserves of organizations of gay veterans, gay advocacy and gay research groups. These groups included CSSMM (Center for the Study of Sexual Minorities in the Military), AVER (American Veterans for Equal Rights), SLDN (Servicemembers Legal Defense Network), MEI (Military Education Initiative), LCR (Log Cabin Republicans), the Liberty Education Forum and the Military Freedom Project. Third, mindful of a possible bias produced by relying on willing interviewees who might be eager to respond to advertisements and formal postings in gay-oriented publications or websites, participation was also solicited from service members identified through friends, acquaintances and other peers of initial respondents. Roughly fifteen percent of interviewees comprise this group of subjects who did not reply to formally posted calls for interviews, but were contacted through private avenues.

The limitations of this sampling strategy are that it is not possible to generalize about the entire military from a non-random selection of interviews. The interview strategies used for this study can nevertheless yield highly useful information about the impact of deploying to combat while serving under “don’t ask, don’t tell.” In order to draw conclusions from in-depth interviews, a similar set of questions was asked to all respondents covering the following areas: (1) personal background, (2) military job and rank, (3) observed attitudes of military personnel toward homosexuality, (4) degree of privacy, (5) nature of living arrangements, and (6) impact of the policy. Because of the limitations of a non-random sampling strategy, this study incorporates a number of other methodological approaches to check identified patterns against social science data from a wide body of literature corresponding to these areas. This procedure allowed further assessment of the validity and reliability of a variety of subjective conclusions, so that meaningful and relevant findings could be derived. These additional sources of data are

⁹ USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces.”

discussed within the text of the study as appropriate, and include (1) government documents, (2) polling data, (3) newspaper and magazine articles, (4) expert opinions, (5) scholarly studies and (6) books (see attached bibliography).

Section I – Bonding, Morale & Cohesion

The “don’t ask, don’t tell” policy and the rhetoric supporting it repeatedly cite “morale” and “unit cohesion” as essential ingredients to an effective military. In the text of the law, Congress finds that “one of the most critical elements in combat capability is unit cohesion,” which it defines as “the bonds of trust among individual service members that make the combat effectiveness of a military unit great than the sum of the combat effectiveness of the individual unit members.” The rationale for banning openly gay service, according to the law, is that allowing it would “create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.” Throughout the Congressional hearings surrounding the passage of the law, supporters of a ban argued that cohesion and morale would be harmed if gays were allowed to serve openly.¹⁰

During the debates over gay service, parties on both sides of the issue acknowledged that gays and lesbians already served in the military, often with distinction, and normally without incident. Almost nothing, however, was said about what impact a gay ban had on these service members, or on how bonding, morale or cohesion of units might be affected if new regulations were implemented governing gay expression and conduct.

This study has been designed to ask those questions directly of gay and lesbian service members deployed to combat. The data collected suggest that the “don’t ask, don’t tell” policy significantly impairs bonding between gay troops and their straight and gay comrades. Interviews with gay troops reveal both the centrality of social ties to military deployment and the special burden gay troops face under the restrictions on personal expression under the policy, particularly while deployed overseas.

One of the most frequent responses in interviews about the impact of serving under “don’t ask, don’t tell” was that gay and lesbian service members were compelled to shut down in an environment in which forming close bonds was encouraged. Many respondents described long hours of “down time,” even in combat zones, during which people passed the time by talking informally and discussing friends, family and other personal matters. During these moments of social bonding, some gay troops had to censor themselves, remain silent or opt out of conversations altogether. The result was that these troops were seen as aloof, uncaring or uninterested.¹¹

“It can’t be all business all the time,” said an Army JAG officer who was formerly deployed for OEF as part of the Naval Coastal Warfare community. “You have to be able to talk about your life, you have to be able to bond with the people, and I could never do

¹⁰ USC, Sec. 654, “Policy Concerning Homosexuality in the Armed Forces”; “Policy Concerning Homosexuality in the Armed Forces,” Hearings Before the Committee on Armed Services, U.S. Senate, 103rd Congress, 2nd Session, Senate Hearing 103-845 (1993).

¹¹ FD Interview; AN Interview.

that.”¹² An enlisted man said that in some units, he felt comfortable enough to come out to most of his co-workers. But when he was in a unit where people did not know his sexuality, “it makes it harder to form interpersonal relationships to the point where people can go to war together.”¹³

One Petty Officer First Class in the Navy explained the added strains created by the gag rule. “If I have to sit there and hide my life,” he said, “that is stressful. Because people talk: when you’re at work, do you sit there and talk about work all the time? When I can’t sit there and talk about my life and my family, it does get stressful.” The sailor recounted a rumor that circulated after he was spotted in a Starbucks with his civilian boyfriend. The next day at work on the ship, it was reported that they had been holding hands, which was untrue. Wishing to confront people and correct the record, he opted instead to lay low so as not to draw attention to himself in a matter relating to sexuality. The silence took a toll. “Their closed minds just make me into a very impersonable person here at work,” he said.¹⁴

A Senior NCO in the Air Force who has served for eighteen years said the squadron is like a family, which serves as a support group away from home. “If you can’t be yourself or reveal too much about yourself, you’re still going to be odd man out,” he said.¹⁵ A senior airman said she avoided get-togethers with co-workers for fear of battling awkward moments in conversation: “That’s like your family when you’re [deployed], so if you can’t be open with them and trust them, it’s kind of like you’re out there by yourself.” She said it was hard to be deployed because, due to the gag rule, “you don’t really have anybody to talk to.”¹⁶

Another Petty Officer First Class in the Navy said the command leadership deems it important to build comradery through family functions. During deployment “a lot of wives get together and help support each other” back home, he explained, with childcare, emotional support and socializing. He said he avoids command functions “because they always try to involve the families, too, and I don’t like showing up by myself, because then I get a rash of questions” about why he has not brought a wife or girlfriend. “Because I stay away from command functions,” he concluded, “I don’t bond with anyone at work anymore.”¹⁷

A Navy Lieutenant, currently studying aeronautical engineering at the Air Force Institute of Technology, said the ban “ends up driving more of a wedge [between gays and straights] than really helping.” The policy, in his view, “makes very sharp distinctions... but if everyone were able to be out, there wouldn’t be such sharp distinctions.” As a result of the policy, “I don’t socialize as much with the people I work with because I can’t

¹² SH Interview.

¹³ IN Interview.

¹⁴ WA Interview.

¹⁵ DN Interview.

¹⁶ SA Interview.

¹⁷ TR Interview.

be out to them, and that's not good for cohesion." If he were able to be out, he said, he would probably socialize more with his peers, which is especially important among officers in the squadron, who function "like your little social group." He called the ban "detrimental" and said it was exhausting "to keep up appearances," and to pretend to be interested in girls on a regular basis. The Lieutenant was out to over a dozen other gay sailors. "It makes it a little bit more sane for my state of mind that there are a few people who know and you don't have to be secret from everyone," he said.¹⁸ A former Army Staff Sergeant agreed, saying that "it became easier to talk to people once I was open with them."¹⁹

Some service members found that the policy affected not only gays and lesbians but members of the force at large. The Army JAG officer said she had to avoid referring to social occasions and activities in normal conversation. At these moments, "there were only certain things I could say. One of the ways I concealed was to become more detached, more cold, which is not a good thing in the military because we're supposed to be laying our lives down for one another." She said that taking these steps was manageable while in the inactive Reserves but took a greater toll while deployed. "It's so ingrained in military culture to bond on a social level that it takes away a fundamental stress release and a fundamental bonding experience to have to hide who you really are," she said. "Either you become a cold, detached person, or you're a liar. It's such a disservice to do that to other service members."²⁰

Austin Rooke, an Army Captain trained in Counterintelligence and working as a liaison officer from SOCCENT (Special Operations Command Central), corroborated that the policy burdens not only gay troops but members of the force at large. Rooke came out to a few co-workers to a very positive response. But when friends of gay troops know of a soldier's homosexuality, either through a direct acknowledgment or through informal signs, statements and innuendo, the straight service members become accomplices. "When you come out to someone," Rooke said, "you put them in an uncomfortable position, you burden them, because they now have knowledge that you are serving illegally." Thus gay troops are forced to choose between bonding effectively at the cost of burdening their comrades or shutting down at the cost of effective bonding. So long as the law bans people from revealing their homosexual orientation, they will not be able to bond effectively without both violating the law and placing their peers in uncomfortable positions.²¹

¹⁸ Matthew Interview.

¹⁹ Brian Muller Interview.

²⁰ SH Interview.

²¹ Austin Rooke Interview; One Petty Officer First Class in the Navy explained the difficulty concealing sexual orientation even if one conforms to the silence provision: "Some people can just figure things out, especially if they're from the more liberal states like California, places where they may have been around gay people before," WA Interview. A senior NCO recounted one individual who "didn't really have any choice but to be openly gay, because he was very effeminate." He said, however, that he was "treated with dignity and respect," a result he attributed to the service member's effort to "always go above and beyond and do the best job possible." DN Interview.

Rooke said that when stationed in Qatar, the gag rule “definitely prevented me from feeling like I could make a connection with the people I was working with.” He struggled with whether or not to come out to his roommate, who he thought might be accepting, but who had apparently not been exposed to many gays before. He decided not to tell him he was gay, but recalled a need to have “that kind of human connection when I was away from my support network.”²²

Many people do not initially appreciate what the policy will require them to do throughout the duration of their service. As one soldier explained, the policy prohibits gays from revealing or discussing their sexuality even to one another, depriving them of one of the essential sources of support which other members of minority groups enjoy. He went further, saying the ban effectively hampers all kinds of bonding among members of the same sex. “We’re not allowed to experience any sort of relationship with people of the same gender,” he said, including non-sexual intimacy.²³ “It requires a conscious effort to avoid the situation where that [sexual orientation] would come up,” said another, “or it requires outright deception.”²⁴

Another illustration of the unforeseen burdens of the policy comes from a Surgical Technician in the Navy who came out to his parents, and faced an unsettling silence from them for a period of time. Visibly upset but unable to explain why, he was asked by concerned supervisors what was troubling him and why he had not received emails from his parents lately. After evading their solicitations, he eventually came out to his Leading Petty Officer, who, despite his violation of the policy, was fully supportive. He was told, “I know how you feel and if you need any help, let me know.” His Leading Petty Officer added, “I don’t believe the military should have this policy. We really like you here and we want to keep you here and we’ll help you out.”²⁵

For many service members, the silence requirement raised doubts about whom to trust as “real friends,” and planted concerns that comrades they hoped would accept them might eventually reject them if they found out their secret. “I had a lot of close friends but constantly wondered if they would be my friends even after I told them,” said a Psychological Operations Staff Sergeant working in Kirkuk, Iraq.²⁶ An Army Captain in charge of battle plans and operations in Iraq, who was out to most of his friends in the military, nevertheless was constantly “terrified” that the remaining friends who didn’t know he was gay “would find out and that they wouldn’t be my friends anymore.” He explained that the gag rule affected his ability to get close to the people who didn’t know his sexuality, especially while deployed in Iraq. “You want to be able to share with people and to talk to people, especially when you’re in the field, like when we were in Baghdad; you want to be able to talk to people and blow off steam and get to know people,” he said. “If you’re not out, you’re in essence lying.” He said that everyone who

²² Austin Rooke Interview.

²³ IN Interview.

²⁴ AN Interview.

²⁵ RO Interview.

²⁶ SM Interview.

knew he was gay accepted it without problem, which made it easier to feel at-ease in his unit. “I talk to most of my friends and they accept it and I can be open with them and that means so much to me,” he said.²⁷ While the prospect of facing rejection is a fact of life for gays irrespective of the policy, the ban on coming out can exacerbate these concerns by forcing people into the closet and creating additional fear and uncertainty.

A lower enlisted service member, who did not want to mention his service branch, elaborated on how the policy can compromise the development of trust between people in a unit. “A great deal of military service is being able to trust people around you,” he said, “being able to be comfortable enough around them that you can trust someone with your life. Having to conceal something like this can make you doubt the personal bonds and professional bonds that you have with people.” The policy inflicts damage beyond its impact on individual gay personnel by institutionalizing the presence of dishonest troops. By requiring that gay people conceal basic information about themselves, the policy assures troops that people in their midst are misleading them. They are told there are people in their midst whom they should not trust. “It’s a forced lack of integrity on your part,” continued the service member. “If you’re living a lie, [your peers] are not trusting you, they’re trusting a picture of you that you put in their head.”²⁸

A Sergeant First Class working in Psychological Operations said the strictures against discussing one’s personal life yielded an effect similar to that of a repressive marriage. “You’d probably be a better father to your children if you didn’t have all these frustrations and all the depression that goes with it,” he said. Under “don’t ask, don’t tell,” “you can’t talk about your feelings. In that respect, maybe I could have been a better soldier.”²⁹

A combat veteran who served as both a Marine and Army infantryman explained how the policy limited his friendship with both other gays and straights. Having learned that a comrade was gay, he avoided socializing with him because of “guilt by association,” opting to email one another even though they were sitting right beside each other. With straight peers, “there were certain people I really liked and we shared experiences with each other,” he said. “But I only let them see part of me, while they shared everything. I felt I couldn’t always become friends to them and I intentionally didn’t get close to them because of that. Basically I shut them off over here now that I’m back” from the Middle East. “It takes a toll on me.”³⁰

The Surgical Technician in the Navy said it was more important to be “true to [people] at the origins,” so they would not find out later and feel deceived. “I think it would bother them more if you say you’re straight and they find out you’re gay and feel like you should have let them know before,” he said. He explained that some people who remain intolerant of homosexuality express a preference to know who is gay so they can feel

²⁷ FD Interview.

²⁸ IN Interview.

²⁹ WE Interview.

³⁰ RG Interview.

better able to protect their privacy. He added that the requirement to conceal one's sexual orientation could distract gays and lesbians from the mission at hand: "I think it hurts the unit itself if you don't tell who you really are because if you can't focus on what you need to focus on because you have other things in your head, then you're wasting time because you're not putting 100% into it."³¹

The difficulties created around social cohesion were particularly pronounced for older and more senior personnel, who reported facing increased scrutiny about their personal lives. A Captain in the Air Force Reserves said that, at age 35, people are expected to have a "traditional" family. Seemingly harmless questions, which reflect a "genuine interest in getting to know" one another, follow accordingly. The gag rule disqualifies him from participating in these forms of socializing: "When I find myself in a discussion regarding personal experiences," he said, "I often stay silent or don't add much to the conversation in order to avoid those uncomfortable moments. If I have to think very carefully about each word I say, then I'd rather say nothing at all." As a result, "I've earned a reputation for being all business, hard-nosed and very difficult to get close to. This is an accurate description; however, it's not by choice. The military has forced me to become this person."³²

Service members reported that when people did find out they were gay, relations often improved. A Squadron Leader who commanded Bradley fighting vehicles for the Fourth Infantry Division in Iraq described this evolution in his relationship to the gunner who served on his crew. "Prior to us being a crew," he recalled, "I wouldn't associate with him at all." The gay squad leader had reason to believe the gunner might not be fully accepting of homosexuality. "Then we became a crew, and we became friends. When he actually found out, when I was actually able to open up to him, things got better in the sense that I'm able to be myself and he accepts me and that's cool and he even asks me about my partner now." The gay soldier concluded that serving openly "brought me and my soldiers closer together because now they know who I am. I'm a little bit more confident about myself because now I don't have to walk around with this big ape on my back and we're just that much closer and I don't have to feel afraid of talking to them about what's going on in my life."³³

A Supply Specialist who served in Iraq from the beginning of the war, and whose tour was extended because of "stop-loss" orders, said his service would have been improved if he had enjoyed the freedom to discuss his personal life. "I mean, these are your best friends," he said, "these are people you live with, you die with. How easy it would have been to say, hey, I'm gay, this is who I sleep with. I think it would have just brought us a hell of a lot closer."³⁴

³¹ RO Interview.

³² JA Interview.

³³ MC Interview.

³⁴ JO Interview.

The rationale for “don’t ask, don’t tell” rests on the assumption that straight men are intolerant of, or uncomfortable around, gay men. Surveys of women’s attitudes towards lesbians in the military show greater willingness to tolerate gay women.³⁵ Since the ban on openly gay service applies to women also, it imposes constraints on relationships that the policy was not designed to restrict. In particular, the policy can hamper the special bonds that are sometimes made between gay men and straight women, and between gay women and straight men in the military. This is significant because gay people have historically confided in straight members of the opposite sex, with whom they often feel more comfortable and by whom they can feel less threatened than straight members of the same sex. In addition, their shared objects of affection can become a source of commonality. “Don’t ask, don’t tell” deprives gay service members of the option to bond in this way, a casualty of a ban rooted in other concerns than the prospect of a gay soldier confiding in a supportive straight female at work.

“Guys loved me,” said Wendy Biehl, a former Specialist in the Army, who shared her sexuality with straight men during deployment to the Middle East. “I had the best of both worlds. When I’d go to the showers, they’d ask me who looked like what... we’d share sexual secrets.” Biehl recounted how straight men asked her for sexual advice and they had conversations in which they discussed who looked better in uniform than out of uniform. “They were like my brothers,” she said. “They’d stick up for me.”³⁶

Contemporary phenomena of popular cultural, such as “Queer Eye for the Straight Guy,” “Will and Grace,” and the term, “metrosexual” surfaced several times in interviews, as gays invoked a newfound tolerance and, indeed, a new kind of iconic relationship in the category of “gay-straight relations.” “The metrosexuals would come to me,” said one soldier. “‘I’m going out on a first date, what should I wear?’ [they would ask]. We became very good friends and my sexuality was never an issue.”³⁷ “I think in today’s military,” said another, “there’s certainly not as much concern as there was before. Look what’s on TV these days: Queer Eye, Boy Meets Boy; the perception of gays has changed so much since the policy was first instituted that no one really cares anymore.” He said the people keeping the policy in place were those who wrote it or backed it initially and have supported it since the beginning. “We’re talking Generals, who have basically fallen out of touch with everyday people. To enlisted personnel, it’s a big joke.”³⁸ “I think the most important factor is generational,” said an Air Force Captain. “It’s the old-school leaders who insist on these types of policies.”³⁹

Indeed, interviews for this study suggest that the bulk of opposition to letting gays serve openly in the military comes from older and senior personnel. This finding is consistent

³⁵ Wendy Biehl, a lesbian and former Army Specialist, noted that women tend to socialize in the showers without incident. “We all talk in the showers,” she said. “We sort of point and say, ‘oh my god, I have a bruise here,’ and everybody just looks.” Wendy Biehl Interview.

³⁶ Wendy Biehl Interview.

³⁷ Brian Muller Interview.

³⁸ IN Interview.

³⁹ JA Interview.

with major polls that have classified the ages of respondents when asked about their views on gays and lesbians, but diverges from assertions made during debate on gay service that young recruits would be most hostile to letting gays serve.⁴⁰

Overwhelmingly, interviewees reported that younger people “just don’t care” about whether their comrades are gay or lesbian. A Staff Sergeant noted that “enlisted soldiers are generally younger and more willing to accept new things” while “officers tend to look to regulations for guidance in soldiering” and “are generally distanced from their soldiers and are therefore less likely to know that one of their soldiers is gay.”⁴¹ Another service member said, “people my age, high school through my age, don’t care.”⁴²

Others commented on how much had changed in attitudes toward gays since the policy was created in 1993. To some extent, it appears that strong anti-gay animus has been replaced by gentler humor and teasing. A Marine who started out in the Navy in 1987 recounted a recent discussion in his unit about the proposed constitutional amendment to ban same-sex marriage. He said only one person backed it. “That, to me shows how much attitudes have changed,” he said, adding that he knew of no disruptions caused by the presence of gays in the Navy or Marines. He said that people care less about sexual orientation and more about performance. Only if a gay person was a “shitbird,” or slacker/complainer, would he or she be singled out. “But if a [gay] person performs his job really well, they might make a joke and move on, but they’d not try to beat them up or anything like that.”⁴³

A Navy Lieutenant who joined the service in 1993, just before “don’t ask, don’t tell” was implemented, agreed that much had changed since then. “Specifically [among] younger people and enlisted,” he said, “it’s a lot more open and accepting. Amongst officers, the older ones still have the same views.” He said that a “high school” culture still prevailed in which “you have to make anti-gay remarks every once in a while in order to really be a guy even though the majority of them really don’t care.”⁴⁴

A soldier in the National Guard said the only disruption he had witnessed as a result of someone’s sexual orientation involved “the one queenie guy from my home unit. They call him names and... make fun of him behind his back.” But the soldier concluded that people are not “hateful” because he is gay. In general, he said, “there are a few suspected gays but no one seems to care because the persons suspected do not say it one way or the other, they just take a little ribbing from time to time.” He said attitudes were improving.

⁴⁰ See, for example, Gallup Poll, December 5-7, 2003, in which respondents were asked, “do you think people who are openly gay or homosexual should or should not be allowed to serve in the U.S. military?” Ninety-one percent of respondents aged 18-29 said yes, while only 68% said yes among those who were over 65 years old. See also *The Economist/YouGov* poll conducted August 16-18, 2004, reported in *The Economist*, August 21, 2004.

⁴¹ SM Interview.

⁴² Kelly Interview.

⁴³ JS Interview.

⁴⁴ Matthew Interview.

“Some people instead of witch hunting us are now just making jokes and letting it go,” he said.⁴⁵

Despite the generally positive response reported by most interviewees who came out to their peers, social disruptions related to sexual orientation were also a fact of life during OEF and EIF. Although discharge figures and reports of anti-gay harassment decreased since the wars began, The Servicemembers Legal Defense Network reports “a growing epidemic of anti-gay harassment within the armed forces.” Service members who face harassment or assault often do not report the behavior for fear of being investigated and discharged. Such behavior, when unreported, can escalate into violence and even death, which are clear impediments to cohesion and morale.⁴⁶

Those cases in which service members reacted hostilely to discussion about gay troops are instructive. During New York City’s “Fleet Week” in May, 2004, several sailors were asked whether they had an opinion on the “don’t ask, don’t tell” policy. Only one respondent was willing to discuss it, saying he thought it was a fair compromise. Another respondent said, “I don’t think we’re supposed to talk about that,” which is not, in fact, a regulation mandated by the policy, but which suggests the confusion surrounding the policy. The others refused to discuss it entirely, and one yelled, “f--k the fags.” Melissa Sheridan Embser-Herbert, a professor of sociology at Hamline University, and a retired U.S. Army Captain, has found that the gay ban casts such an air of suspicion and uncertainty over everyone’s sexuality that it encourages the performance of “hypermasculinity” as a way of proving one is not gay. By mandating that all soldiers appear as straight, the policy requires both gays and straights to “go out of their way to be read as heterosexual,” which often entails making or engaging in homophobic or sexist comments and behaviors.⁴⁷

These findings were borne out by service members’ experiences in the Middle East. “I almost had to create some sort of macho think,” said an infantryman who fought in Iraq. “That’s how I’m perceived now in my unit, that I’m a player and that I get women all the time and have these sex parties. Little do they know...”⁴⁸ One Petty Officer First Class in the Navy reveals how the gay ban’s forced performance of heterosexuality results in anti-social and disruptive behavior. “On a daily basis, I’m an asshole,” he said. In order to avoid giving the impression that he was a stereotypical gay man, he acted out in ways that he thought projected heterosexuality, which, in his case, meant being “an asshole.” He learned that several members of his unit thought he was gay “because I have nice white straight teeth and I trim my eyebrows and comb my hair and I wear gold.” He said

⁴⁵ RB Interview.

⁴⁶ “Conduct Unbecoming: The Tenth Annual Report on ‘Don’t Ask, Don’t Tell,’” Servicemembers Legal Defense Network, 2004; “U.S. Army, Chief of Staff Memorandum,” Erick K. Shinseki, July 21, 2000. Gen. Shinseki makes the connection between harassment and unit cohesion explicit: “When individual dignity and respect are violated, mutual trust and unit cohesion erode. Harassment of any kind violates individual dignity and tears at the fabric of this trust and the cohesion of our Army.”

⁴⁷ Author Interview with Melissa Sheridan Embser-Herbert, Oct. 3, 2003. See also Janet E. Halley, *Don’t: A Reader’s Guide to the Military’s Anti-Gay Policy* (Durham: Duke University Press, 1999)

⁴⁸ RG Interview.

the implication was that “if I come to work with bad breath and I’m messy, then I’d be straight.” He also said he thought his peers suspected his homosexuality due to his silence on certain occasions, such as “when I don’t take part in conversations about demoralizing women.”⁴⁹ His experience is also a reminder that it is impossible in many cases to successfully conceal one’s homosexuality.

⁴⁹ WA Interview.

Section II: Access to Support Services

The military provides substantial support services for its troops both stateside and during deployment. The Department of Defense offers all active duty service members legal assistance, paid time off, life insurance, health care, death and burial benefits and a large array of family support services including chaplains, counseling, crisis assistance, personal finance management, spouse employment assistance, adoption expenses and more. Individual branches offer their own networks of support. For example, The Navy Morale, Welfare & Recreation (MWR) offers child development and youth recreation programs, educational benefits, medical care, and low- or no-cost insurance, housing and medical care for sailors, spouses and children. The Army has long attracted recruits with its popular scholarships, loans and other educational opportunities and it also offers its own employment assistance, healthcare, civilian transition and relocation support, retirement benefits and a variety of religious and psychological consultation services.⁵⁰

These services are designed to make living, training and combat conditions as appealing and stress-free as possible so as to maximize recruitment, retention, readiness and combat effectiveness. Support services are also offered to families of service members both as added incentives for recruitment and to help relieve troop stress during deployment. The logic is that if troops can rest assured that things at home are taken care of, they will be less concerned with matters outside their training and combat missions and more able to focus on their military objectives.⁵¹

The data obtained in this study suggest that many gays and lesbians who served in Iraq and Afghanistan experienced special burdens as a result of constricted access to such benefits and services. The limited access to essential support manifested itself in several ways. First, there is no guarantee of confidentiality when service members talk to counselors, physicians or clergy, thus effectively denying them access to a wide range of support services considered vital during deployment. “You have to watch what you say,” said one soldier.⁵² Second, because it is illegal to reveal that a service member’s spouse

⁵⁰ Benefits are listed and explained on the websites of the four major branches. For example, see <http://www.goarmy.com> and <http://www.navy.com>; See also Charles Moskos, “Preliminary Report on Operation Iraqi Freedom,” Dec. 14, 2003; Statement of Derek B. Stewart, Director, Defense Capabilities and Management, United States General Accounting Office Testimony before the Senate Subcommittee on Personnel, Armed Services Committee, April 11, 2002.

⁵¹ Statement of Derek B. Stewart, Director, Defense Capabilities and Management, United States General Accounting Office Testimony before the Senate Subcommittee on Personnel, Armed Services Committee, April 11, 2002.

⁵² The noted military sociologist, Charles Moskos, concluded in a recent Memorandum to the Office of the Secretary of the Army that “the role of the chaplaincy becomes more central than ever” in the current conflict in Iraq, since the mission is still not well-defined. The chaplain, he found, “is regarded as one who gives honest advice without any hidden agenda.” He recommended that “Chaplains need to make special efforts to circulate among the troops.” All of this suggests how important the military deems the chaplain to be during deployment, and thus what a disservice is rendered by depriving gay troops of access to this resource. Brian Hughes, an Army Ranger, corroborated the importance of the chaplain, saying he was

or partner is a member of the same sex, gay and lesbian troops are banned from designating members of their family as beneficiaries of support, access or even information. In addition, the statute explicitly prohibits marrying or attempting to marry a member of the same sex, further precluding gay and lesbian service members from forming and designating recognized family units with access to support and services. Finally, since phone calls and emails are often monitored for operational security, gay and lesbian service members report that they are not free to contact their partners without resorting to extraordinary means, including changing names and pronouns, writing or speaking in codes or leaving the base to make phone calls.

Interviewees unfailingly cited these constraints as sources of stress during deployment to Iraq and Afghanistan. A senior NCO in the Air Force concluded that despite the promise of “don’t ask, don’t tell” that gays could serve silently, in fact, “it was almost impossible to remain in the service and still be gay” because of the unique restrictions on gay troops. He described how the “don’t tell” clause placed strictures on his freedom to take care of personal matters at home. “We always had to be ready,” he explained. “That also meant having your unit ready and also having your personal affairs ready such as a will, power of attorney, etc.” The NCO said he could not put his partner’s name in the will he had on file without risking raising a flag and prompting an investigation. Thus he departed with the worry that if something would have happened to him, his partner would have had no way of knowing about it because he could not be listed on the “next of kin” form. “This guy would have pretty much been left in the dark; he would have probably found out on the news,” he said. “Before you hop on a plane” for a deployment, he said, “you hope you’ll have peace of mind. The DoD [Department of Defense] is cutting their own throats with this policy.” For his second deployment, the two worked out a plan where they added an “e” onto the partner’s name to make it look female while still remaining legally valid (in court, it could be chalked up to an error).⁵³

The NCO spoke from a cell phone in a truck in the parking lot of his base for fear of being monitored, and with his partner supervising the conversation to ensure he would not reveal too much identifying information to researchers. His partner said that the military offered numerous support resources to families, including liaisons for information, pizza nights, baseball games, and more, “and we don’t have access to any of that.” The NCO expressed concern that the policy needlessly increased the “unknown” factor upon being deployed, and that gays and lesbians were forced to worry either about being outed by revealing too much in their paperwork or about failing to adequately prepare for family contingencies upon deployment. Absent these worries, he would be able to “go and do our jobs and actually concentrate, without having to worry about what’s going on back [home].”⁵⁴

“pretty much responsible for the morale of the troops.” Charles Moskos, “Preliminary Report on Operation Iraqi Freedom,” Dec. 14, 2003; Brian Muller Interview; Brian Hughes Interview.

⁵³ DN Interview.

⁵⁴ DN Interview.

Brian Hughes, an E5 Army Ranger who participated in POW rescues in Iraq with the Special Operations Command, echoed the importance of knowing that personal matters on the home front are in good hands: “The principle is soldiers should know that things are okay back home and people are taking care of it.” He mentioned the Family Readiness Group, in which spouses and parents are invited into meetings for information and support and where they get briefings of what is going on overseas. Official support structures also offer assistance with financial and emotional burdens. “They do make especially married soldiers’ lives much easier,” Hughes concluded, “and I think they fight better because of it.”⁵⁵

Kelly, an Army Specialist deployed to Afghanistan, recounted that when her girlfriend had surgery, she could not request that her command find time for her to visit, as a heterosexual service member would routinely do. Although she felt that “don’t ask, don’t tell” was “protective in a way, because nobody can make me tell them,” she concluded that the net cost of the policy is to deny gays and lesbians access to basic sources of support. She said that when straight people request to visit a spouse who just had a baby or a medical procedure, “we understand and say, ‘god bless, we’re praying for ‘em, go see ‘em.’ And we don’t get that.” She described “the whole picnic thing” as an effort to build up “esprit de corps,” to “hangout as people, not as, ‘you’re my boss and I’m the soldier.’”⁵⁶ The military, she concluded, clearly sought to put service members’ minds at rest by reaching out to their families and offering avenues of support, which gays cannot access because they cannot discuss or bring partners of the same sex.

The Army JAG officer reported that her command “made it a point” to use support services which were available for “significant others,” but which she and her partner could not use. She could not designate her partner’s name on the list which the ombudsman used to convey certain information to family members of deployed troops, such as their whereabouts, condition and points of contact. “There was this whole network at home designed to help with significant others, and [my partner] couldn’t do that because that would have outed me,” she said. “Just to be on a mailing list would have raised eyebrows and could have gotten me kicked out.”⁵⁷

In addition to depriving gay troops of peace of mind surrounding their families, partners and home lives, “don’t ask, don’t tell” limits the opportunities of gays and lesbians themselves to draw on important military resources. An E4 Army National Guardsman said he experienced great anxiety surrounding his deployment to Iraq, and he could not access support services for fear of violating the “don’t ask, don’t tell” regulations. “I’ve currently had a lot of stress and issues that I needed to talk about but, due to the problem with mental health and the privacy rules, I have not utilized them,” he said. “The chaplains I don’t trust fully, as they seem to be way too into the bible to listen objectively.”⁵⁸

⁵⁵ Brian Hughes Interview.

⁵⁶ Kelly Interview.

⁵⁷ SH Interview.

⁵⁸ RB Interview.

Accessing medical care and consultation presented another challenge to gays and lesbians in the military. A Psychological Operations Sergeant, emailing from deployment in Kirkuk, said that after having sex with a new boyfriend, he developed an itch and was concerned he might have contracted an STD. “I was fairly new to sex and I was scared to death,” he recalled. “I wanted to go see a doctor but was afraid that if they were to look too closely they would know that I had anal sex.” So he refused, putting his health, and that of others, further at risk. He also shared his reaction to a crisis of faith he experienced while serving in the Army. I wanted to talk to a chaplain or someone but was always unable to explain everything that I was looking for. To this day I still have not been able to choose a religion that I feel is right for me.” He explained that the gag rule had prohibited him from seeking the religious advice he craved to put his mind at rest during his service in the Army.

Brian Muller, a former Army Staff Sergeant trained in counterterrorism and bomb assessment, who was discharged in 2003 for homosexuality, recalled friends who neglected to get tested for particular kinds of genital warts because they feared it would reveal they were gay. Muller himself said he never spoke with Psychological Support personnel because “there is no doctor-patient confidentiality, at least with respect to gay things.” Muller used such services for other issues, and said “I definitely would have used them if I knew there was doctor-patient confidentiality. After you see someone blown up or injured, the Army wants to take you through the counselors,” an objective which is clearly at cross purposes with the gag rule of the policy, since it limits the emotional reactions one can discuss.⁵⁹

Austin Rooke, the Army Captain, said he would not have considered availing himself of many of the support services available to straights troops. “I never would have gone to clergy, to discuss anything about my particular issues with my sexuality,” he said. “I might have, if I could have been open, but it was so far removed from anything that would have been an intelligent thing to do.” He said he never would have brought up anything having to do with sexual health to a military physician, and instead had to use outside clinics instead of what was provided for military personnel.⁶⁰

⁵⁹ Brian Muller Interview.

⁶⁰ Austin Rooke Interview.

Section III: Privacy

Concerns about privacy have fueled opposition to letting gays serve openly in the military, and constituted one of the key rationales for the creation of “don’t ask, don’t tell.” The reasoning was that if gay people did not come out, straight troops would be more comfortable training and fighting alongside them. The showering facilities, in particular, have frequently stood at ground zero of the debate about open gay and lesbian service in the military. Some have worried that allowing gays to shower with straights could compromise privacy, create discomfort and undermine unit cohesion. During the 1993 debates, Senator Sam Nunn, then chairman of the Senate Armed Services Committee, took a camera crew into a submarine to convey how close the private quarters are and how threatening it would be to allow gays, a move that apparently resonated with the public and helped solidify opposition to lifting the ban.⁶¹

The interviews collected for this study suggest several conclusions relevant to these concerns. First, the diverse sleeping and showering arrangements found both stateside and in Iraq and Afghanistan had no impact on unit cohesion regardless of whether a service member’s homosexuality was known or not. Second, many gays served openly, or were known to large numbers in their units. Third, while most gay troops were out to some of their peers, those who came out normally did so privately or quietly, to people with whom they had developed bonds of trust. Some gay interviewees noted that other troops assumed or suspected that they or other service members were gay. This indicates the difficulty of regulating the expression of sexuality, even if service members do refrain from announcing their orientation. It also suggests that privacy cannot be protected by banning statements about homosexuality since knowledge or suspicion of it often emerges without actual statements to that effect. Finally, the overwhelming majority of subjects reported positive experiences when coming out, and said that serving openly caused no disruptions but frequently made their service easier. Bonds between gays and straights improved when suspicions and uncertainty were put to rest by a revelation or acknowledgement of their homosexuality.

Taken together, the experiences of gay and lesbian service members in Iraq and Afghanistan suggest that concerns about the showers are misplaced. Since privacy is compromised for everyone in the military, especially during overseas deployments, the presence of gay service members—known or closeted—during deployment does not appear to have a disproportionate impact, and would seem to lie within the normal demands of military life. Additionally, although privacy is often in short supply during deployment, major improvements in recent years have significantly reduced the instances in which service members must shower or undress in view of one another. Major aircraft

⁶¹ New York Times, May 11, 1993.

carriers have college-style heads containing individual shower stalls with curtains separating them from a common dressing/undressing space.⁶²

Because privacy is limited for all personnel in the military, training and preparation exercises, including boot camp, are designed to put recruits into situations with minimal privacy, including shared sleeping quarters and showering facilities. In some cases, conditions during training are more intimate and less private than during combat. Interviewees, however, also described environments in Iraq and Afghanistan with little or no privacy, which persisted for a number of weeks until sites were secured and improved. These conditions included cases in which showers were not available at all, and in which men and women bathed in areas which had no covering and which were publicly visible, to both men and women. One member of the Air Force said his unit received chemical warfare training for a decontamination scenario in which men and women would be stripped naked together, a prospect which suggests that safety is prioritized over privacy.⁶³

SHOWERS

No one in this study reported any disruptions or complaints resulting from sharing showers with straight service members, even though the majority of interviewees were out to some or many of their peers. There were no reports of sexual harassment or assault perpetrated by gay or lesbian personnel in the showers. In some cases, homoerotic banter or behavior was reported to have taken place by straight people in the showers, but not by gays.

Gays and lesbians described a wide variety of showering facilities in Iraq and Afghanistan. A Medical Technician in the Air Force, deployed to Kirkuk, said her unit built a single-stall shower out of a tarp, which afforded more privacy than the group heads in training.⁶⁴ Sailors uniformly reported that ships had “single stalls with curtains.” One said that, “except in boot camp, I’ve never had to take a shower with another man on the ship.”⁶⁵ A Navy Lieutenant who served in both OEF and OIF said that in Kuwait, they used bathrooms in the coast guard base, and also had single-stall shower tents.⁶⁶ A marine who saw combat in Iraq as a convoy commander had to wait for the “luxury of showers in Iraq.” When they finally arrived, “they were of the tent style,” with open fronts in rows opposite one another. “Not since boot camp and various deployments did I use communal showers,” he said.⁶⁷

⁶² See section a(5) and a(12) of 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.

⁶³ DN Interview.

⁶⁴ SA Interview.

⁶⁵ WA Interview.

⁶⁶ Matthew Interview.

⁶⁷ JS Interview

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 Mozul, 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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