

July 20, 1993

Statement of Hon. Les Aspin, Secretary of Defense; accompanied by Gen. Colin L. Powell, USA, Chairman, Joint Chiefs of Staff; Adm. David E. Jeremiah, USN, Vice Chairman, Joint Chiefs of Staff; Gen Gordon R. Sullivan, USA, Chief of Staff, U.S. Army; Gen Carl. E. Mundy, Jr., USMC, Commandant of the Marine Corps; Adm. Frank B. Kelso II, USN, Chief of Naval Operations; and Gen. Merrill A. McPeak, USAF, Chief of Staff, U.S. Air Force

Statement of General Powell

(130) we have successfully mixed rich and poor, black and white, urban and rural. But open homosexuality in

units is not just the acceptance of benign characteristics such as color or race or background....It asks us to deal with fundamental issues that the society at large has not yet been able to deal with. 708

(131) **General Carl Mundy:** ...there is not an acceptance of homosexuality among those who serve in the Armed Forces. And to try to inject that, to try and force it into the ranks, simply would create a fracture that would, in my view, be contrary to the cohesiveness that we talked about. 710

(132) **Secretary Aspin:** But what you are dealing with is a situation where now it is known that Colonel Cammermeyer is a homosexual. 717

(133) **Senator Aspin:** The point is that people should not talk about this. They should not say that they are gay. That is not allowed under this policy. 722

(134) **General Powell:** Open homosexuality in a unit setting is incompatible. 730

(135) **General McPeak:** I believe that the question of open versus closeted behavior is the key here. I agree that open homosexuality works against unit cohesion. 730

(136) **Senator Coats:** When I asked the question individually do you feel that homosexuality is compatible or incompatible we got into is it open or private, and if it open I think there is agreement that it is incompatible with military service, it undermines unit cohesiveness. If it is private there may nor may not be a division as to whether or not it is compatible and whether it undermines. 755

[extracts continued]

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fore was don't tell. The don't tell part is not different. The don't ask is different, the don't pursue is different. The don't ask is a policy which will not be part of the forms, it will not be part of the inquisition here, and the don't pursue is the issue of investigations and witch hunts.

Senator GRAHAM. Thank you.

Chairman NUNN Thank you, Senator Graham. I believe Senator Coats is next.

Senator COATS. Thank you, Mr. Chairman.

Admiral Jeremiah, I trust that your right arm is not in a sling as a result of trying to reach a consensus on this policy. [Laughter.]

Admiral JEREMIAH. Preventive maintenance, sir.

Senator COATS. We are getting to the crux of the issue here, and that is the legal interpretation. I know our hearing tomorrow is designed to address that question specifically.

We are just starting to tap into what I think are some of the inconsistencies and maybe even direct contradictions that exist in the policy you are presenting. Even the President yesterday interpreted, at his second press conference with the Attorney General a provision differently than what he had announced at 2:00 p.m. It makes me wonder if the Commander in Chief does not understand it, how can we get the commanders in the field to fully understand this.

We will explore those legal differences tomorrow, although I would say that is really the crux of the issue. I would agree with Senator Nunn that we have a constitutional responsibility to have Congress formulate personnel policies for the military, and not have that done by adjudication. My own conclusion is that we are going to have a very substantial amount of adjudication and policy by adjudication if this committee cannot tie down some of these inconsistencies and these legal loopholes.

Senator McCain has raised questions that are literally the tip of the iceberg. We could define a thousand scenarios here this morning about what a soldier can or cannot do in uniform, out of uniform; on base, off base; on duty, off duty. Every one of those is going to raise a question mark in the commanders' minds as to whether or not he has an obligation to ask further questions, to investigate, to examine, particularly if he concludes that this is undermining unit cohesiveness. We have all indicated that that is the most important criteria.

I do not know how a commander can possibly conclude that one of his soldiers in his unit who just marched in drag in a gay parade, and knowledge of that is within the unit, that that does not undermine unit cohesiveness. That is contrary to the testimony of virtually every witness that came before this committee in six exhaustive hearings. I do not know how he can possibly not conclude that that is credible evidence that goes to a declaration of status that undermines unit cohesiveness. But we will deal with that tomorrow.

Now, as I understand this, Mr. Secretary, the conclusion here is that the policy is to be conduct-based and not status-based. Is that correct?

Secretary ASPIN. Correct

[extracts continued]

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UNIT COHESION AND LIVING CONDITIONS

Senator NUNN. What is the relationship between the development of unit cohesion and the living conditions you have described?

General POWELL/Admiral JEREMIAH. Cohesion is strengthened or weakened in the intimate living arrangements we force upon our people. Youngsters from different backgrounds must get along together despite their individual preferences. Behavior too far away from the norm undercuts the cohesion of the group. In our society gender differences are not considered conducive to bonding and cohesion within barracks living spaces.

General Sullivan. Try to imagine what it would be like to be with your co-workers 24 hours a day for days on end. If a unit is not cohesive, the inevitable strain of living in the field - coupled with the stress of the mission - quickly manifests itself in tension, division, short tempers, and indiscipline. Once this happens, people begin to pull away from each other rather than together. I believe subconsciously they start to wonder whether the unit is, in a sense, a "safe Haven" or whether it is rally every man for himself. Cohesive units will grow more cohesive under arduous conditions and shared sacrifice - this is one of the reasons I put my soldiers in the field, to strengthen their bonds as members of our warfighting team. But when a unit lacks cohesion, its deficiency is most apparent when the unit most needs to be effective -in the field.

Admiral KELSO. Closequartered living conditions serve to build upon unit cohesion. Members who live together develop an inter-reliance that fosters cohesion. Cohesion, in turn, serves to build an effective fighting force. Conversely, when unit cohesion breaks down for any reason, the close quarters nature of sea duty exacerbates problems and quickly reduces combat effectiveness.

General MCPEAK. We have to build unit cohesion from the bottom up. Members of the Air Force come from all walks of life. In order to build cohesion, we must get everyone to think and act as a team. Team building is a 24 hour a day process that includes training, working and living together. Individuals who place their own interests or needs ahead of the group do not contribute to the sustainment of the unit. These individuals are rejected by the unit and detract from cohesion and sustainment of the unit.

General MUNDY. The living conditions I have described play an important role in the development of unit cohesion. Marines who feel they cannot trust a fellow Marine because of that individual's sexual conduct will not develop the respect and confidence necessary to foster unit cohesion. While the sexual conduct that is found objectionable may be less disruptive in an office environment, it will surely cause problems in combat or deployed situations where Marines exist in the enforced intimacy that I have described earlier.

HOMOSEXUALITY AND UNIT COHESION

Senator NUNN. What do you see as the impact of homosexuality on unit cohesion and military readiness in the light of the requirement that members of the Armed Forces be available for worldwide deployment, often under conditions of stress and minimal privacy?

General POWELL/Admiral JEREMIAH. Those who engage in conduct that is inconsistent with those of the group are not trusted or respected. In an atmosphere of distrust, orders may not be carried out and commonplace friendly gestures that promote camaraderie-everyday youthful horseplay and rough-housing, a pat on the back or an arm around the shoulder-become suspect, amuse fear or aversion, and destroy group cohesion.

Acceptance of open homosexuality in the military would adversely impact the ability to deploy forces worldwide. There are countries where known homosexual troops will not be welcome. As a result, troops who engage in homosexual conduct would require transfer prior to deployments in those areas thus disrupting unit cohesion often at the moment of greatest need when the majority of the unit deploys to an uncertain immediate future.

General SULLIVAN. Open homosexuals will disrupt small unit cohesion. When cohesion is disrupted, readiness suffers. Cohesion is enhanced by uniformity, by adherence to a commonsense of values and behavior. The introduction into any small unit of a person whose open orientation and self-definition is diametrically opposed to the rest of the group will cause tension and disruption. The fact that a sexual dynamic is introduced into the issue complicates and compounds the issue. Both open self-definition and same-gender sexual orientation would disrupt cohesion and consequently readiness.

Admiral KELSO. Experience of combat-seasoned military professionals indicates that certain behavior patterns will be detrimental to unit cohesion. Cohesion cannot survive in an environment filled with lack of discipline, poor morale, and distrust. Open homosexuality would undermine the social ingredients that contribute to the development and sustainment of cohesive sustainment would serve to polarize these units rapidly.

General MCPEAK Today's Air Force, while substantially smaller, still has global responsibilities. Readiness and unit cohesion are synonymous with combat effectiveness and are crucial to our ability to respond to these responsibilities. Unit cohesion is developed through a deliberate process of training and organization. Open homosexuals would polarize a unit, and degrade unit cohesion and erode combat effectiveness.

General MUNDY. Homosexuality would have a negative impact on unit cohesive-ness. The stress of military life, when compounded by the total lack of privacy, requires marines to develop a relationship of trust in one another that is found in no other profession. The presence of an individual who is known to be a homosexual can only work to the detriment of this trust by creating tension within the interpersonal relationships of the unit. As each and every marine is expected to deploy on short notice, we cannot guarantee Marines who openly acknowledge their homosexuality that they will never have to serve in a unit where their homosexuality will not have a negative effect.

ACCEPTANCE OF HOMOSEXUALS AS COWORKERS

Senator DUNN. As a general matter, persons who are gay or lesbian may be employed by the Department of Defense in a civilian capacity. In addition, contractors may employ homosexuals. If military personnel can work with gays and lesbians in those circumstances, why can't they serve with persons who are openly homosexual in military units?

General POWELL/Admiral JEREMIAH. Active military service is not an everyday job in an ordinary workplace. It requires a unique blend of skills, ethics, culture, and bonding to ensure an effective warfighting force. There is often no escape from the military environment for days, weeks, and often months on end.

We place unique demands and constraints on our young men and women not the least of which are bathing and sleeping in close quarters. The fact that as military members we serve 24-hours a day under often severely constrained conditions is more than rhetoric, it is a way of life.

General SULLIVAN. Being a soldier bears little resemblance to a civilian job. Civilians leave work and go to their own home or apartments when the workday is over. Many soldiers experience a forced association 24 hours a day. They work together, they eat together; they share living space together; they train together, they shop for groceries together; they worship together. Same-gender sexual attraction in such a "forced association" environment is something that civilians rarely experience and cannot fully understand.

Additionally, civilians do not usually deploy for training or go to war. Soldiers are required on a moment's notice to leave home and family and go to a distant part of the state, country or world and live in close proximity with other members of the soldiers' small unit. Introducing open homosexuals into such an environment would be detrimental to the functioning, esprit and survivability of the small group.

Trying to compare civilian employment to the realities of being a soldier is futile and counterproductive since they are so distinct.

Admiral KELSO. The military environment is fundamentally different than civilian life. The 'terms of employment' for servicemembers include the real possibility that they will be called upon to give their life for their country. The rights and needs

of the individual are sacrificed for the welfare of the unit. Members have no right of association, they are assigned to units. Similarly, if they dislike their environment they have no right to leave it and, if in fact, are subject to prosecution if they do. Members are often unable to separate their private lives from their working environment. They frequently work, eat, sleep, bathe and recreate in cramped spaces for prolonged periods of time, sometimes in the most remote parts of the world. In fact, the demands of the military are qualitatively different than those of civilian life. The requirement to serve in such circumstances with open homosexuals would undermine unit cohesion and, ultimately, combat effectiveness.

General MCPEAK The military is a profession with a unique mission. It has to be prepared to fight and win wars. No other segment of America's society has such a mission. To accomplish this mission, we have to establish requirements to serve that would not be acceptable in civilian society. For the servicemember, it is difficult to distinguish where work ends and the personal, social, recreational, and family life begins. Very often these factors are tightly interwoven. The fact that military members serve 24 hours-a-day is more than rhetoric-it is a way of life.

General MUNDY. There can be no analogy made between a homosexual Department of Defense coworker or a contractor interacting with a marine in an office environment and that of a marine serving with other marines in a field or combat situation. Marines in a combat situation or even on deployment are experiencing one of the most stressful and all consuming events in their lives. There are no families to go home to at 5 p.m., nor is there any ability to 'escape' from the pressures of the situation. The support group that provides the physical and mental security for a marine is the other marines of that unit. Any activity or circumstance that inhibits the ability of that unit to interact must be evaluated carefully.

DIVERSITY AND UNIT COHESION

Senator NUNN. We live in a diverse nation, with individuals of different races, religions, and political views. That type of diversity presents a challenge to the military in terms of developing unit cohesion from individuals of differing backgrounds and experiences. What do you see as the differences, if any, between the challenge the military faced in racial integration and that which would be presented if gays and lesbians would be permitted to serve in the Armed Forces? What do you see as the differences, if any, between the challenge the military has faced in terms of increasing the opportunities for women and the challenges that would be presented if gays and lesbians would be permitted to serve in the Armed Forces?

General POWELL/Admiral JEREMIAH. Some have compared this issue to the struggles of minority Americans and the initiatives of women to gain equal footing in the work place. I have personally addressed this argument as convenient but invalid

Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group the same is not true for sexuality.

We have successfully mixed rich and poor, black and white, male and female, but open homosexuality in units is not an acceptance of benign characteristics such as color or gender or background. It involves matters of privacy and human sexuality that, in our judgment, if allowed to exist openly in the military, would affect the cohesion and well-being of the force. It asks us to deal with fundamental issues that the society at large has not yet been able to deal with.

General SULLIVAN. I am not a sociologist, a psychologist, or a scientist. But I do know that sexuality is one of the most profound, complex, and personal aspects of a human being. To me, sexuality is completely unlike race, religion, or politics, not only because it involves behavior, unlike these other categories, but also because it involves emotions, longings, desires that may go to a person's very core. Thus, the expression of one's sexuality - the effect of sexuality on an individual - is not like expressing one's religious or political beliefs. Sexuality has a unique, and sometimes powerful, impact on the individual and on personal and social relationships. It cannot be treated like a philosophy or like a benign characteristic such as skin color.

The military has faced practical problems with sexuality regarding men and women in the force. I have several practical tools I can use to address these problems - for one thing, I can identify the players in this dynamic and I can separate men and women when that is appropriate to maintain privacy and discipline. I don't have the same practical tools or dealing with homosexuality-I can billet soldiers by sex, for example, but it would be extremely impractical to try to billet soldiers by sexual preference. Commanders already must grapple sometimes with inappropriate relationships between male and female soldiers and the effect these relationships have on good order, discipline, and morale. In my best judgment, adding ho-

homosexuality into the equation increases these of problems, while at the same time the tools available to the commander to address these problems are limited.

Admiral KELSO. Homosexuality is not a civil rights issue. As noted by General Powell, sexuality, unlike race, is not a benign trait, but a behavioral characteristic.

General MCPEAK. Race is a benign physical characteristic unrelated to a person's conduct. In prohibiting open homosexuals in military service, the military is concerned with behavior; a conduct that is identified with the homosexual group. This type of behavior polarizes a unit, affecting unit cohesion, morale and overall readiness.

The issue of gays and lesbians involves conduct, which erodes cohesion and combat effectiveness. The subject of women in combat focused on different issues, among them: Whether excluding them would in fact, keep them out of harm's way, e.g., fear of capture or death, and concerns whether women could meet the physical requirements for combat.

General MUNDY. The comparison of race and gender with sexual behavior cannot be made. Marines accept one another as members of the team regardless of the characteristics of race, ethnicity, or gender. These characteristics are unconnected to behavior. Homosexuality on the other hand involves conduct. This conduct, expressed through acts or open admission, is negative in its impact on the dynamics of the unit. I believe that most Marines do not equate homosexuality with civil rights or a fairness issue. Therefore to compare the challenges of overcoming segregation and opening opportunities for women with the acceptance of homosexuality is, in my mind, not a valid comparison.

TRAINING

Senator NUNN. Some of the witnesses before the committee have suggested that the military can overcome any problems through the use of training and education. What are your views on the issue of whether training can address the problems that you have identified in terms of service of gays and lesbians in the Armed Forces?

General POWELL/Admiral JEREMIAH. As part of the American culture, the Armed Forces mirror the prevailing societal views. Our service men and women bring into the military a set of beliefs and values deeply rooted in family, ethical, religious, and/or moral teachings. While we should, and will, educate our people on the tenets of our policy, I do not believe that training will overcome the very strong moral, religious, and practical views held by millions of Americans on the subject of homosexuality.

General SULLIVAN. Sensitivity training for soldiers in order to familiarize them with the homosexual lifestyle is not the answer to this issue. The Army already has regulations which prohibit sexual harassment and aggressive/violent activity between soldiers. Most soldiers believe that homosexual behavior is wrong. The Uniformed Code of Military Justice enforces that belief by prohibiting homosexual sexual behavior. Commanders cannot be asked to train soldiers that something "legally wrong" is at the same time legitimate. Any training which attempts to legitimize "illegal" conduct will be met with derision and contempt.

Admiral KELSO. Intensive training and education will, of course, have an effect. Views on homosexuality, however, are viewed by many as a moral and religious issue. As such they tend to be fundamental beliefs of right and wrong which are strongly held and not easily amenable to change by training. Simply stated, whether we agree or not, it is difficult to change through education and training what parents and society have taught as a fundamental belief.

General MCPEAK. Our training focus in the Air Force will be on the implementation of the policy. Commanders, investigators and all Air Force members will need training to ensure full understanding and proper execution of the policy.

General MUNDY. I cannot hold out hope that training or education can address the issue of homosexuality and service in the Armed Forces. The American public is deeply divided on the issue of homosexuality. Many Americans see it as a moral issue while others view it as a question of equitable treatment. To expect that the Armed Forces can or should attempt to alter personal beliefs or bring this issue to closure through training ignores the general debate that continues within the Nation at large and would place the armed services in an inappropriate role.

DIFFERENT TREATMENT OF HOMOSEXUAL AND HETEROSEXUAL BEHAVIOR

Senator NUNN. For members of the Armed Forces, the military is their community. For many servicemembers, the military installation is not only their place of work, it is where they live, socialize, fall in love, get married, and raise their children.

In the military community, men and women can kiss, hold hands, and engage in other displays of physical affection, subject to limits on fraternization, sexual harassment, and other time, place, and manner restrictions. Military personnel however, are prohibited from engaging in bodily contact with persons of the same sex for purposes of satisfying sexual desires. What is the military policy reason for the difference?

General POWELL/Admiral JEREMIAH. While the thought of two male or female company commanders dancing together at a military ball is humorous to some, it is not consistent with maintaining respect from peers or subordinates. Two soldiers of the same gender holding hands is less overt, but nonetheless, equally divisive.

As stated earlier, those who act contrary to the established values and norms of the group, a group which reflects the values of our larger society, lose respect and trust. In this atmosphere of distrust, bonding - so necessary to success - is compromised.

General SULLIVAN. Military policy is based in part on the law. The law represents the societal conclusion that, for a variety of reasons, homosexual conduct is prejudicial to good order and discipline in the Armed Forces. I agree with that conclusion.

I cannot assume moral relativism in matters of sexuality and sexual conduct. Many soldiers, and many Americans outside the services, do not equate homosexual and heterosexual conduct, either morally or socially. Society often makes distinctions regarding sexuality. For example, a male soldier could attend a company picnic shirtless, while this would be inappropriate for a female soldier. This is because the social impact of topless men is different than of topless women. The social impact - and the impact on military team cohesion - of public displays of homosexual conduct is different than for heterosexual conduct. This goes beyond culture to, again, deeply held moral values.

Admiral KELSO. For a number of reason-including concerns about combat effectiveness, unit cohesion, and privacy - the Department of Defense has long held that homosexuality is incompatible with military service. Accordingly, homosexual acts are proscribed by the Uniform Code of Military Justice and regulations and are grounds for discharge.

General MCPEAK. Bodily contact with persons of the same sex for purposes of satisfying sexual desires is the definition of a homosexual act. A homosexual act is not allowed in the military whether it is in or out of uniform, on or off base. It is not allowed because it is disruptive to the unit, causes polarization, and affects combat effectiveness.

General MUNDY. Homosexual conduct is prohibited because unit cohesion and combat effectiveness would be impaired if marines were permitted to engage in such conduct. The acceptance of homosexual conduct would also create individual privacy concerns which can be much more easily controlled between heterosexual marines. In short, homosexual conduct is incompatible with military service.

Senator NUNN. The interim policy issued on January 29, 1993, temporarily suspended the questions about homosexuality on the enlistment form based upon a recommendation from the Joint Chiefs of Staff. It is my understanding that the decision to suspend the questions was based upon three considerations:

First, that many areas of military discipline that are not the subject of enlistment questioning, so there is no requirement to use enlistment questions in order to enforce a disciplinary policy.

Second, the question was not viewed as a significant deterrent to subsequent misconduct.

Third, because an individual's determination that he or she is gay or lesbian may not become certain until the individual is in his or her 20s or later, the question was not considered to be particularly useful.

My question is: was the decision to indefinitely suspend the use of the question, based upon these same factors?

General POWELL/Admiral JEREMIAH. Yes, that plus the fact that we considered the questions unnecessarily intrusive. Sexual orientation is a personal and private matter. We are concerned with conduct, not orientation.

General SULLIVAN. On January 29, 1993, President Clinton directed the military services to stop asking the question about sexual orientation. That decision was communicated to the service Chiefs by the Secretary of Defense in a memorandum implementing the President's guidance. The services responded accordingly.

Admiral KELSO. Yes.

General McPEAK. Yes. As has been noted, homosexuals have served in the past are currently serving. Those who had successful tours, or even full careers, kept their homosexuality a secret. Others who made their homosexuality known were discharged. In any event, the question posed no serious deterrent and could be safely dropped.

General MUNDY. These considerations all played a role in the determination to suspend questions concerning the sexual orientation of the applicant. Further, it was felt that the questions being asked of the applicant were not an effective deterrent to the enlistment of homosexuals. We believe that the mandated Article 137 training will effectively inform all new member of the armed services of those laws and regulations impacting on sexual conduct.

[Whereupon, at 2:15 p.m., the hearing adjourned.]