

HOMOSEXUALS IN THE MILITARY (Senate - June 22, 1993)

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Mr. COATS. Madam President, there have been a number of press reports today--I am sure there will be more tomorrow and in subsequent days, as well as memoranda and other reports--indicating that the Pentagon is about to forward to the President a policy relative to the issue of homosexuals in the military. One of the major metropolitan papers reported it as a front-page story this morning. It was denied by a spokesman from the Pentagon, yet other reports are floating around.

It is clear that we are moving toward the time when the policy will be announced and forwarded to the President. A number of trial balloons have been issued. Members will be reacting to those. I thought it would be helpful to put into the Record some summary of the committee hearings on the subject. We have held extensive hearings and, as Members evaluate these proposed policies or these trial balloons or whatever they are, they might want to have a base record with which to understand what the conclusions were of some of our hearings.

I need to point out these are my conclusions. I am not speaking for the committee. I am not speaking for any member of the committee. These are conclusions I have drawn from the six hearings that we have conducted. However, I attempt to quote as much as possible from witnesses who testified before the committee, and I think those direct quotes will speak for themselves.

Following the Civil War, it was Walt Whitman who wrote 'The real war never gets in the books.' Over the last several months, the Senate Armed Services Committee has taken great pains to explore the nature of real war and the realities of military life. We had posed a question, forced by political events. The question is, Is homosexuality compatible for incompatible with military service? We have talked with the experts. We have talked with the soldiers, both here and in the field. We have talked with the advocates of each side of this policy. And we have placed our findings in the record, for all to see. It is a part of the Armed Services Committee report, and now I would like to place part of that, through these quotes, in the Senate Record.

The demands that we place on the American military are utterly unique. Its goal is to motivate ordinary men and women to fight and die under extraordinary circumstances. The manner in which these troops are organized and motivated is the single most important element in their performance, the single most important element of our national security. Analogies from civilian life fail. In some ways, the job of a commander is similar to an executive, since the commander spends much of his time in personnel management. But it is also very different because, if the military manager's policy fail, his subordinates may die. This is management with a deadly twist. The stakes are not measured on bottom lines, but in body bags.

Military personnel policies on homosexuality have developed in a long history, history that has taught the lessons of war and peace, readiness and failure. The ban did not begin in the 1980's. It was codified after decades of experience. That experience led to a conclusion: Homosexuality is incompatible with military life, for practical reasons and for experiential reasons. Our Armed Forces have concluded that the presence of homosexuals undermines their ability to: First, maintain discipline, good order, and morale; second, our Armed

Forces have concluded that the presence of homosexuals undermines their ability to foster mutual trust and confidence among service members.

They have concluded that this policy is necessary to ensure the integrity of the system of rank and command; that it is necessary to facilitate assignments and worldwide deployment of service members, who frequently must live and work in close conditions affording minimal privacy; it is necessary for

recruitment and retention of members of the military services; and finally, it is necessary to maintain public acceptability of military service.

That is a direct statement from current military policy, at least the policy as it was before the interim policy was directed in response to the President's initiative to change that.

The courts, in turn, have consistently upheld this policy because they judged that its basis was rational, that the military had a rational basis with which to make these conclusions and, therefore, draw the policy as exclusion of homosexuals from the military.

So when the President proposed to overturn the standard, I came to the floor and made a statement and also issued a challenge. I said that the burden of proof in this matter was squarely on the President's shoulders. It ought to be the advocates of change of a system that is deemed not only effective but the most effective the world has ever seen who must overcome the lessons of history. It is those advocates of change who must positively discredit an experience that is far different and far wider than their own.

The Senate Armed Services Committee has conducted an extensive process to examine the roots of this policy. Senator Nunn designed a process that was fair and balanced. Staff interviewed thousands of military personnel on 21 bases. In six hearings, including field hearings, talking with soldiers, sailors, airmen where they live and work, thousands of pages of testimony were collected. Many Members of the Senate have not followed these matters as closely as those of the committee and, as I said, I would like to provide a summary of what we found so it can be a basis for evaluation by Members of the Senate as they look at these proposed policies.

Let me address this in a topical way. The most important criteria was this whole question of cohesion and morale. In the Armed Services Committee, we devoted a great deal of attention to the importance of cohesion in the military. It is something that those who have not served need to understand before they can render judgment.

Dr. David Marlowe, a military psychiatric expert, gave cohesion a very clear definition. He said:

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In its simplest form, cohesion could be viewed as that set of factors and processes that bonded soldiers together and bonded them to their leaders so that they would stand in the line of battle, mutually support each other, withstand the shock, terror, and trauma of combat, sustain each other in the completion of their mission and neither break nor run.

Dr. Marlowe concluded:

I think it was best put by a soldier I knew once who said the flag, patriotism, mom and apple pie are what bring you into the army. When the first bullet comes down the range, the only thing you are concerned with are your buddies.

Experts then told us that cohesion between those buddies is based on trust and shared values. They stressed over and over the importance of the shared-value system that is necessary to form the unit, the cohesion, the team that can effectively do what Dr. Marlowe has said, and that is withstand the shock, terror, and trauma of combat.

Dr. William Henderson testified before the committee:

A significant characteristic about a cohesive unit is the constant observation and evaluation of the behavior of unit members. Any deviation from unit norms, values, or expected behavior brings immediate

and intense group pressures to conform to group norms. If the behavior is not corrected, then cleavage results in the group and cohesion is weakened.

One submariner with 12 years in the Navy commented: 'Every sub I've ever been on has been like a close-knit family. If you feel uneasy about somebody within the family, you separate the family.'

As I said, this is not something that we normally relate to in our everyday lives because we live and work in an entirely different atmosphere, an entirely different way than those in the military. Those on deployment, those living in close quarters on submarines and ships, those living in tents overseas, those in training experience a far different living relationship, working relationship than those of us in civilian life. It is important to understand the distinction, and it is important to understand the difference, and it is also important to understand the concept of unit cohesion which can only be formed through, as these experts have testified, shared values and a unique type of bonding.

We heard that in the development of cohesion, the needs of the group must be placed ahead of the rights of the individual. Most of our work on the Senate floor and most of the legislation that we evaluate have to do with individual rights, and when we talk about military units, we subrogate individual rights in favor of group rights. It is something that is foreign to a lot of our thinking and a lot of our evaluation.

The PRESIDING OFFICER. The Senator's time has expired. Would the Senator like an additional 10 minutes?

Mr COATS. Madam President, I ask unanimous consent for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Madam President, it is important to understand the uniqueness of military life, the uniqueness of unit cohesion, and the reason why the rights of the unit need to be placed ahead of and have priority over the rights of the individual.

Dr. David Marlowe said:

The primacy of the individual ceases once one becomes part of the military service. The individual who puts himself before the group is an individual who will be excluded by the group. The issue, in terms of policy, is what are those conditions that lead to maximum strength for the group. From my point of view, whatever those conditions are, they must lead to maximum strength because that *** gives us the fewest long-term combat psychiatric casualties and the fewest broken bodies. *** It is the group that is responsible for the survival of the individual in combat.

Again, a situation unique from what we normally face in our civilian occupations.

We were told in the committee that homosexuality disrupts the development of cohesion. Gen. Calvin Waller commented:

These men and women want to be associated with individuals who they can trust under combat conditions; individuals they consider as a family, where teamwork has been forged and tested under the most adverse conditions, and that is simulated combat or, combat. Most surveys indicate that this type of cohesion and teamwork cannot be attained with avowed homosexuals in their midst.

It was General Schwarzkopf who commented--and General Schwarzkopf, I might note, was commander of personnel during the eighties before he advanced to his assignment as commander of our forces in the Persian Gulf, and so he had some very direct experience with personnel policies--and commenting on that he said:

In every case--

Not most cases--

in every case where homosexuality became known in the unit, it resulted in a breakdown in morale, cohesion, effectiveness--

With resulting dissent, resentment, and even violence.

I specifically asked Dr. Marlowe what sexual attraction, either between the soldiers in a small unit or soldiers and their leader, would do to unit cohesion. He replied:

It destroys it *** because of the implications which can never be kept out, of favoritism, of differential behavior and differential reward.

We then turned to the question of sexual tension within the unit and why or why not that might cause unit breakdown. We discovered that sexual tension is a particularly powerful force under cohesion. Witnesses testified this is the reason why we separate men and women in the military, but some also argue there is no practical way to avoid sexual tension if we allow homosexuals in the military.

Dr. Charles Moskos, an expert sociologist on military affairs, commented:

We do not mix men and women because we just know that it does violate modesty and privacy grounds. It is foolish to think that gays will not be attracted to men sometime.

Retired Gen. Bernard Trainor has written:

Romantic interests, even if unconsummated, would shatter the bonds that prompt men to risk all and die willingly for each other *** with tragic consequences for people and missions.

One of the critical points in this whole debate has been the question of sexual attraction and whether or not the presence of that tension within the unit causes that unit to be undermined, causes a breakdown in morale, a breakdown in discipline.

I think common sense tells us that the presence of that in the close living quarters, the 24-hour-a-day work together/live together process that exists within the military, the answer to that is `Yes.'

It is for that reason, even though we allow women to serve in the military, that we separate their living quarters. There is a rational basis for that. Does the presence of men and women in the unit and the resulting potential sexual attraction potentially affect the effectiveness of that unit? I think the answer is `Yes.' However, it is manageable. It is manageable because after the workday is concluded, although in many instances the workday is never concluded, the living quarters are separate.

But obviously we cannot accomplish that by allowing those of the same sex into the military. The only way that was once suggested was simply to create an all-gay barracks and an all-lesbian barracks and then we would have an all-heterosexual women's barracks and an all-heterosexual men's barracks.

First of all, the military cannot afford to build four separate facilities. But second, I think we understand that placing people who, by definition, are sexually attracted to each other in the same barracks--in other words, an all-gay barracks, an all-gay ship or an all-gay motor unit or whatever--would only exacerbate the problem, not solve the problem. And so it is an unsolvable problem in terms of a management situation and a separation situation.

We have learned that the courts, in our hearings and rulings over the last 20 years, have rejected challenges to the policy based on privacy, free speech, free association, and special privileges under the equal-protection clause. All these cases have been brought under these claims. Witnesses told us that the courts have ruled that in the military individual rights must take a back seat to the military mission.

Dr. David Schlueter, law professor at St. Mary's University testified:

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Courts have recognized time and time again that those liberties may not always apply the same extent as in a civilian setting. The reason for the ability of Government to restrict those liberties is linked with the primary purpose of the military establishment to protect national security. Put bluntly, where the military's need for morale is threatened, a service member's constitutional rights may be restricted lawfully by commanders.

The courts have a long history of upholding that policy. And so rights that we take for granted or that we feel are absolutely necessary to the individual outside of the military, we find that they are tempered by military necessity, and the courts have upheld that.

Professor Stephen Saltzburg of George Washington University Law School commented:

The Supreme Court cases * * * established that, even as to fundamental rights like religion and free speech, the Supreme Court has deferred to the military as to the need to control certain types of behavior. The cases establish that even fundamental rights may give way to military necessity, and that judicial review of military rules when compared to judicial review of civilian rules is like night versus day.

Under the topic of leadership, we discovered that lifting the ban would put intolerable burdens on military leadership, General Waller testified:

The commanders already have enough to keep them busy 12 to 14 hours a day; they are in the midst of one of the most difficult things that we have ever had to put upon them, that is to downsize this military to bring it to where it needs to be. Yet we want to throw one more thing on their plate. Why in the name of God are we willing to tell those great young captains and lieutenants, or whoever is in command of those units, that this is your problem. You have to deal with it.

A Navy captain, Navy Captain Holder, who commands one of our ships, noted:

I would say to you as a leader spending 18 hours a day routinely underway on my ship, awake, worrying about what it does to keep it combat ready, do I have time on my plate for another educational process? Who is going to educate me so that I can educate properly?

In the area of privacy, we found that soldiers jealously guard what limited privacy they have and resent it when that privacy is violated.

On our visit to Norfolk, we saw a submarine with 63 men who had 2 showers to share among 63; 3 lavatories and 4 sinks. Actually seeking and experiencing that closeness means more than any position paper or any speech can possibly describe.

Maj. Kathleen Bergeron of the Marine Corps commented:

Marines not only work together, they also live, socialize and recreate together. Marines get to know every aspect of each other's lives--very little remains private. There is often not a beginning or an end to the workday of a Marine who is deployed aboard ship, performing exercises in the field, fighting in combat, or living in the barracks.

At the Norfolk hearings we heard a woman petty officer of 11 years say:

You are asking me to sleep and shower with homosexuals. You are asking me to expose my sexuality, about the only bit of privacy I have in the military. * * * Asking me to live with homosexuals is the same as asking me to live with men.

At Norfolk we also listened to a Marine captain who said:

We sacrificed our rights of privacy when we came into the Marine Corps. We trust you civilians to protect us with policies that won't undermine our mission.

If each Member of the Senate could have traveled into the depths of an aircraft carrier, submarine tender, destroyer, cruiser, could go into the working areas and living areas of a submarine, you would understand how incredibly intimate, how incredibly confined those quarters are, how privacy is virtually unknown. And yet as Captain Bergeron said, our sexual privacy is about all that we have left.

Most submarines do not have enough bunks, enough bunk space for each sailor and so they `hot bunk.' That is, three men usually share the same bunk on a rotating 8-hour-a-day basis.

On one submarine we were on, some of the torpedoes were removed, thanks to the demise of the cold war, and some of that space was used for sleeping area. That space underneath the submarine racks was about 18 inches high and only about 18 inches wide, as wide as a bunk. There were six of them laid together. Sailors had to crawl over each other to enter their bunk and to leave their bunk. They were then required to share a shower, 63 to share 2 showers.

Sexual privacy is virtually nonexistent. If you are living in that situation and working in that situation, and you are confident that you are not the object of someone's sexual desire, it is not a problem. If you conclude or think that you might be, it is a very severe problem.

We saw this point reinforced again and again, that military life is not a 9-to-5 job. For many there is no such thing as off duty or off base. Master Chief Borne testified before our committee:

Life aboard ship is not an 8-hour a day job. It is 24 hours a day, 7 days a week, for as long as 6 months at a time. And that is if you are lucky. Some of us have done more. We sleep in extremely close quarters together. We use the same head, or bathroom facilities, and you have nowhere you can go to just get away from your coworkers.

Major Bergeron again has said:

Cohesion is built in off-duty as well as on-the-job. Military communities are unlike any other. We live, socialize and recreate together. We are an extended family.

I think I have already read the quote so I will not duplicate it.

There were moral concerns raised by many who testified before the committee. We found that many servicemen are morally offended by sharing intimate living situations with homosexuals. Brig. Gen. James Hutchens, chaplain for 37 years in the Army and Reserves said:

For the vast majority of soldiers, there is a sense of moral ascendancy that has been shaped by the values instilled in their religious upbringing. Their understanding of what is right and wrong is ultimately based on religion. Requiring those whose religious and moral teaching unequivocally opposes homosexuality to serve with practicing homosexuals, is to be cynically insensitive and results in a concentrated attempt to squash and suppress the religious values of that morality.

That was testimony that General Hutchens gave before the House Armed Services Committee.

Retired Gen. Norm Schwarzkopf has said:

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Homosexuality is against many religions, the act of sodomy, against the principles of many religions. * * * I think that culturally there are many people in the country who are very much against homosexuals, and if the Army openly allowed homosexuals in their ranks, that would damage our public interests.

One witness in Norfolk, told us:

If my three children choose to serve, I want tradition, values and ethical standards at least as high as today.

That takes us to the question of recruiting and retention. We discovered that lifting the ban will have a negative effect on our ability to recruit and retain the best young men and women in our military. In one hearing all four personnel chiefs from the four branches said that the admission of homosexuals would have a significant negative influence on recruiting and retention.

Colonel Richard of the Marine Corps testified at a SASC personnel subcommittee:

As commanding officer of a recruit training regiment, [lifting the ban] hits at the very essence of what we do in recruit training. I can assure you [the effect] will not be minimal.

Colonel Richard reported that 8 out of 10 parents are deeply concerned about proposed changes in military policy on homosexuality.

General Schwarzkopf has commented:

You enlist the soldier, you reenlist the family. Lifting the ban would have a devastating effect on the military.

Gen. Colin Powell told midshipmen at the Naval Academy:

If it strikes at the heart of your moral beliefs, then you have to resign.

One letter I received was typical of hundreds:

My husband comes from a family of six siblings; of that six, five were marines. Four of the five married marines. * * * We would say that if this ban were to be lifted, we would advise our son, son-in-law, and many other young people not to join the military.

Regardless of where you come down on the issue of the homosexual lifestyle, I think it is a fact, and our hearings demonstrated it is a fact, and the recruiting chiefs testified it was a fact, that many of our military is made up of people who hold very traditional moral and religious values.

The recruitment comes primarily from areas of the country where those traditions are held in very high esteem. Recruiters have told us that a change in policy would have a serious undermining effect on their ability to recruit because family support in many instances is based on the belief that the military will uphold and honor those moral beliefs, and those religious beliefs, those moral traditions, those valued traditions, that that is a basis on which they concluded and encourage their siblings to enter the military. And absent that, they would be very reluctant to encourage their young

people to join the military.

The same was true of the retention policy. Those that we continually asked--Senator Nunn continually asked the question, as did I, when we met with groups in Norfolk in the various ships and so forth. We would assemble groups of 50, 100, 200 together. We would ask the question: How many would seriously consider not reenlisting or leaving the military if this policy was changed and the ban was lifted? A conservative estimate is that two-thirds to three-quarters raised their hands saying they would seriously reconsider. They did not say they would leave for sure, but seriously reconsider staying in the military if the policy was changed.

ANSWERING OBJECTIVES

Many of the arguments against current military policy have been examined and discredited in this long process.

Let me conclude by listing some of the arguments that have been raised in favor of lifting the ban.

RACE

It is said by critics of the DOD policy that the exclusion of homosexuals is similar to racial segregation in the military prior to 1948.

But the homosexual exclusion is not a civil rights issue. Equating the homosexual policy to racial discrimination trivializes racial minority groups' struggles for civil rights and ignores the fundamental differences between racial discrimination and the homosexual policy.

Witnesses told us that there is a difference between sexual preference and skin color.

Fleet Master Chief Carter commented:

Take it as an insult whenever race and homosexuality are hooked together. You change the way you treated minorities, and blacks especially, because it was the moral and correct thing to do. That is why it happened, for no other reason--my dues have been paid, I am 50 years old. I demonstrated, I drank hot water, I sat on the back of the bus, I paid my dues. And I do not want [homosexuals] riding on the back of minorities. I take insult to that.

Stephen Saltzburg of the George Washington University Law School testified:

There is a difference; and that is that sexual orientation does go to the core of one's being. It does influence most of us in kinds of actions that we want to take and activities that we want to engage in. And I think anyone who would deny that is denying what psychologist and psychiatrists and sociologists tell us about human motivation.

Gen. Colin Powell probably said it best in responding to Representative Pat Schroeder's letter chiding him for supporting the DOD policy in testimony before Congress:

I am well aware of the attempts to draw parallels between this position and positions used years ago to deny opportunities to African-Americans. I know you are a history major, but I can assure you I need no reminders concerning the history of African-Americans in the defense of their Nation and the tribulations they faced. I am a part of that history. * * * Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument. I believe the privacy rights of all Americans in uniform have to be considered, especially since those rights are often infringed upon by the conditions of military service.

STATUS VERSUS CONDUCT

It is said, including by President Clinton, that Americans should not be precluded from serving their country based solely upon their status as homosexuals.

But we found that status is a reasonable basis to make some personnel decisions.

When I asked Dr. Moskos about status versus conduct, he had this to say:

This sort of status versus conduct distinction that is frequently made I think is a misleading one. We do separate men and women in the military in intimate living conditions on the basis of status, not on the basis of behavior or conduct.

William Woodruff of Campbell University Law School has written:

The policy does not exclude people because they are tempted to engage in homosexual acts anymore than it precludes service by those who may be tempted to steal from their barracks-mates' open locker. *
* * When the servicemember openly proclaims his or her desires, however, the situation is different. * * *
The open proclamation of a desire to engage in homosexual conduct creates suspicion and mistrust among those who have to live in close quarters with the individual.

INDIVIDUAL RIGHTS VERSUS MILITARY MISSION

It is said that every individual should be allowed the right to serve his Nation in the military.

But we found that this supposed right comes into conflict with military needs. And in this conflict, we must prefer the quality of our military.

Dr. Moskos commented:

So violations of privacy on the part of straights, the civil rights on the part of gays are really two rights in collision. And ultimately it has to be determined by what is best for military effectiveness.

Bernard Trainor, a retired marine lieutenant general, noted:

The central issue is not civil rights, as gay activists maintain, but whether an openly gay society will degrade the military's ability to fulfill its mission of fighting and winning wars.

The military denies many groups of people from entering service. It is not a reflection on the ability of any one person to make a good soldier but rather to promote the overriding goal of our military to fight and win our Nation's wars.

Captain Fulham of the Marine Corps commented:

The most significant difference between the American society and the American military is that the American society we support the right to the individual first and foremost. In the military, those rights all become subordinate to the common good, and the necessity of mission accomplishment.

FOREIGN MILITARY POLICIES

It is said that the U.S. military should include homosexuals because other nations do so.

But at one hearing we explored in detail some of these nation's policies. We learned there is a gap between what our militaries say and what they do.

Dr. Charles Moskos, a renowned military sociologist, categorized these nations in two groups.

He did two extensive studies. They either discriminate against homosexuals as a matter of law, he said, or they discriminate against homosexuals as a matter of unwritten policy.

Gen. Norman Schwarzkopf characterized these nations as practicing 'a blatant form of hypocrisy.'

We also found that these comparisons themselves are flawed, because the role and mission of America's military is different than any in the world.

Dr. Moskos testified:

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Inasmuch as the United States has the most formidable military force in the world, it could also be argued that such countries may draw lessons from the United States,

as well as the United States from them.

General Waller said:

When we allow comparisons of the small countries and what their policies are regarding known homosexuals service to their country, we do a grave disservice to our fellow American citizens.

Master Chief Borne testified:

If you attempt to mold your military force behind a second-rate military operation, then you will get a second-rate military operation. You have the best military in the world today, and you want to be like somebody who cannot do one-third of the things we can do.

Madam President, in conclusion, in a long process, we have had thousands of pages of testimony and we have heard from hundreds of witnesses. The staff has talked to thousands of troops, visited 21 bases, and we have talked to those in the field in our field hearings. We have built what I believe to be a sure foundation to uphold the policy that bans homosexuals in the military. We have seen the unique requirements of a very unique life.

Cohesion is the single most important factor in military success. Open homosexuality destroys it. In units with such problems, a breakdown in morale and effectiveness is sure to follow. A commander is faced with practical problems of dissent and resentment that can undermine everything he has carefully built.

The question is not if men and women in the military will obey orders. They will always obey because their honor is not in question. The question is this: Will they have that edge of readiness that can mean the difference between victory and defeat, and I think it is fair to say between life and death for many? This quality requires a belief on the part of soldiers that their Commander in Chief understands their life and their needs. Armed with that knowledge, they perform prodigies of courage and endurance. Without it, effectiveness is dissolved in resentment.

We hear a lot of rumors about compromise on this policy--rumors that test the political wind. But a political compromise should not be our object. There is no political cover on a battlefield. What we require is a conclusion on the substance of this debate, and I believe that conclusion, from our hearings, is clear: Homosexuality is inconsistent with military life.

I have talked about the burden of proof, and now we have heard the evidence. We have a right to make our own judgment, and I have made mine. Against the President and his supporters we must conclude this: Their case was not made. This standard was not reached. And a policy that is currently in place, and was in place before the President sought to change it, is the policy that ought to remain.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

END