

CSSMM CENTER FOR THE STUDY OF SEXUAL MINORITIES IN THE MILITARY

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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NEW STUDY CHALLENGES PRIVACY RATIONALE

The fall issue of *International Security* includes a study that challenges the argument that the U.S. military's gay ban protects the privacy of heterosexual personnel. Titled "Modesty in the Barracks: Privacy as a Rationale for the Exclusion of Gays and Lesbians from the U.S. Military," the article was written by Aaron Belkin and **Melissa S. Embser-Herbert**, Associate Professor of Sociology at Hamline University.

This article is among the first studies to question the plausibility of the argument that gays and lesbians must be excluded from the armed forces to preserve the privacy rights of heterosexuals. According to this argument, lifting the gay ban would undermine heterosexual privacy by allowing gays and lesbians to serve alongside heterosexuals in military barracks and showers. The new study argues that the ban on gays and lesbians does not preserve privacy for heterosexual service members; that lifting the ban would not undermine heterosexual privacy; and that even if the privacy rationale were valid, privacy concerns would be addressed by a new barracks construction program that is providing most service members with their own bedrooms as well as a bathroom to share with just one other individual.

To support their claim, Belkin and Embser-Herbert cite evidence that heterosexual service members already shower with known

gays and lesbians, and given the challenges that personnel face in revealing their sexual orientation, the number of open homosexuals is unlikely to increase significantly after the lifting of the ban. Contrary to some critics, the authors claim that few heterosexual service members are extremely uncomfortable around gays and lesbians, and the discomfort that does exist will diminish after the lifting of the ban. They also challenge the assumption that forcing men and women to shower together is an appropriate analogy for requiring homosexuals and heterosexuals to share the same showers.

According to the authors, the gay ban itself can compromise heterosexual privacy. When the military inquires into the sexual orientation of suspected service members, it often investigates spouses, friends, and other people who are close to the person under suspicion. Such inquiries can undermine heterosexual privacy when investigators pose intrusive questions. In addition, the authors cite statistical and interview data that suggest that fear of expulsion from the military can force some service members to take great care to insure that they appear heterosexual, which for some can involve

engaging in behavior that undermines their own privacy. Their discussion culminates in the conclusion that eliminating the ban could enhance heterosexual privacy by reducing the number of investigations as well as service members' need to conform to gender stereotypes.



CSSMM AND SLDN COMPLETE STUDIES ON SODOMY LAWS AND THE U.S. MILITARY

The Center and the **Servicemembers Legal Defense Network** recently completed two related studies on sodomy laws and the military. Article 125 of the Uniform Code of Military Justice prohibits same-sex as well as cross-sex sodomy. Given that Article 125 prohibits heterosexual as well as homosexual sodomy, some experts have wondered whether the anti-sodomy law is applied equally to homosexuals and heterosexuals. Other experts have argued that the gay ban (often referred to as the "Don't Ask, Don't Tell" policy) cannot be lifted until Article 125 is repealed.

In its study, SLDN analyzed courts-martial transcripts to determine whether prosecutions for sodomy target gay service members more often than heterosexuals. The study found that less than half of heterosexual sexual misconduct cases identified sodomy as the

primary charge. By contrast, in every case of sexual misconduct involving same-sex sexual acts, the principal charge was sodomy. It concluded that sodomy prohibitions are not applied equally to heterosexuals and homosexuals.

Complementing the work of SLDN, the CSSMM completed a study titled "The Effect of Sodomy Laws on Lifting the Ban on Homosexual Personnel: Three Case Studies." The study focused on the Australian Defense Force, the South African Defense Forces, and the Miami Beach Police Department, each of which lifted their gay bans despite the fact that sodomy laws remained in effect. The study found that existing sodomy laws had little or no impact on these organizations' ability to eliminate their bans on gay and lesbian personnel.

RESEARCH IN-PROGRESS

To date, CSSMM has completed nine studies, most of which are available under the "publications" sections of our web page. (See www.gaymilitary.ucsb.edu to view them.) These have included projects on the San Diego Police Department, evaluations of four foreign militaries' decision to lift their gay bans, and historical explorations of military policy on homosexual personnel.

At this time, the Center has started the research and writing for five additional projects including (1) an analysis of whether or not South Africa's decision to lift its gay ban has undermined its military; (2) a study of whether the U.S. military's decision to integrate other groups that faced prejudice in civilian society such as Native Americans during World War I, or Korean Americans during the Korean War undermined combat effectiveness; (3) a statistical analysis of European countries that have lifted their gay bans to determine whether the lifting of a gay ban is related to the level of military effectiveness; (4) a study of multinational operations in which American soldiers have served in units with openly gay service members from foreign militaries; (5) a history of the "queen-for-a-day" regulation that allows heterosexual service members to have same-sex sex without facing punishment.

DEVELOPMENT NEWS

CSSMM is very grateful to the **Evelyn and Walter Haas Jr. Fund** for its grant of \$40,000; to the **R. Gwin Follis Foundation** for its grant of \$30,000, which constitutes the second half of a two-year grant; and to **Bill Davenport** for his gift of \$10,000.

The CSSMM is also very grateful to **Dr. James S. Eaton, Jr., Bruce Presley, Adam R. Rose and Peter R. McQuillan, Geoffrey Smith, and Dr. Raymond Tu** for their donations of \$1,000; to **Ian Hoblyn, Robert Kabel, Dr. Mike Rankin, Paul Sliwka, Ian Gibson Smith, Dennis Winstead,** and an **anonymous member of the military** for their donations of \$500; and to **Willard Hillegeist and Paul De Vido** for their donations of \$250.

CSSMM LAUNCHES NEW INTERNATIONAL RELATIONS FELLOWSHIP

CSSMM has launched a new \$7,500 pre-doctoral fellowship in gender, sexuality, and international relations that is intended to support Ph.D. candidates whose research in the humanities and social sciences examines war, peace, development, and other international topics through the lens of gender, sexuality, and/or sexual orientation. We are delighted to announce that **Margot Canaday**, doctoral candidate in history at the University of Minnesota, is the first recipient of the fellowship. Her project on "The Straight State: Sexuality and American Citizenship Before Stonewall" explores how the American state came to understand homosexuals as citizens in the first half of the twentieth century and how heterosexuality became a marker of good citizenship.

FELLOWSHIP NEWS

CSSMM is proud to announce that it has awarded **Pervaiz Khan** in Bilal Town, Jhelum, Pakistan, a fellowship for his work on homosexuality in armed forces of Islamic countries. His research will focus on how homosexuals in such armed forces come into contact and develop relationships with each other. Khan has completed interviews with gay military personnel and has documented a number of punishments including blackmail.

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