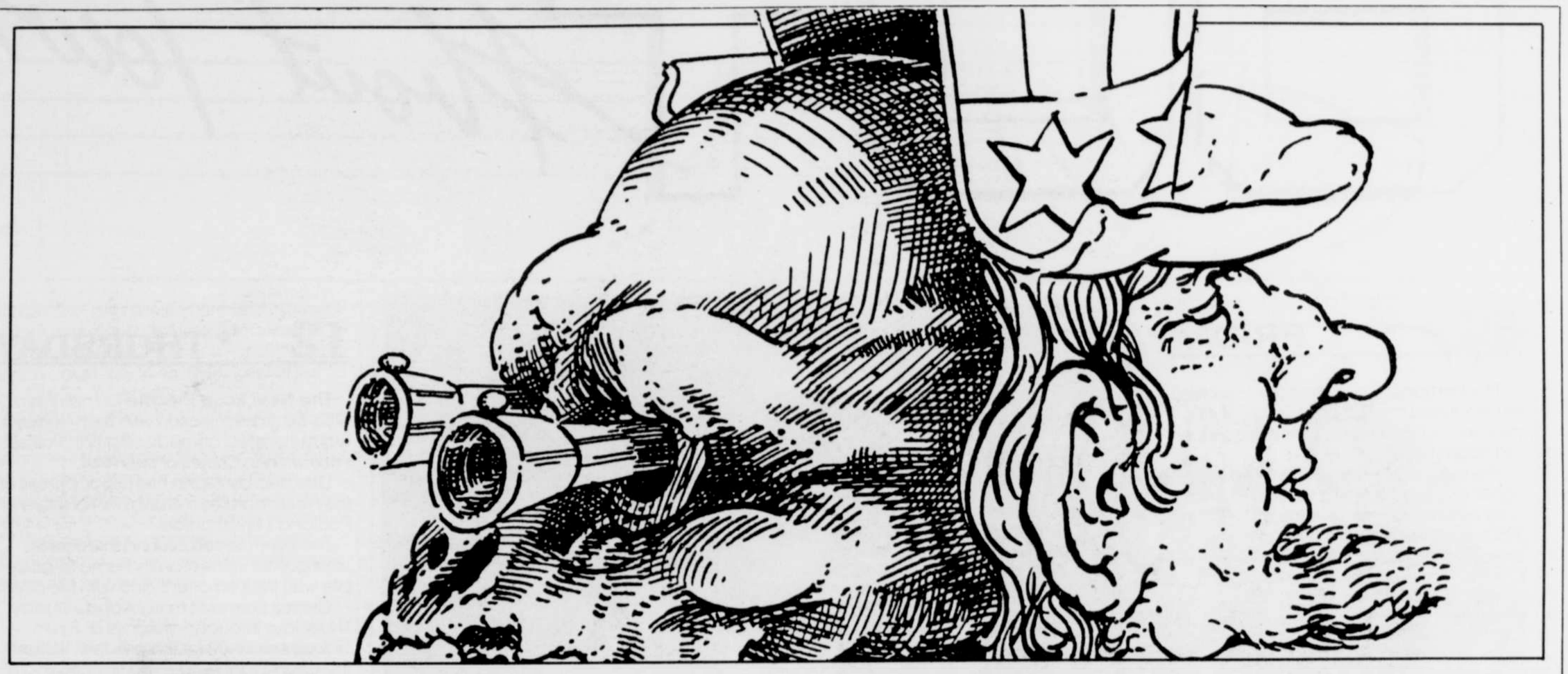

Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the miliary mission. The presence of such members adversely affects the ability of the military services to maintain discipline, good order, and morale; to foster mutual trust and confidence among service members; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the military services; to maintain the public acceptability of military service; and to prevent breaches of security.

Enlisted Administrative Separations,
32 C.F.R., Part 41, App. A, Sec. H

by Jay Brown

By January 1, 1984, thirty-eight of the United States had decriminalized private consensual adult homosexual acts. One state, Wisconsin, is the only one which has a statewide statute banning discrimination on the basis of sexual preference.

In December 1973, the Federal Civil Service Commission issued a directive which states, "You may not find a person unsuitable for federal employment merely because that person is a homosexual or has engaged in homosexual acts, nor may such exclusion be based on a conclusion that a homosexual person might bring the public service into public contempt." (Civil Service Bulletin, Dec. 21, 1973.)

The United States Defense Department, which employs 2-3 million individuals, specifically prohibits lesbians and gays from serving in the armed services. (See sidebar.)

Homosexuality is incompatible with military service. No ifs, ands, or buts; the rule is military law. If individuals are discovered to be gay or lesbian they are discharged. Most lesbians and gays in the military are given honorable discharges, but an increasing number are discharged under less than honorable conditions even though they have served with distinction and have been honored for meritorious conduct.

And yet, thousands of gays and lesbians enlist in the several branches of the armed forces each year.

Most gay people manage to hide their sexual orientation deeply in the closet but a substantial number of military personnel are discharged annually after being charged with homosexuality. In 1980 and1981, more than 1700 gays and lesbians were discharged from the service. This figure does not reflect the discharges of gays and lesbians who, after being identified by the military as homosexuals, are discharged under general charges of "unsuitability," "unfitness," or "misconduct," as opposed to specific charges of homosexuality.

In 1980, military strength totalled 2,031,658; less than eleven percent were women. If the Kinsey estimate that at least ten percent of the total male population is predominantly gay is applied to the male military population, then more than 200,000 gay men should have been serving in the military in 1980.

The rule that homosexuality is incompatible with military service seems to be incontrovertible; all attempts at recourse through civil courts have been denied to victims of military homophobia. No case involving the military rule barring homosexuals has yet reached the Supreme Court, nor is any likely to be heard in the near future.

In May of this year, the 9th Circuit Court of Appeals upheld the discharge of Army Sergeant Perry Watkins, a fifteen year veteran, saying a lower court decision had no power to force Watkins' Army superiors to disobey military regulations.

In 1975, Air Force Sergeant Leonard Matlovich, a much-decorated Vietnam veteran, mounted a test case of the military ban on homosexuality. Matlovich informed his supervising officer that he was homosexual and wished to remain in the Air Force. Matlovich contended that homosexuals should be subject to the same rules and be given the same rights as heterosexuals.

Subsequent to admitting to homosexuality, Matlovich was recommended for a general discharge, which is less desirable than an honorable discharge. After six months of hearings before military courts, Matlovich was given an honorable discharge and for the next six years he pursued hs case in civil courts.

In 1981, Matlovich dropped efforts towards reinstatement in the U.S. Air Force in return for a $160,000 settlement. Matlovich said the settlement was a "great victory," but then Secretary of the Air Force Hans Mark said the Air Force agreed to the settlement because it continues to regard homosexuality as fundamentally inconsistent with military service and wanted to avoid returning Matlovich to active duty.

Military homophobia received a minor setback earlier this year when seven-year veteran Sergeant Diane Mathews was ordered reinstted in an ROTC program at the University of Maine from which she had been dismissed after she had identified herself as a lesbian to her commanding officer. The U.S. District Court decision said that Mathews' dismissal, "as a result of her declaration of homosexual conduct" had violated her First Amendment rights to free expression. The court decision also said that the military regu- homosexuality without any evidence of lation which allows the discharge of persons with "homosexual propensity" is unconstitutional on the same First Amendment right. The case has yet to be heard in a higher court, but the decision in the Watkins case would seem to reverse the district court decision.

So, with all the force of military homophobia against them, why do lesbians and gays choose to enter the armed services?

Most people, of course, do not know any better; they are young, 17 to 20 years of age, and usually know little except straight American attitudes.

Though restrictive of personal freedoms, military service *is* a learning experience. Many people recognize their sexual preference only after they have entered the military, which unfortunately, leads them to a life in the closet if they wish to remain in the service.

The *laissez-faire* practice of abstention from interference with individual freedom of choice and action is integral to the American tradition, at least ideally. However, military law does not recognize civil rights in the same way as does the civil courts system, as was shown in the Watkins case. The fact that the military is restrictive of personal freedom is not accepted as common knowledge in this country, although the Matlovich case may have made more people aware of it.

The Mathews case is another step in the right direction, but it is still a long way to the Supreme Court. The military does not give up easily.