

Effects of the 1992 Lifting of Restrictions on Gay and Lesbian Service in the Canadian Forces: Appraising the Evidence

**Report Prepared For:
The Center for the Study of Sexual Minorities in the Military**

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I. EXECUTIVE SUMMARY

A new study of gays and lesbians in the Canadian military has found that after Canada's 1992 decision to allow homosexuals to serve openly in its armed forces, no negative consequences occurred. The study, titled "Effects of the 1992 Lifting of Restrictions on Gay and Lesbian Service in the Canadian Forces; Appraising the Evidence", was sponsored by the Center for the Study of Sexual Minorities in the Military at the University of California, Santa Barbara.

Key findings are as follows:

- Lifting of restrictions on gay and lesbian service in the Canadian Forces has not led to any change in military performance.
- Self-identified gay, lesbian, and transsexual members of the Canadian Forces contacted for this report who have served since the ban was lifted describe good working relationships with peers in supportive institutional environments where morale and cohesion are maintained.
- The percent of military women who experienced sexual harassment dropped 46% after the ban was lifted. While there were several reasons why sexual harassment declined, one factor was that after the ban was lifted women were free to report assaults without fear that they would be accused of and subsequently discharged for being a lesbian.
- Before Canada lifted its gay ban, a 1985 survey of 6,500 male soldiers found that 62% said that they would refuse to share showers, undress or sleep in the same room as a gay soldier. After the ban was lifted, however, follow-up studies found no increase in disciplinary, performance, recruitment, sexual misconduct, or resignation problems.
- None of the 905 assault cases in the Canadian Forces from November, 1992 (when the ban was lifted) until August, 1995 involved gay bashing or could be attributed to the sexual orientation of one of the parties.

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II. INTRODUCTION

Prior to 1988, gays and lesbians were prohibited from serving in the Canadian Forces (CF).¹ Openly gay recruits were prevented from enlisting, and soldiers who were discovered to be homosexual were dismissed. Any personnel who suspected another member of being gay was required to inform his or her commanding officer. This policy was relaxed slightly in 1988 by removing the order to inform, and by declining to dismiss soldiers who were discovered to be gay.² Those soldiers who did not quit, however, were denied access to promotions, security clearances, transfers, and re-enlistment. Canada's Department of National Defence argued that the special mission of the Forces necessitated an exclusionary policy. Military personnel feared that gay and lesbian soldiers would compromise operational effectiveness, as well as damage "cohesion and morale, discipline, leadership, recruiting, medical fitness, and the rights to privacy of other members" (NDRI 1993: 76).

This report draws together prior research on gay military issues, press coverage, Canadian Forces data, and interviews with senior officers, academic observers, policy experts, and enlisted personnel to provide a multi-method appraisal of how the Canadian Forces have been affected by the 1992 decision to allow equal and unrestricted participation by sexual minorities. Eight years after the policy was finally overturned, there is no evidence that any of the outcomes feared by proponents of the ban have occurred. The policy change has not resulted in increased levels of sexual misconduct, human rights violation complaints, or rates of sexual harassment. Further, the range of data collected for this study provides strong systematic and interview evidence that the lifting of restrictions on gay and lesbian service in the Canadian Forces has not led to any identifiable change in military performance. To the degree that the current evidence does suggest any trend, it would be toward more effective individual and unit

¹ Original research and analysis conducted for this report were furnished by ELM Research Associates, an independent, non-partisan research consultancy.

² For overviews, see Kinsman (1996), Park (1994), and Rayside (1998).

performance as sexual minorities focus more on their work and new conflict resolution programs improve pre-existing tensions over racial, gender-related, and other interpersonal problems in the Forces more generally.

III. METHODOLOGY

Information collected for this report was systematically gathered from publicly available primary and secondary sources relevant to an understanding of military outcomes associated with homosexual service in the Canadian Forces. Sources and methods included: identification, retrieval, and analysis of all prior research bearing on homosexual service in the Canadian Forces conducted by governmental, academic, and policy-focused organizations in North America; content analysis of Nexis/Lexis search retrievals for all North American news articles and wire service dispatches relating to homosexual service in the Canadian Forces before and after the ban was lifted (1987-1999; n=172 articles); interviews undertaken with relevant Canadian Forces units and their senior representatives (n=10 individuals); snowball identification and interviewing of major academic, non-governmental, and policy observers familiar with gay-military issues in Canada since the ban was lifted (n=10 individuals); and interviews with sexual minority participants in the Canadian Forces who were located through the cooperation of leading non-governmental and military human rights organizations (n=9 individuals). Canadian Forces representatives were chosen by asking academic, non-governmental, and policy experts for suggested contacts who were knowledgeable about the military's policy on homosexuality, and then using snowball identification techniques to identify other interview subjects.

This report relies on a multi-method approach to compare and synthesize evidence provided by a variety of sources in order to draw conclusions. Whenever possible, independent observations from multiple sources are compared to draw out common findings that are consistent among observers in different sectors (e.g., military, academic, non-governmental). During the interview process, we also sought to ensure that the universe of sources drawn upon

for the study was complete by repeatedly asking expert observers from different sectors for recommendations of additional sources of information. While it is possible that additional confidential information on outcomes not documented in this report may be maintained by the CF,³ senior officials contacted for this study were not aware of any additional data. The final compilation of sources that informs this report thus reflects an exhaustive inventory of relevant data and opinions.

IV. HISTORICAL CONTEXT

A. Canadian Forces Policy Towards Homosexuals Before 1988

The policy of the Canadian Forces before 1988 was outlined in regulation CFAO 19-20, entitled “Homosexuality-Sexual Abnormality-Investigation, Medical Examination and Disposal.” This administrative order stated that, “Service policy does not allow homosexual members or members with a sexual abnormality to be retained in the Canadian forces” (Vienneau 1989). The Canadian Forces would not permit openly homosexual men and women to enlist, and any soldiers discovered to be gay or lesbian were to be dismissed. The order further required other personnel to inform on fellow service members who they suspected were homosexual. The military handled investigations of suspected service members’ sexual orientation through its Special Investigations Unit.⁴

³ A senior official within the CF told one of the study authors that she believed additional longitudinal data on recruitment patterns might exist, but she was unable to verify the possibility (Beaton, personal communication, February 10, 2000).

⁴ For an overview of the history of military policy towards homosexuals in Canada, see Kinsman (1996) and a discussion of Kinsman’s work in Bronskill (98). For an overview of the history of homosexuality in Canada, see Adam (1993).

B. Legal And Political Pressure For Change

The CF policy on homosexual service members came under increasing judicial and political scrutiny after the passage of the Canadian Human Rights Act (CHRA) in 1978 and the Canadian Charter of Rights and Freedoms in 1985.⁵ While the Canadian Human Rights Act did not explicitly cover sexual orientation, it required employers to justify exclusionary or restrictive policies. The Canadian Charter of Rights and Freedoms, considered analogous to the U.S. Bill of Rights, also did not include sexual orientation in its enumerated list of prohibited grounds of discrimination. Section 15 of the Charter did, however, enable the restriction of other forms of discrimination if so ruled by the courts (Park 1994).

A review of federal regulations in 1985 by the Justice Department determined that the Canadian Forces were potentially in violation of the equal rights provisions of the Charter in a number of areas, including its discrimination against gays and lesbians (Gade et al. 1996).⁶ In response to the Justice Department's findings, the Department of National Defence conducted a survey of 6,580 soldiers to assess the potential impact of a removal of the ban on homosexual soldiers. The survey found that military personnel, particularly men, were strongly against removing the ban. Service members expressed concern about all aspects of serving with gays and lesbians; 62% of male soldiers stated that they would refuse to share showers, undress or sleep in the same room as a gay soldier, and 45% declared that they would refuse to work with gays. Many also stated that they would refuse to be supervised by a gay or lesbian soldier (Zuliani 1986). The Department of National Defence's Charter Task Force recommended in its Final Report that the exclusionary policy toward homosexuals be retained, arguing that the unique character and purpose of the Armed Forces necessitated the restriction of gays and lesbians. Given the aversion toward homosexuals in the military, the report concluded that the "the

⁵ While the Charter became part of the Canadian Constitution in 1982, Section 15 came into effect in 1985 to give the different legislatures and government bodies time to adapt to the change. See Rayside (1998).

⁶ See also Park (1994).

presence of homosexuals in the CF would be detrimental to cohesion and morale, discipline, leadership, recruiting, medical fitness, and the rights to privacy of other members.” It further declared that “the effect of the presence of homosexuals would [lead to] a serious decrease in operational effectiveness” (NDRI 1993: 76).⁷

C. Development Of An Interim Policy

In response to the Final Report, a new Minister of Defence announced his intention in January 1988 to modify the existing policy only slightly. Under the change, the Canadian Forces would not knowingly enroll homosexuals. If servicemen or women were discovered or announced themselves to be gay, they would be asked to leave, but they would not be dismissed. Those who chose to stay would not be eligible for training courses, security clearances, transfers, promotions or reenlistment.⁸ The Canadian Forces had already removed the obligation of service members to report on suspicions that another soldier may be homosexual (Park 1994).⁹

In spite of the measures taken by the Department of National Defence, pressure to change the policy on homosexuals continued to increase. As court decisions¹⁰ extended the rights of gays and lesbians under both the Charter of Rights and Freedoms and the Human Rights Act, Michelle Douglas¹¹ and four others filed separate suits against the Canadian Forces that directly challenged its policy toward homosexuals. In August 1990, the Security Intelligence Committee ruled that

⁷ See the Gazette (1992) for Canadian-wide attitudes about homosexuality.

⁸ See Farnsworth (1991), Ulbrich (1993), and Lancaster (1992).

⁹ According to Department of National Defence statistics, 60 homosexual service personnel were discharged between 1986 and the removal of the ban, and an additional 15 servicemen and women had restrictions placed on their advancement because of sexual orientation (Hustak 1993).

¹⁰ See Walsh (1992) and Rayside (1998) for a detailed discussion of other court cases.

¹¹ See Bindman (1990, 1990a, 1992, 1992a) and *Toronto Star* (1990, 1990a) for details of the Michelle Douglas case.

the military ban against homosexuals violated the Charter and found in Ms. Douglas' favor (Bindman 1990). The Committee concluded that the military had not established that Ms. Douglas' sexual orientation made her a security risk; instead, a "simple association" with a suspected lesbian was enough to make her "a potential threat to the security of Canada." (Toronto Star 1990). The Committee also criticized the military's "deplorable" conduct in its investigation against Ms. Douglas (Bindman 1991a).¹²

In preparing its appeal in the Douglas case, the Department of National Defence concluded that it could not meet the standard of proof required for a "reasonable limitation" argument under Section 1 of the Charter (NDRI 1993). While the Chief of the Defence Staff General John de Chastelain privately informed members of Parliament that the ban was about to be lifted late in 1991, the federal government delayed in the wake of an adamant refusal by some Conservative MPs to support the policy change (Harper 1991).¹³ Finally, facing a case it knew it could not win and lacking the leadership needed to defend its policy, the Department of National Defence agreed to settle the case against Michelle Douglas in October of 1992. In so doing, the military acknowledged that its policy of exclusion violated the Charter of Rights and Freedoms, and it consented to the immediate repeal of that policy (U.P.I. 1992; Bindman et al. 1992).

¹² For an extensive discussion of the relevant legislative and judicial history, see (Rayside 1998). See Wintemute (1995) for an in-depth analysis of the Canadian Charter of Rights and Freedoms as it relates to sexual orientation. See Pugliese (1992) for further court decisions.

¹³ See "Tory MP's Revolt Scuttled Statement," in *The Vancouver Sun*, October 26, 1992, quoted in Pond (1993), for a full quotation of the General's suppressed press statement. See also Watson (1991), Bindman (1991), Harper (1992) and *The Ottawa Citizen* (1991).

V. REMOVAL OF THE BAN AGAINST HOMOSEXUAL SOLDIERS

The policy change in October 1992 concerning gay and lesbian soldiers in the Canadian military was less an affirmative order than a dismantling of existing policy. General de Chastelain issued a press report that declared:

The Canadian Forces will comply fully with the Federal Court's decision. Canadians, regardless of their sexual orientation, will now be able to serve their country without restriction.¹⁴ (cited in NDRI 1993: 77)

In a communiqué entitled "Homosexual Conduct," the Chief of Defence revoked CFAO 19-20 and all related interim policies. The military would henceforth make no distinction between its heterosexual and homosexual soldiers. He expressed his "full support" of the Federal Court's decision and stated his expectations of support of the policy change within the chain of command. General de Chastelain also declared that "inappropriate sexual conduct by members of the forces, whether heterosexual or homosexual", was unacceptable (cited in NDRI 1993: 78; see also Park 1994).

National Defence Headquarters issued a "Questions and Answers" sheet for use within the CF that explained the change in policy. This message included likely concerns and emphasized that homosexual and heterosexual soldiers would be held to the same standards of behavior:

Q31: Will such activities as dancing, hand holding, embracing between same/sex members be accepted at mess social functions?

A31: Standards of conduct for homosexual members will be the same as those for heterosexual members. Common sense and good judgement will be applied and required of all members. (cited in NDRI 1993: 78)

No accommodation exceptions for homosexual or heterosexual troops were allowed, since it was decided that gay and heterosexual service-people could share living quarters (Swardson 1993). A "Post-Announcement Action" was issued by the Assistant Deputy Minister of Personnel to provide military leaders with guidance to "communicate the rationale for the change, encourage

¹⁴ See also Greenway (1993).

its acceptance, and respond to the personal concerns of the CF members” (cited in NDRI 1993: 78), and a CF Personnel Newsletter was also disseminated that described the policy change.

Because the courts provided the impetus for change, senior leaders endorsed the change and encouraged the members’ sense of duty. Senior political and military leaders believed that reliance on equal standards for the conduct of gays and heterosexuals was the best chance for success of the policy, since it focused on behavior rather than a transformation of individual values or beliefs. The military made no effort at the time to change individual members’ attitudes about homosexuality. Instead, the CF promoted the policy change through unequivocal answers to specific questions about appropriate behavior (Park 1994).

In December 1992, the CF issued a new regulation (CFAO 19-36) entitled “Sexual Misconduct.” CFAO 19-36 was to be used with an amended version of personal harassment regulations to detail what constituted inappropriate sexual conduct for both homosexual and heterosexual soldiers. Sexual misconduct was defined as “an act which has a sexual purpose or is of a sexual or indecent nature and which ... constitutes an offence under the Criminal Code or the Code of Service Discipline” (cited in NDRI 1993: 423). Under the personal harassment regulations (CFAO 19-39), sexual harassment was defined as “... a type of personal harassment that has a sexual purpose or is of a sexual nature including, but not limited to, touching, leering, lascivious remarks, and the display of pornographic material” (cited in NDRI 1993: 431).

The revocation of the ban on openly gay and lesbian soldiers did not, however, settle the issue of the soldiers that had been dismissed or denied promotions because of the former policy. Each case was reviewed separately by the Canadian Forces.

VI. EVOLUTION OF THE POLICY CHANGE SINCE 1993

A. SHARP Anti-Harassment Program

The Canadian Forces did not institute a separate program to handle same-sex sexual harassment or personal harassment based on sexual orientation. The Standards for Harassment and Racism Prevention (SHARP) program was implemented by the Department of National Defence in 1996 to increase general awareness among its civilian and military workforce about harassment and racist conduct, including harassment based on sexual orientation. The program was mandatory for all personnel and included separate courses for employees, those in leadership and managerial positions, and investigators and mediators. The program provided information and exercises designed to effectively prevent, recognize, and handle harassment and racist conduct.

The SHARP phase of harassment awareness has been completed, and the CF has now entered the second phase of its anti-harassment effort. The second phase of the program, which focuses more extensively on skills to handle harassment situations, is being developed by the Directorate of Gender Integration and Employment Equity and is due sometime during the summer of 2000.¹⁵

The SHARP materials provide a useful window into how issues of same-sex harassment have been incorporated into the CF anti-harassment policy. The SHARP workbook lists sexual orientation in its explanation of prohibited grounds of harassment. It further states that:

...harassment on the grounds of sexual orientation and hazing are not specified in DND's civilian policy although both these behaviours are clearly prohibited. It is

¹⁵ The Canadian Forces 1998 survey on harassment found that the SHARP training program had substantially increased awareness of the harassment policy. In 1998, 97% of the CF personnel surveyed stated that they were aware that the CF has a harassment policy, compared to 84% of women and 80% of men in 1992. The survey further revealed that three-quarters of the CF respondents had a harassment advisor for their unit (Adams-Roy 1999).

more important to recognize a behaviour as harassment than attempt to categorize it. (SHARP 1996: 9)

In its discussion of systemic harassment, which is defined as "...behaviours which could constitute harassment yet which are considered acceptable behaviour (normalized) in the workplace" (SHARP 1996: 10), the SHARP workbook and companion video use an example related to sexual orientation. It provides snippets of dialogue among four subordinates, including such comments as "He's the best sergeant I ever had. He can't be no fag," and "He could be a fag; he's got those big ears so a guy could hold him from behind." The workbook then asks a series of questions related to the dialogue, followed by a declaration of the prohibition against harassment based on sexual orientation:

This video shows not only how systemic harassment is perpetuated, it also depicts examples of harassment based on sexual orientation. Despite how you feel about someone's sexual orientation, you do not have the right to harass them at work. There is no reason why one's sexual orientation would affect job performance. However, harassment negatively affects the job performance of a gay, lesbian or bisexual.

Every member of an organization has to feel that he or she is a valued member of the group. If an employee does not feel valued, then that employee will not produce at his or her highest level. Regardless of one's sexual orientation, everyone deserves an "even playing field." Skill and ability should be the only criteria upon which people are judged. (SHARP 1996: 11)

The SHARP section on sexual harassment and sexual misconduct uses gender- and orientation-neutral terms in describing specific behavior that would be classified as harassment or misconduct. Examples such as leering, requests for sexual favors, derogatory name calling and sexually suggestive gestures are listed without regard for the gender of either the harasser or the target. Sexual harassment by someone of the same sex, or abusive comments about one's sexual orientation, fall under the general sexual harassment framework. The sexual harassment exercises include an example of same-sex interaction and anti-gay comments. In the answer section for this example, the workbook highlights the problem of comments which "perpetuat[e]

the myth that all homosexual men will make sexual advances toward them” (SHARP 1996: 47).

It further emphasizes that sexual harassment is not limited by sexual orientation.

Sexual harassment can be exhibited by anyone, regardless of their sexual orientation. Unfortunately, the men in this video do not recognize that the behavior they fear from the homosexuals is the same behavior that they exhibit toward the females. (SHARP 1996: 47)

B. Extension of Benefits

On June 13, 1996, a Canadian federal human rights tribunal ordered the federal government and federally-regulated companies to provide the same medical, dental and other benefits¹⁶ to gay and lesbian couples as heterosexual common-law couples. The tribunal further ordered the government to review its statutes and regulations within 60 days to identify any provisions that discriminated against same-sex couples. The Treasury Board announced in July that it would not appeal the ruling, although it did seek judicial review of the time period allotted for review of the statutes (May 1996; May and Bindman 1996).¹⁷

The CF Human Resources Office distributed a memo in December 1996 outlining the policy of granting same-sex partner benefits to Canadian Forces personnel. Same-sex partner benefits were to include: compassionate leave, leave without pay for spousal accompaniment, military foreign service regulations, isolated post regulations, and relocation regulations. Same-sex partners would also be entitled to dental care and health care plans as dependents. Compassionate leave and leave without pay for spousal accompaniment were immediately implemented at this time, since the expansion of these benefits could be achieved through a broader application of existing regulations. Other benefits required formal changes in the Queen’s Regulations and Orders and are still in the process of being implemented.

¹⁶ The tribunal case did not cover pension benefits.

¹⁷ See also Maclean’s (1996) and the *Toronto Star* (1995) for a discussion of other court decisions.

The December 1996 memorandum stated that same-sex partners would be considered dependents for the purpose of benefits. To be entitled to benefits, a same-sex relationship would be recognized if:

...for a continuous period of at least one year, a member has lived with a person of the same sex in a homosexual or lesbian relationship, publicly represented that person as his/her life partner and continues to live with that person as his/her life partner. (Canforgen 1996: 2)

Canadian Forces members with same-sex partners could obtain benefits by completing a form similar to that used for common-law spouses. These forms, included in a January 1997 memorandum, required service personnel to inform the CF of their request for recognition of the relationship; to provide their names, ranks and addresses; and to “solemnly declare” that: 1) the partners are of the same sex; 2) that they have resided together “in a homosexual or lesbian relationship” for a continuous period of at least one year; 3) that they publicly represent each other as life partners; and 4) that they continue to live together as life partners. The Canadian Forces also provide forms for the notification of a change in relationship status due to death, separation or cessation of co-habitation, and for the reinstatement of a relationship that had been officially terminated (Hurl 1997).

In April 1999, a report by the National Defence revealed that 17 claims for medical, dental and relocation benefits for gay and lesbian partners of soldiers had been filed in 1998. All of the requests were made by women. The first claims were made in 1997, although figures for that year are not available (*The Edmonton Sun* 1999). The number of requests appears low even given the military’s own estimates that 3.5% of its service personnel were gay and bisexual even before the ban was lifted (Wenek 1995). Michelle Douglas, whose suit against the Canadian Forces precipitated the lifting of the remainder of the ban, suggested that the low figures were likely due to a hesitancy by service members to out themselves by requesting benefits. She declared that “[Gays and lesbians] have operated in a climate that has not been very inviting to them, nor encouraging, nor supportive, for a very long time” (*The Edmonton Sun* 1999).

In June 1999, the federal government agreed to settle cases before the Canada Pension Plan appeals board to allow same-sex partners to receive survival benefits, including military pensions. Ten days earlier, Canada's Supreme Court declared that the Ontario Family Law Act was unconstitutional because it limited the term "spouse" to heterosexual partners (*The Gazette* 1999). More recently, members of the CF Legislative and Regulatory Service have been at work with legislators on the language for Bill C-23. The bill, if passed, would require that same-sex partners be considered common-law partners under the law. This would enable the military to handle all common-law relationships, whether heterosexual or homosexual, with the same paperwork. All remaining benefits relating to 'dependents' in the existing military regulations could also be extended to same-sex partners (LaBelle, personal communication, February 24, 2000).¹⁸

VII. EVIDENCE OF OUTCOMES FOR THE CANADIAN FORCES

A. Initial Evaluations

The Canadian military itself did not undertake an initial assessment of the implementation of its new policy concerning homosexuals. Because the idea of allowing gays to openly serve in the military became an issue in the United States soon after Canada's removal of the ban, however, several analyses were conducted by organizations on behalf of the U.S. Congress and military. These included studies by the National Defense Research Institute (RAND) and the GAO, as well as a report by a retired Canadian corporal for the U.S. Army Research Institute. These analyses, as well as journalistic accounts, suggested that the transition was a smooth one. Despite concerns that service members would resign, harassment would

¹⁸ Only a few minor benefits, such as those related to transfers, have not yet been made available to same-sex couples. The military has not been able to make changes in its regulatory language without permission from the federal government.

increase, and morale would suffer, the reports could find no evidence that any aspect of military life had been negatively affected. While many heterosexual service members were unhappy with the removal of the ban, they responded professionally in the months following the policy change. Few homosexual soldiers, however, took the opportunity to explicitly state their sexual orientation during this time.

1. RAND's National Defense Research Institute Report¹⁹

RAND researchers conducted interviews with Canadian military personnel several months after the removal of the ban on gay and lesbian soldiers. They found no evidence that the policy change had had any appreciable effect on any aspect of military life or performance. The officials with whom researchers spoke:

... kn[e]w to date of no instances of people acknowledging or talking about their homosexual relationships, no fights or violent incidents, no resignations (despite previous threats to quit), no problems with recruitment, and no diminution of cohesion, morale, or organizational effectiveness. (NDRI 1993: 79)

Canadian officials offered several reasons for the smooth transition. First, the military leadership had acknowledged the inevitability of the change in policy. Because the process had occurred over time, the military had been able to acculturate itself to the idea of including openly homosexual soldiers. Second, the military adopted a conscious leadership strategy in the implementation phase. Highest priority was given to ensure compliance with the policy change. Military leaders decided that it was not appropriate to try to change the beliefs or attitudes of individual personnel; they did, however, prioritize acceptance of the policy to minimize possible friction. Third, military officials emphasized the fact that the implementation had been accomplished in a low-profile fashion, without numerous public pronouncements or media scrutiny. Finally, officials cited the content of the policy itself as a reason for the smooth

¹⁹ RAND's report was begun at the request of U.S. Secretary of Defense Les Aspin sometime after January 29, 1993 and completed before July 19, 1993.

change. Officials pointed out that the policy change itself did not formally institute a policy on gay and lesbian conduct; rather, it established new equitable policies that applied to homosexuals and heterosexuals alike (NDRI 1993).

2. The U.S. GAO Report

A U.S. General Accounting Office (GAO) analysis of the first six months of Canada's new policy also found no problems associated with the change. In their interviews with members of Parliament, gay advocacy groups, a veterans' umbrella group, the Canadian Human Rights Commission, the Department of National Defence, and the Department of Justice, the researchers could find no one who had received any reports of resignations, lower recruitment, morale or cohesiveness problems, or gay-bashing incidents. In addition, the GAO found no reports of open displays of homosexual behavior.

CF officials reported that the greatest advantage of the change in policy was that gay and lesbian soldiers no longer had to fear being discovered and discharged from the armed forces. These officials felt, however, that many gay and lesbian soldiers would not publicly express their orientation because they would see no advantage in doing so. The military leadership's public support for the removal of the ban and its unified front were cited as significant reasons for the smooth transition (U.S. GAO 1993).

3. U.S. Army Research Institute Research Report

At the request of the Deputy Chief of Staff of the U.S. Army, the U.S. Army Research Institute for the Behavioral and Social Sciences issued a report in January of 1994 authored by an outside consultant evaluating early outcomes of the lifting of the ban in Canada. The report surveyed all publicly available literature to describe the original impetus to lift the ban as well as

the consequences of the 1992 policy change on a broad array of performance outcomes in the Canadian Forces. In its summary of findings, the report states:

The impact of the policy change has been minimal. Negative consequences predicted in the areas of recruitment, employment, attrition, retention, and cohesion and morale have not occurred in the 6-month period since revocation of the exclusionary policy. (Pinch 1994: vii-viii)

The report author also speculated that, to the degree that long-term implications of the removal of the ban may become apparent in the future, problems would more likely have to do with questions of compensation and benefit support for same-sex families than any problems with “cohesion, morale, and effectiveness” (Pinch 1994: 46).

4. U.S. Congressional Testimony

Testimony on allowing gays to serve in the U.S. military before the Senate Armed Services Committee included a session on the policies of other nations. At this session, professors Charles Moskos, David Segal, and Judith Stiehm spoke about research on foreign militaries’ policies concerning gays in the military. Moskos did not discuss the Canadian case. Segal²⁰ and Stiehm briefly touched on Canada. Both stated that the removal of the ban in Canada had not caused any problems with resignations, recruitment or harassment. Stiehm stated:

Granted in [Canada and Australia], the bans have been lifted for less than one year. But, if mass resignations were to occur, we would have seen them by now. If codes of conduct were being blatantly violated, we would have heard about it. If known gay people had been beaten up, we would know. (Senate Armed Services Committee 1993: 394)

Lt. Gen. (Ret.) Calvin Waller, who had commanded troops during Desert Storm, also testified at the Armed Services Committee hearing about the policies of other nations. With respect to Canada, Lt. Gen. Waller pointed out that the policy change occurred after Canada’s

²⁰ Dr. Segal also testified at the House Armed Services Committee hearing that occurred on May 4 and 5, 1993.

engagement in Kuwait had ended. Because Canada had not been involved in armed conflict since the enactment of the new policy, “we really do not know what those results are going to be” (Senate Armed Services Committee 1993: 399).

The record for this hearing also included a report on a comparative survey of foreign military policies on homosexual service. From a review of secondary literature, the report concluded: “The reality is that a majority of the military most likely did not like the fact that the ban was lifted but that its lifting was simply no big deal” (Pond 1993: 82). Pond further elaborated on the elements of the policy change in Canada:

Despite threats and warnings about mass resignations or military unwillingness to put the new policy into effect, nothing of the like happened. Even soldiers unhappy with the change saw it to be disloyal not to effectuate the change and MAKE [emphasis his] it work. (Pond 1993: 84)

5. Journalistic Accounts

Like official reports prepared on the policy change, journalistic accounts and citations of commentaries by soldiers offered no indications of any resignations, problems with morale, violence, or harassment due to the policy change. In the several months following the removal of the ban, Canadian officials publicly declared that the transition was going smoothly. Captain Marc Rouleau, a spokesman for the Canadian Armed Forces, said that “[o]ur indication is that the implementation has gone very well. There have been no indications of any physical abuse” (*The Washington Times* 1993). Captain Brett Boudreau, a Department of National Defence spokesman, stated, “We have had no resignations to date [at the end of January] as a result of the policy. We also have had nobody standing up and declaring their sexual preference.” He added:

I think people have come to the realization that a change in policy doesn’t mean the floodgates are open and that homosexuals will be coming en masse into the military. ... There has been no noticeable impact on our operational effectiveness or anything else. (Ulbrich 1993)

Major Donald Oullette declared that the policy change had had no effect on his base in St. Jean. “Morale on the base is the same. No one’s quit, no one’s complained, no one has been harassed,

no one has come out of the closet. There's been absolutely no difference" (Hustak 1993). In addition, eight months after the ban was lifted, Rear Admiral Richard C. Waller, the commander of the West Coast naval forces in Canada, stated on the record that he had "heard of no harassment cases on one side or another" (Schmitt 1993).

While press coverage following the lifting of the ban portrayed an uneventful transition, several pieces illustrated that not everyone in the military welcomed the change. An anonymous Black Watch (RHR) officer in Montreal was quoted as stating:

There are a lot of guys in uniform who hate homosexuals, and don't want them around in the service. A lot of men are disgusted with the court ruling, but they have to live with it. They don't want to speak up. They're just keeping their heads down. (Hustak 1993)

Lt. Col. Susan Rodgeman, an administrative officer for the Petawawa base, thought that about 75% of her fellow officers on the base had concerns about admitting gay soldiers, but the base had not experienced any anti-gay incidents (Swardson 1993).

The clear-cut policy directive from the military leadership did appear to have a strong effect on the behavior of those opposed to the policy change. Master Cpl. Mike Simic, who felt that gays and lesbians could disrupt the critical teamwork necessary in the military, kept his opinions to himself. "My attitude is, grin and bear it. There's a lot in the military that's out of your hands. The policy is very clear" (Swardson 1993). Finally, Captain Dave Folkins, of the Royal Montreal Regiment, admitted that the policy change was a sensitive issue with personnel in the months after the removal of the ban. He argued, however, that "[t]he Americans have blown it all out of proportion. They're making such a big deal for such a small minority" (Hustak 1993).

B. Recent Assessments And Observations: An Emerging Consensus

To date, the Canadian Forces have still not formally evaluated the effects of the full removal of the ban on gay and lesbian service in 1992. Officials that were contacted for this

report offered several reasons for the lack of formal analysis. First, senior officers repeatedly stated that, for all the concern, the actual policy change had not been very eventful. Because very little of note actually occurred, there was not much to study.²¹ Further, CF officials felt that making any distinction between homosexual and heterosexual soldiers, even for the purposes of data collection, would itself be a violation of the CF policy of treating everyone equally without regard to sexual orientation. A gay soldier reflected on this concern:

... [T]hey were afraid if they did do any tracking, it would be considered potentially discriminatory. Because there's been other backlashes in other segments of the community as a whole where someone has tracked. ... I think part of it has been that we're very sensitive about doing this stuff. (Forget, personal communication, February 8, 2000)

Finally, substantial budget cuts precluded any possible study of the integration of gays and lesbians in two ways: 1) the department that studied longitudinal data on the Forces was disbanded; and 2) a multitude of changes in the CF, as described below, have dramatically obscured the sexual orientation issue.

Despite the lack of formal analysis conducted by the CF, however, additional resources do exist that shed light on longer-term consequences of the full lifting of the ban. The following section brings together the quantitative and interview evidence available on the long-term effects of the Canadian Forces' removal of the ban on gay and lesbian soldiers. Like the initial reports, the data provide no evidence of any ill effect of the policy on the Canadian Forces. There have not been any reported problems with harassment, violence, resignations, or recruitment associated with the policy since its inception.

²¹ Academic and public opinion experts contacted for input into this report also made the same observation (see below).

1. 1995 Briefing Note on Removal of Ban

Although the Canadian military has never undertaken a formal assessment of the policy change toward sexual minorities, a briefing note on the removal of the ban was written by the Section Head for Human Rights Policy (a bureau of the Canadian Department of National Defence) in 1995. Two and one half years after the removal of the ban, the note still could not find any indication that the policy change had had a negative effect on the Canadian Forces. The 1995 note was originally prepared in response to a request for information by U.S. lawyers defending a discharged Navy lieutenant under the U.S. military's policy on homosexuals. Although the CF official was ultimately prohibited from offering an affidavit for the U.S. case, he took the opportunity to share data he had gathered with the CF command. He wanted to let them know that, "Despite all the anxiety that existed through the late 80s into the early 90s about the change in policy, here's what the indicators show – no effect" (Director of Policy Analysis and Development, personal communication, January 20, 2000).

The briefing note examined all available behavioral data related to possible policy effects. A search of the military police staff's database indicated that none of the 905 assault cases from November 1992 to August 1995 could be identified as involving "gay bashing" or be attributed to the sexual orientation of one of the parties. Of the 544 cases of sexual misconduct between December 1992²² and August 1995, 22 involved same-sex conduct.

The Canadian Human Rights Commission reported that three of the 213 complaints reported between November 1992 and August 1995 concerned sexual orientation. Of these three, two pertained to differential treatment and release before the policy change. The third complaint dealt with the eligibility of same-sex couples for financial benefits. Those responsible for military grievances at National Defence Headquarters did not have an accurate count of grievances involving sexual orientation, since grievances are not categorized in a way that would allow retrieval of such information. They were, however, fairly confident that no more than a

²² Statistics were first collected at this time.

dozen of the approximately 2,000 grievances handled between from the removal of the band until August of 1995 included sexual orientation as a significant factor.

The briefing note also cited a 1993 attitudinal survey on quality of life issues which asked members, among other items, to describe how satisfied they were with the Canadian Forces' policy on sexual orientation.²³ Out of 3,202 respondents, 43.3% were either satisfied or very satisfied with the policy, 24.4% stated they were neutral, 28.5% were either dissatisfied or very dissatisfied, and 3.8% had no opinion. The 1995 note compared these findings to a question on employing women in all units and occupations. In response to the question on female involvement, 44.1% stated they were either satisfied or very satisfied, 21.0% were neutral, 32.9% were either dissatisfied or very dissatisfied, and 2.1% had no opinion. The Human Rights policy officer noted that acceptance of the military's policy toward gays and lesbians was quite similar overall to attitudes about the inclusion of women. Analysis of the 1993 survey further revealed that female service members were generally more accepting than males of the sexual orientation policy (although no figures were provided), and senior officers were overall the most dissatisfied (37.5%) and junior non-commissioned officers were the least dissatisfied (25.7%) with the policy.

In his conclusion to the 1995 brief, the CF officer declared that "behavioral and conduct data ... yield little or no evidence to suggest that allowing homosexuals to serve in the Canadian Forces has been problematic, either in terms of their behavior or their treatment by other members" (Wenek 1995: 3). He qualified his statement, however, by noting that no information was available to estimate the extent to which gay and lesbian service personnel were actually disclosing their sexual orientation.²⁴ The concluding note went on to add:

It is assumed that homosexual members generally refrain from making their sexual orientation known, in which case behavioural and conduct indicators

²³ The survey did not specify or describe the policy.

²⁴ Taking data from anonymous large-sample surveys of Canadian Force personnel in 1986 and 1991, the note estimated that, in the years leading up to the lifting of the ban, 3.5% of the members disclosed that they were bisexual or homosexual.

might not be reliable and the effect of the policy change on such variables as unit cohesion and morale would be extremely difficult if not impossible to measure. (Wenek 1995: 3)

2. 1998 Personal and Sexual Harassment Data²⁵

More recent statistical information is available for harassment data generally, since the Canadian Forces conducted research in 1998 to assess the effectiveness of its harassment policy.²⁶ When compared with information from a 1992 study, this data reveals changes in harassment levels before and after the removal of the ban.²⁷ The data strongly suggest that fears of a substantial increase in personal²⁸ or sexual harassment due to the policy change were unwarranted, since the rate of self-reported harassment²⁹ actually decreased overall during this period (Adams-Roy 1999). The percentage of service members who reported experiencing

²⁵ Results of the 1998 follow-up study are detailed in Adams-Roy (1999).

²⁶ The 1992 survey was administered to 5,642 service members, with a 72.7% response rate (Hansen 1993). The 1998 survey sampled 2290 service members and got a 48% response rate. The author of the 1998 study notes that sample sizes for sexual harassment were small given relative infrequency. Sexual harassment figures therefore have higher margins of error and “should be interpreted with caution” (Adams-Roy 1999: 9).

²⁷ The study was conducted in October 1992. The survey, like the 1998 survey, asked service personal about harassment experiences during the prior 12 months. The 1992 study therefore provides data for the year prior to the removal of the ban.

²⁸ Under the CF definitions of harassment, “gay-bashing” or other abuse directed at someone because of their sexual orientation falls under personal, rather than sexual, harassment. Personal harassment includes all harassment directed at a person because of an identifying characteristic, such as race or gender. See Adams-Roy (1999: 8) for the complete list.

²⁹ The Canadian Forces breaks harassment down into four categories: abuse of authority, personal harassment, sexual harassment, and hazing.

sexual harassment in the previous 12 months declined from 11% in 1992 to 6% in 1998.³⁰ Self-reported personal harassment rates decreased from 24% in 1992 to 18% in 1998³¹.

With respect to sexual harassment, the greatest change occurred among women. Among service women, 14% reported in 1998 that they had experienced sexual harassment within the past 12 months. This is a decrease of 12 percentage points from 1992 levels, when 26% of those surveyed reported incidents of sexual harassment. Rates for men remained quite low, rising from 2% in 1992 to 3% in 1998. While the categories used to measure types of sexual harassment are not identical, an examination of comparable categories³² suggests that the overall distribution of types of sexual harassment has not substantially changed over time; teasing, jokes and remarks remain the most common form of sexual harassment, and actual or attempted rape or sexual assault was reported as the least common type of sexual harassment in both surveys (Adams-Roy 1999; Hansen 1993).

Because the 1992 survey did not specifically include sexual orientation in its break-down of types of personal harassment, rates of harassment due to sexual orientation cannot be compared over time. Of those who had experienced personal harassment in the year prior to the

³⁰ A study of reserve forces, who were not surveyed in 1992, was also conducted in 1998. While a comparison over time is therefore not possible, sexual harassment rates were lower for reserve forces as compared to regular forces. One percent of men and 11% of women reported that they had been sexually harassed during the last 12 months. The question on incidence of harassment was answered by 687 men and 254 women (Adams-Roy 1999a).

³¹ Harassment rates for service members as a whole are derived from incidence rates broken down by sex. (Adams-Roy 1999: 13)

³² Data based on type of sexual harassment is not identical in the two studies, since the question in the 1992 survey asked whether a type occurred, while the 1998 study asked how frequently a type has occurred. The classification of type of behavior is also not identical.

1998 study,³³ sexual orientation ranked 13th out of 14 listed types³⁴ for men and 9th out of 14 for women in terms of frequency. Nine percent of the men and 10% of the women who reported experiencing personal harassment had been harassed about their sexual orientation.³⁵ In comparison, 48% of the men and 50% of the women reported harassment based on physical characteristics, 32% of the men and 28% of the women complained of harassment due to their age, and 92% of the women who reported personal harassment had been harassed because of their sex.

Five percent of the service men who reported personal harassment had experienced harassment rarely or occasionally due to their sexual orientation. Four percent reported frequent/often harassment based on sexual orientation. Among service women, 7% reported rarely or occasionally experiencing harassment due to their sexual orientation, while 3% reported that they faced harassment frequently or often due to their sexual orientation (Adams-Roy 1999).³⁶

Neither the 1992 nor the 1998 survey divided harassment responses and outcomes down by type of harassment.

³³ This included 96 men and 73 women.

³⁴ The list of types of personal harassment included: physical characteristics, mannerism, age, national or ethnic origin, marital status, disability, other personal characteristics, family status, race, sex, religion, skin color, sexual orientation, and conviction or offense for which a pardon has been granted.

³⁵ Individuals could report more than one type of harassment.

³⁶ Among reserve personnel, sexual orientation ranked 14th out of 15 for men and 9th out of 15 for women among types of personal harassment experienced. Six percent of the men who reported personal harassment had rarely or occasionally been harassed because of their sexual orientation, and none mentioned frequent harassment. Twelve percent of the women who reported personal harassment had been harassed for their sexual orientation rarely or occasionally, and 4% experienced harassment based on sexual orientation frequently or often (Adams-Roy 1999a).

3. Assessments And Observations Of Senior CF Officials

The CF officers and personnel with whom we spoke repeatedly (all listed below in the bibliography) stated that the policy change had had minimal impact. No one could name any incidents of recruitment or other problems related to the issue of sexual orientation. And while the officers could think of no way to measure morale or cohesion, they had no reason to believe that the change has affected the efficacy of working relationships. Officers were matter-of-fact in their assessment of the removal of the ban:

It's not that big a deal for us [including gays and lesbians in the military].... On a day-to-day basis, there probably hasn't been much of a change. People who were typically high performers before are typically high performers now. (Leveque, personal communication, February 4, 2000)

Another CF official emphasized the continuity in the policy change: "The actual transition was relatively quiet. People realized that there had always been gays in the CF. They certainly didn't make an issue of it before, and they don't make an issue of it now" (MacKay, personal communication, January 18 and February 28, 2000).

Further, senior CF officials we contacted agree that the removal of the ban is minor compared with other transformations of the recent past. Like most Western militaries, the Canadian Forces has undergone substantial changes since the end of the Cold War. The CF has experienced a reduction of size and a reconceptualization of its mission that has resulted in deep changes throughout the organization. As one official stated:

...[T]here are so many changes that have been occurring in the last fifteen years, with massive downsizing and so on, that incidents like these changes in policy have been greatly overshadowed by budget cuts, downsizing, changes in operational roles, operational tempo. This issue of the acceptance of homosexuals into the forces pales into insignificance ... it's a non-issue. (Wenek, personal communication, January 20, 2000)

This official went on to use the experience of a conservative British review team to underline the smooth transition of the Canadian Forces to its anti-discriminatory policy. The British Ministry of Defense sent reviewers in 1996 to study a number of militaries that allowed homosexual

soldiers to actively serve. While the reviewers seemed to the CF official to arrive with a negative attitude toward the possibility of removing their own restrictions, their interaction with CF personnel soon changed their minds:

One team came here, and of course they exhibited the kinds of attitudes I guess that reflected their official policy mind. ... One of the things they asked to do was speak with commanding officers or people who had been in commanding officer roles since the policy had changed, and also people who had been in senior non-commissioned member roles in line unit ... So essentially they did focus groups with these two groups of people, and they just asked them about their experiences and their opinion had anything happened and so on. Anyway, as a result of this process, those people who were part of that team ... said, "We believe we could change our policy, based on your experience, and what we heard in terms of candid comments from former commanders." (Ibid)

The British team informed the CF official, however, that they did not believe a more inclusive policy would be politically salable at home.³⁷

CF officials also emphasized the difference between attitudes and behavior. Professional behavior was expected of all service members, regardless of sexual orientation. This did not mean that everyone had to agree with one another, or like each others' personal choices. One CF official addressed the attitudinal cleavages among heterosexual service members:

The 1986 survey showed among other things that there was a group of members who had deeply-held attitudes against homosexuality. They couldn't accept it, and they were unlikely to change. Another group had been socialized into stereotypes, but this group could change. (MacKay, personal communication, January 18 and February 28, 2000)

In general, older service members were more likely than younger members to have strong moral objections to homosexuality. While training promoted a more tolerant military culture for some younger soldiers, the beliefs of those with strong feelings on the subject would not be imposed upon. Service members could work together in spite of those differences by showing respect for each other as individuals, and by deferring to the rule of law:

The issue of following the law is important in the military, and it comes up in many instances. But in this case, it is also a deeply moral issue and that is a real

³⁷ Although we attempted to reach the reviewers who conducted the British study, we were not able to speak with them. We therefore cannot confirm the CF official's assessment of their attitudes.

complication. I think the issue of fear of the unknown, more than moral outrage, has been prevalent in some people's minds in regard to homosexuals in the armed forces. But our experience did not justify such apprehension. ... Within the Forces people have been generally considerate of others' feelings and privacy. What we had in the past was a matter of institutional discrimination. Even though some have found it difficult, loyal members changed their behavior when the institution changed. (MacKay, personal communication, January 18 and February 28, 2000)

The ability to work professionally even with persisting differences is borne out by the experience of those working specifically in military directorates that deal with harassment and conflict resolution. These officials report that sexual orientation is not an area of concern for them. A Manager in the Executive Directorate on Conflict Resolution, when asked if mediation cases involving sexual orientation issues presented more or less of a problem than other types of cases, responded:

I can't answer that, because we haven't seen any. ... Now, we ... don't see all of the cases that get dealt with. We see a good chunk of them, but we don't see all of them. But we have our finger on the pulse of what else is going on in the department. To my knowledge there haven't been, and if there have been they've been very, very few. And I had a look of our [nation-wide] data of types of cases that we've dealt with the other day, and there certainly [are] no ... sexual orientation issues. (Leveque, personal communication, February 4, 2000)

The former head of the SHARP training program³⁸ argued that the removal of the ban on gays and lesbians has been a good move for the CF in terms of its recruitment efforts. Because the overall population base is getting smaller, opening recruitment to homosexuals allows the Forces to find qualified service members who previously would have been excluded. He stated:

From a long-term recruiting perspective, I think this was a necessary step for us, as were all of our other cultural types of initiatives in terms of recruiting, because the population base that we're working with in terms of recruiting is shrinking. So by broadening the ... population base and making things more acceptable, with some of our social policies, what we're doing in effect is preserving the long-term quality of the Canadian Forces, because there are only so many white, Anglo-Saxon males that you can recruit. (Leveque, personal communication, February 4, 2000)

³⁸ This is the same person as the present Training and Operational Development Manager in the Executive Directorate of Conflict Management.

4. Observations from Scholars, NGOs, and Political Observers

As is the case with Canadian Forces data, scholarly and policy investigations that directly measure performance outcomes associated with the lifting of the ban are scanty. Longstanding observers of Canadian politics and military issues argue that his lack of information is a consequence of the very low salience of gay military concerns in both public and political circles since the change in policy (personal communications with Leebosh, February 10, 2000; Rayside, January 19, 2000; Kinsman, February 5, 2000; and Fisher, February 2, 2000). However, a number of these scholars and policy observers have continued to monitor press releases, governmental activity, and feedback from Canadian Forces personnel since the ban was fully lifted.

For purposes of this study, two of the most cited scholars of gay-military issues in Canada were interviewed to assess their opinions regarding outcomes associated with the lifting of the ban.³⁹ Both professors described concern over the policy change as a short-lived and fairly minor event in the context of broader Canadian political debates and conflicts. When asked about their appraisal of any consequences that may have arisen as a result of the new policy, neither could identify any problems since 1992 related to performance issues. As Professor David Rayside of the University of Toronto commented regarding concerns raised before the ban was lifted: “There has not been since that day [when the ban was lifted] a suggestion from any quarter, including the military, in public, that this change has damaged morale” (Rayside, personal communication, January 19, 2000). Because a number of organizations and individuals

³⁹ The two professors, David Rayside of the Department of Political Science at the University of Toronto, and Gary Kinsman of the Department of Sociology/Anthropology at Laurentian University, have each produced academic monographs and studies relating to gay-military issues in Canada widely cited by other experts contacted for this study and in the media (e.g., Kinsman 1996, Rayside 1998). Both scholars have also been retained by private and public parties to provide additional expertise for national surveys or major court cases relating to sexual minorities in the military (see, for instance, Rayside, 1990)

highly antagonistic to the ending of the remaining ban would most certainly seek to publicize any deleterious consequences associated with the policy change, both scholars are reasonably confident of their assessments.

While both scholars noted that several problems bearing on performance and morale remain evident in the Forces, they emphasized that these problems have been centered almost exclusively around racial tensions and treatment of women, not homosexuality. Informal and possibly institutional forms of discrimination against homosexual members do still exist, but the ending of the remaining limitations by itself has not contributed to an undermining of military performance. Gary Kinsman, of Laurentian University, believes that:

....[I]n terms of however you might want to work it out, performance evaluation or operational efficiency of the military, the change in 1992 has not led to any detrimental consequences. The Canadian Forces actually has a number of its own internal problems, in terms of fiascoes, in terms of racism, what it did in Somalia....[But] all of the evidence points out that there haven't been problems in terms of recruitment or whatever on this basis. They may have had other problems with recruitment, but certainly...ending that policy [limiting homosexual service] has not led to any detrimental consequences. (Kinsman, personal communication, February 5, 2000)

When pressed by the interviewer to identify other problems that might have emerged from the policy change, both scholars noted that the evolution of additional policy developments arising from the lifting of the ban, such as the extension of spousal benefits, has not been entirely smooth. They emphasized that these difficulties relate to formal and public resistance to the extension of equality rights rather than to military performance.

The director of EGALE, the premier national organization in Canada focusing on federal equality rights for gays and lesbians, made similar observations (Fisher, personal communication, 2000). While he believes that general social attitudes toward equality rights for gays and lesbians in Canada are still mixed, he is confident that fears over performance outcomes raised by opponents of the policy change have not come to pass:

I'm quite confident that, in the six to seven years since the policy was changed, had there been anybody that said it was a problem, we certainly would have heard about it, and EGALE would have been one of the first groups that would

have been made aware if there were concerns as a result of the public policy change. It's been a complete non-issue for us. (Fisher, February 2, 2000)

Mr. Fisher also observed that virtually all media coverage and inquiries regarding morale and cohesion in the Canadian Forces during the past five years has focused on inappropriate heterosexual behavior or racial misconduct, not gay service issues.

Interviews conducted with leading public opinion analysts and political observers paint a similar picture. While none of these individuals was aware of specific information relating to military performance issues after the ban on homosexual service was lifted, they all observed that recent debates over military performance and cohesion have had nothing to do with the lifting of the ban. As Derek Leebosh, a longstanding observer and survey expert on public opinion issues, remarked:

We heard all sorts of stories. Canada had all sorts of soldiers in Bosnia and Kosovo, [and] I never saw a single article that said this [homosexual service] was an issue. I've never heard a single story, I've never heard anything. I just think there's so many other issues that are more of a problem. There's probably been more threats to unit cohesion and efficacy of the armed forces just because their pay is so low. That would be much more of an issue. (Leebosh, personal communication, February 10, 2000)

When asked to conjecture based on his expertise why the lifting of the ban has been so unremarkable, Mr. Leebosh suggested that changing attitudes among younger generations, combined with an understanding that personal discomfort does not justify failing to do one's job, have helped make working alongside sexual minorities a relative "non-issue" in the military.

Comments made by staff representatives of Members of Parliament and other prominent citizens historically involved with gay military issues reinforce the lack of problems associated with the removal of the ban. Senior staff members for MP Svend Robinson, who was at the center of the Parliamentary debate over the military ban in the 1980s and early 1990s, have not received nor are aware of any disclosures or reports that military performance has been affected, either for the better or for the worse, as a result of the lifting of the remaining ban (Siksay, personal communication, February 10, 2000). Other observers active in military or para-military

public policy matters concur (Pepper, D., personal communication, February 10, 2000; Cousens, C., personal communication, February 5, 2000).

5. Perspectives of Sexual Minorities Who Have Served in the Canadian Forces

While formal assessments of senior CF officials and other experts provide a dispassionate and consistent appraisal of outcomes associated with the policy change, the experiences of enlisted personnel who identify themselves as sexual minorities provide additional insight to the real-world effects of the policy implementation. For purposes of this study, we interviewed nine current and former active CF personnel who identify themselves as gay, lesbian, or transsexual. Six of these individuals have served in the CF since the remainder of the ban was lifted in October of 1992, while three left the service shortly before the policy change. The six recently serving members include a gay captain currently stationed at the National Defence Headquarters (NDHQ) in Ottawa, an a gay staff sergeant seaman with a current posting at the NDHQ, a post-operative male-to-female transsexual technical communications specialist, a reserve major, a recently retired lesbian sergeant and candidate for promotion to warrant officer at the Canadian Forces Logistics School, and a gay staff sergeant who has served with the Royal Air Force, NORAD, and United Nations ships. The three former personnel include a retired major, a former captain in a security position who was discharged in 1979 for being a homosexual, and the former air force lieutenant (Michelle Douglas) whose suit led to the removal of the ban.

The six members who have served since the new policy was implemented have described diverse personal experiences, reflecting differences in the time and place of their service; personal decisions about how, when, and where to come out; and gender identity and orientation. While most of them have encountered situations where particular individuals have either accidentally or deliberately made derogatory remarks in their presence, all six reported a generally positive and

unremarkable experience navigating work and relationships with peers and superiors.^{40 41}

Common to all of their stories was an emphasis on how military culture in general, and the implementation of the new policy in particular, places paramount importance on “getting the job done” and respecting the chain-of-command, regardless of one’s opinion of others. As one member put it:

If you can do your job and do it properly, well there you go, that is what matters. When there’s a combat situation and you have to defend a position, or you have to go on patrol or whatever, then the most important thing here is to be able to achieve the order you receive. The sexual orientation doesn’t have anything to do with that. Not for one fraction of a second. ... When an order is issued, you’re going to follow it. You have to. The job has to be done, you have to do your job, and that’s the end of it. (Durand, personal communication, February 5, 2000)

The six recently-serving members all acknowledged that homophobia and personal discomfort around gays is no doubt still present among their peers, but they firmly believe that shared military values about fulfilling one’s duties have prevented any occasional dislike from affecting performance. One captain remarked:

I do suspect there are more people who are uncomfortable about us, but they’re professional enough to keep their opinions to themselves. ... If you don’t like it, that’s fine, I don’t have to like you to do my job either. The bottom line is that the job gets done, and let’s get on with it. (Forget, personal communication, February 8, 2000)

⁴⁰ One member we contacted described her experience with other personnel in a training class as they watched news footage of the announcement regarding the lifting of the ban. Seen on television was Michelle Douglas, alongside her female attorney. Remarking on her classmate’s reactions to seeing Ms. Douglas with the other woman, the interviewee commented, “There were no negative comments in the classroom. The only thing some people said was, how does she get a girlfriend who looks that good? It was her lawyer, but of course no one in the class knew that, except for myself. It was actually quite ironic.” (Kelly, personal communication, January 26, 2000)

⁴¹ Both lesbians interviewed about their experiences after the ban was removed commented that, while they do not believe their sexual orientation has affected their work environment or evaluations, they have both occasionally experienced continued incidents of gender-based discrimination or harassment. Interestingly, both believe these incidents would still occur even if they were heterosexual.

Supporting the claims made by CF officials regarding the policy's success, the personnel interviewed also repeatedly pointed to the relatively pro-active positions taken by higher-level officers and administrators to ensure that discriminatory or disruptive conduct be minimized. The SHARP program, coupled with the steady expansion of benefits accorded to gay and lesbian personnel through federal legislative change, has helped create a relatively safe working environment where social anxieties and tensions have eased. The expansion of benefits has also led most of the personnel we interviewed to speculate that their work performance, as well as that of their peers, may have improved as a result of the lifting of the ban. Without the fear of "being found out" on their minds, and with greater access to support services (such as bereavement leave and counseling), sexual minorities feel they can better concentrate on their jobs. The four service personnel interviewed who served in years prior to the policy change agreed with this sentiment, noting that the anxiety and stress they experienced before the ban was lifted was morally, psychologically, and even physically disabling.

While the service-members we spoke with all identify themselves as sexual minorities, all nine also described their "public" personas as professional, relatively private, and discrete. In other words, while many still serving in the Forces have availed themselves of new liberties, such as confiding in close friends without fear of reprisal, or inviting their partners to military functions, they nonetheless do not feel the need to "out" themselves in any formal way. Most of the respondents remarked that their lower-profile public position reflects a dedication to simply doing a good job and minding one's own business. As Michelle Douglas commented regarding fears among prior supporters of the ban over a possible flood of conspicuous homosexual activity: "It just doesn't happen—gay people have never screamed to be really, really out. They just want to be really safe from not being fired" (Douglas, personal communication, January 23, 2000). That being said, most of the currently serving members we spoke with believe that at least some members of their units know of their status as sexual minorities.

VIII. CONCLUSION

The CF removal of the ban on gay and lesbian soldiers occurred only after a number of years of judicial and political struggles. Senior Department of National Defence personnel and a sizable number of heterosexual soldiers worried that a change in policy would seriously compromise the mission of the Canadian Forces. Fears of sexual harassment by homosexual soldiers, increasing rates of gay-bashing, resignations, and refusals to work with homosexuals spurred continuing support for exempting the military from the protections proscribed under the Charter of Rights and Freedoms. Because the CF is entrusted with the fundamental task of putting soldiers' lives on the line to protect the interests of Canadian citizens, both at home and abroad, military personnel were wary of a policy change that they felt could compromise the operational effectiveness of the armed services.

Once the demise of the ban was imminent, however, Chief of Defence General Chastelain and other military leaders took decisive steps to create a smooth transition. They dissolved any distinction in the regulations between heterosexual and homosexual soldiers. They made it clear that the policy change had the full support of the CF leadership. The Department of National Defence outlined the standards of behavior that would be expected of all military personnel, regardless of sexual orientation, and it widely distributed both those standards and the changes in regulations. Perhaps most importantly, the military leadership emphasized the distinction between beliefs and behavior. The personal attitudes and decisions of individual soldiers would be respected, but soldiers would be expected to put personal feelings aside to accomplish military objectives and to uphold the law.

In the years since the removal of the ban, the CF has continued to move forward in its full integration of gay and lesbian soldiers, and it has done so as part of a larger effort to reduce harassment and discrimination of all types among its personnel. In these efforts, sexual

orientation has been neither singled-out nor ignored as a potential source of conflict. Among other objectives, the SHARP program strove to overturn common stereotypes about gays and lesbians, and the CF is now developing more sustained anti-harassment training. In keeping with federal mandate, the military has also been amending its regulations to ensure equivalent benefits for same-sex soldiers.

The success of these steps has been borne out by all of the available evidence. An examination of all of the studies conducted in the year after the removal of the ban revealed not a single reported case of resignation, harassment, or violence because of the change in policy. Follow-up with the officials in charge of sexual harassment, sexual misconduct, and human rights complaints have reported few if any incidents related to sexual orientation. Sexual and personal harassment rates have actually decreased between 1992 and 1998, and a conflict management official has declared that he knows of no recently filed cases related to sexual orientation. CF officials, military scholars, involved non-governmental and political leaders, and gay soldiers have all concurred that the removal of the ban has had, to their knowledge, no perceivable negative effect on the military. The issue of gay and lesbian soldiers in the Canadian Forces has all but disappeared from public and internal military debates.

While the removal of the ban may not be universally liked among heterosexual soldiers, it does appear to be universally accepted. Despite potential differences, personnel appear to be able to get their jobs done in a manner that does not compromise their effectiveness. For sexual minorities who serve, the change has been less about publicly declaring their sexual or transgender orientation than about being able to do their work well without fear of “being found out” or losing their jobs. The removal of the ban has resulted in a decrease of fear and anxiety and improved access to personnel support systems for soldiers who self-identify as sexual minorities. For the military as a whole, the non-discrimination policy has also increased its potential pool of qualified recruits.

BIBLIOGRAPHY

- Adam, Barry D. 1993. "Winning Rights and Freedoms in Canada." In *The Third Pink Book*, edited by A. Hendriks, R. Tielman, and E. Veen. Buffalo, NY: Prometheus Books.
- Adams-Roy, Major J.E. 1999. *Harassment in the Canadian Forces: Results of the 1998 Survey*. Ottawa: National Defence Headquarters.
- Adams-Roy, Major J.E. 1999a. *Harassment in the Primary Reserves: Results of the 1998 Survey*. Ottawa: National Defence Headquarters.
- Bindman, Stephen. 1990. "Air Force Lesbian Wins Back Her Job." in *The Toronto Star* (Toronto). August 16: A3.
- Bindman, Stephen. 1990a. "Dismissed Lesbian Suing Military." in *The Toronto Star* (Toronto). February 5: A3.
- Bindman, Stephen. 1991. "Military to Delay Lifting Restrictions on Hiring Gays." in *The Gazette* (Montreal). October 11: B1.
- Bindman, Stephen. 1991a. "Military Opens its Arms to Gays; New Policy Lifts Ban on Hiring, Promotion, of Homosexuals." in *The Gazette* (Montreal). October 10: B1.
- Bindman, Stephen. 1992. "Lesbian Forced to Quit Loses Bid for Old Job: Military Rejects Recommendation to Re-Hire Ex-Air Force Lieutenant." in *The Vancouver Sun* (Vancouver). May 11: A3.
- Bindman, Stephen. 1992a. "Military Refuses to Reinstate Lesbian." in *The Toronto Star* (Toronto). May 11: A4.
- Bindman, Stephen, Southam News and Herald Staff. 1992. "Military Gives OK to Gays, Lesbians." in *Calgary Herald*. October 28: A1.
- Bronskill, Jim. 1998. "Study Urges Ottawa Apologize for Gay Purge: Public Careers Ruined During Cold War." in *The Gazette* (Montreal). November 24: A11.
- Canforgen. 1996. "Same-Sex Partner Benefits." Ottawa: National Defence Headquarters.
- Edmonton Sun (The)*. 1999. "Few Soldiers Claiming Same-Sex Benefits." April 12: 13.
- Farnsworth, Clyde. 1991. "Canada Ending Anti-Gay Rules." in *The New York Times (New York)*. October 11: A3.
- Gade, Paul A., David R. Segal, and Edgar M. Johnson. 1996. "The Experience of Foreign Militaries." In *Out in Force: Sexual Orientation and the Military*, edited by G. Herek, J. B. Jobe, and R. M. Carney. Chicago: University of Chicago Press.
- Gazette (The)*. 1992. "66% of Canadians Would Allow Homosexuals in Armed Forces." December 14: A7.

- Gazette (The)*. 1999. "Gays Get Survivor Benefits." June 1: A9.
- Greenway, Norma. 1993. "Clinton Faces Political Bloodbath Over Gays Issue." in *The Gazette* (Montreal). January 28: B6.
- Hansen, Major R.J. 1993. *Personal Harassment in the Canadian Forces: 1992 Survey*. Willowdale, Ontario: Canadian Forces Personnel Applied Research Unit.
- Harper, Tim. 1991. "Ban on Gays in Military Still in Place, PM Says." in *Toronto Star* (Toronto). October 11: A11.
- Harper, Tim. 1992. "Tories Give Up on Plans to Let Gays in Military." in *The Toronto Star* (Toronto). January 25: A3.
- House Armed Services Committee. 1993. *Policy Implications of Lifting the Ban on Homosexuals in the Military*. May 4, 5.
- Hurl, D.J. 1997. "Same-Sex Partner Benefits." Ottawa: National Defence Headquarters. January 14.
- Hustak, Alan. 1993. "Officials Fear U.S. Furore [sic] Over Gays Could Affect Canadian Troop Morale." in *The Vancouver Sun* (Vancouver). February 8: A4.
- Kinsman, Gary. 1996. *The Regulation of Desire*. Montreal: Black Rose Books.
- Lancaster, John. 1992. "Many Allies Allow Gays in the Military; Canada, Australia Are Latest to Drop Exclusionary Policy." in *The Washington Post* (Washington, D.C.). May 11: A3.
- Maclean's*. 1996. "A Tortuous Road; Quietly, Gays Are Making Progress on Rights." May 13: 24-5.
- May, Kathryn. 1996. "Ottawa Accepts Ruling on Gays: Same-Sex Partners of Civil Servants Get Benefits." July 16: A1.
- May, Kathryn and Stephen Bindman. 1996. "Gay Public Servants Cheer Benefits Victory: Ruling Expected to Have Impact in Private Sector." June 14: A1.
- National Defense Research Institute (NDRI). 1993. *Sexual Orientation and U.S. Military Policy: Options and Assessment*. RAND, Santa Monica.
- Ottawa Citizen (The)*. 1991. "Human Rights: Federal Waffling Shameful." December 9: A10.
- Park, Rosemary. 1994. "Opening the Canadian Forces to Gays and Lesbians: An Inevitable Decision but Improbable Reconfiguration." in *Gays and Lesbians in the Military: Issues, Concerns, and Contrasts*, edited by W. J. Scott and S. C. Stanley. New York: Aldine de Gruyter.
- Pinch, F. C. 1994. "Perspectives on Organizational Change in the Canadian Forces." U.S. Army Research Institute for the Behavioral and Social Sciences, Alexandria, VA.

- Pond, Frank. 1993. "A Comparative Survey and Analysis of Military Policies with Regard to Service by Gay Persons." in *Policy Concerning Homosexuality in the Armed Forces*, hearing held by Senate Armed Services Committee. April 29.
- Pugliese, David. 1992. "Gay Ruling Has No Effect on Forces." in *The Ottawa Citizen* (Ottawa). August 8: A4.
- Rayside. 1990. "Memo to Harriet Sachs and Clayton Ruby, Re: Douglas vs. H.M. The Queen." December 3, 1990.
- Rayside, David. 1998. *On the Fringe*. Ithaca: Cornell University Press.
- Senate Armed Services Committee. *Policy Concerning Homosexuality in the Armed Forces*. April 29.
- SHARP. 1996. "Standard for Harassment and Racism Prevention." Course materials provided by the Canadian Forces.
- Schmitt, Eric. 1993. "Gay Soldiers No Problem Elsewhere, Experts Say." in *The New York Times* (New York). April 30: A16.
- Swardson, Abbe. 1993. "No Problem with Gays in Ranks; Military's Restrictions Lifted Last Fall." in *The Washington Post* (Washington, D.C.). July 6: A8.
- Toronto Star (The)*. 1990. "Secret War on Gays." August 19: B12.
- Toronto Star (The)*. 1990a. "Lesbian Battles Ottawa over Security Clearance." March 26: A9.
- Toronto Star (The)*. 1995. "Ottawa Grants Gay Staff Some Spousal Benefits." November 24: A11.
- U.P.I.* 1992. "Canadian Court Says Military Must Accept Gays." October 27.
- Ulbrich, Jeffrey. 1993. "Canada Lifted Ban on Gays in Military Without a Ripple." in *The Associated Press* (Toronto). January 29.
- U.S. General Accounting Office (GAO). 1993. "Homosexuals in the Military: Policies and Practices of Foreign Countries." United States General Accounting Office, Washington D.C.
- Vienneau, David. 1989. "Human Rights / Key Charter Fights Gay Fights for Career in Military." in *The Toronto Star* (Toronto). April 15: D5.
- Walsh, Mary Williams. 1992. "Canada Now Far Ahead of U.S. in Recognizing Gay Rights; Justice: Nearly Two-Thirds of the Provinces Prohibit Discrimination. The Military Now Accepts Homosexuals." in *Los Angeles Times* (Los Angeles). December 29: A1.
- Washington Times (The)*. 1993. "Canada Example Cited on Gays in the Military." January 28: A2.
- Watson, Laurie. 1991. "Canada to Allow Gays in Military." in *UPI* (Ottawa). October 10.

- Wenek, Karol. 1995. "Briefing Note for Director of Public Policy." Ottawa: Canadian Forces. August 25.
- Wintemute, Robert. 1995. *Sexual Orientation and Human Rights: The United States Constitution, the European Convention, and the Canadian Charter*. Oxford: Clarendon Press.
- Zuliani, R. A. 1986. "Canadian Forces Survey on Homosexual Issues." Charter Task Force, Department of National Defence, Ottawa.

PERSONAL COMMUNICATION

- Adams-Roy, Major, Canadian Forces. Human Resources Research and Evaluation. January 24, 2000.
- Beaton, Sharon. Captain, Canadian Forces. Recruiting Enrollment Training School Headquarters. February 5, 2000.
- Beler, Steven. Major Sr., Canadian Forces. Directorate of Military Gender Integration and Employment Equity. January 21, 2000.
- Bissonette, Alain. Captain, Canadian Forces. Provost Marshal Spokesperson. January 19, 2000.
- Cousens, C. Reserve Major, Canadian Forces. February 5, 2000.
- Douglas, Michelle. Former Lieutenant, Canadian Forces. January 23, 2000.
- Durand, Sylvia. Sergeant, Canadian Forces. Technical Communications Specialist. February 5, 2000.
- Fisher, John. Director, EGALE (Canada). February 2, 2000.
- Forget, Marcel. Captain, Canadian Forces. February 8, 2000.
- Granatstein, J.L. Director, Canadian War Museum. February 3, 2000.
- Harrington, Lynn. Retired Corporal, Canadian Forces. February 8, 2000.
- Herek, Gregory. Professor, University of California at Davis. January, 26, 2000.
- Kelly, Rosemary. Retired Sergeant, Canadian Forces. January 26, 2000.
- Kinsman, Gary. Professor, Laurentian University. February 5, 2000.
- Kristianson, Connie. Professor, Carleton University. January 28 and February 13, 2000.
- LaBelle, Diane. Civilian, Legal Counsel. Legislative and Regulatory Service. February 2 and 24, 2000.
- Leebosh, Derek. Environics Research, Toronto. February 10, 2000.
- Leger, Paul. Staff Sergeant, Canadian Forces. February 8, 2000.

Leveque, Steve. Civilian, Canadian Forces. Executive Directorate on Conflict Resolution.
February 4, 2000.

MacKay, D.S. Captain, Canadian Forces. Directorate of Military Gender Integration and
Employment Equity. January 18 and February 28, 2000.

MacLennan, Rose Marie. LCdr, Canadian Forces. Directorate of Military Gender Integration and
Employment Equity. January 21, 2000.

Morton, Desmond. Professor, McGill University. February 3, 2000.

Pepper, David. Ottawa Carleton Regional Police Department. February 10, 2000.

Rayside, David. Professor, University of Toronto. January 19, 2000.

Reid, Tim. Former Captain, Canadian Forces. February 11, 2000.

Stiehm, Judith. Professor, Florida International University. January 27 and 28, 2000.

Siksay, Bill. Assistant to MP Svend Robinson (British Columbia). February 10, 2000.

Wenek, Karol. Civilian, Canadian Forces. Directorate of Policy Analysis and Development.
January 20, 2000.

Wild, William. LCdr, Canadian Forces. Directorate of Human Resource, Research and
Evaluation. January 24, 2000.