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NEW CONGRESSIONAL STUDY OF 'DON'T ASK, DON'T TELL' IS MISLEADING, REPORT FINDS

Statistical Sleight of Hand and Selective Use of Evidence Lead to Flawed Conclusions

SANTA BARBARA, CA, July 6, 2005 – The Center for the Study of Sexual Minorities in the Military (CSSMM) released a report today assessing a new Congressional Research Service (CRS) study, entitled "Homosexuals and U.S. Military Policy: Current Issues." The CSSMM assessment finds that CRS draws misleading conclusions about "don't ask, don't tell" and its effects on the military and its gay service members.

The CRS study addresses the recent history of the current policy on gay service members, as well as legal challenges, public opinion, violence against gays, recruitment, discharges and foreign military experience. But according to the CSSMM report, CRS arrives at misleading conclusions about "don't ask, don't tell" through a statistical sleight of hand, selective presentation of evidence, and mischaracterization of what the law says.

For example, Pentagon statistics show that annual discharge rates for homosexuality conformed to a clear pattern after the passage of "don't ask, don't tell." In six out of the first seven years following the 1994 passage of the law, discharges of gays and lesbians increased. Then, following the September 11 attacks, discharges declined every year for the past three years. The CRS study attributes this pattern to random fluctuations in the data. But CRS arrives at its conclusion about the random nature of the data via a statistical sleight of hand. In particular, the CRS report combines the rising discharge figures from the first seven years of the policy with the falling discharge figures from the most recent three years, thus focusing on the average number of discharges since the passage of "don't ask, don't tell" rather than the trend described above.

The combination of the rising rates with the falling ones yields an average discharge rate that is roughly comparable to the old, pre-Clinton average discharge rate in the same number of years before the passage of "don't ask, don't tell." As such, "don't ask, don't tell" seems to have the same impact on the rate of gay discharges as its predecessor. The past three years of falling discharges, however, are the result of a practice of troop retention that has followed from the wars in Afghanistan and Iraq.



According to Dr. Nathaniel Frank, senior research fellow at CSSMM and author of the assessment, "the effort to conceal the trends by combining the pre-9/11 and post-9/11 discharge rates, and to dismiss the pattern as the product of 'random fluctuations,' appears to misconstrue the unavoidable conclusions of the evidence—that 'don't ask, don't tell' correlated with a significant climb in discharge rates, and that, during wartime, discharge rates fell."

In addition, the CRS study omits the latest evidence showing significant support for letting gays serve openly, both among civilians and, increasingly, military personnel. While two polls from Gallup and the University of New Hampshire Survey Center both show that 79% of the public favors letting gays serve openly, the CRS study only mentions polls putting that figure at 63%. Similarly, CRS cites a Military Times poll, based on non-random sampling techniques, showing that 25% of active duty military personnel support letting gays serve openly. But a more recent Annenberg survey based on random sampling methods puts the figure at 42%, a statistic the CRS report did not mention.

Finally, the CRS study mischaracterizes what the "don't ask, don't tell" law says. According to the study, the statutory language of "don't ask, don't tell" targets individuals "based on conduct," while making "no mention of 'orientation.'" It says that individuals who "choose" to make their sexual identity public will be discharged. "The implication," says Frank, "is that gays have the option to serve simply by refraining from coming out."

In reality, he explains, the law targets homosexuals based on their identity, not just their conduct. "Gays have been discharged because their orientation was disclosed by a third party, because their personal letters or photos were found, or because they were otherwise investigated without having been involved in any misconduct," said Frank. "That's punishing the person, not her behavior."

The Center for the Study of Sexual Minorities in the Military is an official research unit of the University of California, Santa Barbara. The Center is governed by a distinguished board of advisors including the Honorable Lawrence J. Korb of the Center for American Progress, Honorable Coit Blacker of Stanford University and Professor Janet Halley of Harvard Law School. Its mission is to promote the study of gays, lesbians, and other sexual minorities in the armed forces.