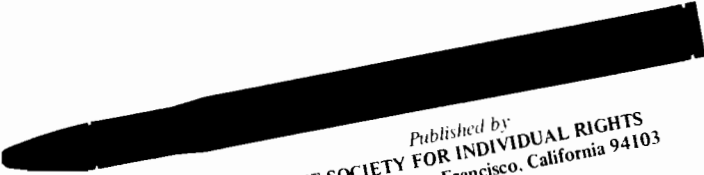




# The Armed Services & HOMOSEXUALITY



*Published by*  
**THE SOCIETY FOR INDIVIDUAL RIGHTS**  
83 Sixth Street - San Francisco, California 94103

Many books and articles have been written on the subject of homosexuality. Some of them are very good, but many of them are of little value. Not much of a serious nature has yet been written from the point of view of the homosexual, and little of that has received wide circulation. The homophile organizations of San Francisco have undertaken to publish and distribute a series of "Essays on Homosexuality" which will discuss subjects of interest and importance to the general public as well as the homophile community in a serious, informative, and constructive manner.

# The Armed Services And Homosexuality

## Introduction

Homosexuals who face probable or actual service in the Army, Navy, Air Force, Marine Corps, or Coast Guard and persons on active duty or in the reserves who may be accused of homosexuality, whether or not the allegation is justified, are in need of information providing answers to the following questions: (1) What is the official policy of the armed services on the subject of homosexuality? (2) What is the process followed in dealing with known or suspected homosexuals in uniform? (3) What suggestions or recommendations can be made to men in the services who find themselves in difficulty because of alleged or actual homosexuality? Although what happens varies in minor details from one branch of the service to another and from case to case, there is sufficient common ground to make the material presented here of practical use to any individual who might become personally involved in the homosexual issue and of informational value to others, including their family and friends, ministers and chaplains, counsellors, lawyers, editors and legislators. If an individual knows what

to expect and is aware of what he himself can do, should the need arise, he is in a good position to react with calm intelligence rather than confused desperation and to pursue that course of action which will best protect his interests. As the old adage goes: "To be forewarned is to be forearmed."

Present national policy calls for the exclusion of homosexuals from the armed forces except in time of war or national emergency. Among the reasons given to support this policy are the following: (1) homosexuals are security risks because they are subject to blackmail; (2) homosexuals are unreliable because they are emotionally unstable; (3) homosexuals form cliques which exercise improper influence over young and impressionable people and obtain favors for their own group; and (4) homosexuals are criminal and immoral persons who discredit themselves and the armed services, "contaminate" their fellow servicemen, and upset the morale and efficiency of those with whom they work or associate. Each of these assertions has been seriously challenged. Indeed, the military's own studies, reported in 1947 and 1961,

Prepared by  
the Community Services Committee and Publications Committee  
of the  
SOCIETY FOR INDIVIDUAL RIGHTS  
83 Sixth Street—San Francisco, California 94103

fifty cents per copy  
(organizational rates upon request)

have shown that homosexuals (a) top the average soldier in intelligence, education, and rating, (b) are law-abiding and hardworking, (c) perform "admirably" as office workers, (d) try to be good soldiers, (e) "are often exceptionally courageous in battle," and (f) are often well-adjusted to their condition.

No one knows how many of the approximately three million servicemen on active duty have been or are likely to be investigated or discharged for homosexuality. Defense Department officials are reluctant to release precise figures, but unofficial estimates dating back to the early 1950's and figures recently provided by the Army suggest that an average of 2,000 persons (i.e., fewer than 1 out of every 1,000 servicemen or less than one-tenth of one percent of all service personnel) are so discharged each year. Nor is it known how many of these men are predominantly homosexual or have simply engaged in occasional acts or manifested homosexual tendencies. Kinsey found that 37% of the male population (i.e., approximately two out of every five men) has at least some overt homosexual experience to the point of orgasm between adolescence and old age and that for at least a three year period between the ages of 16 and 55, 18% have at least as much homosexual as heterosexual experience or reaction and 10% are more or less exclusively homosexual. If we use the widely accepted estimate of 10% to represent the predominantly homosexual male, we may calculate that there are about 300,000 such men in the service. But during any three year period (the average length of service for most military personnel) only about 6,000 men are discharged for homosexual reasons. Even if we assume that all of these discharged men belong in the category of the predominantly homosexual male --an assumption which falls short of

the truth--this would still mean that of the predominantly homosexual group only 2% (or 1 out of every 50 persons) at the very most are discharged under conditions other than honorable because of homosexuality. Thus present policy would appear to be so ineffective as to be a farce. But if it were truly effective in eliminating all persons who fall within the Kinsey figures, or even all persons who fall in the predominantly homosexual category, the size of the armed forces would be drastically reduced and the loss in terms of skilled services might be difficult to bear.

Present policy is also economically expensive--both in terms of the expenditure of money to train service personnel and in terms of lost services. It has been conservatively estimated that it costs on the average at least \$25,000 to train a man in uniform. In the last twenty years, assuming the discharge of 2,000 homosexuals annually, present policy has cost the American taxpayers one billion dollars for training alone, to say nothing of the sum represented by the premature loss of the services of these men.

Recently a civil rights issue has entered the picture. Homosexuals maintain that they constitute a minority group consisting of 10% of the population. They claim that they are the victims of ignorance and prejudice and of outmoded, unenforced, and unenforceable laws, that they have been unjustly discriminated against because of their sexual orientation, that their personal and legal rights have been infringed upon with impunity and without regard to due process or the equal protection and enforcement of the law, that the United States is the only country in the world which as a matter of policy excludes homosexuals from military or naval service, and that they have as a consequence of these things been reduced to second-class citizenship. Much more will be heard of this issue in the years ahead.

## Official Policy

Official armed forces policy (as reflected in Army Regulation 635-89, Air Force Regulation 35-66, Air Force Manual 39-12, and Secretary of the Navy Instruction 1900.9) proclaims that "homosexuality will not be tolerated" in the services, that "prompt separation of known homosexuals is mandatory," and that individuals possessing homosexual tendencies will also be discharged.

For purposes of disposition, depending upon their offense or condition, homosexuals are divided into three groups. A *Class I* homosexual is a person who while in the service has engaged in one or more homosexual acts involving force, fraud, intimidation, or in acts with a minor. (Unlike state laws which often declare any person under 21 to be a minor, military law defines a minor as a person under 16.) A *Class II* homosexual is a person who while in the service has willfully engaged in one or more homosexual acts, or has proposed or attempted to do so, under conditions not involving force, fraud, intimidation, or in situations not involving minors. A *Class III* homosexual is a person who "exhibits, professes, or admits to homosexual tendencies, or habitually associates with persons known to him to be homosexuals" but who has not, so far as is known, engaged in a homosexual act, or proposed or attempted to do so, during the period he has been in the service. Class III also applies to a person who prior to his period of service exhibited, professed, or admitted to homosexual tendencies, habitually associated with persons known to him to be homosexuals, engaged in one or more homosexual acts, or proposed or attempted to do so.

Class I cases are usually referred for trial by court-martial, with the

likelihood of the accused, if convicted, in addition to any other penalties which might be imposed, being given either a bad conduct discharge or a dishonorable discharge. However, Class I cases may, where appropriate, be handled under Class II. Class II cases are almost always processed by administrative action with the individuals involved receiving an undesirable discharge--i.e., separation under other than honorable conditions. Yet, the particular circumstances in a given case may warrant referral to trial by court-martial or issuance of either a general or an honorable discharge. But neither of these alternatives occur very often. However, if individual homosexuals and their legal counsel pushed the point, more Class II persons would very likely obtain general discharges since, to use the words of Army Regulation 635-200: "The type and character of separation issued upon administrative separation from current enlistment or period of service will be determined SOLELY by the member's military record during that enlistment or period of service..." (The other services have similarly worded regulations.) Class III cases will receive either an honorable or a general discharge. It appears that most homosexuals have been processed under Class II and that all but a very small number of them have received undesirable discharges. In recent years, however, the number of persons discharged as Class III homosexuals has increased. In a few cases, where homosexuality is only a symptom of a basic mental illness, the individual is discharged for medical reasons, and in a number of cases, discharge for unfitness or unsuitability rather than for homosexuality is granted.

# Processing

The sequence of events and the procedure followed in cases in which a serviceman has been charged with committing homosexual acts or is suspected of possessing homosexual tendencies are approximately as follows:

## 1

### INITIATION OF INVESTIGATION

An individual comes under investigation either because he has himself initiated the process by confessing homosexual acts or tendencies or because allegations or suspicions of homosexuality have come from some outside source—e.g., his name may have come up in the investigation of another case, someone may have reported that he suspects the individual of being homosexual, he may have been handed over by civilian police to military authorities after arrest for committing a homosexual act, or health officials may have cited him as a venereal disease contact. At this point the individual appears before his commanding officer and/or the investigative agent (from the Air Force's Office of Special Investigations, the Office of Naval Intelligence, or the Army's Criminal Investigations Division) who inform him of the nature of the information against him and tell him that a thorough investigation is being undertaken. (Sometimes this notification is in writing.)

## 2

### STATEMENT OF RIGHTS

As is required by Article 31 of the Uniform Code of Military Justice, the individual is told by the investigative agent, and sometimes by his commanding officer as well, that he has a right to remain silent and that anything he says will be held against him. Recently, however, the United States Court of Mil-

itary Appeals ruled (*U.S. v. Tempia*, 16 USMA 629, May 1967) that the rights of accused persons announced by the United States Supreme Court in 1966 (*Miranda v. Arizona*, 384 U.S. 439, 1966) apply to military as well as civil courts. This means that prior to any questioning, the accused, in addition to being informed of his rights under Article 31, must also be informed of his right to be represented by legal counsel, either retained or appointed, and must be made to realize that he can waive his rights only if he does so voluntarily, knowingly, and intelligently. Moreover, though he will not be told so, he has a right to refuse to be questioned. He may exercise this right at the moment interrogation starts or at any time thereafter. Whenever he expresses such a wish, all questioning must cease until he has consulted with an attorney and until he thereafter consents to be questioned, with his attorney present if he so desires.

## 3

### POSSIBLE COURSES OF ACTION

The individual is informed (1) that he will be cleared if the information against him cannot be substantiated, (2) that he may be tried by court-martial for sodomy (Article 125 of the Uniform Code of Military Justice), lewd acts (Article 134), or attempts to commit such acts (Article 80) if the evidence justifies such action, (3) that he may go before a board of officers where he may testify and present evidence on his own behalf,

and question witnesses, and be represented by legal counsel either civil or military (with civil counsel being retained by himself or military counsel being provided by the services) or (4) that he may waive his rights to go before a board and agree to accept an undesirable discharge.

## 4

### INTERROGATION

The individual is intensively questioned by OSI, ONI, or CID agents. This interrogation is the crucial factor in making the case for or against the accused. To supplement oral questioning, the agents, with or without permission, search the personal possessions of the suspect in the hope of finding incriminating or suspicious letters, pictures, magazines, advertisements, etc. In addition, they check out the names of persons and places found in address books. Being professionals, the investigators do an amazing job of extracting information from the accused, of obtaining his cooperation, and of placing him at a disadvantage. Though they "inform" him of his rights, they do so in such a way as to make him look or feel guilty if he chooses to exercise those rights. It appears they have little difficulty convincing the accused to waive his rights.

The investigators suggest: "A lawyer isn't going to do you any good." "This is a little matter you and I can straighten out between ourselves right here and now." "Why don't you just tell us what happened and get it off your chest?" "Telling us about yourself and what you have done will speed up the process of getting out; otherwise you'll be around a long time." "Homosexuals are people too; they can't help being the way they are; there's nothing to be ashamed of; society's hostility isn't justified; you

are a pretty nice guy; once you're out of the service everything will be OK." "We realize you are sick; you come clean with us, and we'll see you get medical help." "We have all the essential data; all we need to do is just fill in a couple of details." "If you confess, everything will be nice and quiet; no one needs to know what has happened." (In fact, however, parents of men under 21 may be notified that their son has been discharged for reasons of homosexuality.) "We've got the goods on you, and if you don't cooperate, we'll throw the book at you." "If you don't confess, we'll go to your family, friends and associates; then everyone will know you are a queer." "After you get out, you can have your discharge reviewed; and you'll stand a good chance of having it changed." Etc. In many instances, the investigators "convince" the accused to undergo polygraph tests. They tell the individual: "You can't fool the lie detector" or "The machine says you lied." (Under no circumstances should an individual agree to take a lie detector test without having discussed the matter with his lawyer.) They also employ the familiar good guy—bad guy technique in which one of the investigators acts rough and tough and the other one sympathizes with and tries to "help" the victim.

Once a confession has been obtained—and in fact most individuals do confess—there remains only the necessity of writing it down, complete with a sex history giving times, places, acts, and names of partners. (Great emphasis is placed on obtaining names of known or suspected homosexuals. Nothing seems so to anger some investigators as a refusal or inability of the accused to name names.) When the confession has been recorded and signed, the case is for all practical purposes closed. *The individual has convicted himself.* He has done the prosecutor's job for him and has made it practically impossible for his lawyer to be of much help. (As the President's

Crime Commission recently reported, in some jurisdictions as many as 90% of all defendants who are convicted never actually come to trial because they either confess under interrogation, usually without benefit of a lawyer, or after to plead guilty to a lesser offense.)

Until recently it was normally only after signing a confession and waiver of rights that the accused had any real chance of obtaining legal advice. By that time it was too late—the damage had been done and legal counsel could do little. However, in view of the court directives in the *Tempia* case, the situation should be changing for the better. (But it is still too early to determine either how the new policy will operate in practice or what its long-range consequences will be.) Specifically, the Court of Military Appeals has held that if statements extracted from individuals under interrogation are to be used in trials against them, counsel must be made available upon request starting at the time of interrogation rather than at the time of preferment of charges preliminary to trial and that such legal counsel must be provided by the services if the accused does not choose to employ a civilian attorney. The Court did not say, however, whether, if legal counsel is not made available from the moment that interrogation starts, such a deficiency will invalidate the discharge of an individual under other than honorable conditions when the matter at issue is not brought to trial but is used as the basis for administrative action.

## 5 PSYCHIATRIC EVALUATION

The individual is sent to a psychiatrist (or a medical officer if no psychiatrist is available) for a professional evaluation which will include a judgment by the psychiatrist of whether or not the

individual is an overt homosexual, a person possessing homosexual tendencies, or a heterosexual feigning homosexuality and whether or not the individual is suffering from a serious mental illness requiring separation under medical regulations. During the examination, which may last from fifteen minutes to an hour, the serviceman will be asked about his family situation, his physical and emotional condition, and his sex preferences and practices from childhood to the present. This interview does not involve the ordinary doctor-patient relationship, and information divulged to the psychiatrist is *not confidential*. The psychiatrist's report, which may or may not be available to the serviceman depending upon the nature of its content, will be used in the proceedings against him and will become a part of the permanent record.

## 6 APPEARANCE BEFORE A BOARD

If the individual (a Class II or III homosexual in the Army and Air Force or a Class II homosexual in the Navy) chooses to appear before a board of officers, the board will hear his case and will recommend the proper disposition of it—usually undesirable discharge for Class II and general discharge for Class III personnel. However, if he is well represented by legal counsel and if his record is impressive enough, the board may recommend an honorable discharge for a Class III and a general (or possibly even an honorable) discharge for a Class II homosexual. On extremely rare occasions, where homosexual tendencies are deemed to be very weak, where a homo-

sexual act was the result of immaturity, curiosity, or intoxication, and where the individual's record of service is outstanding, the board may recommend retention in the service. (If the individual chooses to waive his right to appear before a board, the 6th step is omitted.)

## 7 SEPARATION

The individual is sent to the proper unit for discharge after the board of officers has made its recommendation for discharge (in the case of those persons who chose to go before a board) or after the investigation has been completed, he has agreed to accept administrative discharge, and the psychiatric examination has been completed (in the case of those persons who had no right or who waived their right to go before a board). At this time the appropriate officer reviews the record, specifies the type of discharge to be issued, and signs the discharge papers. This officer may upgrade but may not lower the type of discharge recommended and may have the case examined further if he sees reason for doing so. Before separation, the individual who is receiving an undesirable discharge is, if in the Army, reduced to the lowest rank. In addition, such discharges are told that they have forfeited any leave pay they may have accumulated and are reminded for the last time that they have lost most if not all veterans' benefits both federal and state and that they can expect "to encounter substantial prejudice" in civilian life. Although the words "homosexuality," "unfitness," or "unsuitability" do not appear on the discharge form, the appropriate "separation designation number" (SDN) indicates in code fashion the specific reason for separation.

*The entire process  
from initial investigation  
to final discharge usually  
takes between one  
and three months.*



## Suggestions & Recommendations

*Every person in the service who becomes officially involved in the homosexual issue should carefully consider these recommendations.*

**1** *Get yourself a lawyer at the start of the investigation; do not wait until you have been investigated, interrogated or brought to trial.* Ours is an adversary system of justice involving a contest between two parties, the accuser and the accused, as represented by prosecution and defense attorneys, with the judge watching both parties to see that the contest is played according to the rules. This system has become so specialized and technical that only professionals can effectively participate in it--and even they may err. An outsider who seeks to participate in the system does so at his peril. Hence, an individual who finds himself in legal difficulties--e.g., a known or suspected homosexual in the service--is in dire need of a lawyer; and the sooner he seeks legal counsel, the more likely he is to obtain a favorable disposition of his case. Moreover, you have a *right* to be represented by legal counsel. If military counsel is used, it will be provided at government expense; if civilian counsel is employed, it will be at your own expense. If you prefer civilian counsel, just any lawyer will not do. Make sure that the lawyer is familiar with military proceedings and is willing and able to handle your case effectively. You may obtain the names of qualified and interested lawyers from local legal referral agencies or from the homophile organizations whose names and addresses are appended hereto. Whether military or civilian counsel is used, demand that your lawyer put in the time and effort needed to give you the best possible defense and insist that he work for a general or honorable discharge rather than coast along on the assumption that all you can get is an undesirable discharge.

**2** *Exercise your constitutional rights; or at least consult with legal counsel before waiving them.* Every American--even a homosexual in the armed forces--has certain rights which

cannot legally be denied to him. These rights include the right:

1. to be informed of the specific charges brought against him,
2. to be told that anything he says will be used against him,
3. to remain completely silent both during an investigation and at a trial,
4. to obtain legal counsel (either retained or appointed, civilian or military),
5. to refuse to answer any question (whether during the investigation or at a trial) without the advice of legal counsel,
6. to refute the evidence used against him,
7. to cross-examine witnesses testifying against him and
8. to testify and present evidence on his own behalf.

These rights belong to the individual throughout the process of investigation, interrogation, and trial. However, the individual may waive these rights by signing a statement that he does so voluntarily and knowingly. This is what most known or suspected homosexuals in the service do. Only after they have done so do they usually have an opportunity to see a lawyer. In short, they are often "persuaded, cajoled, or tricked" out of exercising their rights. It is inconceivable, despite statements by investigators and prosecutors to the contrary, that being represented by legal counsel and choosing to exercise one's constitutional rights can harm anyone involved in any investigation or prosecution in which homosexuality is an issue. If you insist on waiving your rights, at least do so *after* consultation with your lawyer.

**3** *Do not believe any suggestion that you will be more leniently dealt with if you "cooperate" by waiving your rights and by confessing alleged offenses.* It is the task of investigators to obtain evidence against you and of the prosecutor to convict you. Beware of their friendly advice and offers of help. They are not your friends, nor do they have your best interests at heart. If the prosecutor has the evidence to prosecute you before a court-martial, and should he decide to do so, you will be tried regardless of whether or not you exercised your rights. If you do not waive your rights, the burden of proof will rest with him and you will be defended by legal counsel at your trial. You do not have to do the investigator's or the prosecutor's job for them. Nor do you have to make their job easier by confessing. As a matter of fact, it is often difficult to obtain a conviction for homosexual acts because the specific evidence to prove guilt "beyond a reasonable doubt" is hard to obtain, because corroboration (even in the case of confession) must be presented, because witnesses are often reluctant to testify, and because laws prohibiting homosexual acts between consenting adults in private have in most jurisdictions become dead letters. Furthermore, the announced policy of the services is to separate homosexuals by administrative action wherever possible rather than by trial by court-martial. Indeed, the services have repeatedly refused to grant trial by court-martial when specifically demanded by the accused; and their refusal has been upheld by federal courts (e.g., Unglesby and Dresselhaus, 250 F. Supp. 714 and 721). In other words, if you were not involved in acts with a minor or acts committed in public or acts where force, fraud, or intimidation occurred, the prosecutor may well be reluctant to bring you to trial. Hence, if you do not waive your rights and if you do not confess, you have a good chance of obtaining a general (or even an honorable) discharge and of having the

charges brought against you dropped for lack of evidence.

**4** Ignore any suggestion that once you are a civilian again, you stand a good chance of having your undesirable discharge upgraded. You do not! To have an undesirable discharge for reasons of homosexuality changed is a rarity, if not an impossibility. There is no one who should know this better than the investigator or prosecutor who told you the contrary.

**5** Demand the type of discharge warranted by the character and quality of your service. This is simply what you are entitled to under existing regulations. You will be told over and over again that the only type of discharge available to you is an undesirable one. *This is not true.* For you to accept an undesirable discharge is an easy way out for the investigators, the prosecutors, the defense counsel, and (where such is employed) the civilian adviser. It is true that regulations dealing specifically with the subject of homosexuality say that homosexuals will "normally" be given undesirable discharges, but they also provide for the possibility of issuing general or honorable discharges. More important, other regulations, with which both prosecution and defense attorneys are familiar, specifically state that the type of discharge given will be determined "solely" on the basis of the individual's record of service. A letter from your commanding officer testifying to the quality of your service, statements on your behalf from defense counsel and/or your chaplain, copies of your ratings and performance in service schools, citation of any commendations received or meritorious service performed, and the length of your service are all pertinent factors in determining the type of discharge you should receive. If you do not press the matter, you will most assuredly be given an undesirable discharge.

**6** Request a copy of the record of all proceedings against you. To do so is your right. You need to obtain and study the documents if you are to understand your case as it proceeds, and you will need the complete record if you should decide to appeal later.

In addition to the above recommendations, individuals falling in the appropriate class should carefully consider the following suggestions:

A Class I homosexual should obtain legal counsel at the earliest possible moment in order to decide the proper plea and in order to prepare the best defense available to him. Timely and effective action might even result in the case being processed under Class II provisions.

Class II individuals constitute the vast majority of all persons discharged by administrative decision. The serviceman who is called in for investigation because he has been reported to have engaged in one or more homosexual acts should request legal counsel before consenting to be interrogated and before deciding whether to admit or deny the accusation. Legal counsel at this stage may do him much good and can do him no harm. Though it may be threatened, trial by court-martial is rarely recommended for a Class II homosexual. Instead, such a person is usually informed that he may have his case heard by a board of officers before whom he may personally appear and to whom he may submit statements on his own behalf and that he may be represented before the board by legal counsel. If he denies the charge, going before the board is necessary. If he admits the charge, going before the board may well be to his advantage since he thus has the chance of personally presenting his case and may convince it to recommend a general (or even an honorable) instead of an un-

desirable discharge. A Class II individual may also waive his right to go before a board, as most servicemen do, being convinced by the argument that going before a board will still mean getting an undesirable discharge and will only delay matters. Yet the fact seems to be that if the board is waived, one is guaranteed an undesirable discharge; whereas, if it is not waived, there is at least the possibility of being recommended for a general or honorable discharge. There is also the possibility that the accused may be separated as a Class III homosexual if certain allegations against him cannot be substantiated.

The Class II homosexual who himself initiates an investigation by his own admission of having committed homosexual acts during the period of his current enlistment or term of service usually does so either because he wants to get out of the service or because he fears he may not be able to control himself and as a consequence may get into serious difficulties. An individual falling in this category might well discuss his problem in confidentiality with a legal officer, who will explain to him the possible routes open to him and the consequences of each, before setting in motion the formal process of investigation. It might turn out that he could be processed as a Class III homosexual.

A Class III individual, since it has not been proved that he engaged in any homosexual act or acts during his current term of service, is separated with either a general or honorable discharge. He comes to the attention of military authorities in several ways. He may confess his homosexual tendencies or the commission of homosexual acts prior to his present period of service out of fear of inability to control himself or out of a desire to get out of the service, or he may have been accused or suspected of performing homosexual acts but without presentation of con-

vincing evidence or without conviction before a board of officers or at a trial by court-martial. An individual, after investigation suggests he should be cited as a Class III homosexual, in the case of Army and Air Force personnel, is provided with military counsel, is confronted with the evidence against him, is given an opportunity to go before a board of officers, or is permitted to waive his rights to a board. It is possible, if he chooses to go before a board and if his record of service is good enough, that the board might recommend him for and that he might receive an honorable discharge. In the case of Navy personnel, a Class III homosexual is permitted to make a statement and is given a general or honorable discharge depending upon the character and quality of his service.

There may be a number of servicemen who become involved in homosexual investigations despite the fact that they are heterosexually oriented or possess only the weakest of homosexual tendencies. Such men may wish to remain in the armed forces until their term of service or enlistment expires or until they qualify for retirement. If they are to avoid unfavorable discharge and if they are to protect their separation and retirement benefits, they will need the capacity to withstand the pressure and tactics of investigators, effective legal counsel who will work actively for their retention, strong recommendations from their commanding officer and other officers familiar with them and their work, and a favorable psychiatric evaluation. If a strong and convincing case is presented, the board of officers may see fit to recommend retention and the reviewing authority may direct that they be retained in the service.

In all instances, the earlier and the more vigilantly one exercises his rights and the more effectively one is represented by legal counsel, the more likely he is to receive the most favorable disposition of his case.

## In Conclusion

The armed services have never officially tolerated homosexuals or homosexuality. But during World War II, under the influence of modern psychiatry, they permitted many men who might have been discharged without honor as homosexuals to be separated as persons possessing undesirable habits or traits of character or as persons unadaptable to military service. However, about twenty years ago, in the days of the Communist scare and the McCarthy hysteria, the services reverted to the more primitive and punitive policy of separating known or suspected homosexuals, or persons having homosexual tendencies, with undesirable discharges. This policy has tortured the consciences of homosexuals and thoughtful persons alike. There are few people familiar with the subject who do not concede that present policy, besides being too obviously tinged with a punitive moralism, has failed to achieve its purpose, has caused great loss both economic and personal, and has in numerous instances resulted in "cruelly unfair or inhumane decisions."

After years of challenge and criticism, the armed services have slowly made changes. No longer are Class III individuals given undesirable discharges for pre-service acts or for merely possessing homosexual tendencies. No longer are Class II persons so flagrantly threatened with choosing between a court-martial or an undesirable discharge. No longer is so much of the evidence against the accused inaccessible to him or his lawyer. No longer is it impossible to retain an individual in the service when a single homosexual act occurred under mitigating circumstances. And no

longer is it wholly out of the question for a homosexual to receive a general or honorable discharge. Perhaps today's fuller understanding of homosexuality and their own experience in handling homosexuals will now permit the services to decide, as a matter of policy, to grant general or honorable discharges to Class II homosexuals, if warranted by their record of service, just as is presently done in the case of Class III individuals. Such a policy would mean that the services would cease looking at homosexuality, when minors are not involved and when the use of force, fraud, or intimidation is absent, as a criminal and moral matter. Such a policy would be in accord with current enlightened legal and medical thought and practice, would bring to an end the present atmosphere of bitterness and vindictiveness, would encourage homosexuals to accept separation without resistance, would safeguard the services' interest in removing homosexuals and in curbing homosexual activity within the military establishment, and would benefit homosexuals by removing the stigma and handicaps which an undesirable discharge bring.

But any policy which potentially excludes a possible 40%, or even an actual 10%, of its eligible citizens from military service on sexual grounds alone is unrealistic and needs re-examination. Any policy which denies a whole group (in this case, all predominantly homosexual individuals) the opportunity of serving their country when the record shows that 98% of that group serves with success, and very frequently with distinction, is open to serious challenge. Any policy which, when applied with such zeal, can discover and weed out only 2% of the persons in that class approaches the point of zero effectiveness. And any policy which over a twenty year period results in the expenditure and inefficient use of well over one billion dollars in terms of training and lost services is a luxury this nation can ill afford.

## HOMOPHILE ORGANIZATIONS IN THE UNITED STATES

- ASSOCIATION FOR RESPONSIBLE CITIZENSHIP (ARC)  
Box 895, Sacramento, California 95814
- CINCINNATI HOMOPHILE ORGANIZATION  
Box 1493, Cincinnati, Ohio 45201
- CIRCLE OF FRIENDS  
Dallas, Texas
- COUNCIL ON RELIGION AND THE HOMOSEXUAL (CRH)  
330 Ellis Street, San Francisco, California 94102 phone 771-6300
- DALLAS COUNCIL ON RELIGION AND THE HOMOSEXUAL  
3133 Inwood Road, Dallas, Texas 75235
- DAUGHTERS OF BILITIS (DOB)  
National Headquarters and San Francisco Chapter  
3470 Mission Street, San Francisco, California 94110 phone 253-4273  
Los Angeles Chapter - Box 727, Manhattan Beach, California 90266  
New York Chapter - Box 3629 Grand Central Station, New York, New York 10017  
Philadelphia Chapter - Box 14383 Bustleton Station, Philadelphia, Pennsylvania
- DORIAN SOCIETY OF SEATTLE  
Box 799, Seattle, Washington 98101
- FLORIDA LEAGUE FOR GOOD GOVERNMENT  
Box 301, Miami, Florida 33101 phone 374-4591
- HOMOSEXUAL LAW REFORM SOCIETY (formerly Janus Society)  
34 South 17th Street, Philadelphia, Pennsylvania 19103 phone 103-5100
- INSTITUTE OF SOCIAL ETHICS  
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- PRIDE (Personal Rights in Defense and Education)  
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- SAN FRANCISCO HOMOPHILE LEAGUE  
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- SOUTHERN CALIFORNIA COUNCIL ON RELIGION AND  
AND THE HOMOPHILE.  
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- STUDENT HOMOPHILE LEAGUE OF COLUMBIA UNIVERSITY  
c/o Office of the University Chaplain  
202 Earl Hall, Columbia University, New York, New York 10027
- STUDENT HOMOPHILE LEAGUE OF STANFORD UNIVERSITY  
Box 2354 Stanford, California 94305
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- WASHINGTON AREA COUNCIL ON RELIGION AND THE HOMOSEXUAL.  
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