

# Geishas, Gays and Grunts: What the Exploitation of Asian Pacific Women Reveals About Military Culture and the Legal Ban on Lesbian, Gay and Bisexual Service Members

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## I. Introduction

In September 1995, two U.S. Marines and a U.S. Navy seaman gang-raped a twelve-year-old Japanese girl in Okinawa, Japan, where the men were stationed.<sup>1</sup> This rape brought international attention to the extensive U.S. military presence in the Pacific, including Japan,<sup>2</sup> South Korea, Thailand, and until re-

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1. All three servicemen were convicted of the rape on March 7, 1996. Navy Seaman Marcus Gill and Marine Pfc. Rodrico Harp were sentenced to seven years in prison, and Marine Pfc. Kendrick Ledet, who claimed he did not actually rape the girl and tried to stop the rape because he realized how young she was, was sentenced to six and a half years. See Teresa Watanabe, *Three U.S. Servicemen Found Guilty in Okinawa Rape*, L.A. TIMES, Mar. 7, 1996, at A1. Prosecutors asked for sentences of ten years for each of the men, who ranged in age from 20 to 22, but the court decided to show leniency because the defendants "were young and showed regret." Watanabe, *supra*. On October 24, 1996, Harp and Ledet dropped appeals of their sentences, ending the case. See *U.S. Servicemen Withdraw Rape Appeal to Supreme Court*, AGENCE FRANCE-PRESSE, Oct. 24, 1996, available in 1996 WL 12164597, at \*1.

2. About 20% of Okinawa's main island is leased to U.S. forces. See U.S. *Makes Compromise Over Land Return to Okinawa: Report*, AGENCE FRANCE-PRESSE, Apr. 6, 1996, available in 1996 WL 3833628, at \*2 [hereinafter *U.S. Makes Compromise*]. Currently, of the 100,000 forces stationed in Asia, almost 30,000 are in Okinawa (with 47,000 in Japan overall). See *Morning Edition: U.S. and Japanese Leaders Discuss Military Forces* (National Public Radio broadcast, Nov. 20,

cently, the Philippines.<sup>3</sup> Also, the rape initially focused attention on the sexual exploitation of women around the bases in Okinawa.<sup>4</sup>

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*nese Leaders Discuss Military Forces* (National Public Radio broadcast, Nov. 20, 1995), available in 1995 WL 9486407, at \*2-3. Thus, although Okinawa comprises only .6% of Japanese territory, it houses "three-fourths of all U.S. military facilities" in Japan. *U.S. Makes Compromise, supra*.

In 1991, the Governor of Okinawa, Masaito Ota, a "self-proclaimed pacifist and long-time opponent of the U.S. bases," was pressured by the Japanese government to approve lease renewals for the bases in exchange for federal funds. *Morning Edition: Japan's Murayama Signs Leases for U.S. Bases on Okinawa* (National Public Radio broadcast, Nov. 21, 1995), available in 1995 WL 9486418, at \*2. When the leases came up for renewal again in late 1995, the same year the rape occurred, he refused to cooperate, and Prime Minister Tomiichi Murayama "intervene[d] and assume[d] the legal obligation of signing the renewals" in order to preserve the U.S. Japan-Security Treaty. *Id.* However, in December of 1996, the United States signed an agreement scaling back its military presence in Japan. See *U.S. to Trim Bases in Japan*, BALT. SUN, Dec. 2, 1996, at 1A. Under the agreement, the U.S. military will give back 20% of the 58,000 acres it occupies in Okinawa, though the number of U.S. military personnel stationed on Okinawa will remain unchanged. *Id.*

3. Mount Pinatubo's eruption forced the closing of a U.S. air base in the Philippines in 1992. See Walden Bello, *From American Lake to a People's Pacific*, in LET THE GOOD TIMES ROLL: PROSTITUTION AND THE U.S. MILITARY IN ASIA, 14, 15 (Saundra Pollock Sturdevant & Brenda Stoltzfus eds., 1992) [hereinafter LET THE GOOD TIMES ROLL]. For an overview of the U.S. military presence in the Pacific and its reasons for being there, see *id.*

However, not long after these bases were closed, the Philippines and U.S. governments entered into two executive agreements, one of which has allowed U.S. naval ships to visit Subic Bay for "rest and recreation." Daniel B. Schirmer, *Sexual Abuse and the U.S. Military Presence: The Philippines and Japan*, MONTHLY REV., Feb. 1, 1997, at 43.

4. See Watanabe, *supra* note 1, at A14 (stating that "[i]nitially, at least, the rape case grew into a symbol of lingering U.S. colonial attitudes towards Japan . . . [and] of male military dominance of women," and quoting a Naha city assemblywoman (Naha is the capital of Okinawa) as saying, "The military presence itself leads to racial and sex discrimination"); see also *Morning Edition: Fourth Serviceman Implicated in Japanese Teen Rape* (National Public Radio broadcast, Sept. 28, 1995), available in 1995 WL 9485880, at \*5 [hereinafter *Morning Edition: Fourth Serviceman Implicated*] ("[F]or the first time women are organizing in large numbers to protest the U.S. military presence and condemn the exploitation of women they say the bases bring.").

However, as the debate progressed, the rape was increasingly used to signify a violation of Okinawan integrity, rather than a violation of female integrity, "symboliz[ing] the accumulation of sins Okinawans have quietly endured stretching back to the occupation." *Morning Edition: Fourth Serviceman Implicated, supra* (referring to comments made by a woman during a street interview with the reporter).

The use of sexual exploitation of local women by the U.S. military as a galvanizing tool for anti-base movements is not unique to this case. The issue of transnational sexual relations around U.S. bases could be viewed as a manifestation of concerns about sovereignty and nationalism; an expression of the "We don't want those men to have sexual access to OUR women" sentiment. For example, relations between Black American soldiers stationed in Britain and white British women generated intense controversy between the British and American govern-

Of course, controversy involving the U.S. military is by no means restricted to its overseas activities.<sup>5</sup> In recent years, the military has received almost constant media attention for its "domestic" problems, such as pervasive sexual harassment of women within military institutions<sup>6</sup> (including scandals at the Navy's Tailhook Convention,<sup>7</sup> the Naval Training Center in San

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ments during WWII. See CYNTHIA ENLOE, *BANANAS, BEACHES AND BASES: MAKING FEMINIST SENSE OF INTERNATIONAL POLITICS* 67-71 (1989) [hereinafter *BANANAS, BEACHES AND BASES*]. In the Philippines, anti-base activists driven by nationalism and concerns about nuclear weapons ignored the exploitation of native women by the U.S. military for over 30 years, until the coalition of over one hundred women's groups known as GABRIELA brought it to their attention. See Sheila Coronel & Ninotchka Rosca, *For the Boys: Filipinas Expose Years of Sexual Slavery by the U.S. and Japan*, MS., Nov./Dec. 1993, at 11, 14. Once militarized prostitution could no longer be ignored, the "male-led nationalist movement" simply co-opted the issue, making it "the most prominent symbol of compromised [Filipino] sovereignty." *BANANAS, BEACHES AND BASES*, *supra*, at 87. At the same time, these government nationalists continued to ignore that in 1989, there were more Filipina women working as prostitutes in the tourist industry than around U.S. bases, and ignored research by Filipina feminists showing that the two types of prostitution were closely linked, both being the result of short-sighted government policies and investment. Finally, while nationalists claim that the closing of the bases has improved life for Filipinas, "the reality is that the sex industry fueled by the American military was a major employer for women," and neither the Philippines nor U.S. governments have tried hard to help these women find alternate employment. RITA NAKASHIMA BROCK & SUSAN BROOKS THISTLETHWAITE, *CASTING STONES: PROSTITUTION AND LIBERATION IN ASIA AND THE UNITED STATES* 55 (1996) [hereinafter *CASTING STONES*]. As a result, many of these women have been recruited to work in the sex trade in Japan, or have become workers in the developing sex tourism industry in the Philippines. See *id.*

5. The overseas presence of the U.S. military often results in a variety of controversies, much of which focuses on the presence of U.S. military bases and is often related to sovereignty and security concerns. See *BANANAS, BEACHES, AND BASES*, *supra* note 4, at 82.

6. In a February 1997 statement, the Secretary of the Army admitted that "from the number and nature of the allegations, we in the Army have a problem of significant proportions [sic]." *Sexual Harassment in Armed Services: Congressional Testimony by Federal Document Clearing House* (statement of Togo D. West, Jr., Secretary of the Army), Feb. 4, 1997, available in 1997 WL 8218692, at \*3. Later that year, a survey conducted "by a panel of senior Army officials" found that "84 percent of Army women and 80 percent of Army men reported they had experienced offensive and sexual behavior, unwanted sexual attention, coercion and/or assault. . . . [while] 51 percent of the women and 22 percent of the men—said they faced job discrimination because of their sex." Dana Priest, *Army Finds Wide Abuse of Women*, WASH. POST, Sept. 12, 1997, at A1. The survey further found that soldiers did not trust the equal-opportunity complaint-reporting system, with only five percent of women who alleged harassment utilizing the system. See Paul Richter, *Sexual-Misconduct [sic] Problems Found Prevalent in Army*, L.A. TIMES, Sept. 12, 1997, at A20. Results of sexual harassment surveys can be difficult to interpret, however, because much depends on how the questions are asked; questions about specific behaviors tend to yield many more affirmative answers than blanket questions about "sexual harassment." See Nolan Walters, *Public Given Distorted Image of Sex Harassment in Military*, HOUST. CHRON., Oct. 17, 1997, at 20.

7. See STAFF OF HOUSE COMM. ON ARMED SERVS., *MILITARY PERSONNEL AND*

Diego,<sup>8</sup> the Army's Aberdeen Proving Ground<sup>9</sup> and others<sup>10</sup>); the exclusion of women from "combat" positions;<sup>11</sup> racism and racial discrimination in the military;<sup>12</sup> and the "Don't Ask, Don't Tell"

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COMPENSATION SUBCOMM. AND DEFENSE POLICY PANEL, 102D CONG., REPORT ON WOMEN IN THE MILITARY: THE TAILHOOK AFFAIR AND THE PROBLEM OF SEXUAL HARASSMENT 12 (Comm. Print 1992); JEAN ZIMMERMAN, *TAILSPIN: WOMEN AT WAR IN THE WAKE OF TAILHOOK* (1995) (providing an in-depth look at the harassment that occurred at the Tailhook convention, the underlying causes of it, the Navy's efforts to internally reform itself, and linking the problem of sexual harassment in the Navy with the ban on women in combat positions).

8. On December 14, 1994, the Navy announced that it planned to court-martial four male instructors from the Naval Training Center in San Diego "on charges ranging from sexual harassment to dereliction of duty to indecent assault," for their "unwanted sexual comments" and grabbing of 16 female students. Eric Schmitt, *Navy Acts Against 10 Male Instructors in Sex Harassment Case*, N.Y. TIMES, Dec. 16, 1994 (Late Edition), at A27. The Navy reported that it had already punished six other male instructors for participating in the harassment or failing to report it to their supervisors. *See id.* On April 25, 1995, the Navy announced that the four instructors were convicted of sexual harassment, although only one was convicted in a court-martial. *See Four Navy Instructors Guilty in Sex Harassment Case: 16 Female Cadets Filed San Diego Claim*, S.F. CHRON., Apr. 26, 1995, at A15.

9. In early November of 1996, Captain Derrick Robertson and two drill sergeants (Staff Sergeant Delmar Simpson and Staff Sergeant Nathanael Beach) were charged with raping or sexually harassing over a dozen female recruits at the Army Ordnance Center at the Aberdeen Proving Ground in Maryland. *See Sonja Barisic, Rape, Sex Harassment Charges Filed Against Three at Army Ordnance Center*, ASSOCIATED PRESS, Nov. 7, 1996, available in 1996 WL 4448338, at \*1. "Two other instructors were charged with a lesser offense of inappropriate conduct." *Id.*

10. Two days after charges were filed in the Aberdeen cases, the Army reported that it had expanded its investigation of sexual misconduct by soldiers at Fort Leonard Wood in Missouri to include 28 soldiers. *See Kevin Murphy, Fort Leonard Wood Expands Inquiry of Sexual Misconduct*, KAN. CITY STAR, Jan. 31, 1997, at A7; *see also Honor Systems and Sexual Harassment at the Service Academies, 1994: Hearing Before the Senate Comm. on Armed Servs.*, 103d Cong., 185-86 (1994) (statement of Mark E. Gebicke, Director of Military Operations and Capability Issues, GAO, reporting on chronic under-reporting of sexual harassment in all three of the service academies); *Wisdom at West Point*, N.Y. TIMES, Nov. 2, 1994 (Late Edition), at A22 (describing how, at a "spirit run" in preparation for a football game between West Point and the Citadel, 600 West Point cadets ran by the football team members, some of whom grabbed the breasts of female cadets as they ran by).

11. *See, e.g.*, LINDA BIRD FRANCKE, *GROUND ZERO: THE GENDER WARS IN THE MILITARY* 220-40 (1997); Judith Wagner DeCew, *The Combat Exclusion and the Role of Women in the Military*, HYPATIA, Winter 1995, at 56; Lucinda J. Peach, *Women at War: The Ethics of Women in Combat*, 15 HAMLINE J. PUB. L. & POL'Y 199 (1994).

12. *See* STAFF OF HOUSE COMM. ON ARMED SERVS., 103D CONG., REPORT ON AN ASSESSMENT OF RACIAL DISCRIMINATION IN THE MILITARY: A GLOBAL PERSPECTIVE 1-2 (Comm. Print 1995) (reporting good and bad news regarding racial discrimination at 19 military installations). On December 7, 1995, three white soldiers from Fort Bragg allegedly shot and killed a Black couple while they were walking down a street. *See Army, FBI on Hunt for Racists/Fort Bragg Under Investigation After Soldiers Allegedly Kill Black Couple*, S.F. EXAMINER, Dec. 11, 1995, at A12. Two of the three suspects had ties with white supremacist groups. *Id.* The killings

policy of excluding lesbians, gays and bisexuals from the military.<sup>13</sup>

In fact, around the same time that the three service members were being tried for the rape in Okinawa, here in the United States, Lieutenant Paul Thomasson was challenging the Navy's attempt to discharge him for being gay.<sup>14</sup> While these trials appear unrelated, an examination of military culture and the archetypal "Military Man"<sup>15</sup> produced by this culture reveals that they are actually integrally related.

This Article examines military culture—a culture which, like the larger culture that encompasses it, is riddled with a legacy of racism, sexism and homophobia (among other prejudices)—and demonstrates the linkages between these legacies and their connections to questionable military policies and practices that exist today. In looking at military culture, the Article focuses specifically on the military masculine identity (the "Military Man") because it is central to that culture; indeed, military culture is largely constructed around the "pursuit of manhood."<sup>16</sup> Further-

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prompted an Army-wide investigation into the extent of service members' involvement with white supremacist and other extremist groups. *Id.*

13. This policy is codified at 10 U.S.C. § 654 (1994). See generally RANDY SHILTS, CONDUCT UNBECOMING: GAYS & LESBIANS IN THE U.S. MILITARY (1993) (describing the history of homosexuals in the military up to the 1990s, including personal accounts from gay/lesbian/bisexual service members); MELISSA WELLS-PETRY, EXCLUSION: HOMOSEXUALS AND THE RIGHT TO SERVE (1993) [hereinafter EXCLUSION] (defending the military's policy of excluding gay/lesbian/bisexual service members); Peter Nixen, *The Gay Blade Unsheathed: Unmasking the Morality of Military Manhood in the 1990s, An Examination of the U.S. Military Ban on Gays*, 62 UMKC L. REV. 715, 716 (1994) ("trac[ing] how perceived fear can blossom into unbecoming conduct, particularly in a military context, just as model conduct can ripen into social progress"); Melissa Wells-Petry, *Sneaking a Wink at Homosexuals? Three Case Studies on Policies Concerning Homosexuality in the United States Armed Forces*, 64 UMKC L. REV. 3, 47 (1995) [hereinafter *Sneaking a Wink*] (arguing that the "Don't Ask, Don't Tell" policy contradicts Congress's policy "that the mere presence in the armed forces would create an unacceptable risk to military capabilities if homosexuals were allowed to serve, which they are not").

14. See *Thomasson v. Perry*, 80 F.3d 915, 915-16 (4th Cir. 1996).

15. This article uses the phrase "Military Man" not to connote an actual, biological male, but rather to describe a particular construction of maleness. As one scholar puts it, "[m]anhood in the sense of masculinity is in some measure unattainable; it can be pursued, but never wholly achieved." Kenneth L. Karst, *The Pursuit of Manhood and the Desegregation of the Armed Forces*, 38 UCLA L. REV. 499, 503 (1991). I want to make clear that this Article is about archetypes, albeit based in real-life, but archetypes nonetheless. I know of several white men who have served in the military and who have emerged from that experience no more sexist or racist or homophobic than anyone else, and whom I respect greatly. Among such men I count my father and some of my co-workers.

16. *Id.* at 500. Karst argues that the pursuit of manhood is the unifying theme that links the current segregation of women and gay men in the military to the historical racial discrimination that has existed in the military. See *id.*; see also

more, an examination of the military masculine identity is useful because this identity informs how masculinity is constructed within our larger society.<sup>17</sup> If "[m]asculinity is traditionally defined around the idea of power[, and] the armed forces are the nation's preeminent symbol of power[.]"<sup>18</sup> then one preeminent symbol of masculinity is military might.<sup>19</sup> Indeed, military men are often held up as heroes and role models for the rest of us, and frequently gain access to powerful leadership positions by virtue of their military experience.<sup>20</sup> While several types of masculinity exist within our society, military masculinity strongly influences and informs the other types, and often serves as a benchmark for them.<sup>21</sup>

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TIMOTHY BENEKE, PROVING MANHOOD: REFLECTIONS ON MEN AND SEXISM 38 (1997) (suggesting that according to popular perceptions of masculinity, lack of war puts men "in danger of becoming like women"); SHILTS, *supra* note 13, at 32 ("Boys go to war to prove they are men. Some anthropologists and psychologists have gone so far as to assert that this is one reason why wars exist in the first place: so men can have a venue in which to prove their manliness."); Madeline Morris, *By Force of Arms: Rape, War and Military Culture*, 45 DUKE L.J. 651, 708 (1996) ("The military traditionally has had, and to a very large extent still has, a central group-identity structure built around a particular construction of masculinity").

17. See, e.g., Becky Beal, *Alternative Masculinity and Its Effects on Gender Relations in the Subculture of Skateboarding*, J. SPORT BEHAV., Aug. 1, 1996, at 204 (noting that in the United States, the military is one of the "[t]wo social institutions which have traditionally encouraged boys and men to live out the ideals of hegemonic masculinity" (the other being sports)).

18. Karst, *supra* note 15, at 501.

19. Brock and Thistlethwaite describe the military as having a "hypermasculine" structure, which is a structure that "devalue[s] and profane[s] sexuality, relegating it to another aspect of performance, and, with some exceptions, encourage[s] mild to severe homophobia." CASTING STONES, *supra* note 4, at 17. One writer observes that during the early 1900s, before World War I, there was a movement to revive the "frontier spirit" and renew a sense of militarism among American men by implementing plans for American imperialist expansion, thereby creating a new "frontier" in which men could fight and prove their manhood. MICHAEL KIMMEL, MANHOOD IN AMERICA: A CULTURAL HISTORY 111 (1996). Such expansion was motivated in part by a belief that "decades of peace had made American men effeminate and effete; only by being constantly at war could frontier masculinity be retrieved." *Id.*

20. See Nixen, *supra* note 13, at 718 (noting the connection between political success and successful military careers); DeCew, *supra* note 11, at 66 (noting that one researcher "has argued that women's exclusion from combat has been a barrier to their political success"). In this context, the controversy over the fact that President Clinton went to study at Oxford University rather than serve in the Vietnam War comes to mind.

21. Some suggest that the military male, "[o]nce a paragon of manly virtue," now represents a "tarnished image of manhood," due to the United States' defeat during the Vietnam War, the problems of sexual harassment that plague the military, and the debates on gays and women in the military. *Id.* at 263, 299. However, there are modern attempts to "reinvigorate military masculinity," through fantasy, such as encouraging boys to play with toy guns; the surging popularity of films about past wars; and renewed attempts to create male-only environments, such as in the "weekend warrior" movement, and men's Christian movements such

In addition, by juxtaposing two seemingly unconnected military phenomena—systematic prostitution of women around U.S. bases in the Asian Pacific and the legal ban on lesbian/bisexual/gay service members—this Article also seeks to provide one response to the critique that racism, sexism and homophobia should not be analogized as similar systems of oppression and discrimination because they are too different,<sup>22</sup> or because such analogies may trivialize experiences of racism.<sup>23</sup> While it is

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as the Promise Keepers. *Id.* at 311-16.

Beyond the military prototype, masculinity in America is composed of several elements:

What it means to be a man in America depends heavily on one's class, race, ethnicity, age, sexuality, region of the country. To acknowledge these differences among men, we must speak of *masculinities*. At the same time, though, all American men must also contend with a singular vision of masculinity, a particular definition that is held up as the model against which we all measure ourselves.

KIMMEL, *supra* note 19, at 5 (quoting sociologist Erving Goffman, who describes this model of masculinity as "young, married, white, urban, northern, heterosexual, Protestant, father, of college education, fully employed, of good complexion, weight, and height, and a recent record in sports").

22. "[A]dvocates[ ] who oppose the notion of 'gay rights as civil rights,' assert that race and sexual orientation are *decidedly* different as a matter of law, politics, morality and public policy." Margaret M. Russell, *Lesbian, Gay and Bisexual Rights and "The Civil Rights Agenda"*, 1 AFR.-AM. L. & POL'Y REP. 33, 39 (1994). One example of such an advocate is Green Bay Packers player Reggie White, who is also an ordained minister. In a March 1998 speech to the Wisconsin legislature, White said that homosexuality is a sin, and that civil rights for lesbians/gays/bisexuals should not be compared to civil rights for Blacks because "[h]omosexuality is a decision, it's not a race." *Homosexuality a Sin, Packers' White Says*, ST. PAUL PIONEER PRESS, Mar. 26, 1998 at 1B.

One well-known example of a military advocate of this position is General Colin Powell, who is quoted on the jacket of Wells-Petry's book as saying: "I . . . continue to hold the view that the presence of homosexuals in the military is prejudicial to good order and discipline. Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument." EXCLUSION, *supra* note 13. Another example is Hon. Randy "Duke" Cunningham of California, a former military commander, who stated during the debates over the "Don't Ask, Don't Tell" policy: "I join with Joint Chiefs [sic] Chairman Colin Powell in stating that we do the many brave African-Americans who served with such distinction a disservice by comparing their integration with the present question." 139 CONG. REC. E1192-04 (1993) (remarks of Randy "Duke" Cunningham of California).

23. See Russell, *supra* note 22, at 38-39. Russell analyzes critics of such analogies:

[W]hile strongly supportive of full civil rights for gays, lesbians, and bisexuals, [they] dispute[ ] as problematic and potentially condescending the notion that racism, sexism, heterosexism and other "isms" are truly comparable in a political, historical, or experiential sense. . . . [T]hese critics fear that such comparisons may ultimately work to reinforce racist notions that racism is neither unique nor particularly deleterious in our society.

*Id.*

true that the use of analogies in theorizing about different types of discrimination can be problematic,<sup>24</sup> and while it is also true that being lesbian/bi/gay can have different consequences than being of a particular race, ethnicity or gender,<sup>25</sup> analogies between racism, sexism and homophobia not only serve a theoretically useful purpose, but are also legally necessary.<sup>26</sup> Furthermore, this Article demonstrates that even if one does not consider analogies between racism, sexism and homophobia to be appropriate, a commitment to the struggles against racism and sexism necessitates a commitment to the struggles against homophobia, and *vice versa*,<sup>27</sup> not because racism and homophobia are one and the same, but because they are culturally related. As long as homophobia continues to be legally sanctioned and socially acceptable, we as a society will not overcome racism or sexism.

Part II begins with an examination of the military masculine identity, its central role in military culture, and the negative consequences of this identity for service members themselves.<sup>28</sup> Part III describes the systems of military prostitution that exist around U.S. bases in the Asian Pacific,<sup>29</sup> and the concomitant stereotypes

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24. See, e.g., Tina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implications of Making Comparisons Between Racism and Sexism (or Other Isms)* in CRITICAL RACE FEMINISM: A READER 44, 44-45 (Adrien Katherine Wing ed., 1997) (emphasizing the problematic nature of analogies, but also recognizing their utility both in legal discourse and in creating social empathy).

25. For example, a non-heterosexual person may be able to "pass" more easily as heterosexual than a non-white person could pass as white, due to visible differences in skin pigmentation or other physical characteristics between white people and people of other races or ethnicities. Additionally, in the United States at least, people of color have more legal protections from racial or ethnic discrimination available to them than non-heterosexuals have from sexual orientation discrimination.

26. See Grillo & Wildman, *supra* note 24, at 44-45, 50; Sharon Elizabeth Rush, *Equal Protection Analogies—Identity and "Passing": Race and Sexual Orientation*, 13 HARV. BLACKLETTER J. 65 (1997).

27. See Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997) (discussing the necessity for gay/lesbian civil rights discourse to factor in racism as a gay/lesbian experience as well).

28. See *infra* notes 35-88 and accompanying text.

29. A discussion of whether prostitution should be outlawed is a complicated debate beyond the scope of this Article. See, e.g., Nora V. Demleitner, *Forced Prostitution: Naming an International Offense*, 18 FORDHAM INT'L L. J. 163 (1994) (arguing that forced prostitution should be a violation of international law, and that prostitution resulting from economic necessity should also be considered "forced prostitution"). Additionally, the contexts of the sex industries in Asian Pacific countries are complex and deserve more discussion than this Article can provide. For a thoughtful and more exhaustive examination of prostitution in the Asian Pacific and in the United States, see CASTING STONES, *supra* note 4, at 31-66. This Article's discussion of prostitution has a much more limited scope, as it



of Asian Pacific women.<sup>30</sup> The Article posits that this type of systematic prostitution is a necessary adjunct to the military culture described in Part I, as it serves to both create and maintain the military masculine identity by providing a stark oppositional "other."

Part III also demonstrates how the stereotypes of Asian Pacific women and the "Military Man" are complementary. Thus, when military prostitution occurs between American soldiers<sup>31</sup> and Asian Pacific women in Asian Pacific countries, a unique intersection of race, gender, economics and colonialism is revealed.<sup>32</sup> This

focuses on the connections between military prostitution and stereotypes of Asian Pacific women, and what these connections reveal about the dynamics of the "Military Man" construct and the military's "Don't Ask, Don't Tell" policy.

30. See *infra* text accompanying notes 89-203.

31. Although I argue that the "Military Man" is a predominately white construction, see *infra* notes 39-56 and accompanying text, men of color may be equally implicated in such prostitution. For example, in oral histories of the Vietnam War, some Black veterans empathized with the poverty of the Vietnamese and the derogatory attitudes many Vietnamese encountered from white soldiers. See, e.g., WALLACE TERRY, BLOODS: AN ORAL HISTORY OF THE VIETNAM WAR BY BLACK VETERANS 87 (1984) (providing the text of the oral history of Emmanuel J. Holloman). Another Black soldier, who helped to implement a mini-prostitution ring at his base, empathized with the racism faced by the Vietnamese, even though he could not recognize the oppression Vietnamese women faced:

Poor Vietnamese. So many times the Americans would degrade them. . . . Especially those white guys, actin' like "I am the conqueror. I am supreme." Dirt, that's how they treat the Vietnamese, like dirt. . . . Me, myself, as a person, knowing from the experience that I had with whites back here in America, I could not go over there and degrade another human being.

TERRY, *supra*, at 272-73 (providing the text of the oral history of Dwyte A. Brown).

Given that this veteran was the same man who helped to operate a prostitution ring that provided Vietnamese women to American soldiers, he apparently did not consider prostitution to involve the degradation of other human beings. This attitude demonstrates that while prostituted interactions between white American men and Asian Pacific women may provide the most extreme juxtaposition between "Military Man" and "other," to the extent that Black and other non-white men are allowed to attain the military masculine identity, Asian Pacific women still serve as convenient, if not necessary, "others" to these men. This is because of the specific stereotypes associated with Asian Pacific women and because of sexist attitudes toward women in general.

32. Prostitution is probably present near and around every U.S. military base in the world. See, e.g., HELEN REYNOLDS, THE ECONOMICS OF PROSTITUTION (1986) (noting that in Nevada, a factor for brothel location is proximity to a military base); CHARLES WINICK & PAUL M. KINSIE, THE LIVELY COMMERCE: PROSTITUTION IN THE UNITED STATES 258-59 (1971) (describing the presence of brothels used by American soldiers during World War II in North Africa, Italy, France, Australia, Iran, and India). See generally REYNOLDS, *supra* (providing overviews of prostitution in San Francisco, Nevada, Boston and Dallas). In comparison, prostitution in Asian countries occurs in a different cultural and economic context from that of prostitution in such Western countries. As Brock and Thistlethwaite note, an analysis of sex industries in Asian countries requires

a more complex analysis [than the typical Western feminist studies']

Article contends that by examining this intersection we can learn more about military culture than we would learn by examining the problems of homophobia, sexism and racism in isolation.

Subsequently, Part IV demonstrates the cultural link between the oppression of Asian Pacific women and the military's attempt to exclude bi/gay/lesbian service members, illustrating how both forms of oppression serve different but compatible purposes within the military context. This Part focuses on the so-called "Don't Ask, Don't Tell" policy and the continuing ban on lesbian/bi/gay service members because, while the military has acknowledged that racial and sexual discrimination within its ranks are problematic,<sup>33</sup> it continues to openly support institutionalized homophobia.<sup>34</sup> As this Article will show, such homophobia is intimately connected to the problems of racism and sexism.

Part V of the Article concludes that the current construction of the military masculine identity has led to the implementation of questionable military policies, including the system of prostitution around U.S. bases as well as the legal ban on bi/gay/lesbian service members. Furthermore, because of the cultural relationship be-

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analysis of prostitution] of . . . factors[ ] such as race, economics, culture, and international politics and law. . . . The particular configurations of developing industrial societies in Asia create a market environment that virtually forces many young women to choose sex industry work. The central issues here are government economic policies, social disruption, corporate practices, international development policies, militarization, and family structures, as well as male dominance and oppression.

CASTING STONES, *supra* note 4, at 14.

33. See generally *Background Briefing on Gender Integrated Training*, June 3, 1997 (visited Feb. 27, 1998) <[http://www.defenselinkmil/news/Jun1997/x06051997\\_x0603gen.html](http://www.defenselinkmil/news/Jun1997/x06051997_x0603gen.html)> [hereinafter *Background Briefing*]; Secretary of Defense, *Policy on the Assignment of Women in the Armed Forces*, para. A (4), Apr. 28, 1993 (visited Mar. 3, 1998) <<http://www.chinfo.navy.mil/navpalib/people/women/memo1993.txt>> [hereinafter *Assignment of Women*] (discussing these problems in the military as ongoing). However, the military's acknowledgment of sexism within its ranks is at best qualified, given that it still supports combat exclusions for women. See *infra* text accompanying notes 57-74 (discussing gender barriers in the military).

34. Just as anti-Asian bias in the coverage and investigation of the current campaign finance scandal has attributed to general anti-Asian hysteria, see *infra* note 195, "[t]he military's policies have had a sinister effect on the entire nation. Such policies make it known to everyone serving in the military that lesbians and gay men are dangerous to the well-being of other Americans; that they are underserving of even the most basic civil rights." SHILTS, *supra* note 13, at 4. See Judith Hicks Stiehm, *Managing the Military's Homosexual Exclusion Policy: Text and Subtext*, 46 U. MIAMI L. REV. 685, 699 (1992) (arguing that the military "plays a major de facto role in educating the public and shaping salient public attitudes about homosexuality"); DARRELL Y. HAMAMOTO, *MONITORED PERIL* 82 (1994) (noting that a report issued by the U.S. Commission on Civil Rights in the early 1990s found that anti-Japanese remarks made by U.S. political leaders in the context of the United States' economic competition with Japan "foment bigotry and often precipitate acts of violence against Asian Americans").

tween homophobia and other types of oppression, a commitment to fighting racism or sexism in the military without a willingness to also fight homophobia (or worse yet, with approval for legally-sanctioned homophobia) will not only render this commitment less effective, but may serve to undermine it as well.

## II. De/Constructing The Archetypal Military Man—White, Male and Heterosexual

The military represents a complex interaction of social forces and ideas about human behavior and about masculinity and femininity.<sup>35</sup> One way to visualize this complex interaction is to imagine these forces and ideas as constructing a web, at the heart of which is located the soldier. The purpose of military culture is to cocoon the soldier in this web, insulating the soldier from the outside world, and transforming the soldier into an entity which contains less of the individual,<sup>36</sup> and more of the "Military Man."<sup>37</sup>

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35. Some research suggests that the military concepts of masculinity have not always been as they are now. See, e.g., Samuel J. Watson, *Flexible Gender Roles During the Market Revolution: Family, Friendship, Marriage, and Masculinity Among U.S. Army Officers, 1815–1846*, J. OF SOC. HIST., Fall 1995, at 81. Watson studied personal correspondence of young U.S. Army officers between 1815 and 1846. His study indicated that such officers' relationships with their families, particularly with their sisters, often circumvented or expanded beyond the limits demarcated by separate sphere ideology (e.g., that women belong in the domestic sphere and men belong in the public realm). Some men clearly participated in emotionally intimate relationships with other men, and encouraged their female relatives, particularly their sisters, to strive for personal fulfillment. See *id.*

36. See Morris, *supra* note 16, at 727–31. Morris describes how deindividuation is an integral part of military culture. See *id.*; see also *United States v. Virginia*, 766 F. Supp. 1407, 1422–1424 (W.D. Vir. 1991) (listing trial court's factual findings about Virginia Military Institute's (VMI) unique military educational system, including finding that the system "strips away cadets' old values and behaviors, . . . [and] teaches and reinforces through peer pressure the values and behaviors that VMI exists to promote").

37. See R. Wayne Eisenhart, *You Can't Hack It Little Girl: A Discussion of the Covert Psychological Agenda of Modern Combat Training*, J. OF SOC. ISSUES, 1975, at 13. For oral histories of the Vietnam War, see generally, MARK BAKER, NAM: THE VIETNAM WAR IN THE WORDS OF THE MEN AND WOMEN WHO FOUGHT THERE (1981) (documenting oral histories of the Vietnam War); TERRY, *supra* note 31; ROBERT FLYNN, A PERSONAL WAR IN VIETNAM (1989) (discussing how the Vietnam War affected the author). See also Thomas J. Collins, *Still a Long Way From Home*, ST. PAUL PIONEER PRESS, Feb. 8, 1998, at 1A (describing the struggles of a young former U.S. Army Ranger, who fought in Somalia in 1993, to adjust to civilian life and who agreed to be interviewed in hopes that his story would "help other veterans break free from the 'show no weakness' military mind-set and get the help they need"); MICHAEL CASEY, OBSCENTITIES (1972) (containing poetry about the experiences of soldiers in Vietnam). One reviewer has called OBSCENTITIES:

[T]he first major volume of soldier poetry produced by an individual in response to the Vietnam war, [it] portrays the 'Vietnam experience' as a continual process of masculinization. . . . [and] as a repeated assault on

Of course, the "Military Man" is a particular type of masculine identity and has very specific components. It is not enough to be biologically male—the military masculine identity requires not only that the gender line be clearly demarcated, but also that power be "rightfully distributed among the masculine in proportion to their masculinity."<sup>38</sup> So who is powerful, who is masculine, who can be a "man?"

The "Military Man," in his most essential form, is a *white* man. Men of color<sup>39</sup> historically have been denied attributes of masculinity, particularly in comparison to white men.<sup>40</sup> For example, white men, especially working class and immigrant white men (whose masculinity was more vulnerable because of their economic and immigrant status),<sup>41</sup> were eager to deny Black men the opportunity to serve in the military during the Civil War, in part because they perceived that allowing Black men to fight would be an acknowledgment that Black men were indeed "men," which in turn would cast doubt upon the value of their own masculinity.<sup>42</sup>

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the integrity of the American male body . . . . Ultimately the volume represents the Vietnam war as a dehumanizing system of sexualization perpetrated against Asian women and American men.

Theresa L. Brown, *An Aesthetic of Shock and the Technologizing of Sex in Michael Casey's Obscenities*, J. OF AM. CULTURE, Fall 1993, at 55.

38. Karst, *supra* note 15, at 505. Karst calls this the "male-rivalry strand of the ideology of masculinity." *Id.* at 506.

39. I include Jewish people in the phrase "people of color."

40. See KIMMEL, *supra* note 19, at 90-92, 194-95 (describing how non-white men were considered to be less manly than white men during the late 1800s, and again during the first third of the twentieth century).

41. See Karst, *supra* note 15, at 506. Karst observes that immigrant Irish men were the most offended by the idea of Black men serving in the military during the Civil War, because Irish men's position at "the bottom of the employment ladder [left them with] little in the way of traditional masculine achievement to bolster their sense of self-worth." *Id.*

42. See *id.* Indeed, W.E.B. DuBois believed that "[n]othing else made Negro citizenship conceivable, but the record of the Negro soldier as a fighter." *Id.* at 513. Karst notes, however, that while Black men's participation in the Civil War as soldiers did result in recognition of their citizenship rights through the passage of the Reconstruction Amendments, such recognition was "only for a season." *Id.* at 512.

There is a long history in this country of denying men of color, as well as all women, rights and privileges of citizenship under the notion that such rights and privileges should go only to the most "masculine." See KIMMEL, *supra* note 19, at 90 (observing that early American manhood was grounded in the exclusion of non-male, non-white, and non-native-born "others," based on the notion that they were not "real" Americans, and thus could not be "real" men); Karst, *supra* note 15, at 505-06 (describing the exclusion of men of color and women as the "male rivalry" strand of masculine ideology).

In addition, Supreme Court decisions exemplify that full citizenship, with all its attendant rights and duties, has long been considered an exclusively male domain. See *Hoyt v. Florida*, 368 U.S. 57 (1961) (upholding a Florida law that required only women to affirmatively register for jury service in order to be eligible

This desire to exclude Black men from military service continued well through the end of World War II.<sup>43</sup>

Even when Black men were allowed to serve, they were generally confined to menial positions,<sup>44</sup> and their participation was denigrated by white soldiers. During World War I, men in the all-Black 92nd division of the 368th Infantry Regiment (the original "Buffalo" Division) were described by their white commander as "lazy, slothful, superstitious, imaginative . . . if you need combat soldiers, and especially if you need them in a hurry, don't put your time upon Negroes [sic]."<sup>45</sup> Former Secretary of War Henry Stim-

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for jury pools); *Strauder v. West Virginia*, 100 U.S. 303, 310 (1880) (indicating that a state could constitutionally exclude women from juries); *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130 (1873) (holding women have no right under the Privileges and Immunities Clause to become lawyers); see also Barbara A. Babcock, *A Place in the Palladium: Women's Rights and Jury Service*, 61 U. CIN. L. REV. 1139 (1993) (linking women's exclusion from jury service with their exclusion from other areas of public life, such as voting and practicing law); Joanna L. Grossman, *Women's Jury Service: Right of Citizenship or Privilege of Difference?*, 46 STAN. L. REV. 1115 (1994) (discussing the historical debate over whether a woman's right to serve on a jury should be formulated as a right attendant to the right to vote, or as a necessity because of the different perspective that a woman may bring to a jury).

43. See SHILTS, *supra* note 13, at 187. The percentage of African American men in the military actually declined drastically between the Civil War and World War II. See *id.* During various times in the late 1800s, Black men made up 20% to 30% of sailors in the Navy. By 1940, however, Black men made up only about 1.5% of the Army and Navy combined. See *id.*

For an analysis of the movement to integrate Blacks into the armed forces, and the opposition to it, see Karst, *supra* note 15, at 510-22. See also RICHARD M. DALFUME, *DESEGREGATION OF THE ARMED FORCES: FIGHTING ON TWO FRONTS 1939-1953* at 1 (1969) ("Throughout American history the black American viewed his military service in the nation's conflicts as proof of his loyalty and as a brief for his claim to full citizenship. White Americans appear to have realized this, and they continually sought to restrict or downgrade the black soldier's military service."); LEE NICHOLS, *BREAKTHROUGH ON THE COLOR FRONT* (1993) (providing a detailed overview of the integration of Black Americans into the armed services).

Segregation of the armed forces as official policy ended in 1948, when President Truman issued Executive Order 9981. See SHILTS, *supra* note 13, at 189-90. Shilts notes that:

[u]ntil 1948, male African Americans in the United States were not considered real men, which is why boy was a favored southern epithet for blacks, and why blacks were denied combat roles in the United States military and confined to segregated units, usually acting as servants, mess cooks, or menial laborers.

*Id.* at 33.

44. See SHILTS, *supra* note 13, at 33. "A survey of job assignments among black Marines serving in the Pacific theater during World War II found that 85 percent were either menial laborers, stewards, or worked in munitions depots performing the most dangerous warehouse work in the military." *Id.* at 187.

45. NICHOLS, *supra* note 43, at 17 (quoting the memoirs of Major General Robert Lee Bullard, commander of the Second Army during WWI). The all-Black 92nd division was resurrected for WWII, only to be insulted again by a white senior division officer as being "thoroughly unreliable"—after an attack that had been poorly planned by white officers failed. See *id.* at 14.

son justified the exclusion of Black men from combat positions by claiming that military studies showed that "many of the Negro [sic] units have been unable to master efficiently the techniques of modern weapons."<sup>46</sup> One Marine Corps commander went so far as to claim that he would rather have a Corps of 5,000 white soldiers than a Corps of 250,000 Black soldiers.<sup>47</sup>

The oral histories of Black soldiers who fought in Vietnam demonstrate that long after the end of official segregation of the armed forces, racial tensions and discrimination continued to manifest within certain units.<sup>48</sup> Furthermore, the testimonies of veterans<sup>49</sup> about how they were trained to view Korean and Vietnamese people as "dinks," "gooks"<sup>50</sup> and "slopes" also illustrates much about how (non-white) race is used in military culture.<sup>51</sup>

In the modern military, racism and racial discrimination are hardly things of the past. For example, the military has a history of disproportionately targeting Black female service members in lesbian "witchhunts" or "purges."<sup>52</sup> Additionally, several of the re-

46. SHILTS, *supra* note 13, at 187.

47. *See id.* at 187-88.

48. *See generally* TERRY, *supra* note 31 (providing examples of Black experiences in Vietnam).

49. These veterans include military nurses. *See* HAMAMOTO, *supra* note 34, at 138-40 (relating accounts of the "raw racial hatred" many female military nurses exhibited toward Vietnamese people during the Vietnam War). Hamamoto points out how racist colonialistic structures have also benefited white women: "Foreign missionary work provided educated middle-class white women a protected job market within a male supremacist social order." *Id.* at 56-57.

50. Soldiers in Vietnam coined the phrase the "Mere Gook Rule," which "allowed Americans to view Asians as less than human and therefore all the more legitimate as targets to be mocked, exploited, and perhaps murdered." *Id.* at 156.

51. *See* Eisenhart, *supra* note 37, at 18. "The terms 'gook' and 'slope' were continually used by training personnel as well as in written material and movies. Although the racism instilled in boot camp was directed towards Asians, it also increased black-white tensions." *Id.* *See also* GREGORY R. CLARK, WORDS OF THE VIETNAM WAR (1990) (listing slang, jargon, and euphemisms used by U.S. personnel in Vietnam); Norman Nakamura, *The Nature of G.I. Racism*, in ROOTS: AN ASIAN AMERICAN READER 24 (Amy Tachiki et al. eds., 1971) [hereinafter ROOTS] (providing a first-hand description of how American soldiers treated Vietnamese people). Not surprisingly, this boot camp racism resulted in the singling out of Asian Pacific American soldiers as "gooks," "Japs," "Chinks" or "Ho Chi Minh." *See* Evelyn Yoshimura, *G.I.s and Asian Women*, in ROOTS, *supra*, at 27, 29.

52. During a "purge" of women on the USS Norton Sound, one of the first Navy ships to allow female sailors on board, eight of the nine Black women on board were initially accused of being lesbians. *See* SHILTS, *supra* note 13, at 336-38. The woman who accused them said in her sworn statement that "[t]he black gays flaunt their power and authority over the other females on the ship." *Id.* at 337. Eight women were eventually tried for misconduct, three of whom were Black. *See id.* at 348-62 (describing the trials). Until the first day of the hearing (when their attorneys objected), the Navy planned to try the three Black women as a group. *See id.* at 352-53. All three Black women were tried, and two were discharged for

cent sexual harassment scandals involve allegations that Black men are being unfairly targeted for prosecution for alleged conduct usually involving white women.<sup>53</sup> Perhaps the most well-known example is the trial of former Sergeant Major George McKinney. McKinney was the Army's highest ranking enlisted man and the first Black man to hold the post of Sergeant Major when he was court-martialed on a series of sexual harassment charges,<sup>54</sup> all of which involved white women.<sup>55</sup> McKinney, who is Black, claimed that he was singled out for prosecution in part because of racism.<sup>56</sup>

The "Military Man" is not just a white construct; it is also obviously a *male* construct. Until recently in our country's history, the military was officially an all-male institution.<sup>57</sup> Even today

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committing homosexual activity. See *id.* at 361. One white woman was acquitted. See *id.* at 358. The charges against the remaining four white women were dropped. See *id.* at 361.

53. For example, in the Aberdeen scandal, all 14 of the drill sergeants accused of sexual misconduct are Black, and almost all of the alleged victims are white. See Evan Thomas & Gregory L. Vistica, *At War in the Ranks*, NEWSWEEK, Aug. 11, 1997, at 32. Thomas and Vistica describe a suit by a former Black male naval commander against the Navy, in which he alleges that his former commanding officer (a white woman)—who removed him from command after several women accused him of making sexually suggestive remarks to them—had a pattern of discriminating against Black men in her command. See *id.* In a scandal similar to the Aberdeen sexual harassment scandal, three Black soldiers were accused of sexual misconduct involving white female soldiers under their command at a U.S. base in Darmstadt, Germany. See Mary Williams Walsh, *Sex Scandal Plagues U.S. Forces in Europe*, L.A. TIMES, June 3, 1997, at A9; William Drozdiak, *Army Sergeant Found Guilty of Indecent Assault*, WASH. POST, June 6, 1997, at A20. Navy Captain Everett Greene was on his way to becoming the first Black man to head the Navy SEALs until he was court-martialed for improper conduct with two white female subordinates. Greene was acquitted, but lost the promotion. See Thomas & Vistica, *supra*, at 32.

By suggesting that claims that Black men have been singled out for prosecution because they are Black deserve credence, I am not suggesting that the conduct they were accused of was excusable or justified, or that they should not be prosecuted for it. It is theoretically possible that these men did commit the sexual harassment and/or assaults of which they were accused *and* that they were singled out for prosecution because of their race. The two are not mutually exclusive.

54. See *Rape Charge Is Urged Against Sergeant Major*, CHI. TRIB., Aug. 26, 1997, at A3 [hereinafter *Rape Charge*].

55. See Steven Komarow, *Blacks Feeling Fallout of Army Scandal*, USA TODAY, Aug. 25, 1997, at 8A.

56. See *Rape Charge*, *supra* note 54, at A3. McKinney also claimed that he was singled out because he was an enlisted man and because the Army wanted to "make a statement" in light of the sexual harassment scandal at the Army's Aberdeen Proving Ground. Paul Richter, *Army Reveals 33 Case Histories of Sex Misconduct*, SUN-SENTINEL (FT. LAUDERDALE), Dec. 12, 1997, at 7A. McKinney was subsequently found innocent of all charges, except for the obstruction of justice charge. See Jane Gross, *McKinney Is Cleared of Sex Charges*, ST. PAUL PIONEER PRESS, March 14, 1998, at 1A.

57. While women have long been part of the military as nurses and clerical support, they were not allowed to serve as soldiers until 1973, when the armed

women account for only 14% of all service members<sup>58</sup> and remain barred from certain high-status military jobs.<sup>59</sup> The continuing exclusion of women from certain positions makes crystal clear the extent to which being female is considered incompatible with true soldiering.<sup>60</sup> While this exclusion has been narrowed during the past decade,<sup>61</sup> the jobs from which women remain excluded (those

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forces became all volunteer. See *Background Briefing*, *supra* note 33; see generally FRANCKE, *supra* note 11 (describing the struggles of women to be accepted in military institutions).

58. See *Background Briefing*, *supra* note 33. There are about 195,000 women in the active armed forces. See *id.* In the Navy, women comprise approximately 7.8% of all officers and active-duty and enlisted personnel. See *Women in the Navy — Assignments*, Dec. 31, 1997, (visited Mar. 20, 1998) <<http://www.chinfo.navy.mil/navpalib/people/women/winfact1.html#shipboard>> [hereinafter *Women in the Navy*].

59. See *Assignment of Women*, *supra* note 33.

60. See generally Karst, *supra* note 15, at 522-45. In addition, requirements that female soldiers wear makeup and maintain a "feminine appearance" (such as the Marine Corps has required, at least until recently) also serve to reinforce the notion that women are not "true" soldiers. See FRANCKE, *supra* note 11, at 156. A Marine recruit training manual used after the Gulf War stated that female recruits would be given "instruction in hair care, techniques of make-up application, guidance on poise, and etiquette," and female recruits were even issued official lipstick during boot camp. *Id.* The most recent Marine Corps Handbook specifies that women's hairstyles should be "attractive." Morris, *supra* note 16, at 717-18. It should be noted that according to 1992 Army regulations, Army women were under no such compulsion. See Army Regulations (AR) 670-1, 1-8 (Sept. 1, 1992).

For a brief chronology of the history of women in the armed services since 1948, see *Chronology*, PORTLAND OREGONIAN, Aug. 26, 1997, at A10. According to Shilts, the combat exclusion originated with a 1948 law that prohibited women from flying combat planes in the Air Force and from serving in any positions on Navy warships; the Army excluded women from combat based on its own regulations rather than statutory mandate. See SHILTS, *supra* note 13, at 491. There is a wide body of information and case material available on the combat exclusion of women and sexual harassment; this Article only skims the surface of this subject. See generally WOMEN IN THE MILITARY (E.A. Blacksmith, ed., 1992) (providing background material on women and sexual harassment in the military); CHRISTINE L. WILLIAMS, GENDER DIFFERENCES AT WORK: WOMEN AND MEN IN NONTRADITIONAL OCCUPATIONS (1989) (reviewing challenges facing women in the military).

Prior to 1948, Black men were also excluded from combat positions, and the Navy did not allow them to serve on ships. See SHILTS, *supra* note 13, at 187. "The subtext was clear. If a black person could engage in combat, what good was war at proving to a white soldier that he was a man?" *Id.* at 33; see also Nixen, *supra* note 13, at 734 (linking the military's combat exclusions for women and Black men with its homosexual exclusion policy).

61. See *Assignment of Women*, *supra* note 33. In April 1993, Defense Secretary Les Aspin directed the military to narrow the job restrictions for women and implement Congress's repeal of a law that prohibited women from being assigned to combat aircraft. See *id.* But see *infra* note 63 (detailing Defense Secretary Aspin's directive that certain jobs would remain closed to women). To a certain extent, however, the low accession rate of female soldiers nullifies the impact of the narrowing of the combat exclusion: "No matter how many military positions are 'open to women,' unless the services' accessions policies contemplate actually placing



most likely to entail "ground combat"<sup>62</sup>) are considered to be the most "macho,"<sup>63</sup> and are the most necessary for promotions to leadership positions within the armed services.<sup>64</sup> As one scholar puts it, "if women are powerful, what does it mean to be a man?"<sup>65</sup>

In military culture, masculinity is defined by what is not feminine:<sup>66</sup> "In the hierarchical and rigorously competitive society

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women in some substantial portion of those positions, military occupations will not become substantially integrated, and resultant change in military gender and sexual culture will thereby be limited." Morris, *supra* note 16, at 739. For the most part, all of the armed services plan to meet their minimum quotas for women, but not to exceed them; these minimums range from 6% to 20%. See *id.* at 740.

62. "Direct ground combat" is defined as follows:

[E]ngaging an enemy on the ground with individual or crew served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with the hostile force's personnel. Direct combat takes place well forward on the battlefield while locating and closing with the enemy to defeat them by fire, maneuver, or shock effect.

Secretary of Defense, *Direct Ground Combat Definition and Assignment Rule*, Jan. 13, 1994, (visited Apr. 13, 1998) <<http://www.chinfo.navy.mil/navpalib/people/women/memo0113.txt>> [hereinafter *Direct Ground Combat*].

63. See FRANCKE, *supra* note 11, at 153 (stating that men who have proven themselves in combat are "the models for military masculinity"); Morris, *supra* note 16, at 738 (stating that ground combat and other combat positions reserved for men are "arguably the very positions that have been considered the prototypical military positions, perhaps the most 'macho' ones").

In an April 1993 memo, Defense Secretary Aspin narrowed the combat exclusion, but also directed that some types of jobs would remain restricted: "Exceptions to the general policy of opening assignments to women shall include units engaged in direct combat on the ground, assignments where physical requirements are prohibitive and assignments where the costs of appropriate berthing and privacy arrangements are prohibitive." *Assignment of Women*, *supra* note 33. He also stated that "[t]he services may propose additional exceptions, together with the justification for such exceptions, as they deem appropriate." *Id.* In another memorandum almost a year later, Secretary Aspin further directed that, effective October 1, 1994, a "direct combat assignment rule" for military women would be implemented. *Direct Ground Combat*, *supra* note 62. According to this rule, "women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground." *Id.*

In the Navy, women are not allowed to serve on submarines, mine hunter ships, mine countermeasure ships, nor coastal patrol ships. See *Women in the Navy*, *supra* note 58. In the Navy, about 94% of positions are open to women; in the Air Force, about 99% of positions are open to women; in the Army, 67% of positions are open to women; and the Marines come in last with only 62% of positions being open to women. See *Background Briefing*, *supra* note 33.

64. See Juliana Gruenwald, *Sexual Harassment Cases Prompt Congress to Review Military Gender Integration*, PORTLAND OREGONIAN, Aug. 26, 1997, at A10. Gruenwald explains that in the "warrior culture" of the military, "the path to promotion [for military officers] leads through combat. Pilots control the Air Force; seagoing officers lead the Navy; combat veterans command the Army and Marines." *Id.* See also *supra* notes 57-63 (discussing positions in the military from which women are still excluded).

65. Karst, *supra* note 15, at 544.

66. This phenomenon is reflected in other segments of society. For example, during the early 19th century, the newly emerging group of working class men

of other boys, one categorical imperative outranks all the others: don't be a girl. Femininity is a 'negative identity.'<sup>67</sup> Thus, women can never achieve military manhood. Indeed, military women charge that they are often viewed by their male colleagues as either prostitutes or lesbians, neither of whom are considered to qualify as soldiers.<sup>68</sup>

The need to be distinct from the female, to show that one is *not* a woman, pervades military culture. During basic training, soldiers-in-training are often denigrated by being called "ladies," "girls," and "women,"<sup>69</sup> until they demonstrate sufficient success (read "masculinity") by properly conforming to desired military behaviors.<sup>70</sup> Because of the combat exclusion and women's low representation in the armed services, women are easily isolated, so that most male soldiers are still likely to experience the military as a homosocial institution in many crucial respects.<sup>71</sup> Despite this

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supported the total exclusion of women from the public sphere: "It was as if workplace manhood could only be retained if the workplace had only men in it." KIMMEL, *supra* note 19, at 32.

67. Karst, *supra* note 15, 503-04 (footnote omitted).

68. See SHILTS, *supra* note 13, at 354-55. As one woman put it, after she was "acquitted" of being a lesbian during a court-martial stemming from a lesbian purge of a Navy ship, "The guys think there are only two types of females in the Navy . . . You're either there to serve the men—you're a whore—or else you are a queer." *Id.* (quoting Tangela Gaskins). See also Michelle M. Benecke & Kirsten S. Dodge, *Military Women in Nontraditional Fields: Casualties of the Armed Forces' War on Homosexuals*, Recent Development, 13 HARV. WOMEN'S L.J. 215, 232 (1990). Benecke and Dodge quote a Marine captain as saying: "I thank God every day that I'm a male Marine in this male Marine Corps . . . If a woman Marine is a little too friendly, she's a slut. If she doesn't smile at all, she's a dyke." *Id.*

Treating female soldiers as "government issue pussy" (as they are sometimes referred to) is a way "to retain, even in the face of female military participation, the position of females as the 'other' and the definition of the 'real military' as masculine and manly." Morris, *supra* note 16, at 718.

69. This type of labeling is frequently accompanied by homophobic language as well. See, e.g., SHILTS, *supra* note 13, at 132-34 (recounting the experiences of Gilbert Baker in boot camp).

70. See, e.g., Eisenhart, *supra* note 37, at 17. "The U.S. military, in fact long has trained its warriors partly by denigrating women. Recruits who cannot keep up or who show weakness are called 'girls' or worse. Cadence chants are rich in sexual bravado." Gruenwald, *supra* note 64, at A10.

71. See Morris, *supra* note 16, at 742-44. The Marines segregate recruits by sex during basic training, and in the Army and the Navy, the majority of basic training units are male only. See *id.* at 742-43. This segregation of female recruits during basic training, the most intensive period of socialization into military culture, enhances the likelihood that women will be "viewed by male recruits (and perhaps even by female recruits themselves) as marginal or peripheral to military life." *Id.* at 743.

Despite this likelihood, in December 1997, a Federal Advisory Committee on Gender-Integrated Training and Related Issues appointed by Defense Secretary William Cohen issued a report recommending that all branches of the armed services put women in segregated training units during the initial basic training

fact, the very presence of women, slight as it is, continues to result in charges that the military has gone "soft" and is losing its discipline,<sup>72</sup> or that the military's "combat readiness" has been dimin-

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period. See REPORT OF THE FEDERAL ADVISORY COMMITTEE ON GENDER-INTEGRATED TRAINING AND RELATED ISSUES TO THE SECRETARY OF DEFENSE, Dec. 16, 1997 (visited Feb. 27, 1998) <<http://www.defenselink.mil/pubs/git/report.html>>, at 10-12. The Committee did so, even though it recognized that "only a minority of male recruits routinely train with females in basic training" at present. *Id.* at 3. The Committee arrived at this recommendation in part because of crude "no talk, no touch" policies implemented by trainers in sex-integrated units, who are apparently unwilling or unable to come up with more sophisticated measures to prevent sexual harassment among recruits. See *id.* at 11; see also Diane H. Mazur, *The Beginning of the End for Women in the Military*, 48 FLA. L. REV. 461 (1996) (criticizing the Army's sexual harassment policies as too restrictive of women's freedom and paternalistic, while lacking real commitment to preventing sexual harassment). According to retired Navy Captain Rosemary Mariner, a professor of military strategy at the National War College, a solution that increases the sex segregation in the military will only lead to further inequality between male and female recruits: "[Y]ou can never get away from the fact that, in a hierarchy like the military, separate is viewed as inherently unequal. And we get back to having the girls' auxiliaries, where we have all female units." *Not a Good Idea* (National Public Radio All Things Considered broadcast, Dec. 16, 1997); see also Dana Priest, *Civilian Committee on Military Favors Separate Female Training*, WASH. POST., Dec. 16, 1997, at A1.

Cohen appointed the Committee in June 1997, see Mary Leonard, *Report Is Grist for Foes of Coed Military Training*, MINNEAPOLIS STAR TRIB., Dec. 28, 1997, at 17A, shortly after U.S. House Representative Roscoe Bartlett withdrew a proposed bill that would have required segregation of the sexes in the military. See *Bartlett Withdraws Military Training Segregation Bill*, FEMINIST NEWS, June 6, 1997 (visited Mar. 3, 1998) <<http://www.feminist.org/news/newsbyte/June97/0606.html>>. Apparently, Secretary Cohen appointed the Committee hoping that it would provide support for integration policies; ironically, however, it has provided further support for those who criticize the expansion of women's roles in the military. See Leonard, *supra*, at 17A. The Committee's recommendation that all of the armed services should follow a policy similar to that of the Marines' policy of sex segregation is somewhat puzzling as the Marines have the highest rate of sexual harassment complaints. See Lisa D. Bastian et al., DEPARTMENT OF DEFENSE 1995 SEXUAL HARASSMENT SURVEY, EXECUTIVE SUMMARY, Dec. 1996 (visited Feb. 27, 1998) <<http://dticaw/dtic.mil/prhome/sexharr.html>>, at 2 (reporting that the Marines had the highest percentage of women reporting one or more incidents of unwanted and uninvited sexual attention, at 64%, with the Army a close second at 61%).

72. One commentator calls the roughly 14% presence of women in the military an "astounding level" of sex integration. See Woody West, *Can We Emascuate the Military Culture?*, INSIGHT MAG., Dec. 30, 1996, at 48. He also calls soldiering "perhaps the quintessential masculine activity in history," and states that in order to carry sexual integration (at this "astounding level") to its "logical conclusion," military culture "must be emasculated." *Id.*; see also Kate O'Beirne, *Bread and Circuses*, NAT'L REV., Nov. 24, 1997, at 24 (asserting that "women have little interest in fighting wars . . . Yet it is to accommodate these uninterested women that the leadership has diluted the martial ethic, thereby making the armed forces less attractive to young men") (emphasis added); Paul Richter, *Have '90s Boot Camps Gone Soft? Kinder, Gentler Service Cultivates Brains, Not Brawn*, SACRAMENTO BEE, Oct. 26, 1997, at A9 (stating that "the military is stripping away the sharp edges and hard knocks from this fabled test of manhood [boot camp]").

ished.<sup>73</sup> Furthermore, while use of blatantly sexist rhetoric in basic training may have diminished during the past two decades, it continues and, more importantly, the anti-female attitudes that underlie this rhetoric also continue to be manifest in military culture.<sup>74</sup>

Finally, the "Military Man" construct is also highly heterosexual. In fact, the undesirability of being a woman is intimately connected to the undesirability of being homosexual.<sup>75</sup> As one researcher notes:

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73. See generally BRIAN MITCHELL, *FLIRTING WITH DISASTER* (1998); BRIAN MITCHELL, *THE WEAK LINK: THE FEMINIZATION OF THE MILITARY* (1989). Both of these books are diatribes against the presence of women in the military.

Critics of sex integration in the military often premise charges that the military has gone "soft" on the notion that the narrowing of the combat exclusion has allowed women to be placed in jobs for which they are not physically qualified. For example, one journalist observes that some critics of sex integration in the military believe that the Army has developed a "lax attitude" towards basic training, and "in its eagerness to accommodate women . . . has gotten into a dangerous habit of fudging questions of physical differences." Paul Richter, *Army Gets Physical Education on Gender Differences*, BUFFALO NEWS, Oct. 26, 1997, at H1.

74. For example, military men sometimes use the phrase "Suzy Rottencrotch" to refer to women. See Morris, *supra* note 16, at 710-11 (describing a "Suzy Rottencrotch" story used by a Marine drill instructor during a lecture on hand and arm signals in 1982). In a 1993 interview, Morris asked a female Marine drill instructor if she had ever heard this phrase. She had not, but her male counterpart replied that the phrase was still in use, though "not officially." *Id.* Morris observes that defining women as "Suzy Rottencrotches" serves to convey the attitude that "a Marine's only relationship to women is the pursuit and acquisition of sex—a relationship that both casts the Marine as promiscuous and women as prey." *Id.* at 711.

Francke quotes a drill sergeant describing how, in 1992, an Army unit in Georgia reacted angrily to attempts to use non-sexist cadence calls during marches: "The men shouted down the guy calling the politically correct cadence. It got ugly . . . . They wanted to hear how the man is masculine over the woman and that's what we sung to them . . . . The response was tremendous . . . . It got results." FRANCKE, *supra* note 11, at 163.

75. Homosexuality and female-ness are linked in several respects. First, homosexual men are generally perceived as more feminine than heterosexual men. According to Kimmel, by the early 1900s, "the association between masculinity and heterosexuality was now firmly embedded in public perception." KIMMEL, *supra* note 19, at 100.

Second, the homosexual exclusion policy is also an effective tool for eliminating and controlling military women. For example, the discharge rate for women because of homosexuality is disproportionately higher than the rate for men. See SHILTS, *supra* note 13, at 5 (stating that exclusion rate of women is twice as high as rate for men in the Navy, and seven times higher in the Marines); Dana M. Britton & Christine L. Williams, "Don't Ask, Don't Tell, Don't Pursue": *Military Policy and the Construction of Heterosexual Masculinity*, 30 J. OF HOMOSEXUALITY 1, 16 (1995) (observing that women are almost three times more likely than men to be prosecuted and discharged for homosexuality; are more often convicted of sex crimes than men; and more frequently serve prison sentences for being homosexual).

For both men and women, the story of gays in the military is a story about manhood. For generations, after all, the military has been an institution that has promised to do one thing, if nothing else, and that is to take a boy and make him a man.<sup>76</sup>

The rhetoric of basic training employs sexist and homophobic language almost interchangeably,<sup>77</sup> thereby indoctrinating recruits into a culture that associates both male-ness and heterosexuality with superiority. Recruits are called names like "faggot," "queer,"<sup>78</sup> and "sissy," and march to folk rhymes and cadences<sup>79</sup> that negatively reinforce the supremacy of male heterosexuality.<sup>80</sup>

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Third, the exclusion policy serves to enforce traditional gender roles and to inhibit the ability of military women to break into traditionally male jobs. As Britton and Williams note, "while a man who succeeds in the military *negates* the stereotype of a homosexual man, a woman who succeeds *confirms* the stereotype of a lesbian." Britton & Williams, *supra*, at 16; see also Benecke & Dodge, *supra* note 68, at 222, 233 (stating that women who are most often targeted by lesbian witch-hunts in the military are women who are "competent, assertive, and athletic," and who work in non-traditional fields within the military (i.e., "non-feminine" women)); SHILTS, *supra* note 13, at 338-39, 418 (describing lesbian "witchhunts" on two Naval ships which were among the first to allow women on board as members of the crew).

The military's homosexual exclusion policy also provides an effective sexual harassment tool to male soldiers. The Service Members' Legal Defense Network recently reported that women who reject sexual advances from military men or report sexual harassment are likely to be accused of being lesbian. Some women reported giving in to such sexual demands to avoid being labeled as lesbian. See *Number of Gays Discharged From Military Rises*, FLA. TODAY, Feb. 27, 1997, at 5A [hereinafter *Number of Gays Discharged*]. Throughout his book, Shilts provides accounts of women who were labeled lesbians, sometimes accurately, sometimes not, and threatened with discharge because they refused to date male soldiers. See SHILTS, *supra* note 13, at 139-42, 317, 559.

76. SHILTS, *supra* note 13, at 5-6.

77. See *infra* notes 78-80 and accompanying text.

78. Eisenhart, *supra* note 37, at 17. He describes a scene where the officer in charge denigrated a group's masculinity, insulted homosexuals, and managed to affirm his own heterosexuality all in one sentence: "Unless you women get with the program, straighten out the queers, and grow some balls of your own, . . . your ass is mine and so is your mother's on visiting day." *Id.* This statement galvanized the recruits to almost beat another recruit to death (an alleged "queer"). See *id.*; see also FRANCKE, *supra* note 11, at 155 (documenting use of such language at training camps in the early 1990s).

79. See Susanna Trnka, *Living a Life of Sex and Danger: Women, Warfare, and Sex in Military Folk Rhymes*, 54 W. FOLKLORE, 232, 232 (1995). One interesting aspect of these rhymes and cadences for the purposes of this Article is that while they heterosexualize the military experience, they do so by de-humanizing women ("I don't know but I've been told, / Eskimo pussy's mighty cold"), and, at the same time, anthropomorphizing the military (through its weapons, vessels, even the acts of combat and killing) into female forms. Specifically, military planes and ships are named after women; one's gun is compared to a lover, and the act of killing is compared to sex. See *id.*; see also HAMAMOTO, *supra* note 34, at 163 (noting that, according to accounts from American soldiers who served in Vietnam during the war, "the very act of wielding a weapon is the ultimate expression of male power and sexuality, an experience . . . liken[ed] to a permanent erection"). Similarly, because of the way Asian women are de-humanized (as I describe below), sex with

Homosexuality has been officially deemed "incompatible with military service."<sup>81</sup> The military vigorously defends its right to legally ban homosexual service members and reserves the right to zealously eliminate (or "exclude") such people from its ranks.<sup>82</sup> Just as the combat exclusion makes clear that women are not truly compatible with military culture, the military's policy of excluding lesbian/bi/gay soldiers makes clear that homosexuality is antithetical to the "Military Man."

As the above demonstrates, the construction of the military masculine identity is largely based on the exclusion of others who are perceived to be "nonmale" in some crucial way.<sup>83</sup> Because this identity requires the juxtaposition of some other identity (e.g., female, gay male, Black male) in order to define itself, it cannot

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them symbolizes not just an exercise of heterosexual behavior, but also an affirmation of military culture and values.

80. See, e.g., FRANCKE, *supra* note 11, at 161-63 (quoting some of the cadence calls used to pump sexual aggression into men and make them feel superior to women); *supra* note 74 (describing the positive response of male soldiers to sexist cadences that emphasize male heterosexuality).

81. EXCLUSION, *supra* note 13, at 4. The military's homosexual exclusion policy is "but one of many ways that the military has institutionalized a preference for heterosexuals"; official military policy penalizes officers without dependent spouses in promotion determinations. Britton & Williams, *supra* note 75, at 11.

82. In the most recent example of such zealotry, a Navy investigator violated the 1986 Electronic Communications Privacy Act in an attempt to obtain information from America On-Line about a Navy officer who was suspected of being gay. A U.S. district court judge found that the Navy had "embarked on a search and 'outing' mission" in violation of the "Don't Ask, Don't Tell" policy. *Judge Rules for Sailor Accused of Being Gay*, CHI. TRIB., Jan. 27, 1998, at 7. For accounts of Inquisition-type interrogations performed on service members suspected of homosexuality by military investigators, see SHILTS, *supra* note 13, at 80-82, 88-90, 124-28, 141-42, 161-62, 167-68.

Homosexual exclusion rates drop significantly during times when soldiers are needed, such as during wartime (belying the military's claims that homosexuals must be excluded for reasons of discipline, good order, and morale). See SHILTS, *supra* note 13, at 63-65, 70 (noting that as more soldiers were needed to fight in Vietnam, the military began requiring self-proclaimed homosexuals to prove that they were homosexual, and suggesting that Black gay men were less likely to be excluded for homosexuality during the Vietnam war because of racism).

83. See, e.g., FRANCKE, *supra* note 11, at 158 & n.31 (describing a study that showed boys on Little League teams "prove[d] their budding heterosexual identities" by using sexist, homophobic, and racist language about girls and other boys not in the group); KIMMEL, *supra* note 19, at 44 (noting that exclusion of others is a dominant theme in the history of American masculinity); EXCLUSION, *supra* note 13, at 169-70 (noting that distinguishing a sub-group of soldiers as some kind of "other" (e.g., as fat, gay or drug users) is a way for the larger group to reaffirm its identity as "real soldiers"); Benecke & Dodge, *supra* note 68, at 217-21 (discussing the link between discrimination against women in the military with discrimination between gays and lesbians); Morris, *supra* note 16, at 716-17 ("The masculinity that is definitive of the military in-group is, not surprisingly, defined in *contrast* to the 'other' . . . . An unmistakable hostility is directed toward this other.").

stand alone.<sup>84</sup> It is an inherently unstable identity and requires vigilant policing.<sup>85</sup> In this way, it is also an inherently oppressive identity, not only to those used as the "others" to negatively define the "Military Man," but also to those who appear to fit the bill—those straight, white males. In developing this identity, military culture tries to establish that there are clear boundaries between who is "in" and who is "out,"—if you are a "man," then you are definitively *not* a "queer," or a "girl," or a "sissy," or a "boy" (i.e., Black), or a "gook." In reality, however, these boundaries are unclear<sup>86</sup> and cannot be consistently relied upon, leading such men to act in inappropriate or dysfunctional ways.<sup>87</sup> As one writer

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84. Kimmel describes the function served by non-white men, working class men, immigrant men, gay men and women as that of a screen against which "true" manhood has been constructed by the projections of men's fears about their masculinity; with the removal of this "screen," Kimmel suggests this construction has become incoherent. See KIMMEL, *supra* note 19, at 6, 280.

Together feminism, black liberation, and gay liberation provided a frontal assault on the traditional way that men had defined their manhood—against an other who was excluded from full humanity by being excluded from those places where men were real men. It was as if the screen against which American men had for generations projected their manhood had suddenly grown dark, and men were left to sort out the meaning of masculinity all by themselves.

*Id.* Hamamoto notes that Asian characters in television programs often fulfill this "screen"-like function *vis-à-vis* white characters, serving as "semantic markers that reflect upon and reveal telling aspects of the Euro-American characters alone." HAMAMOTO, *supra* note 34, at 206.

85. See BENEKE, *supra* note 16, at 43 (describing the need to prove one's manhood as a need that can never be fully satisfied, because doubts constantly resurface).

86. For example, a common initiation procedure on Navy ships called the "shellback ritual" involves men feigning anal sex with new male initiates, the pressing of new male initiates' faces into the groins of higher-ranking sailors, and ends with the new male initiates being stripped nude. SHILTS, *supra* note 13, at 400-02. These activities are not considered "gay," but are an accepted part of the male Navy experience. See *id.*

There is also an inherent tension between "gookism" and the presence of Asian Pacific Americans in the military. See Yoshimura, *supra* note 51, at 28-29 (describing the efforts of one Asian Pacific American soldier to get approval to marry a Vietnamese woman from his superior officers, who sought to discourage him by telling him he would regret the marriage after he returned to the United States and could see "round-eyed" white women again; and describing how this same soldier was "called a gook and was made to stand in front of his platoon as an example of 'what the enemy . . . looked like.'").

87. For example, the instability of these boundaries leads some men to sexually harass women under their command; to abuse and exploit prostitutes; to fear and hate lesbian/bi/gay people; to use racial epithets or view people of other races or ethnicities as inferior. See KIMMEL, *supra* note 19, at 330-31 (describing men's responses to civil rights activism by women, men of color, and immigrants as ranging from "angry resistance" to "defensive retreat," often accompanied by emphasis on male sexual prowess). One commentator suggests that sexism and masculinity have been a "catastrophe" for men because they hamper the ability of men

phrased it, "Men, taken as a whole, do not treat women very well, but they do not treat each other very well either."<sup>88</sup>

### III. "Oriental Ladies"—"Absolutely Delicious"<sup>89</sup>

Without myths of Asian women's compliant sexuality would many American men be able to sustain their own identities of themselves as manly enough to act as soldiers? Women who have come to work as prostitutes around American bases in Asia tell us how a militarized masculinity is constructed and reconstructed in smoky bars and in sparsely furnished board- inghouses.<sup>90</sup>

Asian Pacific women are, in essence, stereotyped to be every- thing the "Military Man" is not. If military men represent "ultra men," then Asian Pacific women represent "ultra women." Thus, they are polar opposites, with one fundamental exception—both are highly heterosexualized. This commonality, however, is key to the military masculine identity because it allows a particular jux- taposition of "feminine" and "masculine" that exposes the core of militarism.<sup>91</sup> At this core, the military reveals itself to be

an institution [that] has deliberately made itself addicted to a peculiar sort of heterosexual, male power. This institutional addiction is fed by concrete decisions—honing sexist and anti- gay drill-sergeant training techniques, *making foreign women available to male soldiers as prostitutes*, defining "combat" as an exclusively masculine activity, converting hotel-corridor

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to acknowledge how their own lives have been limited by sexism. BENEKE, *supra* note 16, at xii. He also notes that homophobia limits the ability of straight men to live full lives because of the effort required to ensure that they appear sufficiently masculine and thus not gay. *See id.* at 154-55; *see also* KIMMEL, *supra* note 19, at 333-34.

88. BENEKE, *supra* note 16, at 189.

89. LARRY ENGELMANN, *TEARS BEFORE THE RAIN: AN ORAL HISTORY OF THE FALL OF SOUTH VIETNAM* 116-117 (1990) (oral history of Clinton J. Harriman, Jr.). One Vietnam veteran reported that the offices of the Military Sealift Command (MSC) were "full of these absolutely delicious young Vietnamese girls who worked [there]. And they didn't want to stay, because anybody who worked for the Americans, they were going to get fucked without getting kissed." *Id.*

This description of Vietnamese women as "absolutely delicious" ties in neatly to the "fit for human consumption" label attached to the permit cards that Filipinas who worked as prostitutes were required to obtain when the Navy operated bases in the Philippines. *See infra* text accompanying notes 145-154.

90. Cynthia Enloe, *It Takes Two*, in *LET THE GOOD TIMES ROLL*, *supra* note 3, at 23 [hereinafter *It Takes Two*].

91. This core was also manifested in the gang-raping of female Vietnamese ci- vilians by American servicemen during the Vietnam War. Peter Arnett, Associ- ated Press correspondent in Vietnam for eight years, stated in an interview that he believed that "the juxtaposition of fragile, small-boned Vietnamese women against tall, strong American men created an exaggerated masculine-feminine dy- namic that lent itself readily to rape." SUSAN BROWNMILLER, *AGAINST OUR WILL* 98 (1975).



gauntlets into "natural" bonding terrains for aircraft carrier pilots.<sup>92</sup>

The highly heterosexualized components of these two identities realize this juxtaposition through a sexual connection, often occurring in a context of colonialistic prostitution.<sup>93</sup> This connection is crucial to the identity of the "Military Man" because it links him to his strongest oppositional "other"—the archetypal Asian Pacific woman—in a way that reinforces and emphasizes his paramount dominance. This connection serves as a crucial conduit by which the "Military Man" enforces/proves his masculinity, literally within and against the context of the Asian Pacific woman's ultra-femininity.<sup>94</sup> Thus, the act of prostituted sex is an act of both definition and domination for the "Military Man." To understand how this definition is achieved, it is helpful to first examine the components of the Asian Pacific woman archetype.

#### A. *De/Constructing the Asian Pacific Woman*

Asian Pacific women are usually depicted as the ideal counterpoint/counterpart to the Western white male.<sup>95</sup> This depiction is based on stereotypes that simultaneously emphasize race, culture and sex, linking them to create a purely (hetero)sexual persona with overtones of cultural inferiority and inherent, natural subordination.<sup>96</sup> In short, the Asian Pacific woman is the "exotic

92. Cynthia Enloe, *The Masculine Mystique*, 58 PROGRESSIVE 24, 24-26 (Jan. 1994) (emphasis added). The phrase regarding the "hotel-corridor gauntlets" refers to the sexual harassment that took place during the Tailhook convention, which resulted in a huge scandal for the Air Force and the military in general. See TAILSPIN, *supra* note 7.

93. Stereotypes of people of color in general (not just Asians) often link race with notions of sexuality. HAMAMOTO, *supra* note 34, at 9-10.

94. For instance, in *The World of Suzie Wong* (a movie about a white American man who falls in love with and domesticates a Hong Kong prostitute, defining her identity in the process as well as his own), "[t]heir sexual union does not blur but, rather, shores up differences that might otherwise threaten Western patriarchal power." GENA MARCHETTI, ROMANCE AND THE "YELLOW PERIL" 121-22 (1993).

95. See HAMAMOTO, *supra* note 34, at 244-46 (discussing what he calls "Connie Chung syndrome"). According to Hamamoto, Connie Chung's success set off a boom in the popularity of female Asian Pacific American newscasters, but failed to open similar doors for Asian Pacific men. He attributes this phenomenon to "a sexual politics that harks back to the era of European imperialism continuing through to the more recent U.S. wars of conquest in Asia." *Id.* at 246. "Once subdued and wrested from her male defenders, the fantasy-ideal of the Asian woman can then take her rightful place at the side of the Euro-American conqueror as war bride, as mail-order wife, as whore, as TV news anchor." *Id.*

96. In a similar vein, "converging racial and gender stereotypes of APA [Asian Pacific American] women" cause female Asian Pacific American victims of sexual harassment to experience a particular set of injuries, due to the "unique complex of power relations that APA women experience in the workplace." Sumi K. Cho,

erotic"<sup>97</sup> whose purpose is to serve, support and sacrifice for the man at the center of her universe.<sup>98</sup>

Asian Pacific women tend to be stereotyped in two main ways: as either "duplicitous 'dragon ladies'"<sup>99</sup> or "Lotus Blossom Babies"; the latter includes such images as the China Doll, Geisha Girl, and the "pretty prostitute[ ] performing hara-kiri for [her] white lord."<sup>100</sup> Generally, the latter image (Asian woman as "sexual-romantic object") is the most prominent one.<sup>101</sup> In this version of the stereotype, Asian Pacific women are "for the most part, passive figures who exist to serve men."<sup>102</sup> In addition, this stereotype embodies extreme notions of patriarchal femininity:<sup>103</sup> "These 'Oriental Flowers' are utterly feminine, delicate, and welcome respites from their often loud, independent American counterparts."<sup>104</sup> One sees this image particularly in mail-order bride

*Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzy Wong*, 1 J. OF GENDER, RACE & JUST. 177, 181 (1997).

97. Because prostitutes are frequently stereotyped as sexually wanton, adding the component of race (if different from the john's) or "foreignness" may compound this stereotype, creating an image of "exotic eroticism." CASTING STONES, *supra* note 4, at 179.

98. See, e.g., GIACOMO PUCCINI, MADAME BUTTERFLY (1904) (perhaps the quintessential illustration of this stereotype).

99. Mary Suh, *The Many Sins of Miss Saigon*, MS., Nov./Dec. 1990, at 63.

100. *Id.*; see Renee E. Tajima, *Lotus Blossoms Don't Bleed: Images of Asian Women*, in MAKING WAVES 308, 309 (1989). Tajima argues that there are two basic types of film images of Asian women: "the Lotus Blossom Baby (a.k.a. China Doll, Geisha Girl, shy Polynesian beauty) [which is the prominent type], and the Dragon Lady (Fu Manchu's various female relations, prostitutes, devious madames)." *Id.*

One writer describes the reactions of "Washington's select community of largely male Asia experts and foreign policy sages" to Corazon Aquino's successful bid for the leadership of the Philippines as rooted in these two types of stereotypes:

Imelda Marcos—ah—the original dragon lady, the villain of the islands, the true bitch . . . Imelda was the woman with power, not [Corazon Aquino] . . . [She] is an incompetent. . . . [S]he belongs to that other category of Asian women, the sweet passive creatures who make the best wives and mothers in the world.

Elizabeth Becker, *Geishas, Dragon Ladies*, THE NEW REPUBLIC, Mar. 24, 1986, at 10. See Jessica Hagedorn, *Asian Women in Film: No Joy, No Luck*, MS., Jan./Feb. 1994, at 74 ("And if we are not silent, suffering doormats, we are demonized dragon ladies—cunning, deceitful, sexual provocateurs.").

101. Tajima, *supra* note 100, at 309.

102. *Id.*

103. One recent example of this image is the character of Mui in the 1993 film *The Scent of Green Papaya*. "Mui is a male fantasy: she is a devoted servant, enduring acts of cruel mischief with patience and dignity; as an adult, she barely speaks. She scrubs floors, shines shoes, and cooks with loving care and never a complaint." Hagedorn, *supra* note 100, at 77.

104. Tajima, *supra* note 100, at 309; see MARCHETTI, *supra* note 94, at 115-16 (describing two films in which Asian women are depicted as the domestic, feminine ideal which other women should strive to achieve). This stereotype of Asian Pacific women serves a "model minority" function in that it is used to "discipline"

literature, and among mail-order bride customers.<sup>105</sup> In a discussion of Asian images in the media, Darrell Hamamoto describes the character of Soon-Lee in the television series *AfterMash*.<sup>106</sup> Soon-Lee represents the "now familiar social type" of the Asian War Bride.<sup>107</sup> She is

the ideal companion or wife for white American males who prefer "traditional" women . . . . In recent years . . . any number of "dating" and marriage services [have appeared] that promise to deliver compliant overseas Asian women to men in search of alternatives to native-born Americans who might have been exposed to the virus of feminism.<sup>108</sup>

Whether she is an "Oriental flower" or a "dragon lady," however, the stereotypical Asian woman's existence is completely male-centered. The Asian woman is either serving and pleasing her (white) man, as with the geisha girl image; or she is in cahoots with him (in this case, usually an Asian man) in some diabolical plot, often while manipulating him for her own needs, as in the "dragon lady" image.<sup>109</sup>

Furthermore, both types of images incorporate a highly (hetero)sexualized element, or "variations on the exotic erotic."<sup>110</sup>

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non-Asian Pacific women, just as the "model minority" myth is often used against members of other racial groups (particularly African Americans) to suggest that any lack of social or economic progress is largely their own fault. See Cho, *supra* note 96, at 192.

105. See generally Eddy Meng, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J.L. REFORM 197 (1994) (providing an overview of the international mail-order bride industry as it affects Asian Pacific women, and criticizing the lack of legal protection available for women who come to the United States under such circumstances). One owner of an Asian bride business reportedly told his clients that many Asian Pacific women are raised to be servants to men, and that they "derive [their] basic satisfaction from serving and pleasing [their] husband[s]." Venny Villapando, *The Business of Selling Mail-Order Brides*, in MAKING WAVES 308, 324 (1989) (quoting John Broussard, co-owner of Rainbow Ridge Consultants, a highly successful Asian bride company in Hawaii). Another business touted its "products" as "docile, exotic and available as bed partners and domestic help at the same time." Kathleen Callo, *Philippine Mail-Order Brides are Booming Export*, REUTER LIBR. REP., Sept. 23, 1987, available in LEXIS, News Library, Reuwlid File.

106. See HAMAMOTO, *supra* note 34, at 25-26.

107. *Id.*

108. *Id.*

109. "Marked by the highest forms of corruption, the most virulent strains of callousness and cynicism, they are given credit for the worst in dictatorial regimes . . . . Their husbands or fathers or brothers-in-law are . . . creatures to be pitied, caught in the grasps of the formidable dragon ladies." Becker, *supra* note 100, at 10.

110. Hagedorn, *supra* note 100, at 74. One mail-order bride agency proclaims that "passionate lovemaking [is] guaranteed." Meng, *supra* note 105, at 207 n.66 (citing DELIA D. AGUILAR, *THE FEMINIST CHALLENGE: INITIAL WORKING PRINCIPLES TOWARD RECONCEPTUALIZING THE FEMINIST MOVEMENT IN THE PHILIPPINES* 8 (1988)).

"Bad" Asian women are "sexual provocateurs"; "good" Asian women are "childlike, submissive, silent, and eager for sex"<sup>111</sup>—with men. The Asian Pacific woman is as male-centered in her sexual preference as she is in the other aspects of her existence, so that she becomes the ultra-heterosexual representation of female sexuality. In the eyes of the white Western world, her "social existence is subsumed by her [hetero]sexual being."<sup>112</sup> In short, the stereotype of the Asian woman is built around the presence of a man—whether she is serving him, seducing him, loving him or simply part of the context in which he acts, the key ingredient is the man, especially a white, Western man.<sup>113</sup>

Finally, one of the most telling aspects of the Asian woman stereotype for the purposes of this Article is that she is often depicted as a "spoil [ ] of the last three wars fought in Asia."<sup>114</sup> As one

111. Hagedorn, *supra* note 100, at 74. Another common characteristic of Asian women stereotypes is invisibility. See Tajima, *supra* note 100, at 314. Tajima notes that Asian women's roles in movies tend to be few and supporting parts at that; otherwise, Asian women are simply absent, or they "paper the walls." *Id.* at 314. Hagedorn also notes this wallpaper phenomenon: "In Hollywood vehicles, . . . [Asian women] exist to provide sex, color, and texture in what is essentially a white man's world." Hagedorn, *supra* note 100, at 78.

One can see this invisibility at work in the legal realm as well. Some scholars have criticized the "cultural defense" (which has been successfully used by Asian male defendants to persuade courts to mitigate their sentences for raping, beating and killing Asian women) for rendering the female Asian victims invisible. Leti Volpp, *(Mis)Identifying Culture: Asian Women and the "Cultural Defense,"* 17 HARV. WOMEN'S L.J. 57, 57-60 (1994).

112. HAMAMOTO, *supra* note 34, at 146.

113. See Cho, *supra* note 96, at 191. As one writer phrased it in a 1990 *Gentlemen's Quarterly* article, Asian Pacific women represent the "great western male fantasy":

When you get home from another hard day on the planet, she comes into existence, removes your clothes, bathes you and walks naked on your back to relax you . . . . She's fun you see, and so uncomplicated. She doesn't go to assertiveness-training classes, insist on being treated like a person, fret about career moves, wield her orgasm as a non-negotiable demand . . . .

*Id.*

114. Tajima, *supra* note 100, at 309. Two well-known examples are the famous Miss Saigon, and also the rape/murder victim in *Casualties of War*. See Suh, *supra* note 99, at 63 ("[A] Vietnamese teenager is kidnapped, raped, and stabbed to death by U.S. soldiers . . . but we learn nothing about the woman . . . . Human thought, human agony, belong to the GI played by Michael J. Fox."). This movie was based on an actual incident that took place during the Vietnam War. For a disturbing description of the actual crime, see BROWNMILLER, *supra* note 91, at 101-03. Interestingly enough, the "manhood" of the soldier who witnessed the crime and reported it was questioned by the defense during the court-martials for the four other soldiers who committed the gang rape and murder. See *id.*

In addition, many of the Asian countries that serve as "suppliers" of women for mail-order bride businesses have a history of involvement with the U.S. military. See Villapando, *supra* note 105, at 324. These countries are Korea, the Philippines, Thailand and other countries in Southeast Asia. See *id.*

Asian Pacific American scholar explains:

Because of several wars between the United States and Asian countries and the subsequent military occupation centers, American G.I.s have extensive experience with Asian prostitutes. Even though many kinds of Asian women inhabit the world around military bases, the stereotype is pervasive that all young Asian women are prostitutes, and that stereotype is projected even onto Asian Americans.<sup>115</sup>

Deconstructing the stereotypes of Asian Pacific women provides a better understanding of the extent to which stereotypes of Asian women are intimately linked to the "Military Man," for this deconstruction reveals that in a real sense, as the above quotation exemplifies, these stereotypes are the constructions of military men.<sup>116</sup> Soldiers' experiences with Asian Pacific women as prostitutes both generate and reinforce these stereotypes. In turn, these stereotypes facilitate the perpetuation of systems of military prostitution around U.S. bases in the Asian Pacific because the military is accustomed to viewing the local women as prostitutes. The existence of these systems, however, also demonstrates that the military is accustomed to viewing its soldiers as men who use prostitutes. These systems reveal that the process of construction is not uni-dimensional: at the same time that military culture constructs Asian Pacific women as prostitutes, it also constructs its soldiers in the image of the "Military Man." As I demonstrate below, these two constructions are necessarily interdependent.

### *B. Power, Sex and Prostitution*

*"If power is sexy, sex is also power. When men fear women and seek to dominate them, one reason is that they have learned to identify male sexuality with conquest."*<sup>117</sup>

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115. CASTING STONES, *supra* note 4, at 325; see Villapando, *supra* note 105, at 324-25 ("During their stays, the soldiers have often developed strong perceptions of Asian women as prostitutes, bar girls, and geishas. They erroneously conclude that Asian American women must fit those images, too.").

116. American servicemen continue to play an active role in perpetuating the image of Asian Pacific woman as a prostitute. See Margaret Gillerman & Robert Goodrich, *Police Link Raids, Illegal Immigration*, ST. LOUIS POST-DISPATCH, June 6, 1997, at 1A. Some American service men are suspected of playing a role in a growing "national prostitution circuit" involving Korean women. *Id.* The servicemen are paid to marry the Korean women, then abandon them upon returning to the United States. See *id.* The women are forced to turn to prostitution to pay back those who made the arrangements. See *id.*

117. Karst, *supra* note 15, at 504.

An examination of the prostitution around U.S. bases in the Asian Pacific and the way the soldier/prostitute relationships are constructed is helpful at this point in at least two ways. First, it allows us to see how the Asian Pacific woman and "Military Man" archetypes function together, in a context where the archetypal qualities of each construct are likely to be most apparent. Second, such systems of prostitution are examples of the dysfunctional social policy that results from the "Military Man" construct and the culture that has evolved to sustain it. Thus, the following section will provide a brief overview of the historical connection between prostitution and the U.S. military in this century.<sup>118</sup> Next, the Article will focus on prostitution around U.S. bases in the Asian Pacific in particular.<sup>119</sup> Finally, the Article will briefly highlight how the colonialistic context of prostitution around U.S. bases in the Asian Pacific exacerbates the cultural dynamics already reflected in military prostitution.<sup>120</sup>

### 1. "A Dirty Racket"<sup>121</sup>

Prostitution and the military have a long mutual history.<sup>122</sup> From the early 1900s until the United States' participation in World War I, the U.S. Army was undeniably connected to prostitution and brothels around its bases on the Mexico/U.S. border.<sup>123</sup> For example, Army officers on the U.S. side of the border required

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118. See *infra* text accompanying notes 121-135.

119. See *infra* text accompanying notes 136-191.

120. See *infra* text accompanying notes 192-203.

121. "As the State Health officer [for the North Carolina State Board of Health], I am convinced that the detrimental effect of prostitution is not confined to its production of venereal disease . . . . It should also be noted that commercialized prostitution: (1) Is a dirty racket . . . ." *Hearings on H.R. 2992 Before the Comm. on Military Affairs*, 70th Cong. 24 (1945) (letter from Carl V. Reynolds, M.D., in support of bill H.R. 2992, which proposed to extend the May Act (prohibiting prostitution in and around military and naval sites)).

122. See, e.g., LUJO BASSERMAN, *THE OLDEST PROFESSION: A HISTORY OF PROSTITUTION*, 92-94 (1967) (describing the use of prostituted women by medieval armies); CASTING STONES, *supra* note 4, at 6 [footnote omitted] ("Since prehistoric times soldiers have used women sexually, through rape, kidnapping, and slave brothels that followed armies. Today this version is found around American bases in Korea, Okinawa, Europe, and the United States."); *Texas Prostitution Sting Snags War Games Troops*, N.Y. TIMES, Apr. 22, 1997, at A3 (describing the arrest of seven military personnel during a prostitution sting in west Texas and southern New Mexico).

123. See ALLEN M. BRANDT, *NO MAGIC BULLET: A SOCIAL HISTORY OF VENEREAL DISEASE IN THE UNITED STATES SINCE 1880*, 53-56 (1985). This information is based on investigations by Raymond B. Fosdick (who was sent by then-Secretary of War Newton D. Baker to investigate the "lax moral environment" on the border), and Dr. M.J. Exner (who was sent to investigate border conditions by the YMCA). See *id.* at 53-54.

local prostitutes to be inspected once every two weeks or so by Army medical officers.<sup>124</sup> After each inspection, the women received certificates attesting to their sexual health.<sup>125</sup> Army officers of troops stationed in Mexico went even further by creating an Army-sponsored prostitution district.<sup>126</sup> Thus, the Army deliberately provided its soldiers with access to (hetero)sexual services, "on the assumption that it was necessary for the contentment and well-being of the men."<sup>127</sup>

During this same time period, a similar situation existed around U.S. military posts in the Philippines.<sup>128</sup> In 1902, every military post in the Philippines had brothels, and the women who worked there were required to undergo weekly VD inspections by military doctors.<sup>129</sup>

While such systems of regulated military prostitution may be more the norm than the exception,<sup>130</sup> such prostitution has not always had the blessing of the U.S. military.<sup>131</sup> In fact, earlier in this century, some military and government officials worked hard, albeit unsuccessfully, to stamp out prostitution around military bases for health and morality reasons.<sup>132</sup>

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124. See *id.* at 54.

125. An investigator described this system of regulation as nothing more than "an advertisement for the trade." *Id.* (quoting Raymond Fosdick).

126. See *id.*

127. *Id.* (quoting Dr. Exner).

128. Sandra Pollock Sturdevant & Brenda Stoltzfus, *Disparate Threads of the Whole: An Interpretive Essay*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 300, 303 (1992) [hereinafter *Disparate Threads of the Whole*].

129. See *id.*

130. The systematic regulation of prostitution by the military in Mexico, on the U.S.-Mexico border, and in the Philippines foreshadows the systems of military prostitution found in Asia in the modern day.

131. See BRANDT, *supra* note 123, at 52-95.

132. For a description of the efforts made by military and government officials to eradicate such prostitution during the first half of the century, beginning with the Progressive reformers in the 1910s, and inspired in part by the experiences of the military on the Mexican border, see generally BRANDT, *supra* note 123. Brandt writes: "Long before the first Americans embarked on their mission 'to make the world safe for democracy,' the U.S. War Department undertook a major campaign to make the military camps in the United States safe for the soldiers—safe from the twin threats of immorality and venereal disease." *Id.* at 52. This campaign was part of a campaign by Progressive reformers to:

[D]efine a unified social order and common moral values . . . . What began as an attempt to save the health and efficiency of the American fighting man was eventually transformed into a comprehensive program to rid the nation of vice, immorality, and disease. This reform effort constituted one of the most fully articulated ventures in social engineering in American history.

*Id.*

In the end, however, the "traditional military attitude that men required sex to be good soldiers" could not be eradicated.<sup>133</sup> That attitude is readily apparent today in and around U.S. bases everywhere,<sup>134</sup> but particularly in Asia.<sup>135</sup>

## 2. The Rest and Recreation Racket

*The place where I spent many an evening when I could get away from the war was the Hung Dao Hotel, a three-story, dilapidated shack in . . . Saigon. [On t]he first floor . . . [the hotel's owners] had rolled about ten beds into it. The second floor was the kinkier stuff, so they had little rooms. That was also for officers or people who just wanted to fuck alone. The whores cooked and lived on the third floor . . .*

*There was one girl who was about twelve years old who was great. She was one of my favorites.*<sup>136</sup>

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*He [Navy Seaman Marcus Gill] said they cruised the streets [in the rental car] . . . looking for a woman to rape . . . . The sailor said [Marine Pfc. Rodrico] Harp spotted the girl going into a stationary store, and that [Marine Pfc. Kendrick] Ledet suggested ambushing her. Gill also said the two Marines bound the girl with tape, and pulled her shorts and underwear down to her ankles. . . . Gill said that after he raped the girl, Ledet asked, "How was she?" . . . then made a remark suggesting that the girl had enjoyed it.*

*Police later found a plastic bag in a trash can containing three pairs of bloodstained men's underwear, a notebook and duct tape.*<sup>137</sup>

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133. BRANDT, *supra* note 123, at 54.

134. See CASTING STONES, *supra* note 4, at 6; Ian Fisher, *Army's Adultery Rule Is Don't Get Caught*, N.Y. TIMES, May 17, 1997 at A2 (describing the common use of brothels by military men at the Texas-Mexico border and at other locations around the world in the present day).

135. See CASTING STONES, *supra* note 4, at 8-15 (describing some of the economic and cultural factors that may exacerbate the inherent inequalities of the sex industry for Asian sex workers). It should be noted that prostitution around military bases is just one aspect of the sex industry in Asian countries; other types of prostitution also exist, in which the U.S. military may have little or no complicity. See *id.* at 3.

136. BAKER, *supra* note 37, at 208-09 (excerpt from interview with a Vietnam veteran).

137. Braven Smillie, *Mothers of Two Marines Accused of Rape Ask for Change of Venue*, ASSOCIATED PRESS, Dec. 28, 1995, available in 1995 WL 4421111, at \*4 (describing the testimony presented on the last day of trial of the three U.S. servicemen for the gang rape of a twelve-year-old Okinawan girl).



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*I think it was absolutely stupid . . . I've said several times, for the price they paid to rent the car, they could have had a girl.*<sup>138</sup>

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Despite a history that includes efforts to promote celibacy among its soldiers, the U.S. military's policy on prostitution is fairly apparent.<sup>139</sup> As described above, U.S. military prostitution has existed in the Philippines since the turn of the century.<sup>140</sup> In addition, both the Korean and Vietnam wars contributed significantly to the proliferation of such prostitution.<sup>141</sup>

During the Vietnam War, the United States signed "Rest and Recreation" or "Rest and Recuperation" (R&R)<sup>142</sup> agreements with Thailand, Hong Kong and the Philippines, in which the governments of these countries agreed to provide R&R centers for U.S. military personnel.<sup>143</sup> As one researcher noted, "the connection between prostitution and the armed forces reached its zenith" with the establishment of large U.S. bases in Thailand and the Philippines.<sup>144</sup>

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138. Dana Priest, *Aircraft Trips by Admiral Investigated*, WASH. POST, Jan. 20, 1996, at A1 (quoting Admiral Richard C. Macke, former commander of all U.S. forces in the Pacific). Adm. Macke made this statement on November 17, 1995; within hours, he was forced to accept early retirement. See *id.*

139. "The bars, the strip, the brothels, hotels, and women's living space are right outside the gate of each base. So pervasive is this scene wherever the U.S. military is stationed, it is evident that it is the policy of the U.S. government to have it this way." *Disparate Threads of the Whole*, *supra* note 128, at 323.

140. See *supra* text accompanying notes 121-135.

141. See *infra* text accompanying notes 142-191.

142. This is also known as "Intoxication and Intercourse" (I&I) among military men. CASTING STONES, *supra* note 4, at 5.

143. See THANH-DAM TRUONG, SEX, MONEY AND MORALITY: PROSTITUTION AND TOURISM IN SOUTH-EAST ASIA 81-82 (1990). "The need for . . . [R&R] facilities has been and continues to be a major component of civilian and military policy formulated to ensure that support systems are in place for U.S. military personnel on duty outside the United States. Access to indigenous women's bodies has been recognized as a necessity." LET THE GOOD TIMES ROLL, *supra* note 3, at 305.

144. Caroline Dunn, *The Politics of Prostitution in Thailand and the Philippines: Policies and Practice*, Working Paper, Centre of Southeast Asian Studies 13 (1994). In just one Thai city (Udon), the demand for prostitutes grew by 600% in a period of about eight years (from 1966 to 1974) because of an R&R agreement. See *id.* Although the U.S. military cannot be blamed for introducing prostitution to Thailand, it "created an additional demand that extended the existing facilities to an unheard of scale, condoned by government and capitalized upon by local business interests." *Id.*

The case of the Philippines is particularly illustrative.<sup>145</sup> In the Philippines, prostitution is illegal and was illegal when the U.S. operated bases there.<sup>146</sup> The U.S. closed the last of its bases in the Philippines in 1992.<sup>147</sup> Prior to that time, however, in Olongapo City, for example (neighboring city to Subic Naval Base), there were approximately 9,000 women registered with the Social Hygiene Clinic (SHC) as "hospitality women," a euphemism for women who sell sexual labor,<sup>148</sup> and an estimated 6,000 to 8,000 more unregistered workers.<sup>149</sup> The SHC itself was a joint project of the Olongapo City Health Department, which provided the facilities and paid the employees, and the U.S. Navy, which provided medicine and technical assistance.<sup>150</sup> The system worked as fol-

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145. The systems for regulating prostitution in the Philippines and South Korea that I describe below are strikingly similar to the system that the military used in Mexico and at the Mexican border. See *supra* Part III.B.1 (describing the regulation of prostitution at the Mexican border in the early 1900s).

146. See Aida F. Santos, *Gathering the Dust: The Bases Issue in the Philippines*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 32, 39. Hence, euphemisms such as "entertainment," and "hospitality girl" are used. The latter term is supposed to convey the fact that "hospitality" is a unique racial trait of Filipinas. *Id.*

147. See Coronel & Rosca, *supra* note 4, at 15. Even after the bases were closed, however, reports indicate that the sex industry sprung up again in Angeles City near the former Clark Air Base. See Schirmer, *supra* note 3, at 43. Representatives from the Coalition Against Trafficking in Women-Asia and WEDPRO maintain that the area unofficially provides sex tours for U.S. Navy personnel in the region. See *id.*

148. See Sandra Sturdevant & Brenda Stoltzfus, *Olongapo: The Bar System*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 45, 45 [hereinafter *Olongapo: The Bar System*].

149. See *id.* The number of women selling sexual labor in Olongapo and Angeles City combined was estimated at 55,000, including both registered and unregistered workers, and not including child prostitutes. See Santos, *supra* note 146, at 37.

150. See *Olongapo: The Bar System*, *supra* note 148, at 45. In March 1993, two women who had worked in Olongapo and four Amerasian children filed a class action suit for child support and education costs on behalf of 8,600 Amerasian children left in Olongapo after the United States closed Subic Naval Base. See Coronel & Rosca, *supra* note 4, at 15; Elizabeth Kolby, *Moral Responsibility to Filipino Amerasians: Potential Immigration and Child Support Alternatives*, 2 ASIAN L.J. 61, 80-81 (1995); Robin S. Levi, *Legacies of War: The United States' Obligation Towards Amerasians*, 29 STAN. J. INT'L L. 459, 498 (1993). The suit alleged that a *de facto* contract existed between the women and the Navy because of the funding the Navy provided to the SHC. See Coronel & Rosca, *supra* note 4, at 15; Kolby, *supra*, at 81. The United States moved for dismissal, which was granted in November 1993. See *Acebedo v. United States*, No. 93 - 124C (Ct. Cl. filed Nov. 8, 1993), cited in Kolby, *supra*, at 81. In its motion for dismissal, the United States conceded that such a contract did exist, but that it ended in September 1992 when the Navy left Subic Bay. See Coronel & Rosca, *supra* note 4, at 15. This concession seems to be the closest the U.S. military has come to date to an official acknowledgment of its involvement with prostitution in the Philippines.

lows.<sup>151</sup> When a woman was hired to work in the "entertainment industry" (in a bar, massage parlor, or other establishment), she was required to register for a "Mayor's Permit" that indicated she was healthy, allowing her to work legally. If more than 25% of the women at any given establishment were unregistered, the establishment was declared off-limits to Navy servicemen by military authorities.<sup>152</sup> Military police also enforced the system by preventing women from soliciting servicemen on their own, ensuring that women would have to work through the system.<sup>153</sup> Further, women were required to produce their permits on demand by the military police and customers.<sup>154</sup> Many of the bars and entertainment establishments were owned by Navy retirees.<sup>155</sup>

A similar registration system exists in South Korea (where prostitution is also illegal).<sup>156</sup> There, each bar area serving U.S. servicemen has a VD clinic, operated by the Korean Ministry of Health.<sup>157</sup> Ostensibly, the U.S. military has nothing to do with the operations of the Korean VD clinics and does not fund them.<sup>158</sup> However, when one researcher wanted to interview someone from the clinic administration in Tong Du Chun (which is near Camp Casey), she had to get permission from U.S. military officials at the base, and two U.S. military personnel monitored the interview.<sup>159</sup>

During the Vietnam War, "as the American presence . . . multiplied, the unspoken military theory of women's bodies as not only a reward of war but as a necessary provision . . . turned into rou-

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151. See *Olongapo: The Bar System*, *supra* note 148, at 45. These permits have been called "fit for human consumption labels." Dunn, *supra* note 144, at 14 (quoting A. VITACHI, IN SEARCH OF THE RIGHTS OF THE CHILD 113 (1989)).

152. See *Olongapo: The Bar System*, *supra* note 148, at 45.

153. See Coronel & Rosca, *supra* note 4, at 13.

154. See *id.*

155. See *Olongapo: The Bar System*, *supra* note 148, at 46. The Mayor of the Philippines also owned several clubs. See *id.* at 47.

156. See Sandra Sturdevant & Brenda Stoltzfus, *Tong Du Chun: The Bar System*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 176, 176.

157. See *id.* Approximately 18,000 "club women" working in bars around U.S. bases are registered with these clinics, and there are an estimated additional 9,000 unregistered women working as well. See *id.* Women working in entertainment establishments are required to carry VD cards and to get regular medical check-ups. See *id.* at 176-77.

158. See *Disparate Threads of the Whole*, *supra* note 128, at 330, n.38.

159. See *id.* Furthermore, base personnel and Civilian Military Operations officers accompany Korean authorities on VD spot checks twice a month, which involve stopping women who are with U.S. servicemen and asking to see their VD cards. See *Tong Du Chun*, *supra* note 156, at 176. If the woman does not have one, she is taken to the local hospital for testing and is issued a card, and she may be required to serve some jail time as well. See *id.*

tine practice."<sup>160</sup> A system of military brothels had already been implemented by the French before Americans arrived.<sup>161</sup> Just as the United States inherited the war from the French, it also inherited its military brothel system.<sup>162</sup> One war correspondent saw the United States' gradual takeover of military-controlled and regulated brothels as a natural consequence of what he called the "McNamara theory":<sup>163</sup> U.S. troops should be kept happy and satisfied with ice cream, movies, pizza, laundry service, and maids who often doubled as prostitutes.<sup>164</sup> By 1966, three Army divisions had established official military brothels within their bases, in the areas of An Khe (1st Calvary Division), Lai Khe (1st Infantry Division), and Pleiku (4th Infantry Division).<sup>165</sup> Similar "strips" sprang up wherever there were U.S. bases.<sup>166</sup> The involvement of high ranking Army officers in the building of these brothels demonstrates that they existed with the blessing of the Department of Defense.<sup>167</sup>

Furthermore, similar to the set-up in the Philippines, the U.S. military "kept its hands partially clean" by only dealing with the control and regulation of health and security features of the trade in women that supplied its brothels (Army medics weekly swabbed and checked the women for VD).<sup>168</sup> Procurement was left

160. BROWNMILLER, *supra* note 91, at 92. She notes that the ghost of General Patton must have approved of the institutionalized prostitution that the military fostered in Vietnam, as he proposed experimenting with military brothels during WWII, but abandoned the idea after he became convinced that it would hurt support for the war effort in the United States. *See id.* at 92-93.

161. *See id.* at 93.

162. *See id.*

163. Robert McNamara was the Secretary of Defense during much of the Vietnam War.

164. *See* BROWNMILLER, *supra* note 91, at 94. The correspondent was Peter Arnett, a Pulitzer Prize winning correspondent for the Associated Press. *See id.* at 87. Brownmiller notes that he never filed a rape story from Vietnam, though he knew of several. *See id.*

165. *See id.* at 94.

166. *See* ARLENE EISEN BERGMAN, *WOMEN OF VIETNAM* 86 (2d ed. 1975). In recounting his experiences in the Vietnam war, a Navy veteran stationed in Cam Ranh Bay described a "village" built by the Air Force near the base where "the men could go . . . and buy some pussy." TERRY, *supra* note 31, at 270. However, the VD rate there became so high that the Air Force closed it down; after that, this veteran and some of his friends brought five women into the barracks three days a week and pimped them. He said, "The officers knew what was going on, but they didn't mess with us, because we were providing a service." *Id.* at 271.

167. *See* BROWNMILLER, *supra* note 91, at 95.

168. *See id.* One veteran of the 1st Calvary Division described the site at An Khe, saying, "Another good thing about the girls in Sin City was that the medical personnel in the camp would always go and check 'em once a week. . . . Nobody used rubbers because all the girls in Sin City were clean." TERRY, *supra* note 31,

to Vietnamese civilians,<sup>169</sup> who "recruited" women who were war refugees or who were from the Saigon (now Ho Chi Minh City) bar trade.<sup>170</sup> However, the U.S. military was directly involved in fee control, at least at the Pleiku site.<sup>171</sup> There, if the women tried to charge more than the official rate of about \$3.00 per day, the military police would declare the establishment off-limits.<sup>172</sup>

In addition to the military prostitution systems described above, the United States also had bases and R&R agreements with Thailand<sup>173</sup> and Japan.<sup>174</sup> While the U.S. military may not control or regulate prostitution in Thailand, there is no doubt that the Thai military is deeply implicated.<sup>175</sup> In addition, the case of Thailand shows two of the far-reaching ramifications of military prostitution: sex tourism<sup>176</sup> and child prostitution.<sup>177</sup> When the Vietnam War ended, the withdrawal of American troops left behind an R&R industry with insufficient customers.<sup>178</sup> Thus, Thailand re-oriented its "leisure policies" towards a wider international market of increasingly globally mobile corporate professionals.<sup>179</sup>

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at 28.

169. However, not in all cases. See *supra* note 166.

170. See BROWNMILLER, *supra* note 91, at 95.

171. See BERGMAN, *supra* note 166, at 86.

172. See *id.*

173. See CASTING STONES, *supra* note 4, at 5. The huge increase in sex tourism that occurred in Thailand during the 1970s and 1980s "is directly tied to the Vietnam War." *Id.*

174. See *id.*

175. See CASTING STONES, *supra* note 4, at 2, 5-6.

176. See *id.* "The R&R phenomena has been viewed as the precursor to sex tourism which capitalized on the infrastructure left behind after the end of the war in Vietnam." Dunn, *supra* note 144, at 14.

177. See Vicki F. Li, *Child Sex Tourism to Thailand: The Role of the United States as a Consumer Country*, 4 PAC. RIM L. & POL'Y J. 505, 510-11 (1995). Just as sex tourism has been an outgrowth of the R&R phenomenon, so has increased child prostitution been the outgrowth of sex tourism. See *id.* Tellingly, both the Philippines and Thailand, areas where U.S. military-related prostitution had strong presences, are internationally known for their child prostitution industry. See Dunn, *supra* note 144, at 17. At least in the case of Thailand, there is a general concurrence by non-governmental organizations that the United States is one of the three major sources of sex tourists and pedophiles. See Li, *supra*, at 505 n.4. The other two countries are Germany and Australia. See *id.* Child prostitution is also a legacy of the Navy's presence in the Philippines. See Edward A. Gargan, *Traffic in Children Is Brisk (Legacy of the Navy?)*, N.Y. TIMES, Dec. 11, 1997, at A3 (describing efforts to end child prostitution in the Philippines).

178. See TRUONG, *supra* note 143, at 99.

179. See *id.* In short, "[a]s certain corporate activities require mainly male labour utilized within specific patterns of labour time, the model of 'Rest and Recreation' used by the U.S. military is increasingly adopted by corporations, to ensure the maintenance and renewal of the working capacity of their [male] employees" through the exploitation of psychological, emotional, and sexual services provided by women. *Id.* This outcome was not unexpected to at least some in the Thai gov-

Recently, the international outcry directed at the Japanese government's forced prostitution of Korean and other women for the benefit of its soldiers during WWII has raised another disturbing issue.<sup>180</sup> Currently, the Japanese government is being criticized for these egregious acts.<sup>181</sup> However, there is little recognition that the U.S. occupation forces may have also used these very same "comfort women" in the R&R centers supplied for them by Japan.<sup>182</sup> "When U.S. forces occupied Okinawa, the Japanese military offered them Korean women, many of whom they had kidnapped and [dragged] from their . . . homes"<sup>183</sup> to serve as "comfort women."<sup>184</sup> Thus, the United States' hands are far from clean as well.<sup>185</sup>

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ernment: the wife of the Thai Royal Air Force General who conducted the negotiations for the R&R agreement with the United States was a co-director of the first tour agency to develop R&R tours. See *id.* at 161. Furthermore, Robert McNamara, who was Secretary of Defense when the R&R treaty with Thailand was negotiated in 1967, was also a former president of the World Bank. During a trip to Thailand in 1971, McNamara negotiated an agreement between the Bank and the Thai government under which the Bank would help Thailand develop its tourist industry. See *id.* at 162-63. Thailand's tourist industry at the time was largely based on sex tourism as a result of its R&R agreement with the United States. It is difficult to believe that McNamara could have so quickly forgotten about the sex industry which his R&R agreement fostered, or that he did not realize that much of the development help he was instrumental in providing would end up furthering the sex tourism industry. See Li, *supra* note 177, at 508.

180. See David Boling, *Mass Rape, Enforced Prostitution, and the Japanese Imperial Army: Japan Escheues International Legal Responsibility?*, 32 COLUM. J. TRANSNAT'L L. 533, 536 (1995). For a comprehensive look at the "comfort women" system and the international reaction, see generally GEORGE HICKS, *THE COMFORT WOMEN: JAPAN'S BRUTAL REGIME OF ENFORCED PROSTITUTION IN THE SECOND WORLD WAR* (1995); Boling, *supra*; Karen Parker & Jennifer F. Chew, *Compensation for Japan's World War II War-Rape Victims*, 17 HASTINGS INT'L & COMP. L. REV. 497 (1994).

181. See Boling, *supra* note 180, at 536.

182. See HICKS, *supra* note 180, at 159. "Pae Pon Gi, for instance was a Korean comfort woman who continued her role in Okinawa with the American troops." *Id.* Hicks continues, "In Japan, the authorities were prompt in applying the logic of the comfort system to the American Occupation Forces . . . . The main difference in the system was that . . . [the] tactics of deception or coercion . . . were now turned on Japanese women [as opposed to Korean or other women]." *Id.*

183. LET THE GOOD TIMES ROLL, *supra* note 3, at 251.

184. *Id.*

185. Some have drawn parallels between the military prostitution implemented by the United States in the Philippines and the "comfort woman" system of the Japanese government. See Bruce Cumings, *Silent But Deadly: Sexual Subordination in the U.S.-Korean Relationship*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 169, 171. Such parallels are ripe for the making, considering that the bases the United States used in the Philippines were in Japanese hands during WWII; while the clientele may have changed, most likely the industry did not. See Coronel & Rosca, *supra* note 4, at 13.

In addition, there is evidence to suggest that the U.S. military also engaged in practices similar to the "comfort woman" system. Cumings, *supra*, at 171.

In fact, the current bar system around military bases in Okinawa is starkly reminiscent of the "comfort woman" system in several ways.<sup>186</sup> First, just as non-Japanese women were brought from other countries to service Japanese soldiers, many of the women made available to U.S. servicemen are trafficked from the Philippines, generally by Japanese *yakuza* (mobsters).<sup>187</sup> They are recruited in the Philippines for six-month contracts, where many of them are told that they will work as "cultural dancers."<sup>188</sup> One Filipina recounts her experience:

I didn't know what the work here would be . . . . We were taught to be cultural dancers. There were many of us practicing and auditioning for dancing. . . . When I arrived, I was shocked. . . .

. . . .

In other clubs, the owners force the women [to have sex with customers]. There is one club where that is really the work of the women. . . . The women don't know it will be like that [before they come].<sup>189</sup>

The women live in varying conditions of control. Some are locked in their rooms at night, some are not allowed out of the club at all, even when it is closed.<sup>190</sup> Despite these types of hardships, however, many return for a second stint because they can earn

A friend who served in the U.S. Army near Uijongbu [in Korea] just after the Korean War ended told me that on Friday nights half-ton trucks would careen onto the base, disgorging a few hundred women who would stay the night, or the weekend. . . . Does it make much difference that American soldiers paid cash for the half-ton truck girls, instead of giving them room and board as did the Japanese?

*Id.* Cumings also refers to internal North Korean eyewitness reports that were recently declassified by the United States that "speak of some three hundred politically suspect Korean women . . . confined to a warehouse and used at will by American forces in wartime Seoul in the fall of 1950." *Id.* at 171-72.

186. A survey of computer records of court martials from 1988 to 1995 revealed that for both the Marines and the Navy, bases in Japan had the highest rates of court martials for rapes, child molestation and sex crimes out of all such bases in the world. See Jeff Nesmith & Russell Carollo, *Ugly American*, DAYTON DAILY NEWS, Oct. 8, 1995, at 1A. The number two location was San Diego, which has more than twice the personnel of the Japanese bases. See *id.*

187. See Sandra Sturdevant & Brenda Stoltzfus, *Kin: The Bar System*, in LET THE GOOD TIMES ROLL, *supra* note 3, at 254 [hereinafter *Kin*]. Filipinas make up 65% of all "entertainers" working in Japan. CASTING STONES, *supra* note 4, at 42.

188. Many Korean women were recruited to be "comfort women" with promises of better-paying jobs cooking and doing laundry for the Japanese Army. HICKS, *supra* note 180, at 46.

189. *Kin*, *supra* note 187, at 268 (quoting from interview with Rowena).

190. See *id.* at 255. Rowena, the worker quoted above, talked about a woman in a club where the workers are forced to have sex with customers. See *id.* at 269. The woman was kept as a prisoner, and sometimes was not fed for days at a time because she refused to comply. See *id.*

more money than they could in the Philippines, and they have already been stigmatized by their first trip.<sup>191</sup>

### 3. "Little Brown Fucking Machines Powered With Rice"<sup>192</sup>

Aside from the institutionalized nature of the military prostitution systems described above, which theoretically may be a characteristic of prostitution around any U.S. military base,<sup>193</sup> military prostitution around Asian Pacific bases occurs in a colonial context which largely distinguishes it from such prostitution in U.S. and Western European locations. The Asian countries where such bases have been located (the Philippines, Korea, Japan, Thailand) are typically viewed as less developed or underdeveloped as compared to the United States, and thus inferior to the United States.<sup>194</sup> In addition, Asian Pacific people are not only generally perceived to be foreign (even those born in the United States),<sup>195</sup> but also as less sophisticated foreigners.<sup>196</sup> These per-

191. *See id.* at 255.

192. Santos, *supra* note 146, at 40. This was a slogan on T-shirts sold in Olonago. *See id.*

193. *See* BANANAS, BEACHES AND BASES, *supra* note 4, at 84. "It would be surprising if a military base in Massachusetts, Belfast, Ramstein or Berlin were any less sexually constructed than bases in Belize, Honduras, or Guam." *Id.* During the Gulf War, however, the Saudi Arabian government insisted that the United States adopt a "no-prostitution" formula for its troops stationed in Saudi Arabia. *It Takes Two*, *supra* note 90, at 22, 27. This formula has not been adopted anywhere else. *See id.*

194. For example, one New York Times writer attributed the poor television ratings for the 1998 Winter Olympics in Nagano, Japan to "the Asian location, with its . . . scant tourist appeal," and quoted a CBS executive who complained, "If you didn't have to be here, nobody would be here. It's like being in Vietnam." Bill Carter, *TV Notes: Olympics on TV Get No Medals*, N.Y. TIMES, Feb. 11, 1998, at E1; *see* ROOTS, *supra* note 51, at 25-26 (observing that many American soldiers viewed the Vietnamese as animals or sub-human because the Vietnamese were poor and lived in a non-technological culture).

195. This perception of Asian Pacific Americans as "foreign" was recently manifested during the campaign finance controversy, which has focused largely on contributions from Asians and Asian Pacific Americans. *See* Lena H. Sun, *Asian Names Scrutinized at White House*, WASH. POST., Sept. 11, 1997, at A1. For example, when Yvonne Lee, a member of the U.S. Civil Rights Commission, went to the White House in early September on an official visit, she was delayed by Secret Service personnel after a guard crossed out the "U.S. citizen" designation after her name and wrote in "foreign citizen." Frank H. Wu, *Washington Journal: Held at the Gates*, ASIANWEEK, Sept. 25, 1997, at 10. Lee attributed the incident to hysteria resulting from the campaign finance controversy. *See id.* at 10.

This was the second such instance of White House security guards questioning the U.S. citizenship of pre-cleared guests, based on their Asian surnames. In July, a guard had delayed a group of guests because the guard thought the guests' names looked "foreign, you know, Asian, Chinese." Sun, *supra*, at A1. In another incident, a group of Asian American summer interns were forbidden from taking photographs at the White House while on a tour, cursed at by a Secret Service



ceptions taint the interactions between servicemen and Asian Pacific women, and are further exacerbated by the sexually denigrating stereotypes of Asian Pacific women in particular. According to some of these women's stories, this denigration clearly emerges in the way the Americans treat them, and even in the way other Asian Pacific men who have been exposed to American ways interact with them.<sup>197</sup> The Filipina workers talk about being treated like a toy<sup>198</sup> or a pig<sup>199</sup> by the American "johns," and being required to do "three holes"—oral, vaginal and anal sex.<sup>200</sup> Such labels—"three holes" and "three-holer"—reveal the extent to which these women are de-humanized by American soldiers.<sup>201</sup>

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agent when they objected because they saw white tourists freely taking photos, and then subjected to hostile questioning, including questions about their citizenship status, after they filed a complaint about the incident. One student said, "[t]he campaign finance controversy definitely had an impact on the way we were treated . . . Asian Americans are considered foreign. As long as we're not considered Americans, this is going to continue." Julie Chao, *Berkeley Students Claim Bias in D.C.*, S.F. EXAMINER, Sept. 30, 1997, at A1 (quoting Patricia Kao, a junior at the University of California—Berkeley).

In September 1997, a coalition of civil rights groups filed a complaint with the U.S. Civil Rights Commission charging public officials, the Democratic and Republican parties, and the media with "engag[ing] in a pattern of bias" against Asian Americans in the investigation and coverage of the campaign finance controversy. Sun, *supra*, at A8 (quoting the complaint filed by the Commission).

196. For example, in a recent story about a Hmong immigrant who committed suicide after food stamps for legal residents were eliminated, it was revealed that she immigrated to the United States after the CIA promised to support her and her husband in exchange for their cooperation with American military efforts in Laos during the Vietnam War. See Deborah Hastings, *Suicide of Hmong Woman Highlights Welfare Worries of Immigrant War Veterans*, ST. PAUL PIONEER PRESS, Feb. 16, 1998, at 7B. In response, a former CIA advisor who had served in Laos had this to say: "The United States is not the best place for them [the Hmong]. . . They're a Stone Age people." *Id.*

197. For example, an Australian researcher found that some Filipino soldiers were starting to adopt the American Rambo-style of military masculinity and wearing "khaki or camouflage, sunglasses or headbands, open shirt, bare head, and well armed . . . gun held casually, barrel waving in the air." See *It Takes Two*, *supra* note 90, at 25 (quoting Anne Farrer Scott, *Women and War*, HUNGRY MIND REV. 23 (Summer 1991)). One other manifestation of this "borrowed, intimidating masculinity . . . was that local prostitutes servicing Filipino soldiers performed sexual acts with customers that they otherwise would have refused to engage in." *Id.*

198. See Madelin (Saundra Sturdevant & Brenda Stoltzfus trans.), in LET THE GOOD TIMES ROLL, *supra* note 3, at 48, 61, 93.

199. See *id.* at 113, 124 ("The work in the club is dirty because you're not respected by the Americans. They really look at you as pigs.").

200. See *id.* at 121.

201. Such objectifying labels are also applied to military women. One "joke" that was told to new female students at the Naval Academy as late as 1990 went as follows: "How are a WUBA and a bowling ball similar?" [WUBA ("Working Uniform, Blue Alpha") was the official uniform issued to the first class of female midshipmen at the Naval Academy—it also stood for "Women Used By All."] Answer: "You pick them up, put three fingers in them, and throw them in the gutter."

The T-shirt slogan quoted for the sub-heading of this section<sup>202</sup> sums up the sentiments described here—succinctly racializing and colonizing (“little brown,” “powered with rice”), sexualizing (“fucking”) and de-humanizing (“machines”) Asian Pacific women, in just seven words.

Prostitution of any sort is considered a “dirty racket,”<sup>203</sup> but military prostitution in the Asian Pacific has a distinctly odious flavor to it. It is backed by government money and enforced by armed government power, lending itself particularly well to exploitative practices. When one throws in the factors of race and colonialism, the stink is undeniable.

#### IV. Homosexual Service Members and Asian Pacific Women: Different Sides of the Same Coin

As the prototypical woman—small, fragile, submissive, predominantly heterosexual and completely male-centered and male-dominated—the stereotypical Asian woman is the perfect foil for the exaggerated masculinity of the American “Military Man.” She is small, weak, submissive and erotically alluring.<sup>204</sup> Her purpose is to serve men and to be sexually consumed by them.<sup>205</sup> This perception of Asian Pacific women is exaggerated by the systems of prostitution perpetuated around U.S. military bases in Asian Pacific countries, where Asian Pacific women may be registered and tagged like domestic pets. In short, the Asian Pacific woman becomes the archetypal sexual object.

This relationship between military masculinity and the Asian Pacific (prostituted) woman<sup>206</sup> reveals the extent to which the “Military Man” is defined by his power to sexually dominate and conquer others.<sup>207</sup> In the archetypal world, when the “Military

FRANCKE, *supra* note 11, at 161.

202. *See supra* note 192.

203. *See supra* Part III.B.1 (describing the history of prostitution and the military, and labeling it a “dirty racket”).

204. *See* MARCHETTI, *supra* note 94, at 105.

205. Marchetti observes that this purpose is also reflected in Hollywood depictions of Asian Pacific Americans, noting that “most Hollywood Eurasians have Caucasian fathers and Asian mothers, symbolically naturalizing the Western male’s sexual access to the Asian female.” MARCHETTI, *supra* note 94, at 68 (endnote omitted).

206. “Prostituted” is in parentheses to indicate that stereotypes of Asian Pacific women are based on prostitution and that Asian Pacific women have long been stereotyped as prostitutes or sexual servants. *See, e.g.,* CASTING STONES, *supra* note 4, at 329 (mentioning the 1875 Page Law, which required Asian women to prove that they were not prostitutes before they would be allowed to enter the United States).

207. For example, one writer describes the 1989 “graduation” photo of a Marine

Man" has sex with an Asian Pacific (prostituted) woman, his masculinity is both reinforced and defined within and against her "otherness."<sup>208</sup> She represents the racial inferiority of non-whites, the sexual inferiority of women, and the heterosexuality that makes her sexual submission to the "Military Man" natural and justified.

In this way, the Asian Pacific (prostituted) woman serves as the antithesis to the thesis of military masculinity. Constructions of bi/gay/lesbians serve a different but compatible oppressive function. Stereotypes of both Asian Pacific women and lesbians/gays/bis serve to maintain the outer boundaries of military masculinity, for both groups represent "not men" within military culture. Asian Pacific women are the epitome of "not men" because they represent "ultra women," (*i.e.*, they are female, non-white, receptive, weak, submissive and oriented towards men—white men in particular—both sexually and emotionally). Gays are "not men" because they are gay;<sup>209</sup> lesbians are "not men" because they are female, and furthermore they are unnatural females because they also exhibit the "male" characteristic of being sexually attracted to women. Thus, all of these groups can be and are used to shape the military masculine identity through contrast—they are the "others" that define the subject.

In this way, stereotypes of Asian Pacific (prostituted) women and gays and lesbians<sup>210</sup> serve compatible oppressive purposes. In effect, gays and lesbians are the other side of the coin to the Asian Pacific woman. Because of the complexities of the (ir)rationalities that are cited as justifications for the exclusion of bi/gay/lesbian service members and because these (ir)rationalities differ, depending on whether one is talking about gays or about lesbians, this Article

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unit taken after they finished boot camp. In the photo, the men are holding a blown-up photo of a nude woman and a hand-lettered sign which proclaims their motto: "Kill, Rape, Pillage, Burn." FRANCKE, *supra* note 11, at 156-57. See also Eric Schmitt, *U.S. Military Stumbles Over Sex Problems*, MONTREAL GAZETTE, Nov. 17, 1996, at A1 (describing old Marine training chants which expressed similar sentiments: "One, two, three, four. Every night we pray for war. Five, six, seven, eight. Rape. Kill. Mutilate.").

208. This process is also frequently depicted in American movies that feature relationships between white American men and Asian Pacific women. Marchetti analyzes two such films in which the male lead character "constructs his vision of the Orient in the person of his ideal lover and, in so doing, defines his own racial, gender, and national role." MARCHETTI, *supra* note 94, at 118.

209. To the extent that a gay man may also be a man of color, his masculinity is called further into question.

210. The Article focuses on gays and lesbians here because the legal ban focuses on homosexual conduct and expression. To the extent that a bisexual person may engage in heterosexual conduct or expression, she or he would not be subject to exclusion.

addresses the issues surrounding gays and lesbians separately. These sections begin with a brief background of the military's homosexual exclusion policy.

A. "Don't Ask, Don't Tell"

While gay men have served in the military since the founding of the United States, they have never been officially welcome.<sup>211</sup> However, a formal policy against homosexuals in the military was not promulgated until World War I, when the punishment of homosexual soldiers was codified into military law.<sup>212</sup> It was not until 1943 that the military's final regulations were promulgated, which banned gay/bi/lesbian service members from all of the armed services.<sup>213</sup> The military's homosexual exclusion policy has remained essentially unchanged since that time.

The current exclusion policy, known generally as "Don't Ask, Don't Tell," is codified at 10 U.S.C. § 654. Under this policy, military officials are not supposed to inquire into the possible homosexuality of a service member, and homosexual service members are expected to hide their homosexuality from other service members. Thus, lesbian/bi/gay service members are expected to "pass" as heterosexual.<sup>214</sup> This "Don't Ask, Don't Tell" policy was intended in part to discourage the "witchhunts" for lesbians (and sometimes gays) notorious in recent military history.<sup>215</sup> If the service member "has engaged in, attempted to engage in, or solicited another to engage in a homosexual act"<sup>216</sup> or if the member "has stated that he or she is a homosexual or bisexual, or words to that effect,"<sup>217</sup> the member "shall be separated" from the military, with a few exceptions.<sup>218</sup> Despite the furor over the "Don't Ask, Don't Tell" policy, it has resulted in little change.<sup>219</sup> In fact, recent reports indicate that the numbers of lesbians/gays/bisexuals who

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211. See SHILTS, *supra* note 13, at 7-15.

212. See *id.* at 15. Between the end of World War I and World War II, homosexuality was increasingly viewed as an illness, as opposed to a crime. See *id.* at 16.

213. See *id.* at 17.

214. See Rush, *supra* note 26.

215. See Britton & Williams, *supra* note 75, at 3.

216. 10 U.S.C. § 654 b (1) (1994).

217. 10 U.S.C. § 654 b (2).

218. See 10 U.S.C. § 654 b (1) (A) - (E) (listing the exceptions).

219. See Britton & Williams, *supra* note 75, at 3 (noting that the "Don't Ask, Don't Tell" policy still allows homosexual service members to be discharged on the basis of their sexual orientation); see also *Sneaking a Wink*, *supra* note 13, at 3 (arguing that the "Don't Ask, Don't Tell" policy did not modify the military's policy in any meaningful way).

have been excluded from the military have actually increased since the policy was implemented.<sup>220</sup>

### B. Gay Men—Power and Sex Revisited

The precise way in which stereotypes of gay men are used to police the military masculine identity differs from the way stereotypes of Asian Pacific women function. The stereotypes of Asian Pacific women do not challenge this identity, but rather bolster it; such stereotypes serve as the ideal mirror for the military masculine identity. In contrast, stereotypes of gay men challenge this identity and threaten to undermine it.

There are at least two commonly cited justifications for the exclusion of gay service members.<sup>221</sup> First, advocates of the ban often argue that, due to the prejudices of their subordinates, officers who are known to be gay will not be able to command respect.<sup>222</sup> In essence, to these subordinates being gay is incompati-

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220. See *Number of Gays Discharged*, *supra* note 75, at 5A. The Service Members' Legal Defense Network recently published Defense Department figures which showed that the number of service members discharged for homosexuality has steadily increased since 1993, when the "Don't Ask, Don't Tell" policy was first implemented. See *id.* According to the Defense Network, 682 people were discharged from the military for homosexuality in 1993, while in 1996, 850 people were discharged. See *id.*

221. Generally, the justifications are stated in general terms, such as the following: "I believe that integrating open homosexuals into the services will have negative effects on morale, camaraderie, esprit de corps, and discipline—and consequently, on readiness." 139 CONG. REC. E1192-04 (statement of Randy "Duke" Cunningham of California) (urging Congress to codify the ban on homosexuals in the military). Other "justifications" include national security concerns and significant increases in military health care costs. See 139 CONG. REC. E1841-01 (1993) (statement by Duncan Hunter of California). See also EXCLUSION, *supra* note 13, at 89-131 (listing the following justifications: the presence of gays will cause military health care costs to rise significantly; homosexuals are security risks; and the presence of homosexuals raises privacy concerns). Another common justification is the argument that the military is not a "social experiment," but rather exists solely for the reason of defending the United States "in its unique position of [international] leadership." *Id.* at 133. Of course, to the extent that the military seeks to eliminate the presence of homosexuals from its ranks, it clearly is engaged in social experimentation. See Stiehm, *supra* note 34, at 687 (stating that the military could be considered "deviant" because of its selective membership policies). Wells-Petry herself admits that these justifications are not "strictly speaking" grounded in fact. *Id.* at 89. An exhaustive critique of these justifications is beyond the scope of this Article, and others have done it far better than I could. See, e.g., Britton & Williams, *supra* note 75, at 4-8 (focusing on the prejudice-based and sexual privacy justifications); Stiehm, *supra* note 34, at 685 (examining underlying rationales (both stated and unstated) for the exclusion policy and arguing that the policy does not achieve its desired goals as effectively as it could, and that alternative means to implement these goals should be considered).

222. See EXCLUSION, *supra* note 13, at 151-52. The author states it is "a fact of life" that a homosexual soldier may not be able to command respect from other

ble with being a "true" soldier. A true soldier is a "man"; a "man" desires sex with a woman; therefore, a gay man is not a true soldier. Furthermore, if a gay man is not a "man," then he must somehow be a "woman," which gives rise to the stereotype, often invoked in military settings, of gay men as sissies, limp-wristed, and effeminate.<sup>223</sup> Thus, a stereotype of gay men as "women"—a category inherently in opposition to the "Military Man"—underlies this justification for excluding them from the military.

A second commonly cited justification is that because of the general lack of privacy in military institutions, heterosexual men will inevitably be subjected to unwanted sexual looks (e.g., in the shower room) and/or advances from gay men, which will detrimentally affect morale, order and discipline within the military.<sup>224</sup> This suggestion that gay men are sexual predators of non-gay men seems to rely on a contradictory stereotype. Here, rather than being "women," gay men are something else. I suggest above that within military culture, sex frequently represents one avenue of conquest and domination, particularly when the object of conquest is a highly racialized, sexualized "other" (such as Asian Pacific women). To the extent that the presence of openly gay men in the military would position heterosexual soldiers (who are "true" sym-

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soldiers. *Id.*; see also Britton & Williams, *supra* note 75, at 4-8 (examining prejudice-based arguments for excluding gay/bi/lesbian service members). One writer calls this a "second hand prejudice" argument and compares it to a "heckler's veto" in First Amendment cases. Paul Siegel, *Second Hand Prejudice, Racial Analogies and Shared Showers: Why "Don't Ask, Don't Tell" Won't Sell*, 9 NOTRE DAME J.L. ETHICS & PUB. POL'Y 185 (1995). This same justification was used by the military to support its contention that segregation was necessary in the military. See SHILTS, *supra* note 13, at 188 ("It was believed that . . . white soldiers would refuse orders from black soldiers."). A similar argument was made during Congressional hearings in 1947 and 1948 about whether women should be admitted into the armed services. See FRANCKE, *supra* note 11, at 25 (quoting one congressman who stated that every member of the House Committee on Armed Services had received a call or visit from enlisted men who objected to the idea of taking orders from female officers).

223. In fact, soldiers who are suspected of being gay may even be treated as women sexually by other "straight" soldiers. Perry Watkins tells the story of an incident where five other (presumably heterosexual) soldiers, hearing that he was gay, attempted to force him to perform oral sex on them. Fortunately, he was able to fight them off. When he reported the incident to his commanding officer, however, an investigation was initiated into Watkins's "suspected" homosexuality, and no investigation of the assault or the perpetrators was conducted. SHILTS, *supra* note 13, at 83.

224. See Britton & Williams, *supra* note 75, at 9-10 ("No contemporary discussion [of the military's homosexual exclusion policy] is complete without the requisite 'shower scene' in which gay men (and lesbians, though they are invisible in this context) gaze licentiously at unsuspecting heterosexuals"); Stiehm, *supra* note 34, at 693 (arguing that fears of such stares are not compelling, in light of other contexts in which people shower together without knowing each other's sexual orientation).

bols of the "Military Man") as the sexual objects rather than the sexual subjects of conquest, the masculinity of heterosexual soldiers is undermined.<sup>225</sup> They are no longer the predators, but the prey—they become more like "women."<sup>226</sup> This, of course, is impossible, because the "Military Man" is the definition of "Man"; he is the predator, not the prey. Thus, whether seen as a kind of "woman" or as a hyper-man, openly gay men cannot be allowed into the military because their presence creates an intolerable paradox within the military masculine identity. To allow openly gay men to serve in the military would fundamentally undermine cultural notions of what is "the right stuff" necessary to make a true soldier, a "real" man.<sup>227</sup>

### B. Lesbians

The situation of lesbian service members requires a somewhat different analysis because they occupy a different position in relation to military manhood from that of gay men. As noted above, the justifications for the exclusion of gays/lesbians from military service focus almost solely on gay men.<sup>228</sup> This indicates that lesbians are perceived as posing a lesser threat to military culture, which is possible for a variety of reasons.

First, as females, lesbians are a highly visible and thus an easily controlled minority. Women, whether lesbian or not, generally cannot pass as "men" in the way that a gay man can by virtue of his biological maleness. Thus, even if allowed in the military,

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225. See CASTING STONES, *supra* note 4, at 170. "The resistance to gays in military life may be based partly on the aversion to the idea that some men may allow themselves to be penetrated and treated like women sexually. To be like a woman is to forfeit the dominance that is a key to masculinity." *Id.*

226. Many of the men in the armed services are not white; thus gay men of color could theoretically be preying on white soldiers. Therefore, to the extent that the military masculine identity is premised on white supremacy, this identity would be further undermined by the presence of gay men of color.

227. See Karst, *supra* note 15, at 546; Stiehm, *supra* note 34, at 700-01. Karst suggests that the exclusion policy is necessary to avoid any "tarnishing of the Army's traditionally masculine image." Karst, *supra* note 15, at 546. Because male bonding can come close to homoerotic expression, the military must maintain an anti-homosexual policy in order to make clear that it is a "manly" institution. See *id.* at 545-46. Similarly, Stiehm argues that the military's homosexual exclusion policy serves two goals that usually go unstated: 1) to keep homosexuals invisible, and 2) to eliminate effeminate men from its ranks, to protect them from being sodomized by hyper-macho (heterosexual) men who believe that sodomizing other men is a way to demonstrate their masculinity. See Stiehm, *supra* note 34, at 700-01. Such men, regardless of whether they are "homosexual" or "heterosexual," would undermine other soldiers' perceptions of themselves as "masculine" by subjecting them to the risk of rape.

228. See *supra* text accompanying notes 221-227.

lesbians can still be used as female "others" to affirm the military masculine identity, just as non-lesbian women may be used. Moreover, as highly visible "others," women (and particularly women of color) are especially vulnerable to being singled out for exclusion during lesbian "witchhunts," regardless of whether they actually are lesbians.<sup>229</sup>

Second, as females, their ability to become integrated with the military is circumscribed by their lack of presence<sup>230</sup> and restrictions on the types of jobs they may take, which in turn limit their ability to achieve positions of power within the military.<sup>231</sup> Finally, lesbians do not occupy the position of "sexual predator" of men that gay men are perceived to occupy, because they presumably have no interest in sex with men.<sup>232</sup>

So why must open lesbians also be banned from military service? There are some suggestions that they should not be, even by those who support the ban as applied to gay men.<sup>233</sup> Yet, the military continues to exclude women for being lesbians in numbers

229. See *supra* note 75. By making this point, I do not mean to suggest that the women who have been excluded in such "witchhunts" were not actually lesbians. See Diane H. Mazur, *Re-Making Distinctions on the Basis of Sex: Must Gay Women Be Admitted to the Military Even if Gay Men Are Not?* 58 OHIO ST. L.J. 953, 957-62 (1997) (describing the significant presence of lesbians in the armed services). Whether they are lesbians or not, women are vulnerable to separation in a way that gay men are not, because they are women (one strike against them), and are often women of color as well (two strikes). Gay men, particularly white gay men, do not start off with either of these strikes already against them.

230. See *supra* note 58 and accompanying text.

231. See *supra* notes 56-64 and accompanying text (noting that women are still banned from combat positions).

232. Although concerns about lesbians sexually preying upon non-lesbians are sometimes expressed, see Stiehm, *supra* note 34, at 694-95 (describing one Navy vice admiral's concerns that lesbians should be "vigorously rooted out" because they subject young female recruits to "subtle coercion"), these concerns arise more often in the context of gay men. See *supra* notes 223-226 and accompanying text. This may be explained by two things. First, the perception of women as inherent sexual prey indicates that sexual predation of them is natural and of less concern. Second, given the apparent prevalence of male sexual harassment of women within the military, it might seem rather preposterous to raise a hue and cry about the theoretical possibility of lesbians sexually harassing women.

233. One writer notes that in the contentious debate over the "Don't Ask, Don't Tell" policy, "[w]omen were almost completely absent . . . . Congressmen and military men focused relentlessly on whether the presence of gay men would impair bonding and cohesiveness among men in all-male combat units." Mazur, *supra* note 229, at 954. Charles Moskos, a well-known military sociologist, "carefully limited his congressional testimony to gay men with the observation that 'if we had an all female force we probably would not be having these hearings today.'" *Id.* at 954-55 (footnotes omitted). See also Britton & Williams, *supra* note 75, at 4 (noting that "lesbians have been almost invisible in both official and popular discourse around this issue [referring to the "Don't Ask, Don't Tell" policy]").



disproportionate to the percentage of women in the military.<sup>234</sup> One possible explanation for this phenomenon is that a greater number of lesbians enter the military relative to the number of gay men that do, and thus their exclusion rates seem disproportionately high.<sup>235</sup> Another possible explanation is that an accusation of lesbianism is an effective tool for removing women, whether lesbian or not, who are perceived as not belonging in the armed services in the first place simply because they are female.<sup>236</sup> Indeed, these two explanations are compatible.

A third possible explanation, and one which goes to the heart of military culture, is that the "Military Man" needs the *heterosexual* female to define himself. As illustrated above, one reason the stereotypes of Asian Pacific women function so neatly with the military masculine identity is that these stereotypes are highly heterosexualized. If heterosexual sex is the conduit through which the military masculine identity is defined, then a rejection of heterosexuality is a nullification of the "Military Man."<sup>237</sup> As demonstrated by stereotypes of Asian Pacific women, a desire to be dominated by men, both sexually and emotionally, is part of the "ultra woman" construct. By failing to exhibit this desire, lesbians not only challenge this construct, but they also challenge the "Military Man" construct.<sup>238</sup>

Thus, constructs of Asian Pacific women, and gays and lesbians all serve to police the boundaries of the military masculine identity, in different but compatible ways. These constructs provide oppositional "others" which reflect upon different aspects of the "Military Man," but which all ultimately function to sustain the construct as a whole. Which is why, in order to deflate the "Military Man" construct, one must remove all the forces that sustain it. Removing only one or two of them (e.g., promoting racial integration but maintaining gender segregation; promoting gender integration but maintaining institutionalized homophobia) may weaken the construct, but will not collapse it.

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234. See Mazur, *supra* note 229, at 961.

235. See *id.* at 957-62.

236. The notion that women do not belong in the military and weaken it with their presence remains even today. See *supra* note 72 and accompanying text.

237. As Britton and Williams note, the male bonding that characterizes military culture is "defined in opposition to women and may even be cemented through the exchange of women's bodies." Britton & Williams, *supra* note 75, at 13. If women take their bodies out of the exchange by being lesbian, they threaten these bonds.

238. See SHILTS, *supra* note 13, at 415.

#### IV. Conclusion

This Article has argued that the principles that encourage U.S. servicemen to exploit Asian Pacific women are the same cultural principles that underlie the military's condonement of homophobia. It has demonstrated the link—not by analogy, but by showing the direct cultural connections—between several negative social constructs within military culture. Examined in this context, it becomes apparent that the constructs of the "Military Man," the Asian Pacific (prostituted) woman, and the gay and lesbian service member do not function in isolation, but rather are part of a larger system. Thus, the social policies that result from or produce these constructs are also part of a larger system and are not separate phenomena, coincidentally manifesting at the same time. Because of this systematic nature and the interdependence of these constructs, any effective change in military culture must also be systematic in nature and not piecemeal.

I hope this preliminary analysis will serve as a springboard for constructive progress for military reform, and for re-thinking of the flawed military policies that have resulted in systematic exploitation of Asian Pacific women, persistent sexual harassment of women, racism, and fear and hatred of gays, lesbians and bisexuals. If we begin with the assumption that the military is a necessary institution,<sup>239</sup> then we must come up with alternatives that will address legitimate military concerns, such as readiness.<sup>240</sup> However, these alternatives must also address concerns about military culture, because it is a culture which, like it or not, has a clear impact on the larger society within which it is situated. Thus, these alternatives must not only result in a military institution that we can tolerate as a society, but also in one that can tolerate the society that we have become.

I do not mean to suggest that such systematic change will come easily or painlessly. To the extent that military culture

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239. I express no opinion on this subject as it is beyond the scope of this Article.

240. Madeline Morris's thoughtful article on rape and military culture inspired this thought. In an effort to address the problem of increased rape rates within the military, she offers a number of approaches for reconceptualizing the military masculine construction which would not detract from the military's defense mission. See Morris, *supra* note 16, at 752-56 (suggesting that given the importance of group identity and cohesion for military effectiveness, such identity could be based on ideology, nationalism, or unit or buddy identification, rather than on gender differences). She also argues that full gender integration, particularly at the basic training level, as well as narrowing or elimination of the combat exclusion and increased recruitment of women would also result in positive changes in military culture. See *id.* at 732-47.

merely reflects the prejudices and bigotries of our larger society, such attitudes are deeply embedded. But as one scholar has pointed out, "[m]asculinist military identity . . . is not inevitable or indispensable to military effectiveness but, rather, is a matter of choice."<sup>241</sup> Thus, we can choose: We can choose not to train service members in a way that denies the competence of lesbians/bis/gays, women, and/or men of color. We can choose to foster a military culture that does not simply assume that prostitutes are a necessary amenity to military life. We have these choices. We should make them in a way that promotes sound public policy, not further social dysfunction.

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241. *Id.* at 759.

