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The History of the Reserve Officer Training Corps Among the Association of American Universities from 1982 to 1992: Review of Institutional Responses to ROTC Policy Regarding Homosexuals

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Abstract

This is a policy analysis, in a historical context, of how Association of American University institutions responded to Reserve Officer Training Corps policy excluding homosexuals. The time period for this study is 1982 to 1992. Qualitative methods are used to analyze data and arrive at conclusions. Secondary data provide additional depth and background. This study reveals seven different positions institutions have taken in response to ROTC policy, these include: supporting ROTC policy, neutrality, collective action, barring military recruiters from campus, distancing the institution from ROTC, and changing the campus climate. This includes examples taken from AAU institutions and rationales behind making policy decisions.

The purpose of this article is to develop a typology of institutional responses to Reserve Officer Training Corps (ROTC) policy regarding homosexuals, derived from the published responses of institutions composing the Association of American Universities (AAU). This will help in developing an understanding for those in higher education and the ROTC about a critical period in the history of this subject and how institutions responded to the conflict.

While much has been written about specific institutions and their responses to this issue,

there has not been a comparative study examining the range of responses institutions have taken. This is important to higher education scholars, educational administrators and ROTC unit commanders, in order to develop a comparative understanding of how institutions responded to ROTC policy regarding homosexuals.

AAU institutions were selected as the focus of this study because of their prominence in American higher education. These institutions frequently encounter controversial issues before smaller colleges and universities, consequently, other institutions look to these flagship universities for guidance and instructions in how to deal with controversy when it develops.

The 1982 point of departure was chosen, as on January 28 of that year, Department of Defense (DoD) policy regarding homosexuals was revised in order to eliminate loopholes which allowed the admission and retention of homosexuals in the military. Under previous law, in existence since 1943, homosexual acts such as sodomy were considered illegal and punishable by imprisonment, however, whether the person was homosexual or not made no difference, the act was the focus of the law rather than the sexual identity of the individual (Berube, 1990). An individual caught in a homosexual act could avoid removal or imprisonment by claiming the act was an aberration, that they were not actually homosexual. In general, a homosexual was not subject to removal from the military so long as that person did not engage in homosexual acts.

The 1982 law eliminated this loophole so that simply admitting homosexuality, apart from homosexual activity, was ground for removal. The sexual identity of the individual, regardless of their actual behavior became the focus of the law. The year 1992 is chosen as the closure for this study because of the Don't ask, don't tell compromise developed that year by the Clinton administration.

Under the 1982 policy, homosexuals were prohibited from joining or serving in any branch of the military. This included ROTC branches of the Army, Navy and Air Force. According to DoD policy, a ROTC cadet could be removed from the Corps for engaging in, attempting to engage in, or soliciting another member to engage in homosexual acts; for stating one is homosexual or bisexual; or for marrying or attempting to marry one of the same sex. This process of removal was referred to as "disenrollment" (Clark, 1990; Gross, 1990). Because this was the official DoD policy, its enforcement in all branches of the armed forces and their ROTC units was mandatory.

This policy was in direct conflict with many institutional non-discrimination statements, which prohibited discrimination on the basis of sexual orientation. Consequently, the ROTC partnership with higher education became a source of friction on university campuses across the country. Institutions forming the AAU responded in a range of means, this included openly supporting ROTC, neutrality, collective action to compel the DoD to change its policy, banning military recruiters, organizing the removal of ROTC from campus, distancing the institution from ROTC, and finally, changing the university environment.

ROTC Policy Regarding Homosexuals from 1982 to 1992

Department of Defense policy, formalized in Directive 1332.14 Section (1) (H), banned homosexuals from serving in the armed forces. The policy on homosexuality stated:

Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the military services to maintain discipline, good order, and morale; to foster the mutual trust and confidence among the servicemembers; to ensure the integrity of the systems of rank and command; to

facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members to the Military Services; to maintain the public acceptability of military service; and to prevent breaches of security.

ROTC cadets who revealed that they committed homosexual acts, attempted to commit homosexual acts, or stated that they intended or desired to commit homosexual acts, or were discovered to be homosexual were discharged from the ROTC and technically required to reimburse the ROTC for cost of their education, although this was rarely done (Kosova, 1990).

Institutional Responses to ROTC Policy

Supportive Responses

Some administrators saw no conflict between the exclusionary policies of the ROTC and institutional non-discrimination policies (J.G. Kryway, personal communication, August 28, 1990; R.E. Jallete, personal communication, September 4, 1990). In some instances these supportive positions were publicly expressed, however, in other cases administrators have publicly responded negatively to the exclusion of homosexuals while privately affirming support for ROTC to their unit commander (R.E. Jallete, personal communication September 4, 1990; J.G. Kryway, personal communication, August 28, 1990; J.J. Petrick, personal communication, August 29, 1990).

One example of this was at Indiana University. In August 1990, a new Code of Ethics went into effect, which included a Sexual Orientation Clause, prohibiting discrimination on the basis of sexual orientation (J.G. Kryway, personal communication, August 28, 1990). The president of the university stated that he supported the new institutional Code of Ethics but saw no conflict between it and ROTC practices (J.G. Kryway, personal communication, August 28, 1990).

An August 1990 memorandum from the ROTC unit commander at Johns Hopkins University stated that the president of the university advocated the continued presence of ROTC on campus (R.E. Jalette, personal communication, August 4, 1990). This statement was made in spite of the fact that ROTC and the university had conflicting policies with respect to institutional policy and sexual orientation. The president informed his unit commander that while he may be required by the board of trustees to take action requesting the DoD to change their policy, he "can live with conflict" (R.E. Jalette, personal communication, August 4, 1990). This was also the case when in May 1990, the Board of Regents at the University of Minnesota unanimously voted to require the university president, Nils Hasselmo, to write to the Secretary of Defense requesting that the existing military policy be changed. The President privately informed the ROTC Commander and Professors of Military Science that he would continue to abide by the existing DoD policy (M.D. Trout, personal communication, August 30, 1990).

To justify their support for ROTC, administrators cited its benefits to the nation. Seventy percent of the officers in the Army received their education at America's colleges and universities courtesy of the ROTC, including former Chairman of the Joint Chiefs of Staff, General Colin Powell, who received his undergraduate education through the ROTC at the City Colleges of New York (Shelton, 1985; Card and Elder, 1989; Kosova, 1990). This was and continues to be a significant point in light of the fact that this percentage is expected to remain unchanged if not expand as the government has made no efforts to increase the size of the military academies or promote large numbers of enlisted personnel into the officer corps (Malpass, 1985).

As competition for students increased, administrators also indicated the importance of a

close partnership between ROTC and higher education in order to attract capable students (Malpass, 1985; Jaschik, 1993). While there were regional variances in the rate of enrollment decline, an effective ROTC program could help alleviate the problem (Malpass, 1985; Jaschik, 1993). In 1990 ROTC brought approximately \$2 million to the University of Wisconsin at Madison in the form of scholarships and salaries (Kosova, 1990).

It is important, however, to point out that these positions were formulated without primary regard for the value of the program in its own right, rather, its excellence was derived from the fact that it served as a means to an end. This end was financial, in the form of academically qualified students with scholarships, and a positive relationship with the government in order to maintain and attract funding for research (Malpass, 1985; Kosova, 1990).

At the University of Kansas, Chancellor Gene Budig refused to implement a faculty resolution addressing the issue of ROTC excluding homosexuals (Swartz, 1990). In May 1990, the University Senate, composed of 52 elected faculty, students and staff, passed a resolution prohibiting the ROTC from conducting ROTC officer commissioning ceremonies on university property or involving university personnel in those ceremonies (Fagan, 1990; Swartz, 1990). ROTC commissioning ceremonies were traditionally held every spring before commencement (Swartz, 1990). However, the Chancellor, also a General in the Air National Guard, rejected the resolution (Swartz, 1990). His approval would have been necessary to make it university policy (Fagan, 1990). Neutrality

Institutions also responded neutrally to the issue of the ROTC and its policy of exclusion. Among the reasons cited were avoidance to involve the institution in a purely political issue, the benefits of ROTC to the institution with respect to student enrollment, and reluctance to interfere with positive and profitable government relations (Malpass, 1985; Trow, 1987; Kosova, 1990; Jaschik, 1993).

This position was largely grounded in the notion that it was improper to take a moral position on what may be a strictly political issue in which people can disagree in a moral forum (Trow, 1987). By transforming a political issue into a moral one and then taking sides while subsequently asserting the moral superiority of that side, it would become difficult to subordinate one's self to the common interest, the advancement and welfare of the institution (Trow, 1987). This type of political interference is what the former President of Harvard University, Derek Bok, referred to when he insisted that "universities have neither the mandate nor the competence to administer foreign policy, set our social and economic priorities, enforce standards of conduct in the society, or carry out other social functions apart from learning and discovery" (Trow, 1987).

This statement was paralleled by D. Bruce Johnstone, Chancellor of the SUNY system, who affirmed that in order for members of the higher education community to benefit from freedom of political interference, the price they have to pay is for institutions themselves not to become involved in political issues (Blumenstyk, 1991). This position argued that it is the politically neutral atmosphere of the university, which attracts people of diverse and varying points of view without the fear that their ideas or beliefs will be unfairly attacked (Trow, 1987; Blumenstyk, 1991). A political stance would deny the right of people with diverse political values to come together in a non-political environment to pursue other interests together, such as education, without regard to political differences (Trow, 1987).

Another reason some university administrators remained neutral is that taking the initiative with the ROTC put universities in a very uncomfortable position (Jaschik, 1993). According to the Assistant Chancellor for Legal Affairs at the University of California-Berkeley, Michael R. Smith, they would much rather have waited for the courts to address the controversy than for them to have had to take the awkward position of informing the DoD that it was wrong in its exclusionary policy (Fields, 1984b).

This was especially an issue for administrators at AAU institutions, who were hesitant to criticize the ROTC because of the millions of dollars in research grants that could have been placed at risk from negative relations with the DoD (Kosova, 1990). For administrators at the nation's major research institutions, this represented a financial decision, in which removal of the ROTC from a campus could have had a detrimental influence on securing federal funding for lucrative defense research (Kosova, 1990).

Collective Action

Significant in initiating collective action were two Pentagon research reports prepared by the Personnel Security Research and Education Center (PERSEREC) in Monterey, California. Still classified, draft copies of these were released to members of the House of Representatives Armed Services Committee. The reports found no correlation between homosexuality and evidence of security risk suitability, no evidence that homosexuals were a disruptive element in the armed forces, and finally urged their retention and expressed that the armed forces should consider admitting them (University of Pittsburgh ROTC Report, 1990). They reported that "homosexual men and women as a group are not different from heterosexual men and women in regard to adjustment criteria or job performance" (Card and Elder, 1989). The conclusions suggested that the armed forces should consider treating homosexuals as a non-ethnic minority as opposed to a form of deviancy or as criminals and recommended integrating open homosexuals into the military based on how African-Americans were integrated under Harry S. Truman (University of Pittsburgh ROTC Report, 1990).

In April 1990, less than one year after the release of the drafts of the two PERSEREC Reports, the Secretary of Defense, Dick Cheney received a letter from John M. Deutch, Provost of the Massachusetts Institute of Technology (Clark, 1990; Gross, 1990; Michaud, 1990). The letter by Mr. Deutch, a long-time Pentagon advisor, was a summary of points made by academics, highlighting the contradiction between the university principle of non-discrimination on the basis of sexual orientation and the presence of an ROTC which discriminates, adding that the presence of an ROTC which does discriminate cannot exist indefinitely (Gross, 1990; Maca, 1990). Though he made no specific details or deadlines, Mr. Deutch stated that because of ROTC policy, the risk was present that colleges and universities could withdraw from ROTC (Clark, 1990; Gross, 1990). He also cautioned Secretary Cheney that failure to reverse the ban would make it easy for dedicated opponents of the defense establishment to further their cause during a time of increasing calls for cutbacks in defense appropriations (Gross, 1990).

At the same time, an ROTC Advisory Committee at MIT was looking into the matter and arrived at the conclusion that it would require a long term commitment with collective action, and a time frame of three to four years to phase out ROTC without harming students already enrolled in the program (Maca, 1990). Under this position, collective action would take place with the four higher education associations, the American Council on Education, the Association of American Universities, the American Association of State Colleges and Universities, and the National Association of State Universities and Land Grant Colleges (Maca, 1990).

The President of MIT, writing to the Undergraduate Association stated that:

Both the Provost and I are troubled by the contradiction between MIT's policy of non-discrimination and the ROTC policy of discrimination on the basis of sexual preference, and we believe this ROTC policy should change...I believe that the military services not only should, but will, change their policies regarding sexual preference and ROTC programs, because the continuation of ROTC programs at

leading colleges and universities will be greatly influenced by this question (Maca, 1990).

The MIT Dean of Undergraduate Education, overseeing the ROTC program, found this policy difference between the DoD and MIT to be "deeply troubling" (Maca, 1990).

At the same time as the efforts to address this problem at MIT, Kenneth A. Shaw, President of the University of Wisconsin System, introduced a resolution at an April, 1990 Association of American Universities meeting, opposing ROTC policy regarding homosexuals (Collinson, 1990b). The following month, the presidents of the four groups representing nearly all the nations colleges and universities hand delivered a letter to the DoD, which expressed serious concern and urged Secretary Cheney to change the DoD policy of barring homosexuals from the ROTC (Clark, 1990; Michaud, 1990). The letter stated that this policy was at odds with university affirmative action programs which prohibited discrimination on the basis of sexual orientation (Collinson, 1990b).

The letter was prepared and signed by Robert H. Atwell of the American Council on Education, Robert M. Rosenzweig of the Association of American Universities, Allan W. Ostar of the American Association of State Colleges and Universities and Robert L. Clodius of the National Association of State Universities and Land Grant Colleges (Clark, 1990). The letter stated that the policy on homosexuals dated from the days of discrimination against blacks and other minorities. The letter further questioned the "curious anomaly" of discrimination based on sexual orientation, stating that "sexual orientation is the only basis in which discrimination is condoned within ROTC" and that other forms of "denial of equal opportunity on the grounds of race, gender, religion, nationality or political affiliation (have) long since been barred" (Collinson, 1990b). The letter stated that if this policy continued, the ROTC would lose not only the leadership of qualified homosexual cadets but also the support of the population who find discrimination intolerable in any form (Collinson, 1990b). The four presidents also requested a meeting with Secretary Cheney to discuss the issue (Michaud, 1990).

In late June of 1990, they received a reply from Secretary Cheney's office notifying them that "we do not plan to reassess the Defense Department's policy" and "that a meeting with the Secretary to discuss the issue would not be productive at this time" (Clark, 1990; Dodge, 1990). The letter also stated that there was no reason for the DoD to review the policy as up to that time they had won every court case on the issue (Michaud, 1990).

This led to a series of letters written by AAU institution heads to the Secretary of Defense. In May 1990, the president of the University of Pennsylvania sent a letter to the Secretary of Defense, urging a change in policy concerning homosexuals (R.C. Miner, personal communication, August 30, 1990). This letter was written in response to a University Council resolution adopted that same month, which stipulated the suspension of the ROTC program by June of 1993 unless the DoD changed its policy (R.C. Miner, personal communication, August 30, 1990). In June of 1990, the President of the University of Oregon sent a letter to Secretary Cheney and Oregon U.S. Representatives seeking support for "changing the military's policy of discrimination" (Smith, 1990). In 1990, the presidents of Rutgers University and Indiana University also joined in calling formally with other AAU institution presidents for an end to ROTC policy (J.G. Kryway, personal communication, August 28, 1990; B.R. Maca, personal communication, September 4, 1990). At the University of Minnesota, the Board of Regents passed a resolution in May 1990, stating that ROTC was at odds with the university policy of non-discrimination and urged the President, Nils Hasselmo, to lobby Congress to change the policy (Collinson, 1990b; McNaron, 1991).

In June 1990, the President of Washington State University, who also served as a member of the Army ROTC Advisory Panel on ROTC Affairs, requested that Secretary Cheney modify the existing DoD policy (C.L. Pullman, personal communication, August 31, 1990). Mr.

Smith considered the existing ROTC policy to be in direct conflict with a State Executive Order for the State of Washington, which mandated an end to discrimination against any class of individuals, including homosexuals (C.L. Pullman, personal communication, August 31, 1990).

In the fall of 1990, at the University of Pittsburgh, a committee was convened to collect information about the status of ROTC on campus (University of Pittsburgh ROTC Report, 1991). In February 1992, Chancellor J. Dennis O Conner accepted the eight recommendations, which the committee made,, with the exception of the discontinuation of the ROTC programs by 1997 should the DoD not revise its policy. Chancellor O'Conner felt that AAU universities should act as a group in removing ROTC programs, rather than each institution acting individually.

Banning Military Recruiters

Some institutions have reacted to ROTC policy by banning armed forces recruiters. These measures were taken not only in response to ROTC, but also to the overall military policy of excluding homosexuals. In this response, the laws which affect it and threats of repercussions from the DoD, are similar and in some cases the same as those affecting the ROTC (Norris, 1982).

After banning military recruiters, law schools at the UC-Los Angeles, Columbia University, Harvard University, New York University and Yale University, received letters from the Judge Advocate General of the Army, Hugh Clausen, in May 1982, warning them that they could lose DoD funding if they continued to prohibit Army recruitment (Norris, 1982). Each of these schools has policies in effect, which prohibit recruitment by employers on campus that discriminate among a variety of ways, including sexual orientation. Each of these law schools also claimed that this measure was taken to ensure that their actions were consistent with their own internal policies.

The letters included the threat that if Army recruiters continued to be barred, the Judge Advocate General would recommend to the Secretary of Defense that no Army officers be trained at these institutions, and that "no Defense Department contracts be awarded to your university as long as our officers are denied the ability to recruit on campus" (Fields, 1982). The letters cited 1973 Public Law 92-436, Section 606, which prohibits the expenditure of DoD funds to any institution which bars military recruiters from its campus (Fields, 1984a,b). This law jeopardized the future support of tuition assistance for military personnel enrolled in the institution, research done for the military, and existing ROTC programs (Fields; 1982; Fields, 1984a; Card and Elder, 1989).

Initially, institutions were uncertain whether financial penalization applied only to the subordinate element of the institution, such as the school of law, or to the entire institution (Fields, 1982; Norris, 1982). A cutoff of DoD contracts was the most serious concern, collectively the five institutions received over \$40 million in 1981 in military contracts (Fields, 1982; Norris, 1982). Later clarification made it clear that the law only applied to the subordinate elements (Fields, 1984a,b).

The schools stated that they would be willing to allow the military to recruit on campus if recruiters would sign a statement which all other employment recruiters sign. This statement called on recruiters to pledge that they did not discriminate in their hiring practices on the basis of sex, race, age, national origin or sexual preference (Fields, 1984,b). Armed forces recruiters refused to sign the non-discrimination statement or discuss the issue of homosexuals, none of the institutions modified their policies barring military recruiters and the threat of cutting military funding was never carried out (Norris, 1982; Fields, 1984a).

In May 1984, Gen. Clausen sent a second round of letters to the UC-Berkeley, UC-Los Angeles, Columbia University, Harvard University, University of Minnesota, New York

University, University of Pennsylvania and Yale University (Fields, 1984a). These letters reiterated the earlier warning of financial repercussions regarding Public Law 92-436, Section 606 (Fields, 1984a). This second series of letters was sent as a follow-up, in order to inquire about the policies of these institutions regarding military recruiters and their law schools (Fields, 1984a; Fields, 1984b).

As before, institutions offered military recruiters the opportunity to recruit, provided they signed non-discrimination statements (Fields, 1984a; Fields, 1984b). Military recruiters did not sign the statements and no sanctions were taken against the institutions as the DoD did "not wish to engage in a confrontation with institutions of higher learning over their career placement policies" (Fields, 1984b).

In October 1989, the University of Iowa, College of Law joined the above institutions by banning military recruiters of the Judge Advocate General from conducting interviews in the building (Kosova, 1990; Roberts, 1990). In response to this, the ROTC unit on campus allowed the recruiters to use their facilities for recruitment purposes (Kosova, 1990; Roberts, 1990).

On September 20, 1991, the Office of Lesbian and Gay Concerns, part of the State Division of Human Rights in New York, ordered the law school of the State University at Buffalo to bar military recruiters from its campus citing that the armed forces discrimination against homosexuals conflicted with 1983 and 1987 Executive Orders issued by Governor Mario Cuomo outlawing discrimination based on sexual orientation (Gogola, 1991). The agency ruled that by allowing the recruiters on the 64 campus SUNY system the law school was violating its own policies prohibiting discrimination on the basis of sexual orientation (Mercer, 1992).

However, by the end of that same day, Governor Cuomo declared the Division of Human Rights ruling to be "unenforceable" because of a state education law which allows the military the same right to recruit on campus and that it was not within the authority of an executive order to affect the military (Gogola, 1991; Mercer, 1992). While the Division of Human Rights could challenge cases in state courts over alleged violations of New York law, they had no authority to challenge executive orders (Blumenstyk, 1991). This left the Division of Human Rights with no authority to enforce its ruling.

Administrators who sought a change in the DoD policy toward homosexuals did not consider this to be a major defeat in their efforts (Mercer, 1992). They did concede, however, that due to the size of the SUNY system, had the barring of recruiters held up, it would have been a major victory (Mercer, 1992). The Chancellor of the University of Buffalo stated that he would continue to "push to see that the military opens its doors" (Mercer, 1992).

In November 1991 a bill was approved in the Illinois State Legislature which would have prevented the state's colleges and universities from barring military recruiters or the ROTC (Blumenstyk, 1991; Gogola, 1991). The bill was designed to see that attempts by institutions across the country to bar recruiters were not successful in Illinois (Blumenstyk, 1991; Gogola, 1991). However, Governor Jim Edgar vetoed the bill, explaining that he felt it was an intrusion into the rights of higher education governing boards to regulate their own institutions (Blumenstyk, 1991; Gogola, 1991).

Removal of ROTC from Campus

The complete removal of ROTC from an institution, and severance of relations with ROTC, is another position administrators have considered (Jaschik, 1993). The appropriateness of severing the institution from ROTC has been derived from that fact that it is the local unit, which is in violation of institutional policy (Card and Elder, 1989). The object of putting pressure on the local unit has been to persuade the DoD at its highest authority to change its policy regarding homosexuals (Card and Elder, 1989). However, the idea of barring ROTC from

campuses, in order to bring the institution into compliance with institutional policies prohibiting discrimination based on sexual orientation, is complicated by the responsibilities of land grant institutions to offer military training and the political repercussions of eliminating the ROTC at AAU universities (Collison, 1989; Kosova, 1989; Card and Elder, 1990).

At the University of Wisconsin-Madison, faculty members asked for the removal of ROTC from the campus, only to be overruled by the president and board of trustees (Michaud, 1990). In December 1989, at the first full meeting since 1970, faculty voted to urge the Board of Regents to remove the ROTC from campus and sever all university contacts by 1993 unless it changed its policy of excluding homosexuals (Card and Elder, 1989; Gross, 1990; Kosova, 1990). The faculty found ROTC to be in violation of institutional policies in addition to state law (Card and Elder, 1989). State law became an issue when state legislators passed Wisconsin Assembly Bill 70, which broadened non-discrimination laws to include sexual orientation (J.S. Riley, personal communication, August 30, 1990).

However, Chancellor Donna E. Shalala and University of Wisconsin System President Kenneth Shaw, both of whom also supported an end to the ban, decided instead that the institution would be best served by lobbying the state's Congressional delegation to change the policy (Clark, 1990b; Gross, 1990). They stated in their recommendation to the Board of Regents, the only body with the authority to terminate the university's relationship with ROTC, "that we continue the ROTC program at UW-Madison. At the same time, we join our university colleagues in expressing strong opposition to the current U.S. military policy with respect to discrimination" (Card and Elder, 1989; J.S. Riley, personal communication, August 30, 1990).

In spite of strictly enforced campus and state policies prohibiting discrimination, the University of Wisconsin-Madison made an exception to ROTC, allowing it to remain on campus, over the objections of its faculty (Clark, 1990b; Gross, 1990; Kosova, 1990). When the faculty asked Chancellor Shalala to place a disclaimer in university publications which included information stating that university ROTC programs were in violation of institutional policy and state law, both the Chancellor and System President declined (J.S. Riley, personal communication, August 30, 1990).

On May 9, 1990, the University Council at the University of Pennsylvania adopted a resolution stipulating the suspension of the ROTC program after June 1993, if the DoD were to continue to exclude homosexuals (R.C. Miner, personal communication, August 30, 1990). On May 16, 1990, the faculty at MIT passed a resolution notifying the institutions administration that it was requesting the suspension of the ROTC program after the fall of 1993 if the DoD policy were still in effect (B.R. Maca, personal communication, September 4, 1990). At Syracuse University, the Faculty Military Affairs Committee developed a resolution which was passed on April 30, 1990 by the Faculty Senate, calling for the DoD to change its policy on homosexuals or face the elimination of the ROTC program by June 30, 1994 (R.E. Little, personal communication, August 30, 1990).

ROTC Commanders have asserted that exclusion on the basis of sexual preference is legal and permissible under the authority of federal law which precedes state, local and institutional law, and on the basis that courts have ruled, until recently, that exclusion based on sexual preference was not unconstitutional (Card and Elder, 1989). Administrators assert, however, that at times in the history of the United States, slavery, the return of fugitive slaves, school segregation and the internment of Japanese-American citizens on the basis of their ancestry during World War II were all supported by federal law, only to be later changed (Card and Elder, 1989). Administrators have asserted that qualified homosexual students are placed at a disadvantage while unable to benefit from those same scholarships (Card and Elder, 1989).

William B. Rubenstein, Director of the Gay and Lesbian Rights Project of the American Civil Liberties Union, stated that pressure by institutions on the DoD has been significant because it comes from "the smartest people in our society" (Blumenstyk, 1991). He has cited

pressure to remove the ROTC on campuses around the country as the single most important and powerful factor which has pressured the DoD to change its policy (Rubenstein, 1992).

The option of removal has been complicated by the legal responsibilities of land grant institutions, such as the University of Wisconsin-Madison, to offer military instruction under the provisions of the Morrill Act of 1862 (Card and Elder, 1990; Kosova, 1990). However, institutions could remove ROTC presence while still satisfying their military training obligations (Card and Elder, 1990). The Morrill Act states under Section 4 that the funding derived from the sale of lands shall be used for:

...maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

From the development of the Morrill Act in 1862 until the creation of the ROTC in 1916 under the National Defense Act, land grant institutions have fulfilled their obligation through offering compulsory drill to male students and through the development of Departments of Military Science (Hedemann, 1985; Card and Elder, 1989). Under the provisions of the Morrill Act, land grant institutions have the option to remove ROTC from the institution provided they are able to successfully satisfy their respective state legislatures with regard to offering military instruction (Card and Elder, 1989). Therefore, ROTC is not the only way for land grant institutions to fulfill this obligation. Administrators were compelled to take into consideration that public support for homosexuals was not strong, and the impact this would have on politically minded state legislators to support removal.

Further consequences made this option the least realistic. Administrators had to consider that banning ROTC programs from universities would only prevent some students from being able to attend college without ROTC tuition benefits, resulting in a loss of students at a time when funding is badly needed (Collison, 1989). One consequence of banning ROTC units from campuses will be the prevention of capable men and women from attending college and serving their country (W.J. Diol, personal communication, August 27, 1990).

Another consequence of banning ROTC would be the transfer of the primary education for the nation's military leadership to military academies, such as West Point and Annapolis, and to traditionally conservative southern institutions such as Virginia Military Institute and The Citadel, eliminating the ability of more liberal institutions to influence the development of the American officer corps (W.J. Diol, personal communication, August 27, 1990). At service academies, potential officers receive a curriculum much narrower than that found at universities, and at conservative southern institutions cadets would not have been exposed to the liberal environment and wide variety of ideas found at more progressive northern institutions (W.J. Diol, personal communication, August 27, 1990). In addition, if ROTC were removed from the institution, there would have been little, if any, opportunity to pursue a dialogue with the government to end discrimination.

A perspective expressed by one ROTC commander considered there to be little chance of removal, dismissing it as "an old goal espoused by the 60's generation professors who still dislike ROTC. This is a low risk possibility" (M.S. Geoghagan, personal communication, August 24, 1990). In addition, some ROTC commanders did not take academic opposition to ROTC seriously; one Army ROTC commander at the University of Wisconsin-Madison described the institution and city as "an island surrounded by a sea of reality" (J.S. Riley, personal communication, August 30, 1990).

So far, only Pitzer College, one of the Claremont Colleges in California, voted to ask ROTC to leave campus because it conflicted with the institution's non-discrimination policy (Clark, 1990b; Collinson, 1990b). The college faculty voted to remove ROTC from the campus and the president upheld the vote. The policy became effective in September, 1991 (Michaud, 1991).

Distancing the Institution from the ROTC

Administrators opposed to the exclusion of homosexuals as well as the removal of ROTC from higher education have suggested instead distancing institutions from ROTC (Davis, 1990). This point of view manifested in two forms, the physical removal of ROTC from the institution and the disassociation of the institution through policy (Clark; 1990; Davis, 1990; B.R. Maca, personal communication, September 4, 1990).

The concept of physically distancing the institution from ROTC originated at Harvard University, which successfully offered ROTC training at facilities and locations off campus since 1972, when it was relocated in protest of the Vietnam War (Davis, 1990). Since that time, coursework and training have taken place in National Guard and Reserve Centers (Davis, 1990).

The physical relocation of ROTC training satisfied those opposed to the complete removal of ROTC from the institution (Davis, 1990). This response had the added prospect of benefiting both the institution and ROTC cadets. Even while operated off campus, institutions continued to benefit from ROTC scholarships as well as positive relations with the DoD, necessary for funding at research universities (Davis, 1990). At the same time, the interaction with reservists and other active duty officers benefited cadets (Davis, 1990). Physical relocation further eased academic conflict through eliminating the necessity of military officers to hold academic rank, a common source of tension among faculty members (Davis, 1990).

Although travel to such facilities was at times difficult and costly for the cadets and institutions, travel to other sites for ROTC training and coursework continues to be commonplace at small institutions which have historically not produced a large enough number of ROTC graduates to warrant a program of their own (Davis, 1990). From a financial perspective, this policy was appealing to the DoD as well. By reducing the number of battalions while not closing programs at institutions, which would deny opportunity to students interested in ROTC, the DoD was able to commission the same number of cadets upon graduation, at a lower cost (Davis, 1990). Furthermore, centrally located battalions brought together students from a variety of institutions, making ROTC a more appealing option for institutions without a strong ROTC history or for those considering developing an ROTC program of their own (Davis, 1990).

However, this did not address the central issue of ROTC policy, the exclusion of homosexuals (Alderson, 1990; Solomon, 1990). Physical relocation represented only a short-term solution as opposed to developing strategies to change policy in the same manner that the history of discrimination against women and African-Americans was addressed (Solomon, 1990; Williams, 1990). Moving ROTC off campus did not completely resolve that issue.

Administrators who advocated stronger responses argued that only changing ROTC policy would resolve the problem of exclusion and ultimately make ROTC better equipped to produce representative, well educated officers (Solomon, 1990). As representatives of enlightened institutions, administrators were been encouraged to hold their moral ground and confront the issue rather than avoid it (Solomon, 1990).

Rutgers University addressed the conflict between ROTC and institutional non-discrimination policies by distancing itself from the ROTC program it hosts. In November 1989, T. Alexander Pond, Acting President of Rutgers University, ordered the implementation of a report issued by the Select Committee on Gay and Lesbian Concerns, organized by Mr.

Pond in February 1988, in response to complaints of discrimination made by homosexual students, directed toward the ROTC program (B.R. Maca, personal communication, September 4, 1990). Under the area of Curriculum and Academic Affairs, the committee made the following recommendations:

The university must ensure that the joint cooperative academic programs offered by Rutgers in cooperation with outside agencies are in full compliance with Rutgers non-discrimination policy. Programs which do not comply or cannot be brought into compliance should be terminated. Examples include the Army ROTC and Air Force ROTC (B.R. Maca, personal communication, September 4, 1990).

In response to the recommendations of the committee, in August 1990, Rutgers University ceased awarding four merit scholarships to four Army and Air Force ROTC cadets attending the university (Clark, 1990b; B.R. Maca, personal communication, September 4, 1990). Merit scholarships were benefits which paid \$1,700 per year in the form of room and board, above and beyond ROTC support (B.R. Maca, personal communication, September 4, 1990). Mr. Pond announced the policy in an open letter to the university support (B.R. Maca, personal communication, September 4, 1990). This was the first time an institution cut ROTC scholarships because of ROTC policy (Clark, 1990b). ROTC students who were receiving scholarship aid at the time of the announcement were not affected.

In explaining this move, William David Burns, Vice-President at Rutgers, stated that the ROTC policy was as "outmoded as their former policy on women and blacks" (Clark, 1990b; Nelson, 1990). He also said that their objective in this move was "not to deny the program to a certain group of students, but to open it to all" (Clark, 1990b). In addition, Rutgers placed in all university literature describing ROTC, a statement that ROTC discriminates against homosexuals and that this contradicts university policy (B.R. Maca, personal communication, September 4, 1990). Rutgers policy prohibited discrimination against individuals based on their sexual orientation (Clark, 1990b). In addition, Mr. Pond joined with presidents of other AAU institutions to write to Secretary Cheney to encourage a change in DoD policy (B.R. Maca, personal communication, September 4, 1990).

Princeton University approached this issue in a similar manner. Among the recommendations a 1990 Princeton University committee made, were revising publications in order to clearly verbalize that the ROTC policy of excluding homosexuals was in violation of the university non-discrimination policy and that the university was opposed to this form of discrimination (Davis, 1990).

Administrators further distanced the institution by lobbying the DoD to increase its efforts to recruit students from graduating classes, minimizing the need for ROTC (Davis, 1990). Such activity would have worked to satisfy the military need for college and university educated men and women, while reducing the need for a military presence on campus (Davis, 1990). Administrators also lobbied the DoD to make more extensive use of summer training programs. Two summer programs instead of one would have reduced the need for military classes at the university, or even have made such classes unnecessary (Davis, 1990).

Many ROTC officers objected to the idea of the institution distancing itself from ROTC (Hatheway, 1990). Physical relocation was considered a low level threat, however, removal of academic credit and budget support was a significant concern, considered to have been a greater threat with a stronger likelihood of occurrence (M.S. Geoghagan, personal communication, August 24, 1990).

A disadvantage to physically moving ROTC off campus was that ROTC cadets would have been less likely to develop fully into free thinking, critically minded officers who are best developed in the higher education environment (Cinquino, 1990). The very presence of military

officers in the higher education environment has stimulated the free discussion of the values of the military and higher education in the preservation of national defense (Cinquino, 1990).

If ROTC enrollments were to drop, the Army would be forced to lower its commissioning standards in order to meet its needs. We have witnessed the results of lowered standards, most recently during the expansion of the officer corps during the Vietnam War. I would suggest that if the officers in common at My Lai had been commissioned through ROTC, we would never have heard of that unfortunate hamlet. ROTC officers, liberally educated, and therefore aware of their larger responsibilities to society and to humankind, would never have allowed a massacre to take place (Cinquino, 1990).

Changing the University Environment

Administrators also approached the problem of ROTC exclusion of homosexuals as part of a larger societal problem with the issue of homosexual rights, and attempted to address the issue through education. In 1990, the University of Minnesota offered its first course on gay studies (McNaron, 1991). English 101 classes in some universities developed writing assignments on homosexuality topics and homosexual writers.

With curricular changes such as these at major universities, it was difficult to ignore the challenges with respect to homosexuals and ROTC (McNaron, 1991). Starting in 1989, Harvard University hosted an annual national conference oriented toward homosexual research and inquiry (McNaron, 1991). That same year, Harvard University appointed an Assistant Dean of Student Affairs to deal with homosexual issues on campus. At Indiana University in 1990, the Dean of Students and Vice-Chancellor began developing an educational task force on gays, lesbians and bisexuals (J.G. Kryway, personal communication, August 28, 1990). In addition, Yale University, Rutgers University, the City University of New York and Berkeley University established homosexual studies programs, while institutions were in varied processes of developing programs of study (McNaron, 1991).

Clinton Compromise

In the spring of 1993, homosexual lobbying groups began pressuring President Bill Clinton to fulfill his campaign promise to improve homosexual rights. However, members of Congress revolted at the idea of allowing homosexuals in the armed forces. The six members of the Joint Chiefs of Staff fueled their anger, lead by its Chairman, General Colin Powell, who strongly resisted the possibility of homosexuals being allowed in the armed forces.

After two weeks of negotiation, the President, with Senate Majority Leader George Mitchell, and Senator Sam Nunn, Chairman of the House Armed Services Committee, agreed to a six month period of policy review, to be accompanied by a moratorium on discharges and disenrollments for homosexuality (Clinton, 1993). On February 3, 1993, the DoD issued revised instructions to the ROTC regarding enrollment and commissioning of cadets (G. Bond, personal communication, February 18, 1993). These orders included instructions regarding the disposition of homosexual cadets. Under the "don't ask, don't tell" guidelines, cadets were not to be questioned about their sexual preference (G. Bond, personal communication, February 18, 1993). However, any cadet who had stated he or she were homosexual would not be offered a commission (G. Bond, personal communication, February 18, 1993).

Summary and Discussion

The presence of the ROTC on AAU campuses around the country benefited both higher education and the armed forces (Patterson, 1985). Higher education benefited from the scholarship students and funding the DoD has provided. The military benefited from a corps of well educated officers representative of a broad base of the population and more easily able to secure the trust and confidence of a free nation (Malpass, 1985). While these were valuable and beneficial to higher education and the nation, they also were the source of conflict and strained relations with the military establishment.

Institutions responded in a variety of ways to ROTC policy of excluding homosexuals. Administrators who responded supportively cited the many benefits of ROTC to higher education and the nation (Shelton, 1985; Card and Elder, 1989; Davis, 1990; Kosova, 1990). Others tried to remain neutral in order not to interfere with positive and profitable governmental relations as well as to avoid taking a moral position a political issue (Malpass, 1985; Trow, 1987; Davis, 1990; Kosova, 1990; Jaschik, 1993). The banning of military recruiters became an issue in 1982, when law schools at the Universities of California-Los Angeles, Columbia, Harvard, New York and Yale, banned recruiters from their law schools (Norris, 1982). This rose again in 1991 when the Office of Lesbian and Gay Concerns, part of the State Division of Human Rights in New York, ordered the law school at the State University at Buffalo to bar military recruiters from its campus (Blumenstyk, 1991). The complete removal of ROTC from the institution, and severance of all relations with ROTC, was another position institutions considered. However, only Pitzer College, one of the Claremont Colleges in California, voted to ask ROTC to leave campus because it conflicted with the institution's non-discrimination policy (Clark, 1990b; Collinson, 1990b). Administrators opposed to the exclusion of homosexuals in ROTC as well as the removal of ROTC from higher education suggested instead, distancing institutions from ROTC (Davis, 1990).

With the exception of supportive responses to ROTC policy, all other responses shared one common element, changing individual attitudes with respect to how society regards homosexuals. Whether intentional or not, this seeks to indirectly change policy through changing attitudes and values. This is done by sending the community a message that the denial of opportunity to a group of people is unacceptable.

The dispute over the place of homosexuals in the military was more than just a matter of different policy perspectives, it was the continuation of a national battle on homosexual rights (Adair and Myers, 1993). Challenging the military policy regarding homosexuals was one of the central battlegrounds in fighting homophobia at large. Whether one agrees with the policy or not, it was policies such as this which contributed to the emotional and physical abuse and discrimination of homosexuals by sending out an unconscious message that it was acceptable to place these people at a disadvantage and deny them equal treatment (Collison, 1989).

No one knows how many ROTC cadets were disenrolled for their sexual preference (Kosova, 1990). Pentagon statistics are lumped together with those disenrolled for reasons such as failure to meet weight standards (Kosova, 1990). In 1989, 20,178 Air Force ROTC cadets were enrolled across the country (Clark, 1990b; Gross, 1990). Of these, 1,155 were disenrolled for various reasons (Kosova, 1990). The average cost to educate and train a cadet in 1990 was \$39,598 (Kosova, 1990). If one were to assume the liberal figure that 10% of these cadets were disenrolled based on their sexual preference, the cost to the United States taxpayers would have been \$4.5 million. If similar formulas were applied to all three branches of the ROTC, the cost to taxpayers rises to \$9 million at a low point to \$18 million at the very highest estimate (Kosova, 1990). This does not even mention the loss of talented leadership that cannot possibly carry a price tag.

Policy makers can learn a great deal from this issue. The level of controversy that developed over ROTC policy makes it clear that administrators cannot underestimate the sense of injustice people will experience if they perceive a group being the victim of discrimination. If

that feeling of injustice is strong enough, as it was in this case, it will spill out of the institution into the larger social scene and become a political issue, as was the case in the 1992 national elections.

This is also an issue of institutional priorities, the authority of internal institutional non-discrimination policy over a discriminatory program operating in the institution. Evidence demonstrated that ROTC programs were institutional activities and subject to the authority of the institution (University of Pittsburgh Report, 1991). This was demonstrated by universities providing office space for ROTC staff, salaries, credits, faculty status for ROTC instructors and offering ROTC courses to students who were not cadets (Swartz, 1990; University of Pittsburgh Report, 1991). Allowing outside authorities to determine, in part, institutional policy was nothing new to higher education. This was and is still the case with grant or research funding guidelines, and accrediting agencies. However, by allowing the DoD to operate a program within the institution which openly discriminated against a protected minority, institutions effectively allowed the military to determine institutional policy over the objections of educational administrators, violating institutional policies, posing a threat to academic autonomy. Only by seeking a change in DoD policy, could institutions legitimately and rightfully achieve enforcement of its own policies in its own borders (Card and Elder, 1989).

A disturbing aspect of this policy is the deception and hypocrisy involved. This deception is embodied in examples of senior level administrators publicly criticizing ROTC policy, then privately informing their unit commanders of their support for ROTC. In another instance a university president refused to acknowledge the conflict between an institutional non-discrimination statement, and a policy which openly violated that statement. This type of behavior only served to blanket this issue in more controversy and arouse emotions, making it more difficult to diffuse the problem rationally.

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