

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION

BETWEEN:

MICHELLE DOUGLAS

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant

AFFIDAVIT OF MICHAEL BRYANS
(Sworn October 7, 1992)

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AFFIDAVIT OF MICHAEL BRYANS

(Sworn October 7, 1992)

I, MICHAEL BRYANS, of the City of Ottawa, in the Regional Municipality of Ottawa-Carleton, MAKE OATH AND SAY AS FOLLOWS:

1. I hold a Masters Degree in Public Administration from Harvard University, John F. Kennedy School of Government. During the years from 1986 to 1992 I was employed as Senior Editor and Writer by the Canadian Institute for International Peace and Security, a Crown Corporation which had the mandate from the Parliament of Canada to "increase knowledge and understanding of issues relating to international peace and security from a Canadian perspective." My duties there included being the editor-in-chief for Peace and Security Magazine, Managing Editor of the Institute's research publications, chair of the Institute's research publication working group, and writer and commentator on various issues dealing with international political, military and economic affairs.

2. I was the co-creator and co-producer of the National Film Board of Canada film series: *WAR, A commentary by Gwynne Dyer*. Since its first broadcast in 1983, this documentary film series has been broadcast in some 40 countries, including the U.S., Japan, Australia and the United Kingdom. It is regularly used by various national military staff colleges, and forms part of the core

curriculum for several dozen college and university courses across North America. The series won numerous international awards and one episode of the series, *The Profession of Arms* was nominated for an Oscar in 1983 by the U.S. Academy of Motion Picture Arts and Sciences. This particular episode was a study of the psychology of military leadership and group dynamics in combat. My work on this series was instrumental in gaining unprecedented access to the military organizations of the Soviet Union and Israel.

3. The scholarly and field research required for this film series, its 1986 sequel *The Defence of Canada* (produced by the Canadian Broadcasting Corporation and the National Film Board), study at Harvard University and the Massachusetts Institute of Technology in 1985-86, and subsequent public policy and editorial work at the Canadian Institute for International Peace and Security has in ten years brought me into close contact with the military institutions of five countries (Canada, Finland, the U.S., Israel and the Soviet Union), combat veterans of numerous wars and all three services, and required in-depth research into the history of warfare and the evolution of the military institution.

4. I am a session lecturer at Carleton University for the course "Technology, Society and the Arms Race", have been a guest lecturer at the National Defence College in Kingston, and was invited to present testimony to the Minister's Advisory Group On Defence Infrastructure. Since June of 1992 I have been an independent consultant, writer and analyst in the field of international political and economic affairs. Attached as Exhibit "A" to this my Affidavit is a true copy of my curriculum vitae.

5. I have reviewed the Affidavit of Colonel William Darryl Henderson, sworn the 25th day of August, 1992 and the Affidavit of Dr. Peter Suedfeld, sworn the 26th day of August, 1992.

6. Colonel Henderson never uses the words "gay" "lesbian", "gender", "sex" or "sexual preference" in his Affidavit, or in the

Exhibit attached to that Affidavit. When composing his list of factors which must be considered when discussing cohesion and its impact on combat military performance he does not mention these concepts. I assume he would have discussed these factors in his Affidavit if they had been relevant to his thesis. However, I have been told to assume that Colonel Henderson would apply his argument to gays and lesbians in the balance of this Affidavit, and to comment based upon that assumption.

7. Colonel Henderson's thesis is that bonding among members of a combat unit is vital to how well the unit performs in combat. Among members of a group "common religion, race, ethnic group, social class, age, geographical region, and history appear to contribute to the communications necessary for interpersonal relations" (p.4) which is in turn necessary for bonding and cohesiveness (how well the group holds together under stress). Colonel Henderson goes on: "...dissimilar characteristics within a unit, such as language, religion, race, history and the values that accompany these characteristics, tend to hinder cohesion...." (p.26).

8. If the defendants would add the words "sexual orientation" to this list of "cleavages" (as Colonel Henderson calls them at p. 25) that represent a threat to group cohesion then it would be his view that gays and lesbians are an unacceptable cleavage or dissimilarity in the human raw material from which the armed forces must assemble combat units of high cohesiveness. Colonel Henderson puts particular stress on the importance and role of military group leaders (NCO's and officers) in not representing any such "cleavages": "Above all, successful leaders must abide by and adhere to all of the dominant norms within their group or unit." (Page 20) With respect to this last statement, there are many successful leaders who do not abide by and adhere to all of the dominant norms within their group. To make this last statement is to imply that leadership is merely reflective.

9. Colonel Henderson asserts that group cohesion is important for battle success, and that a list of factors are important in determining the level of group cohesion. What Colonel Henderson does not tell us is which factors are most important under various conditions; when some are more important than others and when not; and what degree of cultural/social/linguistic/sexual/gender/religious/ideological dissimilarity is tolerable (for some, surely, is unavoidable) and what degree goes over the line (assuming there is a line). Colonel Henderson mentions none of this. As a guide to military organizations or anyone else interested in the problem of group cohesion and what to do about it, his affidavit is of little assistance. Furthermore, there are serious students of this subject who contend that with the current state of knowledge, answers to these questions are not currently available.

10. One of the most comprehensive overviews of combat behaviour comes from Canada. It is written by Anthony Kellett who currently works in the Social and Economic Analysis Branch of the Department of National Defence's Operational Research and Analysis Establishment. It is called Combat Motivation: The Behaviour of Soldiers in Battle (Kliwer-Nijhoff: Boston, 1982). This book and other evidence which I have collected from highly credible military historians such as John Keegan, Terry Copp, Bill McAndrew, Gwynne Dyer and my own personal interviews with dozens of veterans from both World Wars, the Vietnam War and the Yom Kippur War in Israel, do not appear to support Colonel Henderson's thesis. I accept the views of those experts who oppose Colonel Henderson's thesis.

11. On the relative importance of the factors influencing combat motivation -- what is important and what is not Kellett had the following to say:

"This book has not sought to answer the question of why soldiers fight by positing a single, absolute cause such as "buddies", the group, regimental esprit, ideology, or leadership. To do so might have been operationally attractive, but as misleading as to assume there is such

a thing as an "average" or a "typical" soldier. One example of the problems inherent in such an absolute approach may suffice. Primary-group theory has commanded strong adherence as an explanation of combat motivation, yet it may be assumed that primary groups exist in most armies and units in battle, including those in which the motivation to fight is demonstrably low -- for instance, cohesive but oppositional groups. Loyalty to the primary group and the pressures that loyalty exerts on the individual are important elements in combat willingness but are not sufficient explanation of why men fight. Furthermore, while one motivation may be the preeminent influence on a soldier's behaviour at the moment of engagement, it is shaped by other, less immediate motivations, and new ones supervene according to the situation. One of the features of combat is its absorbing immediacy. Motivations tend, therefore, to become strongly situational, and some (like ideology) are often temporarily displaced or recast -- in (S.L.A.) Marshall's words: 'All values are interpreted in terms of the battlefield itself'." -- (Kellett, p.319).

12. In further discussing the set of factors on which Colonel Henderson places importance, Kellett cites one of the seminal United States studies which followed World War II:

"The Stouffer study drew the following conclusions: 'We are forced to the conclusion that personal motives and relationships are not uniquely determinate for organization in combat...officers and men must be motivated to make the organization work, but not all of them have to be so motivated, nor must they agree on details of social philosophy or be bound by ties of personal friendship in order for a functioning organization to exist. To put it another way, the best single predictor of combat behaviour is the simple fact of (an) institutionalized role: knowing that a man is a soldier rather than a civilian. The soldier role is a vehicle for getting a man into the position in which he has to fight or take the institutionally sanctioned consequences.' (Kellett, p.334 citing, S.A. Stouffer, et al, Studies in Social Psychology in World War II, vol. 2, The American Soldier: Combat and Its Aftermath, Princeton: Princeton University Press, 1949).

13. The Stouffer study quoted above is typical of a large body of literature in this area in that it stems from studies undertaken during and after World War II. Historians and analysts like Keegan, Kellett, Henderson and Dyer writing in the 1970's and 1980's continue to rely upon seminal immediate post-war works from S.L.A. Marshall, Appel and Beebe, and Stouffer. Likewise a recently published Canadian work, Battle Exhaustion: Soldiers and the Psychiatrists in the Canadian Army, 1939-45 (Montreal and Kingston: McGill-Queen's University Press, 1990) centres on this

most productive period in learning about combat psychology.

14. During World War II the Canadian army, like the armed forces of many countries, undertook at the recruiting level to screen out and prevent from entering the army men they believed would be "unlikely to succeed as soldiers because of defects of character or lack of motivation". The authors Terry Copp (Wilfred Laurier University) and Bill McAndrew (Directorate of History, Department of National Defence) write in conclusion to the study, citing a senior military medical psychiatrist of the period, that the screening processes were useless and tended to screen out as many potentially effective recruits as ineffective ones. In other words, the Army would have done just as well by doing nothing. Writing in 1990, Copp and McAndrew comment:

"The predictive problem was the huge gap between the personality traits that were presumed to produce a good combat soldier and those that he actually displayed. It may seem anachronistic in an era that employs psychologists to screen hockey players and those in a variety of other occupations, but accurately predicting an effective infantryman remains as difficult as ever...*Manning policies during World War II, or in the 1950's when Chalke (military psychiatrist cited above) wrote, or a generation later, were beyond the purview of the psychiatrists. They (the manning policies) were "not formulated on the basis of what a psychiatrist can do, but in terms of practical, political and economic necessity". Those necessities remain in constant flux, and it is exceedingly doubtful that Chalke's questions (regarding the ultimate efficacy of screening methods which he said "appeared to a scientist to be naive and uncontrolled") will ever be satisfactorily answered." (Copp and McAndrew, p. 160-161)

* recruitment policies

15. From the above it is clear that at the level of individuals we do not have any way of predicting (beyond the grossest measure of basic physical and intellectual capacity) who will react well or badly to the pressures of combat. As well, the scientific and social scientific literature raises considerable doubt about whether or not Colonel Henderson is right: i.e. That in order to function successfully armies must reduce the number of "cleavages" within its ranks, that good leaders must "adhere to all the dominant norms within their unit," or that "dissimilarities" in

values are a threat to combat performance. I do not believe these statements to be supportable or true.

16. It is probably easier and less demanding on drill sergeants in basic training to work with all male 18 year-old recruits, all of Scottish or Irish heritage, all from the same high school in London, Ontario, than it is to inculcate today's set of military values in a multi-national, multi-ethnic, bilingual, variously-aged group of people from all parts of the country, of both genders and of different religious and economic backgrounds. Nevertheless, our current Armed Forces have done well in the midst of this diversity and variation in its human raw material. This is also true of other Armed Forces like those of Israel. The Israeli Defence Force has an even more widely diverse set of cultures, backgrounds and languages to work with than Canadian or most other Armed Forces yet it has certainly had much greater military success if such success is measured in terms of battle victories or the respect of military experts. In my opinion, diversity in the ranks, "dissimilarity" or too many "cleavages" are criteria simply too vague to be predictors of military success or to be useful explanatory factors in military success or failure. As stated by Kellett:

"...combat motivation is far too complex to lend itself easily to simple or unidimensional explanations. It varies not only from soldier to soldier, but also, for each individual, from situation to situation, and from time to time. Thus, combat motivation is not readily amenable to enhancement policies that generalize the influence of particular factors or stress their uniquely determinant role; nor is it amenable to policies that fail to discern differential levels of willingness and commitment among the soldiers at whom they are directed." (Kellett, p.336)

17. On the specific issue of gays and lesbians in armies, the current state of knowledge about their effect on combat cohesion was recently addressed in the report Defense Force Management, DOD's Policy on Homosexuality, released by the United States General Accounting Office (the GAO report). In this report, the General Accounting Office notes that the United States Department

of Defense policy on excluding gays and lesbians from its ranks "is not based on scientific or empirical data, but rather on the considered judgment of military professionals and civilian policymakers..." (p.27). Furthermore, the GAO report notes that the United States Department of Defense has said that its policy in this matter is "unlikely" to be affected by "scientific or sociological analyses" (p.44). In other words, neither facts nor the absence of facts will change their minds.

18. "Predictions of doom" based on military judgment alone have accompanied many of the most important changes to military structure and procedure. These changes are changes that we now consider, and that almost all military officers regardless of rank would now consider, obviously needed, highly desirable or inevitable modifications in the way things were done.

19. In the middle 1960's the then Liberal government of Canada embarked on a quite radical reorganization and rationalization of the Canadian Armed Forces and the Department of National Defence. This was a plan to unify the three branches of the Canadian Armed Forces -- the navy, the army and the airforce. The reorganization sparked a protracted and fierce public debate through 1966 with senior military officers speaking out publicly against the government's plan. Because of the government's plan for unification some half a dozen admirals resigned, another was forced to resign for speaking out in public and many ugly words were exchanged in Parliament and in the public media. From the senior officers who had resigned and from other former senior military officers there were predictions of dire consequences for the very fabric of the nation's military capability if the government's plan were to go ahead.

20. One admiral (Brock) criticized his old Minister for embarking on a plan that was "radically new and militarily unsound" -- one that would surely result in "destroying the three armed

forces of Canada". Two senior former army officers (Volkes and Simonds) wrote an open letter urging "grave consideration and protracted debate" about unification (Globe and Mail, September 1, 1966). The plan would undermine Canada's ability to mobilize for war, they wrote, and they predicted that since no other country was pursuing a similar policy, "Canada's forces would become ridiculous."

21. The objections that were advanced by the military traditionalists were based on emotion, service loyalty and predictions of doom stemming from the loss of military esprit de corps. In fact, unification proceeded and none of these "predictions of doom" came to pass.

22. The need to maintain the isolation and the exclusive character of armed forces is a common theme through the centuries of military history. During the pre-World War I Edwardian period in Britain, Anthony Kellett showed how statesmen and politicians of the time publicly worried about how "a street-bred people" would endure in the "struggle for survival that events portended." The then Field Marshall Lord Wolseley claimed that the high status accorded ballet dancers and singers in Britain "demonstrated that the nation was sick." The traditional military virtues were being undermined, British military officers said, by "excessive individualism, inadequate discipline and the rise of unpatriotic working-class politics." (Kellett, p.76) However, by the end of the first year of World War I members of the working class were welcomed to the recruiting centres.

23. In 18th and much of 19th century Europe, depending on where you were, military and national leaders maintained that only aristocrats and nobility made good military officers. The ability to command in war was held to be the product of natural genius which only people of noble birth possessed. As General Sir John Hackett puts it in his history of the military profession, The

Profession of Arms, it was believed that such ability "could no more readily (be) taught than sculpture or music." This resulted in a practise of purchased commissions, whereby the right to be an officer was a right which was "purchased" by the aristocrats and nobility rather than earned through merit.

24. Purchased commissions did eventually come to an end but usually only when military disaster re-wrote or threatened to re-write the rules. The French Revolution ended France's officers-by-purchase. Defeat at the hands of Napoleon changed Prussia's amateur, nobly-bred officers corps into what became the model for all modern armies -- that of an army run by a General Staff whose occupants earned their positions by merit. The British were the last to give up purchased commissions, justifying their actions by pointing to their own military success under Wellington against the same Napoleon that convinced Prussia to radically alter the structure of its own military institution. This demonstrates how two different national military elites can draw entirely opposite conclusions from the same information.

25. In the first half of the 19th century criticism of the purchase system in Britain was regarded as fomenting revolution. Lord Palmerston told an official inquiry on purchase that he, "thought it very desirable to connect the higher classes of Society with the Army...by allowing members of high families who held commissions to get on with more rapidity than they would by seniority...if the connection between the Army and the higher class of society were dissolved, then the Army would present a dangerous and unconstitutional appearance." (Woodham-Smith p.30) This quote was given at the time the purchase systems was being challenged. Today one would find few officers or military experts who would try to defend the institution of purchase.

26. Even new and more powerful technologies have been stoutly resisted by military organizations. With the arrival of firearms in both Europe and Japan, military and warrior elites grew alarmed at the prospect for the simple reason that they "democratized" the activity of war. If position and status was derived from the long, expensive (thus only accessible to those of "high-birth") training needed to handle edge-weapons, commoners with muskets (which were relatively easy to use) represented a serious threat to the social structure. The samurai class in Japan was so horrified by the possibilities that it managed to eliminate almost entirely the use of gunpowder weapons on the Japanese islands for a couple of centuries. At the end of the 15th century one of the leading Italian "military contractors" or condottieri (a hired professional employing mercenaries as troops usually on behalf of city states) "took to plucking out the eyes and cutting off the hands of all the arbusqusier (musket men) he could capture, considering it disgraceful that noble men-at-arms should be killed at a distance by a low-born infantrymen." (Dyer, p.58) Over time both European and Japanese military institutions adapted their organizations to use the new weapons and their military institutions survived.

27. The point of the preceding paragraphs is simple. The Military has often, in diverse circumstances, claimed that one version or another of an exclusionist policy is necessary lest military effectiveness be destroyed. They have been wrong again and again.

28. In considering the position of the defendants in this case it is relevant to compare the situation of the Israeli Defence Force. The policies of the Israeli army with respect to gays and lesbians clearly contrasts with those of Canadian or United States military forces. There is widespread prejudice in Israel against gays and lesbians based in part on religious beliefs. The history of the Israeli Defence Force flies in the face of the theories propounded by Colonel Henderson.

29. Major General Giora Roman is currently the senior Israeli military attache accredited to both the United States and Canada. He explains the Israeli Defence Force policy with respect to gays and lesbians as follows: "From time to time there are restrictions in highly secret, sensitive matters" (because of security fears). As for regular and reserve fighting units (which is the focus of the cohesion/bonding arguments presented by Colonel Henderson), the presence of homosexuals "is simply not an issue in my country."

30. In other words, what is arguably the military success story of the post-World War II era, an army grown from what was in 1947 an ill-equipped, rag-tag guerilla force to become admired and studied by professional and civilian military analysts from around the world, one that has fought half a dozen major wars in 40 years, does not recognize sexual preference as an issue in the makeup of its combat army. Based on Colonel Henderson's criteria alone, the Israeli Defence Force would no doubt have lost all its battles as its Arab enemies drew on much more homogeneous populations for recruits than did Israel.

31. Paul Fussell, a professor of English literature and combat veteran (severely wounded) from the Second World War, has written two widely acclaimed books, one on each World War. The second book, Wartime is essentially the story of his own experiences as a platoon leader in France. Commenting on sex and combat Professor Fussell states as follows:

"(Sexual deprivation) is notably what front-line troops would stigmatize as a rear-echelon problem. Sexual deprivation and inordinate desire did not trouble men on the front line. They were too scared, busy, hungry, tired, and demoralized to think about sex at all. Indeed, the front was the one wartime place that was sexless." (p. 108)

Based on my own research, I adopt the comments of Professor Fussell on this issue.

32. Colonel Henderson's affidavit on combat cohesion makes no mention of gender, sexual preference, homosexuality or sex as a factor in cohesion, but does assert that dissimilarities across a broad range of other characteristics do hinder cohesion. However, for this theory to be of practical use either to military officers or in this case policy makers, Colonel Henderson needs to do much more than assert that "similarity is good", "dissimilarity is bad." Since all armies at all times must deal with a greater or lesser level of dissimilarity among the individuals they send into battle, Colonel Henderson's notion (even if one were to assume that it is valid) is of little practical assistance in accomplishing military or public policy goals.

33. Furthermore, there is reason to believe that Colonel Henderson's assertion is wrong as often as it is right. There are quite successful armies with very high level of dissimilarities among its members, and quite unsuccessful ones created from relatively homogeneous populations. Furthermore, high group cohesion in military units is not an unalloyed "good thing" from the perspective of a particular military or national leadership. The officers and men of Haiti's military had enough group cohesion to overthrow the elected government. NCOs and men in units in Vietnam had enough group cohesion to overcome obvious inhibitions (like getting caught and being court martialled) to assassinate officers whom they regarded as dangerous and overly aggressive. At places like My Lai in Vietnam, and Babi Yar in the Ukraine, group cohesion ran roughshod over the common moral sense of individual soldiers and officers. In the words of Anthony Kellett: "Group cohesion can also be expressed in ways inimical to the military mission." (p.321)

34. Implied in Colonel Henderson's thesis is the notion that armies are able to tell in advance who will make a good soldier in combat and who will not. However, there is no indication that our army, or anyone else's, has the predictive capacity sophisticated

enough to make that judgment in advance, beyond the very crudest of levels. There is clearly much more to military success and in the process of selecting people to achieve it than Colonel Henderson's analysis would indicate.

35. On the issue of whether gays or lesbians should be allowed in the Canadian Armed Forces (an issue not addressed by Colonel Henderson in his affidavit) there is no evidence that I am aware of in all of my research as to why they should not. What there is, however, is ample anecdotal evidence, and the enormous weight of historical example and precedent that proves the military institution's enormous capacity for flexibility and change in making use of human raw material in varying social, economic, technological, and political environments -- down through the centuries and across the contemporary world.

36. There is also the experience of other armed forces which have made a different choice. The military institutions of other countries besides Israel have arrived at different conclusions about homosexuals in the military. Austria, Denmark, Italy, Japan, the Netherlands, Norway, Spain and Sweden place no restrictions on the participation of gays and lesbians in their armed forces. Five of these countries are Canadian military allies, and as part of our NATO obligations Canada is committed to sending an army battalion to fight alongside Norwegian troops. Canadian soldiers have in the past regularly participated in military exercises in Norway in conjunction with Norwegian armed forces as part of this commitment. The military and martial traditions of Sweden and Spain are older than Canada's. Japan has a reputation for being more ruthless on the battlefield than Canada. Israel has fought successfully many more wars than Canada has. All of these countries simply regard homosexuals as yet another minor variation in the whole human character that they must mould through training to suit their needs as defined by the military policy-makers of the day. Furthermore, it cannot be argued that this is because these countries exhibit

less antagonism to gays and lesbians than Canada. For example, the Orthodox Jewish tradition has not been accepting of gays and lesbians. This tradition is very much a part of Israeli society.

37. In conclusion, the weight of the historical record, what we know about the ways armies in combat actually function and the way battle actually works, and the common sense of the ordinary officer and soldier, all demonstrate that gays and lesbians could be successfully integrated into the Canadian Armed Forces with the usual education and training, and a reasonable commitment to attain that end.

38. I have reviewed the Affidavit of Dr. Peter Suedfeld sworn the 26th day of August, 1992 with its paper attached entitled "Privacy in the Person-Environment Transaction: Implications of the Psychological Literature." Dr. Suedfeld in his Affidavit makes no reference to and expresses no opinion on how the integration of gays and lesbians into the armed forces would affect privacy rights. However, I have been asked to assume that Dr. Suedfeld would apply his arguments to this issue and on that basis I have the following comments to make.

39. In my opinion, the assertions contained in Dr. Suedfeld's paper are so vague as to render them of little assistance in making practical decisions about serious public policy issues. Dr. Suedfeld tells us that individuals get along better if they are "compatible" and are absent "salient behavioral characteristics". Which ones? Other than people with "obvious personality problems" (page 42) Dr. Suedfeld gives us no clues. What are the salient characteristics which if possessed by candidates would he "screen out" (page 41), and under what circumstances? Are lesbians and gays on a list of those with such problems and if so, what is the supporting evidence that these particular characteristics and not others (none are mentioned) are of special importance?

40. With regards to the psychological research on work and privacy that forms the basis of Dr. Suedfeld's paper, he writes (pp 14-15) "no equivalent research has been conducted in the setting of the armed forces ...". At page 35 of his paper, Dr. Suedfeld also writes that in,

"extremely stressful situations such as natural disaster and war, immediate dangers to survival are obviously overwhelming stressors ... starvation, disease, lack, of medical care, ... seeing the death and dismemberment of others ... uncertainty as to the future; problems in maintaining personal hygiene ... Compared to these experiences, privacy stress may be a trivial problem."

I agree with Dr. Suedfeld when he states the above.

41. I have studied armies and military organizations for 13 years, read volumes of books and articles about the military, interviewed hundreds of veterans, serving soldiers, sailors and airmen of all ranks in a number of countries, read hundreds of military histories, slept in Gagetown "hoochies" in the rain, gone on combat patrol with the Israeli army on the border with Lebanon looking for PLO gunmen, hiked for kilometres across Northern Ontario in February with the Special Service Force, debated the iniquity of the Soviet army with the current Finnish Chief of Staff naked in a forest sauna, and trudged the Nicosia greenline with peacekeepers (to name just a few excursions), and not once has anyone who has experience with armies and combat or near combat mentioned "privacy" as an issue (except as one of the inevitable casualties of war and one of the sacrifices inherent in joining the military in the first place).

42. Partly, the absence of "privacy" as a problem can be ascribed to the simply fact, as Dr. Suedfeld notes, that there are much more important things - like being killed - to worry about. But there is another reason which goes to the very nature of the military profession: It is not a job like any other and the military organization is not an organization like any other. When

an individual enters the military (voluntarily, as in Canada at present, or not) he or she is already obliged to give up most civilian notions of individuality and privacy. This is an essential part of how armies work and is directly functional for the goal to which armies (airforces and navies) are directed. This restructuring of identities away from emphasis on the individual towards the group is evident throughout the military organization. A few examples are as follows:

- (a) Basic training: From the very first day of basic training, recruits wear the same clothes, have the same haircut, are permitted only identical "personal effects" in their kits, are taught to walk the same way (marching and drill), are formed into units which are supposed to become their primary focus of loyalty, and made to sleep together in groups of a dozen or more.
- (b) Officer and leadership training: Even as officers, the stress on conformity and lack of individuality continues. Mess diners are highly ritualized affairs of individuals wearing identical clothes acting out centuries old ceremonies in unison. Officers are taught the right way to talk on the radio, the right way to run an "O-group" (passing on of operational orders to subordinates), the right way to communicate a change in fire direction for artillery. And at the end of the day on exercise, they retire half-a-dozen to a tent or groups of identical "hoochies" in the woods.
- (c) The separate society: With the partial exception of police forces and the Catholic Church, the armed forces are the only organization with its own justice system, hospitals, internal police force, and strict hierarchy of command plainly evident to all its members merely by a glance at the other member's clothes. Every waking hour

of every day there are reminders that as a member of this organization you are not a civilian; you are different and have special obligations and responsibilities - and these are at work whether the army is at war or not. At the core of this difference is that the military organization is the only one (legal one, that is) where the employer acting through its agents (superior officers) can order its employees into situations certain to kill some of them on the employer's behalf. To quote General Sir John Hackett:

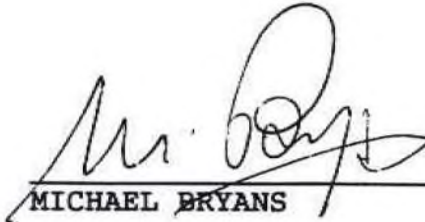
"Politicians may ... pretend that a soldier is ethically in no different position than any other professional. He is. He serves under an unlimited liability, and it is the unlimited liability which lends dignity to the military profession ..." (from the film The Profession of Arms, War Series #3).

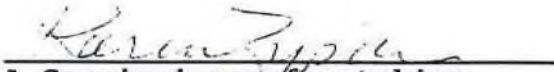
43. In my opinion, the proposition that "privacy stress" is a reason for screening out gays and lesbians from the armed forces is specious on its face. Dr. Suedfeld provides only the slimmest basis of conjecture for asserting that "privacy stress" is important in the military context (and he acknowledges that it may not be important at all and that there is no research into military groups to support such a conclusion). Dr. Suedfeld provides no evidence that gays or lesbians are a factor in creating such stress. I do not believe that they are.

44. Today, male junior officers are expected to take orders from senior officers regardless of that officer's gender or personal state of wealth. The military organization had to teach its members that this was the right way to behave. There is nothing in the evidence offered by Dr. Suedfeld to lead one to the conclusion that the Canadian Armed Forces would not be able to absorb gays and lesbians into its ranks and plenty of historical evidence that proves that they could if they wanted to or if they had to.

44. Attached as Exhibit "B" to this my Affidavit is a true copy of a Bibliography containing the references cited in this my affidavit.

SWORN BEFORE ME at the City)
of *Edmonton*)
in the *General Municipality*)
of *Edmonton*)
of)
this 7 day of *October*, 1992.)


MICHAEL BRYANS


A Commissioner for taking
Affidavits.

MICHAEL BRYANS
 225 Alvin Road, Suite 716
 Ottawa, Ontario K1K 4H6
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THIS IS EXHIBIT "A" REFERRED TO IN THE
 AFFIDAVIT OF *Michael Bryans*
 SWORN BEFORE ME THIS *7* DAY
 OF *October* 19*92*
William Spence
 A Commissioner, etc.

PROFESSIONAL EXPERIENCE

- CANADIAN INSTITUTE FOR INTERNATIONAL PEACE AND SECURITY**
- 1986-1992 *Senior Editor/Writer*
- Editor, *Peace & Security* magazine.
 - Managing Editor, Institute working paper and monograph series.
 - Chair of internal research publication working group.
 - Consultant on Institute film and television projects.
 - Author of journalistic pieces on international political, military and economic affairs.
 - Research and writing on economic developments in the former USSR, including an academic exchange visit to Canada-USA Institute in Moscow, autumn 1990.
 - Public Programmes Division director in absence of director.
- NATIONAL FILM BOARD OF CANADA**
- 1984-1985 *Producer, Director*
- Directed research for NFB/CBC documentary series, *The Defence of Canada*.
 - Produced revised and updated version of *War: with Gwynne Dyer* for United States Public Television broadcast.
- 1980-1983 *Co-creator, co-producer, co-director* of award winning, Oscar nominated, seven-part documentary series, *War: with Gwynne Dyer*.
- Co-producer of two of the seven episodes and directed filming or research for all the others at locations across North America, Western Europe, Israel and the USSR.
- 1974-1979 *Researcher/Writer*
- Researched and wrote more than a dozen documentary films, film treatments and educational film-strips on issues of economic development, development assistance, international trade and rural economies.
 - Assistant Director on filming locations in Europe, Africa and South Asia.

EDUCATION

- 1985-1986 **HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT**
 Masters of Public Administration. *Areas of concentration: Management and Public Policy, Comparative International Economics, and International Relations.*
- 1969-1974 **SIR GEORGE WILLIAMS UNIVERSITY (CONCORDIA), CENTRE FOR INTERDISCIPLINARY STUDIES**
 Bachelor of Arts, *Science and Human Affairs Programme*.

Michael Bryans

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PROFESSIONAL ACTIVITIES

CARLETON UNIVERSITY

Sessional Lecturer, "Technology, Society and the Arms Race," Winter 1991/92.

NATIONAL DEFENCE COLLEGE, Kingston.

Guest Lecturer, *Problems and Prospects for the Economies of the Former USSR*

MINISTER'S ADVISORY GROUP ON DEFENCE INFRASTRUCTURE

Invited to Present Testimony, November 1991.

CANADIAN MAGAZINE PUBLISHERS ASSOCIATION

Elected to Board of Directors, 1989-1991.

CROWN PUBLISHERS, N.Y.

Consulting Editor on the book *War* by Gwynne Dyer, 1985.

AWARDS, APPOINTMENTS AND ADDITIONAL EXPERIENCE

HARVARD UNIVERSITY

Non-resident Tutor, Dunster House, Harvard College, 1985-86.

WGBH-TV, PBS BOSTON

Consultant to the Macy Fellowship Program for Science Broadcast Journalism, WGBH TV, Boston, Mass., 1985.

US ACADEMY OF MOTION PICTURE ARTS AND SCIENCES

Nominated for an "Oscar" for Best Feature Length Documentary film in 1984 for the film: *The Profession of Arms*.

NYON INTERNATIONAL DOCUMENTARY FILM FESTIVAL

Winner of the Silver Medal and "Grand Prix du Publique" at the Nyon International Film Festival, Switzerland, 1983 for the series *War*.

SIR GEORGE WILLIAMS UNIVERSITY

Founding President, Science and Human Affairs Student Association, Sir George Williams University - 1972.

Member, SGWU search committee selecting Chairman of the Department of Interdisciplinary Studies - 1973.

Sir George Williams University Academic Award in Science and Human Affairs, graduating year - 1974.

Michael Bryans

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FILMOGRAPHY

WAR - 1983 (seven one-hour films) Series co-ordinator, editorial co-director, Producer — *The Road to Total War, Anybody's Son Will Do, The Profession of Arms, The Deadly Game of Nations, Conventional War: Keeping the Old Game Alive, Notes on Nuclear War, Goodbye War*

The Taste for Tomorrow - 1980, assistant director

No Fitting Habitat - 1979, narration writer

Growing Dollars - 1978, writer/researcher

Development Without Tears? - 1978, writer/researcher

Water: The Hazardous Necessity - 1977, narration writer

Three Rivers - 1978, narration writer and narrator

The Nearest Point to Everywhere - 1978, narration co-writer

Reshaping the Future: Towards a New International Economic Order (educational filmstrips) - 1978, writer/director/narrator

The Mapmakers (filmstrip) - 1978, writer/director

Remote Sensing (filmstrip) - 1978, writer/director

Under Kepphills - 1978, narration writer and narrator

No Act of God - 1977, researcher

The Land: A New Priority - 1976, location production assistant, researcher

A New Bargain - 1975, researcher

PUBLICATIONS & MAJOR REPORTS

An Examination of the Critique by the Canadian Nuclear Association of the NFB Production "No Act of God," National Film Board of Canada Staff Report, Montreal, 1979, unpublished.

"Peace Education: Telling Jack and Jill the Facts of Life," *Peace&Security*, vol.1, no.4, pp. 6-7.

"The Banality of Deterrence," *Peace&Security*, vol.3, no.1, Spring 1988, pp. 4-5.

"Naivete In the Gulf," half-page article for Southam News service appearing in the *Hamilton Spectator, Windsor Star* and *Edmonton Journal*, 14 July 1988, 15 July 1988 and 17 July 1988 respectively.

"Markets and Politics in the USSR," *Peace&Security*, vol. 5, no. 1, Spring 1990, pp. 12-13.

"Soviet Domestic Worries Put Gulf Role In Doubt," *Ottawa Citizen*, (and other Southam newspapers) 11 October 1990.

"Empty Shelves and Empty Money," *Peace&Security*, vol. 5, no. 4, Winter 1990/91.

"Think Of This Aid As Defence Spending," Sunday Essay Feature, *Ottawa Citizen*, 3 November 1991.

Author most recently of *The CSCE and Future Security in Europe, A Report of a two-day conference held in Prague, Czech and Slovak Federal Republic, 4-5 December 1991*, CIIPS Working Paper No. 40, March 1992.

BIBLIOGRAPHY

Copp, Terry and Bill McAndrew. Battle Exhaustion: Soldiers and Psychiatrists in the Canadian Army, 1939-1945, Montreal and Kingston: McGill-Queen's University Press, 1990.

Dupuy, Trevor N. The Evolution of Weapons and Warfare, Indianapolis/New York: Bobbs-Merril, 1980.

Dyer, Gwynne. War, New York: Crown Publishers, 1985.

Fussell, Paul. Wartime: Understanding and Behaviour in the Second World War, New York: Oxford University Press, 1989.

Fussell, Paul. The Great War and Modern Memory, New York: Oxford University Press, 1975.

Gibbs, Nancy. "Marching Out Of The Closet," Time, 19 August 1991: 20-22.

Hackett, General Sir John. The Profession of Arms, London: Sidgwick and Jackson, 1983.

Henderson, Wm. Darryl. The Impact of Cohesion on The Combat Performance of Military Units, unpublished, 1992.

Keegan, John. The Face of Battle, New York: Viking, 1976, 1988.

Keegan, John. The Mask of Command, New York: Viking, 1987.

Kellett, Anthony. Combat Motivation: The Behaviour of Soldiers in Battle, International Series in Management Science/Operations Research, Hingham, Mass.: Kluwar Boston Inc., 1982.

United States General Accounting Office, Defense Force Management: DOD's Policy on Homosexuality, Washington, D.C.: USGAO, June 1992.

THIS IS EXHIBIT "B" REFERRED TO IN THE
AFFIDAVIT OF *Michael Bryant*
SWORN BEFORE ME THIS *7* DAY
OF *December* 19*92*
Karen Zypa
A Commissioner, etc.

**IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION**

B E T W E E N:

MICHELLE DOUGLAS

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant

**AFFIDAVIT OF
MICHAEL BRYANS**

**RUBY & EDWARDH
11 Prince Arthur Avenue
Toronto, Ontario
M5R 1B2**

**Clayton C. Ruby
(416) 964-9664**

Solicitors for the Plaintiff