The End of “Don’t Ask, Don’t Tell”

By Steve Glauser

Public Law 103-160, commonly referred to as “Don’t Ask, Don’t Tell,” was a controversial law that prohibited homosexuals from serving in the military and prohibited the military from inquiring into a service member’s sexual preference. Since passage of this law in 1993, thousands of men and women have been discharged from military service despite many having rare and valuable military skills. While President Obama recently signed a repeal to the “Don’t Ask, Don’t Tell” policy, allowing homosexuals to serve openly, the Veterans of Foreign Wars (VFW) and many other organizations, maintain their opposition. This paper examines arguments on both sides of the debate and explores the massive consequence of the policy’s repeal for the military, veterans service organizations, and America as a nation.

Air Force Lieutenant Colonel Victor Fehrenbach is what many Americans would consider a true American hero. Fehrenbach, an F-15 fighter pilot, has valiantly served our country for over 18 years. He has flown many combat missions overseas including missions in Kosovo, Iraq, and Afghanistan. He was planning to serve his country once again with his unit in Iraq, then quietly retire in two years. But in the spring of 2009, he was suddenly grounded right before his unit redeployed to Iraq and is now facing a military discharge. There is one reason that this courageous leader in the Air Force is no longer allowed to serve: his military superiors discovered he was gay and decided to enforce the military’s ban (Stars and Stripes, 2009).

On October 10, 2009, President Obama promised the Human Rights Campaign and many angry protestors that he would end “Don’t Ask, Don’t Tell” (Journal and Courier, 2009). The day after this promise, thousands of protestors with media coverage drew more attention to “Don’t Ask, Don’t Tell” as they marched on the nation’s capitol for gay rights and for a repeal of the controversial law. Senate Majority Leader Harry Reid recently raised the issue by publicly releasing letters that he wrote to President Obama and Defense Secretary Robert Gates urging them to end the ban on gays in the military. Meanwhile, the President of the Center for Military Readiness, Elaine Donnelly, appeared before the House Armed Services Personnel Subcommittee and testified that repealing the ban on gays in the military would curb the military’s effectiveness, lower troop morale and cause many Americans to shun military service. Even Hollywood has joined the “Don’t Ask, Don’t Tell” dispute and is singing a more comical tune about the issue. In a recent “Saturday Night Live” skit, King Leonidas, leader of the famous 300 Spartans, is forced to allow homosexuals to fight in his army because every single one of his soldiers is gay, much to his chagrin (NBC, 2009).

The ban on homosexual actions in the U.S. Military dates back as far as the Continental Army. Over the centuries, it developed into an outright ban on men and women with homosexual preferences. During the Clinton Administration, it became a hotly debated topic as President Clinton tried to repeal the ban. President Clinton was unable to repeal the ban completely and the subsequent debates produced the “Don’t Ask, Don’t Tell” policy. Thousands of service members were discharged under this law since its passage in 1993. On December 22, 2010, President Obama signed a repeal to the 17-year old policy, ending the military’s ban on homosexuals. Now, politicians, organizations, departments, veterans, and citizens are lining up on opposing sides of the debate, supporting the recent repeal, or warning of major negative consequences of the repeal, such as decreased troop morale and weak unit cohesion. This controversial topic carries heavy implications for the military, various organizations, and the country as a whole.

History and Contours of the Policy
Since American militias raised arms against the British, the United States armed forces have always forbade homosexuals from serving in the military. Dating back to as early as the Revolutionary War, soldiers in the Continental Army were punished for acts of homosexuality. They were not, however, punished for their sexual preference. It was not until 1942 that the military adopted a policy regarding the sexual preference of a soldier. That year, military psychiatrists, new to the ranks, warned of the “psychopathic personality disorders that would make homosexuals unfit to fight” (New York Times, 1993). The 1942 policy that banned homosexuals from serving in the armed forces was the standard for military operations until President Bill Clinton tried to end the ban in 1993. This attempt by President Clinton was one of the most contentious and controversial events during his administra-
tion. After 12 legislative hearings and months upon months of debate, Congress passed a statute technically named Section 654, Title 10, P.L. 103-160, better known as "Don't Ask, Don't Tell" (Center for Military Readiness, 2008).

Public Law 103-160 states: “there is no constitutional right to serve in the armed forces.” This legislation explains that military life is different from civilian life because once in the military, a service member is required to make great lifestyle changes and to follow very strict standards. P.L. 103-160 claims that unit cohesion is crucial for military success and effectiveness. According to P.L. 103-160, “Military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, which would not be acceptable in civilian society.” This controversial legislation also states: “The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.” This statement, and many other parts of Public Law 103-16, makes it very clear that it was the intention of Congress in 1993 to uphold the ban of homosexuals in the military. Their reasoning included the idea that allowing homosexuals in the military “would create an unacceptable risk to the armed forces’ high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability” (U.S. Code, 1993).

After outlining many reasons why homosexuals should not be in the military and clearly stating that they will be “separated from the armed forces,” P.L. 103-160 lists certain exceptions to the rule. Specifically, subsection (b) states that a member of the armed forces will be released from service for homosexuality “unless there are further findings.” These “further findings” to the discovery of homosexual conduct include: “such [homosexual] conduct is unlikely to recur,” “such conduct was not accomplished by use of force, coercion, or intimidation,” “such conduct is a departure from the member's usual customary behavior,” and “under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale” (U.S. Code, 1993). The ambiguity of such exceptions clearly created challenges for enforcement.

The nick-name “Don't Ask, Don't Tell” comes from the final parts of the legislation. P.L. 103-160, when it states that a member of the armed forces will be separated from the military if “the member has stated that he or she is a homosexual or bisexual, or words to that effect” (U.S. Code, 1993). The message is clear: any homosexual/bisexual serving in the military, who wishes to remain in the military, must conceal their sexual preference or they will be discharged, thus “don't tell.” The legislation requires the Secretary of Defense to enforce these standards and establishes required briefings in which these policies are made known to all members of the armed forces. However, the legislation fails to establish or require the questioning of a recruit’s sexual preference during screening and entry processes. Recruiters and military leaders are never told to ask about a service member's preference; and since the service members will be discharged if they admit to being homosexual, no one talks about it, thus, “don’t ask.” So despite being considered dangerous to unit cohesion and detrimental to military effectiveness, homosexuality is not screened on entry.

“Don't Ask, Don't Tell”: by the Numbers
When attributing numbers to the “Don't Ask, Don't Tell” policy, the reports and statistics from various organizations often do not match. These discrepancies and contradicting reports are due to the fact that many “Don't Ask, Don't Tell” cases are under review or appeal and the numbers change as they continue to be settled. It is generally agreed however, that more than 13,000 gay and lesbian service members have been released from the military since "Don't Ask, Don't Tell" was established. The largest number of discharges in one year was 1,273 service members released in 2001. The number of discharges has been declining slowly since; the average number of discharges over the past five years is about 645 (Center for American Progress, 2009). Among those 13,000 discharged troops were 800 mission-critical service members such as medics, fighter pilots, and Arabic linguists (Vet Voice, 2009). The Boston Globe recently reported that “according to the latest Pentagon statistics, 619 troops were kicked out last year under the controversial policy” (Boston Globe, 2009). To put that in a perspective of percentage regarding the rest of the military, 619 troops kicked out last year equals .045% of the active-duty U.S. force. In 2001, the year that saw the highest amount of discharges, .089% of the entire force was released of their duties for being gay or lesbian (Fox News, 2009). Around half of all the troops discharged from the service under Public Law 103-160 were discharged within their first two and a half years of service (Hampton Roads, 2009).

In 2009, Congressman Jim Moran (D-VA), the senior member of the House Defense Appropriations Subcommittee, released information detailing the number of U.S. troops discharged from the Army under the “Don’t Ask, Don’t Tell” policy. He reported that, “in January 2009, the Army fired 11 soldiers for homosexuality including one human intelligence collector, one military police officer, four infantry personnel, a health care specialist, a motor transport operator and a water treatment specialist” (Moran, 2009). His statistics do not account for any service members released from the other branches of the military but his evidence does show that the trend of discharging homosexuals from the armed services continued through 2009 as it has over the past few years.

One interesting facet of the “Don’t Ask, Don’t Tell” policy is the disproportionate number of women service members discharged compared to men. Of the 619 troops released in 2008, 410 were men and 209 were women (Boston Globe, 2009). That means women accounted for 33% of the discharged troops, despite the fact that females make up only
15% of all active-duty and reserve members. A recent report by *Navy Times* shed more light on this lopsided issue and pointed out that the greatest disparity is seen in the Air Force where women represented only 20% of all personnel but 61% of those expelled (*Navy Times, 2009*). While these statistics are alarming, military officials cannot and will not look into this disproportionate issue because of the “don’t ask” part of Public Law 106-130. Pentagon spokeswoman Cynthia Smith told reporters, “If we did investigate it, we would have to ask questions, and we aren’t supposed to ask any questions” (*Navy Times, 2009*).

From these statistics we can conclude that the “Don’t Ask, Don’t Tell” policy has released more than 13,000 service members since 1993, many of whom had crucial and valuable skills. Public Law 103-160 continued to require the discharge of hundreds of service members every year through 2010; the statistics from 2010 have not been published yet but 443 members were discharged in 2009 (*Iowa Independent, 2010*). Also, we can tell from the statistics that it disproportionately affected women in the military, as they were being discharged at greater rates than men.

**THE ARGUMENTS: POSITIONS, PLAYERS AND POINTS OF VIEW**

With all the findings, exceptions, loopholes, “don’t ask” remarks, and “don’t tell” statements, it is clear to see why the United States Military had such a controversial and confusing standard of who is eligible for service. So who exactly is fueling this lively debate? What agencies and groups are involved, and what arguments are being made? What are the statistics, surveys and polls showing?

The Veterans of Foreign Wars (VFW) is one veterans’ service organization that is taking a stand on the matter. In the VFW weekly report of March 6, 2009, the VFW reported on a proposed bill that would end the restriction of homosexuals in the military. After briefly giving details of the bill, the report noted: “The VFW has carried a resolution for 23 years opposing homosexuals from serving in the military” (*Veterans of Foreign Wars, 2009a*). Instead of simply keeping the “Don’t Ask, Don’t Tell” legislation, the VFW would like to see a stricter and clearer-cut law banning homosexuals from military service. The resolution to which the March 6 weekly report referred is VFW Resolution 426, titled “Oppose All Efforts to Repeal the 1993 Law Banning Homosexuals from Serving in the Armed Forces” (*Veterans of Foreign Wars, 2009b*). In this resolution, the VFW gives their stance on the issue, and then quotes Public Law 103-160 verbatim regarding why homosexuals should not be allowed to fight in the military. They then give the findings of opinion polls of active service members: “… recent polls reveal that 585 of active duty members oppose repeal of the 1993 law that bans homosexuals from service in the military, 10% would not reenlist, and 14% would consider not reenlisting if the law is repealed.” Though no source is given for these statistics, the VFW claims that these numbers prove that a repeal of the ban would lead to “a mass exodus of military members” from the military, putting “a great strain on the all volunteer force in the areas of retention and recruiting.” Resolution 426 concludes by stating the true intent of Public Law 103-160 was to keep homosexuals out of the military completely and that “Don’t Ask, Don’t Tell” is an erroneous name and not the true policy. “Be it further resolved, that we urge the Department of Defense to review the current, ‘Don’t ask, Don’t tell’ policy and replace it with a policy more consistent with the intent of Public Law 103-160,” is the final paragraph of the resolution. The VFW desires legislation that is more firm and defined in keeping homosexuals out of the military and opposes any legislation that would allow homosexuals to serve openly (*VFW, 2009b*).

The Center for American Progress (CAP) is another organization which has taken a stand on this issue. They are in favor of ending the ban and allowing homosexuals to serve openly in the military. In late 2009, they released a packet listing all the problems with the “Don’t Ask, Don’t Tell” policy which detailed practical steps to end the ban. One interesting point they make to support ending the ban is the huge amount of tax dollars “Don’t Ask, Don’t Tell” has cost. Using numbers released by the Government Accountability Office and the University of California, Santa Barbara, they have calculated that since 2005, it has cost the nation about $37,000 every time the military has discharged and replaced one service member. Adding up the cost over the years, the ban on homosexuals in the military has cost the United States around $1.3 billion since 1980 (*Center for American Progress, 2009*). One extreme example of the high cost of this policy is the case of Air Force Captain Cholene Espinoza.

Captain Espinoza joined the Air Force and flew combat missions in the Middle East. She left the military after eight years of service so that she could live openly as a lesbian. In a recent interview with CBS News she remarked on her leaving the military, “People like me, I’m gone, never to come back. You spent $2 million training me to fly airplanes. Thank you very much. And what do you get for all this? What do we get as a country? Because we’ve thrown out an Arabic linguist or because we’ve thrown out a medic, are we any safer? Are we anymore secure?” The Air Force spent over $2 million training her to fly their most high-tech airplanes in order to defend our country, only to have her leave the service because of the “Don’t Ask, Don’t Tell” policy. She is now using her training to fly for a commercial airline (*CBS News, 2008*). Anecdotes similar to Captain Espinoza’s help to explain why
the cost of Public Law 103-160 is a large factor in determining the future policy for the military, especially during this time of an economic recession.

Another argument those against “Don’t Ask, Don’t Tell” make is that the military was forced to lower their recruiting standards in order to fill needed positions and meet their goals. The military can give waivers to those who wish to serve but do not meet all the requirements or don’t pass the background check. Some of those receiving waivers to serve include those with “serious criminal misconduct” issues such as convictions for burglary, robbery, drug charges, drunk driving, vehicular manslaughter, and aggravated assault; high school dropouts and overweight applicants are also getting second looks. Vet Voice reported:

One such recruit was Steven Green, guilty of the brutal murder of a family, and the rape of their young daughter, in Mahmudiya, Iraq. After Green killed the family and raped the young girl, he covered her head with a pillow and shot her. Her body was then burned. The murders set off a wave of anti-American sentiment in Iraq, pushing our battle to win hearts and minds even further back. Green was allowed in on a waiver, despite his three alcohol and drug related arrests. (Vet Voice, 2009b)

Opponents of “Don’t Ask, Don’t Tell” argue that the men and women allowed in the military under waivers, such as Steven Green, disrupt military effectiveness and hurt unit cohesion much worse than any homosexuals do. They constantly ask, “Why are felons, criminals, high school dropouts and recruits who are unfit to serve allowed in the military but others are not simply because of their sexual preference?”

While it is true that the military has had to constantly lower its standards in order to fill recruiting requirements, 2009 marked a reverse in that trend. For the first time in more than 35 years the armed forces met all of their recruiting goals. Not only did they meet their goals for number recruited, but they also exceeded their goals in quality of recruits. “We delivered beyond anything the framers of the all-volunteer force would have anticipated,” Bill Carr, deputy undersecretary of defense for military personnel policy, said at a Pentagon news conference in 2009 (Washington Post, 2009). Overall, the Department of Defense (DOD) pulled in 168,000 recruits or 103% of their goal for the year. Of those 168,000, 95% have high school diplomas, compared to just 83% of the recruits having diplomas the previous year. Fewer waivers were used in 2009 and the military’s recruits were more educated and of higher quality than those of previous years. Due to DOD’s record-breaking numbers in exceeding their goals, the Pentagon is cutting their advertising spending by $5 billion this next year (Washington Post, 2009). Many factors contribute to this success, including the current economic recession, the high unemployment rate, higher enlistment bonuses, the benefits of the Post-9/11 G.I. Bill, increased number of recruiters, and pay increases for service members (Washington Post, 2009). In 2009, the military not only met but exceeded their goals for men and women recruits and for quality of recruits. Fewer waivers were given out and less money will be spent recruiting next year because of this success, facts that those who support “Don’t Ask, Don’t Tell” quickly brought up to counter the argument that, “felons are allowed in, why not us?” from those on the other side of the debate.

Many political leaders and members of Congress joined the debate and pushed for legislative change. Representative Patrick Murphy (D-PA), Representative Tim Walz (D-MN), Representative Jim Moran (D-VA), Senator Susan Collins (R-ME), Representative Joe Sestak (D-PA), and Senate Majority Leader Harry Reid (D-NV) are a few of the many who pushed to repeal the policy. “The current policy of ‘Don’t Ask, Don’t Tell’ is grossly outdated. It hinders morale, degrades the readiness of our military, and unfairly discriminates against those wanting to serve selflessly in an honorable profession,” said Representative Walz (Vet Voice, 2009a).

Representative Moran echoed those thoughts: “At a time when our military’s readiness is strained to the breaking point from the wars in Iraq and Afghanistan, the armed forces continue to discharge vital service members under the outdated, outmoded ‘Don’t Ask, Don’t Tell’ policy” (Moran, 2009). Representatives Murphy and Walz teamed up and in 2009 introduced the bill that eventually repealed Public Law 103-160 and now allows homosexuals to serve openly. Representative Joe Sestak has a unique point of view as he is the highest ranking military officer to become a member of Congress. He also believes that homosexuals should be allowed to serve openly and that their service would not hinder military effectiveness. However, not all members of Congress were in favor of letting gays and lesbians serve openly in the military. Senator John McCain believes the “Don’t Ask, Don’t Tell” policy was working just fine so there was no reason to change it (Media Matters, 2007). Former Representative Duncan Hunter from California, former chairman of the House Armed Services Committee, argues that gays do not belong in the U.S. military. He points out:

Would we risk doing away with this system that works, where American families sit around the dinner table and they make a decision that their young man or their young woman is going to go into this military because they share the values of that military? Or should we experiment at a time when our military is totally volunteer, when it’s extremely capable and perhaps lose that capability and perhaps lose those numbers? Perhaps lose those re-enlistments and perhaps lose that effectiveness? (CBS News, 2008)

Mike Huckabee, presidential candidate in 2008 and former governor of Arkansas, claims that people are free to believe and feel however they want but the “Don’t Ask, Don’t Tell” debate is a question of conduct. To Governor Huckabee, the conduct of homosexuals is detrimental to troop effectiveness and the readiness of the military and that is why the ban on gays in the military is crucial and necessary (Media Matters, 2007).
There is a perception that positions on this issue divide along party lines, with Democrats calling for a repeal of the ban and Republicans supporting it. While there is some truth to this matter, it is not entirely the case. As far back as the 1960's certain Republicans were trying to allow homosexuals to serve openly in the military. Senator Barry Goldwater, Republican from Arizona who later became the 1964 Republican nominee for President, is quoted saying, “You don't have to be straight to be in the military; you just have to be able to shoot straight” (Center for American Progress, 2009). Many well-known conservative news sources called for an end to the ban as well. The Star-Telegram, a popular conservative newspaper in Texas recently advocated ending the “Don't Ask, Don't Tell” policy. “It is a law that is out-of-step with the times and now with public opinion. The Star-Telegram Editorial Board has said for years that those who wish to serve and are qualified should be allowed the honor of showing their loyalty and duty to country by joining the armed forces if they so desire” (Star-Telegram, 2009). The Charleston Gazette in West Virginia, and many other well known and well-respected conservative news sources, were in favor of the repeal and pushed the military to allow gays and lesbians to serve openly.

Another interesting news source that ran an article calling for a repeal of the ban is Joint Forces Quarterly (JFQ), a magazine associated with the Joint Chiefs of Staff and one of the top scholarly journals of the Pentagon. This magazine recently published an article called “The Efficacy of ‘Don't Ask, Don't Tell’” by an Air Force Colonel, Om Prakash. In his article, Prakash addresses the claim that allowing gays and lesbians in the military would hurt unit cohesion. He argues, “unit cohesion is only one of many factors that go into combat effectiveness. Potentially far outweighing unit cohesion, for example, are logistics, training, equipment, organization and leadership” (Prakash, 2009). Prakash lists the costs of “Don’t Ask, Don’t Tell” and discusses many of the challenges the military would face in repealing the ban. But, he explains that the military is more than capable of handling these challenges and overcoming any adversities. He ends by predicting what the Army can expect should they lift the ban, giving many reasons as to why homosexuals should be allowed to serve openly. He concludes: “lifting the ban on open service by homosexuals would more clearly represent the social mores of America in 2009 and more clearly represent the free and open society that serves as a model for the world” (Prakash, 2009).

Those in favor of repealing the ban see Colonel Om Prakash’s article being published in JFQ as a major step in the military changing their traditional views and opening up to the idea of allowing gays to serve openly. The Boston Globe called JFQ the Joint Chiefs’ “flagship” and said publishing Prakash’s article “signals that the top brass now welcomes a debate in the military over repealing the 1993 law” (Boston Globe, 2009b). The New York Times reported it as “an usual show of support” by the Pentagon for allowing homosexuals to serve openly that could very soon lead to change (New York Times, 2009b). However, Elaine Donnelly, a strong opponent of repealing the bill, claims this is just the “major liberal media” getting “excited about imagined progress.” She points out that Admiral Mullen, the Joint Chiefs’ Chairman, does not personally review or approve articles printed in JFQ, as the Department of Defense pointed out as well. She says Prakash simply won an annual writing competition and one of the rewards was getting his article published in JFQ (Human Events, 2009). She refuted many of his claims and stated that the importance of the publication of such an article in a Pentagon magazine has been overestimated and does not reflect the attitudes of the Pentagon or the military.

Elaine Donnelly has been very vocal and active in her support of the ban of homosexuals in the military. As president of the Center for Military Readiness she has written numerous articles and testified before Congress in support of the ban. She believes that allowing homosexuals to serve freely would “impose new, unneeded burdens of sexual tension on men and women serving in high-pressure working conditions, far from home, that are unlike any occupation in the civilian world” (Center for Military Readiness, 2008). Donnelly believes that repealing the ban will cause serious problems for the military. She said that if the ban is repealed “it is likely that a wide array of disruptive policies will be implemented. That could mean recruiting quotas for gay personnel, the offer of enlistment to those previously denied, retroactive promotions, and financial settlements for persons claiming past discrimination” (Center for Military Readiness, 2008). She claims that “Don’t Ask, Don’t Tell” is an erroneous name for Public Law 103-160 and that military officials dealt with gays in the military incorrectly and actually against what the law was intended to establish. She believes homosexuals should be kept completely out of the military, regardless of whether or not they disclose their sexual preference.

Both sides of the debate are relentlessly drawing attention to their opinion polls. Those in favor of ending the ban point out a 2006 poll that claims 73% of service members were comfortable in the presence of homosexuals and would be fine with repealing the law to allow gays to serve openly (Zogby International, 2006). However, as those against lifting the ban would show, a more recent poll done by the Military Officers Association of America (MOAA) in 2008, which showed that 68% of the service members surveyed believed a repeal of Public Law 103-160 would have a very negative effect (48%) or moderately negative effect (20%) on troop morale and military readiness. This poll, interestingly enough, was done mostly among younger active service members. It also showed that 31% thought that the current policy should be changed to allow gays and lesbians to serve openly while 52% thought an outright ban on homosexuals from the military is the correct situation (Center for Military Readiness, 2009). With such contradicting numbers, it is dif-
difficult to know exactly how service members or the American people truly feel about the issue.

One point of fact beyond debate is that almost every other modern country now allows homosexuals to serve in their armed forces. Twenty-five countries have fully allowed gays and lesbians into their militaries and none have reported seeing any negative effects or a hindrance in military effectiveness or troop morale. None reported mass exoduses of heterosexuals from the military or people refusing to sign up, as is so feared by those in favor of the ban. “Even the British, whose military structure and deployment patterns are most similar to ours, and who fiercely resisted allowing gays to serve in the military, were forced to do so by the European Court of Human Rights, and have now seamlessly integrated them,” argues the CAP (CAP, 2009). However, Former Representative Duncan Hunter (R-CA) argues that “we aren’t the Brits. We’re not the Europeans. We’re not the Swedes.” Representative Hunter, who served in the Army and was awarded the Bronze Star in Vietnam, argues that the situation is different with the U.S. Military and that we can’t compare ourselves to other nations of the world. He is quoted as saying:

The Fallujahs of the world, the Ramadis of the world that require heavy combat and lots of firefighting capability – those are the places the Americans go. The other countries tend to go to the so-called peacekeeper zones, where they have fewer fire fights and less contact with the enemy. The European nations show little will to send large contingents of the military people into dangerous places, (CBS News, 2008)

For these reasons, he argues that just because other nations have allowed homosexuals to serve openly with little to no negative consequences, America should not follow suit.

RECENT DEVELOPMENTS

On December 22, 2010, President Obama signed a law repealing “Don’t Ask, Don’t Tell.” He proudly ended the ban on homosexuals in the military saying, “No longer will tens of thousands of Americans in uniform be asked to live a lie, or look over their shoulder in order to serve the country that they love.” As he signed the bill, supporters and gay rights activists cheered, applauded, and shouted, “We’re here, Mr. President. Enlist us now!” (MSNBC, 2010). President Obama praised Congress for acting on this legislation, first introduced in 2009 by Representative Patrick Murphy (D-PA) and Representative Tim Walz (D-MN). Their bill passed the House on December 16 and was quickly advanced to the Senate as a free-standing bill (Huffington Post, 2010). A few days later, the repeal was passed by the Senate by a 65-31 vote. Eight republicans joined 57 democrats to vote for the repeal (Washington Post, 2010).

President Obama praised military leaders for supporting this repeal, such as Defense Secretary Robert M. Gates and Admiral Mike Mullen, Chairmen of the Joint Chiefs of Staff. It is now up to Secretary Gates to ensure that military policies are in place to properly carry out the repeal so that it is “consistent with military standards for readiness, effectiveness, unit cohesion, and recruiting and retention.” Secretary Gates has also been asked to suspend any ongoing investigations into military personnel discharges that were brought up under the old policy (New York Times, 2010).

IMPLICATIONS

The repeal of the “Don’t Ask, Don’t Tell” policy will bring many consequences. Not only will the Armed Forces be changed, but so will veterans service organizations, human rights groups, the Pentagon, the Department of Defense, and our nation as a whole. On Prakash noted as much, stating: “The discourse has gone beyond what is best for the combat effectiveness of the military to become a vehicle for those seeking both to retract and expand homosexual rights throughout society” (Prakash, 2009).

When it comes to supporting the military’s policy on homosexuals in the service, the Veterans of Foreign Wars is in a very tough position. As with all veterans’ service organizations, the VFW is constantly struggling to bridge the generation gap—currently between young veterans returning from Iraq and Afghanistan and the older veterans from Vietnam, Korea, and WWII. It has been hard for the VFW to retain the younger veterans as members because many feel they do not have much in common with the older veterans, according to VFW leaders and members of their Washington, D.C., National Legislative Service such as Executive Director Robert Wallace. Different views on the “Don’t Ask, Don’t Tell” policy seems to widen the generation gap even more. Army Times recently published an article that shed light on how service members’ opinions of homosexuals in the military are changing. Their polls showed that in 1992, 70% of service members opposed gays and lesbians serving openly. However, in 2006, that number was down to only 40% of service members opposing open service. “Years of service did appear to matter. Younger troops with 10 years or less in uniform showed far more support for allowing open service than older veterans,” reports Army Times (Army Times, 2009). This shift in opinion and publicized difference between the older and younger service members reveal the VFW’s difficult situation. If they continue to stand by their resolution to prohibit homosexuals from military service, they may lose support and popularity among the new veterans returning from war and thus will not be able to increase their member base. However, if they change their opinion and support the repeal of the ban, they will lose the confidence and trust of many of the older and traditional veterans, many of whom are in leadership positions within the VFW.

Implications for the Army could be even more difficult. I recently had the opportunity to briefly interview Retired
General Anthony Zinni following a discussion he led at the Center for National Policy. When I asked him his thoughts on whether or not the military should allow gays to serve openly, he stated that it is not a question of “if” but rather “when and how.” He pointed out that it took the military 35 years to fully assimilate blacks into the service so we should not rush into something we are not ready for. He listed many of the various implications the military must think through before making such a big decision. Would the military honor gay and lesbian marriages when accounting for pay scales and housing? Should the military build separate showers for homosexuals? Should homosexuals get separate dorms? Should training be altered in some way to regard the new open service of homosexuals? Should homosexuals be allowed in small, close, right-knit Special Forces teams? Many of these same questions arose when females were allowed to serve alongside men. Studying the effects of having females in the service, the military found that sex between men and women in the military as well as a lack of sexual privacy undermined order, morale, and discipline (PBS, 2000). These problems were solved by segregating showers, bunks, bathrooms, etc. Other implications include meeting the needs of homosexual service members. The National Association of Research & Therapy of Homosexuality released a report compiling studies on the special challenges faced by the gay and lesbian population. The report found, among many problems, that the suicide rate among homosexuals is three times higher than the rest of society, that the HIV rate among homosexuals is rising at 12% annually compared to the national rate at just over one percent and that homosexuals showed a “significantly higher occurrence of depression, bulimia, anxiety disorder, conduct disorder, substance abuse, and thoughts about suicide” (NARTH, 2008). The military needs to consider these challenges and should be prepared to meet any and all needs of all service members from any sexual preference. “I am only worried about the military’s readiness with homosexuals being allowed to serve openly if they have not thought through and worked out all these implications first,” said General Zinni. It is clear that the military needs to be prepared now that the ban has been lifted.

One thing the American military needs to do for a successful transition is to implement the change quickly. Research of foreign countries shows that implementing the repeal immediately, or within four months of the decision to repeal, ensured a successful and easier transition that gave the militaries an overall feeling of confidence and support of leadership. None of the countries to implement this change installed separate facilities for gay troops, such as showers or living quarters, and none reported problems with troops using these facilities together. Also, each military has generally adopted the policy or laws enforced by their respective governments to deal with benefits, housing, partner/marriage recognition, etc. (Palm Center, 2010).

**CONCLUSION**

Public Law 103-160, commonly called “Don’t Ask, Don’t Tell” has been the cause of much debate from all forms of agencies, members of Congress, groups, organizations, and individuals. It became more than an issue of military readiness but rather a weighty campaign promise for the President, a rallying cry for those in favor of traditional families, and a launching pad for gay rights activists nationwide. By homosexuals (Palm Center, 2010). Studies have been done on troops in the Israeli army, which lifted its military ban on homosexuals in 1993. These studies found that, while at first there was a feeling of homophobia among the troops, unit cohesion and military effectiveness was never hindered. There is now an overall feeling of acceptance and respect for everyone in the Israeli army, and the military continues to function successfully (Huffington Post, 2010a). Britain has seen quite a shift in military policy and attitudes as well, after lifting their ban on gays in the military in 2000 under very heavy debate, skepticism, and political fire. After the repeal, their military still reported struggling with personal acts of discrimination against gay and lesbian members, bullying against homosexuals, and feelings of homophobia. Today, however, the military is now joining with a gay rights group to promote tolerance and acceptance in its ranks and to target homosexuals in their recruiting efforts. The head of the British Army, General Sir Richard Dannatt, touched on their new attitude of acceptance when he said, “One of the Army’s six Core Values is ‘Respect for Others’ and it is therefore our absolute duty to treat our fellow soldiers as we would wish to be treated ourselves” (BBC, 2008).

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mind the future of their organizations and look at their leadership and standards carefully before acting. The military needs to cautiously consider all the various implications that will come from letting homosexuals serve openly and should look to foreign militaries to learn from their examples. And finally, the United States of America will be changed, as it tries to end discrimination without sacrificing the high standards of its military.

REFERENCES


