A Death Knell for 'Don’t Ask, Don’t Tell'

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A DEATH KNELL FOR “DON’T ASK, DON’T TELL.”

John R. Martin
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The U.S. military’s so-called “don’t ask, don’t tell” policy, which prohibits homosexual personnel from serving openly in the uniformed Services, is frequently mentioned when President Barack Obama’s Democratic base complains that he has not kept his campaign promises. In his State of the Union address last week, President Obama vowed to “work with Congress and our military” to repeal the “don’t ask, don’t tell” law. While no legislative action on the subject is expected anytime soon, the U.S. military—specifically the Joint Chiefs of Staff—will probably eventually be asked to testify before Congress about the impact of changing the law. If they believe the law should remain, they will have to offer compelling evidence of the deleterious effects repeal will have on the force or start preparing now for inevitable repeal. It would seem insufficient for the Joint Chiefs of Staff simply to contend that the current wartime footing argues against repeal at this time. That position might be right, but that contention will only delay repeal, not prevent it. If they state that there will be adverse effects on the force, but say they will nonetheless implement a change in policy and that the force will survive—which may be a reasonable view—they should expect to see the law repealed. The policy could remain in place, however, with objections on the grounds—if they can be proven—that integration of openly-homosexual individuals will break the fabric of the military and devastate its effectiveness as a fighting force.

Resistance to repeal of the policy during wartime is understandable. The U.S. military is already under significant stress; adding the integration of openly-homosexual personnel into that mix can be seen as unnecessarily adding to the military’s great responsibility of prosecuting two increasingly unpopular wars. The point about not taking such action in wartime, though, is weak and not supported by historical precedent. Armies regularly transform during wartime, even with social actions. One example might be how the role of women in the military expanded significantly during World War II, but the classic example in this regard is probably desegregation of the U.S. military during the Korean War. President Harry Truman signed Executive Order 9981 in 1948, officially desegregating the U.S. military forces. The order was issued in peacetime—just a few years after the end of World War II—but was not thoroughly implemented until the Korean War began making significant personnel demands on a still-segregated Army. Truman was responsible for some of the
delay because he did not establish a timeline for implementation; instead, he directed
that the policy would be implemented “as rapidly as possible . . . without impairing
efficiency or morale.” The Army and the other Services were reluctant to implement
the President’s policy until the manpower demands of the Korean War forced their
hands.

Some will claim that the differences between race, gender, and sexual orientation are
too dramatic for this example to be used to support this latest round of integration.
However, what is important is the social phenomenon of integration. The Joint Chiefs of
Staff might argue that the integration task is too difficult. The factors—race, gender, or
sexual orientation—are somewhat secondary to that argument. A contemporary
argument that the stress placed on the Services by the current wars is too demanding to
allow for the integration of openly-homosexual Service members does not hold water
any better than past arguments against racial or gender integration.

If the Joint Chiefs state that the change can be made without destroying the morale
of the force, they would effectively be saying that they will support—perhaps reluc-
tantly—the change in the policy. The Congress could then decide that the time is right
to repeal the 1993 legislation, and the President could expect that there would be no
exodus of senior military leaders because of it.

The Military Readiness Enhancement Act would replace “don’t ask, don’t tell” with
a policy forbidding discrimination on the basis of sexual orientation. That proposed
legislation, led by Iraq war veteran Representative Patrick Murphy (R-PA), already has
186 co-sponsors in the House of Representatives. While legislative action is probably
not imminent—and unilateral executive action is proscribed by the law—the hand-
writing appears to be on the wall. The military leadership—as well as their civilian
leaders—should take a firm and convincing stand on whether military service is
incompatible with homosexuality. Regardless of the position taken, it would be prudent
to start preparing now to implement a policy that allows openly-homosexual persons to
serve.

There are significant issues associated with the integration of openly-homosexual
people into the force. Examples include what to do about housing, applying benefits to
homosexual partners and even the dissonance created in the force when, for example,
chaplains—as a matter of ecclesiastical requirements—preach about the spiritual and
moral dangers of a behavior that is protected. These issues need some prompt attention
if homosexual integration is to proceed more quickly and more smoothly than did the
integration of women and black men into the force. The foot-dragging during the years
after President Truman issued his desegregation order was shameful; the principle of
civilian control of the military—or simply the principle of following lawful orders—
mandates prompt obedience, even to distasteful policies.

If the nation’s senior military leaders truly believe that homosexuality is incom-
patible with military service, they should act now to marshal any facts that would support
that position. An examination of the perceptions of the morality of the homosexual
lifestyle and how those perceptions might play out within the Armed Forces might be
appropriate areas of inquiry and analysis. However, the necessary factual basis may not
exist in enough substance to prevent repeal. As suggested above, even if the leaders believe that homosexuality is incompatible with military service, they should still act now to prepare the force to follow the guidance of the civilian leaders who properly make these decisions.

ENDNOTES


2. President Obama said, “This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are.” “Text: Obama’s State of the Union Address,” New York Times, January 27, 2010.


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