



## LOOKING BACK, LOOKING FORWARD: HOMOSEXUALITY AND MILITARY SERVICE

by  
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Homosexuals can now serve openly in America's armed forces. How did we reach this point, and what does it mean for our military, their families, people of faith, and the country as a whole?

The most important message to take from this article is that gay activists have intruded upon one of the nation's most conservative institutions, America's military, and they intend to use it as a platform to further transform the nation's moral landscape. The military may be the immediate victim but ultimately the country could pay a high price – namely, that homosexuality becomes widely accepted as the moral equivalent of heterosexuality – if gay activists succeed.

Consider a unique perspective regarding this issue and the process that brought us to this point.

I was a member of the 1993 Pentagon team that wrote the so-called “Don't Ask, Don't Tell” (DADT) regulation and advised the 103rd Congress which crafted the homosexual statutory exclusion, 10 U.S.C. § 654. Then I retired from the Army to join the Washington-based Family Research Council where I ran the Military Readiness Project, through which we filed numerous friend-of-the-court [amicus] briefs in federal courts defending the homosexual exclusion policy. Throughout the following 17 years the federal appeals courts upheld the statutory homosexual ban.

I was back in the Pentagon when in 2010 President Barack Obama called for repealing the homosexual exclusion law and then-Secretary of Defense Robert Gates created a new task force to re-examine the issue, the Comprehensive Review Working Group (CRWG). I met with CRWG members on multiple occasions to discuss the issues and provide them materials used by the 1993 effort that led to the exclusion law.

### LOOKING BACK AT THE MILITARY'S HOMOSEXUAL BAN

Since the days of General George Washington, the U.S. military has excluded open homosexuals from service for a variety of reasons: “inaptness or ... undesirable habits,”<sup>1</sup> its status as a medical disorder,<sup>2</sup> and homosexuality's “incompatibility with

military service.”<sup>3</sup> Then the legal basis for excluding open homosexual service changed after the election of President Bill Clinton.

During the 1992 presidential campaign candidate Clinton promised to lift the military’s regulatory ban. Once elected, President Clinton ordered the Pentagon to examine the military’s homosexual exclusion policy with the intent of lifting the ban.<sup>4</sup>

But Clinton’s effort to lift the ban ran into considerable political resistance. The end product was a political compromise popularly known as DADT, which actually was a double pretense: It required the Pentagon to pretend it did not care homosexuals served and for homosexuals to pretend they weren’t gay.

The 1993 Military Working Group (MWG), which the Pentagon formed to study and report on the issue, worked with the 103rd Congress to build the legal case for exclusion. The MWG provided significant background materials that compelled that Democrat-controlled body to pass the nation’s first-ever homosexual exclusion statute.<sup>5</sup>

**The now-repealed 1993 law was known as “Policy Concerning Homosexuality in the Armed Forces,” 10 U.S.C. § 654. That law included 15 findings as the basis for excluding homosexuals.**

- 1. Congress has the authority to make laws governing the military.**
- 2. “There is no constitutional right to serve in the military.”**
- 3. Congress can “establish qualifications” for service.**
- 4. The military’s purpose “is to prepare for and to prevail in combat.”**
- 5. Military service requires “extraordinary sacrifices.”**
- 6. Successful units “are characterized by high morale, good order and discipline and unit cohesion.”**
- 7. Unit cohesion is “one of the most critical elements” for combat effectiveness.**
- 8. “Military life is fundamentally different from civilian life.”**
- 9. A soldier is always on duty.**
- 10. “Military standards of conduct” apply “on and off duty.”**
- 11. Military members must be ready to deploy at all times.**
- 12. Service members must often accept Spartan living conditions.**
- 13. The homosexual prohibition is “longstanding.”**
- 14. The military must preclude persons who present an “unacceptable risk.”**
- 15. ” The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”**

## **THE “GAY” AGENDA**

At the same time that President Clinton was trying to lift the military’s homosexual ban, other elements of the radical gay agenda were becoming more evident. That agenda was documented by the MWG, which helped persuade Congress and military leaders to embrace a permanent homosexual exclusion policy.

I helped assemble those documents, which were drawn from peer reviewed science and popular literature, including homosexual subculture materials and interviews with former homosexuals. That evidence quantified the destructive homosexual lifestyle and such frequent and very sad consequences as violence, drug abuse, and high rates of sexually transmitted diseases.

That effort also exposed the gay activists’ cultural goal of winning full moral equivalency with heterosexuality. That included incremental steps like “gay marriage” with all the rights and benefits, “gay adoption,” and teaching homosexuality’s moral equivalency in schools to mention a few. But the radical gay agenda lacked sufficient popular support in 1993, so gay activists had to settle for something less than the outright lifting of the military exclusion ban, the DADT compromise.

For the next 17 years America’s armed forces became a cultural battleground for advancing the radical gay agenda. Meanwhile, the gay community embraced a broader strategy that included softening the culture’s antipathy towards homosexuality through the popular media’s advocacy and by appealing to sympathetic courts to force change.

## **LIFTING THE BAN**

By 2008 the nation’s political and cultural landscapes had changed radically. Homosexuality was viewed with much less suspicion and politicians sympathetic to the “mainstreaming” of homosexuality were in charge. President Obama, who enjoyed strong election support among homosexuals, used his 2010 State of the Union address to set in motion the fulfillment of his campaign promise to repeal the military’s homosexual exclusion law. “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,” the President said.<sup>6</sup>

A week later, Secretary Gates testified, “We have received our orders from the Commander in Chief,” and then quickly assembled the CRWG to prepare the military for repeal.<sup>7</sup> Sec. Gates’ mission was to determine how to implement and mitigate the consequences of repeal, not question whether it was helpful to our military in war time.

The CRWG's assignment was two-fold: 1) assess the impact of repeal of DADT on military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness; and 2) "recommend appropriate changes, if necessary, to existing regulations, policies, and guidance in the event of repeal." The CRWG's assessment and recommendations were due by December 1, 2010.<sup>8</sup>

The heart of the CRWG's effort was to gather input from 140 focus groups across the military and two surveys, one among military personnel and another among their spouses.<sup>9</sup> But the focus groups and surveys never asked whether lifting the ban was appropriate—rather, they asked questions about mitigating the consequences of lifting the ban. Predictably the final report concluded repealing the ban could be "successful" with the help of "strong leadership, a clear message, and proactive education."<sup>10</sup> But the report was a sad commentary on objectivity. [See sidebar #2, Problems with the CRWG report.]

The CRWG's report was delivered to the 111<sup>th</sup> "lame duck" Congress in early December 2010. That Congress, which had been dramatically repudiated in the previous month's elections, quickly repealed the exclusion law after brief hearings which did not include a single dissenting witness and along largely partisan lines. On December 22, 2010 President Obama signed the repeal, which launched the Pentagon on a new mission: preparing the force for open homosexuality.

**Problems with the CRWG's final report.<sup>11</sup>**

- 1. Dismissed concerns about open homosexuality**
- 2. Ignored "moral and religious objections"**
- 3. Said the views of those concerned about open homosexuality were based on "misperceptions and stereotypes."**
- 4. Found open homosexuality would have no impact on effectiveness based on the secret, non-scientific deliberations of a single 15 member panel, 8 members of whom were from the CRWG.**
- 5. Concluded that strong leadership, training, and education would mitigate most of the force's concerns about open homosexuality.**
- 6. Dismissed survey results that said 12.6% of the force will leave earlier and 11.1% will consider leaving sooner than planned if the exclusion law was repealed.**

## **OBAMA'S PENTAGON PREPARES THE FORCE**

Soon after repeal the Pentagon launched a six-month, military-wide effort to “train” the military to accept open homosexuality. Then on July 22, 2011, President Obama notified Congress the Pentagon intended to lift the ban effective September 20, 2011. He said the new policy “preserves unit cohesion, recruitment, retention and military effectiveness” [and] “our military is ready for repeal.”<sup>12</sup>

The Pentagon used a three-tier process to “educate” military troops, their commanders, and special staff and key individuals like chaplains and lawyers. Those 90-minute sessions included video statements by senior officials and discussions about what lifting the ban meant for all members. [See sidebar #3: Pentagon training on open homosexuality.]

Although the training included a time for questions, few troops dared to ask questions about the rationale behind the decision because many rightly concluded that repeal was a political decision and military readiness was not a decisive factor in making it.

### **The Pentagon's training outlined what lifting the homosexual ban meant for the military.<sup>13</sup>**

- 1. All policies dealing with personal/professional conduct will be applied without regard to sexual orientation.**
- 2. Sexual orientation will not be made a protected class with regard to equal opportunity. The military will not request, collect, or maintain information about sexual orientation.**
- 3. The 1996 Defense of Marriage Act prohibits the extension of dependent-related benefits to same-sex partners of troops.**
- 4. Troops can name same-sex partners as beneficiaries of military-designed benefits such as service-member group life insurance and death gratuity.**
- 5. Same-sex partners will be treated the same as an unrelated third party e.g., girlfriend, boyfriend.**
- 6. Sexual orientation will not bar entry into the military. Troops previously separated under DADT may apply for re-entry, and they will no longer be discharged because of their sexual orientation.**
- 7. Sexual orientation will not be used as a factor in duty assignments, and troops will not be allowed to request discharge because they are opposed to repeal of DADT.**

## **GAY AGENDA FOR THE MILITARY AHEAD**

The radical gay agenda has already begun to be played out in the military and it won't be long before our armed forces are used as an illustration of how homosexuality can be integrated into our broader culture. The best example of this is the movement to promote "gay marriage."

In April 2011 the Chief of Navy chaplains issued a directive requiring access to Navy chapels for wedding ceremonies involving two persons of the same sex. It also allowed chaplains the option to officiate at a same-sex union if it agreed with their religious beliefs and the laws of the state.

Quickly members of Congress protested that the navy's new guidance violated the 1996 Federal Defense of Marriage Act (DOMA). The navy suspended the directive "pending additional legal and policy review."<sup>14</sup>

That review was evidently completed once the homosexual law repeal took effect. On September 30, Obama Pentagon appointees released two policy memoranda allowing homosexual marriage ceremonies. Although neither memorandum uses the word "marriage," the intent is clear.

Specifically, a Sept 30<sup>th</sup> memo from Pentagon personnel chief Clifford Stanley, subject "Military Chaplains," states "in connection with repeal of section 654 of title 10," [homosexual law] "a military chaplain may participate in or officiate any private ceremony, whether on or off a military installation, provided that the ceremony is not prohibited by applicable state and local law."<sup>15</sup>

The second Sept 30<sup>th</sup> memo came from Obama appointee Jeh Johnson, the Pentagon's General Counsel. It was titled, "Uses of DOD Facilities." It, too, references repeal of the homosexual law and states, "Determinations regarding use of DOD real property and facilities for private functions, including religious and other ceremonies, should be made on a sexual-orientation neutral basis, provided such use is not prohibited by applicable state and local laws."<sup>16</sup>

This double-barreled policy declaration advances the lynchpin homosexual agenda issue, "gay marriage." But marriage is only one of many issues which the compliant Obama Pentagon may eventually advance as it seeks to normalize homosexuality in an effort to transform the broader culture.<sup>17</sup>

<b>GAY AGENDA TARGETS MILITARY PERSONNEL ISSUES</b>	
<b>CATEGORY</b>	<b>ISSUE</b>
<b>Assignments</b>	<b>Joint military spouse assignments for dual military career married same sex couples</b>
<b>Child&amp; youth programs</b>	<b>Child development system (child care centers); youth programs on base; schools on base</b>
<b>Dependents</b>	<b>Same sex spouse/domestic partner/civil union partner added to definition of “dependent? And “family member”; non-military parent; natural or adopted children; child care plans for “single” parents; ID cards and/or base access for non-dependents</b>
<b>Education assistance</b>	<b>GI bill and tuition assistance, rights which may pass to dependents</b>
<b>Diversity/MEO</b>	<b>Protected class and part of military equal opportunity system</b>
<b>Exchange/commissary</b>	<b>Access for non-dependents similar to caregivers or non-custodial parents</b>
<b>Family support services</b>	<b>Deployment &amp; mobilization support; family advocacy programs; parenting programs; personal financial management program; relocation assistance program; spouse employment program: assist with resumes, job hunting, preference for federal civil service jobs; spouse tuition assistance</b>
<b>Good order &amp; discipline</b>	<b>Repeal of UCMJ Article 125 (Sodomy)</b>
<b>Health care</b>	<b>Doctor-patient privilege; DEERS (TRICARE) benefits for dependents only to include same sex spouse/domestic partner or partner of civil union; Non-dependent partner access to visit and/or transport dependent child for care; Advanced health care directives</b>
<b>Housing</b>	<b>Family housing assignments for members with “dependents”</b>
<b>Legal assistance</b>	<b>Spousal privilege for same sex spouse/domestic partner/partner of civil union; Wills, power of attorney, health care directives</b>
<b>Non-discrimination</b>	<b>Statement of non-discrimination by executive order or incursion of sexual orientation in the DOD human goals charter</b>
<b>Pay</b>	<b>Dependent allowances; family separation pay; adoption expenses; survivor benefits; beneficiaries for unpaid pay and allowances; in case of same sex divorce half of retirement available to non-military spouse; dependent support payments/garnishment</b>

<b>Reinstatement of members</b>	<b>Broken service, waivers for age or high year tenure; Correction of records-removing negative remarks on DD214 (Report of Separation from Active Duty); Career progression after reinstatement-guidance to selection boards</b>
<b>Religious programs</b>	<b>Pastoral care &amp; counseling to all; Marriage ceremonies on bases in states that have homosexual “marriage” statutes; Marriage counseling and retreats</b>
<b>Relocation benefits</b>	<b>Moving expenses; overseas assignments requiring passports, on-base living</b>
<b>Space available</b>	<b>Air travel for same sex spouse and dependents</b>
<b>Time-off</b>	<b>Leave or liberty for “non-dependent” family emergencies; Holiday and hardship duty assignment equity</b>
<b>Upgrade DADT discharges</b>	<b>Upgrade characterization of discharge were appropriate</b>

## **OPTIONS FOR OBJECTING TROOPS & THEIR FAMILIES**

The CRWG surveys found that many service members will leave the military (12.6%) or at least consider leaving earlier than planned (11.1%) because of repeal.<sup>18</sup> But for those who remain, what are the options?

First, they must be familiar with the new regulations governing open homosexual service. Their chains of command must comply with the “gay-friendly” regulations, and when military leaders fail to enforce them properly, action is required.

Military members and their families should bring violations to the attention of their commander and remind him/her what the regulations say and outline the alleged violation(s). There are also outside the chain of command agencies, like that of the Inspector General (IG), which must investigate allegations of regulatory misconduct.

Second, the faith community must be especially vigilant. Chaplains are “guaranteed” special protections but the non-clergy faithful who object to open homosexuality must be cautious when expressing their personal views. Although freedom of speech exists in the military, the new “tolerance” of homosexuality will likely chill the open expression of faith-based beliefs about homosexual behavior. Once again, the chain of command and special agencies like the IG are available when problems surface.



Memorandum from Clifford Stanley, Under Secretary of Defense for Personnel, "Repeal of Don't Ask Don't Tell and Future Impact on Policy," section "Moral and Religious Concerns/Freedom of Speech."<sup>19</sup>

- *Policies regarding service members' individual expression and free exercise of religion already exist and are adequate.*
- *There will be no changes regarding service member exercise of religious beliefs, nor are there any changes to policies concerning the chaplain corps of the military departments and their duties.*
- *When chaplains are engaged in the performance of religious services, they may not be required to engage in practices contrary to their religious beliefs.*
- *Service members will continue to respect and serve with others who hold different views and beliefs.*

Third, service members and their families always have the option to contact their elected Member of Congress. After all, under Article I, Section 8 of the Constitution, Congress has the responsibility to set the rules and regulations for the armed forces, and that includes issues related to homosexuality. Members of Congress can demand the Pentagon answer questions about the enforcement of military regulations and hold "politically correct" appointed officials accountable.

Finally, military personnel and/or their spouses can report violations to the media or supportive ministries and non-profit organizations like the Family Research Council. Most Americans want strong armed forces, but if they perceive President Obama's political decision to lift the ban has damaged military effectiveness or readiness and accelerates costs, they should demand change. Specific situations regarding homosexual troops that indicate damage to morale, violations of personal privacy, suppression of faith-based speech, or actions that clearly advance the radical homosexual agenda ought to be publicized.

Remember, the current policy of open homosexuality can be reversed. A future Administration and Congress not beholden to gay activists and concerned about protecting our armed forces have the option of reinstating the homosexual ban. Also, a new President can act alone by directing his Secretary of Defense to reinstate a regulation-based ban for the good of the service.

## CONCLUSION

Repealing the homosexual exclusion was animated by ideology and political considerations. Gay activists now intend to use the military as a vehicle to advance their radical agenda and ultimately transform America into a nation that embraces homosexuality as the moral equivalent of heterosexuality.

Military members and their families need your prayers and support as they stand against the radical gay agenda. Meanwhile, Congress and the American people must protect the military public, especially service families and those with faith-based objections to homosexuality, from politically inspired attacks.

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## ENDNOTES

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<sup>1</sup> National Defense Authorization Act for Fiscal year 1994, Report 103-112, 103rd Congress, 1st Session, Senate, July 27, 1993, p. 265. (Note: These provisions are found in the manual for courts-martial, 1921, Para. 443, sec. XI.)

<sup>2</sup> *Ibid.*

<sup>3</sup> William P. Snyder and Kenneth L. Nyberg, Policy Paper, "Gays and the Military: An Emerging Policy Issue," *Journal of Political and Military Sociology* 8, No. 1 (Spring 1980): 74.

<sup>4</sup> William J. Clinton, "Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces," Memorandum for the Secretary of Defense, Office of the Press Secretary, The White House, Washington, D.C., January 29, 1993.

<sup>5</sup> Public Law 103-160, signed November 30, 1993.

<sup>6</sup> Barack Obama, Remarks by the President in the State of the Union, January 27, 2010, <http://www.whitehouse.gov/the-press-office/remarks-president-state-union-address>

<sup>7</sup> "Live Blog: 'Don't ask, don't tell' Senate hearing," Washington Post, February 2, 2010, [http://voices.washingtonpost.com/federal-eye/2010/02/live\\_blog\\_dont\\_ask\\_dont\\_tell\\_s.html](http://voices.washingtonpost.com/federal-eye/2010/02/live_blog_dont_ask_dont_tell_s.html)

<sup>8</sup> Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell," Department of Defense, November 30, 2010, p. 1.

<sup>9</sup> *Ibid.*, p. 2.

<sup>10</sup> *Ibid.*, p.10.

<sup>11</sup> *Ibid.*

<sup>12</sup> Jaclyn Belczyk, "Obama certifies 'Don't Ask Don't Tell' Repeal," *Jurist Legal News & Research*, July 22, 2011.

<sup>13</sup> Sameria Amerson-Zavala, "Preparing for Repeal of DADT brings training for Soldiers," The Official Homepage of the United States Army, [www.army.mil](http://www.army.mil), February 24, 2011.

<sup>14</sup> Igor Volsky, "Navy Rescinds Same-Sex Marriage Ruling 'Pending Additional Legal and Policy Review,'" <http://thinkprogress.org/lgbt/2011/05/11/177408/navy-marriage-rescind/>, May 11, 2011.

<sup>15</sup> Memorandum for Secretaries of the Military Departments, Chiefs of the Military Services, Subject: Military Chaplains, signed by Clifford Stanley, Under Secretary of Defense for Personnel & Readiness, September 30, 2011.

<sup>16</sup> Memorandum for Secretaries of the Military Departments et al, Subject: Uses of DOD Facilities, signed by Jeh Johnson, General Counsel of the Department of Defense, September 30, 2011.

<sup>17</sup> Chart provided by Citizen's Catherine Snow.

<sup>18</sup> Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell," Department of Defense, p. 69.

<sup>19</sup> Memorandum for the Secretaries of the Military Departments, Subject: Repeal of Don't Ask Don't Tell and Future Impact on Policy, signed by Clifford Stanley, Under Secretary of Defense for Personnel & Readiness, January 28, 2011.