Consequences of the Proposed New “LGBT Law” for the Military

Discussion of this issue begins with a simple principle: It is about military readiness and effectiveness, not “civil rights.” The enclosed charts summarize many reasons why repeal of the 1993 Eligibility Law would impose heavy burdens on the men and women who volunteer to serve, while undermining military effectiveness in numerous ways.

In 1993 then-President Bill Clinton attempted to lift the ban on homosexuals in the military. Following months of intense debate, Clinton proposed a plan to accommodate homosexuals in the military if they did not say they were homosexual.

Members of Congress considered Clinton’s “Don’t Ask, Don’t Tell (DADT) proposal, but after twelve legislative hearings and field trips they realized that the concept would be unworkable and indefensible in court.

Contrary to most media reports at the time, Congress rejected DADT and passed a law clearly stating that homosexuals are not eligible for military service. The 1993 law—technically named Section 654, Title 10, U.S.C. but usually mislabeled “Don’t Ask, Don’t Tell”—passed with veto-proof bi-partisan majorities in both Houses. The only “compromise” allowed the Clinton administration to drop “the question” about homosexuality that used to appear on induction forms, but that inquiry can (and should) be administratively reinstated at any time. (A Secretary of Defense seeking a more “humane” way to enforce the 1993 law should stop the recruitment of people who are not eligible for military service.)

The 1993 Eligibility Law codified long-standing Defense Department regulations. It includes fifteen “Findings” recognizing that the military is a “specialized society” and “fundamentally different from civilian life.” Unlike civilians who go home after work, military personnel must accept living conditions that are often “characterized by forced intimacy with little or no privacy.” The purpose of the law, which Federal courts have upheld as constitutional several times is to protect “high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”

Rep. Patrick Murphy (D-PA) and others are co-sponsoring legislation (H.R. 1283) that would repeal Section 654, Title 10, U.S.C. and replace it with an open-ended, radical “LGBT Law” that would forbid discrimination based on “homosexuality or bisexuality, whether the orientation is real or perceived.”

The following charts summarize the consequences of replacing Section 654, Title 10 with the proposed new “LGBT Law.” More information is available from the Center for Military Readiness at www.cmrlink.org.
Professed (Not Discreet) Homosexuals Eligible to Serve

If H. R. 1283 Passed

New DoD Directives

Administrative Policy
DADT Dropped

Non-Discrimination
Against Sexual Minorities

Long Overdue –
No Legislation Required

All Services/Communities Affected

Marine Corps
- Infantry
- Special Ops Forces
- Iraq/Afghan Training Teams

Navy
- SEALS
- Submarines
- Surface Ships/Air Wings

Army
- Infantry
- Special Ops Forces
- Iraq/Afghan Training Teams

Air Force
- Fighter Squadrons
- Special Ops Forces
- Missile Silos

No Way to Exempt
Some Communities

Retroactive
Effect

Recruiting of
Previously Ineligible
Applicants

Litigation for
“Remedies”
to Compensate

Restored Rank and
Promotion
(If Otherwise Qualified)

RESULT

Radical Social Change is Assigned
Higher Priority than Military
Necessity
Conditions of “Forced Intimacy”
(Phrase in Current Law)

Living Conditions Remain Same

- Separate Quarters for Four Sexual Groups Not Possible
- Unlike Civilian World
- Little or No Privacy “24 – 7”

“Homosexuality or Bisexuality Whether the Orientation is Real or Perceived”
(Proposed LGBT Law)

- Exposure of “Persons” To “Persons” Who Might Be Sexually Attracted to Them
- Gays No More Perfect than Anyone Else
- Comparable to Men Living With Women
- Equivalent to “Hostile Work Environment”
- Racial Segregation Irrational—Sexual Separation Is Not

New Forms of Sexual Misconduct

- Male/Male
- Female/Female

- Passive/Aggressive Tension
- Hostility
- Consensual Sex
- Harassment or Worse

RESULT

- Three-Fold Increase In Misconduct Incidents
“Civil Rights” Status for Sexual Minorities

“Zero Tolerance” Of Dissent

“Diversity” Training And Education

Pressures to Make Policy “Work”

Professional Instructors Promote LGBT Agenda

Activist Palm Center Recommendations

“Carrots”

“Sticks”

Attempt to Eliminate Human Desire for Sexual Privacy/Modesty

Disagreement Labeled “Bigotry”

“Political Correctness” Mandatory

Precedent

Required, All Military Schools and Training

“Sexual Equivalence” Taught in DoD Schools/Child Care Centers

Positive “EO” Mark On Personal Evaluations

Praise and Promotions

Incentives for Putting Self-Interest First at Expense of Subordinates

Negative “EO” Mark On Personal Evaluations

Accusations of “Bad Attitudes”

Denied Promotions

End Careers

Only “Politically Correct” Officers/NCO’s Promoted

Definition:
Cohesion = Mutual Trust for Survival

RESULT

Resistance In the Ranks Hurts Morale

Trust, Unit Cohesion Undermined

Chaplains/People of Faith, Future Leaders Forced Out
Burdens of Social Engineering

Military Life More Difficult

Subordinate Personnel
- Re-Assignment Not an Option
- All-Volunteer Force
- Problems Same as for Women, etc.
  - Passive/Aggressive Approaches
  - Junior Personnel Vulnerable to Coercion or “Consexploitation” with Superiors
  - No Recourse if Offense Short of Assault
  - Decline Re-Enlistment

Commanders
- Ask No Questions Make No Reports
- Act on Complaints
  - As With Past Scandals, Unreported Problems Worsen
  - Unresolved Tension Distracts from Focus on Military Missions
  - Could be Seen as “Failure of Leadership”
  - “He Said/He Said” Accusations Difficult To Resolve
  - False Accusations Hurt Morale
  - Personnel Turmoil/Losses
  - Lose/Lose Situation

File Complaint
- Strong Reasons Not to Complain
  - No Presumption Of Truthfulness
  - Actions/Motives Questioned
  - Doubts About Support From Superiors
  - Peer Criticism/ Ridicule

RESULT
- Lower Retention Rates
- Unit Cohesion Suffers
- Readiness Undermined
Radical Cultural Change

Military Culture = “How Things Are Done”

Same-Sex Couples
- Family Housing
- Civil Union, Child Custody Disputes
- Social Events
- “Diversity” Celebration Days
- LGBT Agenda Alienates Traditional Families
- Further Incremental Changes
  - Partner or “Spouse” Benefits
  - Transgenders Next

Medical/Deployment
- Increased Risks
  - HIV+ Males (After Recruitment)
- Rules Forbid
  - Discharge, but May Not be Deployed
- Others Deployed When HIV+ Personnel Are Not

Defining Discipline Down
- Confusion About Appropriate Sexual Behavior
- “Consistency” = Lower Standards of Conduct
- Attempts to “Equalize” Sexual Conduct Rules Fail
- Pressure for Overnight Privileges for Same-Sex Couples in War Zones
- Pressures to Repeal Remaining UCMJ Personal Conduct Rules Succeed
  - Only Restraint “Consent”

Distractions from Military Missions
- Risks of Scandal

RESULT
- Military Reputation And Recruiting Rates Down
- Military Culture Irrevocably Degraded
Benefits of Proposed New “LGBT Law” for the Military

None

Conclusion:

Gay activists and their liberal allies cannot justify the heavy costs of repealing the 1993 law, which are outlined in the preceding charts. Implementation would result in the voluntary or involuntary loss of thousands of personnel—many in communities, grades, and skills that are not easily replaceable. This would cripple the All-Volunteer Force at a time when we are at war. Personnel remaining would have to face more deployments and potential combat situations with fewer, less-skilled people.

Homosexual activists have made five basic arguments that fall apart upon closer examination. In summary: 1) Everyone can serve in some way, but there is no “civil right” to serve in the military. 2) Polls of civilians who have little understanding of the military are not as credible as surveys of military personnel showing consistently strong support for the 1993 law. 3) The small, dissimilar militaries of 25 of 200 foreign nations that do not have the same military obligations—none of which have adopted the extreme agenda being proposed for our military—are not role models for America’s forces.

Furthermore, 4) Consistently small numbers and percentages of people discharged due to homosexuality contradict any claim that a national security emergency exists. 5) Human interest stories highlighting problems that former military people encountered due to the expendable “Don’t Ask, Don’t Tell” administrative policy do not justify repeal of the 1993 Eligibility Law that Congress actually passed.

As of January 2010, a formal statement of support for the 1993 Eligibility Law, addressed to the President and Members of Congress, has been personally signed by 1,164 retired Flag & General Officers for the Military, 51 of them of four-star rank. The statement concludes:

“Our past experience as military leaders leads us to be greatly concerned about the impact of repeal on morale, discipline, unit cohesion, and overall military readiness. We believe that imposing this burden on our men and women in uniform would undermine recruiting and retention, impact leadership at all echelons, have adverse effects of the willingness of parents who lend their sons and daughters to military service, and eventually break the All-Voluntary Force.”

“As a matter of national security, we urge you to support the 1993 law regarding homosexuals in the military (Section 654, Title 10), and to oppose any legislative, judicial, or administrative effort to repeal or invalidate the law.”

More information on this and related topics is available on the website of the Center for Military Readiness, www.cmrlink.org. CMR is an independent, non-partisan public policy organization, founded in 1993, which specializes in military/social issues.