

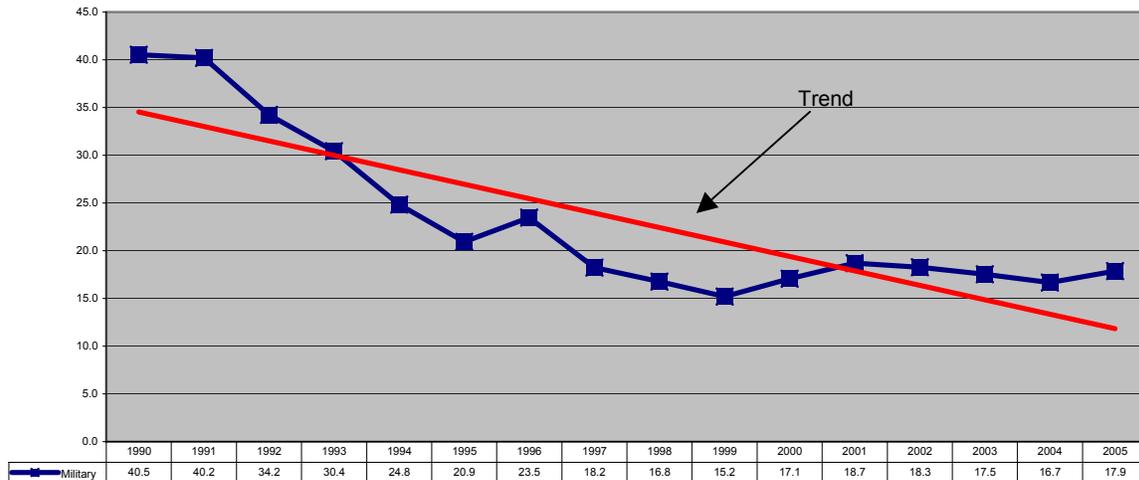
Invalid National Security Arguments for Homosexuals in the Military

Higher Non-Deployability Rates Due to Increased HIV Infection

Under federal law, servicemembers who become HIV-positive are retained in the military, but cannot be deployed overseas or on ships. (National Defense Authorization Act for FY 1987 (P.L. 99-661, Section 705(c)) DoD policy denies enlistment to persons having serologic evidence of HIV, and mandates periodic screenings for HIV infection. The DoD further mandates medical care for HIV-positive personnel, and protections against adverse personnel actions or violations of privacy. Affected personnel are discharged when they are determined to be unfit for further duty. (DoD Instruction 6485.01, Oct. 17, 2006)

According to Commander Wayne L. Johnson, JAGC, Navy (Ret.), who has researched this issue as an instructor at the Naval Justice School, the special status accorded to HIV-positive personnel can continue for many years--sometimes for decades. The deployment exemption is demoralizing because of the heavier burden it imposes on other personnel who are subject to deployment.

Proportional rates of HIV infection were generally higher in all the services in 1990, but dropped after passage of the 1993 law that codified the Defense Department's regulations banning homosexuals from the military. The graph below illustrates a steady trend line decline in the number of military personnel who are non-deployable due to HIV-positive status:



Rates of HIV Infection per 100,000 Servicemembers Tested

This graph measures the infection rate among all service members in the Marine Corps, Navy, Army and Air Force between 1990 and 2005. Source: Navy Environmental Health Center, available at http://www-nehc.med.navy.mil/downloads/hp/hivtable_DoD_wchart.pdf

A number of variable factors may account for the decline. Still, before Congress repeals the 1993 law and forces the military to assume greater risks, members should consider Center for Disease Control (CDC) statistics regarding male-on-male sexual activity and AIDS infection.

<http://www.cdc.gov/hiv/topics/surveillance/basic.htm#exposure> . It is reasonable to expect that greater numbers of gays in the military would increase concomitant rates of non-deployable HIV-positive personnel. Comprehensive medical benefits, without the obligation to deploy, could serve as an economic incentive for homosexual enlistees, which would compound this problem. Such a consequence would be harmful to readiness, morale, and national security.