

REPEALING “DON’T ASK, DON’T TELL”

**A POSITION PAPER FROM
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I. Introduction

For the past sixteen years, the United States government's "Don't Ask, Don't Tell" (DADT) policy has barred gays and lesbians from serving openly in the armed forces, while also prohibiting military officials from initiating inquiries into service members' sexual orientation when they are abiding by the rules. *See* Pub. L. 103-160 (10 U.S.C. § 654). The military has discharged thousands of gay and lesbian service members for allegedly violating the policy since it was adopted in 1993. Many of the service members discharged under DADT have held critical occupations, such as engineers and interpreters. Other gay and lesbian service members leave the military voluntarily because of the policy. In addition, gay and lesbian potential recruits who wish to defend their country are deterred from serving. Meanwhile, because of severe recruitment shortfalls, the United States Army and Marine Corps have been forced to lower their moral and aptitude standards for new recruits to alarmingly low levels; both military branches have admitted growing numbers of charged or convicted criminals and applicants who scored poorly on the Armed Forces' aptitude tests.

In light of the significant problems caused by DADT, many have called for the repeal of the policy. A large majority of the American public now favors allowing gay and lesbian men and women to serve openly in the armed forces (see below section II.(2)). Then-Senator Barack Obama regularly pledged during the 2008 presidential campaign to work with Congress and military leaders to repeal DADT. As President, he has repeated that pledge in his first and second State of the Union addresses (Obama 2009; Obama 2010). Top military leaders, including Defense Secretary Robert M. Gates, Admiral Michael Mullen, chairman of the Joint Chiefs of Staff, and retired General Colin Powell, former chairman of the Joint Chiefs of Staff under President Clinton and a former opponent of lifting the ban on gays in the military, have supported repealing the policy (see below section IV.(1)). In March 2010, Senator Joseph Lieberman introduced legislation that would repeal DADT after a waiting period of several months (Naing 2010). The Pentagon is now conducting a review of how such a change would be implemented, should Congress repeal DADT (Shanker 2010B).

Others, including several members of Congress, argue that allowing gay and lesbian men and women to serve openly would threaten the United States' military

effectiveness by undermining military morale and unit cohesion, causing mass resignations by dissident heterosexual service members, and unwisely distracting our armed forces during a time of war.

This paper examines and weighs the arguments on both sides of the debate surrounding the proposed repeal of DADT. Its discussion is founded on the premises that the United States government's continuation of a discriminatory policy requires, at minimum, some rational justification; that the weight of the justification required increases in proportion to the costs attendant to the discriminatory policy; that given adequate rational justification, the government may permissibly continue the policy; but that in the absence of sufficient rational justification, the policy should be discontinued.

A dispassionate examination of the DADT policy reveals that its costs are strikingly high, while the arguments against its repeal are weak and unconvincing. Some of the policy's costs – including the moral costs of perpetuating a policy of discrimination, and fostering or enabling a culture of intolerance within the military and within society at large – are difficult or impossible to measure quantitatively. Other costs, including the military's loss of highly qualified and patriotic service members, the resultant shortfall in military recruiting, and the monetary cost of discharging service members and training their replacements, can be estimated or directly calculated quite easily. The purported justifications for retaining DADT are sufficiently weak to warrant the conclusion that DADT should be discontinued on the basis of its quantifiable costs alone, without considering its additional, non-quantifiable costs. This paper's discussion of the policy's costs therefore focuses primarily on quantifiable costs. One should not conclude, however, that the Center for Inquiry views the non-quantitative costs of DADT as somehow less important or significant.

In light of the analysis below, the Center for Inquiry recommends that the United States government immediately repeal the "Don't Ask, Don't Tell" policy. By doing so, the government would both improve military effectiveness and move the nation closer to bringing its long history of discrimination against gay and lesbian men and women to a close.

II. A Brief History of “Don’t Ask, Don’t Tell”

During his 1992 presidential campaign, soon-to-be President Bill Clinton promised to lift the United States’ longstanding ban on allowing gay and lesbian men and women serve in the military, despite opposition from senior military officials and a majority of the American public (Webley 2010). At the time, military policy held that “homosexuality is incompatible with military service” and required the discharge of military personnel who engaged in “homosexual acts” or stated that they were “homosexual or bisexual.” DoD Directive 1332.14 (1982). When President Clinton moved to unilaterally repeal the ban by Executive Order, Congress included language in the National Defense Authorization Act for Fiscal Year 1994 (passed in 1993) requiring the military to abide by existing policy. Pub. L. 103-160 (10 U.S.C. § 654) (Nov. 30, 1993).

In response to opposition from Congress and the Joint Chiefs of Staff, the Clinton Administration brokered a compromise policy now known as “Don’t Ask, Don’t Tell.” On December 21, 1993, the White House issued Department of Defense Directive 1304.26, which attempted to soften Congress’s restrictions by focusing on “homosexual conduct” rather than “status” (i.e., sexual orientation), and by prohibiting the military from asking applicants about their sexual orientation.

The Congressional Act and the Department of Defense Directive together prohibit any gay or bisexual person from disclosing his or her sexual orientation or from speaking about any gay relationships, including marriages or other familial attributes, while serving in the military. The “don’t tell” aspect of the policy, however, applies only to the service member in question; the service member may be discharged if others (for example, fellow service members) disclose his or her sexual orientation to commanders. In addition, the prohibition on disclosing one’s sexual orientation has been applied to ban disclosure to persons beyond a service member’s combat unit, including members of the public. For example, a November 1994 memorandum from Richard A. Peterson, then Air Force Judge Advocate General, instructed investigators to question the parents, siblings, school counselors, roommates, and close friends of suspected service members to determine whether disclosure had been made to them (SLDN 2003). The Navy issued a memorandum stating that public displays of support for gay activities – in this case,

belonging to a gay choir – may be “inconsistent with good military character” contrary to “Don’t Ask, Don’t Tell” (ibid.).

The “don’t ask” part of the policy states that superiors should not initiate investigation of a service member’s sexual orientation in the absence of prohibited behaviors, although credible evidence of “homosexual conduct” may provide grounds for an investigation. The policy places the burden of proving that “homosexual status” (i.e., sexual orientation) does not entail “homosexual conduct” upon the service member accused, but permits military officials considerable leeway in deciding how rigorously to enforce the ban on “homosexual conduct.”

In March 2010, Secretary of Defense Robert Gates announced new Pentagon rules purportedly designed to ensure that discharges under DADT are carried out in “a fairer and more appropriate manner” (Shanker 2010B). The new rules raise the level of rank required to initiate action or to take formal action against a service member under DADT; raise the standard required for evidence to be presented in such cases, with the goal of preventing “malicious outings” by third parties or jilted partners; and prohibit using information gathered during medical care or security reviews (ibid.). The core architecture of the DADT policy, however, remains intact.

The Clinton administration was subjected to numerous and intense pressures to alter its original proposal of entirely lifting the ban on gay and lesbian service members. At the time, only 44 percent of the American public supported changing the existing policy (Frank 2009A, p. 126). Military personnel also strongly opposed Clinton’s original proposal; 76 percent of servicemen and 55 percent of servicewomen disapproved of lifting the ban (ibid.). In addition, top military officials opposed lifting the ban. General Colin Powell, then-Chairman of the Joint Chiefs of Staff, reasoned that the presence of openly gay service members could undermine military order and discipline (DeYoung 2010).

Then, as now, the principal argument against ending discrimination against gay service members was that doing so “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.” Pub. L. 103-160 (10 U.S.C. § 654).

III. The Cost of “Don’t Ask, Don’t Tell”

The implementation of DADT has come at a high cost – not only to gay and lesbian service members, but also to the United States military. Generally, the costs of the policy fall into five categories:

1. A reduction in the number of military personnel due to discharges under DADT, voluntary resignations caused by the policy, and the deterrence of prospective gay and lesbian recruits;
2. A diminishment in personnel quality, due to the military’s need to compromise its moral and aptitude standards for new recruits in light of recruitment shortfalls caused, in part, by DADT;
3. Compromised military readiness due to the discharge of service members with rare and/or critical skills, e.g., engineers and members with vital language skills such as Arabic and Farsi;
4. The monetary cost of discharging service members and training new recruits to replace them; and
5. The moral and emotional costs associated with DADT, including the moral cost of perpetuating a discriminatory policy; the fostering and/or enablement of a culture of intolerance in the U.S. military and in American society; and the psychological toll on gay and lesbian service members who are forced to conceal their identities and live in perpetual fear of being “outed.”

It is the position of the Center for Inquiry that the moral and emotional costs of DADT are highly significant and generally ought not to be ignored. This paper’s treatment of those costs, however, will be abbreviated. As a matter of principle, the Center for Inquiry supports equal rights for gay and lesbian men and women, and opposes discrimination on the basis of sexual orientation. Because the purported justifications for continuing DADT are unconvincing, however, it is not necessary to examine the moral and emotional costs of DADT in detail. Consideration of the objective and quantifiable costs enumerated in categories 1-4 is sufficient to warrant the conclusion that DADT should be discontinued.

The Center for Inquiry maintains that discrimination on the basis of sexual orientation is inconsistent with both humanist ethics and American values. Many proponents of DADT, however, disagree. By limiting this paper’s discussion of moral

and emotional costs, the Center for Inquiry hopes to avoid becoming mired in an unnecessary debate as to whether it is ethically permissible to discriminate against gays and lesbians, or whether gay and lesbian men and women are responsible for the psychological distress they endure. These questions are not essential to the conclusion of this paper, and would be better treated in separate papers.

1. Discharges, Voluntary Resignations and Deterred Recruits

The cost to the United States military in terms of lost personnel has been enormous. More than 33,000 gay and lesbian service members have been discharged from the military since 1980 (Center for American Progress 2010). Since its enactment more than 16 years ago, DADT has resulted in the discharge of nearly 14,000 service members (*ibid.*). The military discharged nearly 5,000 service members during the years of 2002-2008, while the United States was fighting two major ongoing wars and faced a critical need for additional military personnel (see *ibid.*). According to Defense Department general counsel Jeh C. Johnson, 428 service members were discharged under DADT in 2009 (Shanker 2010B).

In addition to service members discharged yearly under DADT, a far larger number leave the service voluntarily because of the policy. A survey of 445 gay, lesbian and bisexual veterans conducted in 2005 found that 19.6 percent left the military because they could not be open about their sexual orientation (Cochran et al. 2005). A 2007 study by the Williams Institute at the University of California Los Angeles found that approximately 4,000 service members are induced to leave the military voluntarily every year because of DADT (Gates 2007).

An additional, hidden cost of DADT results from its deterrence of potential recruits who wish to serve their country, but choose not to do so because of DADT. Gary Gates, a senior researcher at the Williams Institute and a leading expert on the demography of the gay and lesbian population, found that if the proportion of gay men in the military were allowed to rise to equal the proportion of gay men in the general population, “the military could raise their numbers by an estimated 41,000 men” (Gates 2008).

2. Weakened Quality Standards for New Recruits

During the past decade the military suffered recruitment shortfalls as the United States was engaged in wars in Afghanistan and Iraq. Because the military faced these shortfalls at a time when additional service members were badly needed, it took unusual steps to boost the number of recruits. Specifically, the military severely compromised the moral, education and aptitude standards new recruits are required to meet. Because the military's recruitment shortfalls are caused, in part, by DADT's deterrence of qualified gay and lesbian applicants from applying for military service, DADT is partly to blame for the compromised quality of our military personnel.

The military significantly loosened its standards for new recruits in two ways: first, by offering "moral waivers" to charged or convicted criminals, and second, by diluting its education and aptitude requirements.

So-called "moral waivers" allow recruits charged or convicted of crimes – including people with serious felony convictions – to enter the military. The Department of Defense reported in 2007 that it had dramatically increased its distribution of moral waivers during the previous four years to overcome recruitment shortfalls. (Statistics for 2008 and beyond are unavailable, as the system for coding waivers was entirely overhauled for all four departments of the armed forces in 2008 (Korb et al. 2009, p. 14)). In particular, the Army and the Marine Corps significantly loosened the moral standards new recruits are required to meet. The Army distributed 4,918 moral waivers in 2003; 4,529 waivers in 2004; 5,506 waivers in 2005; and 8,129 waivers in 2006 (Maze 2007). The Marine Corps distributed 19,195 waivers in 2003, 18,669 waivers in 2004, 20,426 waivers in 2005, and 20,750 waivers in 2006 (ibid.).

Most worrisome is the number of waivers issued to recruits charged or convicted of felonies. The New York Times reported in 2008 that the Army more than doubled the number of felony waivers from 249 in 2006 to 511 in 2007, while the Marine Corps increased its issuance of felony waivers by almost 70 percent during that time period, from 208 to 350 (Alvarez 2008).

Note that the statistics cited above do not reflect the number of waivers issued to all applicants. The Department of Defense releases information relating only to waivers distributed to applicants who later enlist (Korb et al. 2009, p. 14).

In addition to lowering its moral standards for new recruits, the Army has lowered the educational and aptitude standards they must meet to levels not seen in at least two decades (Kaplan 2008). The percentage of Army recruits who have received a high school diploma (designated “Tier 1” recruits) dropped from 94 percent in 2003 to 70.7 percent in 2007, falling far short of the Army’s goal of maintaining 90 percent Tier 1 rates (ibid.). The percentage of recruits designated “high-quality,” i.e., those with high-school diplomas who score in the upper 50th percentile on the Armed Forces’ aptitude tests, declined from 56.2 percent in 2005 to 44.6 percent in 2007 (ibid.). Additionally, the Army weakened its regulation requiring that no more than 2 percent of all recruits be “Category IV,” i.e., those who score in the 10th to 30th percentile on Army aptitude tests. In 2004, only 0.6 percent of new soldiers scored so low. In 2005, the Army raised the cap to 4 percent to meet recruitment goals; in 2007, however, the Army exceeded even that limit by admitting Category IV recruits constituting 4.1 percent of new recruits (ibid.).

The fact that the Army has severely compromised its education and aptitude requirements during a time of war is deeply disturbing. A 2005 study by the RAND Corporation, commissioned by the Pentagon, found that among several factors that affect military performance, “aptitude . . . remains an important predictor of job performance even after an individual has been serving for three years” (RAND 2005, p. 30). This was true even of basic combat skills, such as the ability to hit a target. Replacing a Category IV tank gunner with one who scored in Category IIIA (i.e., in the 50th to 64th percentile on aptitude tests) improved the chances of hitting a target by 34 percent (ibid., p. 28).

3. Discharge of Personnel with Critical Skills

The DADT policy has compromised the readiness of the United States military in additional ways, by requiring the discharge of service members with rare and vital skills. According to projections of Government Accountability Office statistics tracking the discharge of service members under DADT, at least 1,000 of the almost 14,000 members discharged since 1994 have held “critical occupations,” such as interpreters and engineers (Korb, et al. 2009, p. 1 and n.4, citing GAO 2005). For example, Lt. Daniel Choi, a veteran of the war in Iraq who graduated from the U.S. Military Academy at West Point with degrees in Arabic and environmental engineering, is facing discharge for revealing

his sexual orientation during a media interview (Nasaw 2009). Choi, who is fluent in Arabic, provided valuable services as a military translator and language instructor in Iraq in 2006 and 2007 (ibid.).

Lt. Choi is only one among the many valuable and highly qualified service members who have faced discharge under DADT. According to the Government Accountability Office, by the end of 2003 alone the military had discharged more than 750 service members who held “critical occupations” as defined by the military, including, by way of example, “voice interceptors,” “data processing technicians,” and “interpreter/translators” (GAO 2005, p. 16). Over the same time period, the military discharged 730 service members who held critical intelligence-related occupations (ibid., p. 19), including more than 320 service members with vital language skills, such as Arabic and Farsi (ibid., p. 20). Adm. Michael Mullen, Chairman of the Joint Chiefs of Staff, has said that foreign language training is among the most crucial training service members can receive (Kruzel 2009). The U.S. military has devoted significant resources to foreign language training, which requires demanding and intensive instruction running as long as 47 weeks (ibid.). To discharge valuable service members who possess critical and rare skills, particularly during a time of war, is a dangerous proposition.

4. The Monetary Cost of Discharging and Replacing Service Members

In addition to compromising the quality and effectiveness of the military, DADT has cost American taxpayers hundreds of millions of dollars. The Government Accountability Office reports that the cost of recruiting replacements for service members discharged under DADT from 1993 to the end of fiscal year 2003 totaled at least \$95 million in 2004 dollars, amounting to nearly \$10,000 per discharged service member (GAO 2005). If the cost per discharged service member is extrapolated to cover the more than 13,000 discharges that have taken place since 1993, the total cost of DADT in 2004 dollars would amount to more than \$124 million, or more than \$140 million in current dollars (Korb et al. 2009, p. 13).

Yet this figure may be misleadingly low. A study by a group of defense experts, including former secretary of defense William Perry, found that the GAO’s analysis neglected several important factors, such as the high cost of training officers who were discharged under DADT. Including these costs raises the total cost of DADT to at least

\$363.8 million, or approximately \$37,000 per discharged service member (Palm Center 2006). If this figure is applied to the more than 13,000 service members discharged under DADT, the policy has cost the American taxpayers more than \$473 million in 2004 dollars, or \$535 million in current dollars (Korb et al. 2009, p. 14).

5. The Moral and Emotional Costs of DADT

A treatment of the cost and impact of DADT cannot be complete without examining the enormous moral cost of maintaining a discriminatory policy that fosters or enables intolerance, and the severe psychological toll the policy has taken on gay and lesbian service members. Supporters of DADT might object that these costs ought not to be taken into account because they cannot be quantified. Many gay rights opponents would summarily dismiss these costs as irrelevant on the basis of what they would term moral grounds. A discussion of why it is wrong to dismiss the moral and emotional costs of DADT is beyond the scope of this paper. Instead, the Center for Inquiry offers a brief discussion of these costs, while emphasizing that they are not essential to this report's conclusions. As is explained below, the quantifiable costs of DADT are more than sufficiently high to overcome the weight of the arguments in favor of the policy.

The Center for Inquiry maintains that the moral cost of continuing DADT is unacceptably high, especially in light of the weakness of the policy's purported justifications discussed below. To continue DADT would be to perpetuate a discriminatory policy that punishes individuals because of their identity. Such discriminatory policies are antithetical to humanist values and American values. DADT is morally wrong for the same reasons it was immoral to exclude women from military service, or to maintain a racially segregated military. In addition, DADT arguably has the morally unacceptable effect of fostering or enabling a culture of intolerance against gays and lesbians in the U.S. military and in American society at large.

There is some evidence that DADT has been applied in ways that disproportionately affect women and minorities. In 2008, for example, 34 percent of service members discharged were women, even though women constituted only 15 percent of the armed forces (Stalsburg 2010). Similarly, non-white active duty service members comprised 45 percent of discharged under DADT, but represented only 29.4 percent of the military population (ibid.).

Furthermore, the emotional toll on gay and lesbian service members who are forced to conceal their identities is immeasurable. It is patently unfair to require those who are willing to endanger their own lives in defense of their country to lie about who they are, much less to live in perpetual fear that others might expose their identities to military officials.

Finally, there are the significant financial costs to discharged service members due to ruined careers and lost retirement benefits. Air Force Lt. Col. Victor Fehrenbach, for instance, is in the process of being discharged not for disclosing his sexual orientation himself, but because someone notified his commanding officer in September 2008 that he had a male partner. Fehrenbach had served for 18 years in the Air Force; had flown 88 combat missions; had logged more than 2,000 flying hours, nearly 1,500 fighter hours, and 400 combat hours; had received nine Air Medals, including one for heroism; and was only two years short of retiring with a full Air Force pension with “a record of documented heroism and an unblemished career” (Maddow 2009). Because of DADT, the security of Lt. Col. Fehrenbach’s retirement, like those of countless other service members, is now in jeopardy.

IV. Purported Justifications for “Don’t Ask, Don’t Tell”

Given the enormous costs of DADT – including decreased numbers of service members, the compromised quality of military recruits, diminished military readiness, and the financial cost to American taxpayers – the justifications for maintaining the policy would need to be strong and convincing. An examination of the arguments against repealing DADT, however, shows that they are weak at best. In many instances, they appear to be *post hoc* rationalizations for a failed policy that has no grounding in reason or in evidence.

The purported justifications for maintaining DADT may be summarized as follows:

1. Significant portions of the public and/or the military oppose repealing the policy;
2. Allowing gay and lesbian men and women to serve openly would destroy “unit cohesion” among the troops, or otherwise compromise military effectiveness;

3. Repealing DADT will lead some service members to resign from the military; and
4. It would be dangerous to repeal DADT while the United States is engaged in two wars.

Close examination of the evidence demonstrates that each of these purported justifications is unsubstantiated, if not fatally flawed.

1. Public and Military Opposition to Repealing DADT

When the Clinton administration adopted DADT in 1993, opposition to repealing the outright ban on gay and lesbian service members was high. This was true of the general public, of top military advisors, and of serving members of the military. In 1993, only 44 percent of the American public supported lifting the ban; 67 percent of Republicans and 75 percent of conservatives opposed the idea; 56 percent of independents and 45 percent of Democrats also opposed changing the policy (Dropp et al. 2008). At the same time, 76 percent of male service members and 55 percent of female service members disapproved of changing the policy (Frank 2009A, p. 126). The Joint Chiefs of Staff also opposed allowing gay and lesbian men and women to serve openly. General Colin Powell, then-Chairman of the Joint Chiefs of Staff, opposed changing the existing policy on the grounds that sexual orientation was a “behavioral characteristic” that could undermine military order and discipline (DeYoung 2010).

Since that time, however, American civilian and military opinions have shifted remarkably. A large majority of the American public supports ending DADT. A Fox News poll conducted on February 4, 2010 found that 61 percent of the public supports allowing gay and lesbian service members to serve openly; only 30 percent oppose (Fox News 2010). A Washington Post-ABC News poll conducted in 2008 found that 75 percent of Americans believe that gays and lesbians should be allowed to serve openly, up from 62 percent in 2001 and 44 percent in 1993. The same poll found that majorities of Democrats, Republicans and independents alike now find it acceptable for openly gay and lesbian men and women to serve in the military. Support from Republicans doubled from 1993 to 2008, from 32 to 64 percent; more than eight in ten Democrats and more

than three-quarters of independents support the idea, as do nearly two-thirds of self-described conservatives (Dropp et al. 2008).

To place these numbers in context, when President Harry Truman issued an executive order mandating racial integration in the military, only 13% of Americans supported “having negro and white troops throughout the U.S. armed services live and work together” (Kuhn 2009).

Support for repealing DADT also appears to have risen sharply among members of the military. Although there have been no recent broad surveys of active duty military personnel, a 2006 Zogby International poll of 545 service members who have served in Iraq and Afghanistan found that only 37 percent opposed allowing gay and lesbian women to serve openly. Twenty-six percent were in favor of gays and lesbians serving in the military, while 37 percent expressed no preference or were unsure. Nearly two-thirds of respondents who had experience with gays or lesbians in their unit said that their presence had either no impact or a positive impact on the respondents’ personal morale (66 percent) and on overall unit morale (64 percent). In addition, 73% of respondents said that they felt comfortable in the presence of gay and lesbian personnel (Zogby 2006).

Top military and government officials now support ending DADT. Current Defense Secretary Robert Gates has publicly supported repealing DADT, despite having voiced caution against moving to do so too quickly. Gates recently testified before the Senate Armed Services Committee that “[t]he question before us is not whether the military prepares to make this change, but how we best prepare for it” (Reuters 2010). Former Secretary of Defense William Cohen has also urged that DADT be revisited, referring to the policy as “a policy of discrimination” (SLDN 2007).

In December 2007, 28 retired generals and admirals wrote to Congress urging that DADT be repealed, offering data that 65,000 gay men and women currently serve in the armed forces and that there are over 1,000,000 gay veterans (Shanker and Healy 2007). Among the signers of the letter was former Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili (Ret.). In January 2007 Shalikashvili publicly denounced the policy in an editorial in the *New York Times*, writing that “I now believe that if gay men and lesbians served openly in the United States military, they would not undermine the efficacy of the armed forces. Our military has been stretched thin by our deployments in

the Middle East, and we must welcome the service of any American who is willing and able to do the job” (Shalikashvili 2007).

The current Chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, also endorsed ending DADT while testifying before the Senate Armed Services Committee in 2010. Adm. Mullen stated that “[n]o matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens” (Bumiller 2010B). He added that “[s]peaking for myself and myself only, it is my personal and professional belief that allowing homosexuals to serve openly would be the right thing to do. . . . I have served with homosexuals since 1968. Everybody in the military has” (Reuters 2010).

Most recently, Gen. Colin Powell (Ret.), Chairman of the Joint Chiefs of Staff under President Clinton and a former opponent of lifting the ban on gay and lesbian service members in the military, stated his support for ending the law he helped establish. Gen. Powell issued a statement in February 2010 stating that “[i]n the almost 17 years since the ‘don’t ask, don’t tell’ legislation was passed, attitudes and circumstances have changed. . . . I fully support the new approach presented to the Senate Armed Services Committee this week by Secretary of Defense Gates and Admiral Mullen. . . . the principal issue has always been the effectiveness of the Armed Forces and order and discipline in the ranks” (Baker 2010).

Gen. David H. Petraeus, the commander of United States Central Command who oversees the wars in Iraq and Afghanistan, has also publicly stated that a review of DADT is warranted. Gen. Petraeus favors a lengthy and careful review of the policy rather than an immediate repeal. Gen. Petraeus has acknowledged, however, that he has served alongside gay and lesbian troops. He has also questioned whether service members would care much about openly gay comrades, saying that sexual orientation is not a consideration when troops coordinate on the battlefield (Bumiller 2010C).

Several generals remain opposed to repealing DADT, at least at the present time. Gen. George W. Casey, Jr., the Army chief of staff, and Gen. Norton A. Schwartz, the Air Force chief of staff, recently expressed reservations about the possible effects of a repeal (Shanker 2010A). Marine Corps Commandant Gen. James Conway also opposes

repealing DADT (Martinez 2010). Still, top military officials' opposition to allowing gay and lesbian service members to serve openly has eroded significantly since 1993.

2. Unit Cohesion and Combat Effectiveness

The chief argument against repealing DADT continues to be the purported negative effect that openly gay service members would have on combat effectiveness and “unit cohesion,” i.e., the affinity and social cohesion among members of a military unit due to their ability to relate to one another personally. Current policy holds that allowing gay and lesbian service members to serve openly would compromise unit cohesion by forcing service members who are uncomfortable with gay and lesbian men and women to serve alongside them. This situation is said to “create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.” Pub. L. 103-160 (10 U.S.C. § 654).

Those opposed to repealing DADT continue to cite combat effectiveness as a chief concern. Gen. George W. Casey, Jr., for example, recently testified before the Senate Armed Services Committee that he has “serious concerns about the impact of repeal of the law on a force that’s fully engaged in two wars and has been at war for eight-and-a-half years. We just don’t know the impacts on readiness and military effectiveness” (Shanker 2010A).

Although proponents of DADT continue to wield this argument, there is no good evidence to support it, and much evidence against it. The “unit cohesion” argument is fatally flawed in at least five respects. First, the vast body of research on “unit cohesion” indicates that the presence of openly gay and lesbian service members does not undermine unit cohesion or combat effectiveness. Second, the United States military experienced no problems when it temporarily suspended DADT during the first war in Iraq. Third, gay and lesbian individuals have served openly in other security contexts without undermining effectiveness. Fourth, foreign militaries have allowed gay and lesbian men and women serve openly without compromising military effectiveness. Fifth, the “unit cohesion” argument against DADT is suspiciously similar to the discredited arguments once offered to prevent racial integration in the military and to bar women from serving in certain military roles. The remainder of this subsection considers each of these points in turn.

Dr. Nathaniel Frank, a Senior Research Fellow at the Palm Center, a research institute at the University of California Santa Barbara, notes that “[t]he ban on openly gay service was not based on sound research because no research has ever shown that openly gay service hurts the military” (Frank 2009B). Frank’s scholarship has identified “a vast body of data on homosexuality in the military . . . [E]xisting data show clearly that open gays can and do serve in the military without undermining cohesion, and that the gay ban itself causes more problems in the military than the presence of open gays in a unit” (Frank 2009A, p. 113).

For example, a 500-page RAND Corporation study published in 1993 challenged the rationale for DADT and concluded that sexual orientation is not germane to determining whether an individual should serve in the military (RAND 1993). A review of 50 years of scholarship conducted by Robert J. MacCoun, a contributor to the 1993 RAND study, found that “it is task cohesion, not social cohesion or group pride, that drives group performance” (Frank 2009A, p. 131). “Task cohesion,” as opposed to social or unit cohesion, refers to unit solidarity stemming from the collective efforts of individuals dedicated to achieving common goals or tasks. The studies MacCoun reviewed suggested that combat personnel will perform equally effectively regardless of whether they relate to one another socially, so long as they are committed to their mission. McCoun notes that this conclusion “is consistent with the results of hundreds of studies in the industrial-organizational psychological literature” (ibid.). McCoun’s survey further showed that in both military and civilian contexts, task cohesion need not be combined with social cohesion to yield satisfactory results (ibid.). Any alleged erosion of unit cohesion supposedly caused by the presence of gay and lesbian service members is therefore irrelevant to military performance and effectiveness.

More recently, Laura Miller of the RAND Corporation and Bonnie Moradi of the University of Florida examined data from polls of service members who had deployed to Iraq or Afghanistan. They found “no associations between knowing a lesbian or gay unit member and ratings of perceived unit cohesion or readiness” (Moradi and Miller 2008).

In addition to a lack of support in scholarly literature, the “unit cohesion” argument for retaining DADT is undercut by the U.S. government’s experience in the First Gulf War. During that war, enforcement of the ban on gays in the U.S. military was

“suspended without problems,” and “there were no reports of angry departures” by discontented heterosexual service members (Shalikhvili 2009).

Gay and lesbian individuals have also served openly in law enforcement and other security contexts without undermining effectiveness. The CIA, the FBI and the Secret Service each allow gay and lesbian men and women to serve openly, without any compromise of effectiveness (Korb et al. 2009, p. 5). As Director of the CIA, current Defense Secretary Robert Gates ended “the practice of asking job applicants in lie-detector tests about their sexual orientation” and halted investigations into employees’ sexual orientation “as part of the process [of] renewing security clearances” (ibid.). Although the analogy between service in these institutions and service in the military may not be perfect, each involves service in hierarchical organizations in which group cohesion is prized.

The experience of foreign armed forces also belies the “unit cohesion” argument. As long ago as 1993, the GAO concluded that the presence of openly gay and lesbian service members in the militaries of the United States’ foreign allies “is not an issue and has not created problems in the functioning of military units” (GAO 1993). A 2009 study by the Palm Center demonstrates that of the twenty-four countries that allow gay and lesbian men and women to serve openly, none has reported “any deterrent to cohesion, readiness, recruiting, morale, retention or any other measure of effectiveness or quality” (Belkin et al. 2009).

In 2010 the Palm Center released an updated, comprehensive study of foreign militaries that had transitioned to allowing openly gay service members. The study, which updated existing studies on gay and lesbian service members in Australia, Britain, Canada, South Africa and other countries, concluded that openly gay service members did not undermine morale or cause mass resignations from the service (Bumiller 2010C). Even the British, whose military structure and deployment patterns perhaps resemble those of the United States most closely, have seamlessly integrated their openly gay and lesbian service members. Since a ruling by the European Court of Human Rights forced the British to reverse their ban on gay and lesbian service members, the British military has not experienced any cohesion problems over the past decade (Korb et al. 2009, p. 17).

Finally, the arguments against repealing DADT relating to unit cohesion and military morale are virtually identical to the long discredited rationales for maintaining racial segregation in the military, and for preventing women from serving in certain military roles. This suggests that the “unit cohesion” argument is nothing more than a *post hoc* rationalization for a policy that has no grounding in fact or evidence. When President Harry Truman issued an executive order in 1948 ending segregation in the military, Gen. Omar Bradley, the Army Chief of Staff, told Truman that desegregation would ruin the Army (Korb et al. 2009, p. 6). Congressional opponents of integration stated that the change would create “situations destructive to morale” that would threaten national security (ibid.). Similarly, in the early 1990s, military officials opposed changes in the law that finally allowed women to fly combat aircraft and to serve on combat ships (ibid., p. 8).

Given the vast evidence against the “unit cohesion” argument for maintaining DADT, the argument appears to have no more legitimacy than the disproven excuses for excluding female service members or segregating African American service members.

3. Expected Resignations of Heterosexual Service Members

A third purported justification for maintaining DADT is that repealing the policy would lead large numbers of heterosexual service members to resign. Michael O’Hanlon, a research fellow at the Brookings Institution, speculated that “18-year-old, old-fashioned, testosterone-laden,” “tough guy[]” soldiers might object to those practicing “alternative forms of lifestyle” (Greenwald 2010). DADT supporters argue that if DADT is repealed, many “old-fashioned” service members will resign in discomfort or disgust.

This argument should be taken seriously, as some U.S. service members have indicated that they would leave or might leave the military if gay and lesbian men and women were permitted to serve openly (Korb et al. 2009, p. 17). Whether these service members would in fact leave, however, is a separate question. The evidence strongly suggests that the military has little reason to be concerned about large-scale resignations.

First, as is noted above, the enforcement of DADT was “suspended without problems” during the First Gulf War (Shalikashvili 2009). Contrary to the expectations of DADT proponents, there were “no reports of angry departures” by disgruntled heterosexual service members (ibid.).

In addition, the experience of foreign militaries subsequent to repealing bans on gay and lesbian service members undercuts the argument that the United States military will experience mass resignations upon repealing DADT. The recent Palm Center study of 24 foreign militaries concluded that allowing gay and lesbian men and women to serve openly “did not . . . cause large resignations” (Bumiller 2010C). In particular, the British military’s experience with lifting the ban is telling. Although surveys conducted before the repeal indicated that “two-thirds of male troops said that they would not work with gay men if gay bans were lifted,” only a mere handful of service members eventually resigned (Belkin et al. 2009, p. 9). An internal study conducted by the Ministry of Defence six months after the repeal concluded that “there has been a marked lack of reaction” to the change in policy (Frank 2009, p. 146). Indeed, after the change had been made, British service members found that “sexuality was now regarded as a private matter” within the military (ibid., p. 149).

The available data therefore strongly suggest that concerns about potential resignations due to DADT’s repeal are highly overstated.

4. Repealing DADT at a Time of War

Proponents of DADT argue that changing the military’s policy on gay and lesbian service members while more than 200,000 troops are deployed in Afghanistan and Iraq would be dangerous in some way. Rep. John Boehner of Ohio, the Republican leader of the House, has asked why, “[i]n the middle of two wars and in the middle of this giant security threat . . . would we want to get into this debate?” (Bumiller 2010A). Senator John McCain has stated that “[a]t this moment of immense hardship for our armed services, we should not be seeking to overturn the ‘don’t ask, don’t tell’ policy” (Reuters 2010).

This line of reasoning rings hollow. At a time when the United States is fighting two wars, it is crucial that the military cease discharging service members who pose no harm to military effectiveness. Indeed, many service members who have been or are now facing discharge possess valuable skills – not to mention highly expensive military training – that are critical to military effectiveness. Because of the need for “moral waivers” and loosened aptitude and education standards to meet recruitment shortfalls, discharging the military’s gay and lesbian service members has eroded the quality of at

least two military branches. In this environment, it would be irrational to *delay* the repeal of DADT.

In addition, studies indicate that waiting to repeal DADT, or otherwise slowing its implementation, will only allow opponents of the repeal to cause unnecessary delays. A 1993 RAND study on the effects of lifting the ban on gay and lesbian service members concluded that “phased-in implementation might allow enemies of the new policy to intentionally create problems to prove the policy unworkable,” and that “any waiting period permits restraining forces to consolidate” (Rand 1993).

Finally, the recently released Palm Center study of twenty-four foreign militaries indicates that a speedy implementation of the change in policy is not disruptive (Bumiller 2010C). According to Dr. Nathaniel Frank, most countries made the change swiftly – i.e., within months – and with little disruption to the armed services. Dr. Frank said the study did not look at what happened if the change was implemented gradually because “I don’t think any of the militaries tried it” (ibid.)

V. Conclusion

The question of whether to allow gay and lesbian men and women to serve in the military has generated passionate arguments on both sides of the debate. An objective consideration of the arguments and the evidence, however, leads ineluctably to one conclusion: the United States government should repeal DADT.

The costs of maintaining DADT are enormous. Because of the policy, the United States’ already overstretched military has discharged thousands of valuable and experienced service members while also suffering a significant decline in recruitment. Two branches of the military have significantly compromised their moral, aptitude and education standards to meet recruitment goals. A shocking number of service members discharged under DADT possessed rare and critical skills. The quality, effectiveness and readiness of the United States military can only have suffered as a result of these developments. DADT has cost the American taxpayers hundreds of millions of dollars to discharge and train replacements for service members. This is to say nothing of the high moral cost to the military and to American society of maintaining a policy of discrimination.

At the same time, the arguments against repealing DADT fall flat. Opposition to allowing gay and lesbian men and women to serve openly has largely crumbled among the public, the military's top leadership, and among service members. The notion that the presence of openly gay and lesbian service members would threaten "unit cohesion" or military effectiveness has no basis in evidence or experience. The experience of foreign militaries, and in particular that of the British military, demonstrates that concerns about massive resignations due to repealing DADT are vastly overstated. At a time when the United States is engaged in two major wars, it is critical that the military stop discharging valued service members that are crucial to maintaining its effectiveness.

The Center for Inquiry recommends that the United States government repeal DADT immediately. To wait any longer would invite unnecessary and harmful delays, and would be highly prejudicial to the interests of the United States military, the American people, and most especially the tens of thousands of gay and lesbian men and women who willingly risk their lives and safety to serve and defend their country.

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