



# Center for Military Readiness – Policy Analysis –

January 2010

## *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.

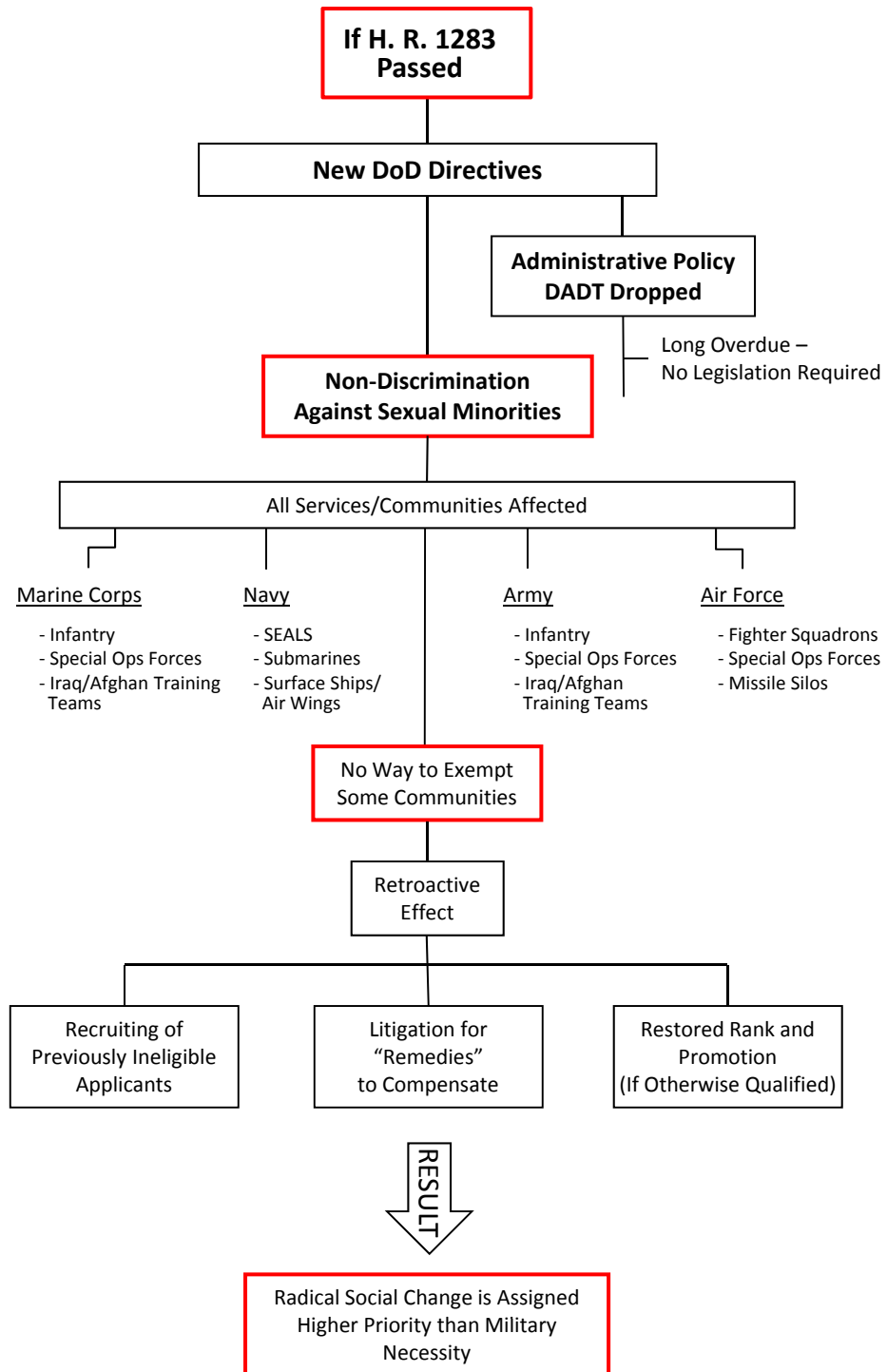
Contrary to most media reports at the time, Congress rejected DADT and passed a law clearly stating that homosexuals are not eligible for military service. The 1993 law—technically named Section 654, Title 10, U.S.C. but usually mislabeled “Don’t Ask, Don’t Tell”—passed with veto-proof bi-partisan majorities 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.*”

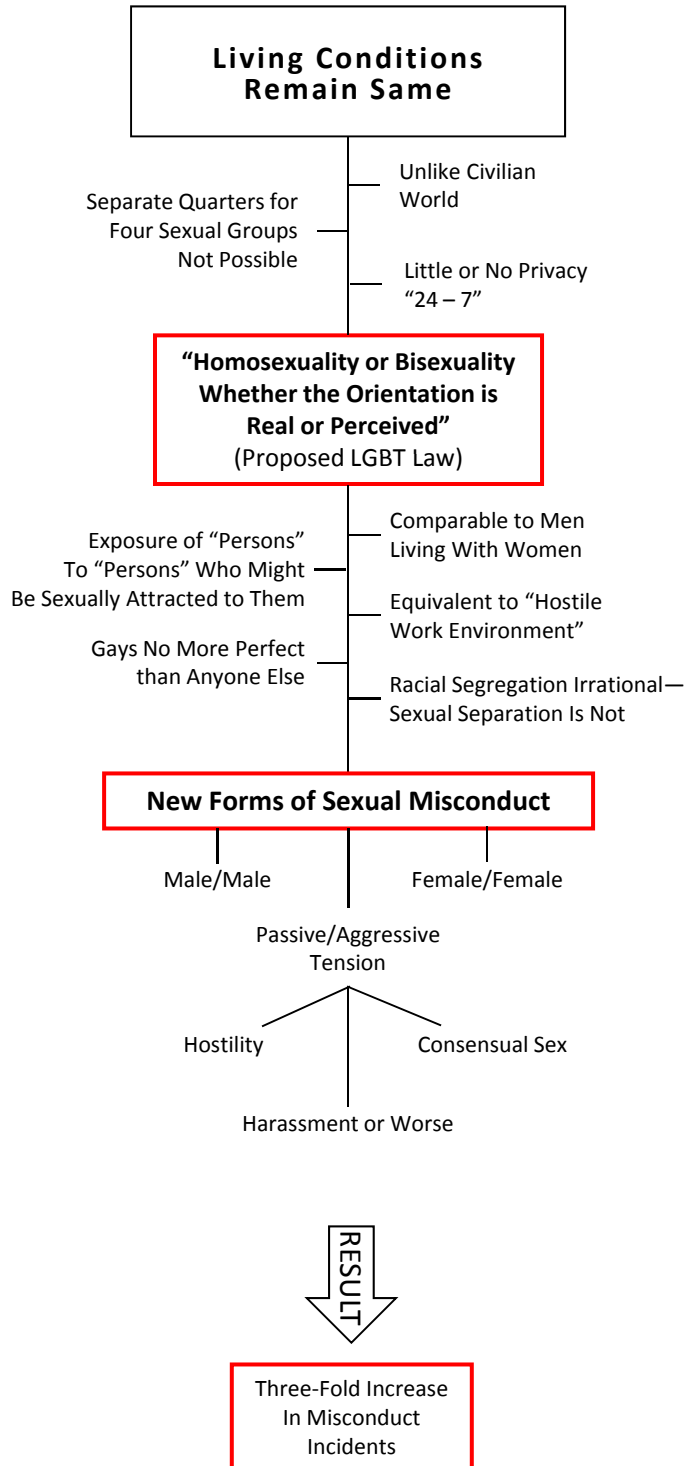
The following charts summarize the consequences of replacing Section 654, Title 10 with the proposed new “LGBT Law.” More information is available from the Center for Military Readiness at [www.cmrlink.org](http://www.cmrlink.org).

# Professed (Not Discreet) Homosexuals Eligible to Serve

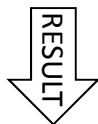
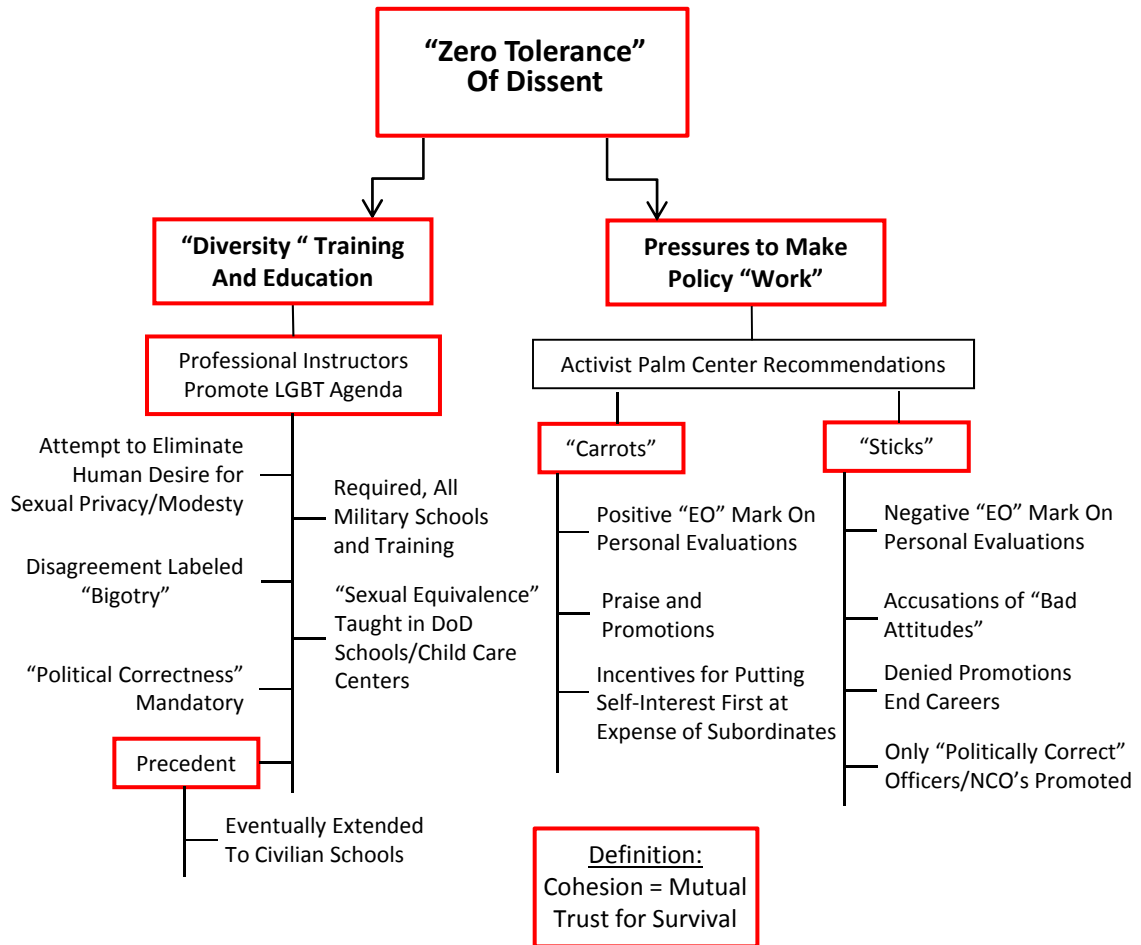


# Conditions of “Forced Intimacy”

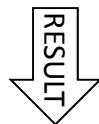
(Phrase in Current Law)



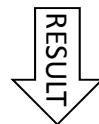
# “Civil Rights” Status for Sexual Minorities



Resistance In the Ranks Hurts Morale

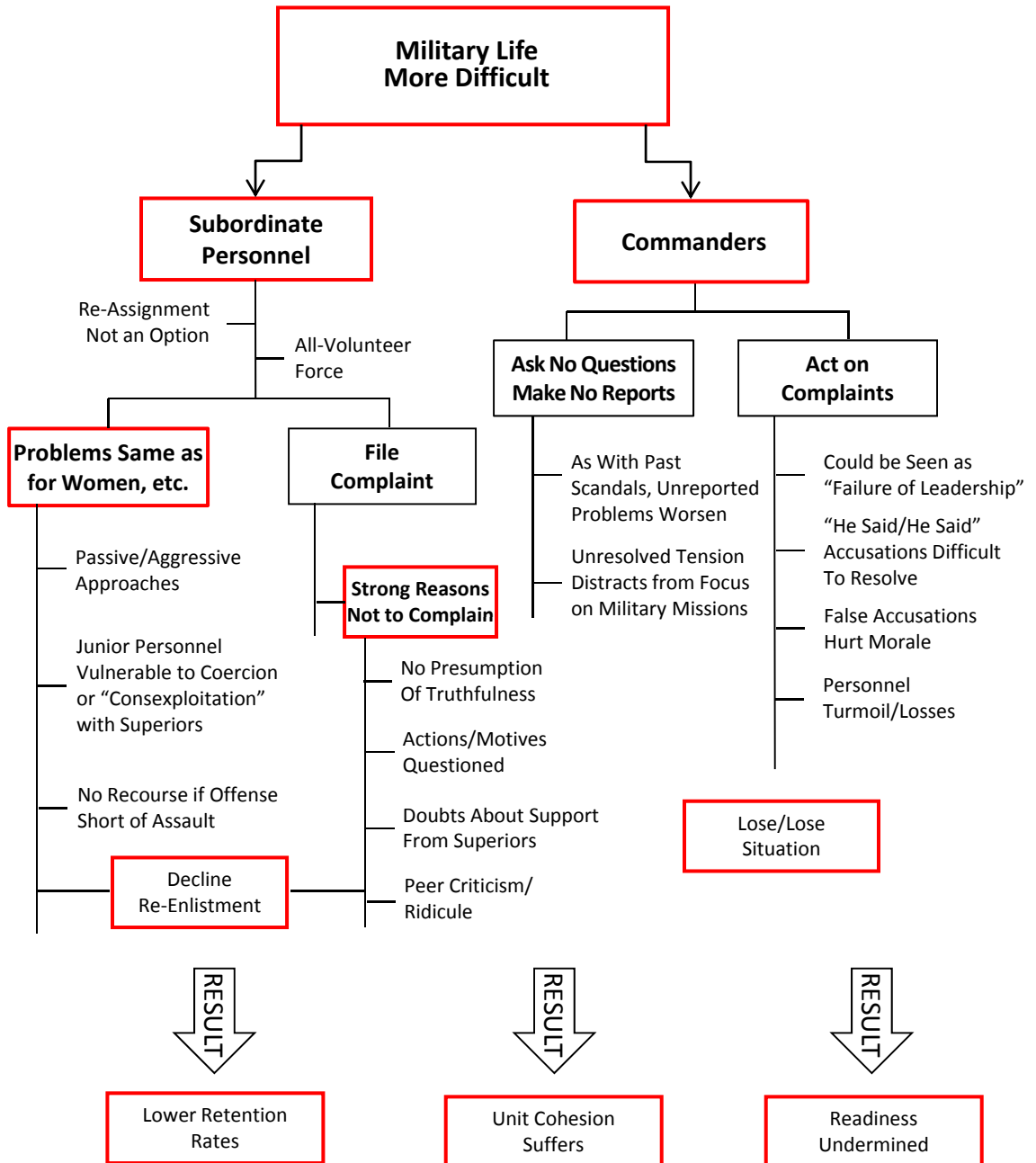


Trust, Unit Cohesion Undermined

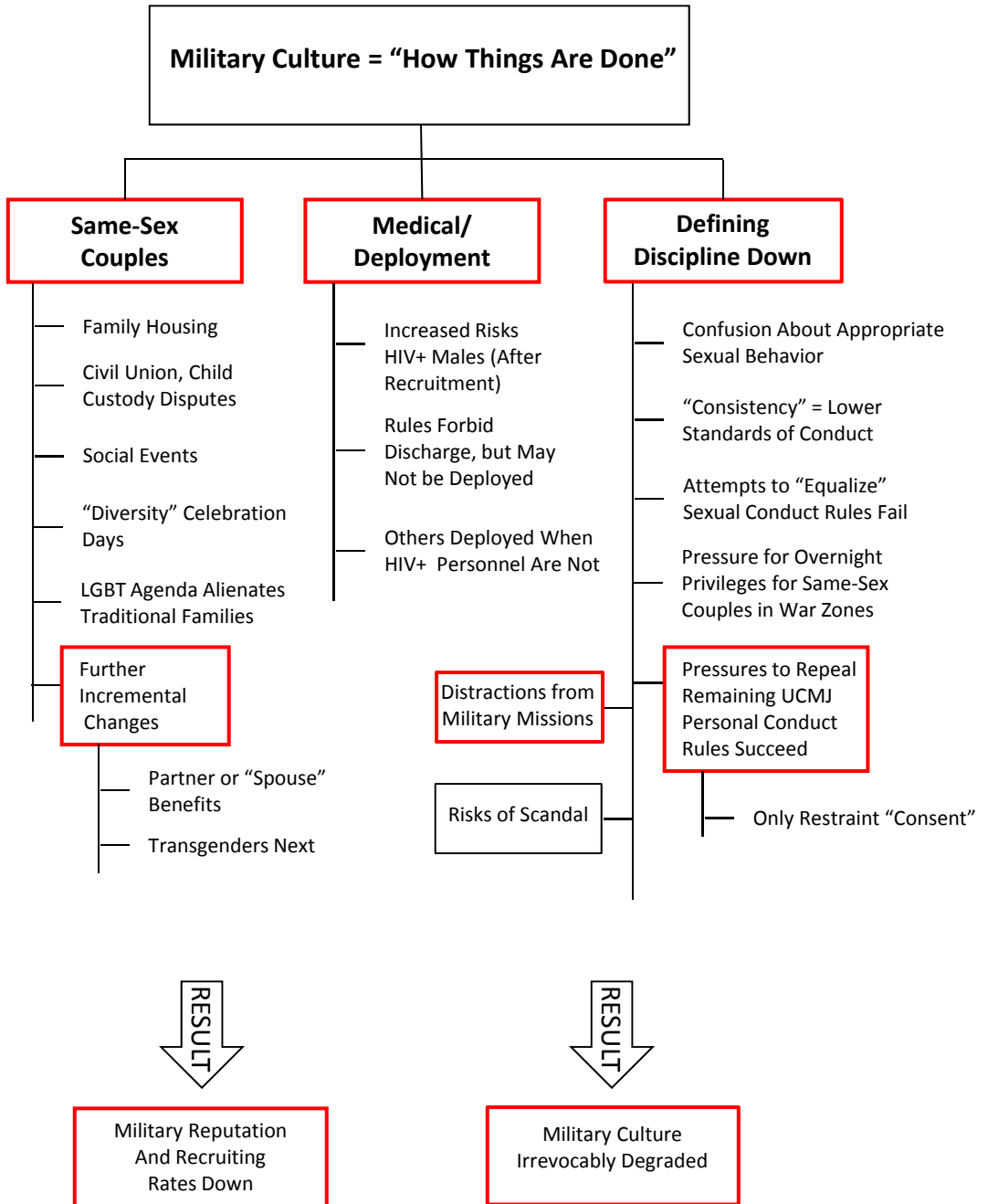


Chaplains/People of Faith, Future Leaders Forced Out

# Burdens of Social Engineering



# Radical Cultural Change



# 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.”

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