




# Radical Perspectives on the Repeal of Ask Tell

a cle presented by the *queer caucus* & *military law task force* of the nlg

This CLE was organized through the efforts of: Nebula Li, Queer Caucus Co-Chair; Dana May Christensen, Queer Caucus Co-Chair; Kathleen Gilberd, Executive Director of the Military Law Task Force; Katy Clemens, NLG Guildista; and Bacilio Mendez II, TUPOCC Co-Chair.

*March 11, 1778* 


Lieutenant Gotthold Frederick Enslein becomes the first documented service member to be dismissed from the U.S. military for homosexuality. Under an order from General George Washington which states “abhorrence and detestation of such infamous crimes,” Lt. Enslein is drummed out of the Continental Army after being found guilty of sodomy.

*March 1, 1917* 

The Articles of War of 1916 are implemented. A revision of the Articles of War of 1806, the new regulations detail statutes governing U.S. military discipline and justice. Under the category Miscellaneous Crimes and Offences, Article 93 states that any person subject to military law who commits “assault with intent to commit sodomy” shall be punished as a court-martial may direct.

*1919* 

Assistant Secretary of the Navy Franklin D. Roosevelt requests an investigation into “vice and depravity” in the sea services. A sting operation is launched in which undercover operatives attempt to seduce sailors suspected of being homosexual. At least 17 sailors are jailed and court-martialed before public outcry prompts the Senate to condemn the operation.

*June 4, 1920* 

Congress approves modified Articles of War. Article 93 is changed to make the act of sodomy a crime in itself, separate from the offense of assault with intent to commit sodomy.

*1921* 

The U.S. Army issues standards in which “stigmata of degeneration” such as feminine characteristics and “sexual perversion” can result in a male being declared unfit for service.

*1941* 

The U. S. Selective Service System includes “homosexual proclivities” as a disqualifying condition for inclusion in the military draft.

*1942* 

Military psychiatrists warn that “psychopathic personality disorders” make homosexual individuals unfit to fight. The military issues the first formal regulations to list homosexuality as an excludable characteristic. Those in the military identified as homosexuals can be discharged and denied veterans benefits.



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*January 20, 1950* ~~○~~

Army Regulation 600-443 is published, identifying three categories of homosexuals. Those deemed to be aggressive are placed in **Class I** and **are subjected to general court-martial**. Homosexuals considered active but non-aggressive are placed in **Class II** and **can avoid a court-martial by accepting a dishonorable discharge – or resigning, if they are officers**. Personnel professing or exhibiting homosexual tendencies without committing a violation of the sodomy statute are designated **Class III** and **can be removed from service under general or honorable discharge**.

*May 31, 1951* ~~○~~

The Uniform Code of Military Conduct is adopted. **Article 125** forbids sodomy among all military personnel, defining it as “**any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offence.**” The 1951 Manual for Courts-Martial provides an even more explicit description of acts considered sodomy under military law.

*April 27, 1953* ~~○~~

Expressing national security and counterespionage concerns, **President Dwight D Eisenhower signs Executive Order 10450** which prohibits Federal employees from being members of a group or organization considered subversive. **The order lists “sexual perversion” as a security risk constituting grounds for termination or denial of employment.**

*1957* ~~○~~

**Captain S. H. Crittenden** chairs a U. S. Navy Board of Inquiry that issues a report concluding there is “**no sound basis for the belief that homosexuals posed a security risk.**”

*November 1972* ~~○~~

Army Regulation 635-200 establishes policy for discharging enlisted personnel found to be unfit or unsuitable for duty. **Homosexual acts are specifically designated as grounds for dismissal. Enforcement, however, is often left to the discretion of commanders.**

*July 16, 1976* ~~○~~

The U. S. District Court in Washington D.C., upholds the decision of the U. S. Air Force to discharge **Technical Sergeant Leonard Matlovich** after he admits to being homosexual. Matlovich had **challenged the military’s anti-gay policy on constitutional grounds**. Matlovich appeals the District Court’s ruling, but would eventually accept an honorable discharge and cash settlement to drop the case against the Air Force.

*May 1980* ~~○~~

A federal district court orders the Army to reinstate Staff Sergeant Miriam Ben-Shalom, ruling that her discharge four years earlier, violated her **First Amendment rights**. The Army dismisses the order, Ben-Shalom to file a motion of contempt. After initial victories, her battle ends in **1990 when the Supreme Court refuses to hear her case, upholding an earlier decision that ruled in favor of the Army.**



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*January 16, 1981* ~~○~~

The Department of Defense issues Directive 1332.14, stating that “homosexuality is incompatible with military service” and that any service member who has “engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act” will face mandatory discharge. The directive will be reissued with updates in 1982, 1993 and 2008.

*December 1988*

In a report commissioned by the Department of Defense, the Defense Personnel Security Research and Education Center supports the conclusions of the 1957 Crittenden Report that homosexuals pose no significant security risk. Military leaders challenge the veracity of the research used in the analysis.

*1992* ~~○~~

During his presidential campaign, Governor Bill Clinton promises that, if elected, he would allow military service by all who otherwise qualify to serve – regardless of sexual orientation.

*June 12, 1992* ~~○~~

The Government Accounting Office (GAO) releases a report estimating that the cost associated for replacing service men and women discharged for homosexuality is \$28,266 for each enlisted member and \$120,772 for each officer. The GAO notes that the estimates do not include investigation, out-processing and court costs.

*November 30, 1993* ~~○~~

After failing to overcome opposition to allowing gays to serve openly in the military, President Clinton signs into law the current policy known as “Don’t Ask, Don’t Tell” into law. Although often referred to as a compromise, the policy still defines homosexuality as “an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.” More than 13,000 members of the armed services have been discharged under “Don’t Ask, Don’t Tell.”

*2007* ~~○~~

Senator Barack Obama, campaigning for the presidency, pledges that if elected he will repeal the “Don’t Ask, Don’t Tell” policy within 100 days of taking office and allow gay men and women to serve openly in the military.

*January 27, 2010* ~~○~~

President Obama announces during his State of the Union address that “this year, 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.”

*March 25, 2010*

The Pentagon announces modified guidelines for the enforcement of “Don’t Ask, Don’t Tell” – providing greater protection from hearsay evidence and accusations based on hidden agendas. Parties providing information about alleged gay service personnel must do so under oath and will be subject to “special scrutiny” to determine their motives.

*September 9, 2010* ~~○~~


U.S. District Judge Virginia Phillips rules that the “Don’t Ask, Don’t Tell” policy is unconstitutional, violating the First and Fifth Amendment rights of homosexuals.



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**October 12, 2010** 

Judge Phillips issues an injunction to stop enforcement of the ban on gays serving openly. The Obama administration requests Judge Phillips to stay her ruling, saying it “threatens to disrupt ongoing military operations” during wartime.

**November 30, 2010**


The Department of Defense releases a report concluding that the repeal of the ban on gays in the armed forces would have a minimal negative impact on the military’s effectiveness.

**December 15, 2010** 

The House of Representatives votes to repeal “Don’t Ask, Don’t Tell” by passing bill H.R. 2965.

**December 18, 2010**

The Senate votes to repeal “Don’t Ask, Don’t Tell” by passing bill S. 4023.

**December 22, 2010** 

President Barack Obama signs the repeal into law. The formal repeal will not begin until 60 days after the President, Secretary of State and Chairman of the Joint Chiefs of Staff certify in writing that the military is sufficiently prepared for the change.

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source: <http://www.usni.org/news-and-features/dont-ask-dont-tell/timeline>

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# Take Notes In This Section

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### Military Law Task Force

#### Repeal of DADT: Benefits and problems

On September 20, lesbian, gay and bisexual (LGB) service members and veterans, as well as their many supporters, held parties and events around the country to commemorate the official repeal of the military's policy commonly known as "Don't Ask, Don't Tell" (DADT). Just what is the impact of this change?

DADT was the latest in a long line of policies prohibiting homosexual conduct (in reality, prohibiting homosexuals) in the military. DADT was itself a small victory, since it (1) prevented military officials from asking about military members' sexual orientation without cause and (2) allowed LGB members to serve as long as they were silent about their orientation. The policy reduced the number of anti-gay witch-hunts and mass investigations that had accompanied prior policies, and also reduced the number of involuntary discharges. But DADT allowed members to be discharged for simply stating that they were gay, or using words or even gestures to that effect. In addition, homosexual acts and marriages were grounds for discharge under DADT, and the policy was so broadly defined that even a kiss or hug was often sufficient for discharge. Under this policy more than 13,000 service members were discharged.

The repeal of DADT means that service members may be open about their sexual orientation, coming out to their co-workers or chains of command. They may marry (in states where that is permitted) and may be open about their partners, even bringing them to military events. Romantic and sexual activity should only be penalized, in theory, if the same heterosexual conduct is prohibited. Because of the "Defense of Marriage Act," however, many spousal benefits will be unavailable to the partners of LGB soldiers; the Pentagon says that some benefits issues are still being worked out. Harassment of LGB soldiers, though not clearly defined, is not to be accepted -- offenders will be told that their conduct is not appropriate. The repeal is unclear about disciplinary action to be taken against harassers.

This is nothing short of an historic event. It means a formal end to anti-gay policies that have existed since the Revolutionary War and have resulted in the discharge -- usually with public humiliation and an other-than-honorable discharge -- of many thousands of soldiers and sailors. While many of us would prefer not to see more people entering and staying in the military, the forced expulsion of a whole class of people has been a great injustice, and its formal end is a remarkable victory.

LGB service members and supporters have worked for decades to end homophobic military policies. Both military and civilian careers have been destroyed when allegedly gay soldiers were outed or simply suspected of being homosexual. Some of the desire to re-enlist that has framed recent articles on the repeal comes less from pride about service than from a wish to overcome the humiliation and stigma of involuntary gay discharges. Many were abandoned by families, found that bad or gay discharges barred them from jobs and careers, and felt forced into permanent pretence of straightness in order to avoid repeating these experiences.

Many brave men and women stood up against the policy, despite the increased notoriety this would bring, challenging their discharges in military hearings and in court. Gay veterans' organizations around the country provided support and helped to create a national network opposing successive policies prohibiting homosexuals in the military. Gay civil rights groups, from Lambda Legal Defense to the Servicemembers Legal Defense Network, provided legal support and helped to make the public aware of this unjust policy. People lobbied their congressional representatives. Soldiers "went public" and spoke to the media. Straight-identified groups joined in political and educational campaigns. While President



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Obama deserves credit for acknowledging the issue and not backing down, it's the actions of soldiers and sailors who fought the policy, and the civilians who rallied to their cause, that made this historic repeal possible.

The possibility remains that opponents in Congress, or in a subsequent administration, will find ways to return to DADT or to another discriminatory policy. It is also possible that opponents in the military will find, exaggerate, or create cases of LGB sexual misconduct to pressure the administration or Congress to back away from the new policy. And it is possible that informal and theoretically illegal harassment and abuse of suspected LGB service members will force many to remain in the closet in order to protect their dignity and their military careers. Those most likely to tolerate or engage in harassment are also those most likely to hold it up as proof that the repeal cannot work.

### Looking for the details

The congressional plan for repeal required DoD to create regulations for its implementation, but to date almost nothing has been done. On September 30, DoD reissued its discharge regulations, deleting the sections on Don't Ask, Don't Tell and all references to homosexual conduct or orientation. But the revisions provide not guidance on conduct, whether romantic or harassing, which would be considered misconduct and so warrant discharge or other action. Also on the 30<sup>th</sup>, DoD issued a policy memo on same-sex marriages on military installations: chaplains may perform such ceremonies in places where same-sex marriage is not prohibited by state or local law. (Attached) The memo also states that "a chaplain is not required to participate or officiate in a private ceremony if doing so would be in variance with the tenets of his or her religious or personal beliefs." The memo makes it clear that this policy "does not constitute an endorsement of the ceremony" by DoD. An accompanying memo from DoD's General Counsel provided the legal guidance that use of DoD property and facilities should be permitted on a sexual-orientation neutral basis for private functions, including religious and other ceremonies. (Attached) At this writing, no other policy has been released, though DoD officials have said that discussion benefits for same-sex couples not prohibited by the Defense of Marriage Act is ongoing.

Several Republican legislators recently demanded that the repeal be postponed until regulations are in place. While this seemed more of a delaying tactic than a principled concern, the lack of policy is, in fact, troubling. In the months before the repeal, a group of military law experts offered DoD language for a new policy that would ensure evenhandedness in disciplining members for heterosexual or homosexual conduct and would make repeated or serious harassment grounds for discharge. So far, it has been entirely ignored.

In the absence of regulations or other policy statements, the details of the repeal remain unclear. The most guidance available comes from a November, 2010, plan and set of recommendations issued by a DoD commission in late 2010. (Excerpts attached) While they are useful, the recommendations give almost no description of permissible vs. prohibited romantic behavior, nor the consequences of harassment. Repeal training held for all service members this year did not provide clarity. In fact, the training relied heavily, if not entirely, on the 2010 recommendations, and trainees were routinely told that existing regulations and "service traditions" would provide sufficient guidance. Most of the scenarios used in the training had to do with the rights (or lack thereof) of straight soldiers who don't like serving with LGB colleagues and the desire of LGB soldiers to have benefits for their families. In the training material available to the public, only one scenario deals with romantic behavior -- two soldiers in civilian clothes kissing at an off-base mall. The training material doesn't indicate whether this is proper or not; it only informs soldiers that service traditions should be used to judge this behavior and they should consider it without regard to the sexual orientation of the people involved. Unfortunately, service traditions are confusing and frequently conflicting.



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In the absence of clear policy, what do I do when my female co-worker bumps into me in the mess hall, touches my arm or asks me to go to bed with her? If I share the military's profound homophobia, I may report her for a sexual act (the touching) or solicitation of an act. If I'm angry about the new policy, I may press for prosecution, make a fuss about the sexual predator in my unit, and support Duncan Hunter's bill to protect offended straight people. Yet a complaint about such heterosexual conduct would normally be ignored.

The lack of clear policy also leaves the door open to harassment. The training materials indicate that abusive language should not be used towards LGB members, but also that heterosexuals (read homophobic personnel) are free to say or preach what they believe. As long as profanity and homophobic epithets are left out, those offended by the new policy can apparently tell LGB members what they think about them and their immortal souls.

The DoD recommendations say that discrimination and harassment based on sexual orientation should be viewed in light of the military's overall policy on equal opportunity (EO), but that sexual orientation harassment complaints should not be filed within the EO system. Instead, non-EO traditional complaint methods must be used. Traditional complaint methods mean going up the chain of command, one supervisor at a time, to ask for help. This is well known to be one of the least effective complaint methods in the military. If the chain of command is unhelpful, or if it is the problem complained of, the traditionalist goes directly to his or her commanding officer under a "request mast" or "open door policy." This is only occasionally effective. Fortunately, another remedy, complaint under Article 138 of the Uniform Code of Military Justice, provides more protection and gets better results. Since such complaints may remain in the records of the officers receiving them, they are sometimes regarded very seriously. Unfortunately, few service members know about this remedy, many of them having been taught in basic training that the UCMJ goes only as high as Article 134.

DoD officials have said that they anticipate little reaction to the repeal, that soldiers and sailors aren't much bothered about or interested in it. But some observers, like this writer, foresee a backlash in the form of sexual-orientation harassment and false claims of sexual misconduct against LGB soldiers. Despite statements by military leaders that they follow orders, including this policy, military homophobia runs deep. It is an integral part of the culture in a predominantly male institution in which conformity is the norm.

Homophobia and sexism are key elements in military training, used to ensure discipline and obedience. Homophobic and sexist epithets, chants, images and threats are used heavily to goad men into better performance. Men who cannot perform their duties, who fall out during runs, or who express dislike for the current wars or any military policy are accused of being homosexual, though not in such polite terms. The threat of being labeled gay, then ridiculed and harassed about it, is held over recruits' heads during training, while images of "manly" men who conquer in combat and sex are used as praise. Recruits are either brave/obedient/strong/masculine/violent men, or wimps/faggots/girlie men/female genitalia. This training mechanism is too ingrained for the military to eradicate without fundamental change, as one can see from its continuation after countless regulations and training sessions meant to end sexist behavior and sexual harassment.

It is instructive here to examine the military's much-touted equal opportunity policies for people of color and women. In both cases, policies were enacted to allow people to serve by eliminating formal discrimination in military duties. In both cases, the most overt forms of discrimination were reduced, and life became somewhat better for many people of color and women. But we can learn from how these policies have failed. Military racism has not been eliminated -- it has become more subtle, at least when witnesses are around. Racial epithets are not used in public, but in private. Sailors who find nooses in their bunks or on their desks won't hear the offender bragging about it in public. And racist discrimination



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is rampant when decisions are being made about who has access to elite and highly desirable opportunities.

As the number of women in the military increased and many traditionally male specialties were opened to women, sexual harassment increased. While some commands will not tolerate overt sexism, others permit it even in command functions. (The recent case of the executive officer who taped sexist and homophobic vignettes and showed them on board ship to raise morale is not, unfortunately, an isolated incident.) While women continue to complain of harassment and sexual assault, this has not reduced the problems, and many women acknowledge that a complaint about harassment is often a career-ending experience.

So what will happen here? If military policy on sexual harassment and misconduct is merely made sexual-orientation neutral, will commands decide to enforce the policy against heterosexual abusers in order to bring the policy to bear “fairly” on LGB members? Or will the policy be employed unevenly, so that any accidental touching of another woman by a lesbian soldier is considered sexual misconduct, while many men who grope women continue to get away with it?

And what will happen when homophobic soldiers test the distinction between harassment and the freedom to express their personal views? What speech and actions will be tolerated or tacitly encouraged? Will an anti-harassment policy be drafted and, if so, will it be any more effective than the policy designed to protect women?

While the repeal is a significant and historic victory, the struggle for LGB rights in the military is hardly over. Those of us who oppose homophobia must continue to press the military for even-handed treatment and for prevention of harassment based on sexual orientation. We must be on the alert for formal and informal efforts to roll back or limit the repeal.

The change offers anti-militarist activists new and increased opportunities to work with LGB colleagues and youth. In past years, activists have joined in some impressive efforts to keep military recruiters off campuses that have anti-discriminatory policies. Now, with the repeal in place, LGB activists have more opportunity to discuss other negative aspects of the military in their organizing and to make counter-recruitment a part of their work. Anti-militarist activists can raise the anticipated backlash, and the disparity between the official repeal and unofficial harassment, when talking about conditions of military life. All can point to the depth of the problem: the use of homophobia in training despite the repeal; the fact that it has taken over 200 years to end anti-gay policies; and the fact that problems continue and that remaining in the closet is still seen by many as the safest way to survive in the military.

*This is adapted from an article in the October, 2011, issue of DraftNOTices, the newsletter of the San Diego Committee to Oppose Militarism and the Draft. It was written by Kathleen Gilberd, a legal worker in San Diego and executive director of the MLTF.*



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PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

SEP 30

## MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS CHIEFS OF THE MILITARY SERVICES

SUBJECT: Military Chaplains

In connection with the repeal of Section 654 of Title 10 of the United States Code, I write to provide the following guidance, which hereby supersedes any Department regulation or policy to the contrary:

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. Further, a chaplain is not required to participate in or officiate a private ceremony if doing so would be in variance with the tenets of his or her religion or personal beliefs. Finally, a military chaplain's participation in a private ceremony does not constitute an endorsement of the ceremony by DoD.

Clifford L. Stanley

cc:

Chairman of the Joint Chiefs of Staff

General Counsel of the Department of Defense





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GENERAL COUNSEL

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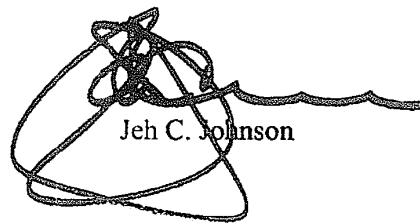
SEP 21 2011

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
UNDER SECRETARY OF DEFENSE FOR  
ACQUISITION, TECHNOLOGY AND LOGISTICS  
UNDER SECRETARY OF DEFENSE FOR PERSONNEL  
AND READINESS

SUBJECT: Uses of DoD Facilities

In connection with the repeal of Section 654 of Title 10 of the United States Code, I write to provide the following legal guidance.

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. Further, private functions are not official activities of the Department of Defense. Thus, the act of making DoD property available for private functions, including religious and other activities, does not constitute an endorsement of the activities by DoD.



Jeh C. Johnson





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PERSONNEL AND  
READINESS

### UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

DD FORM 28

#### MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Repeal of Don't Ask Don't Tell and Future Impact on Policy

On December 22<sup>nd</sup>, 2010, the President signed legislation that will lead to the eventual repeal of 10 U.S.C. § 654 and its implementing regulations (commonly known as "Don't Ask, Don't Tell"). The legislation provides that repeal will take effect 60 days after the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify to Congress that the Armed Forces are prepared to implement repeal in a manner that is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Until such time, there are no changes to 10 U.S.C. § 654 nor any existing Department or Service policies.

The purpose of attachment one is twofold: 1) to provide the Department's Policy Guidance that will take effect on the date of repeal (the exact date is not yet known) and 2) to inform the Military Services about the steps each should take immediately in order to prepare for the effective date of repeal.

Additionally, the second attachment contains those changes to Department Instructions and Directives that will be effective on the date of repeal.

It remains the policy of the Department of Defense that sexual orientation is a personal and private matter, to treat all members with dignity and respect, and to ensure maintenance of good order and discipline. Leaders will be essential to implementing this change in policy fairly and consistently. A clear focus on leadership, professionalism, and respect will enable any change in policy to be executed with minimum disruption to the force.

Clifford L. Stanley

Attachments:

As stated

cc:

Chairman of the Joint Chiefs of Staff

Coast Guard, Commandant (CG1)

General Counsel of the Department of Defense



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### DADT Repeal Policy Guidance

On the effective date of repeal of Don't Ask, Don't Tell (DADT), which is yet to be determined, this policy guidance will apply to all military personnel serving in the Armed Forces of the United States, including those serving in the Reserve components of the Armed Forces.

In order to prepare to implement the below policy guidance on the effective date of repeal of DADT, each Service is immediately directed to identify its specific instructions and regulations related to all policy areas affected by the future repeal of DADT and prepare draft changes based on the below policy guidance. It is critical to reemphasize that these policy changes will not be effective until the date of repeal.

#### **Separations**

Upon repeal, Services may no longer separate Service members under the homosexual conduct policy set forth under 10 U.S.C. § 654 and its implementing regulations. Service members will no longer be subject to administrative separation based solely on legal homosexual acts, a statement by a Service member that he or she is a homosexual or bisexual (or words to that effect), or marriage or attempted marriage to a person known to be of the same biological sex. Members who have an approved separation date after the effective date of repeal based on proceedings commenced solely under 10 U.S.C. § 654 and its implementing regulations will have that separation cancelled and will return to duty.

Additionally, on the date of repeal, Services will cease all pending investigations, separations, discharges, or administrative proceedings commenced solely under 10 U.S.C. § 654, and its implementing regulations. Services may reprocess if facts afford another appropriate reason for separation other than 10 U.S.C. § 654 and its implementing regulations. In those cases already begun in which 10 U.S.C. § 654 and its implementing regulations represent one of multiple reasons for separation, Services will make a case-by-case determination as to whether to proceed with the separation or to start the proceedings over again.

DoD discharge codes JB, RA, RB, RC for discharges under 10 U.S.C. § 654 and its implementing regulations will be discontinued.

#### **Accessions and Recruiting Policy**

Upon repeal, statements about sexual orientation or lawful acts of homosexual conduct will not be considered as a bar to military service or admission to Service academies, ROTC or any other accession program. Sexual orientation will continue to be a personal and private matter. Applicants for enlistment or appointment may not be



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asked, or be required to reveal, their sexual orientation. All applicants, regardless of any statements in regard to sexual orientation, will be treated with professionalism and respect.

The required briefings given to applicants for enlistment and appointment regarding standards of personal conduct in the armed forces and separations policy will be amended appropriately to reflect the new policy.

### Re-Accessions

Upon repeal, former Service members who were discharged solely under 10 U.S.C. § 654 and its implementing regulations may apply to re-enter the Armed Forces. They will be evaluated according to the same criteria and Service requirements applicable to all prior-Service members seeking re-entry into the military at that time. There will be no preferential treatment for Service members separated solely under 10 U.S.C. § 654 and its implementing regulations. They will be processed as any other re-accession applicant under Service policies. Services shall continue to consider a Service member's previous performance and disciplinary record when determining suitability for re-entry.

Services will waive re-entry codes on DD Forms 214 that are based upon separations under 10 U.S.C. § 654 and its implementing regulations. Applicants will then be processed on a case-by-case basis in accordance with Service policies.

In considering applications for re-accessions, the Services will not consider to the detriment of an applicant any separation that was solely for under 10 U.S.C. § 654, and its implementing regulations. For example, former Service members who were separated with an honorable discharge (or an uncharacterized discharge for those occurring during initial training), and who have a separation code in their records reflecting a separation under 10 U.S.C. § 654 and its implementing regulations, shall be considered for re-entry according to the most favorable re-entry classification. The military requirements of the Services will continue to dictate re-accession criteria.

### Standards of Conduct

Upon repeal, existing standards of conduct shall continue to apply to all Service members regardless of sexual orientation. Enforcement of service standards of conduct, including those related to public displays of affection, dress and appearance, and fraternization will be sexual orientation neutral. All members are responsible for upholding and maintaining the high standards of the U.S. military at all times and at all places. Services retain the authority provided by law, Department and Service regulations to counsel, discipline, and involuntarily separate those Service members who fail to obey established standards.



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Leaders at all levels are entrusted to ensure the impartial administration of these standards and to hold Service members accountable. In cases where conduct is prohibited, leaders shall be expected to take such appropriate corrective or disciplinary action as they determine may be necessary to preserve morale, good order and discipline, unit cohesion, military readiness, and combat effectiveness.

In order to meet the intent of this policy guidance, each Service is directed to immediately review its standards of personal and professional conduct policies and procedures to ensure that they provide adequate guidance in relevant areas, apply uniformly to all personnel, and promote an environment free from personal, social or institutional barriers that prevent Service members from rising to their highest potential. Place special emphasis in such review on the following areas: public displays of affection (PDA), dress and appearance, nepotism, unprofessional relationships, conflicts of interest, and zero tolerance for harassment and hazing. Standards of conduct shall clearly address the responsibility of leaders, supervisors, and subordinate personnel at all levels to foster unit cohesion, good order and discipline, respect for authority, and mission accomplishment.

### **Additional Guidance**

#### *Moral and Religious Concerns/Freedom of Speech*

Policies regarding Service members' individual expression and free exercise of religion already exist and are adequate. In today's military, people of different moral and religious values work, live and fight together. This is possible because they treat each one another with dignity and respect. This will not change. 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. The Chaplain Corps' First Amendment freedoms and their duty to care for all will not change. 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 may hold different views and beliefs.

#### *Equal Opportunity*

All Service members, regardless of sexual orientation, are entitled to an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Harassment or abuse based on sexual orientation is unacceptable and will be dealt with through command or inspector general channels.





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Sexual orientation will not be considered along with race, color, religion, sex, and national origin as a class under the Military Equal Opportunity (MEO) program and therefore will not be dealt with through the MEO complaint process.

In order to meet the intent of this policy guidance, DoD, Military Departments, and Service MEO programs will immediately review their current MEO Programs as established in DODD 1350.2 *Department of Defense Military Equal Opportunity (MEO) Program* to ensure consistency with this policy.

### Collection and Retention of Sexual Orientation Data

Sexual orientation is a personal and private matter. DoD components, including the Services are not authorized to request, collect, or maintain information about the sexual orientation of Service members except when it is an essential part of an otherwise appropriate investigation or other official action.

### Personal Privacy

The creation of separate bathroom facilities or living quarters based on sexual orientation is prohibited, and Commanders may not establish practices that physically segregate Service members according to sexual orientation.

Personal privacy is a concern for many Service members. Members of the Armed Forces accept living and working conditions that are often austere, primitive, and characterized by forced intimacy with little or no privacy. Consistent with current policy, Commanders will continue to maintain the discretion to alter berthing or billeting assignments in accordance with Service policy in the interest of maintaining morale, good order and discipline, and consistent with performance of the mission.

### Benefits

There will be no changes at this time to eligibility standards for military benefits, including applicable definitions. Service members and their opposite-sex spouses receive a range of entitlements and benefits depending on eligibility. The Defense of Marriage Act, 1 U.S.C. § 7, and the existing definition of “dependent” in some laws, prohibit extension of many military benefits—such as medical care, travel and housing allowances, and other benefits—to same-sex couples.

All Service members will continue to have various benefits for which they may designate beneficiaries in accordance with the rules governing each program. Some Service members may not have taken full advantage of these designations prior to repeal of DADT. The Services will reemphasize the opportunity to designate beneficiaries for these benefits to all its Service members. Such benefits include the following:



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1. Service Member's Group Life Insurance (SGLI) Beneficiary
2. Post Vietnam-Era Veterans Assistance Program (VEAP) Beneficiary
3. G.I. Bill Death Beneficiary
4. Death Gratuity Beneficiary
5. Final Settlement of Accounts Beneficiary
6. Wounded Warrior Act Designated Caregiver
7. Thrift Savings Plan (TSP) Beneficiary
8. Survivor Benefit Plan Beneficiary

Although there will be no changes to benefits eligibility on the date of repeal, the Department will continue to study existing benefits to determine those, if any, that should be revised, based on policy, fiscal, legal, and feasibility considerations, to give the Service member the discretion to designate a person or persons of their choosing as a beneficiary.

### Medical Policy

There will be no changes to existing medical policies. The Surgeons General of the Military Departments have determined that repeal of DADT does not affect the military readiness of the force and that changes to medical policies are not necessary.

### Duty Assignment

There will be no changes to assignment policies. All Service members will continue to be eligible for world-wide assignment without consideration of sexual orientation. Service members assigned to duty, or otherwise serving in countries in which homosexual conduct is prohibited or restricted, will abide by the guidance provided to them by their local commanders.

### Release from Service Commitments

There will be no new policy to allow for release from service commitments for Service members opposed to repeal of 10 U.S.C. § 654 or to serving with gay and lesbian Service members. Service members may request to be voluntarily discharged under the plenary authority of the Military Department Secretary concerned, or other appropriate authority based upon the specific facts of each case. Such discretionary discharge may only be granted when the Military Department Secretary concerned has determined the early separation would be in the best interest of the Service.



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### *Claims for Compensation and Retroactive Full Separation Pay*

The Department will not authorize compensation of any type, including retroactive full separation pay, for those previously separated under 10 U.S.C. §654 and its implementing regulations.



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PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

SEP 20 2011

### MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code

Pursuant to the Don't Ask, Don't Tell Repeal Act of 2010, the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have certified that the Department of Defense is prepared for the repeal of section 654 of title 10, United States Code, commonly referred to as Don't Ask, Don't Tell (DADT). Repeal will take effect on September 20, 2011. Upon repeal, some former Service members discharged under DADT or prior policies may request a correction of their military records from either their Service Discharge Review Board (DRB) or their Service Board for Correction of Military/Naval Records (BCM/NR). To help ensure consistency across the Services and to address what may be a large number of similar applications arising from the repeal of DADT, this memorandum provides supplemental policy guidance for DRB and BCM/NR action on such applications. As an initial matter, the repeal of DADT will be considered a sufficient basis to support reconsideration of such requests for applicants who have previously filed with either their Service DRB or BCM/NR.

The Service DRBs, provided for in section 1553 of title 10, United States Code, and governed by Department of Defense Directive (DoDD) 1332.41 and Department of Defense Instruction (DoDI) 1332.28, have a relatively limited scope of review and are authorized to provide only specified remedies. In general, if a DRB finds either an inequity or impropriety in a discharge action, it may change the narrative reason for the discharge, upgrade the character of discharge, or take both actions.

Effective September 20, 2011, Service DRBs should normally grant requests to change the narrative reason for a discharge (the change should be to "Secretarial Authority" (Separation program Designator Code (SPD) code JFF)), requests to re-characterize the discharge to honorable, and/or requests to change the reentry code to an immediately-eligible-to-reenter category (the new RE code should be RE code 1J) when both of the following conditions are met: (1) the original discharge was based solely on DADT or a similar policy in place prior to enactment of DADT and (2) there were no aggravating factors in the record, such as misconduct. Although each request must be evaluated on a case-by-case basis, the award of an honorable or general discharge should normally be considered to indicate the absence of aggravating factors.

Also effective September 20, 2011, with respect to requests in cases where there were multiple reasons for separation including DADT, Service DRBs normally should apply the policy in the previous paragraph to the DADT reason for separation and apply existing DRB policy to the remaining reason(s).



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In contrast to the DRBs, the Service BCM/NRs, provided for in section 1552 of title 10, United States Code, and also governed by DoDD 1332.41, have a significantly broader scope of review and are authorized to provide much more comprehensive remedies than are available from the DRBs. Upon finding an error or injustice, BCM/NRs may fashion the remedy they find necessary and appropriate within applicable legal limits. Although the correction boards have wide latitude in determining what constitutes an error or injustice, it is DoD policy that broad, retroactive corrections of records from applicants discharged under DADT are not warranted. Although DADT is repealed effective September 20, 2011, it was the law and reflected the view of Congress during the period it was the law.

Similarly, DoD regulations implementing various aspects of DADT were valid regulations during that same period. Thus, consistent with what we understand is past board practice on changing standards, DADT's repeal may be a relevant factor in evaluating an application (such as requests to change the narrative reason for a discharge, requests to re-characterize the discharge to honorable, and/or requests to change the reentry code to an immediately-eligible-to reenter category) but the issuance of a discharge under DADT or the taking of an action pursuant to DoD regulations related to a discharge under DADT should not by itself be considered to constitute an error or injustice that would invalidate an otherwise proper action taken pursuant to DADT and applicable DoD policy. Thus, remedies such as correcting a record to reflect continued service with no discharge, restoration to a previous grade or position, credit for time lost, or an increase from no separation pay to half or full separation pay or from half separation to full separation pay, would not normally be appropriate.

This policy does not address situations where a correction board determines that DADT (or other prior policy) as applied under the circumstances of a particular case constituted an error or injustice. Under those circumstances, the BCMR would craft an appropriate remedy. Additionally, the Boards should also consider the guidance provided in my Repeal of DADT and Future Impact on Policy memorandum, dated January 28, 2011, (attached) in determining whether a specific requested record correction is necessary or appropriate.

Clifford L. Stanley

Attachment:

As stated

cc:

Chairman of the Joint Chiefs of Staff

Coast Guard, Commandant (CG1)

General Counsel of the Department of Defense





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### DoD report policy recommendations:

In the absence of clear policy and regulations, some understanding of DoD's plans for the repeal can be found in its November 30, 2010, report "Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell.. Its recommendations include, among other things:

### Standards of Conduct

Throughout our engagement of the force we heard Service members express concerns, in the event of a repeal of Don't Ask, Don't Tell, about standards of conduct. Most often, those concerns centered on a potential for unprofessional relationships between Service members, public displays of affection, dress and appearance, and acts of violence, harassment, or disrespect between homosexual and heterosexual Service members.

In light of these concerns, we considered whether the Department of Defense should issue revised or additional standards of conduct in the event of repeal. The military is a highly regulated environment. Service core values, customs, courtesies, and traditions define acceptable behavior. Overall, the purposes of standards of conduct are to promote good order and discipline, prohibit behavior that would bring discredit on the Military Services, and promote the customs, traditions, and decorum of the military and of individual Services. Among many other things, military standards of conduct prescribe appropriate attire and personal appearance, prohibit unprofessional relationships, address various forms of harassment and related unprofessional behavior, and provide guidelines on public displays of affection. These standards of conduct regulate many aspects of Service members' personal lives considered off-limits in civilian society. These regulations, policies, and orders are generally issued at the Service level, or by commanders.

For example, the Air Force regulates dating, courtship, and close friendships between men and women, noting that personal relationships "become matters of official concern when they adversely affect or have the reasonable potential to adversely affect the Air Force by eroding morale, discipline, respect for authority, unit cohesion, or mission accomplishment."<sup>345</sup> The formation of such relationships between superiors and subordinates within the same chain of command or supervision is prohibited.<sup>346</sup> Depending on the severity or impact to others, violations of standards of conduct may be addressed through administrative action (e.g., counseling or formal reprimand) or discipline under the Uniform Code of Military Justice (UCMJ). Criminal acts—for example, assault, cruelty and maltreatment, or disrespect to a superior commissioned or non-commissioned officer—may be addressed through non-judicial punishment or trial by court-martial.<sup>347</sup>

Rules concerning public displays of affection and proper dress and appearance, meanwhile, are largely unwritten and vary by Service and across commands within



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Services. For example, at present, other than in the Marine Corps there are no Service-level regulations or written policies prohibiting public displays of affection. However, public displays of affection—especially while in uniform—are informally discouraged in all the Services as a matter of individual Service culture, traditions, and decorum. We believe it is not necessary to set forth an extensive set of new or revised standards of conduct in the event of repeal. Concerns for standards in the event of repeal can be adequately addressed through training and education about how already existing standards of conduct continue to apply to *all* Service members, regardless of sexual orientation, in a post-repeal environment.

We do recommend, however, that the Department of Defense issue generalized guidance to the Services that all standards of personal and professional conduct must apply uniformly without regard to sexual orientation. We also recommend that the Department of Defense instruct the Services to review their current standards of personal and professional conduct to ensure that they are neutral in terms of sexual orientation and provide adequate guidance to the extent each Service considers appropriate on unprofessional relationships, harassment, public displays of affection, and dress and appearance. Part of the education process should include a reminder to commanders about the tools they already have in hand to remedy and punish inappropriate conduct that may arise in a post-repeal environment.

<sup>345</sup> Department of the Air Force, AFI 36-2909, *Professional and Unprofessional Relationships*, August 13, 2004, 2, para. 1.

<sup>346</sup> AFI 36-2909, 3, para. 3.3.

<sup>347</sup> 10 U.S.C. § 815.

### Equal Opportunity

We recommend that, in a post-repeal environment, gay and lesbian Service members be treated under the same general principles of military equal opportunity policy that applies to all Service members. Under the Military Equal Opportunity program, it is DoD policy to, “promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability.”<sup>352</sup> Hand-in-hand with military equal opportunity are Service-level policies on diversity, inclusion, and respect. These are consistent with and support basic military values of treating every military member with dignity and respect. For instance, among the facets of the Air Force Diversity Policy is to “educate and train all personnel on the importance of diversity, including mutual respect, thus promoting an Air Force culture that values inclusion of all personnel in the Total Force....”<sup>353</sup> The DoD Human Goals Charter, last issued in 1998, states that the Department of Defense strives “to create an environment that values diversity and fosters mutual respect and cooperation among all persons.”<sup>354</sup> That same year, the Secretary of Defense William Cohen issued a memorandum in which he stated: “I will not tolerate illegal discrimination against or harassment of any DoD personnel. I expect all commanders, executives, managers, and supervisors to work continuously toward establishing a climate of respect and fairness for all DoD personnel.”<sup>355</sup>

Under the Military Equal Opportunity program, there is also a reference to “unlawful



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discrimination,” which is defined with reference to five specified classes: race, color, religion, sex, and national origin. The DoD Military Equal Opportunity directive states, “Unlawful discrimination against persons or groups based on race, color, religion, sex or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned.”<sup>356</sup> Complaints of unlawful discrimination on these bases, as well as of sexual harassment, may be handled through the resources of the Military Equal Opportunity program, or through the chain of command. These five identified classes—race, color, religion, sex, and national origin—are also the focus of diversity programs and initiatives and are tracked as an identifier in Service personnel systems based on initial and periodic inquiries of Service members.

Meanwhile, there are other prohibited practices contrary to Military Equal Opportunity policy that do not involve “unlawful discrimination” against one of the five groups identified above, or sexual harassment; those prohibited practices are addressed principally through the chain of command, and not through the resources of the Military Equal Opportunity Program.

....

Therefore, in the event of repeal, we do *not* recommend that the Department of Defense place sexual orientation alongside race, color, religion, sex, and national origin as a class eligible for various diversity programs, tracking initiatives, and the Military Equal Opportunity program complaint resolution processes. Instead, the Department of Defense should make clear that sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making. Gay and lesbian Service members, like all Service members, would be evaluated only on individual merit, fitness, and capability.

Likewise, the Department of Defense should make clear that harassment or abuse based on sexual orientation is unacceptable and that all Service members are to treat one another with dignity and respect regardless of sexual orientation. Complaints regarding discrimination, harassment, or abuse based on sexual orientation would be dealt with through existing mechanisms available for complaints not involving race, color, sex, religion, or national origin—namely, the chain of command, the Inspector General, and other means as may be determined by the Services.

348 AR 165-1, 12, para. 3-2.b(6); Department of the Air Force, AFI 52-101, *Planning and Organizing*, May 10, 2005, updated March 14, 2008, 2, para 2.1.

349 SECNAVINST 1730.7D, 5, para. 5.e.(3).

350 Department of Defense, DoDD 1304.19, *Appointment of Chaplains for the Military Departments*, June 11, 2004, 2, para. 4.2.

351 Department of Defense, DoDD 1304.28, *Guidance for the Appointment of Chaplains for the Military Departments*, June 11, 2004, 3, para. 6.1.2.

352 DoDD 1350.2, 2, para. 4.2; DoDD 1020.2, 4, paras. 3.d., 4.e.(1).

353 Department of the Air Force, AFD 36-70, *Diversity*, October 13, 2010, 2, para. 2.2.2.

354 “Text of the DoD Human Goals Charter,” U.S. Department of Defense, accessed November 21, 2010, <http://www.defense.gov/news/newsarticle.aspx?id=43191>.

355 Secretary of Defense, Memorandum, “Equal Opportunity for Military and Civilian Personnel of the Department of Defense,” October 14, 1998.

356 DoDD 1350.2, 2, para. 4.2.



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### Privacy and Cohabitation

Throughout our engagements with the force, we heard a number of Service members express discomfort about sharing bathroom facilities or living quarters with someone they know to be gay or lesbian. In connection with this issue, we note that 38% of survey respondents state that they have already shared a room, berth, or field tent with another Service member they believe to be homosexual;<sup>366</sup> 50% believe they have already shared bathrooms with open bay showers that were also used by a Service member they believe to be homosexual.<sup>367</sup>

Housing policy for the U.S. military is established through a combination of DoD and Service-level regulations; in general the Department of Defense requires Service members without dependents, in pay grades E-6 and below, to live in barracks or dormitories. These Service members, with command approval, may live off-base. Overall, approximately 24% of the active duty force resides in barracks, dorms or onboard ship.<sup>368</sup> This percentage varies from Service to Service: in the Air Force, the percentage is only 17%, while in the Marine Corps it is 39%.<sup>369</sup>

In general, DoD regulations also provide that Service members in barracks or dorms have a private bedroom and a bathroom shared by no more than one other person.<sup>370</sup> However, there are variances to this standard, most notably the Marine Corps, the Navy, at Service academies, and in training environments. For instance, in the Marine Corps personnel E-3 and below share a bedroom in the interest of unit cohesion.<sup>371</sup> Navy shipboard requirements provide that both officers and enlisted personnel occupy shared staterooms or berthing areas divided by pay grade and gender.<sup>372</sup> The Services require gender segregation in housing and berthing.<sup>373</sup>

We do *not* recommend segregated housing for gay or lesbian Service members. We believe this would do more harm than good for unit cohesion, create a climate of stigmatization and isolation, and be impossible to enforce or administer unless Service members are required to disclose their sexual orientation. On the other hand, we are sensitive to concerns expressed to us by commanders that disputes may arise between gay and straight Service members assigned to live together involving, at least to some extent, sexual orientation. Commanders should have the flexibility, on a case-by-case basis, to addresses those concerns in the interests of maintaining morale, good order, and discipline.

Accordingly, we recommend that the Department of Defense expressly prohibit berthing or billeting assignments based on sexual orientation, except that commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

Next, a frequent concern expressed by some Service members was personal privacy



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in settings where they may be partially or fully unclothed in the presence of another Service member they know to be gay or lesbian—for instance, shared showering facilities or locker rooms. Likewise, military mission or training requirements may require that Service members live and work under conditions that offer limited personal privacy. Many ask whether repeal of Don't Ask, Don't Tell will require a third and possibly a fourth set of separate bathroom facilities. Meanwhile, others regard the very suggestion as offensive.

Service members consistently raised this general topic, so we are obliged to address it. Personal privacy in shared bathing situations exists to varying degrees throughout the U.S. military. The basic design standard for DoD facilities requires separate male and female showers directly adjacent to the corresponding gender's dressing and toilet areas, and include private shower/drying stalls. In other places, such as recruit training, there are shared facilities containing open bay berthing and group showers. Navy shipboard design criteria require individual stall showers,<sup>374</sup> while Army regulations only require separate toilet facilities for men and women, but do not establish personal privacy standards.<sup>375</sup>

Here again, we are convinced that separate bathroom facilities would do more harm than good to unit cohesion and would be impracticable to administer and enforce. Concerns about showers and bathrooms are based on a stereotype—that gay men and lesbians will behave in an inappropriate or predatory manner in these situations. As one gay former Service member told us, to fit in, co-exist, and conform to social norms, gay men have learned to avoid making heterosexuals feel uncomfortable or threatened in situation such as this. The reality is that people of different sexual orientation use shower and bathroom facilities together every day in hundreds of thousands of college dorms, college and high school gyms, professional sports locker rooms, police and fire stations, and athletic clubs.

Accordingly, we recommend the Department of Defense expressly prohibit the designation of separate facilities based on sexual orientation, except that commanders retain the authority to adjudicate requests for accommodation of privacy concerns on an individualized, case-by-case basis in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission. It should also be recognized that commanders already have the tools—from counseling, to non-judicial punishment, to UCMJ prosecution—to deal with misbehavior in both living quarters and bathing situations, whether the person who engages in the misconduct is gay or straight.

366 See Appendix C, Question 86.

367 See Appendix C, Question 87.

368 Westat, vol. 1, Appendix F, Question 11.

369 Westat, vol. 1, Appendices S and T, Question 11.

370 U.S. Army Corps of Engineers, TI 800-01, *Design Criteria*, July 20, 1998, Table B-2.

371 Defense Manpower Data Center, *April 2007 Status of Forces Survey of Active Duty Members: Housing Briefing*, December 2007.

372 Department of the Navy, *Shipboard Habitability Design Criteria Manual*, December 1, 1955, 11, para. 3.2.3.3., 13, para. 3.2.7.2.

373 DoN, *Shipboard*, 11, para. 3.2.3.3., 13, para. 3.2.7.2.

374 DoN, *Shipboard*, 18, para. 3.4.3.4.

375 TI 800-01, 15-2, para. 2.c





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### The Uniform Code of Military Justice

Next, we recommend modification to the prohibition on sodomy in Article 125 of the Uniform Code of Military Justice (UCMJ),<sup>359</sup> and a corresponding change to the Manual for Courts-Martial (which implements the UCMJ and provides rules, policies, and, procedures for UCMJ prosecutions).

Article 125 of the UCMJ treats all acts of sodomy, heterosexual, homosexual, consensual, or otherwise, as punishable conduct. In *Lawrence v. Texas*,<sup>360</sup> the Supreme Court held that private consensual sodomy between adults cannot be considered a crime. The U.S. Court of Appeals for the Armed Forces reached a similar conclusion in the military context in the case *United States v. Marcum*.<sup>361</sup> In light of these decisions, we recommend that Article 125 be repealed or amended to the extent it prohibits consensual sodomy between adults, regardless of sexual orientation. The other prohibitions considered punishable under Article 125, including forcible sodomy, sodomy with minors and sodomy that is demonstrated to be “service discrediting” (e.g., in public or between a superior and subordinate), should remain on the books.

The DoD Joint Service Committee on Military Justice, which consists of military lawyers from each Service, is responsible for conducting an annual review of the Manual for Courts-Martial and recommends changes to both the UCMJ and the Manual. The Joint Services Committee has already developed a legislative proposal along the lines outlined above, in light of *Lawrence* and *Marcum*, and we endorse that proposal. In essence, the Joint Service Committee has proposed the following action by Congress: repeal of Article 125 in its entirety, and amend Article 120 of the UCMJ<sup>362</sup> to include forcible sodomy and sodomy offenses against children. The Joint Service Committee also proposes to rewrite the Manual for Courts-Martial so as to make clear that all other aspects of the repealed Article 125 not barred by *Lawrence* and *Marcum* may be prosecuted under Article 134 of the UCMJ,<sup>363</sup> which generally prohibits all misconduct that is prejudicial to good order and discipline or is Service discrediting.

In addition and in general, we recommend that the Joint Service Committee review all other UCMJ offenses involving sexual conduct or inappropriate relationships to ensure sexual orientation-neutral application of the UCMJ in a post-repeal environment, consistent with the recommendations of this report. For example, as applied in courts-martial, the definition of “sexual intercourse” means only intercourse between a man and a woman.<sup>364</sup>

Several offenses specified in the Manual for Courts-Martial under Article 134 of the UCMJ—namely Adultery, Prostitution, and Patronizing a Prostitute—all have “sexual intercourse” as a required element of the offense.<sup>365</sup> As a result, homosexual sex is not covered under these offenses, such that if a married woman had sex with a man who was



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not her husband, it could qualify as adultery under military law, but if she had sex with a woman, it would not.

We recommend that the Joint Service Committee determine how to revise these offenses to apply to both homosexual and heterosexual sex.

359 10 U.S.C. § 925.

360 539 U.S. 558 (2003).

361 60 M.J. 198 (C.A.A.F. 2004).

362 10 U.S.C. § 920.

363 10 U.S.C. § 934.

364 Department of the Army, Pamphlet 27-9, *Military Judges' Benchbook*, January 1, 2010, 691.

365 Joint Service Committee of Military Justice, *Manual for Courts-Martial United States*, 2008, IV-114, para. 62, IV-134, para. 97.

### Re-Accession

Under current law and policy, Service members who have been involuntarily discharged under Don't Ask, Don't Tell are not eligible for reenlistment or reappointment.<sup>391</sup> Each Service maintains procedures for reenlistment or reappointment. Generally, the fact that a Service member was separated on the basis of homosexual conduct is indicated by separation and re-entry codes provided on the Service member's record of discharge (DD Form 214).

In the event of repeal, we recommend that the Department of Defense issue guidance to the Services permitting Service members previously separated on the basis of homosexual conduct to be considered for re-entry, assuming they qualify in all other respects. Requests for re-entry by those previously separated on the basis of homosexual conduct should be evaluated according to the same criteria as other former Service members seeking re-entry, and the fact that the basis of the separation was homosexual conduct should not be considered to the detriment of the applicant. For example, those whose DD Form 214 show an honorable discharge (or an uncharacterized discharge for those separated during initial training) and a separation code reflecting homosexual conduct shall be considered for re-entry. The Services should not establish any special procedures or preferential treatment for those Service members. The needs of the Service will continue to determine re-entry criteria.



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No 93, August 2012

# The Broken Rifle

Newsletter of War Resisters' International



Gay Pride march in London, July 2005

Photo by rsambrook

## Eight reasons why antimilitarism needs queer

**1** Militarism is not just a war, an army or a fighter jet. Militarism is a system, a logic and a set of norms that perpetuates and recreates our societies and our daily lives. Queer analysis of power is a political tool that can help us to challenge these norms. Queer liberation isn't about equality within a patriarchal and militarist system, it is about going beyond the politics of inclusion and creating future just societies that do not merely recreate systems of power under different names.

**2** Militarism perpetuates rigid gender norms, and is rooted in heterosexual ideas of gender that define masculinity as physically powerful and aggressive and femininity as meek and passive. Queer and transgender people, and queer analysis and activism, challenge the legitimacy of these norms, and thus challenge the basis and ideas of militarism.

**3** Militarism depends upon and recreates a racist and hierarchical world order that tells us whose life is worth defending and whose is not. The image of "the other" needs to exist as well as a united "we" (white, heterosexual, able-bodied, man.) whose life is

worth defending. Queer analysis that foregrounds, cultivates and nurtures difference is a challenge to the existence of this homogenous "we", and thus to the logic behind the existence of the military.

**4** There's a long-standing opposition to the military from queer communities and other marginalised groups. These groups have since long realised that the military is not acting in their interests. Now other parts of the antimilitarist movement need to recognise this tremendous antimilitarist activism and join with all groups struggling for peace and justice.

**5** Movements where queer and transgendered people - or any other group - feel excluded, not listened to and not taken seriously, of course fail drastically in accountability. Actively working to make our movements inclusive does not just make us a larger movement, it makes room for more perspectives and experiences and makes us more creative and effective in our work against militarism.

### Editorial

Queer and antimilitarism is the theme of this *Broken Rifle*, and we hope this will create some debate within WRI and beyond. Most articles have been written especially for this issue, with the exception of Tamara K Nopper's article on Don't Ask Don't Tell, which we republish from *Against Equality: Don't Ask to Fight Their Wars*. Don't Ask Don't Tell was finally repealed in December 2010, but this does not make her arguments less important.

Alvine Anderson presents eight arguments why antimilitarism needs queer - queer people and a queer analysis. Miles Tanhira follows from this arguing that war resistance needs to be an integral part of a queer struggle, and the recent events in Zimbabwe show how threatened queer people and organisations are in an escalated conflict.

Pelao Carvallo uses the language and analysis of queer to look at the situation in Paraguay after the ousting of President Fernando Lugo during a parliamentary coup in June. Yu Min-Seok describes the problems queers and conscientious objectors face in South Korea, and links both to masculinity. And Tomato explores the discrimination she as a lesbian faced in the struggle against a new naval base on Jeju island. Finally, Ali Erol describes the difficult choices gays face in Turkey when they are confronted with compulsory military service.

These articles show that there is a range of queer perspectives when it comes to militarism or military service, and there is not always an easy answer. But they also show how important and beneficial it might be for antimilitarists to take on a queer perspective when analysing militarism. As Alvine Anderson writes: "Actively working to make our movements inclusive does not just make us a larger movement, it makes room for more perspectives and experiences and makes us more creative and effective in our work against militarism."

Andreas Speck

Thanks also to Mr. Fish and Against Equality for lots of the images.

continued on page 2



## Radical Perspectives on the Repeal of ~~Ask~~ ~~Tell~~

a cle presented by the *queer caucus* & *military law task force* of the nlq

### Queer and antimilitarism

## Why resistance to war is a central and important part of a queer struggle

Steve Biko, an anti-apartheid activist, once said the oppressed aspire to be the oppressor. This is true when it comes to the effects of war on minorities such as LGBTI people. In most African countries for instance, the issue of homosexuality has been used by power hungry politicians to hoodwink people into believing that homosexuality is the cause of their misery.

For example in Zimbabwe, whenever the chips are down for politicians they find a social issue that is highly emotive and try to use it to prosecute their private wars, that's why people are not interested in understanding LGBT people, they are interested in the existence of the issue and meting out instant justice. Politicians feel the urge to keep society at an emotional level so that whenever things are not going right for them or their political parties they invoke the issue of homosexuality, because people share the same hatred and fears as them.

Politicians and some religious leaders pick on an issue that brings numerical advantage, meanwhile the minority of homosexual people become a perfect field for those prosecuting personal wars. So by bringing in an issue that many people do not fully understand, and blocking any avenues for people to access information, these politicians hope to get people to rally to them.

There is no doubt that war breeds untold misery for those who are in positions of less power, as the power dynamics come into play. When people are polarised along political, racial, and

gender lines, the weakest link, in this case LGBTI people, bear the brunt of war. The media, especially the state-owned, is at the forefront of churning out homophobic rhetoric and sensationalising stories involving LGBTI people. Most of the reports are meant to incite hatred and violence.

Hate speech against LGBTI people fuels the flame of homophobia, making them a target of frustrated people who feel they have carte blanche to harm minorities. In such a scenario there is no redress even if LGBTI people were to report cases to the police.

War leads to oppression and injustices being perpetrated against people. All forms of war contribute to human rights abuses and the curtailing of constitutional liberties such as freedom of association and freedom of expression. During war situations people find it difficult to get access to basic rights like food, water and health. State-instigated homophobia fuels wider homophobia and has negative effects on the lives and living conditions of LGBTI people. When it comes to accessing health services for instance, they are driven underground and most die in silence because of a system which criminalises their conduct.

Fundamentalism gains momentum in war situations as people become guarded over the things that they believe in; any diversity is treated with suspicion and is oppressed. Those people with dissenting voices become a target. This affects activists who try to do their work in such a volatile environment. As Africa witnesses

a spate of activity in the Global Culture wars being influenced by some American conservatives pushing an anti-homosexuality agenda in churches, Zimbabwe has not been spared. Some religious fundamentalists who were advocating the death penalty for homosexuals in Uganda have also been to Zimbabwean churches preaching the gospel of hate.

Not to be outdone, traditional leaders also deride homosexuality as a western disease and un-African. This homophobia – deeply ingrained in cultural practices – leads to family and urban violence against LGBTI people and their allies.

Zimbabwe has been described by many as a military state: the heavy presence of gun-wielding police officers and soldiers on street corners, coupled with the recruiting of youths into national youths service camps, bears clear testimony to this. Most of the youths who undergo the military training are appendages of the ruling party and are trained to unleash terror on anyone with dissenting opinions. Being given credit for "work" carried out gives them carte blanche to attack LGBTI people as an act of patriotism. The ruling party ideology blames the opposition for inviting targeted sanctions on the country, hence bringing about suffering. This has managed to invoke anger in many people who view the opposition as the source of their misery and, because they are funded by the west, they are also seen as sympathetic to the LGBTI agenda. This link between the sanctions, the opposition and homosexuality has been made reference

Continued from page 1

**6** LGBTQ people remain under attack by militaries and governments all over the world. The state discriminates against and sanctions violence against LGBTQ people, hate crime rates rise in militarised communities, at the same time as the possibilities for norm breakers and other marginalised groups are restrained. Radical movements must stand in solidarity with those most affected by militarism, which include LGBTQ people.

**7** The military is currently using LGBTQ communities to legitimise their activities. By creating a (false) public image of a "modern" and "open" military, they seek to create acceptance for militarism and military "solutions".

Queer people are organising against this "pinkwashing" of their struggles, and refuse to be used to legitimise death and destruction. Together we must show that an antimilitarist world is a really secure world for LGBTQ people and others.

**8** Any change starts at home. A heterosexist, patriarchal culture promotes and legitimises war. A movement working against war must challenge these norms within their own movements and communities as well as in society as a whole. We must address all issues of structural, personal, and intimate violence wherever they exist, to create truly secure and sustainable cultures that promote peace and justice.

Alvine Andersson

Alvine Andersson is active in the Swedish antimilitarist network Ofog.







## Radical Perspectives on the Repeal of ~~Ask~~ ~~Tell~~

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### Queer and antimilitarism



A common sight: police monitoring the Milton park neighborhood; GALZ offices are in this area. (Photo by Miles Tanhira)

to so many times, making LGBTI people a target for hate and violence.

War and militarism reinforce gender norms and roles, and punish those who go beyond these, hence LGBTI people are ostracised and under attack. This is evidenced in the militarisation of sport, resulting in adverse effects on some LGBTI people who are into such disciplines. Young people are lured into joining sporting teams, which are supported by the army, and once they join they automatically have to be involved in the military forces. This is particularly true for young women into soccer. These women are forced to dress and behave in a societally accepted way, and those who cross the boundaries are pushed into line with harsh punishment or dismissal from both the team and army.

Aside from sexual and domestic violence, women also suffer other forms of gender-specific violence before, during and after conflicts. For example, women may not have access to adequate reproductive health services in times of crisis, and women and LGBTI communities may experience a backlash against their sexual rights.

According to reports, one consequence of militarism is the use of sexual violence to assert power over others. Militarism tends to privilege a particular form of aggressive masculinity, and thus rape is often used as a tactic of war, to drive fear and to humiliate women and their communities. Sexual violence in conflict and post-conflict situations is used to reinforce gendered and political hierarchies. On a different level, intimate partner violence is another form of exerting control – particularly

when the abusers experience a decrease in power in other aspects of their lives. Access to small arms, military training, or exposure to intense violence and trauma in conflict situations, may exacerbate intimate partner violence, with impunity for military personnel in cases of violence against women, violations committed by peace-keeping forces, and violence and abuse of women living and working around military bases. Militarised governments may also use force against their own civilians, suspend the rule of law in an “emergency” period, or use “anti-terrorism” laws to suppress pro-democracy movements or to silence human rights defenders. Institutions such as police forces, aid organisations, religious establishments, the media, schools, and the judiciary, can also be militarised so that the lines between military and civilian life are blurred.

As militarism rears its ugly head in Zimbabwe, the LGBTI community has been at the receiving end. The strategy to instill fear in the hearts and minds of the masses under the guise of maintaining peace and security is itself a threat to the peaceful existence of people as, it often leads to violation of minorities’ rights.

Miles Rutendo Tanhira

Miles Rutendo Tanhira is a journalist, human rights defender, LGBTI rights activist, peace activist and feminist. Miles also has a passion for photography and other creative ways of speaking out against injustices. Currently Miles is the Information and Communications Officer of WRI's affiliate Gays and Lesbians of Zimbabwe (GALZ).

### WRI on the harassment of GALZ

War Resisters' International (WRI), the international network of pacifist organisations with more than 80 affiliates in more than 40 countries, calls for an end to the harassment of our affiliate Gays and Lesbians of Zimbabwe (GALZ) and to the physical attacks on members of GALZ. Furthermore, WRI strongly condemns the violation of basic human rights of the members of GALZ, such as freedom of association, freedom from arbitrary arrest, and freedom from torture and degrading treatment.

On 11 August 2012, GALZ launched its report on violations of LGBTI rights in Zimbabwe with a press conference at the GALZ office in Harare. Following the press conference, GALZ members celebrated the successful launch with a party, which was then raided by police, who detained the 44 members of GALZ present - 31 men and 13 women. All were subjected to beatings and abuse while in detention, but released the following morning without charge.

A few days later, the police started a hunt for those detained on 11 August, detaining three who they encountered at home for questioning, and ordering those who they did not find to report to their local police station. While those detained have been released, this hunt again serves as intimidation - a clear attempt to make GALZ's work impossible. Subsequently, on 20 August, police raided the office of GALZ and seized computers and literature. The present harassment of GALZ and its members follows earlier attempts at intimidation. In May 2010, police raided the office of GALZ and arrested two members of staff. A few days later the police also raided the home of the director of GALZ, who was not at home at the time. Both staff who had been arrested were released after a few days, and acquitted a few months later, but items seized during the raid have not yet been returned.

Established in 1990, GALZ has been affiliated with WRI since 2001, taking an active role in our activities and currently helping us prepare our 2014 international conference in South Africa provisionally titled “Resisting the continuums of violence”. We are fully aware of the extent of Zimbabwe state violence against its own citizens. Whether fuelled by greed, the lust for power or homophobia, these forms of violence are connected. The violation of any human right weakens respect for human rights themselves. Above all, the harassment of human right defenders - such as GALZ, who have prepared a serious report on Zimbabwe's violations of lesbians, gays and transsexuals - is a warning to all those who oppose the abuse of state power.

excerpt from: [http://www.againstequality.org/files/broken\\_rifle\\_broken\\_rifle\\_english.pdf](http://www.againstequality.org/files/broken_rifle_broken_rifle_english.pdf)



# Radical Perspectives on the Repeal of Ask Tell

a cle presented by the *queer caucus* & *military law task force* of the nlg

A Military Job Is Not Economic Justice: QEJ Statement on DADT

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## A Military Job Is Not Economic Justice: QEJ Statement on DADT

Posted by [Q4EJ](#) on December 22, 2010 · [27 Comments](#)

In just a few moments President Obama is scheduled to sign the repeal of the Don't Ask, Don't Tell (DADT) policy, which in theory, will allow for gay and lesbian members of the military to serve without being in the closet.

Queers for Economic Justice staff and constituents have all met people in the LGBT movement who have said to us that the DADT repeal is an economic justice victory, since many poor and working-class LGBTQ people join the military to have access to better jobs, and because the military is the nation's largest employer, QEJ should be joining in the victory dance.

But QEJ believes military service is not economic justice, and it is immoral that the military is the nation's de facto jobs program for poor and working-class people. And since QEJ organizes LGBTQ homeless people in New York City, we wanted to remind the LGBT community and progressive anti-war allies that militarism and war profiteering do not serve the interests of LGBT people. Here's how:

1. The National Coalition for Homeless Veterans reports that about one-third of all homeless people in the US are veterans, but about 1.5 million more veterans are at risk of homelessness "due to poverty, lack of support networks, and dismal living conditions in overcrowded or substandard housing." They also report that 56% of homeless veterans are Black or Latino.
2. Some studies also show that one in four veterans becomes disabled as a result of physical violence or emotional trauma of war. There are currently 30,000 disabled veterans from the wars in Iraq and Afghanistan.
3. Rape and sexual violence are very common occurrences for women in the military, and the ACLU is currently suing the Pentagon to get the real numbers on reported incidences.
4. Half of the US budget in 2009 was made up of military spending, including current expenditures, veterans benefits and the portion of the national debt caused by military costs, according to the War Resisters' League. That is more than the US spent on Health & Human Services, Social Security Administration, Housing and Urban Development and the Department Education combined. Wouldn't more social safety net spending help the millions of queers who can barely make ends meet?

In short, military service is not economic justice.

Furthermore, QEJ understands that there are LGBTQ people in other parts of the world, particularly Iraq and Afghanistan, who have been killed, traumatized, or made disabled directly as a result of the recent US-led wars, or who have become vulnerable targets by fundamentalist backlashes to US imperialism. We stand in solidarity with other LGBTQ people around the globe, and do not condone violence against them or their home countries so that "our gays" have the "right" to serve openly in the military.





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A Military Job Is Not Economic Justice: QEJ Statement on DADT

QEJ supports real economic justice. You should [support QEJ](#) this season.

It's hard to ask for a donation on such a tough issue, but showing your support for real economic justice is one way to reject the framing of militarism as economic opportunity. [Make a donation to QEJ today.](#)

From all of us,

Queers for Economic Justice

Filed under [News](#), [Think Queer](#) · Tagged with [dadt](#), [dont ask dont tell](#), [gays in the military](#), [qej](#)

### Comments

#### 27 Responses to "A Military Job Is Not Economic Justice: QEJ Statement on DADT"



1. *Blanco* says:  
[December 22, 2010 at 6:08 pm](#)

As a Gay Veteran, I am truly grateful that I served in the military. I was discharged for being gay. My experience was a good one. I served before "don't ask, don't tell".

From my experience, being openly gay didn't matter. There is this bond of brotherhood that trumps all racial, political, cultural, and, yes, even, sexual orientation barriers.

You wouldn't understand unless you served in the Arm Forces.

Gay and Lesbians have always served in military. The only difference now is that it will be official.

I challenge everyone at Queers for Economic Justice to sign up and served at least four years in the military.

I'll stop. I'm scaring you.

Please look at the big picture as an American, not just a Queer American.

Peace and Light,  
Gabriel



2. *Ed McC* says:  
[December 22, 2010 at 8:45 pm](#)

excellent article. Poor people have always been used for cannon fodder and the rich would pay poor guys to take their place even during the Civil War and I believe even before that not only in this country but other ones.

Economic justice my foot...a lost leg or other limb does not grow back!



3. *Nozomi Ikuta* says:  
[December 23, 2010 at 9:07 am](#)

Oh thank goodness for a word of truth and sanity!



4. *piter manchus* says:  
[December 23, 2010 at 6:43 pm](#)

I love obama! No DADT+Marriage Equality=Union Jobs for Poor LGBT Community- Queers



5. *Richard* says:



## Radical Perspectives on the Repeal of Ask Tell

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A Military Job Is Not Economic Justice: QEJ Statement on DADT

[January 2, 2011 at 9:36 pm](#)

Thanks for publishing this important essay. A Few Queers On The Prowl stands with you.

I will never understand why anyone would want to do the bidding of the war mongers and help the imperialists fight the world. The so called discrimination that L & G's face in the military is just a 'pull my hair' compared to what they will and are doing to folks around the world.

An interesting article was published by Saffo and from it I quote:

"If DADT gets passed then that means homeless queer and trans youth—predominantly of color— who have run away or have been kicked out by their parents for being queer and have few other options are going to be sucked in and exploited by military recruiters. the fuckers that are organizing this repeal DADT shit don't give a FUCK about how this is going to affect the most marginalized members of our community. that's because this agenda is set by the most privileged LGBT folks." .....Saffo

Read the full story, don't ask, don't tell, don't care who you're murdering by Saffo.



6. *LGBTvet* says:

[January 10, 2011 at 11:41 am](#)

The repeal of DADT needs to be celebrated for some reasons but that doesn't mean it has to be so for all reasons. Just because repeal is a good thing, it doesn't mean everything associated is a good thing. The temptation of both "sides" to lump everything together lessens the conversation.

DADT helped cover up rape. It hurt those who joined- many of who falsely belived the glossy promises. It is good the government can no longer perpetrate this discrimination, but to support repeal doesn't mean one supports civilian deaths nor did the policy stop gay people from the possibility of participating in them.



7. *Kathrin P. Ivanovic* says:

[January 21, 2011 at 6:49 pm](#)

It's not economic justice but military service and the benefits service members have access to, provided for thousands upon thousands of white soldiers returning from WWII access to build wealth through homeownership and other services, benefits people of color and women were barred from (not to mention individuals who wished to serve openly who identified as lgbt or q), full stop, and that is significant in the quest for economic justice.

I think the GI bill is still a powerful tool that, for some, is the only means for accessing post-secondary education. There is significant evidence indicating that individuals with an undergraduate degree have a significantly higher income potential than individuals with just a high school diploma (similar evidence between high school diploma and GED). It's not perfect, but I think it is a significant step in the right direction.



8. *Ramon Torstrick* says:

[July 24, 2011 at 11:17 am](#)

Many thanks for showing this "A Military Job Is Not Economic Justice: QEJ Statement on DADT". Your site is properly executed. I am stunned at the details that you have at this specific internet page. It reveals exactly how good you are aware of this specific subject. Just bookmarked <http://q4ej.org/military-job-is-not-economic-justice-qej-statement-on-dadt>, will come back for more information. I came across precisely the information I require just after browsing all over and just couldn't get. Just what a perfect site.

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1. *A Military Job Is Not Economic Justice: QEJ statement on DADT. « A Few Queers on the prowl* says:  
[December 22, 2010 at 12:47 pm](#)

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2. *Ask... Tell... But don't Dream. – Ella Baker Center Blog* says:



## Radical Perspectives on the Repeal of ~~Don't~~ Ask ~~Don't~~ Tell

a cle presented by the *queer caucus* & *military law task force* of the nlq

A Military Job Is Not Economic Justice: QEJ Statement on DADT

[December 22, 2010 at 4:48 pm](#)

[...] right to serve in the military was a crucial step forward is complicated, as the fierce folks at Queers for Economic Justice point out. . But to me, the end of Don't Ask Don't Tell means that service members and their [...]

3. [A Military Job Is Not Economic Justice: QEJ Statement on DADT « word pond](#) says:  
[December 22, 2010 at 4:49 pm](#)

[...] A Military Job Is Not Economic Justice: QEJ Statement on DADT [...]

4. [Links of Great Interest: WTF, Luisa? / The Hathor Legacy](#) says:  
[December 24, 2010 at 2:10 am](#)

[...] for Economic Justice issue a statement regarding the repeal of DADT, highlighting that access to jobs with the military /= economic [...]

5. [Queers for Economic Justice skriver om "Don't Ask, Don't tell" « Queersmotkapitalism](#) says:  
[December 28, 2010 at 11:20 am](#)

[...] skriver i artikeln "A Military Job is Not Economic Justice" om det problematiska i att kritisera "Don't Ask, Don't tell" utifrån [...]

6. [Speaker at GVSU addresses Race, Class and the LGBTQ Movement « Grand Rapids Institute for Information Democracy](#) says:  
[February 25, 2011 at 11:43 am](#)

[...] which also negatively impacts the LGBT community across the country. Lastly, he pointed out that the military in general is not an institution that is about justice and equality. He gave the example of how mainstream LGBT groups missed the boat on this issue by referring to an [...]

7. [Fighting for our right to oppress: Gays, Sikhs & the Military / The Langar Hall](#) says:  
[September 26, 2011 at 9:31 pm](#)

[...] LGBT group responded to the repeal of DADT by stating: "We stand in solidarity with other LGBTQ people around the globe, and do not condone violence [...]"

8. [A Radical Approach to Veterans Day / RADICAL FAGGOT](#) says:  
[November 11, 2011 at 2:48 pm](#)

[...] as a strategic move to mobilize more oppressed communities around militarism and violence which have long stood as a bulwark against them. I propose that on this day, we honor the troops, our families and our communities by rejecting [...]

9. [Open secrets and bad feelings: Armistice Day, three days late, from the pansy left « Have a Good Time](#) says:  
[November 14, 2011 at 2:54 pm](#)

[...] as a strategic move to mobilize more oppressed communities around militarism and systemic violence which have long stood as a bulwark against them. I propose that on this day we honor the troops, our families and our communities by rejecting [...]

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and oh, if you want a pic to show with your comment, go get a [gravatar](#)!

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## Radical Perspectives on the Repeal of Ask Tell

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A Military Job Is Not Economic Justice: QEJ Statement on DADT

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