



- Pressure to lift the ban on gays in the military mounted after two developments during the 1992 presidential campaign: reports that known gays had been sent to fight in the first Gulf War and discharged upon their return; and the murder of Petty Officer Allen Schindler in Japan by shipmates in an anti-gay hate crime. [Servicemembers Legal Defense Network (SLDN), www.sldn.org]
- “Don’t ask, don’t tell” was signed into law under Bill Clinton and a Democratic Congress in November, 1993. It requires the discharge of service members who engage in homosexual conduct, marry or attempt to marry a member of the same sex, or state that they are gay, lesbian or bisexual. [10 U.S.C. sec 654]
- The Congressional statute is similar to the Pentagon “regulation” which states that homosexual conduct will result in discharge. However, unlike the statute, the regulation specifies that “homosexual orientation is not a bar to service entry or continued service unless manifested by homosexual conduct” (which includes speech). Since the gay ban is now federal statute, only Congress or the courts can repeal it. [Secretary of Defense Memorandum for the Joint Chiefs of Staff, July 19, 1993]
- Article 125 of the Uniformed Code of Military Justice bans sodomy for both straight and gay service members. While Article 125 is sometimes cited in support of “don’t ask, don’t tell,” the UCMJ is separate from the gay ban.
- Defenders of a gay ban argue that the presence of known gays can undermine “unit cohesion” and morale, compromise privacy, and harm recruitment and that it offends the morals of the military and its soldiers.
- Opponents of a gay ban argue that the current policy deprives the military of badly-needed personnel, violates the free speech and equal protection clauses of the constitution, unfairly discriminates against capable gays who wish to serve their country, and wastes money.
- Under the policy, over 10,000 service members have been discharged, including 2346 since the attacks of 9/11/01. The military has fired 757 troops with “critical occupations” and 322 with “important foreign language” training including 55 Arabic linguists, all at a taxpayer cost of roughly \$200 million. [DoD figures, compiled by Servicemembers Legal Defense Network, www.sldn.org; GAO report, February, 2005]
- Twenty-four nations currently allow gays to serve openly in the military. [Center for the Study of Sexual Minorities in the Military [Palm Center, www.palmcenter.ucsb.edu]
- An estimated 65,000 gays, lesbians and bisexuals are currently serving in the U.S. military (including National Guard and reserves), and one statistician estimates that 25 may have been killed in action. [Servicemembers Legal Defense Network, www.sldn.org]
- According to the Urban Institute, there are currently over one million gay and lesbian veterans. [Urban Institute; Atlanta Journal-Constitution, 10/13/04]



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