



There is no more intimate relationship . . . they eat and sleep together. They use the same facilities day after day. They are compelled to stay together in the closest association.

—U.S. Senator describing the life of a Soldier

Experiments within the Army in the solution of social problems are fraught with danger to efficiency, discipline, and morale.

—U.S. Army general officer

By OM PRAKASH

The Efficacy of “Don’t Ask, Don’t Tell”

Homosexual Servicemembers have had to compromise their personal integrity by keeping their sexuality secret

Colonel Om Prakash, USAF, wrote this essay while a student at the National War College. It won the 2009 Secretary of Defense National Security Essay Competition.

Though the epigraphs echo arguments made against homosexuals serving openly in the Armed Forces, they are the words of Senator Richard Russell of Georgia and General Omar Bradley in opposition to President Truman's 1948 executive order to racially integrate the U.S. military.¹ The discourse has gone beyond what is best for the combat effectiveness of the military to become a vehicle for those seeking both to retract and expand homosexual rights throughout society. It has used experts in science, law, budgeting, and military experience in an effort to settle an issue deeply tied to social mores, religion, and personal values.

A turning point in the debate came in 1993. Keeping a promise made during his campaign, President Bill Clinton attempted to lift the ban on homosexuals serving in the military. After strong resistance from the leadership in both the Pentagon and Congress, a compromise was reached as Congress passed 10 United States Code §654, colloquially known as "Don't Ask, Don't Tell" (DADT).² This law, which allowed homosexuals to serve as long as they did not admit their orientation, survived the Clinton and Bush administrations essentially unchanged. Repealing the ban on homosexuals serving openly was also a campaign promise of Barack Obama, though his transition team stated that they did not plan to tackle the issue until 2010.³ As this debate reignites, it is worthwhile to reexamine the original premises that went into forming the DADT policy, explore the cost and effectiveness of the law, and finally, with 16 years of societal drift, revisit the premises on which it is based.

There are five central issues. First, §654 has had a significant cost in both personnel and treasure. Second, the stated premise of the law—to protect unit cohesion and combat effectiveness—is not supported by any scientific studies. Strong *emotional* appeals are available to both sides. However, societal views have grown far more accommodating in the last 16 years, and there are now foreign military experiences that the United States can draw from. Third, it is necessary to consider the evidence as to whether homosexuality is a choice, as the courts have traditionally protected immutable characteristics. To date, though, the research remains inconclusive. Fourth, the law as it currently stands does not prohibit homosexuals from serving in the military as long as they keep it secret. This



U.S. Army
Opposition to homosexuals serving openly in military is reminiscent of opposition to President Harry Truman's desegregation of military

has led to an uncomfortable value disconnect as homosexuals serving, estimated to be over 65,000,⁴ must compromise personal integrity. Given the growing gap between social mores and the law, DADT may do damage to the very unit cohesion that it seeks to protect. Finally, it has placed commanders in a position where they are expected to know everything about their troops except this one aspect.

Origins

During the 1992 campaign, Presidential hopeful Bill Clinton made homosexuals in the military a political issue, promising to change the Pentagon's policy that only heterosexuals could serve in the military.⁵ On taking office,

it is necessary to consider the evidence as to whether homosexuality is a choice, as the courts have traditionally protected immutable characteristics

President Clinton initially assumed the ban could be lifted with an executive order, similar to the method President Harry Truman used to racially desegregate the military. He met fierce opposition in Congress led by Senator Sam Nunn (D-GA), who organized extensive House and Senate Armed Services Committee (HASC and SASC, respectively) hearings on the ban of homosexuals in the military. Two other factions emerged in Congress, one arguing for a complete repeal of the ban. A third compromise faction finally prevailed with the position that went on to become DADT, allowing homosexuals to serve as long as it was done in secret.⁶

Aside from the fierce divide in opinions, the debate also turned into a contest between Article I and Article II of the Constitution. Previously the ban on homosexuals was a

Pentagon policy, subject to the executive orders of the President. As a companion to the DADT policy, Congress permanently stifled this route, to the chagrin of the President. To preclude any future action to lift the ban via executive order, Congress wrote into law, "Pursuant to the powers conferred by Section 8 of Article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces."⁷

Rationale

During congressional debate, there were three components to the argument supporting the ban on homosexuals serving in the military: health risks, lifestyle risks, and unit cohesion.⁸

The Army Surgeon General offered statistics showing a homosexual lifestyle was associated with high rates of HIV/AIDS, hepatitis B, and other sexually transmitted diseases. Aside from the increased health risk, statistics also showed a homosexual lifestyle was associated with high rates of promiscuity, alcoholism, and drug abuse.⁹ Ultimately, neither of the first two arguments made it into the rationale offered in §654—ostensibly because these risk factors are not uniquely associated with homosexuality and could be screened for and dealt with in a manner other than determining sexual orientation.

The central argument, and the only one that made it into law, rested on unit cohesion. The final language adopted by Congress stated:

One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members. . . . The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.¹⁰

Associated Costs

Before the inception of DADT, the rates of discharge for homosexuality had been steadily falling since 1982. Once the law was passed, rates climbed, more than doubling by 2001 before beginning to fall again.¹¹ Since



President Clinton attempted to fulfill campaign promise to lift ban on homosexuals in the military

U.S. Navy (Bob McRoy)

1994, the Services have discharged nearly 12,500 Servicemembers under the law.¹²

There are various explanations for the rise in discharges for homosexuality after 1993. One is that the increase reflects how discharges are recorded rather than an underlying change in practices. A senior Air Force Judge Advocate points out that prior to the change in the law, homosexual discharge actions during basic military training were classified as fraudulent enlistments because the person had denied being a homosexual when he or she enlisted and later changed position. After the change in the law, the Air Force no longer collected the information during the enlistment process, so fraudulent enlistment was no longer an option, and the Air Force began characterizing the discharges as homosexual conduct. Gay rights advocates argued that the increase was due to commanders conducting "witch hunts," yet commanders also reported fear of being accused of discrimination and only processing discharges when a case of "telling" was dumped in their laps.¹³ Another explanation is that given the law and recent reduction in stigma associated with homosexuality in society at large, simply declaring one is homosexual, whether true or not, is the fastest way to avoid further military commitment and receive an honorable discharge. In support of this supposition, Charles Moskos, one of the original authors of DADT, points out that the number of discharges for voluntary statements by Servicemembers accounted for 80 percent of the total, while

the number of discharges for homosexual acts actually declined over the years.¹⁴

The drop in discharges under the law since 9/11 has been used by both sides in support of their case. Gay rights advocates stated the military now needed every person it could get, so it looked the other way, but an equally compelling argument is that in the wake of the events of 9/11, pride and desire to serve reduced the numbers of those making voluntary statements in an effort to avoid further duty. An Air Force source also argues against the perceived need for personnel contributing in any way to the Air Force data because the response to indications of homosexuality has remained unchanged. The Air

commanders reported fear of being accused of discrimination and only processing discharges when a case of "telling" was dumped in their laps

Force investigates all cases when presented with credible evidence or a voluntary statement and has initiated discharge proceedings in all cases when the inquiry reveals a basis for such action.

Though the arguments explaining the patterns in discharges are compelling on both sides, ultimately it is difficult to prove any one factor because each explanation only partially explains the trends. Furthermore, whatever

the reasons, the fact remains that because of DADT, those Servicemembers no longer serve. It is also worth noting that the 12,500 figure is most likely low since it cannot capture the number of individuals who do not reenlist or who choose to separate because of the intense personal betrayal they felt continuing to serve under the auspices of DADT.

In a report released in February 2005, the Government Accountability Office (GAO) estimated the financial impact to be at least \$190.5 million for the previous 10 years of DADT policy. However, a University of California Blue Ribbon Commission that included former Secretary of Defense William Perry questioned the report's methodology. The commission faulted the GAO for not including recruiting and separation costs that brought the 10-year estimate to \$363 million.¹⁵ Also worth noting is that these figures do not account for the additional opportunity costs of high-profile, prized specialties such as Arabic speakers.¹⁶

If one considers strictly the lost manpower and expense, DADT is a costly failure. Proponents of lifting the ban on homosexuals serving openly can easily appeal to emotion given the large number of people lost and treasure spent—an entire division of Soldiers and two F-22s. Opponents of lifting the ban offer interesting but weak arguments when they compare the relatively small numbers of discharges for homosexuality with those discharged for drug abuse or other offenses. It is necessary to look past both of these arguments, remove the emotion, and instead examine the *primary* premise of the law—that open homosexuality will lead to a disruption of unit cohesion and impact combat effectiveness. If that assumption holds, then the troops lost and money spent could be seen as a necessity in order to maintain combat effectiveness just as other Servicemembers unfit for duty must be discharged.

Unit Cohesion/Combat Effectiveness

In 1993, as the language was drafted for §654, there were no direct scientific studies regarding the effects of acknowledged homosexuals on either unit cohesion or combat effectiveness. Furthermore, it is incorrect to equate the two because unit cohesion is only one of many factors that go into combat effectiveness. Potentially far outweighing unit cohesion, for example, are logistics, training, equipment, organization, and leadership, just to name a few.

Testimony before the HASC and SASC involved speculation on possible impacts from psychologists and military leaders.¹⁷ To date, there is still no direct scientific evidence regarding homosexuals serving openly, but there is now additional empirical data as several North Atlantic Treaty Organization Allies have since lifted the ban on homosexuals serving.

Though unit cohesion is not specifically defined in §654, it does refer to “bonds of trust,” the sum being greater than the individuals, and “high standards of morale, good order and discipline.” The *Dictionary*

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of U.S. Army Terms defines unit cohesion as the “result of controlled, interactive forces that lead to solidarity within military units directing soldiers towards common goals with an express commitment to one another and the unit as a whole.”¹⁸ As psychologists explored the concepts, experimental and correlation evidence supported dividing cohesion into two distinct types: social cohesion and task cohesion. *Social cohesion* is the nature and quality of the emotional bonds within a group—the degree to which members spend time together, like each other, and feel close. *Task cohesion* refers to the shared commitment and motivation of the group to a goal requiring a collective effort.¹⁹

When measuring unit performance, task cohesion ends up being the decisive factor in group performance. Common sense would suggest a group that gets along (that is, has high social cohesion) would perform better. Almost counterintuitively, it has been shown that in some situations, high social cohesion is actually deleterious to the group decision-making process, leading to the coining of the famous term *groupthink*. This does not imply that low social cohesion is advantageous, but that moderate levels are optimal.²⁰

Several factors contribute to cohesion. For social cohesion, the most important factors are propinquity—spatial and temporal proximity—and homogeneity. For task cohe-

sion, the factors include leadership, group size, shared threat, and past success. Interestingly, success seems to promote cohesion to a greater degree than cohesion promotes success.²¹

This leads to the conclusion that integration of open homosexuals might degrade social cohesion because of the lack of homogeneity; however, the effects can be mitigated with leadership and will further dissipate with familiarity. More importantly, task cohesion should not be affected and is in fact the determinant in group success. Given that homosexuals who currently serve do so at great personal expense and professional risk, RAND interviews suggest such individuals are deeply committed to the military’s core values, professional teamwork, physical stamina, loyalty, and selfless service—all key descriptors of task cohesion.²²

Homosexuality and Choice

As the debate reignites on DADT, it is necessary to consider whether homosexuality is a choice. Traditionally, courts have protected immutable characteristics, and Americans

writ large are demonstrably more accepting of characteristics that an individual cannot change. Contrasting this, many opponents of lifting the ban assume that homosexuality is a choice and use this as the basis of many arguments. Unfortunately,

research has not yet yielded a definitive answer to this question. Both sides of the debate are armed with ultimately inconclusive scientific studies. What follows is a brief overview of several studies that have attempted to settle the dispute.

Several studies in the early 1990s examined the sexual preferences of identical twins and fraternal twins in the hopes of finding a genetic linkage to sexual orientation. Since identical twins have 100 percent of nuclear genetic material in common and fraternal twins have only 50 percent in common, if

a high percentage of identical twins share a characteristic (such as green eyes) while a lower percentage of nonidentical twins share that trait, it suggests there is a genetic basis. Conversely, if identical and nonidentical twins share a characteristic at equal rates (such as preference for the color red), it suggests there is not a genetic basis. With homosexuality, a number of twin studies attempted this type of isolation, and while early studies seemed to indicate a genetic linkage, follow-on studies found the error rate too high based on sample selection.²³ Repeat studies showed a genetic linkage, if it existed, was only moderately heritable and not in the simple Mendelian model.²⁴

In a different approach, in 1993 Dean Hammer and others initially found a strong genetic linkage in male homosexuality dubbed by the press as the “gay gene.”²⁵ Their studies involved examining the X chromosome of homosexual men (homosexual brothers and their family members). Yet follow-on studies in 2005 and a complete analysis of the entire genome found a weaker correlation.²⁶ Even



Former Chairman of the Joint Chiefs of Staff, General Peter Pace, USMC (Ret.), stated that homosexuality is a “sin” in a 2007 interview

U.S. Navy (Javier Cepeda)

anthropomorphic differences in homosexuals such as left-handedness, spatial processing, and hypothalamus size²⁷ that seem to argue for a genetic linkage can also be explained by prenatal differentiation through pathways yet to be elucidated.²⁸ Though these scientific studies give compelling evidence that there is some biological basis to sexual orientation, possibly genetic, and perhaps something early in development or even prenatal, the exact mechanism is yet to be identified.

Anecdotal data is also compelling, as illustrated by statements from homosexual

military members: "I wish I could decide who I fell in love with; if someone thinks I would consciously choose such a life where I am forced to live in hiding and fear, knowing the bulk of the population is against you, is just crazy. I can't help who I am." "Why would I choose to suffer like this?" Ultimately, it is probable that sexual orientation is a complex interaction of multiple factors, some genetic and some developmental, and that elements of free choice exist only to the same degree that they do for heterosexuals ignoring powerful biological urges.

Taking another step back, the problem is further complicated by individual identification of sexual orientation. Frequently, individual men who have engaged in single, and sometimes numerous, homosexual acts do not identify themselves as homosexuals. Depending on the circumstances, such as prison populations that preclude sex with women, individuals treat certain events as occurring outside their sexual orientation.²⁹ The issue is far more complicated with women. Research

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indicates women's ranks include primary lesbians, who are exclusively attracted to women, and elective lesbians, who shift back and forth depending not on the gender but on the personal qualities of a particular man or woman. This is a behavior not generally observed in men.³⁰ Such studies give insight and suggest some practical steps if homosexuals are to be integrated into the military.

There can be strong similarities between settings such as prisons and the Spartan field conditions Servicemembers must at times endure and the relatively weak correlation between isolated homosexual acts and self-described sexual orientation. This can manifest itself as homophobia and severe self-discomfort from conscious or subconscious clashes of sexual desires with values gained from society, family, or religion.³¹

Though many scientific experts will no doubt be called to testify during any future debates, lawmakers will not yet find any solid ground on which to base conclusions on the immutability of homosexuality. Ultimately,

the question of whether homosexuality is a choice can be treated as irrelevant. If the ban is lifted, basic respect of privacy will be required just as when women were fully integrated into the Services. Previously, the military found a lack of sexual privacy, as well as sex between male and females, undermined order, discipline, and morale.³² Dorm and facilities upgrades will no doubt be required. Sexual harassment regulations and sensitivity training would need to be updated, and guidance from leadership would be necessary. These would not be insurmountable obstacles.

Disconnects and Challenge

As social mores shift toward a greater acceptance of homosexuals, we slowly introduce cognitive dissonance into Servicemembers. Consider that a *Washington Post* poll stated 75 percent of Americans polled now believe that homosexuals should be allowed to serve openly in the military, up from 44 percent in 1993.³³ A 2006 Zogby poll of military serving in Iraq and Afghanistan found 37 percent disagreeing with the idea and 26 percent agreeing that they should be allowed.³⁴ The poll further found that a large percentage of Servicemembers are looking the other way, with 23 percent reporting that they are certain they are serving with a homosexual in their unit (59 percent of those reporting stated they were told directly by the individual).³⁵ Growing numbers, in both the Services and those considering service, see a gap between the traditional American creed of equality for all and the DADT law. To understand the moral dilemma this creates for many, consider the likely reaction if the forces were again racially segregated. Even former Chairman of the Joint Chiefs of Staff, General Peter Pace, who publically stated his opinion that homosexuality is a sin, also said, "Are there wonderful Americans who happen to be homosexual serving in the military? Yes."³⁶ General Charles Dunlap, Jr., USAF Judge Advocate, points out that those serving want to serve honorably for what they believe to be the right causes.³⁷

The law also forces unusual personal compromises wholly inconsistent with a core military value—integrity. Several homosexuals interviewed were in tears as they described the enormous personal compromise in integrity they had been making, and the pain felt in serving in an organization they wholly believed in, yet that did not accept them. Furthermore, these compromises undermined the

very unit cohesion DADT sought to protect: "I couldn't be a part of the group for fear someone would find out, I stayed away from social gatherings, and it certainly affected my ability to do my job."

DADT also represents a unique challenge for commanders. Normally charged with knowing everything about their troops, commanders are now trying to avoid certain areas for fear of being accused of conducting witch hunts³⁸ or looking as if they are selectively enforcing a law they have moral reservations against. Vice Admiral Jack Shanahan, USN, stated, "Everyone was living a big lie—the homosexuals were trying to hide their sexual orientation and the commanders were looking the other way because they didn't want to disrupt operations by trying to enforce the law."³⁹

In the case of integration of the sexes, the U.S. military found lack of sexual privacy, as well as sex between males and females, undermined order, discipline, and morale.⁴⁰ These concerns were solved by segregated living quarters. Here the issue becomes complicated. Those opposed to lifting the ban point out that the living conditions of the military would at times make it impossible to guarantee privacy throughout the spectrum of sexual orientation. But would such measures actually be necessary? Considering that estimates put 65,000 as the number of homosexuals serving in the military,⁴¹ would revealing their identities lead to a collapse of morale and discipline? Many top military officials do not believe it would. For example, Representative Joe Sestak (D-PA), a retired Navy vice admiral, currently supports lifting the ban. He stated that he was convinced by witnessing firsthand the integration of women on board ships as he commanded an aircraft carrier group. There were similar concerns about privacy and unit cohesion that proved unwarranted.⁴² Paul Rieckhoff, executive director of the Iraq and Afghanistan Veterans of America and former Army platoon leader, illustrates an additional point: "Just like in the general population, there is a generational shift within the military. The average 18-year-old has been around gay people, has seen gay people in popular culture, and they're not this boogeyman in the same way they were to Pete Pace's generation."⁴³

What to Expect

If the ban on homosexuals was lifted, it is worth considering what impacts there



President Obama seeks to repeal the "Don't Ask, Don't Tell" policy

would be on the Services. There are potential lessons to learn from other countries that have lifted the ban on homosexuals serving openly. There was no mass exodus of heterosexuals, and there was also no mass "coming-out" of homosexuals. Prior to lifting their bans, in Canada 62 percent of servicemen stated that they would refuse to share showers with a gay soldier, and in the United Kingdom, two-thirds of males stated that they would not willingly serve in the military if gays were allowed. In both cases, after lifting their bans, the result was "no-effect."⁴⁴ In a survey of over 100 experts from Australia, Canada, Israel, and the United Kingdom, it was found that all agreed the decision to lift the ban on homosexuals had no impact on military performance, readiness, cohesion, or ability to recruit or retain, nor did it increase the HIV rate among troops.⁴⁵

This finding seems to be backed by the 2006 Zogby poll, which found that 45 percent of current Servicemembers already suspect they are serving with a homosexual in their unit, and of those, 23 percent are certain they are serving with a homosexual.⁴⁶ These numbers indicate there is already a growing tacit acceptance among the ranks.

As pointed out above, basic respect of privacy will be required just as when women were fully integrated into the Services.⁴⁷ Dorm and facilities upgrades would be needed. Sexual harassment regulations and sensitivity training would need to be updated, and guidance from leadership would be required.

Aside from the heterosexual population, changes in the behavior of the homosexual population would also be necessary. Several homosexual Servicemembers interviewed reported that given their relatively small numbers, and the secrecy they are faced with, hidden networks have evolved. These networks, built under the auspices of emotional support, have also led to violations of the military regulations governing fraternization between ranks. With any lifting of the ban on homosexuals serving openly, internal logic that condoned abandonment of fraternization regulations would no longer have even a faulty basis for acceptance.

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Ultimately, homosexuals must be held to the same standards as any others.

Homosexuals have successfully served as leaders. There are several anecdotal examples of homosexual combat leaders such as Antonio Agnone, a former captain in the Marine Corps. Though not openly gay during his service, he claims that "Marines serving under me say that they knew and that they would deploy again with me in a minute."⁴⁸ Others who have served in command posi-

tions have made similar observations that though they were not open about their orientation, they knew some of their subordinates knew or suspected, yet they did not experience any discrimination in disciplinary issues. In many cases, more senior Servicemembers' concerns went beyond how their subordinates would handle their orientation to focus on the legal standing and treatment of their partners—another vast area of regulations the Department of Defense would have to sift through since same-sex marriages are governed by state, not Federal, law.⁴⁹ Nevertheless, psychologists speculate that it will not be an issue of free acceptance. Homosexual leaders are predicted to be held to a higher standard where they will have to initially earn the respect of their subordinates by proving their competence and their loyalty to other traditional military values. The behavior of the next leader up the chain of command is expected to be critical for how subordinates will react to a homosexual leader.⁵⁰

No doubt there will be cases where units will become dysfunctional, just as there are today among heterosexual leaders. Intervention will be required; such units must be dealt with just as they are today—in a prompt and constructive fashion. Disruptive behavior by anyone, homosexual or heterosexual, should never be tolerated.⁵¹

There will be some practical changes and certainly some cultural changes if Congress and the President move to lift the ban on homosexuals serving openly in the Armed Forces. These changes will not be confined to the heterosexual populations. Education, leadership, and support will be key elements in a smooth transition even though the cultural acceptance of homosexuals has grown dramatically in the 16 years since the passage of DADT.

The 1993 "Don't Ask Don't Tell" law was a political compromise reached after much emotional debate based on religion, morality, ethics, psychological rationale, and military necessity. What resulted was a law that has been costly both in personnel and treasure. In an attempt to allow homosexual Servicemembers to serve quietly, a law was created that forces a compromise in integrity, conflicts with the American creed of "equality for all," places commanders in difficult moral dilemmas, and is ultimately more damaging to the unit cohesion its stated purpose is to preserve. Furthermore, after a careful examination, there

is no scientific evidence to support the claim that unit cohesion will be negatively affected if homosexuals serve openly. In fact, the necessarily speculative psychological predictions are that it will not impact combat effectiveness. Additionally, there is sufficient empirical evidence from foreign militaries to anticipate that incorporating homosexuals will introduce leadership challenges, but the challenges will not be insurmountable or affect unit cohesion and combat effectiveness. Though, as Congress

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clearly stated in 1993, serving in the military is not a constitutional right, lifting the ban on open service by homosexuals would more clearly represent the social mores of America in 2009 and more clearly represent the free and open society that serves as a model for the world. Ultimately, Servicemembers serving under values they believe in are the most effective force multipliers.

Repealing the ban now will be more difficult than when it was created in 1993. It is no longer a Pentagon policy, but rather one codified in law. It will require new legislation, which would necessitate a filibuster-proof supermajority in the Senate.⁵² Most likely, leadership on the issue will come from the executive branch, and President Obama's transition team has indicated it will likely tackle the issue next year.⁵³ It is also possible the law could be struck down by judicial action finding the law unconstitutional.

Based on this research, it is not time for the administration to reexamine the issue; rather, it is time for the administration to examine how to implement the repeal of the ban. **JFQ**

NOTES

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