



APA Public Interest Government Relations Office

Implementing the Repeal of “Don’t Ask, Don’t Tell”

APA supports the *Military Readiness Enhancement Act of 2009* (H.R. 1283), which would repeal the U.S. military’s “Policy Concerning Homosexuality in the Armed Forces (also known as “Don’t Ask, Don’t Tell”). The information below provides science-based answers to questions related to implementing the repeal of the military’s “homosexual conduct” policy.¹

What do we know about public support or opposition towards repealing the military ban?

Opinion polls show that a strong majority of the public and growing numbers within the military support the repeal, while some political leaders and military members are concerned about the adverse impact of such a change on the armed forces.

Are there existing data on what happens in the U.S. armed forces when gay and lesbian service members serve openly?

Yes. The gay ban was functionally suspended during the first Gulf War. There was no evidence of adverse effects on military readiness. In addition, the cohesion and performance of first Gulf War troops was widely commended.

What longitudinal evidence is available on the effect of allowing gays and lesbians to serve openly?

More than three decades ago, the first foreign military permitted gay and lesbian troops to serve openly. Currently, 24 nations allied to the U.S. have such policies in place. No study exists that reports any detrimental effect on quality or performance in these military forces.

What about unit cohesion?

The “unit cohesion rationale” is one of the key principles underlying the “Don’t Ask, Don’t Tell” policy. It argues that heterosexuals cannot form bonds of trust with gay men and lesbians, and hence unit cohesion will not develop, which is essential for military effectiveness. However, empirical research data, as well as reports from senior-level active duty officers, have concluded that there is no evidence for the alleged link between unit cohesion and military readiness, or between openly gay service and impairment of performance in the military.

Will this change result in extensive re-training and re-writing of military procedures and manuals?

No. There will not be any need to train military personnel on a policy that is withdrawn. No change will be needed to the military’s criminal law, which does not explicitly reference homosexual conduct. Most Department of Defense and U.S. military service publications reference the homosexual conduct policy only incidentally, therefore would merely need minor revisions. Existing training materials in the military already include specific instructions prohibiting harassment on the basis of sexual orientation. As such, the required functional changes to regulations exclusively relate to equal treatment of all service members, independent of their sexual orientation.

¹ Source: Belkin, A., Frank, N., Herek, G. M., Hillman, E. L., Mazur, D. H., & Wilson, B. J. (2009, May). *How to End “Don’t Ask, Don’t Tell”: A roadmap of Political, Legal, Regulatory, and Organizational Steps to Equal Treatment*. Palm Center, University of California, available at www.palmcenter.ucsb.edu.

What if a gay service member makes a romantic advance to a heterosexual team member, or openly displays same-sex affection?

The same regulations that govern heterosexual conduct on military bases should apply. The military's single code of conduct is sufficient to govern the behavior of all military staff, independent of sexual orientation.

What about social events and when service members are off duty in the military, where heterosexual couples would show affection through dancing or holding hands?

The example of the British military has shown that a norm of discretion, and the wish of service members to conform to their surrounding culture, has meant that such concerns are virtually a non-issue. British Commanders are given discretionary powers to apply the service-wide code of conduct on a case-by-case basis, and can, therefore, manage any conduct that is detrimental to good order and discipline.

Will same-sex couples receive the same legal benefits as heterosexual couples if gay and lesbian service members are allowed to serve openly in the U.S. military?

Not according to current U.S. law. Marriage and partner benefits are subject to federal law, and the Department of Defense currently relies on the *Defense of Marriage Act* to govern decisions concerning civilian employees' same-sex partners. The same rules would apply to military personnel.

Will the elimination of discrimination on the basis of sexual orientation lead to affirmative action in recruitment and retention?

No. Recruitment and retention should be solely guided by the effectiveness of the military, and follow the same standards as were applied when women and racial minorities were integrated in the armed services.

Will there be compensation for past discrimination?

For gay, lesbian, and bisexual service members whose discharge was not based on misconduct, and who comply with current enlistment standards, their re-enlistment bars should be waived, and their military service records should be corrected, if necessary.

Recommendations

APA supports the passage of the *Military Readiness Enhancement Act of 2009*, which would permanently eliminate sexual discrimination in the military, and institute a policy of equal treatment for all service members, independent of their sexual orientation.

Furthermore, according to evidence from foreign militaries that have transitioned successfully to allowing gay, lesbian, and bisexual personnel to serve openly, the following recommendations are **critical for a successful implementation of repealing the military ban in the U.S. military:**

1. The military must adopt a single code of conduct for all service members, independent of their sexual orientation;
2. Military leaders must clearly signal that they expect all military personnel to adhere to the new policy of non-discrimination on the basis of sexual orientation, and that compliance with the new policy will be rewarded while non-compliance will be severely sanctioned; and
3. Clear procedures need to be provided for effectively monitoring the new policy, and a well defined chain of command needs to be put in place for reporting problems, and for swiftly and appropriately resolving such matters.