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**“Military policy on gays is biased and must end”**

By **THOMAS J. RALEIGH**

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*"Another part of the (Army's) institutional culture is to treat others with dignity and respect. The Army allows all soldiers to serve to the best of their ability without fear of prejudice or discrimination." -- U.S. Army Field Manual 1, "The Army"*

In early December, the Supreme Court heard oral arguments in the case of Rumsfeld vs. Forum for Academic and Institutional Rights (FAIR). The case involves interesting constitutional issues connected with the Solomon Amendment, the law that allows the secretary of defense to deny federal funding to colleges and universities that prohibit military recruitment on campus.

FAIR asserts that pressuring schools to engage in activities that conflict with their own nondiscrimination policies -- in this case toward gays and lesbians -- constitutes an infringement on freedom of speech.

Should the court rule in favor of FAIR, the military will be less able to recruit quality lawyers to serve as judge advocates. Should the government prevail, we will be left with a policy that relies on intimidation and coercion to achieve its objectives.

The time has come to end the policy of "don't ask, don't tell" and allow men and women to serve in the armed forces without regard to sexual orientation.

Many people assert, and others simply assume, that homosexuality is incompatible with military service; that allowing gays to serve openly would hurt morale and, in turn, combat readiness. But dig a bit deeper, challenge that premise, consider how our armed forces have evolved over the past 60 years, and the argument just doesn't hold up.

Admittedly, the military is a unique institution. It is a physically, mentally and emotionally demanding profession that requires people to live and work in exceptionally close quarters, often for extended times. The concern some express regarding privacy ought not be dismissed as reflexive homophobia; it is a legitimate concern that needs to be defined, put in the proper perspective and thoroughly addressed.

The integration of women into the armed forces a few decades ago was not an exercise in political correctness, or equal opportunity. It was an operational necessity that grew out of the transition to an all-volunteer force. One can imagine that this transition was accompanied by similar misgivings regarding compatibility and privacy. And one can be certain that it presented

challenges to troop leaders -- particularly at the company and platoon level. However, the military adapted quickly and in good fashion.

Women now serve at every level, in every service, in all specialties but a few of the combat arms. The vast majority of male and female soldiers, sailors, airmen and Marines treat each other with mutual respect.

That, too, would be the case were we to allow gays the right to serve. Servicemen and servicewomen -- gay and straight -- will judge each other by how well they do their jobs.

Though I and others advocate the unrestricted right of gays to serve, a sensible alternative might be considered. Just as women are restricted from serving in certain specialties for a variety of reasons, it is not unforeseeable that, after careful study, gay soldiers might likewise be restricted - - perhaps only initially -- from serving in limited specialties and units, including special operating forces, submarines and perhaps certain combat arms.

Those who contend that the inclusion of gay men and women in the ranks will disrupt unit cohesion perhaps are unaware that esprit de corps is built on a number of things -- good leadership, good training, a shared pride in the unit, a common and intense commitment to the unit's mission and good discipline. They overlook that Great Britain, Israel, Canada and Australia, whose armies are all highly capable, allow gays to serve openly. Finally, they forget that commanders and noncommissioned officers have the tools and authority to take immediate and appropriate action to maintain order, high morale and combat readiness. Conduct prejudicial to good order and discipline -- however defined -- may be straight or may be gay. In either case, soldiers will be corrected, punished or separated from the service.

More than a decade ago, Sen. Barry Goldwater, a founder of modern conservatism and a retired Air Force brigadier general, wrote:

"After more than 50 years in the military and politics, I am still amazed to see how upset people can get over nothing. Lifting the ban on gays in the military isn't exactly nothing, but it's pretty damned close. The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least, and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays."

A final note on tactics. Those who advocate the end of "don't ask, don't tell" need to carefully consider how they choose to pursue that goal. This is an issue that ought to be debated openly in the Congress.

Alternatively, it could be resolved within the executive branch. That's what President Harry Truman did nearly half a century ago when he ended racial segregation in the armed forces by means of executive order.

The integration of women into the armed forces, and racial integration that proceeded it, presented challenges to military leaders, and certainly resulted in some temporary discomfort to service members. Nevertheless, these were measures that were necessary and just, and have made our military forces, and our country, stronger.

"Don't ask, don't tell" continues to exclude fully qualified men and women from serving in our armed forces. It is a policy used to justify the dismissal each year of hundreds of trained and competent service members who have served their nation honorably and in good faith.

It is a policy based on exaggerated, speculative and unsubstantiated claims that allowing gays to serve openly would adversely impact on morale, readiness and recruiting.

This policy is discriminatory, wasteful and wrongheaded. It needs to end.

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