

Running Header: ETHICAL DILEMMA (DON'T-ASK-DON'T-TELL)

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## Ethical Dilemma (Don't-Ask-Don't-Tell)

The Military policy (United States Code Title 10 and AR 600-20, Chapter 4-19) on Homosexual in the Army (Don't-Ask-Don't-Tell) is inconsistent and should be changed. It is stipulated in the United States Code Title 10 that this policy is in place to avoid infringement on individuals' privacy. If the intent is not to infringe on individuals' privacy, then as long as this conduct is not displayed in public, it should not be an issue. Additionally, I believe that if a filter is put in place at the entrance stage, there should be no issues at a later time of service.

In accordance with Article I of the constitution, there is no constitutional right to serve in the Armed Services. Therefore, it is up to the military to set the rules and guidance up front, rendering homosexuality in the military a non issue. The military bases its current policy of Don't-Ask-Don't-Tell on the fact that it will support the goal of maintaining high morale, good order and discipline. In this case, why have a Don't-Ask-Don't-Tell policy? If the policy is base on allowing service members to enlist who meet the qualification of "high moral, good order and discipline" to include the Seven Army Values (Loyalty, Duty, Respect, Selfless Service, Integrity, and Personal Courage), then this policy should be changed.

I believe the Military is taking the hands over the eye approach with this policy, knowing that there are homosexuals currently serving in the military and will always be. By no means do I condone homosexual activities because I believe it is goes against my beliefs; however, should my beliefs deny individuals the opportunity to serve their country and help to protect the freedom we fight so hard to maintain?

As far as I can remember, I have only known one or two gay or homosexual Soldiers throughout my 22 year career in the Army and have not seen any disqualifying reasons why they

should not be allowed to serve. Often times it is impossible to identify these individuals without a confession.

A retired general of 43 years in service recently disclosed that he has been a homosexual while serving in the military. If this had such an effect on morale and good order in the military, why is it that this individual was able to be successful throughout a 43 year career, ultimately retiring as a general?

The Seven Army Values are used as a guide for Soldiers to maintain good order and discipline. Integrity is one of the most important of the Seven Army Values; therefore, if an individual is not required to state his or her sexual orientation at the time of enlistment, then in my opinion, this is a failure to show integrity.

By no means do I condone unethical acts or behaviors; however, I believe if the military implement standards or regularity guidance, then these standards should be transparent. I don't believe that the current Don't-Ask-Don't-Tell policy is transparent; instead, I see it as a pacifier and a politically correct decision. Asking sexual orientation will not filter out one hundred percent of homosexual individuals but it will be an up front and transparent policy that will bring more benefits rather than confusion, discrimination, or inconsistencies. The current policy is too vague and lenient. Bottom line, I believe if the military uses the up front policy, requiring individuals to disclose their sexual orientation, they will not have to react at a later time or event; instead, they will have the necessary policy in place to take immediate action when needed.

Installing an up front policy will not only be a deterrent to unethical or inappropriate conduct but will set clear guidance. If an individual fails to disclosure his or her sexual orientation at time of enlistment and is later determined to be in violation of this clear policy,

then he or she should receive UCMJ actions for fraudulent enlistment. In this case, individuals will not be able to use the policy (“Don’t-Ask-Don’t-Tell”) as a loop hole to dodge deployment to combat or gain premature release from the military without punitive punishment. Current “Don’t-Ask-Don’t-Tell policy has no penalty for disclosure. I believe the best way to maintain good order and discipline in the military is to have a straight forward and up front policies, not this pacifier of Don’t-Ask-Don’t-Tell sham policy.

Under the Don’t-Ask-Don’t-Tell policy a Soldier may disclose his or her sexual orientation to a Legal Assistance Attorney or a Chaplain without fear of disclosure, without Soldier’s approval. If homosexuals are not authorized to be in the Army, then it should be identified during the enlistment process. Trends have shown that a Soldier is treated no different from their peers until disclosure of their sexual orientation. Homosexual or Gay Soldiers perform and excel in all duties as other Soldiers, are as professional, and can be just as physically fit; so what is the difference?

There were many homosexuals or gays serving in the military prior to enactment of Don’t-Ask-Don’t-Tell, so what makes it a solution? As I revert back to my basic training, I perceived two of my platoon member to be gay/homosexual, based on their demeanor (feminine qualities). One of these individuals was placed in a leadership position to serve as the Platoon Guide. He was despised by the members of the platoon, not because he was perceived to be homosexual, but because of his ability to lead and not succumbing to peer pressure. He instead ensured that order and discipline was maintained in the platoon.

In accordance with the Michael D. Palmer Center (n.d), “twenty-eight Generals and Admirals call for an end to the military gay band” (Don’t-Ask-Don’t-Tell) as recently as 29

November 2007. It is further stated by *Michael D. Palmer Center (n.d)* “that there are approximately one million gay and lesbian veterans in the United States today” of which “sixty-five thousand are currently serving in the armed forces”. When the Don’t-Ask-Don’t-Tell policy was put in place, it was stated by General Colin Powel, Former Chairman of the joint Chiefs, according to *Michael D. Palmer Center (n.d)* that “it is not the place of the military or those in senior leadership to make moral judgments.”

This brings me to the questions; are we just homophobic? *Michael D. Palmer Center (n.d)* again shows that according to a statement from former Chairman of the Joint Chief, General John Shalikashvili “concluded that repealing the don’t ask, don’t tell policy would not harm, and would indeed help our armed forces.” A further example is given that other countries such as “Britain, Israel, and other nations” allow gays and lesbians to openly serve in their military, which has not affected their professionalism (*Michael D. Palmer Center (n.d)*). It was also noted that “72% of returning Iraq and Afghanistan war veterans” state that “they are personally comfortable in the presence of gays” (*Michael D. Palmer Center (n.d)*). Other polls throughout the United States, which includes majority of Republicans, conservatives and regular church-goers, have also shown support for homosexual and gays in the military.

During these times of conflict (GWOT) it seems that our country cannot afford to discriminate among the population from which it needs to recruit. Policies are made and are sometimes often changed; therefore, why are we so afraid to try a new approach. Homosexual and gays are already among us and have neither disrupted or posed a threat to order and discipline in the military; therefore, why not change the policy for the better.

Most individuals that are discharged from the military are discharged not because of the actual conduct, but because of their orientation. I often here some of my peers say that they would not support a policy on favoring homosexuals or gays in the military; however, when asked, have they ever had any incidents with homosexuals or gays, none were able to confirm. While some may say the current policy is working, many would not object to homosexuals and gays serving openly in the military.

### Conclusion

The Military policy (United States Code Title 10 and AR 600-20, Chapter 4-19) on Homosexual in the Army (Don't-Ask-Don't-Tell) is inconsistent and should be changed. It is stipulated in the United States Code Title 10 that this policy is in place to avoid infringement on individuals' privacy. If the intent is not to infringe on individuals' privacy, then as long as this conduct is not displayed in public, it should not be an issue. Additionally, I believe that if a filter is put in place at the entrance stage, there should be no issues at a later time of service. Furthermore, with this policy, I believe the Military is taking the hands over the eyes approach; knowing that there are homosexual in the Military and will always be. Again, by no means do I condone homosexual activities because I believe it is goes against my beliefs; however, should I deny people an opportunity based on my belief? Like General Powel, I don't believe that I am in the position to make morale judgments. I will instead make decision on actual conduct. If I were President for a day I would recommend a change to the Don't-Ask-Don't-Tell policy. My recommended revision would be to allow homosexuals and gays to enter the military, provided there is no openly or publicly display of affection between homosexual partners and to ensure other Soldiers are not involuntarily exposed to this conduct. If this occurs, these individuals

should be immediately punished under established homosexual policies, to include unfavorable chapter.

Reference

GOP Candidates Challenged on Military's Gay Ban, Presidential Contenders Defend Unpopular

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