

The problem with the “DOD Homosexual Conduct Policy”

MSG SAINT-VAL, ANDRE H.; Student # 559

L 564

L 14 / L10

The US Army is a cross representation of the population of the United State with all its diversities to include cultural background, nationality, race, religion and sexual behavior / orientation. Given that fact and under the current DOD policy commonly known as “Don’t Ask / Don’t Tell”, it’s apparent that there are a small number of homosexuals serving in the military. The lack of clarity of the DOD Homosexual Conduct Policy causes a dilemma for leaders as they strive to enforce discipline and maintain good order in their units. DOD has put in place a policy that has prevented a section of the population from proudly serving their nation. The policy demands a commitment to a strict standard of conduct from homosexuals in the military that lead to these soldiers violating the Army Values by being dishonest while living a secret life and put undue stress on them as their integrity becomes questionable. The policy creates a conflict between the values of today’s leaders (as reflected by society’s more understanding views of homosexual issues) and the moral code and traditions of the military. The Homosexual Conduct Policy continues to exist solely on the basis of prejudice due to individual values and religious belief. The Army already has policies in place to deal with sexual misconduct such as sexual harassment or assault regardless of the perpetrator’s sexual orientation, discrimination, and harassment. It’s clear to me that this policy is totally unnecessary.

Looking at the policy in AR 600-20 commonly known as “Don’t ask/Don/t tell”, I cannot clearly figure out its overall purpose. DOD has stated that the suitability of a person to serves in the military is based on their conduct and their ability to meet required standards of duty performance and discipline. It further gives specific definitions for sexual orientation, bisexual, and homosexual. The punitive part of the policy deals with homosexual conduct which is defined in AR 600-20 as a homosexual act, a statement by a soldier that demonstrates a propensity or intent to engage in homosexual act or acts, the solicitation of another to engage in homosexual acts, or a homosexual marriage or attempted marriage. The policy further defines a

“homosexual act” as any bodily contact, actively taken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires and any bodily contact (for example hand holding, kissing, or slow dancing) that a reasonable person would understand to demonstrate a propensity or intent to engage in such bodily contact. It also states that a person’s sexual orientation is considered a personal and private matter and that it is not a bar to entry or continued service unless manifested by homosexual conduct as defined in AR 600-20, which constitutes grounds for discharge from military service.

In my opinion, this policy makes it clear that DOD is fully aware that there are homosexuals serving in the military today. Their goal appears to be to put in place a restriction on their personal and sexual conduct as a condition for them to remain in the military and to set the conditions to discourage them from joining the military in the first place. In evaluating this policy, I referred to the Army Values, the Soldier Creed, and the Warrior Ethos to determine any moral issues involved with homosexual conduct. Based on my evaluation, I can honestly say that I didn’t find any legitimate basis for the policy. This policy seems to be only a temporary fix to the actual issue facing the military which is: Do we allow homosexuals to serve in the military? This should be a “Yes or No” question but as it stands right now, it’s anyone’s guess. The only thing the policy has done is to pacify gay rights activists and the most senior leadership by attempting to please both sides.

Homosexual conduct, a private and personal matter, doesn’t in anyway adversely impact the mission nor contradict the Army Values. It also has no effect at all on an individual’s ability to perform his duty or to lead others. Looking back, I can remember when the thinking was that having homosexuals in the military would disrupt the good order and discipline in the unit. In the past some soldiers have voiced their objections to serving with homosexuals because of their own personal belief and homophobic bias. As a result, they have sometimes taken it upon

themselves to inflict physical injuries to the other soldier. Such actions usually create a bigger discipline problem for the unit's leadership and severely disrupt unit cohesion. I don't think any leader today can justify unit readiness or combat effectiveness as a reason for not having homosexuals in the Army. Some soldiers have even taken advantage of this policy to get released from the military by claiming that they're homosexual because they realize at the time that this type of discharge will not affect their future. Laws have been passed to ensure that there is no discrimination against homosexuals in the civilian and government sectors. Although the Army also has policies against such behaviors, now and then, we continue to hear about instances of harassment, humiliation, and physical abuse of homosexual soldiers on our military installations. A closer examination will reveal that the homosexual conduct prohibited by the policy is not in violation of laws in most states and those states that still have them on their books have not bother to enforce them in the past 15 years.

It's also my opinion that this policy should be discarded because it doesn't have any legal or moral basis. It's really unfair to let an individual join the military regardless of their sexual orientation and then to put in place a policy to discharge them from service for engaging in sexual conduct or acts that are natural for him or her based on their sexual orientation. It seems like the senior military leadership thinks that relationships (personal and sexual) among homosexuals are a bad habit that they can easily give up or abstain from while in the military. They seem to forget the fact that these soldiers, just like everyone else, have emotional and sexual needs. It's ridiculous to think that these soldiers would refrain from sexual activities just because there is a policy against it.

The US Army has done a great job creating a very professional environment where soldiers can excel regardless of their race, religion, gender, nationality or color. Throughout history, the military has successfully dealt with several other social issues just like

homosexuality. It doesn't make sense that DOD would be willing to let homosexuals serve in the military as long as they don't openly express their sexual orientation or engage in any sexual acts. This stipulation forces those soldiers to make an additional sacrifice (abstinence from sexual gratification or any type of personal relationship) not required of any other members of the military.

Lastly, it's the same old thinking that has attempted in the past to keep women and minorities out of the military on the pretense that it'll be detrimental to the good order and discipline of units. The DOD should instead focus its energy on educating the military and incorporate this issue into the Consideration of Others and sensitivity training and allow those soldiers to serve their country with pride and dignity just like everyone else.