

THE REPEAL OF THE “DON‘T ASK, DON‘T TELL” POLICY: THE CHALLENGES  
THAT THE LEADERSHIP WILL FACE.

By

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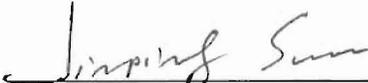
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## Executive Summary

Significant changes are coming to the United States military. The repeal of DADT would call for the elimination of the military's "Don't Ask, Don't Tell" policy and an official normalization of homosexuality within the U.S. armed forces, persons found to have a homosexual orientation will no longer be discharged from the military.

The greatest challenge posed by the normalization of homosexuality within the armed forces is not the fact that homosexual persons will serve in uniform. Given the distribution of homosexuality within the population, courageous service of homosexual persons has been the case from the beginning. Successful implementation requires strong leadership, a clear message, and proactive training and education.

The repeal of DADT will introduce conflicts and concerns. The purpose of this study is to do a policy analysis of the current policy and Repeal Act of 2010 to identify the issues the Leadership will be faced with and evaluate alternatives to investigate the best possible choice for the Leadership to effectively implement normalization of sexuality in the military.

It is clearly going to be a major mission for leadership to implement this change in the military, whatever the change may be. However, by keeping the military a nonsexual zone, keeping sexual orientation as personal and private matter the implementation of normalization of sexuality in the military will prove to be a safe and fair option. By comparing consequences and looking at what constraints the future may hold along with the feasibility of each alternative the best decision can be made for the armed forces. The leadership will be able to educate and train all personnel in order for an effective implementation.

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## **Chapter 1: Introduction: Purpose and significance of study**

In 1993, after many months of study, debate, and political controversy, Congress passed and President Clinton signed legislation establishing a revised policy concerning homosexuality in the armed forces. The new legislation reflected a compromise regarding the U.S. military's policy toward members of the Armed Forces who engage in homosexual conduct. This compromise, referred to as —Don't Ask, Don't Tell (DADT), holds that 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 which are the essence of military capability. Service members are not to be asked about, nor allowed to discuss, their sexual orientation (DADT, 1993). From 1993 onward, homosexual activists have seen the removal of —Don't Ask, Don't Tell” as a major policy objective, and with recent actions, the objective has been realized.

### **Background of the problem**

Significant changes are coming to the United States military. Legislative debate over the policy ended Saturday Dec 18, 2010, as senators voted 65 to 31 to send the repeal legislation to President Obama, who campaigned on a pledge to eliminate the ban on gays serving openly. Eight Republicans joined 57 members of the Democratic caucus; four senators did not vote. It appears that the repeal of DADT would call for the elimination of the military's —Don't Ask, Don't Tell” policy and an official normalization of homosexuality within the U.S. armed forces, persons found to have a homosexual orientation will no longer be discharged from the military (O'Keefe,2010). So, now that the full normalization of homosexuality in the U.S. military may happen, is the military ready for all that this means?

There are realities that frame the significant nature of this policy change. The recognition that integrating gays into certain combat roles of the military is going to be a much tougher effort than the political leadership says it will be. It can affect recruitment, retention, morale and, possibly, readiness, and unit cohesiveness simply because the views of the people of this country are not uniform in their view of gays and lesbians. There are two key substantive issues that affect the politics: How would repeal be implemented and what would be the impact of repeal if properly implemented? This will be what the leadership in the military will have to figure out. For the first time, groups defined by sexual identity and sexual behavior will become protected classes within the U.S. armed forces. Groups sexually identified have not been kept separate; they have not been identified as race and gender have in the past. Until the military was racially integrated, groups identified by race were kept apart and until woman were allowed; groups identified by gender were kept apart. This is not merely a possibility; if homosexuality is normalized within the military, it is inevitability.

### **Statement of the Problem**

The leadership in the military will have their work cut out for them. The greatest challenge posed by the normalization of homosexuality within the armed forces is not the fact that homosexual persons will serve in uniform. Given the distribution of homosexuality within the population, courageous service of homosexual persons has been the case from the beginning. Doing away with this policy still awaits a certification process, but simply revoking the law prohibiting openly gay service will not be nearly enough to alter military life as usual. The greatest challenge will be how the leadership deals with this change. How is such a change imposed on individuals and redefine unit cohesion after that moral revolution?

The military serves under a clear set of rules and expectations. When homosexuality is normalized in the armed forces, an entire interconnected network of laws, regulations, directives, and policies will eventually shift as well. As those pushing for the normalization of homosexuality understand all too well, any policy that meets that objective will necessarily sanction personnel who do not conform to the new expectation. In other words, there will be an automatic reversal of the prevailing military logic on the question of homosexuality. At present, the armed forces operate under policies that identify open homosexuality as incompatible with military service. With a single stroke of legislation, that policy will not only be repealed, it will be reversed. Homosexuality will be transformed from something that is officially —incompatible with military service” as stated in the DADT policy, to a reality that must be protected by rules and regulations about discrimination, advancement, promotion, and military culture (DADT, 1993).

The armed forces are professional service men and women who go to war and are issued challenging and life-threatening missions on a daily basis. People feared the burdens of integrating women, and African Americans into the ranks, but the change happened, and armed forces are a stronger, more unified fighting force. However, not every service member will be able to handle this change and how someone is forced into sharing bathroom facilities or living quarters with those they know to be gay or lesbian will become an issue. What will this mean for those in the armed forces who believe, based on their sincere religious convictions, that homosexuality is a sin? Advocating or articulating such a viewpoint will be contrary to the military’s official stance and policy and many personal beliefs. As we are being sensitive to the needs of the gay service men and women, will the

repeal afford the considerations of the straight service members? With this change, there will many challenging questions and issues that the leadership will be faced with.

### **Methods and Procedures of the Study**

The policy analysis approach will follow the —Eightfold Path to More Effective Problem Solving” recommended by author Eugene Bardach. This includes: 1) Define the problem; 2) Assemble evidence; 3) Construct alternatives; 4) Select the criteria; 5) Project outcomes; 6) Confront the trade-offs; 7) Decide; and, 8) Tell the story.

To develop a full understanding, Internet searches were conducted to identify the details of the current DADT policy and the new bill that was recently put forward in the 111<sup>th</sup> Congress to repeal the policy. Using information from the sources will strengthen the findings and enhance knowledge and information obtained. A research of several publicly available sites for data such as recent surveys will be used. A review of the military's decision to end racial segregation in the 1950s and the admission of women to military service in the 1970s will give insight and understanding of ways to bring about big change. The repeal of DADT has many similar concerns that arose during the time of women integrating into the military. Despite the growth of equal rights in America, many military men continued to argue that women did not belong in the military, or at least not in combat. The reasons ranged from concerns about the physical weaknesses of women and their inability to carry their load, to fears of women being wounded, taken prisoner, or raped by the enemy, to worries about the threat to male warrior values and customs (Godson, 2001). The repeal will take time to fully work itself through military policy from top to bottom. However, it will not likely take the decades that racial integration took in the military. Blacks through the early years of the war

still fought and died in segregated units. Gays have always and are now serving, fighting and dying in America's armed services and wars.

### **Importance of the Study**

An officer candidate in the military with 15 years active duty will be in a position to deal with issues that will arise with the repeal of the policy. A full understanding of what to expect and how to assist with the changes is helpful for leaders in the armed forces. The organization as a whole will be able to utilize information and make appropriate training decisions to serve both sides. The repeal of the "Don't Ask, Don't Tell" policy represents a huge cultural shift for the nation, and one that will come with a countless array of consequences. The repeal of the policy will not mean the end of the military, but it will mean a very different military. Not all members of the armed forces will be affected the same; it will not be easy but the military will do it, because it always does what is asked of them to do. The normalization of homosexuality within the U.S. military will have effects far beyond the armed forces. Understanding the consequences from all spectrums and how the military can deal with these concerns before they happen will help with a more effective transition.

## Chapter 2: Statement of the problem

On March 2, 2010 the Secretary of Defense issued a memorandum directing the comprehensive review on the implementation of a repeal of 10 U.S.C. 654 (section 654 of title 10, United States Code) which will allow homosexuals to serve openly in the military. However, the policy remains in place until the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify that repeal will not harm military readiness, followed by a 60-day waiting period. Accompanying the memorandum were the following seven established objectives and scope of review.

1. Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.
2. Determine leadership, guidance, and training on standards of conduct and new policies.
3. Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.
4. Recommend appropriate changes (if any) to the Uniform Code of Military Justice.
5. Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.
6. Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.
7. Evaluate the issues raised in ongoing litigation involving 10 U.S.C. 654 (DADT Repeal, 2010)

There is no immediate effect on the current policy until all of the requirements and certifications required as set forth in the repeal are met. If not all the stipulations are met, policy will remain in effect with no change.

### **Problem Definition**

The leadership in the military is faced with another significant change. The U.S. military has in the past made two significant and largely successful transitions in the face of opposition among the uniformed force: racial integration and gender integration

It is clearly going to be a significant task for leadership to implement this change in the military. There are two key substantive issues that affect the politics: How would repeal be implemented and what would be the impact of repeal if properly implemented?

Critics of repeal, such as Senator John McCain, focus on the impact as if careful implementation will not take place, concentrating on issues such as unprofessionalism, religious objections, living quarters, and sexual orientation being a protected class. With proper leadership and the existing military policy and standards of conduct, implementation can be achieved (Heineman, 2010).

### **Major Stakeholders**

Major stakeholders are the military, the public, and the Obama administration. The Obama Administration is a stakeholder because it feels obligated to defend all properly enacted federal laws as long as they are even arguably constitutional, along with past promises Obama has made. The deal he made with Secretary Gates and the Joint Chiefs is this: I will let you control the process, write the rules, and move things along at a deliberate pace. In return, you will promise not to publicly oppose repeal. DADT repeal will take a little longer, but it will end up having the support of the military leadership and will therefore

be less argumentative and more permanent. This is a win for both Obama and the military (Drum, 2010).

Public opinion polls reveal shifting public sentiment toward gay men and lesbians in the U.S. military. The public includes both current and potential future Service members, military families, and others who may influence Service members' views and attitudes. In the early 1990s, polls by major national polling and news organizations consistently indicated that 50–60% of the American public supported allowing gay men and lesbians to serve in the military, and around 40% supported allowing gay men and lesbians to serve openly. In the years since, polls indicated that public opinion has shifted toward greater support of open military service by gay men and lesbians (Polling data, 2010).

The military is a major stakeholder; each member will be affected by the repeal in some way. Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to Department of Defense policy to sustain unit effectiveness, readiness, and cohesion.

### **Goals and Objectives**

Successful implementation of a repeal of Don't Ask, Don't Tell requires strong leadership, a clear message, and proactive training and education. The goals for leadership to achieve this difficult but inevitable change are:

1. Proper training of the leadership on how to handle issues as they arise.
2. Training on standards of conduct and new policy for all personnel.
3. An effective implementation.

Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DOD policy to sustain unit effectiveness, readiness, and

cohesion. There needs to be 100% accountability with training and education prior to the repeal as well as ongoing training following the repeal to have effective implementation.

This includes specific training in the deployed environment as well as at homeports.

### **Measures of Effectiveness**

Experiences from history have highlighted the importance of effective leadership in the process of implementing change. Though there are fundamental differences among matters of race, gender, and sexual orientation, it is believed that the racial integration of the U.S. military in the 1940s and 1950s and the gender integration of the military that took place largely in the 1970s present some useful historical lessons. A lesson that was taken from these changes is in matters of personnel change within the military, predictions and surveys tend to overestimate the negative consequences for unit cohesion and military effectiveness, and underestimate the U.S. military's ability to adapt and incorporate diversity within its ranks (Report of the Comprehensive Review, 2010).

The likelihood that the military will be able to implement this change is good. The service of homosexual persons has been the case from the beginning. With new policy set in place and a strong leadership committed to the policy the implementation of this repeal will be feasible.

Public support as well as military support will give an insight on to how well the repeal will be effective. Those who are making assessments must consider social cohesion. Contrary to almost all previous studies of unit cohesion considered in the DADT debate, commitment to task is not the only determinant of cohesion; whether service members like their coworker's matters and whether they have pride in their unit matters. These forms of cohesion are independently and significantly related to performance (Schaub, 2010).

Equity in the decision to keep status quo, make changes to the repeal keeping gender a nonsexual zone, repeal amendments or to repeal DADT is difficult to measure. The distribution of the policy's costs, benefits, and risks across the armed forces will measure that effectiveness. Discharges due to homosexuality will decline and the number of recruits will correspondingly increase. However, negative consequences may arise due to poor response to the change or the loss of individuals who cannot deal with the change. Will the change be measured as a fair process or have equal outcomes?

One of the objectives to be met before repeal goes into effect is to identify appropriate ways to monitor workforce climate and military effectiveness. In order to better measure the effectiveness of leadership, the climate and actions will be assessed over time, after the repeal is reversed and the members of the military deal with the change (DADT, 2010).

## **Potential Solutions**

1. Status quo: There is no constitutional right to serve in the armed forces.  
Reinforcement of military policy and conduct; awareness of consequences if noncompliant. Service core values, customs, courtesies, and traditions define acceptable behavior.
2. Making changes to the Repeal Act of 2010. Keep nonsexual zones maintaining sexual orientation as personal and private matter. Sexual preference should not be a question or be open in the military for heterosexual or homosexual. Nonsexual zones allow a special kind of trust. Sex is a non-issue in a nonsexual zone.

3. Repeal amendments including separate housing, the option to opt out of living with a homosexual if not desired and the option to separate from active duty if not comfortable with serving with homosexual service members.

It is clearly going to be a major mission for leadership to implement this change in the military, whatever the change may be. The major stakeholders play a part in this decision. By comparing consequences and looking at what constraints the future may hold along with the feasibility of each alternative the best decision can be made for the armed forces. The Leadership will be able to educate and train all personnel in order for an effective implementation.

## Chapter 3: Policy Alternatives

The problem before us is not whether the military prepares to make this change, but how we best prepare for it. Which alternatives might be considered to produce the best outcome?

### Description of Alternatives

#### *Status Quo*

Currently, the military adheres to the 1993 policy referred to as Don't Ask, Don't Tell policy (DADT). It holds that 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, which are the essence of military capability (DADT, 1993). Current circumstances keep homosexuals from openly serving in the armed forces. Service members are not to be asked about, nor allowed to discuss, their sexual orientation. The policy holds that if a member of the armed forces shall be separated if the member engages in a homosexual act or states that he/she is homosexual. The Don't Ask, Don't Tell policy was viewed as the best decision the leader could make at that time, but is it what is best today. There is no immediate effect on the current policy until all of the requirements and certifications required as set forth in the repeal are met. If not all the stipulations are met, policy will remain in effect with no change.

#### *Keep a nonsexual zone*

Sexual preference is not a question that affects the mission or the ability for one to do their job. Making changes to the repeal before the certification. Sexual preference should not be a question or be open in the military for heterosexual or homosexual. If the military changes its policy, one's own gender becomes a sexualized zone. Understanding then dictates that in a

sexualized zone, separate showering, dressing, and rooming facilities are required.

Historically, one's own gender has been a nonsexual zone. DADT may be one of the last vestiges of this taboo. Sexual taboos function in society to keep certain areas of our lives nonsexual. A person does not have to wonder if someone else's sexual preference is in transition. A person does not have to worry about problematic sexual innuendoes. A person does not have to wonder if what was said or what was done carries some sort of sexual implication. (Bernard, 2010). This shift means that women can no longer group-shower, undress, or room with women because that action takes on the same problematic innuendoes as doing all those things with men; And the same problems apply in reverse for men.

#### *Repeal Amendments*

As planned for the near future, the repeal will not allow the heterosexuals to have a choice in how they respond to the change. The repeal is not allowing any option to opt out of military or living arrangements if not comfortable with the change. Policy amendments including separate housing, the option to opt out of living with a homosexual if not desired and the option to separate from active duty if not comfortable with serving with homosexual service members will allow for a more equitable implementation. To allow the trampling of heterosexual rights to allow homosexual rights is not consistent with military values.

#### *Repeal of DADT*

As of now, the repeal of the DADT policy that was initiated in March 2010 is in line to happen sometime this year. The elimination of the military's DADT policy put in place in 1993 and an official normalization of homosexuality within the U.S. armed forces may take place. The repeal will be a reversal of the policy; it will allow for homosexual service members serve openly.

## **Future consequences**

The consequences faced today will be faced tomorrow if the policy remains the same. The military forces individuals to lie about whom they are to serve in the armed forces. Homosexual activists will continue to fight for the removal of the Don't Ask, Don't Tell policy. Unnecessary separations of good men and woman will continue to occur and valuable assets of the military will be lost.

By changing the Repeal Act keeping a nonsexual zone, the military would eliminate unnecessary loss of members. There will be no loss due to being gay and no loss due to not being comfortable to be serving with someone gay. By allowing homosexuals to serve and not broadcasting, it can eliminate the negative effects. The repeal will have little if no immediate effect. It will not create an influx of homosexuals into the military, because the law did not keep gays out of the military. It is unlikely to cause gays who were closeted in the military to suddenly "come out" because if it was their intent to be open about their homosexuality it is unlikely they would have joined the military to begin with.

In the event that amendments are made to the Repeal, financial implications will indeed be a consequence. If the repeal allows separate housing for the homosexual, money will be spent on building necessary accommodations. Members given the option to opt out of the military can lead to retention and recruitment consequences. These changes can cost military members and money.

The repeal of DADT will introduce conflicts and concerns at the small unit level and will take away from the actual training leading to war. You cannot force someone to change what he or she believes. This policy change has a chance of endangering the lives of our nation's sons and daughters. Our infantrymen/women bunk together, shower together and

eat together; they locate, close with, and destroy the enemy together; they are able to stare death in the face because they do it together. Once the repeal goes into effect open homosexuals will call for the military to make modifications to recognize and accommodate homosexual living arrangements and partner benefits.

### **Spillovers and externalities**

The leadership will be able to implement the change but will not be able to change a member's moral view. The military will face several spillovers when the Don't Ask, Don't Tell policy is repealed. An openly gay service could have any negative impact, effecting unit cohesion. This policy can weaken military recruitment and retention. The military can also be challenged with dealing with hate crimes and the possibility of unnecessary deaths. Issues of bunks and showers will be obstacles with the repeal of the military's Don't Ask, Don't Tell policy.

Regardless if it is repealed completely or adjusted in any way, a matter of the benefits for families of service members with same-sex partners will be a spillover. Same-sex partners and non-legal children of service members will not be recognized if homosexuals. A growing population of now open homosexuals will call for the military to make modifications to recognize and accommodate homosexual living arrangements and partner benefits.

On the other hand, if the policy is not repealed the military will continue to lose men and women and spend dollars on discharges. Critical skill shortages such as Arabic linguists, fighter pilots and doctors have been discharged solely because they were gay at a time when we need them most while fighting two wars. Hundreds of millions of taxpayer dollars have been spent through the costs of gay investigations and discharges, and in then training their replacements, according to the Government Accountability Office (Cleghorn, 2010).

This repeal may just be a stepping-stone. Some new externalities may arise including the allowance of transgender members and the change of the Marriage Act to allow for gay marriage. With the focus on only openly gay service men and women serving it opens the argument up for other groups' rights.

Following repeal, training should have to be a military wide operation to include family and civilians that work with the military. This change will not only be imposed on the members of the armed forces but also on the families. The required training necessary as part of the repeal of the ban on gays and lesbians serving openly in the armed forces needs be given to members of all the branches of the military as well as the military dependents.

In the event service men and woman have the option to opt out of the military and recruitment and retention suffer we may be faced with a draft. Men and women of a definite moral character may begin to decline military service, particularly the sort that is inclined to volunteer for combat duties.

A positive externality will occur if the option to amend the current repeal and allow for separate housing for the gay service members. This alternative will bring job opportunities following the changes. New housing facilities will need to be built on all military bases.

### **Constraints and political feasibility**

Officials and policymakers are willing to accept and support the repeal to the DADT policy. The Senate and House of Representatives of the United States of America in Congress already enacted a bill. The bill is to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as "Don't Ask, Don't Tell".

The constraints for repeal fall within the bill. There are seven objectives and scope of the ordered review that accompany the Secretary's memorandum. Until all the objectives are met, an effective date remains unknown. The effective date does not take effect until 60 days after the date on which all the requirements and certifications are met and if they are not met, the policy will remain in effect. The leadership will have to adapt, educate, and train accordingly. Issues will arise and future consequences will have to be dealt with. Questions will come up and leadership will have to take the lead.

## Chapter 4: Alternative Selection

### Criteria for recommending alternatives

With the repeal in place, but not yet effective, an alternative is still a possibility. With varying possible alternatives, the alternative used to change the normalization of homosexuality in the military should take into consideration feasibility, effectiveness, spillovers, and equity.

The effectiveness of the policy alternatives will be based upon experiences with change and the feasibility of the alternatives will be judged by the ability for policy changes to be made and leadership's ability to implement the change. Equity for all members heterosexual and homosexual will be taken into consideration along with the many spillovers the alternative chosen will cause.

Feasibility and effectiveness are the most vital criteria in selecting an alternative. Feasibility is crucial because it is the initial step in the process. If an alternative is not feasible, then there is no need to attempt implementation. The next crucial criterion is effectiveness. The alternative must yield effective results or it is a failed solution. The appropriate alternative must be feasible and have a high degree of effectiveness. Spillovers and equity play a significant role in selecting a productive alternative as well. Spillovers play a role in the process, for every action there is a reaction. The alternative must be selected based on the spillovers it imposes. The solution may be beneficial in one aspect, but the counter effects may do more damage in another aspect. Therefore, the solution is not productive because of the unexpected consequences. Because this is an ill-structured problem, not all the consequences and outcomes are known. Equity is not always achievable but the best alternative to provide for all stakeholders should be chosen. While affording for

the homosexual military the alternatives should also keep the considerations of the heterosexual military.

### **Determination of preferred alternative**

—One does not install a part in a machine, no matter how excellent that part may be in itself, unless it will fit and work smoothly with other parts.”  
Admiral Chester Nimitz

Considering feasibility, effectiveness, spillovers, and equity the best alternative for leadership to effectively normalize homosexuality in the military is to keep gender as a nonsexual zone. Feasibility and effectiveness are the most significant criteria for the selection process because feasibility determines whether it is doable and effectiveness determines whether it resolves the problem. The latter two criteria are important in the selection process as well.

The current policy did not keep gays out of the military. The repeal is unlikely to cause gays who were closeted in the military to suddenly —come out” because if it was their intent to be open about their homosexuality it is unlikely they would have joined the military to begin with. An effective and feasible alternative will allow the military to allow for normalization of sexuality in the military with minimal negative spillovers and effective implementation.

Implementing change does take time and does not happen overnight. Lessons from history are proof of that with the changes the military has endured. Services adopted integration plans in 1949 and 1950. However, it was not until 1953 that 95% of African-American soldiers were serving in integrated units and not until the 1970s that Navy ships were fully integrated. Gender integration of the military has occurred at a slower pace than racial integration and to this day is still integrating women. These events did not happen

without resistance or controversy the initial concerns most frequently raised were predictions about negative impacts to unit cohesion and military effectiveness (Cashdollar, 2010).

However, with strong leadership and a clear message, change is feasible.

The likelihood that the military will be able to implement this change is good. The service of homosexual persons has been the case from the beginning. With the policy alternative set in place and a strong leadership committed to the policy the implementation of this change will be feasible.

Sexual preference is not a question that affects the mission or the ability for one to do their job. It does not need to be open in the military for heterosexual or homosexual. Making changes to the Repeal Act and keeping a nonsexual zone will allow for an effective implementation with minimal spillovers. The bases of the phrase —Don't Ask, Don't Tell" should still be maintained. It comes from two aspects of the law and policy; first, under DOD policy, sexual orientation is considered to be an —a personal and private matter" and Service members and military recruits are not asked to reveal their sexual orientation (—Don'Ask"). Second, under both the law and policy, a statement by a Service member that he or she is gay is—in addition to homosexual acts and marriage (—Don't Tell). As the old saying says, —what we don't know won't hurt us."

### **Outline of implementation strategy**

This change is happening soon. With the alternative to keep the military a nonsexual zone the implementation strategy is easy and for the most part nonexistent. With the fact being that homosexuals already serve in the military there will not be much to implement. The changes will be taking away a law rather than adding one. The alternative will leave sexual orientation as a personal and private matter and Service members and military recruits

will not be asked to reveal their sexual orientation. The reality is that the homosexual service members want to be able to serve without consequences and this alternative will allow that.

In the event that issues do arise from a member being out in the open then leadership will have to be trained. Training is crucial for all members. Training is already starting in the military. What the military needs to reiterate that regardless of sexual preference, race, or gender a Service members' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion. Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect. Concerns for standards in the event of change to the policy can be adequately addressed through training and education about how already existing standards of conduct continue to apply to all Service members, regardless of sexual orientation following the changes.

### **Provisions for monitoring and evaluation**

Climate surveys are given in the military on a regular basis. With surveys, a feel for how the change is affecting the military can be assessed over time. It will up to the leaders to assess the surroundings and make sure the change is being implemented properly and with minimal consequences.

### **Limitations and unanticipated consequences**

The majority of the leadership in the military joined when the 1993 policy was already in effect. Most of their military career if not all has been operated under this policy. A limitation to this alternative is that leadership may be the hardest one to adjust to the change but are the most important ones for the implementation of the change.

An unanticipated consequence for the alternative would be for the perception of the homosexual community still looking at it as if they are lying to serve in the military. By not being openly gay in the military, it eliminates many of the safety issues for both homosexual and heterosexual members.

Long-term externalities will be the possibility of retention being affected. There still may be several individuals not ok with the change that opts to get out of the military when there time is up. Depending on the number, the military may face a draft if the numbers are extensive.

Long-term spillovers will be the questions of benefits and marriage for homosexual members. They will be able to serve in the military but are not afforded the same benefits that the heterosexual members are. The revision of portions of the Uniform Code of Military Justice (UCMJ) will be a long-term spillover as well. As of now, the homosexual sodomy is against the UCMJ.

Service members shall be evaluated only on individual merit, fitness, and capability. Service-level policies and basic military values call for treating every military member with dignity and respect. Sexual orientation may not be a factor in accession, promotion, or other personnel decision-making.

## **Chapter 5: Summary, Conclusion, and General Recommendations**

### **Summary**

As it exists, DADT specifies that the "Don't Ask" provision mandate that military or appointed officials will not ask about or require members to reveal their sexual orientation. The "Don't Tell" states that a member may be discharged for claiming to be a homosexual or bisexual; or making a statement indicating a tendency towards or intent to engage in homosexual activities.

A bill to repeal DADT was passed in 2010. However, the implementation passage of the repeal act does not result in the immediate repeal of DADT. Under the terms of the new law, the President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff must certify in writing that they have reviewed the Pentagon's report on the effects of DADT repeal. That the appropriate regulations have been reviewed and drafted and that implementation of repeal regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Once certification is given, a 60-day waiting period will begin before DADT is formally repealed (Repeal Act, 2010). Whether the repeal is certified or not the leadership in the military will be faced with a challenge.

### **Conclusion**

According to the Don't Ask, Don't Tell Repeal Act of 2010, there is no immediate effect on current policy. The policy shall remain in effect until such time that all of the requirements and certifications required are met. In January 2011, Pentagon officials stated that the training process to prepare troops for the repeal would begin in February and would

proceed quickly, though it might not be completed in 2011 (Leff, 2011). As the training is being implemented urges to delay are occurring, Representative Duncan D. Hunter announced plans in January 2011 to introduce a bill designed to delay DADT repeal (Maze, 2011). As with two significant changes in the military: the decision to end racial segregation in the 1950s and the admission of women to military service the normalization of sexuality in the military will prove to be a long process with several challenges for the Leadership to take on.

## **Recommendations**

The repeal is only going to allow homosexuals to serve without the fear of being discovered and discharged. It is not going to furnish benefits or acknowledge marriages for significant others; it will be in violation of Defense Marriage Act, it is not going to make provisions to the UCMJ.

Sexual preference is not a question that affects the mission or the ability for one to do their job. It does not need to be open in the military for heterosexual or homosexual. The fact the military can and does discriminate against handicapped, obese, tall/short people, etc. Nobody has a right to join the military; it is a privilege with very specific entrance requirements. When someone joins the military, they are not able to continue to be who they truly are; women are not able to have faddish hair colors, wear bright colored makeup. Men and women both have to have their hair within certain standards. There are height and weight standards for everybody. The military is set by their own standards. At boot camp members are stripped of their first names and put in a uniform, hair is cut and standards are maintained. Nobody is asking anybody to lie about whom they are; the military is just simply asking everybody to conform to the regulations set forth for everybody no matter

color, gender or sexual orientation. Making changes to the Repeal, keeping gender as a nonsexual zone allowing for an effective implementation with minimal spillovers. The leadership will be able to implement the normalization with minimal consequences, equity for homosexuals and heterosexuals. If DADT is repealed, it could possibly cause harm and make soldiers, sailors, airmen and Marines question if they want to continue their sacred and honorable duty. Without an emphasis on being a sexually open military, all members, heterosexual or homosexual will be able to serve concentrating on the mission.

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## **APPENDIX A: IRB APPROVAL**



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**Date:** 19 January 2011

**To:** Hilary L. Sweat, PPA Student

**cc:** Paul Newberry, IRB Chair  
 Jinping Sun, Public Policy & Administration Department

**From:** Steve Suter, Research Ethics Review Coordinator

**Subject:** Protocol 11-12: Not Human Subjects Research

Thank you for bringing your protocol, "Policy Analysis of the 'Don't Ask, Don't Tell' Policy in the Military" to the attention of the IRB/HSR. On the form "Is My Project Human Subjects Research?" you indicated the following:

I want to interview, survey, systematically observe, or collect other data from human subjects, for example, students in the educational setting. **NO**

I want to access data about specific persons that have already been collected by others [such as test scores or demographic information]. Those data can be linked to specific persons [regardless of whether I will link data and persons in my research or reveal anyone's identities]. **NO**

Given this, your proposed project will not constitute human subjects research. Therefore, it does not fall within the purview of the CSUB IRB/HSR. Good luck with your project.

If you have any questions, or there are any changes that might bring these activities within the purview of the IRB/HSR, please notify me immediately at 654-2373. Thank you.

Steve Suter, University Research Ethics Review Coordinator