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The Politics of Dancing: "Don't Ask, Don't Tell," and the Role of Moral Claims

Moral beliefs were at the heart of American debates about gays in the military and the policy labeled "Don't Ask, Don't Tell"; they shaped or shadowed virtually every public exchange on the topic. Nonetheless, the *language* of morality only rarely appeared. It's there, of course, popping up when politicians and military officers got thrown off their prepared remarks, appearing fairly frequently in letters to the editor or online "comments" on official stories (the joy of the Internet in writing recent history!) and on websites created by organizations of the religious right. But the always-useful-to-imagine visitor from another planet, trying to make sense of the millions of words and dollars and hours spent crafting policy about gays in the military, might well come away believing that the "moral" claims were a side issue, little more than a footnote to a debate about the nature of the U.S. military in the post–Cold War era. She/he/it would be wrong.

Policy discussions about gays in the military centered on questions of military efficacy rather than on the morally charged issue of sexual behavior. That was due in large part to the tactical decisions of conservative leaders. As the conservative movement strengthened and consolidated in the last decade of the twentieth century and beyond, social conservatives approached the issue of gays in the military with increasing political sophistication. While outspoken members of the religious right might rail against the sin of homosexuality and, not incidentally, use the threat of gays serving openly in the U.S. military to raise funds and to mobilize the faithful against Democratic

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administrations, high-ranking military and political leaders—with significant stumbles—publicly avoided the language of morality. Moral issues remained paramount. The Pentagon was rife with prayer breakfasts and Bible studies on the topic of homosexuality, and the major policy working groups on the topic took the immorality of homosexuality—along with what many participants saw as its "ick"-factor—as a given.[1] However, by publicly subordinating religious condemnations of homosexuality to discussions of military efficacy and unit cohesion, these conservative policymakers hoped to reach beyond their natural constituency, appealing to Americans who worried more about security and military strength than about religious sexual prohibitions, and so creating the possibility of political bipartisanship and legislative supermajorities.

Social liberals and other opponents of the compromise that yielded the Don't Ask, Don't Tell policy, the origins of which I will describe in detail, relied initially on a moral language that echoed the civil rights struggles of previous decades. The issue was equality before the law; the movement for gay rights represented yet another step in the national struggle against the twinned evils of prejudice and discrimination. But Colin Powell, the highest-ranking African American military officer in the land, rejected the analogy with race. Most of those who accepted the analogy of racial struggles were already believers; opponents (with some coaching) tended to see the civil rights argument as selfish claims of individual rights posed against collective security and ideals of service. It might have been different were this not a contest over military policy, but the American public and its courts and elected leaders had a long history of treating the U.S. military as an exceptional institution, one whose mission transcended not only portions of civilian law but also some deeply felt American ideals. The conservative focus on military efficacy seemed a stroke of genius.

The tactics conservatives adopted in the early 1990s, however, would eventually destroy the policy they embraced. Key conservative players in these policy debates traded in moral absolutes for public attitudes, which are notoriously changeable; they traded in biblical authority (faith-based, and so unverifiable) for a testable proposition about unit cohesion. The fundamental reason homosexuals must be banned from the military, they argued, was because a majority of Americans, including young servicemen and women, believed that homosexuality was wrong. Openly gay service members would make their heterosexual peers uncomfortable; their presence would destroy trust among members of a team; it would undermine unit cohesion; it would

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destroy military strength. The conservative appeal to military efficacy had staying power, especially in the years following the attacks of 9/11, when Americans wanted assurance that the nation would be kept safe in the newly named Global War on Terror and politicians and policymakers were more than usually willing to defer to military leaders and to military claims about its own needs. The U.S. military was definitely not leading the charge for gay rights, and the outcome of tactics that effectively shifted the issue from Congress to the much more dependably conservative institution of the military pleased most social conservatives. Nonetheless, as gay rights advocates and activists continued to work both publicly and behind the scenes, as more Americans counted gay men and lesbians as friends, colleagues, or family members, as gay people became more visible in American society, as stories of military sacrifice by gay soldiers and marines accumulated and war heroes testified against DADT, the conservative argument about unit cohesion and military efficacy began to fray.

The policy struggles over gays in the military stemmed in part from the sexual liberalizations of the 1960s and 1970s, but also from the civil rights movements of that era. They were equally the product of the growth and consolidation of the religious right, some of whose most prominent leaders worked very effectively during the early 1990s to build controversy around an issue that proved to be a powerful tool for political mobilization and fund raising. And Don't Ask, Don't Tell, the convoluted and ultimately unsuccessful policy that ended the absolute ban on homosexuals but left gay men and women subject to discharge if their "status" was discovered, resulted as much from efforts to delegitimize President Clinton and his administration as from a collision of gay civil rights claims and religious opposition to homosexuality.

Military policies on homosexuality or on sex between members of the same sex, of course, were established long before the debates of the early 1990s and were shaped by new definitions of sexual behavior and identity, the changing nature of military service and of civil-military relations, the rise of psychiatric expertise, and Cold War anxieties.[2] The first man was discharged from the American military for what would eventually be called homosexuality during the American Revolution, but the U.S. military did not uniformly ban homosexuality until 1949, when the newly created Department of Defense issued a blanket regulation forbidding "homosexual personnel, regardless of sex" to serve in any branch of the military. Initial prohibitions concerned acts "prejudicial to good order and discipline" or deemed "unnatural," but there was no specific class of individual deemed more likely to engage in

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such acts. It was in 1917 that the military defined sodomy, when committed as part of an assault, as a military crime; in 1920, the definition was revised to include consensual sodomy. The prohibition of sodomy applied to homosexuals and heterosexuals alike, although there was a growing sense that "sodomists" were a category of men who were more likely than others to engage in such acts with other men.

As more Americans came to think that people had a sexual identity—in other words, that there were "homosexuals" and "heterosexuals"—the military began trying to systematically detect and weed out homosexuals rather than simply prohibiting and punishing acts of sodomy. That policy shift was aided by the rise of psychiatry. During World War II, the psychiatric profession (in a striking parallel to the advertising industry during World War I) offered its expertise to the nation and drew great postwar legitimacy from its efforts. Psychiatrists, pointing to the man-hours lost because of inappropriate military assignments and the induction of inappropriate men, became key players in the process of screening during World War II, attempting to identify those who might pose problems to military discipline and effectiveness. Homosexuality was by no means their primary target; the initial 1940 Selective Service memorandum detailing "deviations" for which doctors should screen did not even include homosexuality.[3] Nonetheless, as non-psychiatrically trained doctors attempted to identify those with "homosexual proclivities" by asking questions such as "Do you date girls?" and as gay men and lesbians received undesirable discharges, sometimes in public scandals, the ban became more broadly, if not always consistently, applied.[4] By the time American soldiers and sailors and marines were demobilized at war's end, all branches of the military had deemed homosexuals "unsuitable" for military service, although policies and practices were not fully standardized. In 1949, the newly created Department of Defense crafted a uniform policy that mandated "prompt separation" of "known homosexuals" from the military. The following year, Congress defined "unnatural carnal copulation" as a crime in the new Uniform Code of Military Justice.[5]

During the 1970s, as civil rights protections broadened and the Equal Rights Amendment (which was, as too few remember, passed with strong bipartisan support by Congress) worked its way toward ratification, several legal cases challenged the exclusion of homosexuals from the military. The Carter administration, which had pressed hard to increase the number of women in the armed forces and to improve opportunities for African Americans, also fundamentally changed regulations governing homosexuality and the military. Just days before Ronald Reagan's inauguration, Carter's Deputy Secretary of

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Defense, W. Graham Claytor Jr., set forth a new policy. Claytor, who had served as Secretary of the Navy through most of the Carter administration, championed expanded opportunities for women and took what would prove a key step in the direction of gay rights. When Annapolis graduate Vernon Berg III, who had been given an "other than honorable" administrative discharge after disclosing to his commanding officer that he was gay, sought reinstatement through federal courts in 1977, Claytor preempted the court ruling and ordered Berg's "other than honorable" discharge upgraded to "honorable." He then implemented that practice Navy-wide.[6]

Claytor's Department of Defense directive made the ban on homosexual service absolute and complete, explicitly voiding all prior regulations that allowed command flexibility or discretion. Such clarity was meant to undermine the growing number of legal challenges to discharges, most of which were based on inconsistency in the implementation of broader policy. More fundamentally, however, the new policy shifted the logic of the ban. No longer were homosexuals deemed "unsuitable" for military service. Instead, homosexuality was declared "incompatible" with military service.[7] As Randy Shilts argues in *Conduct Unbecoming*, the new policy turned away from claims that homosexuals were, as a class, incapable of or unsuitable for service, asserting instead that widespread public disapproval of homosexuality created "incompatibility." When "behavior in such a fundamental area is viewed as wrong by the majority of the unit," wrote Claytor in a memo from which the eventual 123-word policy was distilled, the presence of homosexuals "would frustrate formation of close personal bonds and would fragment the unit." Moreover, he claimed, allowing "known homosexuals" to serve would "damage the image of the military in the eyes of the American people."[8] Despite its ultimate point—an absolute ban on homosexuals—the policy was at least partially progressive. Based in part on a Department of Defense Study Group's conclusion that, because homosexual acts were "non-volitional," homosexuality should not be stigmatized, the policy now allowed gay men and women in all branches of the military to be granted honorable discharges.[9]

Claytor's concerns about unit cohesion and military image structured the final Department of Defense directive; the presence of homosexuals in the ranks, the directive stated, would make it difficult to "maintain discipline, good order and morale" and to "foster mutual trust . . . among servicemembers," as well as to "maintain the public acceptability of military service."[10] Historical context is more than usually important here. In late 1980, when this policy was crafted, the new all-volunteer force seemed on the verge of collapse. The army, in particular, was struggling to fill its ranks. Military pay,

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greatly improved early in the decade, had nonetheless been badly outpaced by inflation. Morale was generally poor; drug and alcohol abuse was endemic. Almost half of army recruits scored in the bottom allowable "mental" category by the end of the 1970s; training manuals were being rewritten, moving from eleventh- to seventh-grade reading level and then to comic books; mandated skill evaluation tests found widespread incompetence, even among those responsible for nuclear arms—and all of these problems were regular topics in America's free press. At the same time, domestic racial tensions had looked more like race warfare in the military ranks, and struggles over the need to rapidly integrate large numbers of women (a move made necessary by the end of the draft) highlighted another set of divisions in the nation. International events created a new sense of pressure on those who worried about the strength and quality of the U.S. military: American hostages were in their thirteenth month of captivity in Iran, and the Soviet Union had invaded Afghanistan the previous December.

The particular moment in the gay liberation struggle mattered as well. Gay rights and gay liberation campaigns, their symbolic origins in the Stonewall Uprising of June 1969, were having an impact on American society. In 1973, the American Psychiatric Association removed homosexuality from the category of mental illness. Many gay men and lesbians "came out" during this decade—still a high-stakes decision. But as gays became more visible in American culture during the 1970s, that visibility—in an era of (heterosexual) singles bars and of sex clubs and gay bathhouses, and at a time when popular culture and the mass media were increasingly less constrained by censorship—was highly sexualized. That highly sexualized image of gay Americans fit just as neatly with a civil rights argument as did radical feminist celebrations of menstruation with the equal rights lobbying of NOW. And while many gay men and women did see their struggles as a campaign for civil rights, the sexualized images that often represented "gay liberation" (or, for that matter, "women's lib") were at least as visible in the American media.

Both the struggles of the U.S. military to recruit enough quality volunteers and the increasingly sexualized culture of young Americans, straight or gay, may well have worked against the civil rights arguments made by military personnel such as Leonard Matlovich during the 1970s. On September 8, 1975, T/Sgt. Leonard Matlovich appeared on the cover of *Time* magazine in his Air Force uniform; in bold black letters across his chest ran the words, "I AM A HOMOSEXUAL." *Time*'s story, titled "The Sergeant v. the Air Force," began: "When T/Sgt. Leonard Matlovich handed his coming-out letter to his superior officer, a black captain at Langley Air Force Base, Va., the officer

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said: 'What the hell does this mean?' Replied Matlovich: 'It means Brown v. the Board of Education.'"[11] Although Carter and his Secretaries pushed hard on issues of race and gender, gays-in-the-military was never on the table.[12] Nonetheless, by defining incompatibility as the product of majority opinion rather than as a timeless moral truth, the Carter administration adopted a logic that implicitly acknowledged the possibility of change.

During the 1980s, approximately seventeen thousand gay men and women were discharged or prevented from serving in the U.S. military. Following a sweeping and ugly investigation of suspected lesbians at the Parris Island Marine training center in South Carolina in 1988, the National Gay and Lesbian Task Force created a "Military Freedom" Project to fight back. Building on growing public acceptance of gays and lesbians during this period, these advocates moved beyond claims of inconsistency to mount a series of civil rights–based challenges. In 1989, their efforts led to a DACOWITS (Defense Advisory Committee on Women in the Services) investigation of sexual harassment of women in the military, supported several high-profile lawsuits, and brought new attention to the ban both in the halls of Congress and in the national media.[13]

In 1992, presidential candidate Bill Clinton, acting on his own moral beliefs and seeking support of gay Americans, pledged to support an antidiscrimination agenda that included ending the homosexual ban in the U.S. military. While Clinton is sometimes portrayed as acting precipitously and without sufficient understanding of the public mood, his campaign statements fit seamlessly into the continuing civil rights argument about sexual orientation and military service. They also made sense in the context of contemporary media coverage. Both the *New York Times* and the *Washington Post*, in 1991 and 1992, offered sympathetic portrayals of the men and women affected by the ban, often including statements from military or defense officials that suggested there were cracks in the official policy. On the same day in August 1991 that a federal appeals court reinstated a lesbian's lawsuit against the U.S. Army, thus seemingly reopening challenges to the legality of the ban, the *Washington Post* ran a lengthy article, "The Military's Last Social Taboo." Acknowledging, in the article's second-page headline, that the "Pentagon Shows No Sign of Dropping Gay Ban," the articles nonetheless chronicled the series of challenges and controversies surrounding the policy. They quoted Defense Secretary Dick Cheney's comment that concerns about security risks were "a bit of an old chestnut," and drew heavily on the words of Lawrence K. Korb, former assistant secretary of defense in the Reagan administration, who was a strong opponent of the ban. Soon thereafter, a *New York Times*

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editorial, "Gay Soldiers, Good Soldiers," quoted the commander of the surface fleet in the Atlantic, who had turned to irony as he urged his subordinates not to be "halfhearted" in pursuing charges of lesbianism just because lesbians tend to be "hardworking, career-oriented, willing to put in long hours on the job and among the command's top performers."[14]

In May 1992, Representative Patricia Schroeder introduced an act prohibiting discrimination by the Armed Forces on the basis of sexual orientation in the House of Representatives. Although it died in committee, the bill accumulated seventy-seven cosponsors, five of whom were Republicans. Soon afterward, a General Accounting Office report, documenting the cost of pursuing, discharging, and legally defending those charged with homosexuality, stopped just inches from calling for a repeal of the ban. Meanwhile, the nation's newspapers told the story of Margarethe Cammermeyer, perhaps the most perfect symbol since Rosa Parks, whose commander cried as he decommissioned her.[15]

Gays in the military were a campaign issue in the 1992 election, though not a major one. According to the *Boston Globe*, Clinton got "approving whoops" from Harvard students on the eve of the New Hampshire primary when he promised to use an executive order to end discrimination against gays in the military. Undeclared presidential candidate Ross Perot told Barbara Walters in May 1992 that he would not appoint homosexuals to key cabinet positions because they might "distract from work to be done," and pledged to uphold the military ban on homosexuals, while speakers at the Republican nominating convention, reaching out to a conservative base, charged that Clinton promoted a "gay style of life." And in October 1992, Clinton promised once again, in his best-selling campaign book *Putting People First*, that he would "issue executive orders to repeal the ban on gays and lesbians from military or foreign service."[16]

Gay men and women did make a difference in Clinton's campaign. He received approximately $3 million in "gay donations" and gay men and lesbians accounted for about 4 percent of the vote that put him in the White House. But even as the *New York Times* described "gay enclaves" in which men and women took to the streets, "weeping, dancing and hugging to celebrate the victory of Gov. Bill Clinton," it was becoming clear that Clinton's support for gay rights would become a rallying point for religious conservatives and a source of support for his political opponents.[17]

To social conservatives and members of the religious right, all strongly opposed to Clinton and his legislative agenda, the gays in the military issue seemed a godsend, a particularly effective tool to challenge the new president's

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legitimacy. Key leaders and organizations of the religious right mobilized, purposely crafting a groundswell of public outrage. Well before Clinton's inauguration, Jerry Falwell warned of the homosexual threat to the military on his *Old Time Gospel Hour;* in just a few hours he obtained twenty-four thousand signatures to an antigay petition. The political arm of James Dobson's Focus on the Family, the Family Research Council, produced a document titled "How Lifting the Military Homosexual Ban May Affect Families." It raised the specter of AIDS and cautioned against allowing those "who proudly advertised their habitual choice to commit sin" to serve in the nation's armed forces. The Chaplaincy of Full Gospel Churches became involved, as did the Christian Coalition and Concerned Women for America. Randall Terry, the founder of the antiabortion group Operation Rescue, initiated a "rebellion against President Clinton because sodomy is against God's law, just like baby-killing is against God's law," and the founder of the Traditional Values Coalition, the Reverend Louis P. Sheldon, claimed that the campaign "galvanize[d] our public more than right-to-life."[18] Increasingly well connected to both military and political figures, the Christian right exerted a great deal of pressure.

At the same time, Congressional Republicans—whether tied to the Christian right or not—meant to deny Clinton the traditional congressional "honeymoon." (Senator Bob Dole famously joked that Clinton would have a honeymoon, but that he was going to chaperone.)[19] The issue of gays in the military provided Republicans in Congress with their first tactical opening in a larger culture-wars strategy. In what Clinton later called a "brilliant political move," they pushed it to the top of the agenda in the first days of the Clinton presidency, thus diverting the Clinton administration from its intended focus on economic issues. Clinton's opponents in Congress built on the public outcry being generated by politically powerful organizations of the religious right to create a crisis that undermined Clinton's authority with Congress, the Joint Chiefs, and even some of his supporters.[20]

The military ban was, at that point, not enacted into law; it was instead subject to executive authority and Clinton could have ended it with the stroke of a pen. Aware that such action might well backfire, Clinton hoped to develop a plan that would end the ban "with minimum disruption to combat effectiveness" and even before his inauguration had sent a member of his transition team to negotiate with the Joint Chiefs of Staff. The Chiefs had agreed to a first step: their respective services would stop screening prospects for homosexuality. They would not, however, sign on to an Executive Order ending the official ban on gays in the military. Then, during the first week of

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February, the man generally understood to be the most knowledgeable on military issues—and a Democrat—condemned Clinton's proposal on the floor of Congress. In what *Time* magazine described as a "withering" twenty-five-minute speech, Senator Sam Nunn posed forty-two questions that he believed demanded answers, many of them going well beyond the immediate issue of national defense. "What restrictions," he asked, "would be placed on displays of affection while in uniform, such as dancing at a formal event?"[21]

Opposition to Clinton's proposal was consolidating. While a *Time*/CNN survey in mid-January found that 57 percent of Americans believed gays and lesbians should not be banned from the military, one conducted only a week later found 43 percent in support with 48 percent opposed. The difference may have been the wording of the question; only in the second was the move identified as "Bill Clinton's plan." But it clearly was Clinton's plan, and it was the subject of a concerted campaign from the religious right. By the end of the month, pollsters found that 51 percent of Americans believed that "admitting gays to the military would undermine discipline and morale." That was the same percentage that agreed with the statement, "Homosexuality is wrong, and this policy would be condoning it."[22]

Having lost control of the process, the new president tried to manage the fallout. He negotiated a compromise with Nunn: he would delay action for six months, allowing Nunn to hold a series of congressional hearings and so have "his time in the sun." Meanwhile, Clinton would work with the Joint Chiefs to find common ground. Nunn, in return, would help block a Republican plan to write the ban into law.[23]

Clinton was, from the beginning, on shaky ground with the military. Envisioning a new world order in the aftermath of the Cold War, Clinton had made clear during his presidential campaign that he meant to build domestic social programs and not defense spending. But military opposition involved more than the Pentagon budget. Clinton was the first president since FDR who had not served in the military. He had opposed the Vietnam War and, like many young men of his generation, he had used the means within his reach to avoid military service. Although his actions were legal, they did not fit military notions of honor and patriotism and opponents were quick to label him a "draft-dodger." There would have been military resistance to Clinton's pledge about gay military service no matter how the majority of military leaders felt about him. But the fact that Clinton wasn't one of theirs, that he didn't speak their language, that he had "shirked" the obligations of military service—all that well-spun history shaped relations between the military and its new commander in chief.[24]

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Opposition to Clinton's stance was also shaped by transformations in the U.S. military. The volunteer army pulled recruits from a narrower portion of the population than had the draft, drawing disproportionate numbers of volunteers from more conservative populations of small-town and rural America, young men and women who often had stronger-than-usual religious beliefs and little contact with openly gay peers. A "forum" on Clinton's plan to lift the gay ban held in a town adjoining the Marine Corps's Camp Lejeune drew more than nine hundred people, almost all registering angry disapproval. "Keep the ban: Clinton doesn't know because he wouldn't go," read a bumper sticker distributed at the event. When one questioner denounced the decline of moral standards in American society, asking the crowd "Is being homosexual a sin," Bible-waving attendees roared back their answer: "Yes!"[25]

The officer corps in the post-Vietnam era was likewise increasingly composed of political conservatives. One study found that the ratio of self-identified conservatives to liberals in the military grew from a disproportionate 4:1 in 1976 to a staggering 23:1 twenty years later—although it is critical to remember that "conservative" might indicate a position on defense spending rather than on social issues. Officers' conservative bent was not wholly new, of course; a majority of officers during the 1950s had identified themselves as politically conservative. In the post-Vietnam era, however, such officers were more likely to be politically active than their predecessors and conservative beliefs were more frequently centered in evangelical Christian doctrine. From the early 1970s forward, Bible studies and prayer meetings were common features of Pentagon life. Many of the officers and retired officers who joined the debate over gays in the military during the early 1990s had ideological roots in the religious right.[26]

Christian evangelical organizations worked tirelessly against the proposed lifting of the ban, and military evangelicals formed alliances with groups including Focus on the Family, the Family Research Council, and the Traditional Values Coalition. In January 1993, the National Association of Evangelicals announced that, "anchored by NAE's longstanding position on homosexuality," it was working with military groups to oppose the policy change.[27] The director of the Campus Crusade Military Ministry, himself a retired air force brigadier general, took his case to former colleagues in the Pentagon and offered his organization as "a resource for commanders and individuals sorting out the ethical, operational, personal and biblical considerations of homosexuality in the military."[28] The director of the Chaplaincy of Full Gospel Churches (CFGC), a Dallas-based organization that endorsed and supported Full Gospel clergy who served as military chaplains, offered

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extensive biblical support for the ban in a letter to President Clinton, which the organization also circulated to Christian groups throughout the nation. And the Commissions on Chaplains of the NAE and the Associated Gospel Churches, the Campus Crusade Military Ministry, and the CFGC all crafted position papers on homosexuality in the military that they distributed through the corridors of the Pentagon, Congress, and the White House.[29]

Evangelicals in the military exerted surprising control during the six months of negotiations over lifting the ban. Almost immediately, each service had set up its own working group to consider the issue; these groups were to offer their conclusions to a Pentagon working group charged with advising the secretary of defense on *how*—not whether—to make the change. The army's study group was composed of five religious conservatives, including two key evangelical opponents of gay service, Lieutenant Colonel Robert Lee Maginnis and Major Melissa Wells-Perry. Maginnis understood that opponents of gay service could not simply base their case on religious injunctions. He and other religious-conservative actors chose to publicly frame their objections in fully secular terms. In "The Homosexual Subculture" (a document that was entered into the *Congressional Record*), Maginnis used statistical and social scientific studies to document the threat homosexuals posed to America's military. The outrage with which scholar Nathaniel Frank describes this evidence is fully deserved; for example, Maginnis repeatedly cited Paul Cameron, a scholar who had been expelled from the American Psychological Association and condemned by the American Sociological Association for misrepresenting the results of his research. One study by Cameron, according to Frank, "yielded conclusions about homosexuals based exclusively on interviews with serial killers."[30]

The Pentagon's Military Working Group (MWG) was comprised of six flag officers selected by Defense Secretary Les Aspin.[31] It not only considered the reports of the individual study groups but also conducted its own research with support from Pentagon personnel, including Maginnis and Wells-Perry, a member of the Judge Advocate General's Corps, who, like Maginnis, wrote extensively about the homosexual threat and joined him in prayer over the issue. Despite the fact that Clinton had charged the MWG with crafting a new, nondiscriminatory policy, the task force concluded that homosexuality was "incompatible" with military service. Although its report avoided calls for a witch hunt, it did not in any way fulfill the administration's directive.[32]

While religious opposition to homosexuality was never far from the surface in the army study group, and while the MWG's arguments about

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incompatibility are clearly grounded in "moral" assumptions, the MWG's key *claim* was about military efficacy. It built on the policy that had been forged in the end days of the Carter administration, stating that "[t]he presence in the military of individuals identified as homosexuals would have a significantly adverse effect on both unit cohesion and the readiness of the force"—the key ingredients of combat effectiveness.[33] By and large, high-ranking military officers and key opponents in Congress adopted the same tactics. Colin Powell, chairman of the Joint Chiefs of Staff, certainly undermined his commander in chief on this issue, most famously in his pre-inaugural January 1993 speech to Naval Academy midshipmen. Powell was described in a *Nation* article by Christopher Hitchens published years later as "enjoin[ing] his audience to consider resigning if they opposed an end to the ban on gays in the military." But Powell's public comments were not quite that simple. Responding to a midshipman who asked him what those who believed homosexuality was immoral should do if the ban were lifted, Powell offered a version of the secular argument about unit cohesion and military efficacy: "The presence of homosexuals in the force would be detrimental to good order and discipline for a variety of reasons, principally relating around the issue of privacy."[34]

Powell handled the issue of morality, which had been raised by the questioner, quite differently. "We're all Americans," he told his audience. "We are many kinds of Americans of all walks of life, and there are some Americans who are homosexual." Noting that homosexuals are "every bit as good as any other American even if they have what is called an alternate lifestyle," the chairman of the Joint Chiefs distanced himself from the moral claim. "As a military officer, I don't believe in my professional capacity I can make a moral judgment as to whether that is a correct lifestyle or not. Because we are all Americans, we are free to make our own moral choice about that." In answering the cadet's question, he emphasized civilian control of the military, insisting that there could be no more debate within the military once the decision was made. However, he said, offering a caveat that went straight to the heart of the emerging secular argument, "if after these decisions are made you still find [homosexuality] completely unacceptable and it strikes to the heart of your moral beliefs, then I think you have to resign."[35] Here, as throughout the continuing debate, senior leaders publicly disavowed moral judgment but gave powerful credence to the moral judgments of those far their junior. In leaning so heavily on notions of unit cohesion, military leaders deferred not only to such officers-in-training, but to the newest seaman, airman, or private in the force.

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Conservative congressional leaders adopted a similar approach. In spring 1993, Senator Nunn (D-Ga.), chair of the Senate Armed Services Committee, began hearings on Clinton's proposal to end the ban on gay military service with respectful acknowledgment of differing opinions. Some Americans, he noted, understood policies governing gay service as a "civil rights issue involving the fair and equitable treatment of individuals with a particular sexual orientation," while others saw the issue as "moral . . . touching upon deeply held religious and philosophical beliefs." Nonetheless, he insisted, the "primary focus and concern must be on the implications of any change in current policy on the effectiveness of our armed forces to carry out their mission to defend our nation."[36]

In the subsequent House Armed Services Committee hearings, that group's much more liberal chair, Ron Dellums (D-Calif.), attempted to reframe the debate as one between those who hold "a commitment to one of America's most fundamental ideas; elimination of discrimination" and those who are driven by "tradition, societal taboos or strongly held religious beliefs," but the ranking minority member, South Carolina Republican Floyd Spence, quickly pushed back. "Lifting the ban on homosexuals serving in the military," Spence said, "should not be a question of civil rights, equal rights, or gay rights." Instead, he insisted, it must be a question of "military readiness," of "cohesion, discipline, and morale."[37] It had been clear well before the hearings began that the House and Senate committees would take different approaches. NGLTF's "Campaign for Military Service" (CMS) activists reported that Mike Higgins, the lead professional staff member for the House Committee, had "stated over and over a number of times" in his March 4th meeting with them that the "HASC idea of fairness and the SASC idea of fairness are two different things." In fact, they reported, Higgins wanted to schedule the House hearings before Nunn's Senate hearing so that Dellums could "frame the issue of gays in the military" for the American people instead of "play[ing] a cleanup role in following Nunn."[38]

Although the question of military effectiveness dominated the hearings, senators sometimes revealingly wandered from their talking points. Senator Strom Thurmond informed two gay lieutenants that "your lifestyle is not normal. It is not normal for a man to want to be with a man or a woman with a woman," while Senator Lauch Faircloth (R-N.C.) asked, rhetorically: "What if—and how would YOU feel if—your 17 or 18- year old son—and that is a pretty young boy—became under the influence of an aggressive 40-year old homosexual who was his drill sergeant, or 35, pick an age." In the House, Representative Stephen E. Buyer of Indiana protested that a witness had

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"cloaked homosexuality as acceptable morality" and shared his concern that "what you are asking this Armed Services Committee to do is declare homosexuality as an acceptable lifestyle by forcing it upon the military."[39] But with relatively few exceptions, opponents of openly gay service focused on military effectiveness. And as a *New York Times* journalist noted, "neither side disagreed on the importance of unit cohesion to a fighting force, ranking it ahead of God, country and just about every other reason that sustains troops in battle."[40]

Yet moral beliefs about homosexuality did play a role in the hearings, and a powerful one. Although conservative senators and representatives rarely spoke of their own moral beliefs and even less frequently appealed to the authority of religion, their broader argument rested on the presumed moral beliefs of young servicemen and women. Because many young service members believed that homosexuality was "unethical or immoral [or] against their religion," this argument claimed, the presence of homosexuals would undermine unit cohesion and military efficacy.[41] And the service personnel asked to testify in the hearing confirmed that claim. 1st Sgt. Richard Forrest of the U.S. Marine Corps testified that "myself and every marine and sailor I have spoken to see this as an immoral and deviant behavior and conduct." Master Chief Schafer told the assembled senators that "it is the belief and known practices of those people that is morally wrong. Belief, that knowledge of what we traditionally—religious values, mom and dad raised us through the church and through society, for my 19 years, before I got 26 years of professional Navy experience, that's wrong, just bottom line wrong. And I will never accept that."[42]

Thus when Senator Dan Coats (R-Ind.), a key member of the Armed Forces Committee, rose on the Senate floor to offer his summary of the six hearings, he made clear that it was the religious and moral beliefs of young recruits that had concerned the committee. "Regardless of where you come down on the issue of the homosexual lifestyle," he said, "I think it is a fact, and our hearings demonstrated it is a fact, and the recruiting chiefs testified it was a fact, that many of our military is made up of people who hold very traditional moral and religious values." Quoting Army chaplain Brigadier General James Hutchens, Coats explained that for "the vast majority of soldiers, there is a sense of moral ascendancy that has been shaped by the values instilled in their religious upbringing. Their understanding of what is right and wrong is ultimately based on religion. Requiring those whose religious and moral teaching unequivocally opposes homosexuality to serve with practicing homosexuals, is to be cynically insensitive and results in a concentrated attempt to squash and suppress the religious values of that morality."[43]

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A few senators—most notably John Kerry, Carl Levin, and Teddy Kennedy—along with Lawrence Korb, director of the Center for Public Policy at the Brookings Institution, argued that the basic premise of this argument was flawed. As Kennedy put it, "Condoning prejudice is an appalling means to achieving unit cohesion."[44] But to those claims, too, there was a military answer: the military is an exceptional institution. Its mission of national defense takes precedence over other concerns. Thus the military cannot and should not be treated as equivalent to civilian institutions, and equal rights protections cannot be accorded the same weight in the military as in civilian society. General Norman Schwarzkopf, director of Military Personnel Management in the Army's Office of the Deputy Chief of Staff for Personnel, stated unequivocally in his testimony: "Homosexuality is incompatible [with] military service because the presence of homosexuality in the military service seriously impairs the accomplishment of the military mission. This policy rests in large part on the unique nature of the mission of the armed forces and the special needs, without par in civilian society, that this mission creates." [45]

The claim of military exceptionalism was made successfully during World War II, as military leaders and politicians argued that the nation could not attempt the radical move of military racial desegregation in the midst of world war. It had been used more recently, and with moral undertones similar to the debate over gay service, in 1979 hearings on women's role in the military. In a move that surprised supporters of women's rights, members of socially conservative and religious organizations were invited by conservative Republicans to testify about the moral and religious basis of proper gender roles. More effectively, perhaps, conservatives argued that the military was not a proper site for "social experimentation" (ignoring the fact that it had, historically, served that role, though rarely by its own choice). As ultraconservative Georgia representative Larry McDonald testified, "I don't think we should crucify the national defense capability on the cross of an equal opportunity slogan."[46]

Notions of military exceptionalism had significant policy implications. It is usually difficult to use democratic mechanisms to protect the rights of minorities; most often such protections depend on the courts. U.S. courts, however, had traditionally allowed the military great latitude. Throughout the twentieth century, the U.S. Supreme Court deferred to the military, even in cases that seemed to conflict with fundamental rights—for example, restrictions on the roles that women, as a class, can play in the military. In *Chappell v. Wallace* (1983), the Supreme Court warned that "civilian courts

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must, at the very least, hesitate long and hard before entertaining a suit which asks the court to tamper" with military policies. As an article in the *American Bar Association Journal* claimed in October 1993, the Supreme Court had recognized the military as "a separate and distinct society within the larger society," governed by "military necessity" that was almost by necessity at odds with the "uniform body of law" that invokes an "equal opportunity model." Both Clinton and the courts, this author claimed, should defer to the generals.[47]

In the end, facing powerful opposition from both military leaders and congressional leaders, and cut no slack by gay rights activists who meant to hold him to his pledge, Clinton finally compromised his position and agreed to what he later called "this dumb-ass 'don't ask, don't tell' thing." And Nunn, who had promised to short-circuit calls for legislative action, reversed course. Don't Ask, Don't Tell became law, the military policy on homosexuality no longer subject to Executive Order or to command decision. The policy, which lasted for seventeen years, ended the military careers of more than seventeen thousand service members, including language specialists and others with unusual and highly valuable skills.[48]

In December 2010, a substantial majority of the lame-duck Congress ended the reign of Don't Ask, Don't Tell. The reversal was possible because DADT rested on the claim that openly gay men and women would undermine U.S. military strength by destroying unit cohesion. Here the moral basis of the argument was evident but unvoiced. The speakers themselves did not claim that homosexuality was immoral; they instead deferred to the presumed beliefs of their subordinates, asserting that large numbers of those currently serving would not willingly serve or fight alongside gay peers. Over and over, military leaders deferred to the ranks. Such deference had a certain democratic appeal, but it is an odd stance for an institution that, as the 1993 *ABA Journal* article noted, is necessarily "undemocratic."[49] In framing their arguments around military cohesion, both military leaders and the nation's elected representatives rejected absolute truth for public opinion, replaced the claims of faith with a claim subject to data-based analysis, and deferred authority from command to democratic sentiments.

When President Barack Obama began his campaign to end Don't Ask Don't Tell at the end of the first decade of the twenty-first century, he emphasized democracy. He believed that the policy change would have greater legitimacy if it came from Congress rather than from the judicial or executive branches, and he chose not to use his authority as commander in chief to support a 2010 federal court decision that the ban was unconstitutional. In response to

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Obama's clear intent, the military initiated a study that focused heavily on survey data examining how members of the lower ranks felt about homosexuality and serving with openly gay peers.[50] While such sentiments revealed much about what would be required to enforce new provisions, the military does not commonly survey privates on their opinions about possible changes in military policy or doctrine. Certainly President Truman did not request a survey of military opinion when he signed his 1948 executive order integrating the U.S. military. At that point, the majority of white Americans rejected notions of racial equality: 44 percent of white Americans polled believed that "although Negroes should not be mistreated by whites the white race should always keep its superior position," and an additional 20 percent believed that "because Negroes are so different from white people as a race . . . they should not be allowed to mix with whites in any way."[51]

The frequently offered analogy to racial discrimination was, in fact, a persistent problem for opponents of gays in the military, both in the early 1990s and in the recent debate over repeal. No matter whether their opposition rested on moral beliefs or concern for military effectiveness, they struggled to find a response. Few had the standing of General Colin Powell, who rejected the analogy drawn by Representative Patricia Schroeder in 1992 with the authority of the chairman of the Joint Chiefs of Staff and "as an African-American fully conversant with history." Powell argued that skin color was a "benign, non-behavioral characteristic" as opposed to sexual orientation, which was "perhaps the most profound of behavioral characteristics"; he instead emphasized potential threats to unit cohesion. But even Americans for Truth, an organization that charged in 2010 that repeal of DADT would "degrade the moral authority of our Armed Forces and turn the Pentagon into the biggest bureaucracy working to mainstream homosexuality (sin)" insisted that their stance was not bigoted and that analogies to race were flawed. Condemning the Department of Defense's "unfortunate penchant for linking the laudable and noble civil rights achievement of racially integrating black soldiers into the Armed Forces with the crusade to allow open homosexuals—with their attendant sexual desires and behavior—into the military," the group insisted that "Racism is bigotry, and wrong. Moral opposition to homosexuality . . . are [*sic*] normal and acceptable."[52]

Despite such distinctions, antihomosexual arguments about military efficacy and unit cohesion lost power in the last years of DADT. Changes in public opinion made it harder to call upon the moral beliefs of young soldiers or of the American public for justification. While only 44 percent of Americans had believed that gay men and lesbians should be able to serve openly in the

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U.S. military in 1993, 77 percent did so in 2010. Perhaps most strikingly, that figure included 67 percent of conservative Republicans and 70 percent of white evangelicals.[53] And as claims about unit cohesion and military efficacy were subject to data-based analysis, a steady stream of activists, scholars, experts, and politicians brought such data to bear. No significant study substantiated arguments about the risk to unit cohesion.[54] Finally, combat veterans of the wars in Iraq and Afghanistan, including gay men and lesbians, raised their voices against the policy. When freshman Representative and Iraq War veteran Patrick Murphy challenged Elaine Donnelly, who propounded the homosexuality-destroys-unit-cohesion argument through her Center for Military Readiness, in hearings on DADT in 2008, he relied on the legitimacy conferred by military service and sacrifice to reorient the discussion of cohesion. "Unit cohesion is a leadership issue," said retired Major General Vance Coleman, in response to Murphy's question. "You build teams through cohesion. And if you take one member away from that team then you're breaking the cohesion."[55]

Unit cohesion had become the only acceptable way to speak publicly about the issue of homosexuality in the military. Organizations on the religious right, of course, continued to make their moral case about homosexuality, especially in media aimed only at their own, but even they increasingly employed the language of military efficacy. When Larry King interviewed Tony Perkins, president of the highly conservative Family Research Council, about the move to overturn DADT in February 2010, Perkins said not a word about sexual morality. He spoke instead about unit cohesion and pointed to the exceptional circumstances of military life.[56] And when General Peter Pace, chairman of the Joint Chiefs of Staff, told members of the *Chicago Tribune* editorial board in 2007 that allowing gays to serve openly in the military would be "condoning what I believe is immoral activity," he was widely and thoroughly criticized for moving the discussion from the proper issues of "discipline and unit cohesion" into the realm of morality.[57]

Oddly enough, however, moral claims came to the fore in the final debate over gays in the military, but they were new claims, centered not in religious beliefs or civilian notions of equality and civil rights but in military codes and traditions. The paper that won the Secretary of Defense's National Security essay competition in 2009, Om Prakash's "The Efficacy of 'Don't Ask, Don't Tell,'" was published in the prestigious *Joint Forces Quarterly* with the pull-out line: "Homosexual Servicemembers have had to compromise their personal integrity by keeping their sexuality secret." Prakash also emphasized the "moral quandary" the policy posed for commanders, who had to chose

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between ignoring the forbidden status of gay men and women or losing often-valuable members of their team. More and more frequently, opponents of DADT framed their opposition around military codes of honor. It seemed wrong that (in the words of a clinical fellow in psychiatry at Harvard Medical School) gay men and women would "be welcome in a unit with a strict code of honor only if they lie."[58] And when President Obama signed legislation overturning DADT in late 2010, he quoted Admiral Mike Mullen, chairman of the Joint Chiefs of Staff: "Our people sacrifice a lot for their country, including their lives. None of them should have to sacrifice their integrity as well."[59]

By shifting the argument against gays-in-the-military from moral claims to the importance of unit cohesion, social conservatives were able to deflect charges of bigotry and prejudice, claim common ground with nonconservative Americans who were concerned about national security and military strength, and find support in the Court-established principles of military exceptionalism. While this tactic carried the seeds of its own destruction, it gave social conservatives seventeen years of a policy that could never have won such popular and legislative support on purely "moral" grounds.

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NOTES

1. Nathaniel Frank (Palm Center) has done an excellent job of locating the slips of tongue and the unguarded moments of politicians and military officers that show how fundamental moral condemnations of homosexuality are to this debate, whether it is conducted in the language of morality or not. He, however, was making a case against the existing policy of DADT by demonstrating that *despite* the arguments about military efficacy and unit cohesion, those who led the fight against gays serving openly were motivated by antigay religious beliefs and moral repugnance, while I am focusing on the tactical use of military effectiveness arguments. For more detailed discussion of the policy and public struggles over DADT, see Nathaniel Frank, *Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America* (New York, 2009); Aaron Belkin and Geoffrey Bateman, *Don't Ask, Don't Tell: Debating the Gay Ban in the Military* (Boulder, 2003); and Bernard D. Rostker et al., *Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment* (Santa Monica, 1993). Melissa Sheridan Embser-Herbert's *The U.S. Military's "Don't Ask, Don't Tell" Policy: A Reference Handbook* (Westport, Conn., 2007) includes a useful annotated bibliography.

2. This section is based on Allan Bérubé, *Coming Out Under Fire* (New York, 1990); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, 2009); Beth Bailey, *Sex in the Heartland* (Cambridge, Mass., 1999);

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David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago, 2004); Frank, *Unfriendly Fire*, and Beth Bailey, *America's Army: Making the All-Volunteer Force* (Cambridge, Mass., 2009).

3. Bérubé, *Coming Out Under Fire*, 11–12.

4. Undesirable discharges occupied a middle range between honorable and dishonorable. Originally referred to as "blue discharges" because the document was on blue paper, undesirable discharges were quickly accomplished administrative discharges that removed servicemembers from the military without courtmartial or prison sentence. For postwar policies on blue discharges and veterans benefits, see Canaday, *The Straight State*, chap. 4.

5. Frank, *Unfriendly Fire*, 9.

6. "Vernon Berg III; His Lawsuit Changed Military Policy on Gays," *Los Angeles Times*, 3 February 1999; Don Phillips, "W. Graham Claytor, Jr., 82, Ex-Amtrak President, Dies," *Washington Post*, 15 May 1994, B7.

7. Memorandum for Secretaries of the Army, Navy, Air Force, and Chairmen of the Joint Chiefs of Staff from Deputy Secretary of Defense W. Graham Claytor, Washington, D.C., 16 January 1981, quoted in Randy Shilts, *Conduct Unbecoming: Gays and Lesbians in the U.S. Military* (New York, 1993), 377.

8. Rationale for Exclusion of Homosexuals from Military Service, Department of Defense, 29 September 1980, as quoted in Shilts, *Conduct Unbecoming*, 379.

9. Report of the Joint Service Administrative Discharge Study Group (1977–78), Department of Defense, August 1978, Prepared for Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics), as quoted in Shilts, *Conduct Unbecoming*, 378.

10. Homosexuality, Department of Defense Directive 1332.14, 16 January 1981, as quoted in Shilts, 378–79.

11. "The Sergeant v. the Air Force," *Time*, 8 September 1975, 46.

12. For more discussion of difficulties in the first decade of the all-volunteer force and on the Carter administration policies on race and gender in the U.S. military, see Bailey, *America's Army*, chaps. 4 and 5. On the Carter administration's approach to gay rights and women's rights, see Claire Bond Potter, "Paths to Political Citizenship: Gay Rights, Feminism, and the Carter Presidency," *Journal of Policy History* 24, no. 1 (2012).

13. For discharge figures by service, 1980–2009, see David F. Burrelli, "'Don't Ask, Don't Tell': The Law and Military Policy on Same-Sex Behavior," Congressional Research Service, 14 October 2010, 9–10. For DACOWITS initiatives, see its website: http://dacowits.defense.gov/History/; for the Military Freedom Project, see the National Gay and Lesbian Task Force history, http://www.thetaskforce.org/about_us/history (accessed May 2012).

14. "Court Reinstates Lesbian's Lawsuit Against Army," *New York Times*, 20 August 1991, A22; Lynne Duke, "Military's Last Social Taboo," *Washington Post*, 19 August 1991, A1A; Editorial, "Gay Soldiers, Good Soldiers," *New York Times*, 1 September 1991, E10.

15. Remarks of Hon. Patricia Schroeder, Introduction of the Military Freedom Act of 1992, 102nd Cong., 2nd sess., Congressional Record 138 (19 May 1992). Schroeder was accompanied by gay and lesbian veterans and members of the Military Freedom Project; the act, which eventually gained 72 Democrats and 5 Republicans as cosponsors, was referred to the House Committee on Armed Services and never came to the floor. The GAO report, *Homosexuals in the Armed Forces: United States GAO Report* (Washington, D.C., 12 June 1992), is available at http://www.fordham.edu/halsall/pwh/gao_report.asp

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(accessed May 2012); the report was requested by Representatives John Conyers Jr., Gerry E. Studds, and Ted Weiss. On Cammermeyer, see Timothy Egan, "Dismissed from Army as Lesbian, Colonel Will Fight Homosexual Ban," *New York Times*, 31 May 1992, 18; Duke, "Military's Last Social Taboo."

16. Curtis Wilkie, "Harvard Tosses Warm-up Queries to Clinton on Eve of N.H. Debate," *Boston Globe*, 31 October 1991, 22; Jeffrey Schmalz, "Gay Areas Are Jubilant over Clinton," *New York Times,* 5 November 1992, B8; Bill Clinton and Albert Gore, *Putting People First: How We Can All Change America* (New York, 1992), 64.

17. Frank, *Conduct Unbecoming*, 25; Schmalz, "Gay Areas Are Jubilant over Clinton." According to exit polls, of those who self-identified as homosexual or bisexual, 72 percent voted for Clinton, 14 percent for George H. W. Bush, and 14 percent for Ross Perot.

18. On the campaign of the religious right, see Frank, *Unfriendly Fire*, 30–57. Schmalz's 5 November 1992 *New York Times* article on gay celebrations also quoted the Reverend Sheldon, who described Clinton's election as "a blessing in disguise."

19. "Excerpts from President-Elect's News Conference in Arkansas," *New York Times*, 13 November 1992, A18. The eighth question reporters asked President-elect Clinton was about gays and lesbians in the military, with a follow-up question on whether it was part of his 100-day agenda.

20. Quotation from John Kifner, "Clinton Says He Felt Forced into Setting Gay Policy," *New York Times*, 7 December 2000.

21. Michael Duffy, "Obstacle Course," *Time*, 8 February 1993.

22. Surveys by Time/CNN/Yankelovich Partners Poll, 13–14 and 22–25 January 1993; Surveys by Gallup/CNN/USA Today Poll, 29–31 January 1993, all retrieved 5 September 2008, from iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut, <http://libproxy.temple.edu:2705/ipoll.html>.

23. Margaret Carlson, "And Then There Was Nunn," *Time*, 26 July 1993.

24. Duffy, "Obstacle Course."

25. Eric Schmitt, "A Military Town Makes Its Anti-Gay Feelings Clear," *New York Times*, 25 March 1993.

26. Marybeth Peterson Ulrich, "Infusing Civil-Military Relations Norms in the Officer Corps," in *American Defense Policy*, ed. Paul J. Bolt, Damon V. Coletta, and Collins G. Shackelford Jr., 8th ed. (Baltimore, 2005), 350. Statistics come from Ole R. Holsti, "A Widening Gap between the U.S. Military and Civilian Society? Some Evidence, 1976–96," *International Security* 23 (Winter 1998): 5–42, esp. 15; see also Morris Janowitz, *The Professional Soldier* (New York, 1971), and Thomas E. Ricks, "Is Military Professionalism Declining?" *U.S. Naval Institute Proceedings*, July 1998. On the rise of evangelical Christianity in the U.S. military, see Anne C. Loveland, *American Evangelicals and the U.S. Military, 1942–1993* (Baton Rouge, 1993).

27. *NAE Washington Insight*, January 1993, quoted in Loveland, *American Evangelicals and the U.S. Mililitary*, 339.

28. Abel quoted in Loveland, *American Evangelicals and the U.S. Military*, 336.

29. Loveland, *American Evangelicals and the U.S. Military*, 336–38.

30. Maginnis's decision is from Frank, *Unfriendly Fire*, 38; Frank cites Anne Loveland's unpublished interview with Maginnis. For the army study group and Maginnis's analysis, see Frank, *Unfriendly Fire,* 37–43.

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31. In his January 1993 confirmation hearing before the Senate Armed Services Committee, nominee Les Aspin stated that he thought there were problems of "fairness and equity" in the current policy that banned homosexuals from military service. He argued that the military would have to address the issue in the next four years whether Bill Clinton had been elected or not. Clinton's pledge, he claimed, would force them to confront the issue "head on" rather than "avoid the issue or slide around it or try and patch up the whole issue and let it go away." "Confirmation Hearing for Rep. Les Aspin (D-Wis.) as Secretary of Defense," Hearing Before the Committee on Armed Services, U.S. Senate, 103rd Cong., 2nd sess., 7 January 1993 (Proquest Congressional).

32. Frank, *Unfriendly Fire*, 43–44; Bob Maginnis served as unofficial adviser to the senior member of the MWG, Army Lt. Gen John P. Otjen. Bio, Bob Maginnis, Family Research Council, http://www.frc.org/biography/bob-maginnis-senior-fellow-for-national-security (accessed April 2012).

33. Frank, *Unfriendly Fire*, 117.

34. Christopher Hitchens, "Powell's Secret Coup," *The Nation*, 22 January 2001; quotations from Powell's speech from Peter Spiegel and Joel Rubin, "Tune Is Changing on Gays in Military," *The Nation*, 9 August 2007, and Loveland, *American Evangelicals and the U.S. Military*, 324–25.

35. Spiegel and Rubin, "Tune Is Changing on Gays in Military"; Loveland, *American Evangelicals and the U.S. Military,* 324–25. Concerned Women for America ran an advertisement in *USA Today* that implied that Powell had stated that "allowing homosexuals in the armed forces would destroy the military." The group had directly attributed that statement to him in a widely circulated appeal from its Legislative Action Committee. Powell rejected that statement and the group's suggestion that he condoned their work in a letter published in *USA Today,* 16 April 1993. He cited a speech he made at American University in December 1992 as evidence of his position. See "Powell: Ad misstated position," *USA Today*, 4 April 1993; Letter from Concerned Women for America Legislative Action Committee to CWA Members, March 1993, in "Campaign for Military Service, 1993" file, box 92, National Gay and Lesbian Task Force Records, Division of Rare and Manuscript Collections, Cornell University Library. Hereafter cited as CMS, NGLTF.

36. *Policy Concerning Homosexuality in the Armed Forces*, Hearings Before the Committee on Armed Services, U.S. Senate, 103rd Cong., 1st sess., 29 March 1993, 3–4. Excerpts from both House and Senate Armed Services Committee hearings are available in digital form at http://dont.stanford.edu/hearings/hearings.htm.

37. *Policy Implications of Lifting the Ban on Homosexuals in the Military*, Hearings Before the Committee on Armed Services, House of Representatives, 103rd Cong., 1st sess., 4–5 May 1993, 1–2.

38. "Meeting with the HASC" Memorandum, from Tanya Domi, NGLTF, to Concerned Parties, 4 March 1993, in CMS, NGLTF.

39. House Committee, *Policy Implications*, Buyer comment, 4 May 1993, 74–75; Senate Committee, *Policy Concerning Homosexuality*, Faircloth comment, 29 March 1993, 214; Thurmond comment, 11 May 1993, 567 (Thurmond quoted in Frank, *Unfriendly Fire*, 103).

40. Eric Schmitt, "Calm Analysis Dominates Panel Hearing on Gay Ban," *New York Times*, 1 April 1993.

41. Phrase from Senator Smith, Senate Committee, *Policy Concerning Homosexuality*, 11 May 1993, 641.

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42. Testimony Before Senate Committee, *Policy Concerning Homosexuality;* Schafer, 535; Forrest, 582.

43. Remarks of Sen. Dan Coats, "Homosexuals in the Military," 103rd Cong., 1st sess., *Congressional Record* 139 (22 June 1993): S7605–06.

44. Senate Committee, *Policy Concerning Homosexuality*, comments by Kennedy, Korb, Levin, 31 March 1993, 283, 291, and throughout; Kerry comments 7 May 1993, 478.

45. Ibid., 11 May 1993, 594-96.

46. McDonald Testimony from House Committee on Armed Services Military Personnel Subcommittee, *Women in the Military*, 96th Cong., 1st and 2nd sess., 13–16 November 1979 and 11 February 1980, 47.

47. Joseph E. Broadus, "Yes: Don't Second-Guess the Military," in "At Issue: Don't Ask, Don't Tell," *American Bar Association Journal* (October 1993): 54. See also Michael A. Lindenberger, "'Don't Ask, Don't Tell': An End to Court Deference to the Military?" *Time*, 20 October 2010. In the 2010 congressional debate over the repeal of DADT, Republicans again argued that the military was an exceptional institution and could not always be held to the same rules as civilian society. David M. Herszenhorn and Carl Hulse, "House Votes to Allow Repeal of 'Don't Ask, Don't Tell' Law," *New York Times*, 28 May 2010.

48. Kifner, "Clinton Says He Felt Forced into Setting Gay Policy"; Jacob Weisberg, "Torch Song Strategy: The Gay Movement and the Gay Ban," *New Republic*, 9 August 1993, 11; estimate of number of military members discharged is from Servicemembers Legal Defense Network website. The Palm Center has collected data revealing discharges by job category and by military base, though statistics are only available for the period between 1998 and 2003; data are available on the Center's website: www.palmcenter.org. The Senate vote for repeal was 65 to 31; the House vote was 250 to 175.

49. Broadus, "Yes: Don't Second-Guess the Military."

50. Secretary of Defense Robert Gates explicitly rejected the critique that the military did not typically survey its members to determine either mission or policy, informing the Senate Armed Services Committee in December 2010 that "this outreach was not a matter of taking a poll of the military to determine whether the law should be changed," but instead an effort "to engage our troops and their families on this issue—to learn the attitudes, obstacles and concerns needing attention—as ultimately it will be they who will determine whether or not such a transition would be successful." Statement of Robert M. Gates, Secretary of Defense, to U.S. Senate, Committee on Armed Services, 2 December 2010.

51. Survey by Office of Public Opinion Research, July 1945; retrieved from iPoll Databank, The Roper Center for Public Opinion Research, University of Connecticut.

52. "Congress's Christmas Lump of Coal for Troops—Open Homosexuality?" on Americans for Truth, December 2010, at http://americansfortruth.com, accessed 5 March 2011. More complex conservative positions distinguished between inherent status, such as race, and "choice." Emerging scientific data that suggested homosexuality was inborn created conflict for many who meant to distinguish between necessary equal rights protections based on inherent status (race and gender) and what they believed were the invalid protection claims of sexual minorities that were based on sexual "preference" (thus choice rather than status).

53. Washington Post/ABC News Poll, conducted 9–12 December 2010, at http://www.washingtonpost.com/wp-srv/politics/polls/postpoll_12132010.html (accessed January 2012).

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54. Aaron Belkin, *How We Won: Progressive Lessons from the Repeal of "Don't Ask, Don't Tell,"* Huffington Post Media Group, 2011 (digital only, available through Amazon.com). See also Nathaniel Frank, "What Does the Empirical Research Say about the Impact of Openly Gay Service on the Military? A Research Memo," 3 March 2010, The Palm Center, http://www.palmcenter.org/publications/dadt/what_does_empirical_research_say_about_impact_openly_gay_service_military (accessed January 2012).

55. Video of the 2008 hearings is available on YouTube: http://www.youtube.com/watch?v=tjqs1SqvVSQ (accessed January 2012).

56. For Larry King's interview with Tony Perkins, see http://www.youtube.com/watch?v=CYhXwlpy69s (accessed January 2012).

57. Thom Shanker, "Top General Explains Remarks on Gays," *New York Times*, 14 March 2007 (online). See also "General Pace and Gay Soldiers" (editorial), *New York Times*, 15 March 2007; "Of Morality and the General" (letters to the editor), *New York Times*, March 15, 2007.

58. Justin Richardson, M.D., Letter to the Editor, *New York Times*, 10 June 1993, under heading "Uncle Sam Still Wants You to Live a Lie"; and Lt. Col. Om Prakash, "The Efficacy of 'Don't Ask, Don't Tell,'" *Joint Force Quarterly*, October 2009.

59. Jesse Lee (posted by), "The President Signs Repeal of "Don't Ask Don't Tell": "Out of Many, We Are One," White House blog, 22 December 2010, at http://www.whitehouse.gov/blog/2010/12/22/president-signs-repeal-dont-ask-dont-tell-out-many-we-are-one).

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