



EDITORIAL: Transition time

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The prohibition on homosexuals serving openly in the U.S. military deserved to end. But the way it ended also was important. It was the difference between an orderly retreat and a rout — Dunkirk vs. Little Big Horn.

Congress last week voted to repeal the "don't ask, don't tell" policy that has been in place since 1993, and President Obama will sign the legislation into law this week. But the seeds of its demise already had been sown in the courts.

It appeared inevitable that had the legislative and executive branches not acted, DADT would have been invalidated by the judicial branch (in September a federal judge ruled that DADT was unconstitutional) — and that could have produced logistical difficulties in making the transition to a more-inclusive military.

The repeal legislation addressed the legal and policy issues of allowing homosexuals to serve openly, and it phases in the changes over time, giving officials the ability to adjust rules and regulations. For example, David Rittgers of the Cato Institute notes that the definition of "sexual intercourse" in the Uniform Code of Military Justice only includes sex between a man and a woman, so the offenses of adultery, prostitution and patronizing a prostitute under Article 134 of the UCMJ don't apply when committed in a homosexual manner. That should be made to apply to gay service members as well, making the UCMJ truly uniform.

There's also something to be said for changing law via our elected representatives instead of judicial fiat. Contentious social issues are best settled through politics, when most sides believe they have received a fair hearing — and know they can effect change at the ballot box. When judges impose solutions from the bench, it can leave one side feeling embittered and disenfranchised (see: *Roe v. Wade*).

The nation now knows this change was achieved democratically and the legislation reflects the input of skeptics and opponents. That's a more palatable outcome than a judge overturning it and demanding Congress act.

DADT was always an imperfect compromise between those who wanted to maintain a ban on gays in the military and those who wanted open service. It has resulted in more than 14,000 servicemen and women being discharged for their sexual orientation, including 800 "mission critical" troops such as Arabic and Farsi linguists, medics, pilots and intelligence analysts. That's a high price to pay while fighting two wars in the Middle East.

Opponents' concerns about adverse effects of a changed policy have not materialized in other nations that allow homosexuals to serve openly. The Government Accountability Office studied Canada, Israel, Germany and Sweden and found that "military officials from each country said that, on the basis of their experience, the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion or morale."

Finally, societal attitudes toward homosexuality have changed significantly in 17 years. In May 1993, just 44 percent of Americans believed gays should be allowed to serve openly in the military; now, 77 percent of Americans think so, according to a Washington Post-ABC News poll released this month. Many members of the military under the age of 40 have grown up with openly gay and lesbian friends and family members. Serving with them would not be foreign or threatening.

It's time to begin the transition.

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