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Little Harm Found if Gay Ban Is Lifted

By ELISABETH BUMILLER

WASHINGTON — The draft of a new Pentagon report comes to the conclusion that repealing the “don’t ask, don’t tell” law will not cause overall harm to the military but might cause temporary disruptions, people familiar with the report said on Thursday.

In the case of any temporary disruptions, the draft report says they can be mitigated with effective leadership.

The people familiar with the report, who are in favor of repealing the “don’t ask, don’t tell” law to allow gay men and lesbians to serve openly in the armed forces, also said the report did not recommend separate housing for gay service members. But they said the report showed that a number of active-duty service members remained opposed to openly gay service, with the largest proportion in the Marines and the Army.

Over all, however, they said the report showed that a majority of active-duty service members and their families did not care if gay men and lesbians served openly.

The report, which is under review by the Pentagon’s civilian and military hierarchy, is due to be released on Dec. 1. A number of its details were first reported on Thursday by The Washington Post.

Aubrey Sarvis, the executive director of the Servicemembers Legal Defense Network, which represents some of the 13,000 gay men and lesbians discharged from the military since the 17-year-old law took effect, in part blamed the leadership of the Army and the Marines for the opposition to repealing “don’t ask, don’t tell” among their rank-and-file.

“While the culture in those two branches may be somewhat different than the other services,” Mr. Sarvis said, “before the surveys were even launched the leadership at the very top within the Marines and Army had biased the survey by expressing their hostile opposition to open service.”

Mr. Sarvis was referring to comments this year by Gen. George W. Casey Jr., the chief of staff of the Army, and Gen. James T. Conway, at the time the commandant of the Marine Corps, expressing deep concern about moving rapidly to repeal "don't ask, don't tell."

Last weekend the current commandant of the Marine Corps, Gen. James F. Amos, told reporters in California that ending the ban in the middle of two wars would involve "risk" for Marines. He said, "There is nothing more intimate than young men" who are "laying out, sleeping alongside of one another and sharing death, fear and loss of brothers."

General Amos was quickly rebuked for his comments by Adm. Mike Mullen, the chairman of the Joint Chiefs of Staff, who supports repeal. On Thursday, General Amos's spokesman, Maj. Joseph M. Plenzler, said General Amos's comments had been about the nature of human interaction on the battlefield, not sleeping arrangements. Major Plenzler said General Amos had introduced his comments with the sentence, "There's nothing more intimate than combat, and I want to make that point crystal clear."

The overall conclusions in the draft report, which includes a survey of hundreds of thousands of active-duty service members and their families, were swiftly seized on by gay rights groups to further their case for repeal on Capitol Hill. As it stands now, the prospects for Congress to authorize repeal of the law remain uncertain, and it is unclear whether the leaked report will sway Senate Republicans who want to keep the ban in place.

"I'm not sure it's going to move very many, if any, Republicans," a Senate Democratic leadership aide said Thursday. "It's an ideological issue."

Should the measure fail in the Senate or should the Senate not act before the end of the year, gay rights groups said they would file a round of lawsuits beyond those already in the courts and pursue the issue aggressively through the judiciary.

A lawyer familiar with the thinking of the White House legal staff said that it was not possible for President Obama to issue an executive order repealing "don't ask, don't tell" because a president cannot invalidate an existing federal statute. Lawyers point out that no federal statute was involved when President Harry S. Truman issued the executive order that integrated the military in 1948.

Some gay rights groups have said the president should issue a "stop-loss" order, like those used to keep troops past their commitments in the military, to prevent further discharges of gay men and lesbians. But lawyers familiar with the issue said that such a move would be viewed as a gimmick and that there were questions about the president's authority to act in

BBC NEWS

US & CANADA

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End to US military gay ban 'would not harm war effort'

Most US troops think allowing gays to serve openly in the military would have a minimal effect on US war efforts, the Washington Post newspaper reports.

Some 70% of troops surveyed said the effects of repealing the ban would be positive, mixed or nonexistent, the paper said, citing a Pentagon report.

US President Barack Obama has called for an end to the policy.

But hopes for a repeal dimmed this month amid conservative Republican gains in the US Congress.

According to the newspaper, which spoke to people who had read the unreleased 370-page study, the survey results have led the report's authors to conclude that objections to openly gay colleagues would drop once troops were able to live and serve alongside them.

However, a significant minority opposes serving alongside openly gay troops, with opposition apparently strongest in the Marine Corps.

Troops' young age

Britain, Israel and dozens of other countries allow gay personnel to serve openly, but under the US policy established in 1993, gays may serve in the military but cannot acknowledge their orientation. The military is forbidden to inquire but may expel service members found to be gay.

Richard Socarides, former gay and lesbian policy adviser to President Bill Clinton, told the BBC the report was not surprising considering the relatively young average age of the troops.

"This is not a big deal for them," said Mr Socarides, who said he had discussed the report with people who had seen it. "Young people have gay friends."

Pentagon officials have said allowing openly gay military personnel would necessitate dramatic policy changes on everything from housing and insurance to protocol at social events.

The Pentagon is expected to deliver the report to US Secretary of Defense Robert Gates on 1 December.

Meanwhile, two federal courts have ruled the "don't ask, don't tell" policy unconstitutional, saying it violates gay troops right to free speech by effectively forbidding them from discussing their personal lives.

Though Mr Obama favours repealing the ban, he has said the change should come through legislation, rather than the courts, and has appealed against the rulings.

A Republican-led minority in the US Senate in September blocked debate on a provision to repeal the ban.

In this month's elections, the Republican party took control of the House of Representatives and strengthened its numbers in the Senate, dimming hopes of speedy action on the ban.

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Report: Little risk to war from gays in combat

(AP) – 1 day ago

WASHINGTON (AP) — Following a survey of U.S. troops and their families, a Pentagon study group has concluded the military can lift the ban on gays serving openly in uniform with only minimal and isolated incidents of risk to the current war efforts, The Washington Post reported Wednesday.

The newspaper quoted two people familiar with a draft of the study, which is to be completed for Defense Secretary Robert Gates by Dec. 1., but with an uncertain public release date.

More than 70 percent of respondents to a survey sent to active-duty and reserve troops over the summer said the effect of repealing the military's "don't ask, don't tell" policy on gays and lesbians in uniform would be positive, mixed or nonexistent, the sources told the newspaper.

The newspaper said the survey results have led the report's authors to conclude that objections to openly gay colleagues would drop once troops were able to live and serve alongside them.

The long, detailed and nuanced report will almost certainly be used by opponents and supporters of repeal legislation to bolster their positions in what is likely to be a heated and partisan congressional debate. And it is expected to reveal challenges the services could face in overturning the long-held policy, including overcoming fierce opposition in some parts of the force — primarily in the Army and Marine Corps — even if they represent a minority.

The Marine Corps commandant, Gen. James Amos, last week said that with forces fighting in Afghanistan and still deployed in Iraq, now was the wrong time to lift the ban.

"This is not a social thing. This is combat effectiveness," Amos said.

That brought a mild rebuke from Joint Chiefs of Staff Chairman Mike Mullen, who said he was surprised that Amos had spoken publicly. He said the heads of the military services had committed to "look at the data and then make our recommendations privately."

The Post said Gates, Mullen and uniformed and civilian leaders of the four military branches received copies of the draft report late last week.

The document totaled about 370 pages and is divided into two sections, the newspaper said. The first section explores whether repealing "don't ask, don't tell" would harm unit readiness or morale. The second part of the report presents a plan for ending enforcement of the ban. It is not meant to serve as the military's official instruction manual on the issue but could be used if military leaders agreed, one of the sources told the newspaper.

Among other questions, the survey asked whether having an openly gay person in a unit would have an effect in an intense combat situation. Although a majority of respondents signaled no strong objections, a significant minority is opposed to serving alongside openly gay troops. About 40 percent of the Marine Corps is concerned about lifting the ban, according to one of the people familiar with the report, the Post said.

Pentagon spokeswoman Cynthia Smith said that of the 400,000 surveys sent randomly to troops, 115,052 responded. An additional 150,000 surveys were sent to spouses with 44,266 completed. Defense officials have said they were pleased with the response rate and believed it was enough to get an accurate sampling of the force.

President Barack Obama has vowed to end the policy. A Democratic proposal to repeal the 1993 law already has passed the House as part of a broader defense policy bill that includes such popular provisions as a pay raise for the troops. But that same legislation sank in the Senate under Republican objections just weeks before the Nov. 2 elections.

Senate Majority Leader Harry Reid, D-Nev., has promised another vote by year's end, although the political dynamics in this lame-duck session haven't changed much. Gates has asked Congress to act before January, but Senate Democrats still hold a shaky majority and they are unlikely to give in to Republican demands for a protracted debate.

A Republican gay rights group, the Log Cabin Republicans, has challenged the constitutionality of the policy in court. The Obama administration on Wednesday urged the Supreme Court to keep the "don't ask, don't tell" policy in place while a federal appeals court considers the issue.

The administration filed court papers in defense of an appeals court order that allowed "don't ask, don't tell" to go back into effect after a federal judge declared it unconstitutional and barred its enforcement. The 9th U.S. Circuit Court of Appeals in San Francisco is reviewing the administration's appeal.

The Log Cabin Republicans asked the Supreme Court to step into the case to reverse the appeals court decision that has allowed "don't ask, don't tell" to remain in effect despite the order by U.S. District Judge Virginia Phillips.

Among several recommendations, the Pentagon report urges an end to the military ban on sodomy between consenting adults regardless of what Congress or the federal courts might do about "don't ask, don't tell," the source told the Post.

The report also concludes that gay troops should not be put into a special class for equal employment or discrimination purposes, that person said. The recommendation is based on feedback the study group obtained from gay troops and same-sex partners who said they do not want a special classification, according to the source.

AP Associated Press

Map

