



SERVICEMEMBERS LEGAL DEFENSE NETWORK
**A GUIDE TO “DON’T
ASK, DON’T TELL”**

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A GUIDE TO “DON’T ASK, DON’T TELL”

What is “Don’t Ask, Don’t Tell”:

- ▶ “Don’t Ask, Don’t Tell” is a statute mandating the dismissal of any service member who is lesbian, gay or bisexual
- ▶ There is no other law in the United States that mandates an employer to fire someone for being gay.
- ▶ The Pentagon has discharged nearly 12,500 service members since the law was implemented in 1994.
- ▶ An honest statement of one’s sexual orientation to anyone, anywhere, anytime is grounds for discharge.

The Movement to End the Ban on Gays in the Military:

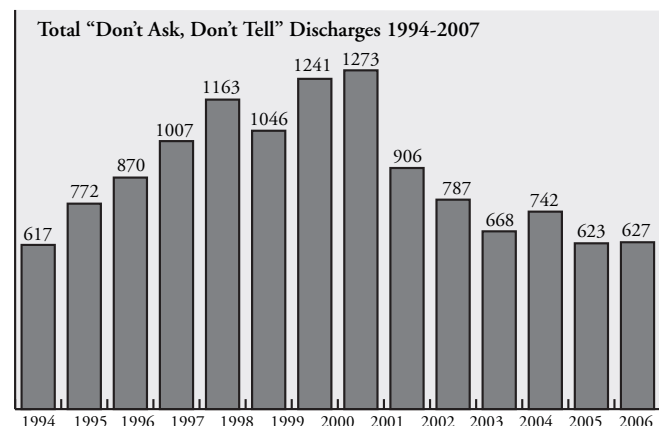
- ▶ The Military Readiness Enhancement Act (HR 1246), the bill which would repeal “Don’t Ask, Don’t Tell” and replace it with a policy of non-discrimination in our armed forces, currently has 143 Congressional Co-Sponsors.
- ▶ Many high ranking military and Pentagon officials support repealing “Don’t Ask, Don’t Tell,” including Former Chairman of the Joint Chiefs of Staff General John Shalikashvili, USA (Ret.).

Banning Gays Hurts Military Readiness:

- ▶ Recruiting and retaining the best and brightest Americans into military service strengthens military readiness. There “Don’t Ask, Don’t Tell” has discouraged nearly 45,000 Americans from joining and remaining in the armed forces (Williams Institute, 2007).
- ▶ Wars in Afghanistan and Iraq strain the military’s personnel resources and make it increasingly difficult to meet recruiting goals. Allowing gay Americans to serve would help alleviate the strain on troops by making more people eligible to serve or continue serving.
- ▶ The military has discharged at least fifty-five Arabic linguists and nine Farsi linguists under “Don’t Ask, Don’t Tell” in the last five years.
- ▶ The Pentagon has discharged nearly 800 ‘mission critical’ troops because of their sexual orientation, including Arabic linguists, medics, pilots and intelligence analysts, according to a 2005 GAO report.

Data Shows “Don’t Ask, Don’t Tell” Discharges Have Fallen by Nearly 50% Since War on Terrorism:

- ▶ Since 2001, “Don’t Ask, Don’t Tell” discharges have declined by almost half.
- ▶ During every major military mobilization the number of gay discharges has dropped, including in Afghanistan, Iraq, the Persian Gulf War, Vietnam, Korea and World War II.



WHY “DON’T ASK, DON’T TELL” SHOULD BE REPEALED

Pentagon and Government Studies Support Gays in the Military:

- ▶ A 1993 RAND report concluded that the U.S. military could lift the gay ban without detriment to military readiness.
- ▶ Two PERSEREC reports (1988, 1989) concluded there was no empirical evidence supporting the gay ban and that there was no empirical data suggesting gays differ from heterosexuals on any performance measure.

Taxpayers Have Spent More Than \$360 Million to Fire Gays from the Military:

- ▶ The Pentagon has spent over \$200 million taxpayer dollars to replace service men and women discharged under “Don’t Ask, Don’t Tell” since 1993, according to a 2005 GAO report.
- ▶ A 2006 Blue Ribbon Commission Report found that the total cost of implementing “Don’t Ask, Don’t Tell” between fiscal year 1994 and fiscal year 2003 was at least \$363.8 million.

National Security Agencies Do Not Discriminate Against Gays:

- ▶ The CIA, FBI and NSA do not discriminate based on sexual orientation. Except for the military, the federal government does not discriminate based on sexual orientation.
- ▶ Many defense contractors hire gay employees who work alongside U.S. troops in Iraq and Afghanistan.

The Public Supports Gays in the Military:

- ▶ 79% of Americans agree that openly gay Americans should be allowed to serve in the military, up from 57% in 1992. (CNN, 2007)

America’s Allies Support Gays in the Military:

- ▶ Most allied forces working alongside U.S. troops in Afghanistan and Iraq allow gays to serve openly.
- ▶ Studies of gays in the militaries of Australia, Israel, Great Britain and Canada have shown integration to be a non-event.

Gays are Serving with Honor and Distinction Right Now:

- ▶ Lesbians, gays and bisexuals are serving and have served in the U.S. military in every conflict since the American Revolution.
- ▶ There are at least 65,000 gay Americans serving on active duty and in the National Guard and Reserves, according to the Urban Institute.
- ▶ Today there are at least one million gay veterans in the United States, according to a recent Urban Institute study based on 2000 Census data.

ABOUT SERVICEMEMBERS LEGAL DEFENSE NETWORK

Servicemembers Legal Defense Network (SLDN) is a national, non-profit legal services, watchdog and policy organization dedicated to ending discrimination against and harassment of military personnel affected by “Don’t Ask, Don’t Tell” and related forms of intolerance.

SLDN’s Goals:

- **Lift the ban** preventing gays, lesbians and bisexuals from serving openly and honestly in the military.
- **Provide free legal services** to service members harmed by “Don’t Ask, Don’t Tell.”
- **Protect service members** from harassment based on perceived sexual orientation or gender identity.
- **Advocate for policies and practices** that improve the lives of service members.
- **Support service member and veteran pride** as lesbian, gay and bisexual or transgendered persons.

SLDN’s Accomplishments:

- Filed an historic lawsuit, *Cook v. Gates*, in federal court on behalf of twelve lesbian and gay veterans challenging the constitutionality of “Don’t Ask, Don’t Tell.”
- Worked closely with Members of Congress to introduce the Military Readiness Enhancement Act (HR 1246), which would repeal the ban on gays in the military.
- Worked with Congresswoman Ellen Tauscher (D-CA), lead sponsor of the Military Readiness Enhancement Act, to identify 143 Congressional Co-Sponsors.
- Identified high ranking military and Pentagon officials, including former Chairman of the Joint Chiefs of Staff General John Shalikashvili, USA (Ret.), who support lifting the ban.
- Coordinated public statements by BG Keith H. Kerr, CSMR (Ret.), BG Virgil A. Richard, USA (Ret.) and RADM Alan Steiman, USPHS/USCG (Ret.), the highest-ranking officers to ever publicly ‘come out’ as gay.
- Responded to more than 8,700 requests for assistance since 1993.
- Obtained landmark Pentagon and service policies against anti-gay harassment.
- Obtained Executive Orders on anti-gay hate crimes and psychotherapist privilege, prohibiting anti-gay discrimination in the issuance of security clearances.
- Obtained a Pentagon Inspector General report documenting epidemic levels of anti-gay harassment in the services.
- Exposed the murder of PFC Barry Winchell as an anti-gay hate crime and fought for accountability by military officials.
- Won, with the law firm of Proskauer Rose, the first federal court ruling that the military violated “Don’t Ask, Don’t Tell,” in the case of Master Chief Petty Officer Timothy McVeigh.
- Helped expose the discharge of dozens of gay linguists despite a critical shortage of linguists needed for national security.
- Founded and leads the “Freedom to Serve” roundtable of national, state and local activists engaged in working to repeal “Don’t Ask, Don’t Tell.”
- Worked with supporters, veterans, lawmakers and the public to bring about the first Congressional hearing on “Don’t Ask, Don’t Tell” in fifteen years.

SLDN Staff: 16 Founded: 1993