

# Key supporters of military's gay ban have changed their position

## Discrimination rationale is eroding

by Aaron Belkin  
Special to Q-Notes

SANTA BARBARA, CA — Several military and academic figures who were influential in the debate leading to the current ban on openly gay soldiers in the US military recently reversed or softened their position on the matter. In light of mounting new evidence suggesting that lifting a gay ban does not undermine combat performance, numerous scholars now say they oppose the ban entirely, or believe it could be eliminated without harming the military.

The Center for the Study of Sexual Minorities in the Military, a research unit of the University of California at Santa Barbara, last winter sponsored a conference in San Francisco to discuss the issue of gays in the military. "Don't Ask Don't Tell: Is the Gay Ban Based on Prejudice or Military Necessity?" was the first ever

gathering of experts from the left and the right as well as military officials from Israel, Australia, Britain and New Zealand who discussed successfully lifting such bans in their countries.

Among the scholars — who initially favored a ban on openly gay soldiers in the US — was Christopher Dandeker, Head of the Department of War Studies and Professor of Military Sociology at Kings College London. As recently as 1999, Dandeker wrote in the journal, *International Security*, that by allowing soldiers to serve openly, "cohesion and military effectiveness would be negatively affected." He called for deferring the open integration of gays in the services "until circumstances are more propitious."

But in comments offered this winter at the Commonwealth Club of California, Dandeker stated that after the British military successfully lifted its gay ban, his thinking had shifted "in the light of evidence and argument and discussion." In follow-up conversations, he said, "I think I underestimated the extent to which integration can proceed," though he added that he remained cautious about how quickly the process could proceed in the US.

Some people who long believed lifting the gay ban would disrupt the military recently

changed their thinking. Laura Miller, Assistant Professor of Sociology at UCLA who has conducted research on the opinions of military personnel, had expressed concern that there might be significant disruptions if the ban were lifted. But after participating in a recent con-

sultation about the wisdom of lifting the ban." But conversations with a colleague, Don Snider, Professor of National Security Studies at West Point, convinced him that the hurdles to full integration might be surmountable.

Snider suggested that the ban could be lifted so long as a strict set of regulations accompanied the change. The new rules must prohibit any fraternizing or public displays of affection among gay and straight soldiers while in uniform. Feaver found Snider's plan "an intriguing and plausible argument, more plausible than others I have heard," but

he added he would like to see the idea thoroughly debated. "I'd be open to evidence," he says, "that persuasively shows that the costs are less than what I thought they'd be."

Cass Sunstein, the noted Professor of Constitutional Law at the University of Chicago, testified before Congress in 1993 about the legal viability of the Clinton compromise. Though personally opposed to the ban, Sunstein believed at that time that it would pass constitutional muster, satisfying the courts as a "rational" policy serving a "legitimate government interest." He counseled judicial restraint, saying, "I think the ideal is for this question to be resolved politically rather than judicially."

But Sunstein has since reversed course on his legal analysis, and he no longer thinks the courts should validate "don't ask, don't tell, don't pursue, don't harass" (DADT). "I thought that then," he says. "I've kind of changed my mind." The gay ban in the US, he now believes, has been so ineffective and is so unnecessary as to warrant a legally "adventurous" approach.

"This policy has been so disastrous in its effects," he told researchers, "...that I guess if the courts struck this down, you should gulp a bit, but smile."

In fact, early supporters of the ban on gay troops have been backing away from the military's discriminatory policy for years. Lawrence Korb, who served as assistant Secretary of Defense under Ronald Reagan, was responsible for implementing the directive that required gays to be discharged. But in 1994, Korb, then a Senior Fellow in Foreign Policy Studies at the Brookings Institution, wrote a very personal essay in which he explained a radical change of heart. Appalled that his policy had led to "an unprecedented era of witch-hunts to flush out these 'undesirables,'" he described how "over the past decade, my own views on this subject have changed considerably and I now feel that the nation and the military would be best served by dropping the ban entirely."

Korb was particularly disturbed by the Pentagon's efforts to conceal findings from a study it commissioned to determine whether gays were a security risk. The study concluded not only that gays were not a security risk, but that they were entirely suitable for military service. But the Pentagon labeled the study a "draft" so it would not have to be released to the public, and it ordered a new study which would omit the objectionable findings. The incident, wrote Korb, "provided compelling, empirical evidence that there was no good reason to exclude gays and lesbians."

Even the chief academic architect of DADT, Northwestern University military sociologist Charles Moskos, recently co-wrote a piece in the *Washington Post* criticizing the "insidious" effects of his own policy. Entitled "Suffering in Silence," the piece explained that soldiers who have been harassed and assaulted frequently feel they cannot report the incidents for fear of being targeted for investigation and possibly expelled. In at least one case, the constant abuse of a soldier who was perceived to be gay escalated into his fatal assault, a death that might have been averted had he felt free to report his perpetrators to authorities.

Moskos has even distanced himself from the central rationale behind DADT: the alleged threat of gays and lesbians to unit cohesion. In an interview last fall with *Lingua Franca* magazine, he dismissed the importance of unit cohesion, saying "I don't care about that; I'm just against requiring gays to live with straights." Although Moskos continues to believe that allowing gays to serve openly would compromise heterosexual privacy in the showers, his recent remarks seem to indicate a softening in his earlier belief that lifting the ban would jeopardize unit cohesion. ▼

*"I'd be open to evidence that persuasively shows that the costs are less than what I thought they'd be."*

— Professor Peter Feaver, Duke University

ference on the experiences of foreign militaries that ended their bans, she believes the problems in the US might not be prohibitive. "After the conference," she says, "I was persuaded that even for those who would come out in an unsupportive environment, there probably wouldn't be quite the level of open hostility I had thought."

Peter Feaver, Professor of Political Science at Duke University and Director of the Triangle Institute for Security Studies, who headed a 1998 study of civilian-military relations, has recently come to see lifting the ban as a potentially viable option. "In 1993," he says, "I was

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