



# The Front Page

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Serving the Carolinas For Over 25 Years!

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## Pentagon Conflicted on Sodomy

By Bob Roehr  
Contributing Writer

Pentagon lawyers are proposing to change the military's sodomy statutes to bring them more in line with current civilian laws and the Supreme Court's 2003 decision that threw out state sodomy laws, according to an April 21 account in the New York Times.

But the ink had barely dried on the newsprint before the military backtracked. Responding to a question at a regular Pentagon briefing, spokesman Lawrence DiRita said that consensual sodomy will "continue to be a crime" as it is a threat to "good order and discipline" within the armed forces.

According to the initial article, lawyers in the office of the general counsel were proposing changes in Article 125 of the Uniform Code of Military Justice (UCMJ) that would decriminalize consensual sex. Acts with minors and those involving force would remain illegal.

Those modifications mirror changes in society, civil law, and the Supreme Court's decision in Lawrence v. Texas. They also are in line with recommendations made by a panel of senior retired military lawyers in 2001.

They would have to be implemented by act of Congress, which generally adopts changes in regulations that the Pentagon puts forward.

Most have seen those provisions of the UCMJ as a serious impediment to gays serving in the military as they maintain the presumption of engaging in illegal acts. While Article 125 applies to both heterosexuals and homosexuals, it has been applied selectively and generally in a discretionary manner against gays.

Sharra E. Greer, director of law and policy for the Servicemembers Legal Defense Network (SLDN), said the recommended changes came after two years of study by military lawyers. They also reflect the fact that military courts of appeal have overturned two consensual sodomy convictions in light of the Lawrence ruling.

There is a suggestion that the Pentagon's reversal, as expressed by DiRita, represents a triumph of political considerations over matters of law, at least for the short term.

"Pentagon leaders cannot run and hide from the



Sharra Greer



Joe O'Neil

Constitution," Greer said. "If they truly believe that they can ignore the Lawrence decision and that the prohibition on consensual sodomy remains valid, they must be asked: Why did they recommend that Congress repeal that prohibition if they remain confident that it is legal and constitutional?"

Momentum continues to build for repeal of "Don't Ask, Don't Tell," the antigay policy that precludes gays and lesbians from serving openly in the military.

The story of Robert Stout, 23, an Army sergeant wounded in Iraq and awarded the Purple Heart, has drawn extensive coverage in the media. He acknowl-

edges that he is gay and wants to continue to serve but he faces the threat of being jailed and discharged from the Army for having said that he is gay.

This has prompted many newspapers to write editorials calling for repeal of the policy. Among them are the usual suspects of the Washington Post and New York Times, but also some unexpected publications, such as the Charleston Gazette in West Virginia.

The California State Senate has gone on record as favoring repeal.

This is the first time that a state legislative body has done so.

## Gay Soldier Wounded in Iraq Wants to Serve Openly

By Mallia Rulon  
Associated Press Writer

WASHINGTON (AP) — An Army sergeant from Ohio who was wounded in Iraq wants a chance to remain in the military as an openly gay soldier, a desire that's bringing him into conflict with the Pentagon's "don't ask, don't tell" policy.

Sgt. Robert Stout, 23, says he has not encountered trouble from fellow soldiers and would like to stay if not for the policy that permits gay men and women to serve only if they keep their sexual orientation a secret.

"I know a ton of gay men that would be more than willing to stay in the Army if they could just be open," Stout said in an interview with The Associated Press.

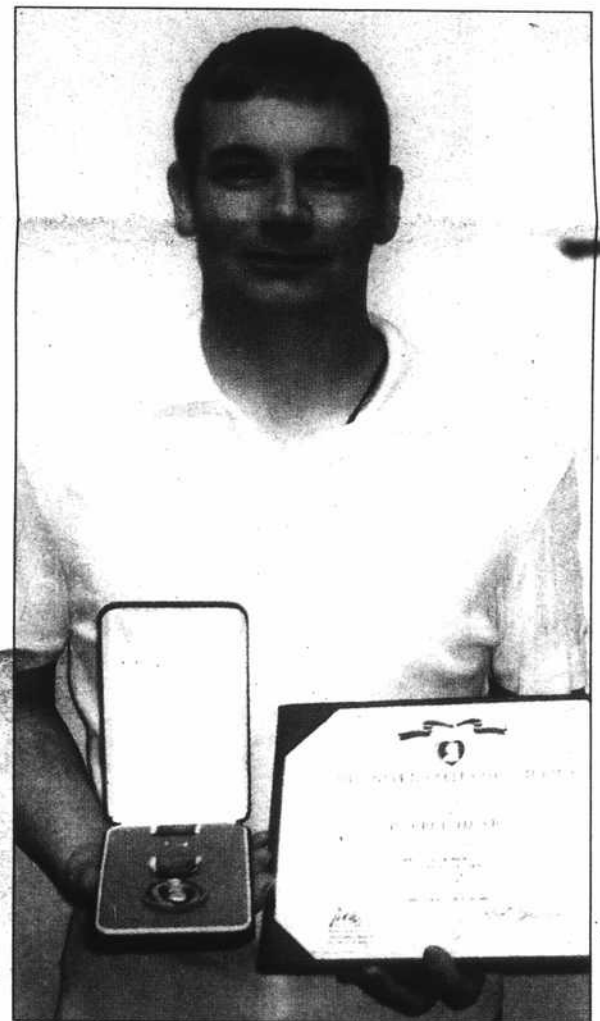
"But if we have to stay here and hide our lives all the time, it's just not worth it."

Stout, of Utica in Licking County, was awarded the Purple Heart after a grenade sent pieces of shrapnel into his arm, face and legs while he was operating a machine gun on an armored Humvee last May.

He is believed to be the first gay soldier wounded in Iraq to publicly discuss his sexuality, said Aaron Belkin, director of the Center for the Study of Sexual Minorities in the Military at the University of California-Santa Barbara.

"We can't keep hiding the fact that there's gay peo-

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Army Sgt. Robert Stout, Stout shows his Purple Heart and Certificate. Stout, a decorated soldier who was wounded in Iraq, is campaigning for the chance to serve as an openly gay soldier in the military. Stout, 23, says he would re-enlist in the military if it wasn't for the "Don't Ask, Don't Tell" policy, which permits gay men and women to serve in the armed forces if they keep their sexual orientation to themselves and abstain from gay activity.

AP Photo/Courtesy of Robert Stout