

# Admission of Gays to the Military: A Singularly Intolerant Act

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The United States armed forces are in the process of drawing down. There appears to be a national consensus in support of this drawdown, a broad realization that it is one of the tough choices needing to be made if we are to get at our difficult domestic challenges. It appears likely, however, that the American military and, indeed, all American citizens are on the verge of embroilment in what may ultimately prove to be an even more difficult challenge than that of force reduction. It will question our nation's values, beliefs, and societal norms. It will challenge us as a people and define us as an organized society. In fact, it threatens to divide the nation. This challenge is the integration of avowed homosexuals into the force.

The broad domestic conflict of which the homosexual issue is only a part is often described as a cultural war, and sometimes even a cultural civil war. It is being fought now, as it has been fought over the past generation, on a number of fronts. The Equal Rights Amendment, abortion, multiculturalism, publicly funded art, affirmative action, and the content of public school curricula have been just a few of the issues vigorously debated over the past decade.

James Carville, the media consultant for President Clinton, said that the 1992 election was about "the economy, stupid!" And indeed, according to a number of exit polls, the economy may have been the deciding factor. It would be a mistake, however, to conclude that economic issues are always paramount. In the United States, politics often divides Americans along cultural lines too—along lines of region, race, ethnicity, religion, and personal values.<sup>1</sup> The military services, never immune to the spillover effects of society's cultural divisions, may now confront the intractable problem of homosexual integration. In the present article, we shall argue against such a policy.

This question is at once moral, philosophical, and political. For while the state of the economy may ebb and flow with the fluctuations of the business cycle, the ideas by which we define our culture endure. Ideas have

consequences. As intellectual historian Christopher Dawson put it: "It is clear that a common way of life involves a common view of life, common standards of behavior, and common standards of value."<sup>2</sup> What Dawson says applies doubly to military life, where mission accomplishment depends to a great extent on the molding to common purpose of millions of individual soldiers. The idea of homosexual integration, so divisive in its implications, thus presents profound questions and practical considerations for the institution.

We believe there exists a cultural divide in our society, an ideological chasm between competing views of morality. In many instances this is a conflict between a traditional view of morality on one side and an opposing view which holds that there exist *no* objective standards of morality. However one chooses to view morality, it is safe to say that it is a unique aspect of our human nature, one which separates man from the animal world. And whether it has been workers' safety regulations, the repeal of slavery, or modern-day civil rights legislation, our laws have found their basis in moral judgments—this despite what may have seemed like sound economic or rational arguments against their enactment.<sup>3</sup> As Judge Robert Bork pointed out in his book *The Tempting of America*, it is a "common yet wholly fallacious" cliché to say that "you can't legislate morality."<sup>4</sup> On the contrary, that is precisely what we do legislate—otherwise we would be free to rob, steal, swindle, and kill without fear of legal sanction. It is clear that most people understand and accept the concepts of good and bad, right and wrong, and live by such creeds, morals, and laws on a daily basis. Some may argue theoretically that morals are relative and subjective, but they rarely live that way. A civilized community cannot long bear the anarchy inherent in such a view. If the statement that one man's moral judgment is as good as another's were taken seriously, it would be impossible for law on any subject to exist. After all, one man's larceny would become another's just redistribution of goods.<sup>5</sup>

In our democracy we handle our moral differences through mutual toleration. We can tolerate a range of undesirable practices or beliefs while recognizing the bad or falsehood in them. In recognizing our human failing,

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the vices within us all, toleration precludes the resort to the totalitarian impulse of imposing a single virtue over society.<sup>6</sup> Ill-fated attempts to create a “new man,” an inherent goal in all manifestations of totalitarianism<sup>7</sup>—from the mass slaughters of Stalinism to the carnage of Pol Pot—testify to the difficulties of that approach.

It must be recognized, however, that toleration, by definition, is inherently judgmental, permitting some morally questionable practices of fellow human beings while simultaneously recognizing that those practices constitute a deviation from the established norm. It respects and recognizes the rights, opinions, and practices of others, while still allowing us to discriminate between right and wrong in establishing desirable norms of conduct and behavior.<sup>8</sup>

The “new morality” of the last 30 years, however, goes much further; it demands *neutrality* (as opposed to toleration) toward competing views of moral life.<sup>9</sup> It does not accept judicious discrimination. In fact the very word “discrimination” now carries with it a negative connotation, regardless of the purpose or goal involved. Surprisingly few people understand that the notion of discrimination is in fact central to the function of government—especially with regard to the legislative role. That is to say, Congress discriminates on a daily basis, setting up standards of discrimination to determine eligibility for benefits, services, jobs, etc. It is, after all, discrimination to decree that Social Security payments are only for people over 62, just as it is, say, to decree that those citizens who are only 17 years old cannot vote, or to decide that families earning over \$50,000 per year cannot receive food stamps. What we seek to avoid in trying to create a more just society is *irrational* discrimination. Toward that end we have eliminated legally sanctioned discrimination based on certain demographic classifications such as race, ethnicity, religion, color, national origin, and so forth.

Historical analysis suggests that homosexuals have not been characterized as a group until relatively recently—and even that has been a result of their own organized lobbying to be recognized as such. For, unlike demographic groups, they have been distinguished not by physical characteristics, place of birth, or creed, but by individual behavior. But the banding together of individuals, united by shared behavior or lifestyles, to seek redress does not make it incumbent on government to acquiesce in legally sanctioning their particular behavior. Otherwise there would be no preventing other people from forming associations based on other shared behaviors—no matter how far removed from societal norms—and obtaining “rights” based solely on discrimination against them.

Lobbyists for “neutrality,” however, demand that the government not discriminate against one view of life—one “valid lifestyle” as it were—over another.<sup>10</sup> By this approach, the “gay” lifestyle becomes just as valid a manifestation of human existence, and presumably just as vital to the continuation of

family and of mankind, as heterosexuality. However, without the ability to distinguish, to discriminate, or to recognize differences, then the concept of equality of treatment before the existing law is debased to mean, in effect, that all individuals—regardless of their behavior—are “the same.” But this idea of equality is a radical one, egalitarian in design. It turns on its head the notion of individual equality before the law to one where law that makes moral distinctions itself becomes invalid before equal individuals. This tactic results in “the legal disestablishment of morality.”<sup>11</sup>

### ***Power, Social Morality, and Personal Values***

Some researchers have sought to find a genetic or physiological root to homosexuality to lessen or remove moral judgments about it. But the jury is still out on the degree to which prenatal (as opposed to postnatal) determinants affect sexual orientation.<sup>12</sup> On the other hand, some homosexuals maintain that homosexuality is a behavior of choice, “a political statement”—or as PBS’s “Tongues Untied” described it, “the revolutionary act.” This dynamism, then, this energy and force that characterize the homosexual movement in America, places the question of the avowed homosexual’s integration into the armed forces in a new light: the issue is about power, political power, and revolutionary change. As columnist Samuel Francis writes, it is about who determines “the norms by which we live, and by which we define and govern ourselves.”<sup>13</sup>

Who decides these questions for the military services? Tradition? Religion? Congress? The President? Ultimately, service mores are a reflection of values held by the civil society from which service members are drawn. Roger H. Nye explains: “Military courses in ethics and professionalism teach a lengthy process of reasoning one’s way through moral dilemmas. But the decisions of junior commanders reflect less of what they have been taught as soldiers and more of the moral characteristics they brought with them into the Army from their teachers, parents, and childhood environments.”<sup>14</sup> Our leadership must understand that simply declaring a new morality by executive or legislative fiat does not automatically imbue soldiers and officers with a new professional ethic concerning issues of right and wrong, particularly if it is seen as an overtly political act.<sup>15</sup>

What about rights? Excessive talk about rights tends to polarize debate between absolutes and does not allow for political consensus-building. Does anyone have an unconditional right to be in the Army (or in any of the services)? The historical answer is clearly no. The Army routinely discriminates when recruiting soldiers, enrolling ROTC cadets, or considering appointments to West Point. The Army must consider not only skill requirements and the educational level of applicants, but such factors as personal histories, past criminal behavior, and overall mental and physical aptitudes. It is simply a fact that some of these discriminators are based in part on the

negative impact some people would have on the ability of the Army to “preserve good order and discipline” and accomplish its missions. Some will say that these same arguments were made against the integration of minorities and women, but the fact is that race and gender are not behavior. Sexual conduct is. We all have choices to make in life about who we want to be. By these choices we define and limit ourselves from being other things. A homosexual can no more claim an absolute right to admission to the Army than can anyone else who fails to meet the standards that the Army and society deem optimum for building the force.

The argument is sometimes heard that the proposed policy would embrace the notion of demonstrated behavior only. That is, homosexuals would be incorporated into the force, but only on the condition that they never engage in homosexual activities. In other words their Army lives would be celibate, or, more properly, chaste. This notion appears to be a remarkably hopeful one, for it contemplates a degree of sexual discipline imposed on one set of young men and women that is but a forlorn hope in the secular community at large. It denies that which is perhaps the most powerful of human drives. Thus, to argue with a straight face for chastity as a condition for service membership by homosexuals is either fatally naive or cynically disingenuous.

But there are more serious objections. If this policy is to be strictly behavior-based, then we would, in effect, be adopting a policy of partial legitimization. If those supporting homosexual integration are sincere in their behavior-based policy proposals, then the signal that we contemplate sending is essentially this: homosexual soldiers, as a matter of legal right, may now serve, but they must understand that that right is limited. Yes, they can serve, but they cannot have a spouse or act out the very lifestyle which is the basis of their newfound rights in the first place. All of this begs an obvious question: Is the lifestyle or sexual orientation (or whatever term might be used in an executive order or act of Congress) legitimate or not? If it is, then why delimit anyone’s rights that flow from that lifestyle? It seems difficult to imagine our leadership sending a mixed message of this kind to any group, at least for very long. One may understand the suspicions of those opposed that “behavior” is being used only to sell a policy, and that once implemented behavioral restrictions will inevitably erode.

### *Consequences of Integration*

What would be the practical consequences for the Army if given the order to integrate homosexuals? The Uniform Code of Military Justice, which now proscribes sodomy (Art. 125), codifies the institutional service morality. In addition to Article 125’s specific prohibition against sodomy, Article 133 proscribes “conduct unbecoming an officer and gentleman,” and Article 134 proscribes all forms of conduct that “prejudice good order and discipline” or

“bring discredit upon the armed forces.”<sup>16</sup> What if these limitations were removed or reinterpreted, and the term “alternative lifestyle” were made the standard by which we judge behavior? There would be little to restrain any kind of alternative lifestyle which a consenting adult may wish to assert as his or her right. Concern for off-duty behavior may have to become a thing of the past.

Would polygamy or consensual open marriage then constitute an alternative lifestyle? Would adultery, now punishable under the UCMJ (and not infrequently punished), still be grounds for punishment? Before quickly answering “no” to the first question, and “yes” to the second, one must review the standard by which those conclusions are reached and compare it with those standards that would be used to give legal sanction to the homosexual lifestyle. Acceptance of the neutrality principle of the new morality loosens the underpinnings not only of societal norms, but of many of our legal concepts. Once we slip the shackles of “antiquated legal and moral notions,” we find ourselves suddenly in the broken field of moral relativism. The oft-repeated cliché “I’m okay, you’re okay” can then come to be applied to all the standards that govern the manner in which citizens of a civilized society conduct themselves.

If avowed homosexuals are allowed in the armed forces, would homosexual marriage be recognized for the purpose of conferring survivor pay and benefits? Homosexual “spouses,” officially or informally, would inevitably be a part of Army life. Would we recognize a homosexual couple as parents? Would they be assigned government quarters on military installations? How would Army service community organizations be affected? Would officers’ and noncommissioned officers’ spouses’ clubs open themselves to the significant other of homosexual members? This new “civil right” could hardly be limited to lower-ranking soldiers—OCS, ROTC, and the service academies would all be affected as well.

If integration occurs, would the “privacy” of behavior then be the new standard for judging conduct, or, going further, would the privatization of morals lead to their disappearance altogether? Would the Army protect the privacy of heterosexuals vis-à-vis homosexuals in the same way it now protects the privacy of gender, with separate sleeping quarters, showers, and latrines? Or would this simply be a one-way street, with homosexuality emerging as a newly recognized, constitutionally protected right which overrides privacy concerns by heterosexuals both male and female? Before saying no, the reader must consider that the advocates of these new policies seek the same rights and privileges which accrue on the basis of race, color, and creed.

The implications are endless. How, for example, is the Army to defend itself against charges of imputed bias in the case of promotion passovers, SERBs, RIFs, nonselection for coveted schools, undesirable assignments, etc. that occur with avowedly homosexual personnel? We all know the story: disproportionately low minority representation among select groups is often

construed as prima facie evidence of discrimination. Within a very short period after the new policy's implementation, we could well see tacit floors, quotas, and other affirmative action devices to assure that homosexual personnel receive their "fair share" of benefits. These and similar results represent the logical extension of an integration order on the Army, which like other political policies may have unintended or unanticipated second- and third-order effects.

What would be the impact on readiness, deployability of units, and the Army health care system? Study of this issue would be incomplete without a realistic risk assessment with regard to AIDS. According to Alfred Kinsey, whose figures remain remarkably current based on later assessments, the average homosexual has 1000 sex partners in a lifetime. *Village Voice* put the figure at 1600.<sup>17</sup> No one debates the linkage between male homosexual behavior and this the most serious disease of the generation. It is generally conceded that homosexuals account for 65 to 70 percent of all AIDS cases in the United States. When intravenous drug-users, hemophiliacs, and Haitians are deducted from the population figures (a valid adjustment because of the reduced likelihood of these groups serving in the armed forces), homosexuals account for between 90 and 95 percent of cases.<sup>18</sup> An article appearing in the *Journal of the American Medical Association*<sup>19</sup> reported the average direct medical cost of the earliest group of AIDS cases to be \$147,000 per patient. Using Consumer Price Index averages, that cost will grow to some \$386,000 per patient by the year 2000, and almost \$639,000 by 2008, 15 years from now.<sup>20</sup>

Assuming the frequently heard claim that homosexuals represent ten percent of the American population is true, and that policy changes currently under consideration are made, an active duty military force with some 140,000 to 150,000 gays within the next ten to 15 years can reasonably be posited.<sup>21</sup> What would be the effect on the military medical system if there were, say, 10,000 (about three percent of the expected male homosexual accessions)<sup>22</sup> new full-blown AIDS cases among active duty personnel through the first several years of the next century? This is a conservative assumption considering that some 5.8 percent of male homosexuals in the United States have already tested positive for HIV.<sup>23</sup> Can the Department of Defense afford outlays of nearly \$6.5 billion (\$639,000 times 10,000 cases) just for AIDS-related costs by 2008? Can the Department of Veterans Affairs? What effect would such additional costs have on care for other active duty personnel? On family members? On retirees? On the CHAMPUS system? What would be the cost of replacing the Military Occupational Specialties lost by AIDS casualties?

But that is not the whole story. Over 50 percent of syphilis cases in the United States occur in homosexual men.<sup>24</sup> Fifty to 75 percent of gay men have or have had hepatitis B (a highly contagious disease, potentially devastating to a military unit),<sup>25</sup> while 90 percent demonstrate chronic or recurrent viral infections with herpesvirus, cytomegalovirus, and the same hepatitis B.<sup>26</sup> The

implications for the Army blood supply, particularly in combat situations, are obvious. War is a bloody business, and the adverse impact on individual morale and unit cohesiveness of encountering potentially AIDS-infected blood while handling or treating war-wounded comrades should not be lightly brushed aside.

### *The Role of Leadership*

Soldiers must depend on and have confidence in the decisions of their leaders. There exists a vital link between trust and morale. Good staff work, sober study and reflection, and common sense are prerequisites to command decision. In the heat of crisis, of course, arms and equipment may be placed in service without being thoroughly tested. But that is a calculated risk soldiers understand. They intuitively accept the state's right to impose risk. But trust presumes that such risk is firmly related to, and bears directly on, operational necessity.

With regard to new social policy in the armed forces, however, no such risk is justified. A rush to judgment on this issue may take its toll in the confidence that soldiers feel toward their leadership. Our leadership must not sacrifice that trust by appearing to act quickly and politically. Too much is at stake. A drastic change in the social fabric of the Army such as that now being considered must be closely analyzed in terms of its effects on cohesion, teamwork, and, yes, trust and confidence. Our leadership should seek answers to the quite natural questions being raised. Failing satisfactory answers, it is the duty of our leadership to urge restraint.

Such a course will take courage, a different kind of courage from that required on the battlefield. For we live in an age of increasing intolerance in American politics. It is an age of rhetorical excess, which recalls the totalitarian penchant for linguistic polarization<sup>27</sup> which some have likened to verbal terrorism. In the issue at hand, opposition to recognition of homosexuality as a constitutionally protected classification is automatically termed "homophobia." This is a favorite media shibboleth, though etymologically inaccurate. A phobia is "an abnormal or illogical fear of a specific thing or situation." To attack someone's mental state as "phobic" simply because he has a moral reservation or opposing view is not unlike the approach used in the old Soviet Union where dissidents were diagnosed as requiring psychological treatment and placed in "mental hospitals." The two approaches are closely related: one who disagrees with proposed policy changes is ridiculed as having a mental disorder.

Philosophically construed, one of the main purposes of the present essay is to urge that the majority deserves toleration as well as the minority. Societal norms now in effect are indeed those of toleration. All but a tiny minority, the likes of which infect every society, are willing to live and let live. With few exceptions the American people show no inclination to interfere in



the private lives of homosexuals, transsexuals, transvestites, and others regarded as deviant. It is quite another thing, however, to say that because of the lifestyle a minority chooses to adopt, it can demand legal reform that impinges adversely on the lives and security of the majority.

The Army as an institution, imperfect as it is, should aspire to our highest values. The most tolerant approach would be to recognize the practical and moral consequences of this proposed change on the Army and its members. As currently constituted, the integrity and cohesion of the Army as an institution are intact. It can continue to defend the nation, defending a common way of life that can tolerate the uncommon. But to impose a neutral legal standard and a new moral view of homosexuality on the Army would be a singularly intolerant act, striking at the heart of cohesion and institutional morality. It would be a remarkably divisive decision.

The decision to integrate, should it occur, should be taken only as the logical result of a "positive" finding: a determination that the integration of homosexuals would in fact strengthen the force and lay the groundwork for the superb military team the challenges of the 21st century will require.

Columnist George Will has written, "The alternative to waging the cultural war is acquiescence in the atrophy of democratic processes."<sup>28</sup> The pressures on the Army leadership to acquiesce in the "politically correct" position on the homosexual issue (as well as others) are enormous. But since the final decision does not rest with the services, our leaders' legacies will be determined not by the final decision itself, but rather by the quality of their advice, their representation of the Army's and services' interests, and their stewardship with regard to future readiness. Thus if our leadership merely fulfills its responsibilities for ascertaining the facts and making a considered policy recommendation, then it will have done its duty.

While serving as President of the Naval War College, Admiral James Stockdale lamented the ethical decline in the military during the Vietnam era. He said this:

Society as a whole has adopted the judicial process as its moral yardstick and forfeited common sense and personal responsibility. . . . Too many have become relativists without any defined moral orientation. Too many are content to align their value systems with fads and buzzwords, and mindlessly try to obey what amounts to a hodgepodge mixture of inconsistent slogans. . . . However, if anything has power to sustain an individual in peace or war, regardless of occupation, it is one's conviction and commitment to defined standards of right and wrong. . . . Each man must bring himself to some stage of ethical resolution.<sup>29</sup>

Surely, as we approach a decision on the vexed issue of admitting avowed homosexuals into the force, adherence to Admiral Stockdale's appeal to principle represents the ultimate tolerant act.

## NOTES

1. Michael Barone, *Our Country* (New York: The Free Press, 1990) p. xi.
2. Christopher Dawson, quoted in William J. Bennett, *The Devaluing of America: The Fight for Our Culture and Our Children* (New York: Summit Books, 1992), p. 25.
3. Robert Bork, *The Tempting of America* (New York: The Free Press, 1990), pp. 115-26.
4. *Ibid.*, p. 246.
5. *Ibid.*, p. 249.
6. John Gray, *The Loss of Virtue* (New York: National Review Books, forthcoming).
7. Carl J. Friedrich and Zbigniew Brzezinski, *Totalitarian Dictatorship and Autocracy* (New York: Praeger), pp. 15-27, 183-202.
8. Gray.
9. *Ibid.*
10. *Ibid.* For an excellent brief debunking of propaganda asserting the moral equivalence of the homosexual and heterosexual lifestyles, see George Will, "Respect OK, Not Indifference," *The Sentinel* (Carlisle, Pa.), 7 December 1992, p. B3.
11. *Ibid.*
12. E. L. Pattullo, "Straight Talk About Gays," *Commentary*, 94 (December 1992), 21-24.
13. Samuel Francis, cited in Patrick Buchanan, "Yes, Governor Cuomo There is a Cultural War," *Conservative Chronicle*, 23 September 1992.
14. Roger H. Nye, *The Challenge of Command* (Wayne, N.J.: Avery Publishing Group, 1986), p. 94.
15. Enrique T. Rueda, *The Homosexual Network: Private Lives and Public Policy* (Old Greenwich, Conn.: The Devin Adair Company, 1982), p. 139.
16. *Manual for Courts-Martial, United States, 1951*, pp. 447, 449.
17. As cited in R. Emmett Tyrrell, Jr., ed., *Orthodoxy* (New York: Harper & Row, 1987) p. 170.
18. S. L. Sivak and G. P. Wormer, "How Common is HTLV-III Infection in the United States?" *New England Journal of Medicine*, 313 (1985), 1352-53, as cited in Gene Antonio, *The Aids Cover-up? The Real and Alarming Facts about AIDS* (San Francisco: Ignatius Press, 1986), p. 132.
19. Hardy et al., "The Economic Impact of the First 10,000 Cases of Acquired Immunodeficiency Syndrome in the United States," *Journal of the American Medical Association* (1986), 209-11. Cited in Antonio, p. 132.
20. *The World Almanac and Book of Facts 1991* (New York: Pharos Books, 1990), p. 113. The 1985 cost of \$147,000, compounded annually using the CPI medical cost inflation rate through 1989, and assuming a 6.5% rise in each year thereafter. (6.5% is the lowest annual rise for the medical cost component of the CPI between 1985 and 1989.)
21. The plan currently in place calls for an FY95 DOD end strength of 1,644,000. Then-President-elect Clinton indicated he would go "some 200,000 beyond that." An eventual DOD end strength of between 1.4 and 1.5 million appears to be a reasonable planning figure.
22. According to the *Defense 92 "Almanac"* (September/October 1992), accessions have averaged approximately 14.3% of the average annual DOD end strength. While this percentage has fallen since 1989, we assume that over the next 15 years the ratio of accessions to end strength will reflect historical levels. Based on the lowest planning figures, total accessions between 1993 and 2008 would be approximately 3,468,000. Assuming a constant rate of 10.96% female (the current figure), 3,088,000 men will be recruited or commissioned over the next 15 years. According to Gay Rights organizations, approximately 308,800 are likely to be gay.
23. Michael Fumento ("Do You Believe in Magic?" *American Spectator*, 25 [February 1992], 16-21) cites statistics from the Center for Disease Control indicating that approximately one million Americans have contracted HIV (100,000 have died). According to Fumento, some 700,000 of these are homosexual males. Again, assuming that 10% of the male population are gay (12 million), this would mean that approximately 5.8% have already been infected with HIV. Since approximately 26% of males are under 18, the adult homosexual infection rate would be approximately 8%.
24. Pearl Ma and Donald Armstrong, *The Acquired Immune Deficiency Syndrome and Infections of Homosexual Men* (New York: Yorke Medical Books, 1984), p. 6, as cited in Antonio, p. 54.
25. Jeanne Kassler, *Gay Men's Health: A Guide to the AID Syndrome and Other Sexually Transmitted Diseases* (New York: Harper and Row, 1983), p. 38, as cited in Antonio, p. 45.
26. David G. Ostrow, Terri A. Sandholzer, and Yehudi M. Felman, *Sexually Transmitted Diseases in Homosexual Men* (New York: Plenum Medical Book Co., 1983), p. 204, as cited in Antonio, p. 45.
27. Robert Jay Lifton, "Death and History: Ideological Totalism, Victimization, and Violence," in *Totalitarianism Reconsidered*, ed. Ernest A. Menze (Port Washington, N.Y.: Kennikat Press, 1981), p. 227.
28. George F. Will, *Suddenly: The American Idea at Home and Abroad* (New York: Free Press, 1990), p. 358.
29. James B. Stockdale, "Taking Stock," *Naval War College Review*, 31 (Fall 1978), 1-2.