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## UNTANGLING A NEW GORDIAN KNOT: DON'T ASK, DON'T TELL, AND ALEXANDER'S SWORD

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The polarizing dispute over *Don't Ask, Don't Tell* (DADT)—the law prohibiting anyone who demonstrates a propensity to engage in homosexual acts from serving in the U.S. military—has increased in both amplitude and frequency. The Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, argued before the Senate Armed Services Committee that the 1993 compromise law has created an untenable situation: “I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.” Meanwhile, some senior leaders have voiced opposing opinions. Marine Commandant General James Conway bluntly testified before the same committee that, “My best military advice to this committee, to the secretary, to the president would be to keep the law such as it is.”

Data suggest American public opinion supports a repeal of DADT. According to a recent ABC/Washington Post poll, 75% of Americans agreed with the statement that “homosexuals who do disclose their sexual orientation should be allowed to serve in the military.” And there is evidence of change even in traditionally resistant populations. A 2009 Gallup poll reported that 58% of Republicans, 58% of conservatives, and 60% of weekly churchgoers favor “allowing openly gay men and lesbian women to serve in the military.”

But those advocating keeping DADT also can point to surveys supporting their position. According to a 2006 Zogby Poll of Iraq and Afghanistan veterans, only 23% of those serving on active duty agreed with “allowing gays and lesbians to serve openly in the military.” The same poll showed that of those active duty military members who were certain that gays or lesbians were in their unit, 36% believed that their presence negatively impacted their personal morale while 33% reported a negative impact on their unit’s morale. And in a study presented at the 2008 Eastern Sociological Society, survey results showed that 50% of military academy cadets and 40% of ROTC cadets believed that homosexuals should be banned from the military. Thus, the data suggest that those serving in the U.S. armed forces may be less sanguine about openly gay and lesbian service members than respondents from the larger society.

With senior leaders publicly staking out their opposing positions and surveys supporting both sides of the debate, a generally acceptable solution seems unachievable. We should not be surprised by this often virulent clash of perspectives, however. Of the 16 major social and cultural issues measured by Gallup, gay and lesbian relations are the most divisive—more than abortion or doctor-assisted suicide. Americans are split on the morality of homosexuality as 49% of those polled state that gay or lesbian relations are morally acceptable, while 47% believed them to be morally wrong, a virtual statistical dead heat. With such societal disagreement, it should come as no surprise that DADT has engendered so much controversy.

And yet there may be middle ground that would attend to the core concerns underpinning the opposing views in this debate. Its proper consideration requires *a priori* understanding that true compromise rarely pleases either party but satisfies both. Clearly, every genuine compromise will have features that dissatisfy both sides of the controversy, but they are outweighed by the points of satisfaction. For the issue at hand, the solution to the impasse is to replace Don't Ask, Don't Tell (DADT) with Don't Ask, Discretionary Tell, and Don't Act (DADTDA).

This compromise retains *Don't Ask* to reinforce the restrictions on the military in attempting to discover or reveal homosexuals in the force. *Discretionary Tell* allows service members to disclose their sexual orientation, if desired, without fear of negative personnel actions. *Don't Act* prohibits homosexual behavior in all places and situations within the military context; i.e., when the service member acts with military status. DADTDA does not alter the Defense of Marriage Act which states that the federal government defines marriage as a legal union exclusively between one man and one woman and, thus, does not address the issue of conferring military benefits upon homosexual partners.

On one hand, DADTDA offers a solution that does not force any military members to endorse the "homosexual lifestyle" or condone homosexual conduct in the military environment. On the other, DADTDA does not extend the prohibition of homosexual conduct to locations and situations clearly outside of the military context. And for the reasons stated above, DADTDA will not completely please either side of the debate. Some dissatisfaction on both sides will remain. Some will say that the compromise imposes unfair constraints on homosexual behavior. Others will argue that this is the next step towards the eventual full acceptance of homosexuality. Still, this middle ground compromise would be much more in keeping with American pluralism than a reckless swing of Alexander's sword.

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