

# Fight to Serve Openly for Lesbian, Gay and Bisexual Service Members

GRADES 8-12



## Overview

This activity is geared toward participants in grades 8-12. The estimated amount of time to deliver this lesson is 75 minutes. During World War II and long after, the United States military banned LGBTQ service members. With the rise of the gay rights movement in the United States, service members who had to hide parts of their identity in order to keep their positions in the military started to challenge these policies.

When President Bill Clinton expressed interest in allowing lesbian, gay and bisexual service members to serve openly, military leaders and members of Congress pushed back on that idea. In order to get something passed, a compromise was made when the Clinton Administration implemented the “Don’t Ask, Don’t Tell, Don’t Pursue” policy in 1993. Advocacy groups continued to challenge this policy and over the course of seventeen years, public opinion shifted.

This shift in public opinion alongside pressure on the government led to the repeal of “Don’t Ask, Don’t Tell,” allowing lesbian and gay service members to serve openly. In this lesson, participants will discuss the impact of the advocacy leading up to the repeal of “Don’t Ask, Don’t Tell.”



## Objective

Participants will be able to identify ways in which Americans fought against policies not allowing lesbian, gay, and bisexual service members to serve openly.



## Materials

- Photograph of Leonard Matlovich’s gravestone
- Data from CNN/Opinion Research Corporation Poll, November
- Excerpt from “ARMED FORCES, Subtitle A - General Military Law, PART II - PERSONNEL, CHAPTER 37 - GENERAL SERVICE REQUIREMENTS, Sec. 654 - Policy concerning homosexuality in the armed forces
- Seven pages from “Dignity & Respect A Department Of Defense Training Guide On Homosexual Conduct Policy”
- Chart paper
- Markers



## Inquiry

Share image of gravestone in Historic Congressional Cemetery in Washington, DC. Ask participants to share what they notice in the image. Share information on the different types of discharges.

- What did Matlovich receive a discharge for?
- What might that say about the military during the time of Matlovich's service?
- What statement is this intended to make?

Share information on the ban on lesbian, gay and bisexual servicemembers prior to the 1990s.



## Investigation

### Responding to the Ban

Show photograph of picketers outside of the Pentagon in 1965. Ask students the following questions:

- What might be going on in this photo?
- What might this group want?
- What is the potential impact of picketing outside the Pentagon?

Review the ban on lesbian, gay and bisexual servicemembers prior to the 1990s. Share information on court cases fighting against the military's ban on homosexuality.

- What might the goal of these court cases be?

### Don't Ask, Don't Tell

Share events leading up to the passing of "Don't Ask, Don't Tell." Have participants read through the excerpt from "§654. Policy concerning homosexuality in the armed forces."

- What rationale is made for excluding gay and lesbian service members in the armed forces?
- What assumptions are made about gay and lesbian service members in the armed forces?
- What are the implications of removing someone based on conduct?
- What are the implications of removing someone based on propensity or intent?



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On December 21, 1993, The Clinton Administration issued a policy known as “Don’t Ask, Don’t Tell” under Defense Directive 1304.26 as a compromise.

- What do you think this policy, titled “Don’t Ask, Don’t Tell, Don’t Pursue,” entails?



## Investigating DADT

Let participants know that they will try to make sense out of the policy by investigating training materials on the policy. Divide participants into seven different groups and provide them with markers and chart paper. Hand each group a page of “Dignity & Respect A Department Of Defense Training Guide On Homosexual Conduct Policy,” published in May 2001. Have each group summarize the major points of each page on their chart paper. Provide time for participants to respond within their groups, then have each group share their summary. Ask the following questions of the whole group:

- What are grounds for a gay service members being separated or discharged from the military?
- What is considered credible information?
- Who is considered reliable?
- How could the fact that another individual can report a statement made by a gay servicemember impact that servicemember’s relationships with their peers?
- Who could a gay service member talk to confidentially? What are the risks?
- If someone is being accused or harassed, is that grounds for being investigated?
- How might a gay service member being harassed be deterred from informing the chain of command?

Share how ambiguity of this policy could lead someone to still be separated from service, even without display of homosexual conduct.

## Looking at Changes in Opinion Over Time

Discuss efforts of organizations fighting against “Don’t Ask, Don’t Tell” and the shift in public opinion over time, eventually leading to the repeal of DADT in 2010. Have participants look through data pulled from “CNN/Opinion Research Corporation Poll, November.”

- What do you notice looking at the data?
- How could change in public opinion change the enacted policies we see?
- What are ways to shift public opinion? How can one’s personal connections change one’s opinion on policy?

- What has led you to change your mind on a topic?

## Remarks by the President and Vice President at Signing of the Don't Ask, Don't Tell Repeal Act of 2010

Have participants read [“Remarks by the President and Vice President at Signing of the Don't Ask, Don't Tell Repeal Act of 2010.”](#) Have participants answer:

- What rationale does President Obama use for deciding to repeal “Don’t Ask, Don’t Tell?”
- How does this rationale counter the Congress’s rationale for excluding gay and lesbian service members in the armed forces in 1993?



### Lesson Connection

For more information on transgender service members being able to serve in the military, see our lesson: **Fight for Transgender Service Members to Serve Openly.**



### Background

#### Leonard Matlovich’s Gravesite

A gravestone in the Historic Congressional Cemetery in Washington, DC reads, “When I was in the military they gave me a medal for killing two men and a discharge for loving one.” The downward facing triangle on the left of the gravestone is in reference to the pink triangle, the symbol gay men were required to wear within the walls of concentration camps in Nazi Germany.

The pink triangle became a symbol for the gay rights movement. The upward facing triangle on the right is in reference to a symbol of the AIDS advocacy movement, first seen on a poster created by six New York City Activists in 1986 with the words SILENCE = DEATH and a bright pink upward-facing triangle, referencing the concentration camp badge worn by gay men in Nazi Germany.

This poster was intended to call attention to the AIDS crisis that was decimating populations of gay men across the country. This gravestone marks the gravesite of Leonard Matlovich, an Air

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Force sergeant who had received a Bronze Star and a Purple Heart for combat service in Vietnam. He received a general (not honorable) discharge in 1975 after coming out as gay to his commanding officer in an effort to challenge the military's ban on gay service members.

## Defining Discharge

A military discharge releases a service member from their service in the Armed Forces. There are different types of discharge, some of which can hinder a person from receiving full military benefits or from reenlisting in the military. The majority of service members exit their service with an honorable discharge, leaving them with full access to the benefits they are entitled to, such as:

- A general discharge under honorable conditions occurs when something prevents the service member from performing their job adequately or from meeting expected standards of conduct. The veteran still has access to most veteran's programs, sometimes even VA medical coverage. However, they cannot reenlist and do not have eligibility for the GI Bill, which helps them pay for college, graduate school and training programs.
- An "Other Than Honorable" (OTH) discharge means the service member will not be entitled to veteran's benefits and will not be eligible to reenlist. Today, security violations, arrest and conviction by civilian authorities, assault, abuse of authority and drug violations are all examples of the type of conduct warranting an Other Than Honorable discharge.
- A "Bad Conduct Discharge" (BCD) is given as punishment for bad conduct opposed to a serious offense.
- A "dishonorable" discharge is a punishment for a serious offense during military service.

## Responding to the Ban

Lesbian, gay and bisexual service members in the military were at risk of being discharged for "homosexual acts" as early as the Revolutionary War. At the beginning of World War II, the military began to discharge anyone suspected of being gay or lesbian. Not only could participating in "homosexual acts" or conduct have someone removed from the service, but those who admitted or were suspected of having a gay, bisexual or lesbian orientation would be removed from service with what was noted as a "less than honorable discharge," which stayed on one's record and could deny access to benefits and further opportunity.

In 1974, Frank Kameny, a pioneering gay rights activist, was looking for a test case to challenge the military's ban on gay service members. Leonard Matlovich, a sergeant who had received a Bronze Star and a Purple Heart for combat service in Vietnam, responded to the call, volunteering to tell his superiors that he was gay. Matlovich's case did not go to the Supreme Court. After the Air Force began the proceedings to give him a general (not honorable) discharge, Matlovich announced that he wanted the decision to be reviewed, but was denied. Matlovich inspired gay rights groups nationwide when he launched his battle against the military's ban on homosexuality -- an action that led to his discharge in 1975. Matlovich was one of many to fight against this exclusive policy.

Both Army Sergeant Perry Watkins and Drill Sergeant Miriam Ben-Shalom fought their case against the Army. Miriam Ben-Shalom's commander knew of her sexual orientation and chose not

to discharge her. Her superiors moved to discharge her when a local news reporter asked her how it felt to be a gay person in the military and she was discharged after two years of her three-year tour of duty. In her initial case, Ben-Shalom won the right to re-enlist. That victory was short lived when the case was appealed in 1989. In 1990, the Supreme Court refused to hear her case. Watkins's case, with the help of the ACLU, led to the United States Court of Appeals ordered the Army to allow Mr. Watkins to re-enlist in 1989. When the Bush administration appealed the ruling, the Supreme Court let the appellate court decision stand. After an eight-year battle, Watkins won reinstatement—one of the first gay servicemembers to do so.

Inconsistencies on how the ban was implemented among the services led to difficulties in responding to challenges in courts. To address this, in late 1981, Deputy Secretary of Defense W. Graham Claytor, Jr. developed a new policy, shared in "Memorandum from Under Secretary of Defense Claytor to CJCS Jones and the Military Secretaries" that made "discharge(s) mandatory for admitted homosexuals and establishes very limited grounds for retention." While past and competing rationales for the ban had included notions of the physical or mental unfitness of gay men and lesbians in the military, Claytor's policy grounded the ban in notions of military effectiveness. In an effort to make enforcement of the policy more uniform, he also provided a standard basis for separation from military service on grounds of sexual orientation that would be used for identifiers of "homosexual conduct" until the repeal of "Don't Ask Don't Tell" in 2011.

## Don't Ask, Don't Tell

During a campaign event at Harvard University in October 1991, presidential candidate Bill Clinton stated publicly for the first time that, if elected president, he would sign an executive order to end discrimination on the basis of sexual orientation in the military. During his first weeks in office, the President's pledge garnered intense media attention and was met with widespread resistance from military and congressional leaders. President Clinton had initially aimed to permit known gay men and lesbians to serve. When that proved unlikely due to resistance from military and congressional leaders, he sought to provide greater protections for gay service members by establishing policies that separated sexual orientation from conduct and limited the conditions under which commanders could initiate investigations. In November 1993, in order to prevent Clinton from addressing gay and lesbian service members in the armed forces in the way he planned, Congress added section 654 to chapter 37 of Title 10 of the US code, which refers to military laws and military conduct. The statute reiterated many points revised by Deputy Secretary of Defense William Graham Claytor Jr. in 1981. The statute shares reasoning on the exclusion of gay and lesbian service members in the military.

On December 21, 1993, The Clinton Administration issued a policy known as "Don't Ask, Don't Tell" under Defense Directive 1304.26 as a compromise, which directed that military applicants were not to be asked about their sexual orientation. Clinton insisted that the new policy should be structured entirely around the concept of sexual 'conduct,' including statements concerning an individual's sexuality, but the policy did not specifically mention sexual orientation. Attempts to implement the policy in regards to sexual orientation led to ambiguity and competing views on what the policy meant. Due to the ambiguity of this policy, if a commanding officer heard that someone had an LGBTQ+ identity or if people even suspected that they had an LGBTQ+ identity,

that person could still be separated from service even without display of homosexual conduct. By 2009, the military had discharged more than 13,000 gays, lesbians and bisexuals since DADT was introduced, according to the Servicemembers Legal Defense Network.

## The Repeal of Don't Ask, Don't Tell

Several organizations, such as the American Veterans for Equal Rights (AVER), Human Rights Campaign (HRC), Servicemembers Legal Defense Network (SLDN) and OutServe (OS) fought against this policy. The Human Rights Campaign alone identified 625,000 emails to members of Congress, 50,000 handwritten letters, and 1,000 Grassroots lobby visits. The change in American attitudes in the decades since 1993 is well documented. In 1994, the Pew Research Center reported 45% of Americans opposed allowing gays and lesbians to serve openly in the military. By 2010, that number was 27%. Barack Obama campaigned for president in 2008 with a promise to immediately overturn DADT, but the discharges continued during his first year in the White House. In December 2010, the House and Senate passed a repeal of DADT, which Obama signed into law on December 22. The repeal went into effect in September 2011.

In 2015, the Pentagon added sexual orientation to the Military Equal Opportunity policy, providing legal protection for gay service members from discrimination in the armed forces. Even after the law was repealed, its impact is still felt by veterans who served during this time. "They're (LGBTQ+ Veterans) self-identifying as veterans at a lower rate, they're accessing services at a lower rate," said Ely Ross, director of the Washington Mayor's Office of Veterans Affairs. Ross said one of his biggest challenges is rebuilding trust between the military community and LGBTQ veterans. For those discharged, certain states like New York are making an effort to provide an opportunity for veterans to regain their honor through acts like the Restoration of Honor Act, which was just passed in 2019.



## Additional Resources/References

Time article on Leonard Matlovich:

<https://time.com/vault/issue/1975-09-29/page/42/>

More Information on Leonard Matlovich

<http://www.leonardmatlovich.com/>

Miriam Ben-Shalom Oral History

<https://memory.loc.gov/diglib/vhp-stories/loc.natlib.afc2001001.43276/>

The 1983 Ninth Circuit Court of Appeals ruling in *Watkins v. United States Army*:

[https://scholar.google.com/scholar\\_case?case=15682721630744540161&hl=en&as\\_sdt=2&as\\_vis=1&oi=scholar](https://scholar.google.com/scholar_case?case=15682721630744540161&hl=en&as_sdt=2&as_vis=1&oi=scholar)

2010 US Code, Title 10 - ARMED FORCES, Subtitle A - General Military Law, PART II - PERSONNEL, CHAPTER 37 - GENERAL SERVICE REQUIREMENTS, Sec. 654 - Policy concerning homosexuality in the armed forces

<https://law.justia.com/codes/us/2010/title10/subtitlea/partii/chap37/sec654>

President Clinton's Press Conference Regarding Homosexuals in the Military

<https://www.youtube.com/watch?v=6BcjM2ZPduo>

From the Book "Sexual Orientation and U.S. Military Personnel Policy: An Update of RAND's 1993 Study" -The History of Don't Ask Don't Tell

<https://www.jstor.org/stable/10.7249/mg1056osd.10?seq=1>

CNN Opinion Research Poll, November 11-14, 2010

<http://i2.cdn.turner.com/cnn/2010/images/11/17/rel16e.pdf>



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## Documents and Images



**Gravesite of T.Sgt. Leonard P. Matlovich of the US Air Force, the first military service member to publicly challenge the military ban against gay troops.**

Credit: Photographer: Michael Bedwell, Original web source: <http://www.leonardmatlovich.com>



**Group photo of picketers, 1965**

Credit: Photo by Kay Tobin ©Manuscripts and Archives Division, The New York Public Library



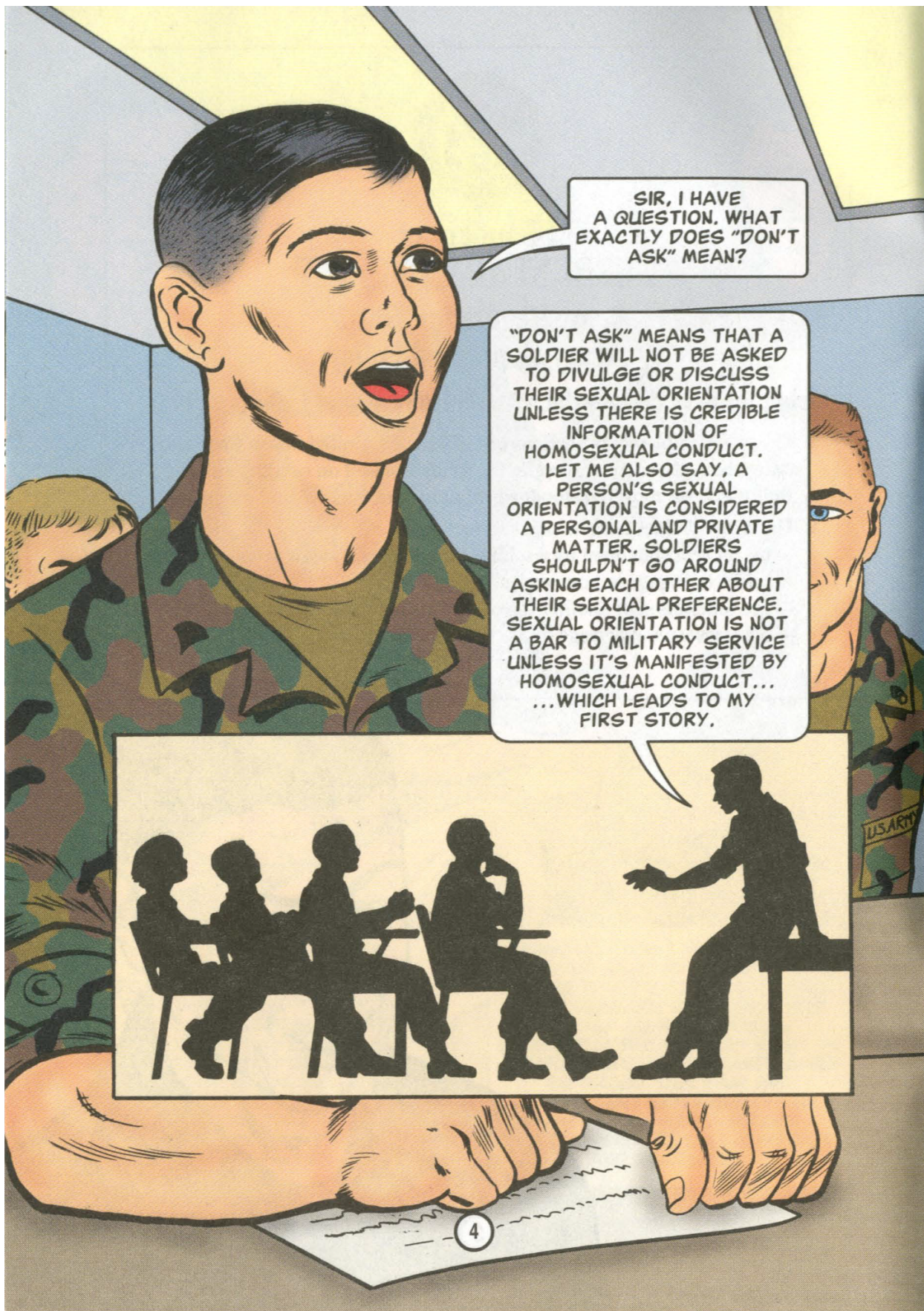
**Excerpt from “Dignity & Respect A Department Of Defense Training Guide On Homosexual Conduct Policy”****Summary of  
CURRENT ARMY POLICY****Army Regulation 600-20  
Army Command Policy**

**Chapter 4-19 defines the Army’s Homosexual Conduct Policy.**

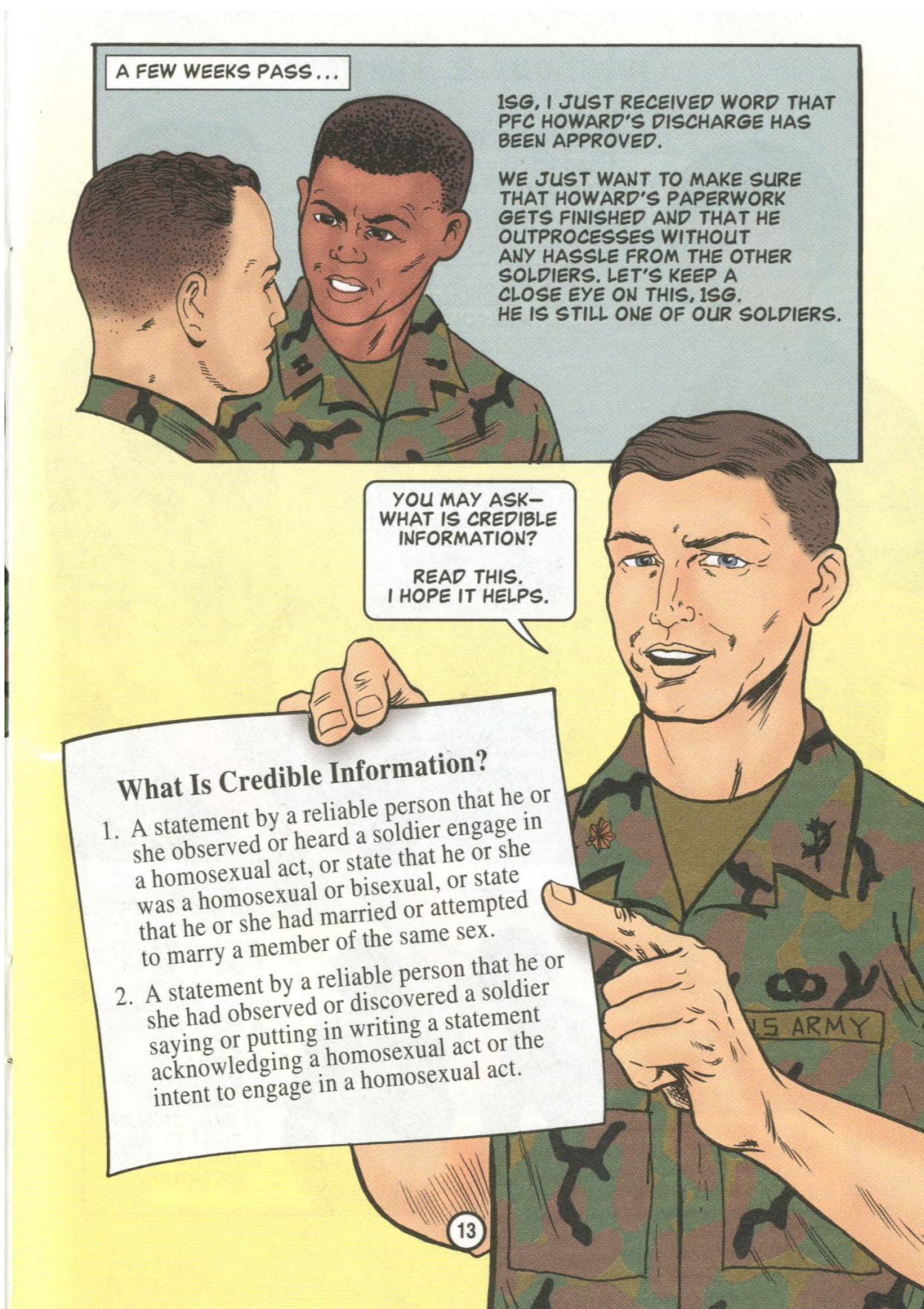
- The policy implements Sections 654 of Title 10, United States Code and states that suitability to serve in the Army is based on conduct and the ability to meet required standards of duty performance and discipline.
- The Army defines homosexual conduct as:
  - an act or a statement by a soldier that demonstrates a propensity or intent to engage in homosexual acts,
  - the solicitation of another to engage in a homosexual act or acts, or
  - a homosexual marriage or attempted marriage.







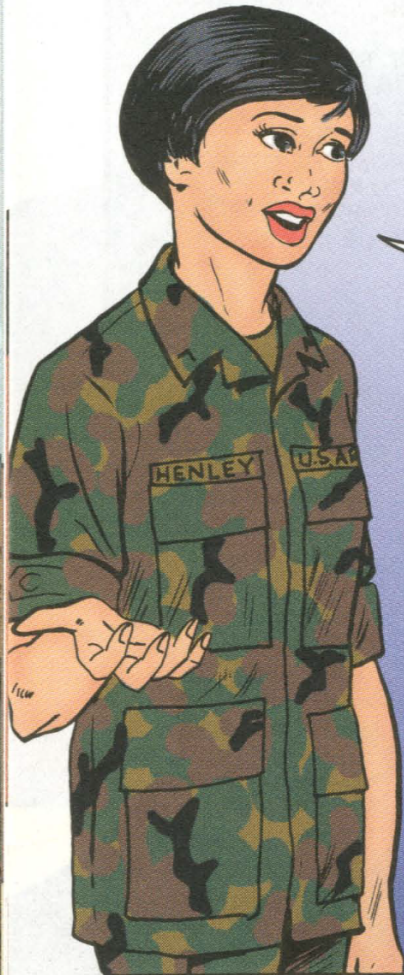






# Questions & Answers

After the briefing session on Conduct, the soldiers were encouraged to ask questions. Here are a few:



WHAT IS A "RELIABLE PERSON"?



THE COMMANDER MUST JUDGE WHETHER THE PERSON MAKING THE REPORT IS RELIABLE.

THE COMMANDER MAY ASK QUESTIONS LIKE THESE:

HAS THE PERSON PROVIDED INACCURATE REPORTS IN THE PAST?

DOES THE CHAIN OF COMMAND TRUST HIM TO PROVIDE ACCURATE INFORMATION?

IS THERE ANY REASON FOR HIM TO SUBMIT A FALSE REPORT?

IF SOMEONE IS ACCUSED OF BEING A HOMOSEXUAL, DOES THAT ALWAYS MEAN THERE WILL BE AN INVESTIGATION OR INQUIRY?



NO, UNDER DOD AND ARMY POLICY JUST THE FACT THAT A PERSON IS SAID OR PERCEIVED TO BE A HOMOSEXUAL DOES NOT AUTOMATICALLY CONSTITUTE CREDIBLE INFORMATION OR JUSTIFY AN INVESTIGATION OR INQUIRY.





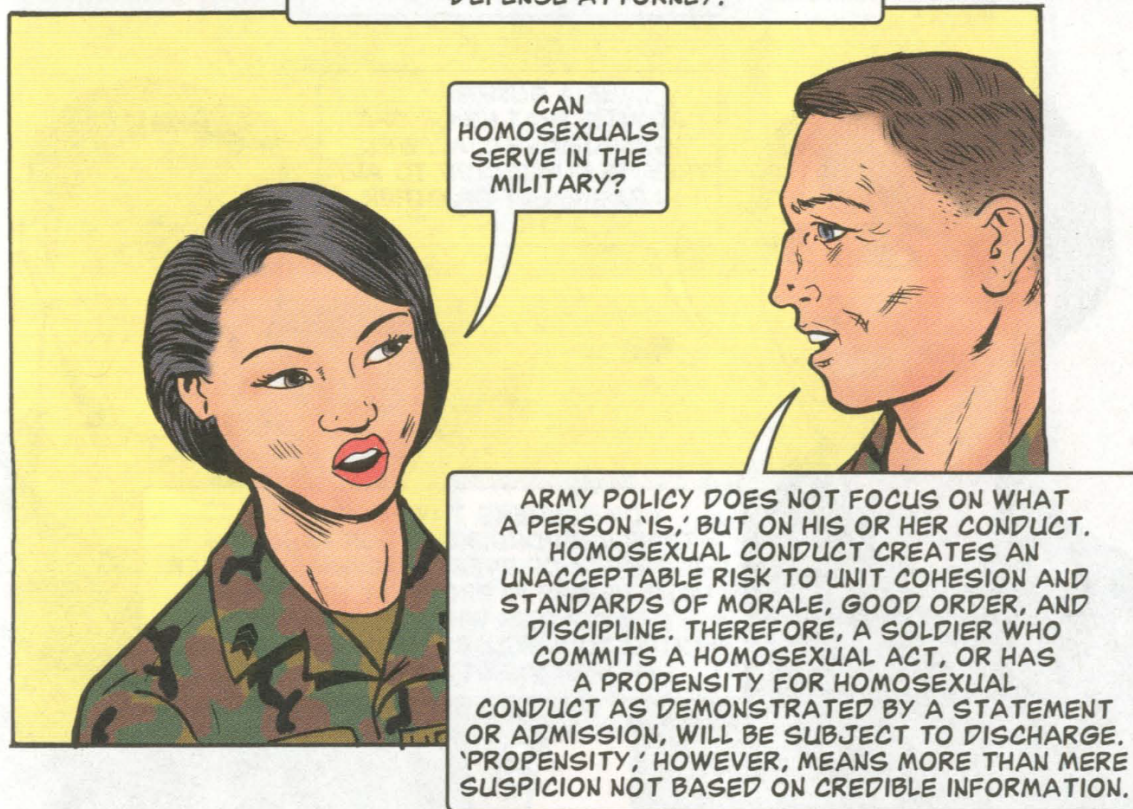
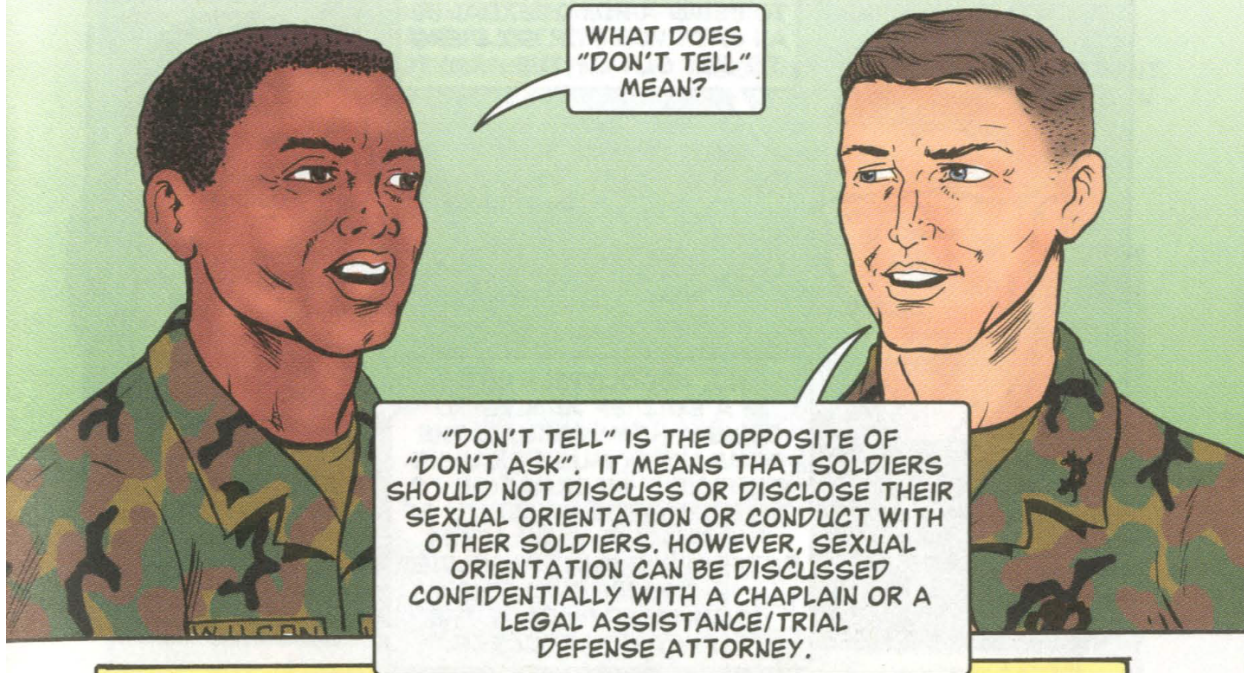
SPEAKING OF CONFIDENTIALITY, YOU SHOULD KNOW THAT WITH LIMITED EXCEPTIONS ANYTHING YOU SAY TO AN ARMY HEALTH PROFESSIONAL, INCLUDING A MENTAL HEALTH PROFESSIONAL, IS NOT AUTOMATICALLY CONFIDENTIAL.





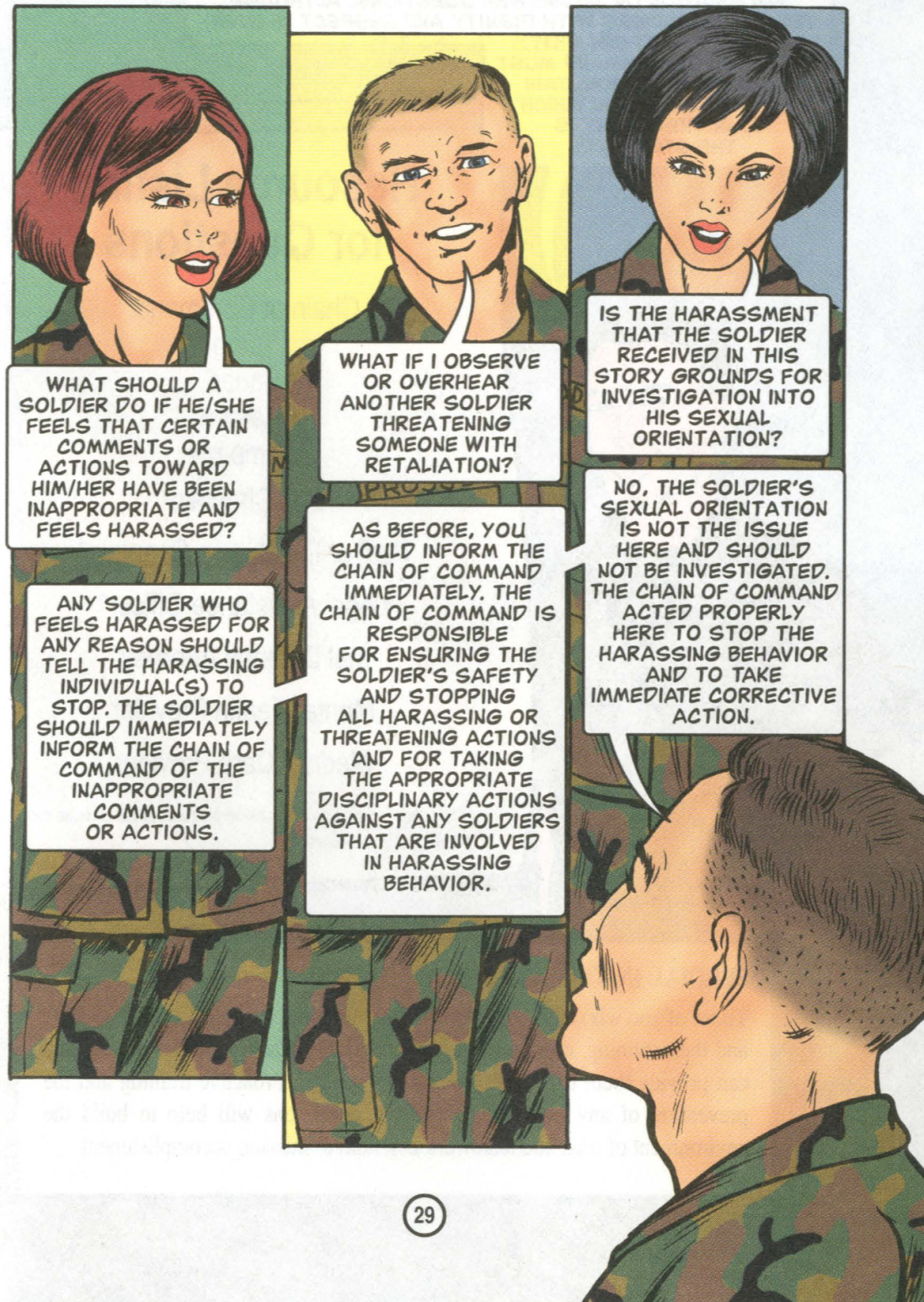
## Questions & Answers

The briefing session on Admission brought up these questions:





## Questions & Answers



Credit: United States Department of Defense

**Excerpt from Title 10 of the United States Code §654. Policy concerning homosexuality in the armed forces**

“(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”



## ACTIVITY: ANALYZING DATA

Directions: Read through the following data from [CNN/Opinion Research Corporation Poll, November](#) and answer the question below.

Do you favor or oppose permitting people who are openly gay or lesbian to serve in the military?			
Date	Favor	Oppose	No Opinion
June 15-16, 1994 CNN/TIME TREND	53%	41%	6%
Oct. 14-15, 1998 CNN/TIME TREND	52%	39%	9%
Feb. 12-15, 2010	69 %	27%	4%
Sept. 21-23, 2010	67 %	28 %	5%
Nov. 11-14, 2010	72%	23%	5%

Do you happen to have a family member or close friend who is gay or lesbian?			
Date	Yes	No	Not Sure
June 15-16, 1994 CNN/TIME TREND	32%	66%	2%
Oct. 14-15, 1998 CNN/TIME TREND	41%	57%	2%
Feb. 6-8, 2007	45 %	55%	*%
Apr. 23-26, 2009	49%	51%	*%
Nov. 11-14, 2010	49%	50%	2%

1) What do you notice looking at the data?