

Don't ask don't tell
doctrine



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Don't Ask Don't Tell Doctrine in the Armed Forces of the United States of America.

The Advantages and Disadvantages of the Doctrine

Introduction

The doctrine was initiated by the administration of the President of the United States Bill Clinton in 1993 (Belkin & Bateman, 2003). According to the Republican Party committee on the Internal and External Affairs of the United States Congress, which in cooperation with the Committee on the National Defense elaborated the text of the provisions of this instrument, the aim of the Act is to ensure that the fighting efficiency of the United States Army is not endangered.

In accordance with the provisions of this Act, the gay and lesbian citizens of the United States of America were not directly prohibited from being enlisted to the list of military personnel of the United States Army, Naval Forces or the United States Air Force (Davis, 2010). However, if they openly declare that they belong to the one of the abovementioned sexual minorities groups, their employment can be terminated on the grounds of the threat to the public interest of the United States of America (Belkin, 2007).

This Act was also aimed at safeguarding the existing rights of the sexual minorities and providing them with the extensive set of the new rights. To illustrate, under the articles of this Act, the military personnel of the United States Armed Forces may not be subjected to the investigation by their commanding authorities. Moreover, if the investigation is launched and the

aim of the investigation is to find out whether the serviceman is gay or lesbian, the complaint to the Office of District Attorney can totally assure the dismissal of the investigation and automatic application of the penalties for the person, who initiated the launch of the investigation.

The legal and the political natures of the Act are subjected to meticulous and profound consideration. This Act has generated loud, irreconcilable political and scientific battles both on the rostrums of the leading United States international law school, in the lobbies and Hall of the United States Congress and other political battlefield.

The aim of this essay is to provide an independent evaluation of the arguments raised for and against the implementation of the Don't Ask Don't policy.

The Followers of the Policy

The implementation of this policy is in their majority favored by the members of the Republican Party of the United States of America, by the highest commandment of the United States Military Forces, including the Marine, Army and Air Forces. Besides, this policy is widely advocated by the members of the religious communities of the United States of America, in particular, the Union of the Christian Churches of the USA have numerously reported their willingness to participate in the processes aimed at the improvement of the military capabilities of the United States military (Glaesar, 2010).

First and foremost, the abovementioned groups are preoccupied with the apprehensions that if open public statements about the untraditional sexual orientation of the United States military personnel are allowed, the credibility between the brothers in arms can be substantially undermined and ultimately the entire military capacity of the United States Armed Forces can be sapped significantly. Different factors are cited by the adherents of this approach. Homosexual psychological deviation is often considered as a contagious disease by a significant group of the United States military men. Thus, others consider that those who are homosexual or lesbian are not as effective as those who are of traditional sexual orientation in terms of their military accomplishments and capabilities. In other words, gay servicemen are falsely and groundlessly considered weaker physically and mentally than their heterosexual armed colleagues. Although there is no scientific proof of this fact, the “ traditional” soldiers tend not to give credit to their colleagues when the battle is unleashed, as it has been evinced by the United States military experience in Afghanistan and Iraqi military campaigns.

Another persuasive argument for the existence of this policy is the ever existed connection between the military values and traditions with the Christian, Jew and Muslim religious traditions of the United States civil society. Furthermore, the United States citizens are known to be particularly penchant to the religion, and if the state allows the military service of those, whose sexual demeanor so blatantly violate the religious canons of all the religions (Sheng, 2010), the credibility of the state may be lost permanently and the new traditionally and religiously oriented conscripts will opt for civil professions rather than serving in the United States Armed Forces.

The Followers of the Don't Ask Don't Tell Political Doctrine Repeal

The attempts aimed at the abolition of the current political course of the United States relating these highly sensitive issues have been numerous taken by the opponents of this Act.

The first argument of those who are against this policy is the statement that this doctrine violated the Constitution of the United States of America and the rights that are guaranteed to the United States citizens under the provision of the Natural Law. However, it has been many times alleged that the Constitution of the United States of America does not contain a single provision that restricts the rights of the sexual minorities to the serve in the military (Belkin, 2007).

Therefore, the legislation currently permits the United States military men who admitted their own homosexuality or lesbianism to be discharged immediately from the Armed Forces. However, numerous attempts to repeal the policy have been made by the opponents of the doctrine in order to restore their allegedly violated rights.

One of the most landmark cases took place in 2006 when the Supreme Court of the United States of America in its decision *Rumsfeld v. Forum for Academic and Institutional Rights*, when this judicial authority affirmed the legality of the DADT existence. The Court found that although the untraditional sexual orientation is not an impediment to get enlisted to the United States military recitals, public statement of the gayness or lesbianism (perpetrated by means of wearing ladies or men's clothing, appearing in the gay or lesbian bars, or untraditional sexual harassment)

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must inevitably lead to the discharge from the military forces. This decision was affirmed by the United States Supreme court decision in the case *Witt v. Department of the Air Force*, when the court ruled that the fact of the homosexuals is a ground for the dismissal from the Armed Forces.

However, *Witt v. Department of the Air Force* is more likely to be regarded as a victory of the adherents of the abolishment of the doctrine, due to the fact that after the decision took effect, the commanders of the United States military units may exercise the dismissals of the 'detected' gay personnel only on condition that it has been proven that their actions have done harm to the military efficiency of the army or on condition that their homosexual or lesbian behavior may hypothetically endanger it. In 2010, the lieutenant Daniel Choi was re-instated in the military forces of the USA, after being discharged for his open statement that he was gay. The US court found that the mere admittance is not sufficient to constitute a threat to the military efficacy of the Army (Davis, 2010).

One of the biggest challenges of the DADT policy was made in 2010, when the constitutionality of the law was successfully challenged by the Log Cabin Republicans in *Log Cabin Republican v. the United States of America*.

Ultimately, the United States Supreme court ruled in favor of the plaintiff, affirming the provisions of the Don't Ask Don't Tell Act violated the provisions of the Articles One and Article Fifth of the United States Constitution. The same year the DATA 2010 Act approved by the Administration of the United States President Barack Obama commenced a campaign aimed at overall eradication of the investigations and persecutions of the gays and lesbians on the basis of their sexual deviation.

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Moreover, after an injunctive order to cease the persecutions and investigations of the sexual minorities was issued by the Supreme Court of the United States of America, a huge variety of notorious re-installations in offices of the wrongfully terminated United States Military Personnel took place.

Nowadays, although unofficially the individual cases of sexual discriminations are still common among the military community of the United States army, legally this practice has been declared inadmissible and unlawful (Belkin & Bateman, 2003). The process is subjected to the gradual eradication, although the effectiveness of the issues is still being questioned by the US scholars and politicians.

Summary

Total abolishment of the principles outlined in the DATA Act is still considerably doubted, and for the overwhelming majority of the United States military men, both the soldiers, the officers and the generals, the position of the USA Supreme Court in *Log Cabin v. the United of America* still remains unpersuasive and disputable. The court was convinced by the arguments of the plaintiffs, but not the United States military community.

The political course taken by the Supreme Court and the Administration of Barack Obama with the adoption of the 2010 DADT Act is likely to be reconsidered if the Republicans win the next election campaign.