Laura Calkins: This is Dr. Laura Calkins of the Vietnam Archive at Texas Tech University conducting an oral history interview with Maj. Jeff Cleghorn of the U.S. Army and currently director of the Military Education Initiative in Atlanta. Today's date is the first of April 2004. I am on the campus of Texas Tech in the Special Collections building interview room and Jeff is in Atlanta. Hi, Jeff.

Jeff Cleghorn: Hi.

LC: Could you begin just by telling me a little bit about your own background? Where were you born?

JC: I was born in Griffin, Georgia, in 1962.

LC: I take it you went to college in Georgia?

JC: Went to undergrad at North Georgia College, which is a very small military school about an hour above Atlanta, and graduated in 1984 with a degree in political science and was commissioned into the Army as a lieutenant in the Military Intelligence Corps in 1984.

LC: So you were in the ROTC (Reserve Officer Training Corps), then, at North Georgia?

JC: Correct.

LC: Okay. Can you tell me where you completed officer basic?

JC: Ft. Huachuca, Arizona, the Military Intelligence School, six-month course.
LC: Okay. Can you give me an overview of your active duty assignment?

JC: The first assignment was a year in Korea as an intelligence officer for a tank battalion in the 2nd Infantry Division, followed by a year and a half at Ft. Jackson, South Carolina, where I commanded a basic combat training unit, a boot camp unit, if you will. From there, I went to Germany, to Munich, Germany, where I spent three and a half years in a military intelligence unit doing human intelligence gathering, which means that our unit essentially interrogated or interviewed, debriefed, if you will, what were then refugees from East Europe, East Berlin, East Germany back in the days of the Cold War and the Iron Curtain.

LC: Sure.

JC: Then from there I went back to Ft. Huachuca for an additional six months of advanced officer intelligence training and from there to the Pentagon where I worked for four—jeez, how long—four or five years in a position with the Defense Intelligence Agency, put on the staff of the J-2 of the Joint Chiefs of Staff doing intelligence, focusing on counter-terrorism with a specialty in Asia and South Asia.

LC: That was within DIA (Defense Intelligence Agency) or Joint Staff?

JC: It was a DIA billet on the Joint Staff.

LC: Okay.

JC: So it’s essentially a combination of the two.

LC: In that last posting, can you talk a little bit about the chain of command?

Who were you reporting to?

JC: I was working largely with the civilian environment at that point with a lot of senior civil service civilians. The other uniformed persons were mostly field grade officers in the ranks of O-5 and O-6.

LC: Your rank at the time you left active service was what?

JC: Was major.

LC: Okay. When did you actually separate from the service?

JC: January of 1996.

LC: Why did you leave?

JC: A couple of reasons. The biggest being that I had reached a point as a gay man where I was no longer comfortable playing the game, if you will, and realized that I
could do better for myself on a personal level outside of the military. I also had a health condition that created an opportunity for me to receive a medical retirement, so I did that as well.

LC: Okay. What did you do upon separating from the service?

JC: I enrolled in law school at George Washington University in the District and spent three years as a full time student.

LC: Did you specialize in any particular area of the law?

JC: Well, actually it turns out towards the end of my first year of law school, I became involved as an intern with the Service Members Legal Defense Network located in Washington, basically providing free legal assistance to gay troops. I continued that internship throughout the entirety of my law school experience and then accepted a full time staff attorney position with SLDN (Service Members Legal Defense Network) upon graduation.

LC: Which was what year?

JC: 1999.

LC: Okay. You’re no longer with SLDN, is that right?

JC: No. I was with SLDN through September of ’03 at which point I returned to live in Georgia.

LC: Okay, and are now the director of the Military Education Initiative.

JC: Correct.

LC: Can you talk about the mission of the initiative?

JC: You bet. The mission of the MEI (Military Education Initiative), as we call it, is to create a first ever national conversation in dialogue between and amongst veterans. There are twenty-seven-plus million veterans in America according to the 2000 census. We want to and we are beginning a conversation, a first ever conversation with those veterans about the reality of Don’t Ask Don’t Tell, the social science data that has been gathered in recent years by the Center for the Study of Sexual Minorities in the Military out at the University of California.

LC: Yes.

JC: And trying to find a way to educate veterans on the truth behind the application of the Don’t Ask Don’t Tell policy and the rationale that underpins the statute
upon which the policy is based. Because we believe that if we do this that, indeed, fair-
minded people, and we believe most veterans by a wide majority are extraordinarily fair-
minded people, will be impacted by the evidence that the notion of allowing gays and
lesbians to serve openly and honestly with dignity is not nearly what has been painted by
the proponents of the gay ban in the past.

LC: What mechanisms do you use to develop that dialogue?
JC: Well, we are trying a number of things. We just launched the project in
December. So it’s a very new effort. At this point, we are experimenting to see what
may work and what may not work as well. Part of the effort is direct outreach. We’re
contacting national headquarters of veterans organizations, that we have contacted each
of them at this point through sending a kind of an initial introductory education packet
and then following that up with phone calls and emails. Then we are also contacting
some of the chapters of some of the national organizations in more targeted cities, Atlanta
being one of them, San Diego, San Francisco, and Seattle being the others, to offer to
send out speakers to talk before their chapter meetings about the social science evidence
of Don’t Ask Don’t Tell and the experience of the past ten years within this country, as
well as the experience of foreign militaries and lifting their bans. We are also working to
have articles and opinion pieces and research printed in military publications and
magazines such as the *Army Times*, the *Navy Times* newspapers or the Army war journal
magazine, *Parameters*, for example. Finally we’re working to get a spot on the regional
conference agendas and national convention agendas of as many of these organizations as
we are able where we provide a speaker or perhaps help to organize a panel discussion
presenting alternative viewpoints on the whole gays in the military issue just to again to
generate thought, discussion, and dialogue.

LC: Are you meeting with success? I know it’s early days, but—
JC: It is very early days, but we have had, indeed, some success. We’ve had
some good stuff printed in some of the military times newspapers in terms of opinion
pieces. We have had the opportunity to travel to the National Defense University and to
West Point and to visit there. We are working on getting another piece offered by
Professor Aaron Belkin into the Army War College magazine, *Parameters*. He had a
piece published in *Parameters* a number of months ago and now there’s an opportunity
for a follow-up piece. Then we’ve actually spoken at a couple of local chapter meetings
of the American Legion. So we have had some initial success that indicates that our
concept is something that can play out. So we’re in the process of developing the
resources and the capacity to do this on a broader scale or a sustained period of time
because we anticipate this taking kind of being a long term project.

LC: Sure. Jeff, can you talk a little bit about the circumstances under which
Don’t Ask Don’t Tell was initiated as a policy and also the parameters of the policy?

JC: It was initiated in 1993 as a result of a law passed by Congress and signed by
then-President Clinton that set the parameters. It resulted from a conversation that began
in the Democratic primaries in 1992 when then-candidate Clinton in reaction to public
outrage over the murder of a gay sailor, a U.S. gay sailor who was stationed in Japan at
the time, was murdered by other U.S. sailors. His name was Allen Schindler.

LC: Yes.

JC: As a reaction to the brutal slaying of Allen Schindler, President Clinton, then-
candidate Clinton I should say, was at least partly, I believe, largely influenced by
pressure through the gay community and gay supporters of candidate Clinton to pledge in
the campaign that if he was elected, he would lift the ban and allow gays to serve. At the
time, the ban was a policy, an executive order by the president would indeed be more,
would’ve been more than sufficient to have lifted the ban. So that’s where it was headed
once Clinton was elected president. Before he really had much of an opportunity to think
much about it or do much in the way of follow up, the issue kind of gained a life of its
own, fueled in part, at least, and perhaps a lot by then-Senator Sam Nunn who was the
chair of the Senate Armed Services Committee and was fairly well known as not being
particularly friendly towards gay issues.

LC: Right, the senator from Georgia.

JC: The senator from Georgia indeed. So the rest, as they say, is history that
became what it is as a result of the Senate doing very highly publicized hearings on the
issue of gays in the military that were very skewed, biased, and slanted. I say that in an
objective manner, believe it or not, because by a wide majority, the evidence that the
committee gathered and the witnesses that they heard from, the vast majority of the
witnesses were unfriendly on the anti side and the number of witnesses who were allowed
to contribute and participate supportive of the notion of gays serving were limited and represented a significantly smaller percentage of the total amount of witnesses gathered, from which evidence was gathered. So the result was Congress passing the law and Clinton signing it and then kind of a spin machine that, frankly, President Clinton contributed to primarily that this was some kind of a compromise that was in some way honorable when in point of fact, it was in a real sense codifying the existing ban that existed before. The statute says you can be kicked out of the military if you make a statement that you’re gay, if you engage in gay behavior, gay content, a gay sexual, act if you will, or if you engage in a gay marriage. Those were the three bases of being discharged prior to 1993 under the “old ban” quote unquote. The difference in Don’t Ask Don’t Tell, which Clinton was claiming was a compromise and honorable, was that the Defense Department then issued implementing directives that is typical. That’s how business is done in Washington. Congress passes the law and some federal agency writes implementing directives. So the federal agency, in this case the Pentagon, wrote implementing directives that indeed are more liberal than the, which then the language of the statute itself. By that I mean there’s language in the implementing directives that limits when gay soldiers can be investigated. There’s language in the implemented directives that provides precise guidance on exactly how a gay investigation can proceed and when it can proceed. All of that, in fact, was new. There was no similar language in the past. So the policy that euphemistically became known as Don’t Ask Don’t Tell consist of these DOD (Department of Defense) implementing directives that do in fact, did in fact and do continue to in fact, contain language that was very different from the past. At least I think it’s fair to say to the Clinton administration was designed to help make the conditions under which gay soldiers served a little more bearable.

LC: Jeff, can you talk a little bit about the conditions that existed before the Nunn Hearings and before Clinton became involved with the issue, sort of the pre-Don’t Ask Don’t Tell policy? Can you outline that?

JC: As I mentioned, you could during those days be kicked out of the military for basically being, the act of being gay to the extent that that can be considered a behavior, that by itself was more than enough back then to be discharged from the military. It was a policy in that the Defense Department issued a written regulation saying that gay people
are incompatible with military service. Therefore when we find out that they’re here, we’re going to get rid of them. The actual practice during those days as documented by the book of Randy Schiltz, *Conduct Unbecoming*, was that witch hunts officially sanctioned military, federal government, if you will, broad investigations designed to identify gay soldiers, identify as many as possible as often as possible and then getting them out of the military as quickly as possible, that that was part of the culture back then. Those type of broad investigations, widespread fishing expeditions happened with some regularity. Certainly it didn’t happen to every person. I served for a number of years prior to Don’t Ask Don’t Tell under the old policy and I was never the target of a witch hunt or a fishing expedition, fortunately, but certainly there were other people who were. I think that, you know, really the best source of info on that that I have found is Randy Schiltz’s book.

LC: Okay. I just wonder if the burden of, where the burden of proof lay in that older regime and has that changed now under Don’t Ask Don’t Tell?

JC: Well, the standard under Don’t Ask Don’t Tell is a preponderance of the evidence standard that says if you are believed to have made a statement to the effect that “I am gay or engaged in gay behavior,” that you can be separated administratively and the government needs only a fifty-percent-plus-one likelihood that you have indeed engaged in those or tried to, intended or had a propensity to engage in those behaviors or a propensity to make those statements, then you could be discharged. The standard before was certainly not any more stringent than that. Perhaps there’s an argument, you know, in some instances it was even a lower standard. The mere suspicion of being gay has been reported to have been enough to have ruined careers, but there is a due process procedure in place under the Don’t Ask Don’t Tell regulation that allows those accused of being gay or of having a propensity to engage in gay behaviors to go through an administrative hearing process and be represented by legal counsel and try to stay in the service if they so choose and let the government if they believe that, more likely than not, the evidence shows that the person indeed has engaged in the behavior or has an intention or a propensity to engage in the behavior, then they are usually discharged.

LC: Okay. And those are dishonorable discharges?
JC: No, no. That’s a common misperception and a very important point. Discharges under Don’t Ask Don’t Tell can be either honorable or general under honorable conditions. In my experience at SLDN by a wide majority, the gay discharges that I am familiar with were indeed honorable discharges. It was not uncommon for commands to try to give general under honorable conditions, which is the second level of discharge. It’s certainly allowed for in the regulations. So it’s either one of the two. You can only get a dishonorable discharge if you’re convicted by court martial. So you cannot get a dishonorable discharge for being gay under Don’t Ask Don’t Tell unless you’re convicted for engaging in forcible sodomy or something like that at the court martial. The third level of discharge is under other than honorable, an OTH, which you can get that under Don’t Ask Don’t Tell if you have engaged in sex with a minor or sex in a public place or sex on a ship or other kind of behavior-oriented things. Those happen very rarely. You can also probably be court martialed for those and you could in those situations if convicted get a dishonorable. But most gay discharges get an honorable or a general under honorable conditions.

LC: What are the implications of each of those classifications of discharge for future benefits?

JC: You need an honorable discharge to square with the Veterans Affairs, Department of Veterans Affairs, for all your benefit eligibility, whatever that eligibility may be. Eligibility varies from service member to service member depending on when they served and whether they were in combat and how many years they served and what their rank was, et cetera, what their medical condition was upon leaving service. So it’s a fairly complicated individualized assessment. However, if you do not have an honorable discharge, you are in receipt of some of those possible benefits probably going to be detrimented, even with a general under honorable conditions that can with some VA benefits be limiting. If you get an OTH, an other than honorable discharge or less, which certainly a dishonorable would be less, then you’re pretty much outside of the ballpark of getting much in the way of any help from VA.

LC: Okay. Can you talk about the number of discharges or the rate of discharges over the periods that Don’t Ask Don’t Tell has been enforced?
JC: Sure. The discharges up until 2001, the year of 2001 from 1994, kind of inched forward reaching a high, I think, of twelve hundred and something in 2001, if I am recalling correctly. Since 2001 they’ve actually dropped by about thirty-nine percent over the last two years. There is an interesting dynamic at work, however, that has not gotten much play, actually hasn’t gotten any play in the media, and that’s primarily because SLDN has not really focused on this in their reporting. There’s a reason why. The dynamic is that since Don’t Ask Don’t Tell came into play, especially within the last several years of Don’t Ask Don’t Tell, almost all, and by that I mean by a wide majority, of the discharges have resulted from soldiers being discharged for a statement, almost all of them being coming out statements. In other words, these are people who affirmatively approached their commands and said to them, “Look, I’m gay,” recognizing that that statement was going to trigger a discharge and essentially hoping that that result would happen following their statement.

LC: Okay.

JC: This is a pretty significant change from before Don’t Ask Don’t Tell. I have come to believe, actually, that this is probably a very positive development that has happened under Don’t Ask Don’t Tell. Whereas prior to 1993, witch hunts and fishing expeditions were so much a part of military culture, people were caught up in those and found their careers destroyed and a discharge in their hand. Whereas today in 2004, with few exceptions, most of the discharges result from statements, from coming out statements. So the SLDN’s most recent report that came out just a week or two ago actually says and acknowledges in the text of the report that witch hunts and fishing expeditions and violations of the Don’t Ask part of the policy, so to speak, are very unusual. That’s a delightful development that represents the dramatic shift from ten, twenty, thirty years ago. But discharges are continuing at a pretty high rate, but they’re happening now because—the reasons they’re happening, I think, are very different. That being that now people are making coming out statements as opposed to getting caught up in a witch hunt, which begs the question of why people make statements. While at SLDN, I represented an awful lot of gay soldiers who were making statements and many of those made statements as a matter of integrity. Like “I am who I am and it’s an affront to my dignity that I would have to continue to pretend to be a heterosexual as a
precondition to service.” Others made coming out statements as a response to anti-gay
harassment and in an effort to protect themselves, they sacrificed their career saying,
“I’ve had enough. Get me out of here. It’s too dangerous.” There were others, however,
that made statements for reasons that soldiers try to get out of the Army all the time.
LC: Sure.
JC: “My recruiter lied to me,” “I don’t like my assignment. My sergeant’s
mean.” In fact, we began to notice an occasional call from someone who we just kind of
felt like the person probably was a liar, that they actually were more likely than not
straight and were just feigning being gay as an effort to cut short their service obligation
for whatever reason. In fact, the Army and the other services complained pretty intensely
about that nowadays where the common tactic of heterosexual frauds to say, “Oh, yeah.
I’m gay,” and try to get an easy out, an early out.
LC: Jeff, it’s my understanding, I could be wrong, that nearing the end of his
term, President Clinton issued an executive order preventing for sentence enhancement
for anti-gay harassments within the Uniform Code of Military Justice. Is that accurate?
JC: Yes. What that consisted of was in the waning days of the Clinton
administration, they issued an executive order providing a sentencing enhancement. In
the sentencing phase of the court martial that affected the Uniform Code of Military
Justice where violence inflicted by soldiers based upon perceptions of or sexuality could
be taken and can be taken into account to give a harsher sentence. This was in reaction to
the 1999 murder of Barry Winchell at Ft. Campbell.
LC: What kind of sentence enhancement are we talking about?
JC: Well, I don’t really, in terms of the detail, essentially if a soldier goes out
today as happened in 1999 and crushes another soldier’s skull with a baseball bat because
this soldier believes that other soldier is gay, and doesn’t like gay people, then if
convicted of that crime of murder, then during the sentencing phase, the government will
be allowed to introduce evidence of motivation as to anti-gay bias which the jury and
judge can consider in deciding how harshly to punish the convicted person.
LC: But it’ll operate differently in different cases?
JC: Yes, absolutely.
LC: Okay. I wonder, Jeff, if for just a second you can sort of look over the fence and give a kind of summary as to what the real issue is for the military in persisting with the policy of trying to exclude a gay serviceman. Is it a morale issue, a discipline issue, or what—?

JC: As a lawyer, you start with a statute. The statute provides an answer. The answer according to the statute is that the presence of openly gay personnel within the ranks will be detrimental to morale, to cohesion, to good order and discipline and therefore would adversely affect military readiness. In other words, if gay people were allowed to be open and honest about their lives within the Army, then the Army would not be as effective a fighting force and would not be able to invade countries and do what they do as effectively.

LC: Okay. Wasn’t this rationale, you know, twenty-five years ago also used to keep women out of many positions in the military?

JC: Yeah. Yeah.

LC: Okay. So there’s no real argued rationale that’s distinctive about keeping gays out as opposed to integrating—?

JC: Well, there is a little bit of a distinction in that the rationale for excluding gays has shifted over the years.

LC: Okay.

JC: A long time ago, it was that gays being gay was a mental illness and you can’t have people with mental illness in the military. Then that shifted to being gay will create a security risk and because you can’t trust gay people, you can’t let them in the military. They got over that. Then it shifted to various other configurations that landed in this unit cohesion box eventually evolved if you will into this unit cohesion box eventually, which is where we’re at today. Now when I speak with soldiers, with officers, even with generals, and get honest feedback, which I think most of them have a great propensity to be very honest. I have extraordinary respect for men and women in uniform. I think that certainly in my experience of serving and my experience of working with them since then that they are people of great integrity and a great sense of purpose and patriotism and I value that. They’ll say that “Look, we can’t handle this because most of our enlisted troops, especially in the combat arms, are young. They’re from rural
America. You’re talking about not terribly educated, not terribly sophisticated people.  The gay thing is just something that they’re not comfortable with and we will be fearful that they pose a threat, a physical threat of harm to gay people. Look at Barry Winchell. Look at Allen Schindler. We don’t want those conditions to occur because we’re concerned about the well being of gay people and we’re also concerned about the tension created in the ranks, the sexual tension, the tension surrounding privacy, if you will, when you’ve got these Bubbas from Iowa from the farm who are sharing close quarters, occasionally sharing joint showers or something with someone who they know is gay.”

So that is kind of the fallback position that most of these people go to. They reach that position from a point of good faith. It’s not—in many of their cases, it’s certainly not driven by a homophobia from their part, I don’t believe, at least I’m talking people who I communicate with. It’s a genuine concern for what that introduction of open gays on a widespread scale would do to the ranks.

LC: In terms of the safety of gay personnel?

JC: The safety of gay personnel and the privacy, if you will, of the straight people, yeah.

LC: Has it ever come up that there’s a concern that allowing, openly allowing openly gay people to serve in the military will impede recruitment?

JC: Yes. That actually comes up all the time. But what’s fascinating and what an important part of this Military Education Initiative project is, what’s fascinating is that we now have hard evidence produced by Dr. Belkin’s center that examines in detail the experiences of foreign militaries in lifting their gay ban. He has gone over and studied Israel. He’s studied Great Britain, Australia, Canada and looked at the fears and concerns and anxieties that they had before lifting the ban, which coincidentally are identical to the fears and anxieties and concern that our people have now. Privacy concerns, the violence concern, the unit cohesion concern, morale, recruiting, retention. In point of fact, in the experience of the twenty-four foreign militaries who have lifted their gay ban, we have found time and again that none of these concerns actually materialized. In fact, you probably know that Dr. Belkin released a report a couple of months ago that studied the effect of fighting in Iraq alongside in the gay British forces. We’ve got a growing body of evidence that’s very compelling that undermines the rationale of unit cohesion for
excluding gays from the ranks, but also directly addresses the concerns of the people
about violence and intrusions of privacy, *et cetera*, and shows that got it, but in practice,
this hasn’t been a problem for other people and there’s really no strong argument about
why if it hasn’t been a problem for them, it would be a problem for us.

LC: Jeff, can you, if you know, give the approximate dates as when the anti-gay
bans were dropped in, for example, Australia or Britain?

JC: You know, I don’t know those off my head. There have been a good handful
of that had been dropped since the early 1990s. Dr. Aaron Belkin and his website would
be the best resource for the specifics.

LC: Okay. Jeff, at this point, what’s the next sort of big struggle on the horizon?

What’s the next hurdle that has to be gotten over, from your point of view, in order to
make progress on the issue to with which you are associated?

JC: Well, it’s an interesting question and I think the truth is we’re all trying to
figure that out.

LC: Okay.

JC: There are a number of national polls that have been taken over the past year
that indicate by a surprising majority, the American public think that gays should be
allowed to serve in the military as well as by a majority of the American public think that
gays should be allowed to serve openly in the military, which is interesting, exciting, and
I find it frankly very surprising. On the other hand, there was a vote in the House of
Representatives in Washington just a couple of days ago on an issue related to military
recruiting on college campuses that other ones have a non-discrimination policy that
protects sexual orientation. The opponents of gays in the military and the proponents of
the discriminatory policies of the military won that vote in the House of Representatives
by a landslide margin.

LC: Can you tell a little bit about that particular issue? What was that at issue
about?

JC: Well, there’s been a long-simmering issue about the military going to college
campuses and recruiting for the military. College campuses, most of them have a policy
that prohibits discrimination based upon sex, gender, age, sexual orientation, *et cetera*.
They apply this to recruiters. If you’re a civilian recruiter coming to recruit at Harvard,
they won’t let you on the campus to recruit if indeed you discriminate against women or African Americans or gays. So the universities have attempted to apply this policy to the military as like “If you discriminate against gays, then we don’t allow you to recruit on our campus.” A few years back, congress passed a law called the Solomon Amendment that essentially compels universities to allow the military to recruit on campus. If they refuse, which of course they can, then they risk losing federal dollars, which in almost every case, to include Harvard, has called the universities to buckle.

LC: Absolutely.

JC: So there is a lawsuit that’s recently been filed that’s fairly exciting, from what I understand, challenging that provision by congress on constitutional grounds and freedom of speech First Amendment issues trying to again give the universities the upper hand over the military and recruiting on campus because of the discrimination on part of the military towards gays. Well, Congress has intervened or is intervening, apparently, by passing yet another law related to this that will in some way trump the lawsuit assuming that lawsuit were to at some point be successful. So the recent vote in the House of Representatives, which was three hundred and something votes in favor of the discrimination piece, was what I mentioned earlier. It evidences a huge, huge way to go in terms of winning a majority, coming anywhere close to winning a majority of the hearts and minds of members of Congress who are actually willing to vote for us on an issue related to gays in the military.

LC: Who were the leading lights in introducing and pushing that piece of legislation through?

JC: You know, I’m not even the best person to speak with on this. The Service Members Legal Defense Network is probably a better source.

LC: Sure. Okay.

JC: I know in the House of Representatives, the leading advocate in favor of forcing the military to abide by university’s anti-discrimination policies is, one of the leading advocates, is Representative Marty Meehan from Massachusetts. Duncan Hunter from the House of Representatives, a Republican from California and the chair of the House Armed Services Committee, has been involved in the past in efforts to facilitate
the military’s discrimination towards gays. I suspect that Representative Hunter in some way was probably involved in this legislation, as well.

LC: Okay. Jeff, does the current nationwide sort of mania around same sex civil unions and marriages in anyway play into the issues that you’re dealing with with regard to the military’s policies?

JC: I think they do. I think they’re connected in a direct and powerful way on a number of levels. What the marriage issue is focusing on right now is actually writing discrimination into the federal constitution and indeed into the constitutions of a number of states, to include here in Georgia, an effort that we’re fighting tooth and nail, not very successively as of now, but nonetheless, fighting. What that would do would say that prohibiting gays from marriage is a constitutional doctrine. So there’s really literally nothing any court, to include the Supreme Court of the United States, can do about it. That would be problematic on the Don’t Ask Don’t Tell gays in the military issue because in the aftermath of the Lawrence decision last summer where finally the Supreme Court said that the government may not pass laws criminalizing the intimate sexual behaviors of gay people.

LC: This is a reference to the Texas case.

JC: The Texas, the Lawrence v. Texas case. A significant roadblock was removed to the gay communities moving forward on all levels in terms of equality effort. Well, institutionalizing discrimination and constitutional doctrine would put a roadblock back into place that would be significantly larger, a much bigger barrier, in my view, than what we had with the sodomy laws of before. If indeed the constitutional efforts began to be successful, it’s going to be very harmful to our ability to eventually get rid of Don’t Ask Don’t Tell because we’re making the argument that these soldiers who are risking their lives and in all likelihood in some instances tragically shedding their blood on the battlefields of Iraq and Afghanistan today, some of whom are gay, that their lives should be treated with the full dignity and respect accorded to our constitutional principles. Well, if one of our constitutional principles become that gay and lesbian people are second-class citizens by constitutional definition, then it makes it more difficult for us to push through the argument that it’s not okay to stigmatize gay service members just based upon who they are. So it’s worrisome and I think the two issues actually have a lot
of overlap. Interestingly, I’m hearing increasingly a lot of gay and lesbian veterans across the country and there are one million gay and lesbian veterans, according to the Urban Institute. I’m hearing increasingly gay veterans standing up publicly and sharing their stories with the media and with their federal fellow citizens that “I’m a veteran. I served in the Army or the Air Force and whatever service and during my service I took an oath to protect and defend the Constitution against the United States, of the United States against all enemies foreign and domestic. Now having served on foreign soil to protect freedoms for Americans, I’m back here in my own country only to see efforts ongoing to write me and my family out of the very Constitution that I risked my life on foreign soil to defend.” I think that’s a powerful message. I’m encouraging more and more veterans, more and more gay veterans and straight veterans, as well, to begin communicating that message.

LC: Some of those veterans who are coming forward are Vietnam Era veterans, are they not?

JC: Absolutely.

LC: Okay. Do you recall the names or outline stories of any of those people who have come forward lately?

JC: Well, I know of several Vietnam veterans who served with distinction in Vietnam and have had distinguished careers in the civilian world that after leaving the military. Mike Rankin comes to mind. He’s a retired Navy captain who served two years I believe, two tours I should say, in Vietnam. He teaches at a medical school in the District of Columbia now. Lt. Col. Hank Thomas, he’s a retired Marine colonel who was wounded in Vietnam, has Purple Hearts, a very powerful story and a powerful person. Steve Lumas retired, well, a former Army lieutenant colonel who was denied his retirement just eight days prior to eligibility. Steve, too, served on the battlefields of Vietnam, received a Purple Heart. He was an infantry officer and was kicked out in, I think, 1996 under Don’t Ask Don’t Tell after becoming the subject of an investigation. He was kicked out just a few days shy of his retirement and denied the opportunity to retire. So he lost his pension and his benefits and his healthcare. There’s a project that the Human Rights Campaign and the Service Members Legal Defense Network are doing called the Documenting Courage Project.
LC: Yes.

JC: It can be accessed through either of their websites and it contains the stories of a lot of gay and lesbian veterans, to include a number of Vietnam vets. We are continuing to encourage people to send in their stories to that so that we can archive those.

LC: Absolutely, absolutely, which is what we’re doing here, as well. Jeff, I want to thank you for your time this afternoon.

JC: You bet. Thank you.