

‘Don’t Ask Don’t Tell’ Repeal: A Very Dangerous Sociological Experiment

By Dean R. Broyles

The legally coerced normalization and forced approval of homosexuality in American society is well under way. It is like a giant cultural steamroller, seemingly crushing everything in its path — even well established constitutional rights. But not all change is “progress.” Some changes serve the common good of society; many serve only the selfish interests of a few. And that is a mistake that secular “progressives” often make. They are so focused on “advancing” their goals that they ignore the devastating consequences of the very changes they seek. While marriage has been the recent target of those promoting the homosexual legal agenda, it is now the U.S. military and religious freedom that stands squarely in its destructive path.

U.S. Department of Justice attorneys, while physically present in federal court to defend 10 U.S.C. Section 654, popularly known as “don’t ask, don’t tell,” from the legal challenge by Log Cabin Republicans, acted more like “empty suits,” steadfastly refusing to defend and enforce the law that has successfully balanced competing interests in the U.S. armed forces since 1993. This approach is eerily similar to the state of California’s recent refusal to defend and enforce Proposition 8. The Obama administration’s lackluster defense of “don’t ask, don’t tell” did not escape the notice of U.S. Federal District Court Judge Virginia A. Phillips, who in her recent ruling striking down the statute, opined “[I]t again must be noted that [d]efendants called no witnesses, put on no affirmative case, and only entered into evidence the legislative history of the Act.”

This is not a big surprise since President Barack Obama repeatedly promised to repeal the law during his candidacy, a fact noted by Judge Phillips. Nor is this passive-aggressive legal “defense” inconsistent with U.S. Atty. Gen. Eric Holder’s worldview. Yet still, this troubling trend of government officials undermining the very laws they are sworn to defend and protect, is beginning to look more and more like “anarchy.” More disturbing is that this ad hoc results oriented approach to policy making demonstrates a profound lack of respect for our men and women in uniform, for whom the repeal would have deep and lasting consequences. Congress’ recent push to repeal “don’t ask, don’t tell” before the ongoing survey of service personnel is completed only makes matters worse.

Strikingly, Judge Phillips, who by her own admission didn’t have all the facts in front of her and focused only on the “rights” of homosexual service members, found that “don’t ask, don’t tell” actually threatens unit cohesion and troop morale. And like Congress, she was in too much of a hurry for “change” to wait until the survey of service personnel is completed before repealing the law. In her “opinion,” Judge Phillips ignored the fact that the majority of service members do not agree with Obama’s determination that the law should be repealed. But, what about their “rights?” What about their troop morale and unit cohesion? She apparently didn’t see this large and critically important group of the military in the middle of the road as she self-righteously “ran them over” with her cultural steamroller. Perhaps she was a distracted driver, being too busy giving high fives to the Department of Justice and Obama.

In the end, Judge Phillips’ legal “opinion,” which found that “don’t ask, don’t tell” violates First Amendment (free speech) and Fifth Amendment (self determination) rights of gay service members, epitomizes why judicial activism is so dangerous. Judicial activism undermines the rule of law because it permits a single individual or small group of individuals, who happen to wear black robes, to remake society into what they want it to be — by judicial fiat. A “living Constitution” may get you the result you want in the short run, but in the long run the rule of law, democracy and “We the People’s” faith in the justice system is obliterated.

And what of religious freedom? You know, those pesky parts of the First Amendment that were once vitally important to our founding fathers and used to matter to our political leaders? Well, religious freedom did not even deserve being mentioned in the 88-page opinion. And in the pantheon of American rights, it is a sacrifice that she and the Obama administration are very willing to make.



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From left, Petty Officer Autumn Sandeen, Lt. Dan Choi, Cpl. Evelyn Thomas, Capt. Jim Pietrangelo II, Cadet Mara Boyd and Petty Officer Larry Whitt, stand together after they handcuffed themselves to the fence outside the White House during an April 16 protest for gay rights.

One thing that we do know is true is that there is currently a growing clash between the free exercise of religion and religious speech and the radical homosexual legal agenda. And, under pressure from the left, the Obama administration is increasingly, actively taking the side of the lesbian, gay, bisexual and transgender community’s agenda. And the sad dark truth is, what secular progressives *really* believe when they are being honest, is that these emerging sexual “rights,” which have no constitutional foundation, trump religious freedom, which does.

In a statement acknowledging this titanic cultural battle, former ACLU attorney and Georgetown Law professor Chai Feldblum said that when religious liberty and sexual liberty conflict, “I’m having a hard time coming up with any case in which religious liberty should win.” Apparently, according to the elites, we have evolved beyond religious morality and are ready to embrace gay “rights,” at the expense of religious freedom. But every second year law students knows that there is no actual constitutional right to sexual liberty. Sexual liberty as an expanding “right” is the relatively recent scheme of activist lawyers and judges who drank the “kool aid” of the sexual revolution of the 60s and 70s. And how are *those* changes working for us?

Those who do not learn the lessons of history are doomed to repeat them. And we are very poor historians indeed. Noted historian Edward Gibbon believed the Roman Empire succumbed to barbarian invasions because of a loss of civic virtue among its citizens. Romans, he asserted, were “soft” — having become effeminate, lazy, weak and unwilling to live a military lifestyle. In his seminal work, “*Decline and Fall of the Roman Empire*,” Gibbon noted five specific attributes that marked Rome at its end: A mounting love of show and luxury; an obsession with sex, including homosexuality; freakishness in the arts masquerading as originality; enthusiasms pretending to be creativity; and an increased desire to live off the state. Hmm, if Gibbon is right, we are just about toast.

Judge Phillips opinion focused solely on the “rights” of the few gays and lesbians who serve in the military. But what about rights of the thousands more service members who have sincere and deeply held religious beliefs that do not appreciate or approve of the pending coerced “homosexualization” of the military? What about the rabbis, pastors and priests in the Chaplain corps who understand that the Old and New Testament texts condemn all extra-marital sex, including same-sex relationships? Sadly, the message of the Joint Chiefs of

Staff and Defense Secretary Robert M. Gates appears to be “shut up or leave.” That sounds familiar, doesn’t it?

Yes, it is profoundly ironic that if “don’t ask, don’t tell” is repealed, hundreds of thousands of military “religious objectors” will be under a new “don’t ask, don’t tell” regime. With homosexuals as the new protected minority, the military might not ask religious service members if they believe that homosexual conduct is wrong (i.e., if they are a “religious bigot”), and if a service members does in fact have religious objections to homosexuality he or she will not dare tell their superiors that they harbor such beliefs lest they be drummed out of the military. Religious service members will be silenced or terminated. You don’t have to have a vivid imagination to understand that this is exactly how religious freedom will be destroyed. And with the large numbers of faithful in the military who don’t approve of homosexuality, can those promoting a “don’t ask, don’t tell” repeal really believe that this “change” will improve unit cohesion, troop morale and combat readiness? Absolutely not!

Today we live in an extremely dangerous world. America needs a strong military now more than ever. We cannot afford to treat the armed forces like a “guinea pig” in our cultural lab. The stakes are far too high. And I submit that our service members, who put their lives on the line for us everyday so that we can enjoy the blessings of liberty, deserve far better.

We must learn the lesions of Rome before it is too late. If we do not, our precious constitutional rights and military readiness will suffer greatly. And with them, the great American Empire may fall.

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