



Written by [Raven Clabough](#) on December 21, 2010

Military Writes Rules for Repeal of DADT Process

Last weekend, the United States Senate voted 65-31 in favor of repealing the 17-year military policy, "Don't Ask, Don't Tell." The Senate vote followed a Thursday night vote in the House of Representatives, where the repeal was passed by a vote of 250-175. However, though the policy was repealed through the legislative process, lawmakers have elected to allow the military to write the rules on the process of repealing the ban on homosexual service members.



[Fox News](#) writes:

No public displays of affection. No separate bathrooms. No harassment and no special treatment. As the U.S. military begins to map out how it will implement the new edict allowing gays to serve openly, the first order of business is drafting the regulations. The rule changes under discussion won't dictate how troops feel about the change, but will strictly enforce how they act on it.

The basic tenet in the guidelines proposed by the military is that homosexual service members be treated just like any other military member. However, according to Fox News, "But they also leave the door open for some flexibility in room assignments or other instances when commanders believe it's needed to maintain order and discipline in their units."

Likewise, the process of implementing the repeal is said to be slow.

"The implementation and certification process will not happen immediately; it will take time," said Air Force Chief of Staff Gen. Norton Schwartz in an email to airmen. "Meanwhile, the current law remains in effect. All Air Force members should conduct themselves accordingly."

Last month, the Pentagon released a 67-page report that outlines concrete regulations to repeal the policy. Defense officials have indicated that they are unsure of how long it will take for the Pentagon to complete its implementation plan and to certify that the changes will not negatively impact combat readiness. Once the plan is complete, it is expected to begin 60 days later.

Of the report, Fox News writes:

The report, however, provides a fairly detailed preview of what troops and the American public can expect, once the new rules are in place.

And it puts the heaviest burden on commanders who will have to walk a fine line between enforcing



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the updated code of military conduct and recognizing when they may need to make some concessions.

The plan calls for strict and immediate action when the new rules are violated. But there is also emphasis on educating troops who are having problems. For example, in a series of vignettes listed in the report, the first course of action is often counseling.

The report plays out a number of scenarios, including instances in which a recruiter refused to process openly gay recruits, or a sailor requests a new sleeping area away from a gay roommate. For each preconceived scenario, a strict process has been carefully recommended in the report.

Some of the recommendations are surprising. For example, if the recruiter refuses to recruit a gay member, or a sailor requests a room change, each is counseled on the new rules, but in the end, commanders are permitted to approve a move in order to maintain unit stability.

Likewise, the military's recommendations include not penalizing service members who preach against homosexuality, preserving service members' freedom of speech.

One area that remains uncertain is that related to health and social benefits. Fox News explains:

In some cases, service members may be able to designate a same-sex partner for benefits. In most cases, however, they are treated much like unmarried homosexual couples. So, same-sex partners will probably not be able to share on-base housing, and commanders don't have to make allowances for same-sex couples when making duty assignments around the globe.

While the complete details of the implementation plan are hammered out, Pentagon spokesman Marine Col. Dave Lapan has stressed that the ban on openly gay service members is still in effect and discourages homosexuals in the military from revealing themselves as such, as they run the risk of penalty. However, Defense Secretary Robert Gates formulated a new set of rules for the process of discharges under "Don't Ask, Don't Tell" that requires approval from service secretaries.

Gates ensures a carefully deliberated process of implementation. According to a study by the Palm Center at the University of California, the process requires only three steps for a smooth transition. The first step is an executive order that suspends all gay discharges, followed by an official allotment of time to allow the process to put the new regulations in place. Finally, the process requires Congress to certify that the new law will work.

Aaron Belkin, Palm Center director, asserts that it took just 40 days to train the military when the policy of "Don't Ask, Don't Tell" was first implemented, and contends that it should not take much more than that to train the military on the repeal.

The legislative repeal of "Don't Ask, Don't Tell" fulfills a campaign promise made by President Barack Obama in 2008. Prospects of the repeal had begun to wane as two previous votes to repeal the policy failed in Congress this year. Likewise, a provision repealing the policy had appeared in the military authorization defense bill, virtually bringing about the bill's failure to pass.

Following the passage of the repeal law, President Obama [declared](#), "By ending 'Don't Ask, Don't Tell,' no longer will our nation be denied the service of thousands of patriotic Americans forced to leave the military, despite years of exemplary performance, because they happen to be gay."

Photo: A person in favor of repealing the military Don't Ask Don't Tell policy holds a sign behind Defense Secretary Robert Gates (out of picture) on Capitol Hill, Dec. 2, 2010, during the Senate Armed Services Committee's Don't Ask Don't Tell policy hearing: AP Images



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