

Q&A

Time to Ask and Tell

CATHCART'S PHOTO BY LISA ROSS
CAMMERMEYER'S PHOTO BY SHARON SHOEMAKER

Fourteen years after the notorious "Don't Ask, Don't Tell" policy replaced the military's ban on gays in the military, proponents of gay rights, retired military leaders and presidential candidates are among many calling for an end to the discriminatory policy. Executive Director Kevin Cathcart and former Lambda Legal plaintiff Col. Grethe Cammermeyer discuss the policy's history and the struggle for gay and lesbian servicemembers to serve their country honestly and openly.

COLONEL GRETHE CAMMERMEYER: I think the lawsuit Lambda Legal filed on my behalf was a turning point. There was increased visibility that came with an old lady taking on the military and its antigay policies. It became the divisive issue of the 1992 election. People began to confront candidates as they were campaigning.

KEVIN CATHCART: People had pinned great hopes on the Clinton administration. He had said the right things. People thought that the ban on gay people in the military was going to be completely lifted, and then we got "Don't Ask, Don't Tell" instead. There was a real sense of anger and frustration within LGBT organizations and among activists.



KEVIN M. CATHCART AND COL. GRETHE CAMMERMEYER



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- COL. GRETHE CAMMERMEYER

GC: Changing a law is time consuming. I remember when I first joined the military in the early 1960s. The idea of women in the military was very offensive to many young men. When I first went down to Fort Sam, I saw young enlisted people cross the street so that they wouldn't have to salute me as I walked by. The other big social change in the military, of course, had to do with integration. When I first joined, I saw a real effort on the part of the military to try to overcome bigotry.

KC: I think, again, it is partly generational. People in higher ranks with more power are usually older and have had less contact and less comfort being around openly gay people. At the time of *Lawrence v. Texas*, it wasn't that there had never been lesbian or gay clerks at the Supreme Court. It's that they were never out. So, Supreme Court justices could believe that they had never known any gay people. But, society has changed so much. Now you have soldiers and sailors who went to high school with openly gay people. That doesn't mean that there aren't risks that come with being out, both physical risks and those to one's career. But it does mean that the feeling on the ground is extremely different.

GC: On my website I've had about 50 people tell their stories. There are certainly people who have been threatened. We already know of individuals who have been killed and assaulted. So there is an undercurrent of discontent. But we had that when there was integration and we had it with women. The military is a unique system in that, if the leadership says that there are certain types of

behaviors that are inappropriate, and then take action when there is inappropriate behavior, the exterior conduct becomes one of, "We do not tolerate discrimination." That does not take care of the subliminal bias and the frank homophobia that people both express and feel. That takes conscious effort and time to work through.

KC: But the same thing is happening in congress. It's not just within the military. There's this political battle, much of which involves people who have never served, but who recognize the ways that the world has changed. We now have significantly more states and municipalities with employment discrimination protections, which makes the military seem even more like a stand-alone than it did back then. We've also seen the Supreme Court of the United States in the *Lawrence* case talk about privacy, autonomy and decision making around sexuality for adults. And while that's not directly on target for the military, it's very hard to look at the *Lawrence* decision and balance it with the discriminatory military policy. So the contradictions are becoming sharper and sharper.

GC: I think the broader issue has to do with the rights of the individuals in the military to serve honestly. And that the government of the United States has a law on the books that specifically names and discriminates against a group of people. That should not be tolerated.

KC: Absolutely. The biggest outrage is that this is completely state-sanctioned

bigotry and discrimination. The average person is thinking, "You know, my kid in the service is not at risk by working with a gay person in the service." So there's been a steady pile-on of facts and common sense that has begun to move people. The policy, however, is still in place. But there are several cases winding their way through the courts. A lot also depends on what happens in the election and what happens in the Senate. I think that we are on a path where, steadily, every year, Congress is better on issues for gay people than it was the year before. There's an excellent chance of legislative action. But if this legislative action doesn't come quickly enough, the courts could still do the kind of clean up that has so long been necessary.

GC: Well, Representative Tammy Baldwin is planning on introducing a bill for domestic partnership benefits for federal employees. If that were worked out in Congress first, then that could really set the stage for some of these discussions.

KC: And we're going to trial in February in federal court in Washington in the *Taylor v. Rice* case where we're challenging the State Department, which still has a policy of not hiring anyone for the Foreign Service who's HIV-positive. So, yes, there are still these major pieces of federally mandated discrimination that need to be eliminated. Yet even with those low points still in place, public opinion has changed. The polls of service

members are not lying. People see it differently today. The work that we have all done over the last 14 years is having an impact on the military. You can see this in the work we've done in schools, making it possible for young gay people to be out and to have gay student groups. It's changed the tenor of schools. And that has had an impact on many of the people who are going into the military today.

GC: Absolutely. What we're seeing in terms of social change is certainly due to the fact that Lambda Legal has taken on these precedent-setting cases that show through the legal system that these types of laws are discriminatory and take away equal protections. You have to push the boundaries. If it weren't for ACT UP in the days of the AIDS epidemic, would people have ever come to the table to discuss the treatment of people with AIDS? You have to have somebody that pushes.

KC: I think we need to always be thinking three or four steps out. But we have to keep thinking about the first step, too. We haven't changed the policy yet. There is great momentum, but momentum by itself is not the same thing as achievement. I think the most important thing that people can do right now is continue to hold politicians' feet to the fire on how important this issue is to all of us in the LGBT community and how important it should be to everyone in America who not only wants a country governed by a constitution and free of discrimination but a strong and fair military.

GC: And then you continue to have the day-to-day experience of individuals having to come out, being at risk, wondering if they're going to be thrown out from their families, their schools, the military. Society is coming along in slow increments behind us and we, as individuals, have to continue to come out every single day to somebody. There is the cliché of changing one heart at a time. But that really is how progress is made.

KC: I agree with you on the need to keep coming out. I think the pressure is on those of us who have the option, because we need to carry it for the people who can't. One of the challenges of the movement these days is that we have made so much progress — not that we don't have a long way to go — but where life is now quite comfortable for many people. Yet there are still other people who are left behind, who aren't in the same position to speak for themselves.

GC: Invariably, the stories from service members have been along the lines of "I'm a patriot. And yet, I could not tolerate not living honestly, always wondering whether somebody was going to target me." There is something really marvelous about what it feels like to put on a uniform and to represent America — the America that we used to have. And so, to feel that you have to give it up for your own sanity is really a tragedy for these individuals and a tremendous loss for America. **L**