

Military (former high ranking military officers and civilian leaders of our national defense)

Based on their experience leading, overseeing and analyzing the military, amici are confident that discriminating against certain servicemembers and their families in this manner is contrary to the military's best interests and therefore undermines national security. (p. 13)

DOMA infringes on the military's core value of equality and requires that the military violate its most sacred promises to its servicemembers. (p. 13)

DOMA unquestionably stands as a substantial impediment to the military's post-DADT recruiting and retention initiatives. (p. 27)

Because DOMA injures morale, readiness, cohesion and performance, there is no constitutional justification, let alone military rationale, that weighs in favor of permitting these threats to today's military and our national security to continue. (p. 35)

Summary of Brief

Amici retired military leaders and national defense officials lay out how DOMA threatens the core of the military's mission and culture. First, denying marital protections to married gay and lesbian servicemembers harms morale and unit cohesion, and jeopardizes the performance of such servicemembers. Second, DOMA's mandatory discrimination undermines efforts taken since the repeal of DADT to recruit, support and retain gay, lesbian and bisexual servicemembers. Third, DOMA undercuts the military's critical interest in treating every servicemember with honor, respect and dignity.

Notable Quotes

"DOMA harms the military by depriving a subset of legally married servicemembers and their families of the very benefits—including healthcare, housing, equal pay, and survivorship benefits—that common sense, military experience, and research have demonstrated to be essential to all military families and more fundamentally to military effectiveness." (p. 13)

"Obviously, sexual orientation does not affect the importance of loved ones to a servicemember deployed, nor does it change his or her worries and distractions because those left behind to mind the home and children are facing deprivations that are no different for any member of a military family." (p. 14)

"It is difficult to imagine anything more emotionally debilitating than knowing that a loved one is suffering from a treatable medical condition but lacks the access to medical care that every other dependent in a servicemember's unit receives. The impact of the lost access is doubly discouraging because it is blatantly discriminatory." (p. 16)

"DOMA ... prevents legally married gay and lesbian couples from receiving equal housing benefits...Given the importance of housing, this is intolerable. In addition to its monetary value, housing is a vital

military benefit because of its ability to foster military communities and support military families.” (p. 17)

“[I]f a servicemember is killed in action and posthumously receives the Purple Heart, DOMA prevents his or her spouse from receiving membership in the Military Order of the Purple Heart. 36 U.S.C. § 140503. Denial of these benefits is greatly disrespectful and deeply hurtful.” (p. 21)

“In discriminating against gay and lesbian servicemembers and their families, DOMA will inevitably hurt the military’s ability to recruit and retain gay and lesbian servicemembers. DOMA does direct violence to many of the most important features of the military system that support recruitment and retention, and therefore will obstruct the leadership’s ongoing work to improve the military, which plainly was intended by DADT’s repeal.” (p. 22-23)

“DOMA strips away the very tools that experience has demonstrated are necessary to legally married servicemembers and their families if the military is to be as productive as it can be. DOMA’s sanction of inequality has arbitrarily imposed deeply hurtful effects on today’s military. Because DOMA injures morale, readiness, cohesion and performance, there is no constitutional justification, let alone military rationale, that weighs in favor of permitting these threats to today’s military and our national security to continue.” (p. 34-35)

Amici Curae (as 2-26-13? SOME Still being added.)

Amici are former high-ranking officers of the Army, Navy, Air Force, and Marine Corps, and former civilian leaders with responsibility for overseeing the our nation’s defense.

Coit D. Blacker, Ph.D, served as Special Assistant to the President for National Security Affairs as well as Senior Director for Russian, Ukrainian and Eurasian affairs at the National Security Council (NSC). Dr. Blacker served on a Blue Ribbon Commission to assess the costs of “Don’t Ask, Don’t Tell.” Currently, Dr. Blacker is a senior fellow at Stanford University’s Freeman Spogli Institute for International Studies, the Olivier Nomellini Professor in International Studies in the School of Humanities and Sciences, and the Olivier Nomellini Family University Fellow in Undergraduate Education.

Rear Admiral John Hutson is a retired Navy rear admiral, attorney and former Judge Advocate General of the Navy. He is the former dean and president of the University of New Hampshire School of Law.

Brigadier General David R. Irvine is a retired Army Reserve strategic intelligence officer. He taught prisoner interrogation and military law at the Sixth Army Intelligence School for 18 years.

John H. Johns, Ph.D, served as a combat arms officer in the Army for over 26 years, retiring with the rank of Brigadier General. While on active duty, he served as Assistant Division Commander of the 1st Infantry Division, as well as Director of Human Resources Development for the Army General Staff. Since retiring, he has served as Deputy Assistant Secretary of Defense and lectured at the U.S. Military Academy, U.S. Naval Academy, Army War College, and Air War College.

Keith H. Kerr, served for 43 years in the U.S. Army and California State Military Reserve, retiring with the rank of Brigadier General. His principal assignments include the 228th Military Intelligence Detachment (Division), Company B, 12th Special Forces, the 91st Maneuver Training Command, the 351st Civil Affairs Command, the 419th Military Intelligence Detachment (Strategic), and the 221st Military Police Brigade.

Lawrence J. Korb, Ph.D, served as Assistant Secretary of Defense (Manpower, Reserve Affairs, Installations and Logistics) from 1981 through 1985. Dr. Korb served on active duty as a Naval Flight Officer and retired from the Naval Reserve with the rank of Captain. He has published numerous books and articles on national security issues. On issues related to gays in the military, Dr. Korb has substantial experience, including providing testimony to Congress on the military's former "Don't Ask, Don't Tell" policy, serving on a Blue Ribbon Commission to assess the costs of that policy, and publishing on how the repeal of "Don't Ask, Don't Tell" and the existence of the Defense of Marriage Act affect the military. Dr. Korb currently is a Senior Fellow at the Center for American Progress.

Patrick J. Murphy is a decorated Army Veteran who served as U.S. Representative for Pennsylvania's 8th congressional district from 2007-2011. He taught constitutional law at West Point, and volunteered for overseas deployment after September 11th, 2001. Following a tour in Bosnia, Murphy deployed to Iraq as a paratrooper in the Army's 82nd Airborne Division. He was awarded a Bronze Star for his service in Bagdad.

Lieutenant General Charles Otstott is currently a Vice President at Burdeshaw Associates, Ltd., in the Army sector. Prior to his military retirement Otstott was the Deputy Chairman of the North Atlantic Treaty Organization (NATO).

Charles S. Robb, served as Governor of Virginia from 1982 to 1986 and as a United States Senator from 1989 to 2001, where he simultaneously served on all three national security committees. He is a Class Honor Graduate from Marine Officers Basic School, and earned a Bronze Star during his Marine Corps service. Since leaving the Senate, he has served as co-chair of the Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, a member of the President's Foreign Intelligence Advisory Board, and a member of the Iraq Study Group. Senator Robb currently co-chairs the Foreign Policy Project at the Bipartisan Policy Center.