

A unique perspective on 'gays' in the military

Major Melissa Wells-Petry, a lawyer who has prosecuted sodomy cases for the Army over the past decade, told the Washington Chapter of the Catholic League that homosexual behavior not "homosexual status" defines homosexuals in the eyes of the military.

Such "defining behavior," she said, mandates the exclusion of homosexuals from the armed forces.

Emphasizing that she was giving "this soldier's views, my personal views," Major Wells-Petry contrasted "the great themes of this debate, the great chants," with the "unique environment and unique mission of the military."

This unique mission is "to be trained and ready to kill people and break things," and in carrying it out the soldier is expected to risk his own life. She declared: "You won't find that in anyone else's job description."

The military's mission creates the "unique military environment," she asserted: "close quarters, the dependence on one another for the preservation of life, the dependence of each military unit on internal cohesion for its effectiveness."

"I think and certainly this has been the case with various judges over the years it's entirely possible to have a variety of views on homosexuality and still be fully persuaded that homosexuality is not compatible with the military environment or with the military's mission."

She set such incompatibility against "this drumbeat" that the military ought to judge individuals by how they behave, not what they are.

"Well, let me tell you: this is exactly what the military's policy does," Major Wells-Petry asserted.

"It makes a distinction about homosexuality based on what homosexuals do, the actual doing of homosexual acts. It makes a distinction based on the consequences of homosexual acts. It makes a distinction based on the political agenda that's associated with homosexuality. It makes a distinction based on the undeniable health and welfare risks of homosexuality."

What about a simple declaration of homosexuality? The rule has been that anyone who simply admits to being a homosexual is not admitted to the armed services.

"The law says that when a person tells you, 'I am a homosexual,' he is not telling you his status. He is identifying himself as a member of a group whose behavior is incompatible with military service."

Most people would be surprised, according to Major Wells-Petry, to learn that over the past two decades the military has won "every single legal challenge to the constitutionality of the homosexual exclusion policy." Homosexuals have challenged the exclusion policy "on every conceivable constitutional basis," she said, such as the right to privacy, free speech, free association, and equal protection. "All of these challenges failed. Why? Because homosexuality involves behavior, and the law constantly and appropriately makes distinctions based on behavior."

Major Wells-Petry, on less than 24 hours notice, substituted for the announced speaker, Mrs. Mary Cummins of Community School Board 24 in Queens, New York City, who was at the center of the storm over distributing condoms in city schools. Mrs. Cummins was ill.

The talk was given May 14 at the Catholic University of America, under the joint sponsorship of the Catholic League and the university's School of Philosophy.

[Exclusion: Homosexuals and the Right to Serve, by Melissa Wells-Petry, Regnery-Gateway, 1993, hardcover, 237 pages, list price \$20.00, is available from the Catholic League Publications office. \$16.95 (includes shipping on *pre-paid* orders).