THE VISION

Freedom to Serve.

THE MISSION

Representing the U.S. LGBTQ military community worldwide. Our mission is to:
elaborate the community, provide legal services, advocate for authentic transgender service,
provide developmental opportunities, support members and local chapters,
communicate effectively, and work towards equality for all.

ACKNOWLEDGMENTS

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Andy Blevins, Kai River Blevins, Paul Charas, Corrine Cole, Peter Perkowski,
Dimitri Pixley, Jeffry Priela-Tam, Felipe Rendón, Hanna Tripp, and Matt Thorn.

The acknowledgments for assistance and advice with the second edition of this
publication echo and should be read in conjunction with the gratitude to the
authors, contributors, and editors that was extended through the publication’s first edition.

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Dear Friends,

Here at OutServe-SLDN, we are committed to the idea that all capable individuals willing to selflessly serve our nation deserve to do so honorably, openly, and authentically. Since 1993, we have proudly dedicated our services and programming to defend LGBTQ servicemembers and veterans that have and continue to serve us.

This much-anticipated, second installment of the Freedom to Serve guide pulls its name from our organization’s vision. This booklet was first released at the repeal of “Don’t Ask, Don’t Tell,” providing immediate guidance as lesbian, gay, and bisexual members began serving openly without fear of separation. Since our first installment, the Defense of Marriage Act has been repealed, prompting the Departments of Defense and Veterans Affairs to finally recognize our spouses in ways their heterosexual counterparts always have been. This edition of the publication provides additional information on some of the more nuanced changes that have come to pass in the last six years.

While we have seen great progress in equitable justice, representation, and support for portions of our community, we continue to work tirelessly to ensure our transgender siblings are afforded those same essential liberties. Much of the information in this guide will prove to be helpful to transgender servicemembers, veterans, and hopeful recruits. We will continue to push out additional guidance as we can and would be happy to speak with any transgender servicemembers about any specific issues they are facing.

This publication is intended to be a general resource for you and your loved ones while you navigate military service as a member of the LGBTQ community. But every case is different; in this publication, it is impossible for us to provide particularized advice for every scenario you might encounter. We encourage you to reach out to our legal staff for any specific guidance you may need. Our services have always been, and will continue to be, completely free to you and your families.

Thank you for your commitment to this country, we look forward to continuing to advocate for you.

Yours in Service,

Peter E. Perkowski
Legal & Policy Director
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Navy Veteran • Trans Army Veteran Spouse

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ABOUT THIS PUBLICATION

This guide provides lesbian, gay, bisexual, and transgender (LGBTQ) servicemembers with a comprehensive overview of the laws, policies, and practices that are relevant to their military service, as well as practical information for advocates and friends of LGBTQ servicemembers.

OutServe-SLDN, Inc. (OS-SLDN) is a legal aid and advocacy organization devoted to ensuring equality in military service for LGBTQ servicemembers and to representing members of the military and their families against discriminatory policies and actions. OS-SLDN provides free, confidential legal assistance on any issue relating to the actual or perceived sexual orientation or gender identity of the servicemember, veteran, and their spouse or family members.

In this era of open service for LGB servicemembers—and uncertain open service for transgender servicemembers—this guide is intended help the LGBTQ military community make informed decisions about how to lead their lives and serve equally. It may also help LGBTQ servicemembers understand how to protect themselves and respond if they feel they have been targeted. **This guide does not, however, provide comprehensive counseling for servicemembers, nor is it intended to be a substitute for seeking assistance from an attorney familiar with military law.** Each servicemember’s situation is different and must be evaluated and handled based on its own facts. Servicemembers who need an in-depth assessment of their unique circumstances should contact OS-SLDN.

All LGBTQ servicemembers and their allies should be aware of the information contained in this publication. It is important to review the entire guide before studying individual sections. This will provide an overview of the laws and policies, which is necessary to understand individual sections and how they work together, both on paper and in practice. It is also important to know that this guide was created using research of Defense Department directives. Regulations of the individual services generally mirror the Defense Department’s directives, though some differ in minor but sometimes significant ways.

For free, confidential legal counseling, contact our legal department directly:

- **202-328-3244 (Office)**  
- **800-538-7418 (Toll-Free)**  
- legal@outserve-sldn.org (E-Mail)  
- www.outserve-sldn.org (Website)  

OutServe-SLDN  
ATTN: Legal Department  
P.O. Box 65301  
Washington, D.C. 20035

The Defense Department and each individual service branch also offers legal counseling at no cost to you. If you choose to take advantage of these services, it is imperative that you clarify the military attorney with whom you are consulting is a defense attorney and that your conversation is confidential. The appropriate service offices are listed in the resources section of this guide.
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A BRIEF HISTORY OF LGBTQ MILITARY SERVICE

While open service for LGB individuals is relatively recent, and open service for transgender people still being fought for, there is a long history of LGBTQ people serving in the United States military. For example, the U.S. Naval Institute notes that the first person discharged for homosexuality was Lieutenant Frederick Gotthold Enslin in 1778.¹ LGBTQ individuals have continued to serve in the military throughout American history, though not with impunity. Homosexuality was first criminalized by the military in 1917 under Article 93 of the Articles of War, which was approved by Congress in 1920.²

As the LGBTQ movement began in the United States in the 1940s, so too did the use of psychiatry to attack homosexuality through the government.³ As historian Michael Bronski notes, “a direct link was being made between homosexual behavior and a threat to national security.”⁴ With the approval and authority of the psychiatric discipline, the government began to systematically codify homophobia. Shortly after the prohibition on sodomy was added to the UCMJ in 1951, President Dwight D. Eisenhower signed an Executive Order listing “sexual perversion”—which included homosexuality—“as a security risk constituting grounds for termination or denial of employment.”⁵ Scholars today note that this Order was applied, at least as early as 1960, to ban transgender individuals from serving as well.⁶ These policies continued over the next few decades, with explicit homophobia finding its ultimate expression in 1981 with Department of Defense Directive 1332.14 making clear that “homosexuality is incompatible with military service.”⁷ As for transgender people, the 1980s were a time when “the military was applying its medical regulations more forcefully” to exclude this population from service.⁸

Although anti-LGBTQ laws and policies were enforced from the time of President Eisenhower, a significant report, commissioned by the Department of Defense (DoD) and published in 1988, found that homosexuality was not a threat to national security.⁹ There was no talk of removing bans on service by transgender individuals, but there was renewed hope that bans on LGB service would be lifted, especially after then-Governor Bill Clinton promised in his presidential campaign to lift the ban.¹⁰ President Clinton never fulfilled that promise, though: instead he signed the controversial “Don’t Ask, Don’t Tell” (DADT) policy into law in 1993. Although President Clinton portrayed this policy as “a dramatic step forward”¹¹—

² Id.
⁴ Id.
⁵ Key Dates, supra note 1.
⁷ Key Dates, supra note 1.
⁸ Sandhya Somashekhar and Craig Whitlock, supra note 6.
⁹ Key Dates, supra note 1.
¹¹ Id. at 502.
opinions differ on whether it was an improvement over previous draconian policies—but his compromise forced LGB servicemembers to remain closeted to join or continue serving.

To address the DADT setback, Servicemembers Legal Defense Network (SLDN) was created. SLDN began working in 1993 as a nonprofit providing free legal services to LGBTQ servicemembers and veterans. Over the years, the organization represented LGB servicemembers under DADT and challenged both DADT and the Defense of Marriage Act (DOMA) as unconstitutional. Seventeen years after SLDN began its fight, Congress finally repealed DADT in December 2010. President Barack Obama, who openly supported ending DADT, signed the bill into law before the year’s end.

During the fight to repeal, another organization arose to address the inequalities that active-duty LGB servicemembers were facing. OutServe was founded in 2010 under the name “Citizens for Repeal,” and it was the first member-based organization to represent the interests of LGB servicemembers. It wasn’t long until these two crucial organizations combined their efforts through a merger in 2012, forming what is now known as OutServe-SLDN, “a non-partisan, non-profit, legal services, watchdog and policy organization dedicated to bringing about full LGBT equality to America’s military and ending all forms of discrimination and harassment of military personnel on the basis of sexual orientation and gender identity.” Other organizations have been created to serve various sub-groups of the LGBTQ military community, such as families, veterans, and transgender people. (For more information, see the “Additional Resources” section below.)

Even with the repeal of DADT, there were still federal laws and policies preventing open and equal service. For starters, transgender people continued to be banned from military service, a policy that is in flux today despite a short commitment to open service. Another prominent issue for LGB servicemembers was DOMA, which provided a federal definition of marriage as being between one man and one woman. Among other things, DOMA prevented military spouses who were lawfully married under state law from being recognized by the DoD and the Department of Veterans Affairs. Though DOMA was challenged many times, it was the case of U.S. v. Windsor that finally ruled the federal definition unconstitutional. This historic victory meant that same-sex couples could have their marriages recognized by the federal government and could access a plethora of military and veterans’ benefits previously unavailable to them.

But it also created a two-tiered system for servicemembers and veterans: some states issued marriage licenses to same-sex couples, while others did not, and the federal government—including the Departments of Defense and Veterans Affairs—used state-law to determine who to consider a “spouse” for benefits purposes. It wasn’t until the Supreme Court’s 2015 ruling in Obergefell v. Hodges that same-sex marriage became a reality for all Americans, and LGB military families began receiving full recognition and benefits as a result. With these

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13 Key Dates, supra note 1.
14 Id.
rulings, as well as updates to the Military Equal Opportunity program\(^{19}\) and the UCMJ,\(^{20}\) LGB servicemembers are now able to serve freely in the military without formal laws or policies preventing them from joining or punishing them based on sexual orientation.

But despite these crucial victories, the battles are not over. We continue to fight for the rights of transgender people to serve openly in the military. Work remains to be done for servicemembers living with HIV, for non-binary and other gender non-conforming people, and for others in the LGBTQ community, as well as to hold on to the victories that we’ve fought for. OS-SLDN will not rest until its mission of “full LGBTQ equality in the military” is achieved.

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Identity and Being “Out”

Open LGB Service

Repeal of DADT, which prevented LGB individuals from serving openly, was effective on September 20, 2011. Servicemembers no longer need to hide their sexual orientation to protect their military careers, but there are still decisions that these servicemembers must make and several issues they face.

There is no requirement for a servicemember to “come out” or declare their sexual orientation to anyone. With the repeal of DADT, LGB servicemembers may choose whether they would like to come out, and to whom, without fear of repercussion.

Many servicemembers choose to be open, honest, and authentic about their sexual orientation, inviting their significant others to command-sponsored events, placing photographs on their desks, and talking about their partners with others in the office. Many servicemembers living openly have stated that “coming out” alleviated their feelings of depression and isolation. Some have stated that living openly is a matter of honor and integrity. Others choose not to come out for personal reasons, including fear of perception by their chain of command, peers, family, and friends; fear that unconscious or intentional bias might affect their careers; or a basic desire to keep their “love life” private. Servicemembers making this choice should realize the possible implications that hiding an integral part of their identity may have on their mental health and should surround themselves with affirming individuals and resources while off-duty. Several organizations can provide resources and assistance to servicemembers in these situations; they can be found in the “Additional Resources” section of this publication.

The DoD has established policies that are intended to provide some protection to servicemembers who do not wish to declare their sexual orientation. Neither the DoD nor any of the service branches will create a data category for sexual orientation, and the services will not request, collect, or maintain sexual orientation data as a matter of course, except where the information is essential to an investigation or other official action. An individual’s sexual orientation can no longer be the basis for administrative separation actions. But sexual misconduct, regardless of sexual orientation, remains a basis for criminal and non-judicial punishment (NJP). Investigations relating to sexual misconduct may result in requests for a servicemember to disclose their sexual orientation if it is essential to the investigation.

No matter what you decide, it is your decision and you can make it without fear of repercussion.

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23 Id.
24 Id.
Open Transgender Service

The term “transgender” is a broad umbrella under which several different groups of individuals may identify, including those seeking partial- or full- physical alteration of their sex assigned at birth. In this guide, we will discuss these groups as they relate to military rules and regulations. The military has a binary view of gender, so the rules and regulations, including the language the military uses, reflect this view.

Much of the information in this guide is applicable for both sexual orientation and gender identity. But given the current administration’s hostile policy proposals, transgender people currently serving or attempting to serve should take additional care and consideration. Importantly, the Trump administration has introduced a policy that affects the accession and retention of servicemembers who are transgender. At the time of publications, at least one court has enjoined this policy from taking effect.25 If the policy is implemented, transgender individuals will be prevented from joining the military and those currently serving could be separated. In a direct effort to counteract these unjust policy changes, OS-SLDN partnered with Lambda Legal Defense and Education Fund to pursue legal action against the policy.26

Like one’s sexual orientation, there is no policy that requires a servicemember to reveal their gender identity when it deviates from their sex assigned at birth. Many servicemembers that personally identify as transgender do not openly identify with their command for various reasons. Those who make this choice should recognize the effect this can have on their mental health and should surround themselves with affirming individuals and resources while off-duty. Several organizations can provide resources and assistance to servicemembers in these situations; they can be found in the “Additional Resources” section of this publication.

Some transgender servicemembers choose to be open about their gender identity and have begun the transition process. Given the actions of the current administration, servicemembers who serve openly may be subject to a retention ban if one were to take effect. For the moment, however, court injunctions prohibit separations based on transgender status, prohibit the DoD from excluding transgender people from joining the services, and require the DoD to continue providing medically necessary health care.

Issues for transgender individuals may come up at the time of enlistment, appointment, or commissioning into the armed forces, or they may arise for personnel already serving in the military. Any transgender individual who has questions about military service, is being harassed, or is under investigation based on his or her gender identity should contact OS-SLDN for assistance. Additional generalized guidance and resources concerning open transgender service will be released as it becomes available.

Sharing Information About Yourself with Others

As being open about one’s sexual orientation and gender identity is a personal choice and isn’t required, some servicemembers may wish to have more control over who they are

26 Karnoski v. Trump, No. C17-1297-MJP (W.D. Wash.). OS-SLDN is co-counsel in this litigation, representing nine individual plaintiffs and three organizational plaintiffs challenging the ban.
“out” to. When speaking to individuals both on- and off-base, servicemembers should therefore be aware of how privilege and confidentiality concepts operate to protect (or not protect) their private disclosures.

**Peers, Subordinates, and Superiors**

Servicemembers will spend their careers working and socializing with a variety of people, including other military personnel, DoD civilians, and civilian contractors. A sense of camaraderie will often lead to the sharing of personal and private matters with peers, subordinates, and superiors. While these conversations are good for building and maintaining fruitful relationships, servicemembers should be aware that there are no protections afforded to these conversations other than a mutual respect of privacy. But misuse of private information could be a form of harassment or lead to discrimination. People experiencing issues with malicious disclosure of their private information should immediately seek redress through normal channels, discussed below in the “Addressing Harassment or Discrimination” section.

**Chaplains and Religious Leaders**

Religious leaders may be an important resource for servicemembers. While the DoD’s directives appointing military Chaplains do not directly address confidentiality, the regulations for service branches may provide some protections. For example, in the Army, servicemembers are advised to speak with Chaplains as a confidential resource, and the Air Force states that Chaplains “will not disclose confidential communications in private or public.” Additionally, the Chaplain’s specific denomination may impose additional confidentiality obligations that prevent disclosure of conversations.

The Military Rules of Evidence affirm that conversations with Chaplains are privileged when servicemembers seek spiritual guidance and counseling. But if the servicemember is speaking with the Chaplain for any reasons other than spiritual guidance, no privilege attaches to their conversations. What constitutes spiritual guidance may not always be clear. Conversations about a servicemember’s sexual orientation or gender identity may not be

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27 DoDD 1304.19, Appointment of Chaplains for the Military Departments (2007).
28 “The privilege of confidential communication with a Chaplain is a right of every individual and an essential component of the Chaplains ministry.” AR 165-1, ¶ 16-2(a).
29 See, e.g., AFMAN 52-103, Chaplain Service Readiness Manual, Attachment 10. The quoted language is part of the Covenant and Code of Ethics for Chaplains of the Armed Forces as prescribed by the National Conference on Ministry to the Armed Forces.
30 Military Rule of Evidence (Mil. R. Evid.) 503.
considered spiritual guidance depending on the Chaplain’s religious doctrine. While Chaplains have a duty to care for all servicemembers, they are not required to take actions inconsistent with their personal religious beliefs while conducting their religious ministries.

If servicemembers would like to speak with a military-sanctioned religious leader about issues surrounding their sexual orientation or gender identity, they should investigate what the Chaplain’s denomination says about homosexuality, bisexuality, and transgender identity. They should also ask the Chaplain if the conversation would be considered confidential.

**Health-care Providers (Doctors, Dentists, Nurses, Therapists)**

Military health-care providers are required to keep individually identifiable health information confidential, except when the information is necessary for treatment, for judicial and administrative proceedings, or where disclosure is otherwise required by law.

Servicemembers must understand that anything they reveal to military health professionals may be used by commands to investigate or commence administrative and separation proceedings. The Rules for Courts-Martial recognize a limited psychotherapist-patient privilege that may prevent disclosure of information during court-martial. This privilege applies to the psychotherapist providing treatment and any assistants. The privilege exists only in the criminal context and not in administrative-separation processes. Additionally, there is no doctor-patient privilege in the military criminal justice system.

A military commander may request access to a servicemember’s medical records to ensure fulfillment of military missions, determine deployability and fitness for duty, enforce compliance with standards and orders, or to carry out any other mission-necessary activity. Commands are unable to request medical records solely to determine a servicemember’s sexual orientation or transgender status because policies forbid their use as criteria in any mission, assignment, or duty determinations. But because commands may still have access to such information when checking the servicemember’s records for other mission-related reasons, servicemembers may wish to be careful of the information provided to military health professionals if they do not wish to be “out” to their command.

As there is a lack of full confidentiality with military health-care providers, many servicemembers choose to seek medical and mental-health care from civilian providers. Servicemembers who choose to be treated by civilian practitioners should be aware that services have regulations that require them to report that they have received such care outside of the military medical system. Failure to report—or, if applicable, obtain pre-approval for—such treatment could result in NJP or discipline under the UCMJ for failure to follow a lawful

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31 “The [Chaplain] is willing to function in a pluralistic environment … and is willing to support directly and indirectly the free exercise of religion by all members of the Military Services, their family members, and other persons authorized to be served by the military Chaplaincies.” DEPARTMENT OF DEFENSE INSTRUCTION (“DoDI”) 1304.28, ¶ 6.1.2.

32 Policy Guidance, supra note 22, at 3.

33 DoD Health Information Privacy Regulation, DoD 6025.18-R, ¶¶ C1.2.1, C1.2.2, C1.2.3, C1.2.4, C1.2.5.


35 DOD 6025.18-R, ¶ C7.11.1.1.

36 Id., ¶ C7.11.1.3.

37 Policy Guidance, supra note 22, at 5.

38 See, e.g., AFI 41-210, TRICARE Operations and Patient Administration Functions (2018); AR 40-400, ¶ 10-6; NAVMED P-117.
order.\textsuperscript{39} Likewise, should a servicemember lie or make a false statement about care and treatment received off-base, they could be subject to discipline under the UCMJ.\textsuperscript{40}

Some military positions require a servicemember to maintain a security clearance. During investigations for security clearances, questionnaires often ask servicemembers to identify any civilian health-care providers and their reasons for treatment. Investigators will also often press servicemembers to sign an authorization form that allows them to question the health-care providers. Refusal to sign the authorization form may result in the servicemember being denied a security clearance. Occasionally, investigators may attempt to question civilian mental-health providers without receiving express permission from the servicemember. Most civilian mental-health professionals refuse to answer such questions, but servicemembers should speak with their civilian providers before starting treatment to verify that their conversations are confidential and will not be revealed without the servicemember’s express permission.

\textbf{Lawyers}

Generally, communications between attorneys and their clients, made in connection with seeking legal advice, are confidential and protected by attorney-client privilege.\textsuperscript{41} But in some circumstances, conversations between a servicemember and their attorney may be unprotected, including when the attorney believes that the client is about to commit a crime or when a third party is present during the conversation.

Defense attorneys have ethical obligations to be zealous advocates for their clients and will keep client information confidential. But not all military attorneys are \textit{defense attorneys}. Command legal officers and prosecutors (a.k.a. trial counsel) have no obligation to keep conversations with servicemembers confidential. Anything a servicemember says to these personnel can be used against them. Before discussing case-specific information with a military lawyer, a servicemember should always inquire whether they are speaking with a defense attorney and whether their conversation will be considered confidential. If the answer to either question is no, the servicemember should understand that the conversation is not protected and may be disclosed to another party.

If dealing with civilian counsel, a servicemember should understand that a civilian attorney also owes a duty of confidentiality and must keep conversations with their clients confidential unless they receive express permission from their client to divulge. If a servicemember is unsure whether they are considered a client, they should ask the civilian attorney to ensure their conversations will be held in confidence.

\begin{itemize}
\item\textbf{Ensure Confidentiality with a Military Lawyer}
\begin{itemize}
\item (1) Are you a defense attorney?
\item (2) Is our conversation confidential?
\end{itemize}
\end{itemize}

If the answer to either question is \textbf{NO}, the conversation has no confidentiality protections.
Spouses

Private conversations between spouses are privileged except in very limited situations. A spouse may choose not to testify about private marital conversations and can also prevent their spouse from testifying about those conversations. This privilege applies only to spouses, not to any other committed relationship, and may be applicable to previous marriages.

Living Publicly “Out”

Choosing to live openly and authentically can be a difficult decision, even for civilians in the most progressive environments. It is a highly personal and sensitive choice, and servicemembers should move at a pace comfortable to them in deciding when, how, and to whom they want to reveal these personal aspects of their identity.

As a guiding principle, all servicemembers should be allowed to serve in the same manner, regardless of their sexual orientation or gender identity. Servicemembers’ choices to come out and serve openly should not affect the quality of their service or their benefits and privileges.

Standards of Conduct

The DoD and individual service branches have many rules, regulations, and policies that set forth standards of how members should conduct themselves on- and off-duty. Servicemembers are responsible for complying with these standards, which should be applied consistently and without regard to sexual orientation or gender identity.

In short, LGBTQ servicemembers should be regulated by the same high standards of conduct that their cisgender and heterosexual counterparts are subjected to under the same situations. Contact OS-SLDN immediately if a regulation is being misapplied as a way of targeting or harassing LGBTQ servicemembers.

Engaging in the LGBTQ Community

There are situations unique to the LGBTQ community with few parallels to environments and activities in other populations. As a result, some may find it difficult to readily identify guidance for navigating these spaces and recognizing potential implications for their military careers. The information below is provided as general recommendations. Each situation is unique; for more guidance on your situation please contact the OS-SLDN legal department directly.

LGBTQ Pride Events: The same regulations that apply to a servicemember’s attendance at any public event, parade, or rally are applicable when those events are focused on the LGBTQ community. Servicemembers may attend social events and participate in a manner consistent with off-duty conduct expectations. Servicemembers may attend political activities when not in uniform and voice their personal opinions on political candidates and issues as long as the activity is conducted in a manner that could not be construed as being representative of the DoD or any service branch. While attending

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42 Mil. R. Evid. 504.
43 Policy Guidance, supra note 22, at 2.
events that are more political in nature, servicemembers must abide by their individual service branch’s regulations concerning participation, which is further discussed below.

**Gay and Lesbian Bars:** Servicemembers may frequent any drinking establishment they choose as long as the establishment has not been “black-listed” or placed on an “off-limits” list by their command. An establishment may be declared off-limits for several reasons, including known criminal activity, previous altercations between servicemembers and civilians, and other factors that affect good order and discipline. A command may not declare an establishment off-limits simply because it caters to LGBTQ clientele. Off-limits orders restricting servicemembers from patronizing a gay bar should be reported to OS-SLDN so we may address the situation directly with the individual command or service branch.

While at a gay bar, a servicemember’s conduct must conform to their command’s regulations and standards of conduct. Activities that might be acceptable for a civilian may not be acceptable for a member of the Armed Forces. For example, both “indecent acts” and “indecent exposure” are prohibited by Article 120, UCMJ.

### Engaging in Military-specific Activities

Similarly, LGBTQ servicemembers may need guidance for navigating military-specific spaces as openly LGBTQ people. Again, the information below is general; since each situation is unique, servicemembers should contact our legal department directly for more guidance.

**Attending Military-Sponsored Events:** Command- and service-sponsored activities, including service balls, command picnics, and formal dinners, are an important aspect of military life, promoting *esprit de corps* and celebrating joint and individual accomplishments. All servicemembers should be able to fully participate in these events. If the event allows guests, servicemembers should feel free to invite people of their choice, regardless of their sexual orientation or gender identity. Policies regarding dress, grooming, and public displays of affection (PDA) apply at all military functions, including celebratory and morale-building activities. Servicemembers may also be responsible for the conduct of their guests, and their guests may be expected to conform to any rules and regulations the event imposes on all other guests. OS-SLDN can help address any issues regarding restrictions and repercussions based on the sexual orientation or gender identity of servicemembers or their guests.

**Serving OCONUS:** Overseas deployments and assignments should not be restricted based on a servicemember’s sexual orientation. Likewise, transgender servicemembers have successfully deployed and served while stationed overseas, both pre- and post-transition. But host countries may have laws concerning homosexuality, homosexual conduct, and transgender status. Servicemembers should be informed of host-country laws and local military policies during assignment notifications and deployment briefings. Servicemembers preparing for an OCONUS assignment can contact OS-SLDN

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44 32 C.F.R. § 631.11.
45 *Policy Guidance*, supra note 22, at 5.
for additional information on the host country policies, laws, and attitudes towards LGBTQ people, as well as resources for their continued support.

Command sponsorship and OCONUS permanent changes of station with dependents are further discussed below in the “Military Family Matters and Benefits” section.

**Finding Support Groups:** The military community has developed several resources to help servicemembers who need support in both professional and personal matters. The on-base Morale, Welfare, and Recreation (MWR) office may have information for community and on-base support programming. Servicemembers experiencing family, relationship, and military life issues may additionally contact Military OneSource, a free counseling service provided by the DoD. A list of additional LGBTQ organizations and support programs available to servicemembers can be found in the resources section of this guide.

**Social Media and Other Public Profiles**

Social media platforms are prevalent today, often used for networking and socializing on both personal and professional levels. These platforms provide means of sharing information, posting photographs, and connecting with friends. All regulations that govern conduct apply to online behavior: if an act violates rules governing public displays of affection while in uniform, a photograph of that conduct taking place will violate that regulation. Additionally, political activity via social media is governed and limited in the same manner.

To enhance recruiting and command morale, and improve communications, servicemembers may be able to use government computers to access their social media for both official purposes and limited personal use, when authorized. But servicemembers may not visit sites that reflect poorly on the DoD, such as pornographic websites and online gambling. Local command policies regarding acceptable personal use should be applied without regard to sexual orientation or gender identity; if the command allows access to social and dating sites, there should be no restrictions on visiting similar sites that cater to the LGBTQ community.

When using any machine or system owned by the government or connected to a government network, servicemembers’ activities may be monitored. Policies concerning the use of computers apply equally to the use of smartphones, both government issued and personal, when on duty or connected to the command’s Wi-Fi. Servicemembers should practice the same care they would with a personal or government computer.

Servicemembers must maintain operational security (OPSEC) when using any information system or social network. Units should provide guidance on what information may or may not be shared publicly, though a servicemember should treat everything posted to a social network as public and therefore should not disclose unit strength, mission details, or travel information.

47 See DoD 8550.01, DoD Internet Services and Internet-Based Capabilities (Sept. 11, 2012).
49 Id. ¶ 2-301(a)(3).
Political Activity

Servicemembers may attend political activities, vote, and voice their personal opinions on political candidates and issues. Servicemembers may also attend political fundraising activities, meetings, rallies, debates, conventions, or activities as spectators when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn. Servicemembers may not participate as more than spectators in partisan political events; these events are those that advocate for a particular candidate, political party, or a cause identified with a particular party. This restriction applies even if the servicemember is in civilian clothes and there is no appearance of official endorsement.

<table>
<thead>
<tr>
<th>POLITICAL ACTIVITY</th>
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</thead>
<tbody>
<tr>
<td><strong>A servicemember may:</strong></td>
</tr>
<tr>
<td>▪ Make monetary contributions to a political organization.</td>
</tr>
<tr>
<td>▪ Attend political meetings, rallies, and conventions as a spectator when not in uniform.</td>
</tr>
<tr>
<td>▪ Lobby a Member of Congress on his or her own time and not in uniform.</td>
</tr>
<tr>
<td>▪ Vote.</td>
</tr>
<tr>
<td>▪ Join a political organization and attend its meetings while not in uniform.</td>
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<tr>
<td>▪ Sign a petition, if done as a private citizen and not as a member of the armed forces.</td>
</tr>
<tr>
<td>▪ Write a letter to the editor of a newspaper expressing one's personal views on public issues and political candidates.</td>
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<tr>
<td>▪ Display a bumper sticker on his or her private automobile.</td>
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</tbody>
</table>

Servicemembers who are uncertain whether an activity is covered by DoD policy should contact OS-SLDN for help before engaging in the activity.

Harassment and Discrimination

Servicemembers who are perceived as LGBTQ may face harassment, discrimination, threats, or violence. While the perpetrators of harassment and discrimination based on sexual orientation or gender identity usually don’t identify as LGBTQ, even people who identify as LGBTQ can harass and discriminate.

Harassment can take different forms, ranging from a hostile command climate filled with anti-LGBTQ jokes, insults mocking transgender people, or even direct verbal and physical abuse and threats. Many military leaders have publicly stated that they will not tolerate
harassment or abuse of LGBTQ servicemembers. Members of the Armed Forces have the right to make complaints through military and civilian channels about improper treatment or harassment by their peers, chain of command, or other sources.

Servicemembers facing the threat of immediate physical harm may also report the threat directly to the military police or the on-base Chaplain’s office.

NOTE: Although some Chaplains have been open in their opposition to the LGBTQ community, as a matter of policy they must provide aid and assistance for servicemembers whose physical and emotional safety is at risk. Chaplains’ offices can offer a safe space when there may be nowhere else for a servicemember to retreat to, especially on a forward-operating base or a deployed ship, or when command is perceived as hostile.

Some of the more common complaint procedures are detailed below:

**Command Complaints:** If possible, servicemembers should try to use their chain of command to address issues before attempting to make complaints through other channels. Servicemembers may ask their commands to take disciplinary action against other members who violate the UCMJ or punitive regulations.\(^{53}\) Requests of this nature are normally made in writing, and it is up to the command to decide whether to act. It is important to recognize that a junior servicemember who attempts to place a senior servicemember “on report” through this process may face retaliation in ways that are difficult to prove (i.e., difficult work assignments, weekend duty, etc.), regardless of whether that individual is in their direct chain of command.

If a servicemember’s chain of command is part of the complaint, or condones or is complicit in the harassment, the servicemember need not try to resolve the issue through a command complaint and may need to use other methods to report the mistreatment.

**Equal Opportunity (EO) Complaints:** After the repeal of DADT, the DoD updated its equal-opportunity policy to include sexual orientation. In addition, discrimination on the basis gender identity constitutes sex discrimination.\(^{54}\) Each service branch has a dedicated military equal opportunity (MEO) office, staffed with officers trained to handle complaints of discrimination, harassment, and mistreatment based on “race, color, national origin, religion, sex (including gender identity), or sexual orientation.”\(^{55}\) Any servicemember experiencing any such issue can make a complaint to their MEO office.
Inspector General (IG) Complaints: Servicemembers may bring complaints of harassment or regulation violations to the Inspector General’s Office on their base, service branch, or the DoD. The individual offices have little power to correct the problems on their own, but their findings and recommendations may induce action by the command.

Formal Complaints Against Superior Officers (Article 138, UCMJ): A servicemember is permitted to seek redress of grievances against a superior officer, to include their commanding officer, under Article 138, UCMJ. Servicemembers may attempt to use this complaint process to right a wrong they believe they have faced, even if no law or regulation has been violated.

Service-branch regulations vary, but these complaints generally begin with a letter or memo to the superior or commanding officer requesting redress (usually through an apology, a command training session to address violated policies, request to transfer to another department or unit, etc.). If the officer denies the request or does not respond in a certain length of time, a formal complaint may be made to any commissioned officer superior to the first officer, who must then forward the complaint to the officer exercising general-court-martial-convening authority over that first officer. The officer exercising general-court-martial-convening authority must then act on the complaint and report the matter to the Secretary of the Service.

Congressional Inquiries: Servicemembers have the right to communicate with their Congressional representatives to seek their assistance in resolving problems with the military. They do not need command permission to contact the offices of their Congressmembers, but they must notify their commands that contact has been made.

In some cases, congressional inquiries are no more than an exchange of letters between a congressional aid and a liaison officer at the service branch’s headquarters. When presented with concrete evidence and asked for specific types of assistance, however, sympathetic Congressmembers can urge services and local commands to act on incidents of discrimination and harassment.

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56 10 U.S.C. § 1034(c).
57 “Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made.” Article 138, UCMJ, 10 U.S.C. § 938.
**Contacting the Media and Press:** Complaints made to the press, and using its ability to influence the military, should be done only with legal counsel and only as part of a well examined strategy to redress a wrong. The decision to go to the media is not to be taken lightly and should generally be considered only after other avenues of redress have been unsuccessful.

While the press can be influential, once the media has the story, there is little the servicemember can do to control it. In addition, the servicemember may be ordered not to communicate with the press after the initial story runs. In these cases, a civilian attorney can represent the servicemember’s interests to the press in an effort to protect the servicemember from repercussions of disobeying a lawful order.

In addition to the above, servicemembers who experience harassment based on their actual or perceived sexual orientation or gender identity may contact OS-SLDN for assistance.

In general, it is helpful for servicemembers to document harassment when it occurs. Documentation should include clear statements of fact, including: what happened, when it happened, where it happened, and names and descriptions of harassers and witnesses. If servicemembers receive a threatening note, they should handle it as little as possible and place it in a sealed zip-lock bag or other container for preservation. If the notes are in the form of graffiti, which cannot be contained for preservation or can easily be erased, the servicemember should photograph the epithets and identify a third-party witness willing to provide corroboration. If the servicemember is subjected to any destruction of property, they should follow these same photographing and corroboration process. If the servicemember does not feel comfortable going to the site of the destruction or graffiti themselves, they should ask someone they trust to visit the site with a witness to take the photographs. It is important that the servicemember make and keep copies of their documentation and any other information or messages that they receive.

In some instances, it may be valuable to reveal the nature of the harassment being reported, as federal law permits prosecutors in crimes motivated by animus to enhance the sentence for the underlying crime, labeling it as a hate crime. But servicemembers who report anti-gay or anti-trans harassment may also consider asking their commands not to reveal the nature of the harassment to other servicemembers, whether they are actually LGBTQ or living openly as such.

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**Important information to include when reporting harassment**
- What happened?
- Who did it? (Detailed description)
- When and where did it happen?
- Were there witnesses?

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**Realities of Physical Harassment and Property Damage**

After Private Mark Dennis was outed to his command by an online social media profile, he started to experience significant harassment from other soldiers. This harassment included vandalism of his car: interior fabrics were slashed, it was defaced with anti-gay graffiti, access to it was barricaded, and the gas tank was contaminated. OS-SLDN assisted Private Dennis in reporting these incidents to his command and filing a successful claim with the Army to recover out-of-pocket expenses associated with repairs to his vehicle.

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The chief concern behind this decision is rooted in the fact that revealing that a servicemember has been harassed because they are perceived to be LGBT, regardless of whether it is true, is likely to create and fuel rumors that might further jeopardize their safety.

A servicemember can submit a complaint when they are subjected to disciplinary actions in the same manners listed above. Normally, complaints cannot be used to stop discharge proceedings or disciplinary actions, though they can be useful in bringing the military’s attention to problems within those proceedings. Commands may take a second look if they realize that the proceedings are tied to improper or illegal actions.

If a servicemember is considering making any type of complaint, they should contact OS-SLDN’s legal department for assistance. We can help the servicemember decide the best way to route the complaint, encourage the command or the service to treat the complaint seriously, and help protect the servicemember from retaliation for making the complaint.

Privacy Issues

Cohabitation

Independent of DADT or its repeal, the DoD Unified Facilities Criteria is continuously working towards securing better privacy by requiring new housing construction to afford servicemembers a private bedroom and a bathroom shared by no more than one other person. While the military attempts to accommodate the privacy needs of servicemembers, military life and necessity sometimes require living in environments with little to no privacy. Units will assign living quarters based on the needs of the service, but will not ask for or use a servicemember’s sexual orientation in making any housing decisions; additionally, units will not segregate servicemembers based on their actual or perceived sexual orientation. Servicemembers are expected to respect the privacy of their fellow servicemembers and to live in their assigned quarters. Any problems with assigned roommates should be addressed through their command, but the command will not grant reassignments solely because of an individual’s sexual orientation or their personal views concerning sexual orientation. If servicemembers are experiencing housing difficulty based on their actual or perceived sexual orientation, they should contact OS-SLDN for assistance.

Servicemembers may be eligible to live either in on-base family housing, if available, or off-base housing, depending on their pay-grade and number of dependents. Those authorized to live in on-base family housing because of legal dependents (children, spouse, parents, etc.) are normally not allowed to have non-family members live in their housing unit. If a servicemember is authorized to live off-base, there is no restriction on the people with whom the member may share housing. For more information on military housing, please see the “Military Family Matters and Benefits” section of this publication.

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62 Policy Guidance, supra note 22, at 4.
63 Id.
64 Id.
65 Id.
Pornography

In most cases, there is no issue with servicemembers purchasing, possessing, or viewing legal pornography. But the unique demands of the military do create limitations on a servicemember’s ability to have pornographic materials: services may restrict members from possessing pornography while in a training status; pornography is forbidden on government computers or networks; and military commissaries and exchanges may not sell or rent pornographic materials.

Members serving overseas or in deployed locations may be subject to additional area-of-responsibility (AOR) orders restricting the creation, purchase, and possession of pornography. For example, General Order Number 1 of U.S. Central Command (CENTCOM) forbids pornography in deployment locations under its control. Host-country laws may create additional restrictions on the types of pornographic materials permissible within a host country.

Servicemembers who fail to follow applicable regulations and orders that apply to purchasing, possessing, or viewing pornography are subject to discipline—including NJP or court martial under Article 92, UCMJ—or administrative action up to and including separation.

Sexually Explicit Imagery

Taking private, sexually explicit photos or video of oneself—or others, with their consent—is likewise generally not a problem, with important exceptions discussed below. The words “private” and “consent” are key here. Issues arise if the sexually explicit images are not intended to be private, or if they become public intentionally or accidentally.

Consent: Servicemembers who are photographed or videotaped without their consent are victims of a crime, and if the person doing so is a servicemember they may be charged under Article 120c, UCMJ.

Conduct Orders: Even when there is consent, however, servicemembers should be aware of general orders that govern their AOR or their situation. For example, CENTCOM General Order No. 1 prohibits not just purchasing and possessing but also “creating, or displaying” material “depicting pornographic or sexually explicit material or images.” Similar orders may exist in other AORs, in other commands, or in other circumstances such as while in a training status or on a ship during deployment.

Appearing in Pornography: Servicemembers may not appear in pornography, which would be considered indecent exposure in violation of Article 120c. This prohibition

66 DoD 5500.7-R, ¶ 2-301(a)(2)(d).
68 U.S. Central Command, General Order Number 1, ¶ 3(e) (4 Nov. 2009).
69 Article 120c, UCMJ, 10 U.S.C. § 920c (indecent viewing, visual recording, or broadcasting). Servicemembers should report to command, legal office, or chaplain. Victims of servicemembers may report to a legal office or criminal investigation office. If the perpetrator is not active duty military, victims in 38 states and the District of Columbia may report under state revenge-porn laws. See https://www.cybercivilrights.org/revenge-porn-laws/. There may also be a civil claim for invasion of privacy or emotional distress. LGBTQ servicemembers, whether victim or accused, may also call OS-SLDN.
70 U.S. Central Command, General Order Number 1, ¶ 3(e).
71 Article 120c, UCMJ, 10 U.S.C. § 920c(c), (making indecent exposure a punishable offense).
applies to mass-market pornography as well as pornography that is self-produced for public display, distribution, or sale. Being paid, and appearing in uniform, with weapons, or wearing dog tags, could violate various regulations, some of them punitive.  

**Public Display or Distribution:** Servicemembers who make explicit images public may be committing revenge porn (see below). If they did not consent to the display or distribution, people depicted should be considered victims. But discipline cannot be ruled out, especially if they consented to or participated in creating the images and that activity is itself independently prohibited. There may be additional legal, administrative, or disciplinary ramifications if the images depict illegal or prohibited acts, such as drugs.

**Sexting and Revenge Porn**

As above, generally there is no issue with sending pornographic electronic images to another person if: (1) the images are of oneself or, if others are included, they have given consent; (2) the person receiving the images has consented to receive them; and (3) government property is not used in sending the images. The same qualifications discussed above apply here, however: even with consent, sending explicit images may violate AOR or other orders that prohibit this conduct, so servicemembers should be aware of their circumstances.

If a servicemember sends sexually explicit images, of themselves or others, to a person who did not consent to receive them, that would likely be considered sexual misconduct in violation of Article 120c, UCMJ (discussed in more detail below).

If a servicemember distributes sexually explicit images of others without consent, that could be considered "revenge porn" with administrative or disciplinary consequences. In 2017, in response to a scandal involving the unconsented use of some women’s explicit images, Congress prohibited the “wrongful broadcast or distribution of intimate visual images.” The statute made it a chargeable offense to “knowingly and wrongfully broadcast or distribute an intimate visual image of another person” without the express permission of the person depicted, or that substantially harms the person depicted with regard to their “health, safety, business, calling, career, financial condition, reputation, or personal relationships.” The new offense became Article 117a of the UCMJ.

The following chart should help identify the legal issues.

<table>
<thead>
<tr>
<th>Role</th>
<th>Activity</th>
<th>Know / Consent?</th>
<th>Potential Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Creation of self-image</td>
<td>Yes</td>
<td>Be aware of any conduct orders</td>
</tr>
</tbody>
</table>

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72 See infra chart, LEGAL ISSUES RE SEXUALLY EXPLICIT IMAGES, and accompanying footnotes.
73 “Revenge porn” is the posting and sharing of “revealing and sexually explicit images or videos without the consent of the subject and in order to cause them distress or embarrassment.” [https://en.oxforddictionaries.com/definition/revenge_porn](https://en.oxforddictionaries.com/definition/revenge_porn).
76 For this chart, the actors are assumed to be active-duty servicemembers. For National Guard members not subject to the UCMJ, applicable State code of military justice or state statutes would apply.
<table>
<thead>
<tr>
<th>Role</th>
<th>Activity</th>
<th>Know / Consent?</th>
<th>Potential Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creator of image</td>
<td>Creation of image of someone else</td>
<td>Yes</td>
<td>Be aware of any conduct orders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>Indecent viewing, Article 120c(a), UCMJ</td>
</tr>
<tr>
<td></td>
<td>Send self-image to others</td>
<td>Yes</td>
<td>Be aware of any conduct orders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>Indecent exposure, Article 120c(c), UCMJ</td>
</tr>
<tr>
<td></td>
<td>Public display of self-image</td>
<td>Yes</td>
<td>Indecent exposure, Article 120c(c), UCMJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>See also below re “subject of image”</td>
</tr>
<tr>
<td></td>
<td>Public display or distribution of image of someone else</td>
<td>Yes</td>
<td>Indecent exposure, Article 120c(c), UCMJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consent to creation only</td>
<td>Wrongful broadcast, Article 117a, UCMJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No consent</td>
<td>Indecent broadcast, Article 120c(a), UCMJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wrongful broadcast, Article 117a, UCMJ</td>
</tr>
<tr>
<td>Subject of image</td>
<td>Creation of image</td>
<td>No</td>
<td>Victim</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Be aware of any conduct orders</td>
</tr>
<tr>
<td></td>
<td>Public display or distribution of image</td>
<td>Knew of &amp; consented to nothing</td>
<td>Victim. <strong>But:</strong> possible disciplinary or administrative action if image depicts separate offense or prohibited conduct</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Knew or consented only to creation</td>
<td>Be aware of conduct orders; possible disciplinary or administrative action if image depicts separate offense or prohibited conduct</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Knew and consented to all</td>
<td>Indecent exposure, Article 120c(c), UCMJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Possible disciplinary or administrative action if image depicts separate offense or prohibited conduct</td>
</tr>
<tr>
<td>Additional factors:</td>
<td>--Stationed in CENTCOM or subject to AOR or other applicable orders</td>
<td>Failure to obey, Article 92, UCMJ; conduct unbecoming, Article 133 (officer), UCMJ; service discrediting conduct, Article 134 (enlisted)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>--Received payment</td>
<td>Violation of Joint Ethics Regulation (JER), possibly ethics rule re using public office for private gain</td>
<td></td>
</tr>
<tr>
<td></td>
<td>--Wearing uniform, ID tags</td>
<td>Violation of non-punitive uniform regulations; may contribute to charges under Article 133 or 134</td>
<td></td>
</tr>
<tr>
<td></td>
<td>--Appearing with weapons</td>
<td>Violation of punitive provisions of JER</td>
<td></td>
</tr>
<tr>
<td></td>
<td>--What is depicted</td>
<td>Reaction may be more severe for sexual activity, multiple partners, “deviant” acts than for mere nudity</td>
<td></td>
</tr>
</tbody>
</table>

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77 DoD 5500.07-R ¶ 5-404(a) (prohibiting compensation from non-federal sources); 5 C.F.R. § 2635.702 (prohibiting use of public office for private gain).
Security Clearance Interviews and Regulations

The process of seeking security clearance can be very invasive, and servicemembers seeking such clearance may feel that they are subject to reduced levels of privacy to obtain it. No matter how invasive, servicemembers should always be truthful during security-clearance investigations and should not fear that their honesty during the application or interviews will endanger their career.

The basic security-clearance questionnaire asks whether the applicant has a “cohabitant,” which means a person with whom they “share bonds of affection, obligation, or other commitment, as opposed to ... a roommate.” But beyond that, under President Clinton’s May 1995 Executive Order and resulting policy changes, questions about sexual orientation or same-sex sexual activities are improper and can no longer be asked unless they are relevant to resolve a legitimate national-security concern. Legitimate security concerns include sexual conduct—whether heterosexual or homosexual—that “could make an individual susceptible to exploitation or coercion, or indicate a lack of trustworthiness, reliability, or good judgment that is required of anyone with access to classified information.” Nevertheless, some investigators do ask questions about sexual orientation and same-sex relationships. Servicemembers in relationships with foreign nationals are especially at risk of invasive questioning; such relationships create additional obstacles to gaining or retaining a security clearance.

Security-clearance investigators should not reveal to commanders any information about servicemembers' sexual orientation, transgender status, or associated activities obtained during security-clearance interviews. According to the regulations governing security-clearance investigations, if the information is given to the commanders, those commanders are not supposed to use this information as a basis for adverse administrative action.

Physical and Mental Health

Medical Care

All servicemembers, regardless of sexual orientation or gender identity, are eligible for treatment at a military Medical Treatment Facility (MTF). A servicemember’s sexual

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82 “Information about an individual’s sexual orientation or statements by an individual that he or she is a homosexual or bisexual, or words to that effect, shall not be referred or reported to law enforcement agencies or to Military Departments (other than consolidated adjudication facilities) for any purpose. If investigative reports containing such information are referred to law enforcement agencies or Military Departments for other reasons, information subject to the limitations in this paragraph will be removed.” DoD 5200.2-R, ¶C2.4.3.4.3.
orientation or history of same-sex sexual activity will not prevent them from accessing medical treatment or preventative-medicine programs.\textsuperscript{83}

Military health care providers must protect individually identifiable health information from disclosure except when the information is necessary for treatment, for judicial and administrative proceedings, or where disclosure is otherwise allowed by law.\textsuperscript{84} Military commanders may request access to the medical records of servicemembers when necessary to assure fulfillment of military missions.\textsuperscript{85} Military health information can be disclosed to commanders to determine the servicemember’s fitness for duty, compliance with standards and orders, or to carry out any other mission-necessary activity.\textsuperscript{86}

Commands are unable to request a servicemember’s medical records solely to find information on the member’s sexual orientation because policies forbid the use of sexual orientation as criteria in any mission, assignment, or duty determinations.\textsuperscript{87} But because commands may still have access to such information when checking the servicemember’s records for mission-related reasons, servicemembers may wish to be careful of information provided to military health professionals if the member does not wish to be out to their command. Be mindful, however, that keeping medically relevant information from treating physicians may affect treatment decisions as well as the quality of care received.

Should servicemembers feel that private health information has been disclosed improperly, they should contact OS-SLDN for assistance. For more information on protections for medical information, see the “Sharing Information About Yourself with Others” section about “Health-care Providers,” above.

**Civilian Medical Care**

Many servicemembers seek medical and mental-health treatment in the civilian community. Servicemembers who choose to be treated by civilian practitioners should be aware that the services have regulations that require members to report that they have received medical or mental-health treatment outside the military medical system.\textsuperscript{88} Should the military learn of such treatment and the member has not reported it, the member may face discipline.\textsuperscript{89} If a servicemember lies about receiving treatment, he or she is at risk of violating the UCMJ by making a false statement.\textsuperscript{90}

\textsuperscript{83} DoD has adopted FDA guidelines for blood and tissue donations, however. Under current FDA guidelines, a man who has had sex with men (MSM) may not donate blood for one year. Women who have had sexual contact with MSMs also may not donate blood for a year. This policy applies only to blood donation, not its receipt. MSM may receive blood when treated in an MTF, but they may not donate blood even to another MSM.

\textsuperscript{84} DoD 6025.18-R, ¶ C1.2

\textsuperscript{85} Id., ¶ C7.11.1.1.

\textsuperscript{86} Id., ¶ C7.11.1.3.

\textsuperscript{87} Policy Guidance, supra note 22, at 5.

\textsuperscript{88} See supra, notes 38-40 and accompanying text.

\textsuperscript{89} Article 92, UCMJ, 10 U.S.C. § 892.

\textsuperscript{90} Article 107, UCMJ, 10 U.S.C. § 907.
Pre-exposure Prophylaxis (PrEP) and Post-exposure Prophylaxis (PEP)

PrEP and PEP are biomedical interventions that prevent the spread of HIV by protecting a person from acquiring the virus.91 DoD has not issued guidance concerning PrEP, but policy is supposedly being developed based on recommendations of DoD’s Defense Health Agency (DHA) in 2017. Accordingly, access to PrEP is inconsistent among the service branches and can even vary by base and location.

Navy and Marine Corps: Beginning in 2015, the Sexual Health and Responsibility Program (SHARP) of the Navy and Marine Corps Public Health Center (NMCPHC) developed prevention posters advertising the availability of PrEP and PEP, as well as web-based educational tools for Sailors and Marines that include information about PrEP.92 SHARP also produced a fact sheet and webinar about PrEP directed to military medical providers about prescribing PrEP to servicemembers.93

In practice, however, Sailors and Marines seeking PrEP may experience localized differences in the ability to access PrEP. Larger bases, those near urban areas, and those with infectious-disease (ID) specialists may have an easier time. Sailors and Marines should talk to their medical providers and, if necessary, request a referral to an ID specialist, even off-base, if they seek PrEP.

Army, Air Force, and Coast Guard: The Army, Air Force, and Coast Guard do not appear to have a service-wide HIV-prevention program that includes PrEP as a tool. Soldiers, Airmen, and Coast Guardsmen who seek PrEP should talk to their medical providers or request a referral, even to off-base providers, but the lack of a program may make approval difficult to obtain.

Servicemembers should be aware that PrEP may be refused or discontinued based on individual circumstances, including duty assignments—e.g., Airmen on flight status or servicemembers on deployment, particularly in OCONUS settings.

Servicemembers who encounter difficulty accessing PrEP should contact OS-SLDN.

Mental Health Care

Servicemembers constantly face circumstances that can lead to mental health issues, including separation from loved ones, the near-constant potential for or actual catastrophic injury, long-term uncertainty and loss of control, loss of friends and comrades, and the potential for or threat of life-altering or -ending events. LGBTQ servicemembers face a layer of problems on top of those: loneliness and isolation; potential harassment and discrimination—and even violence—arising from homophobia; higher rates of childhood trauma, including violence and family rejection, from growing up LGBTQ; uncertain political environments featuring debates about their right to exist and serve equally; and more. Anxiety, depression, mood disorders,

substance abuse, and PTSD are not uncommon in the LGBTQ community, and servicemembers are not immune to these mental-health conditions.

No matter their sexual orientation or gender identity, servicemembers are often reluctant to access mental-health care due to fears of negative professional consequences, stigma associated with seeking treatment, fear of being seen as weak, pressure to maintain or at least project a sense of control and strength, and even physical and geographical barriers to seeing a provider. The military does not conduct mental-health screening, so it is up to individuals to take the initiative to seek treatment whenever necessary for their well-being.

Service-provided Care

As with medical care, all active-duty servicemembers are eligible for mental health care provided by the military. Recognizing the importance of mental health, all services are making efforts to integrate mental-health services more closely into primary care. Servicemembers should be aware that certain mental-health conditions can be disqualifying, either partially (as to certain positions, assignments, deployments, rights and privileges, or duties) or fully (so as to lead to involuntary separation), and such disqualification can be temporary or permanent.

Below is a discussion of some specific mental-health issues that members of the LGBTQ community may find useful or important.

Military Sexual Trauma (MST): MST refers to the results of not just rape and sexual assault but also threats of sexual violence and repeated or severe incidents of sexual harassment. It includes: (1) sexual activity against one’s will, either by force or threat of force or violence, threat of negative professional outcomes, or promises of positive treatment; (2) sexual activity when unable to consent, such as while asleep or incapacitated by drugs or alcohol; (3) sexual activity that goes beyond the scope of consent given; (4) unwelcome touching of a sexual nature, with or without clothing; (5) offensive sexual comments, including comments about a person’s body, looks, sexual activity, sexual orientation, or gender identity, particularly as it relates to sex; and (6) unwelcome, threatening, or repeated sexual advances. MST can occur to servicemembers regardless of gender, and LGBTQ servicemembers can experience MST regardless of the sexual orientation or gender identity of the perpetrator.  

The DoD has established the Sexual Assault Prevention and Response Office to oversee the military’s sexual-assault policy. In addition, each service branch has its own prevention and response program. Servicemember victims of sexual assault are encouraged to report to command to activate both victims’ services and law enforcement responses (known as “unrestricted” reporting), but those who desire only

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95 See http://www.sapr.mil/.
health-care and advocacy services may choose to make a restricted report, which is confidential and does not involve the command or law enforcement.\footnote{http://sapr.mil/index.php/reporting-options.}

**PTSD:** It is theorized that members of the LGBTQ community come of age as adults already experiencing symptoms of anxiety, depression, and PTSD from growing up in a heteronormative and homophobic world.\footnote{See Dr. David A. Guggenheim, PTSD: It Comes With The Territory If You’re LGBT, *The Advocate* (July 25, 2016), available at https://www.advocate.com/commentary/2016/7/25/ptsd-it-comes-territory-if-youre-lgbt; Payam Ghassemiou, LGBT Suicide and the Trauma of Growing Up Gay, available at https://psychcentral.com/lib/lgbt-suicide-and-the-trauma-of-growing-up-gay/; Alan Downs, *The Velvet Rage: Overcoming the Pain of Growing Up Gay in a Straight Man’s World* (HighBridge 2012 ed.).} As noted above, service in the military can have its own unique set of stressors that can cause, contribute to, or exacerbate PTSD, especially for LGBTQ people.

Servicemembers who experience MST or symptoms of PTSD may contact OS-SLDN for advice and assistance about getting help and treatment.

**Pastoral Care**

Servicemembers may also seek counseling, as well as religious ministry and spiritual guidance, from military Chaplains.

The U.S. Armed Forces include individuals that identify with many different religions or adhere to no religion. The military Chaplaincy reflects this diversity, including Chaplains who represent 140 different religious organizations in the Army alone.\footnote{See https://www.army.mil/chaplaincorps/} A Chaplain, therefore, “shall serve a religiously diverse population.”\footnote{DoD 1304.19, Appointment of Chaplains for the Military Departments, §4.2(2007).} For a person to be considered for appointment as a military Chaplain, a religious organization must certify that he or she “is willing to function in a pluralistic environment ... and is willing to support directly and indirectly the free exercise of religion by all members of the Military Services, their family members, and other persons authorized to be served by the military Chaplaincies.”\footnote{DoDI 1304.28, Guidance for the Appointment of Chaplains for the Military Departments § 6.1.2 (2014).} Religious organizations that choose to participate in the military Chaplaincies recognize that military commanders are required to provide comprehensive religious support to all authorized individuals within their areas of responsibility.\footnote{Id., Enclosure 3, § E3.1.1.} The DoD has emphasized that, with the repeal of DADT and the open inclusion of servicemembers regardless of their actual or perceived sexual orientation, “their duty to care for all will not change.”\footnote{Policy Guidance, supra note 22, at 3.}

Military Chaplains, like other members of the Armed Forces, may freely exercise their religious beliefs. In the context of their ministry, Chaplains are not required to take actions inconsistent with their religious beliefs. Therefore, when a Chaplain conducts a denominational service, the Chaplain must adhere to and preach fundamental teachings of the religion.

Servicemembers may have to seek counseling or moral support from Chaplains who are not of their own religion, simply because there is no other Chaplain available. Military Chaplains are required to provide counseling and support services to all servicemembers. In this situation, a Chaplain may not criticize the servicemember’s religion or denigrate the
servicemember based on gender, race, religion, or sexual orientation even if that is part of the Chaplain’s religious beliefs. At the same time, what Chaplains say or do can be limited by the tenets of their religion. If the Chaplain cannot provide needed services because of their beliefs, then the Chaplain is required to help the servicemember find a religious resource, whether it is another Chaplain or a lay leader, who can provide that servicemember with the needed support.

**HIV/AIDS**

The repeal of DADT did not change any of the regulations in place relating to HIV/AIDS or any other sexually-transmitted diseases.

**Accession**

People who wish to enter the military must undergo a medical evaluation, which includes an HIV test. If the test shows that the person has HIV, regulations impose a categorical ban: people living with HIV (PLWHIV) are prohibited from enlisting in or being appointed to the Armed Forces. The same regulations prevent enlisted personnel from becoming officers; although waivers are available, OS-SLDN is not aware of any having been granted.

At the time of publication, OS-SLDN with partner Lambda Legal had filed two lawsuits challenging the constitutionality of the regulations preventing PLWHIV from moving from the enlisted ranks to the officer corps.

**Retention**

Once in the military, servicemembers are periodically tested for HIV. Those who acquire HIV are subject to numerous regulations and restrictions, as detailed below:

**Fitness for Duty**

Whether an active-duty servicemember with HIV may continue serving primarily depends on the servicemember’s health condition. Upon initial diagnosis, and annually thereafter, all active-duty personnel with HIV are evaluated for medical fitness. If they are found, and remain, healthy (i.e., “medically fit for duty”), active-duty personnel are generally allowed to continue serving “in a manner that ensures access to appropriate medical care.” Even if found medically fit, active duty servicemembers with HIV may request administrative separation from the service, but the services are not obligated to approve the request.

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106 DoDI 6485.01, Enclosure 2 ¶ 2.c.
In addition to annual check-ups, active-duty personnel are also medically evaluated if they show symptoms of any HIV-related condition. Whether upon initial diagnosis, during an annual examination, or if showing symptoms, active-duty or reserve-component personnel “who are determined to be unfit for further duty” are medically separated.107

Servicemembers who are medically unfit with at least a 30% disability rating (using the Department of Veterans Affairs “Schedule for Rating Disabilities”108) will likely be medically retired (i.e., retired from active duty with a pension along with access to military health-care facilities).109 Servicemembers who are medically unfit with less than a 30% rating usually receive a one-time disability severance payment rather than disability retirement.110 These members are then eligible for limited health care through VA medical facilities.111 If you feel you deserve a higher rating, please contact OS-SLDN for assistance.

**Important Information for HIV+ Servicemembers**
- You cannot be deployed overseas or receive an overseas permanent change of station (PCS)
- Most Reserve and National Guard members testing HIV+ will be discharged due to their non-deployable status.
- Servicemembers testing HIV+ while in the military will be medically evaluated and may be asked to name their past sexual partners.
- HIV+ servicemembers are required to tell all future sexual partners about their HIV status and must use condoms during sexual acts or face potential criminal prosecution.

**Duty Assignments, Deployment, and Promotion**

Active-duty servicemembers living with HIV are, for the most part, restricted to assignment within the continental United States and Hawaii, Alaska and Puerto Rico.112 Additionally, servicemembers will be assigned to units not normally deployable, and they are not eligible for deployment orders.113 These rules will often limit a servicemember’s ability to obtain a permanent change of station (PCS) or a new military occupational specialty (MOS). Service regulations and command decisions may also result in additional duty restrictions, such as pilots being grounded and air-traffic control being disqualified.114

The restrictions on assignment and deployability may interfere with the ability of servicemembers living with HIV to obtain the opportunities, experiences, career milestones, and ribbons and recognitions that are important to advance and achieve promotions, as well as some specialty qualifications. Further, as stated above, enlisted personnel are not eligible to commission into the officer ranks.

107 Id., Enclosure 2 ¶ 2.e.
108 38 C.F.R. § 4.88b, item 6351.
111 38 C.F.R. § 17.46.
112 AFI 48-135, ¶ 3.8 (2000); AR 600-110, ¶ 4-2 (2014); SECNAVINST 5300.30E, ¶¶ 9, 11(g) (2012); NAVMC 2904, ¶ 2002(3) (1991); COMDTINST M6230.9, Chap. 3, Sec A (2008).
113 See supra, note 113.
114 E.g., Air Force Waiver Guide, at 423 (2017) (“[HIV] infection is disqualifying for all flying class personnel per Air Force policy. … ATC/GBC and MOD personnel are also disqualified for retention duties so will require an AMS for disposition from their special duty assignments.”).
In 2012, the Navy updated its policy to loosen the restrictions on the deployment of Sailors and Marines with HIV. The new policy states that “certain personnel who are considered to have controlled HIV disease as manifested by a reconstituted immune system, no viremia, an established history of medical compliance, and a history of professional attitude, may be considered of OCONUS or large ship platform tours.” These placements still require the receiving command’s acceptance, and even this updated policy prohibits consideration for some assignments. Sailors and Marines seeking such assignments must go through an exception-to-policy (ETP) process. An ETP process is also available for Soldiers and Airmen living with HIV who seek OCONUS assignments, but OS-SLDN is not aware of any such requests being granted by those services.

Reserve and National Guard servicemembers who are diagnosed with HIV are treated differently: These individuals are usually separated from the service, without opportunity to apply for disability retirement, unless they are in, or eligible to transfer into, an available non-deployable billet, or they are granted an ETP. There are relatively few non-deployable billets in the National Guard and Reserves, as most National Guard and Reserve billets are required to be available for overseas deployment when activated.

Non-deployability and Retention

Though servicemembers who acquire HIV are usually not separated if found fit for duty, the automatic classification as “non-deployable” could affect retention. In early 2018, DoD made a policy announcement about the retention of servicemembers who are long-term non-deployable. The policy purports to require the administrative or disability separation of any servicemember “who [has] been non-deployable for more than 12 consecutive months, for any reason.” Though the policy gives Service Secretaries the authority to grant waivers, only pregnant and post-partum service members are exempt from it. The policy memorandum has been replaced by a DoDI that was to similar effect. At time of publication, service-level policies and regulations implementing the DoDI were expected but not yet issued.

If implemented as is, this retention policy could have severe implications for servicemembers living with HIV, all of whom are currently classified as non-deployable. OS-SLDN is both monitoring developments and working to effect changes in the policy so as to protect servicemembers with HIV. Servicemembers experiencing negative personnel decisions because of this policy are urged to contact OS-SLDN’s legal team immediately for assistance.

Contact Tracing

Servicemembers who are diagnosed with HIV may go through contact tracing or “epidemiological assessment.” During this process, military (and perhaps civilian) healthcare professionals ask the servicemember for the names and contact information of people

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116 Id.
118 See, e.g., AR 600-110 ¶ 7-12.
120 DoDI 1332.45 (2018).
121 E.g., AR 600-110 ¶ 9-3.
with whom they engaged in sexual activity during a certain time period before diagnosis. Obtaining this information would allow public-health officials to confidentially contact sex partners and urge them to test for HIV. The epidemiological assessment is mandatory, but servicemembers are not, strictly speaking, required to reveal the information requested unless there is a direct order to do so. Servicemembers are encouraged to contact OS-SLDN with questions.

The information provided during this epidemiological assessment should not be used against the servicemember in personnel or legal actions.\textsuperscript{122} DoD policy prohibits “adverse personnel actions” against people diagnosed with HIV (including involuntary administrative discharge, court-martial, or unfavorable entries in personnel record) based solely on information obtained during a contact-tracing investigation.\textsuperscript{123}

**Treatment**

**Medical Care**

Servicemembers with HIV are provided medical care to treat the condition. In fact, the servicemember will be ordered to obtain treatment and to abide by the treating physician’s instructions, such as adhering to ant-retroviral therapy (ART).

Generally, ID specialists in the service branches provide competent HIV-related care using up-to-date treatment protocols. But cultural competence of providers may vary depending on circumstances such as location, geography, and personal background. Some providers may hold outdated and possibly biased views—perhaps informed by non-medical regulations that do not reflect the current state of HIV medical science—concerning the transmission of HIV and those who live with the condition. If you encounter any bias, harassment, or discrimination related to treatment, contact OS-SLDN for assistance.

**Confidentiality**

The HIV status of servicemembers is supposed to be, and usually is, treated confidentially. Regulations limit who may be informed of a servicemember’s HIV status—generally a commanding officer—and such persons are required to undergo training or instruction concerning the confidentiality of the information and the handling of medical and legal documentation.

Airmen with HIV are sent to the San Antonio Military Medical Center (SAMMC) at Brooke Army Medical Center for both the initial medical evaluation and annual follow-up evaluations with an ID specialist; Sailors, Marines, and Coast Guardsmen are usually sent to designated HIV Evaluation and Treatment Units (HETU) at Bethesda, Portsmouth, or San Diego for initial evaluation and, at least for Coast Guardsmen, for follow-up evaluations as well; Soldiers are evaluated at regional medical centers. The processing of temporary duty (TDY) orders related to these appointments may reveal to non-commissioned officers and others in the unit that the servicemember is living with HIV.

\textsuperscript{122} See id.  
\textsuperscript{123} See DoDI 6485.01, ¶ 6.5.
Although military regulations require confidentiality of HIV test results, limiting knowledge of HIV status to those that need to know, in reality test results often become widely known. Such medical-privacy violations may cause embarrassment and even lead to harassment of servicemembers with HIV. If health information becomes known and leads to harassment or discrimination, servicemembers are encouraged to contact OS-SLDN for assistance.

**Counseling and Conduct Orders**

Servicemembers living with HIV are, almost immediately after diagnosis, given preventative-health-counseling orders by medical professionals as well as commander counseling from their commanding officer. These measures are ostensibly a force-protection and public-health effort meant to stop the spread of the HIV virus. The orders are in many ways out-of-date, scientifically inaccurate, and of dubious effectiveness. But they must be obeyed. The commander counseling in particular—known as “safe sex” orders—come with important consequences for non-compliance.

**Content and Requirements**

The “safe-sex” orders are similar—though not identical—across the service branches. Generally, they require the servicemember:

1. to inform sex partners of the HIV status before engaging in sexual activity;
2. to use condoms to prevent the transfer of bodily fluids during sex;
3. to inform emergency medical personnel, and medical providers, of the HIV status, as soon as practicable; and
4. to not donate blood, tissues or organs, or breast milk.

Of note, the “safe-sex” orders do not account for biomedical interventions—including ART that all active-duty servicemembers with HIV will be prescribed at their initial evaluation, and PrEP—that prevent the spread of HIV. The orders are also not clear about what are acceptable ways to “inform,” and which “bodily fluids” are covered.

**Compliance and Concerns**

Complying with the “safe-sex” order is mandatory. Failure to follow the order may result in disciplinary action, including involuntary separation and even criminal prosecution at court-martial for violation of Article 92, UCMJ (failure to obey an order or regulation), Article 120, UCMJ (sexual assault), Article 128, UCMJ (assault), and others. Under long-standing military law, assault charges are technically possible based solely on the lack of disclosure, even if a condom was used and there was no risk of transmission.\(^{124}\)

Below are some issues that servicemembers with HIV, who need to conform their conduct to the requirements of the order, should keep in mind:

**Viral suppression/undetectable status:** Servicemembers must comply with the “safe-sex” order even if they are virally suppressed or undetectable and therefore unable to transmit the virus.\(^\text{125}\)

**PrEP/HIV status of sex partner:** Strictly speaking, servicemembers must comply with the “safe-sex” order even if their partner is on PrEP, which prevents the spread of HIV, and even if their partner is also living with HIV. Conceivably, that partner may decide that condoms aren’t a necessary protective measure. Particularly in serious or long-term relationships, enforcing the “safe-sex” order under these circumstances may be subject to legal challenge on the grounds that: (1) it is not a lawful order, because it does not meet its purpose of preventing the spread of HIV, and (2) it is an unconstitutional invasion into intimate relations in violation of the principles of *Lawrence v. Texas*.\(^\text{126}\) These theories are untested.

**Oral sex:** Again, strictly speaking, the “safe-sex” order requires that condoms be worn during oral sex even though the risk of HIV transmission during oral sex is practically non-existent.

**Other STDs and STIs:** In some cases, acquiring a sexually transmitted disease (STD) or infection (STI) other than HIV can be considered evidence of failure to follow the portion of the order that requires condoms be used during sexual activity.\(^\text{127}\) Yet some STDs and STIs are transmissible by touch, so they can be contracted even if the servicemember complies with the safe-sex order by informing the sex partner and wearing a condom.

Mindful of regulations that require servicemembers to inform the service when seeking civilian medical care, OS-SLDN suggests that, when possible, routine STD screening be conducted off-base by not-for-profit local agencies. STD screening alone is not medical treatment and, strictly speaking, should not be considered to violate regulation. Servicemembers should ask such agencies whether screening can be conducted anonymously or confidentially, and specifically whether positive test results are required to be reported to state agencies or to the member’s service branch. If the servicemember receives positive test results, they are encouraged to reach out to OS-SLDN for guidance.

**Dating Apps:** OS-SLDN is aware of a servicemember being disciplined for failing to follow the “safe-sex” order by not informing his sex partner that he had HIV, even though he listed his HIV status on his Grindr profile, and the two connected by Grindr. All servicemembers with HIV are advised to disclose their HIV status by text or app message, when possible, and to take a screenshot of the disclosure if there is any danger.

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\(^{126}\) See A.R. 600-110 ¶ 6-14(c)(2) (involuntary separation may occur based on independently derived evidence of failure to follow preventative medicine procedures; evidence includes “the routine diagnosis of sexually transmitted infections (STI) other than HIV”).
that the original might disappear. Servicemembers are also advised to orally disclose before engaging in sexual activity.

Servicemembers diagnosed with HIV should seek guidance from OS-SLDN, or an attorney experienced in military law (and culturally competent in providing advice to LGBT people). If subject to any type of discipline under the “safe-sex” order or any service branch’s HIV program, servicemembers should contact OS-SLDN for legal assistance.

**Veterans Administration Benefits**

Eventually, service comes to an end and members begin the transition from their military service to civilian life. Regardless of sexual orientation or gender identity, servicemembers leaving active-duty service should be eligible for Transition Assistance Programs to help them prepare a resume, look for new careers, or apply for more education. Servicemembers may also be eligible for a host of additional benefits that they have earned through service. For a listing of some of these benefits, please see the “Military Family Matters and Benefits” section of this guide or contact OS-SLDN directly.

Veterans and their lawful spouses, when applicable, should never be denied any benefit due solely to their sexual orientation or gender identity. Veterans denied benefits based on their sexual orientation or transgender status should contact OS-SLDN for assistance. While a veteran’s service may have ended, OS-SLDN’s commitment to that veteran continues.
**The Uniform Code of Military Justice (UCMJ)**

The UCMJ is a series of federal laws, enacted by Congress, that defines the military justice system and lists criminal offenses under military law. Like all military policies, the UCMJ should be applied without regard to a servicemember’s gender identity or sexual orientation.

**Sodomy (Article 125)**

Consensual sodomy between same-sex partners has been legal in the civilian sector since 2003. The National Defense Authorization Act for Fiscal year 2014 included provisions that repealed sections of Article 125, UCMJ, that criminalized consensual sodomy, so private, consensual sexual activity between members of the same sex is no longer criminalized. Non-consensual sodomy and sodomy with a minor still violate Article 125 and possibly other UCMJ provisions.

The repeal of Article 125 as it applies to private, consensual sodomy does not mean that all consensual sexual activity is approved. The UCMJ still criminalizes adultery and fraternization (both under Article 133 or 134), and those offenses will continue to be charged. In addition, regulations prohibit consensual activity under some conditions and in certain places, such as while in a training status, on a ship, or in public. These may be charged as violations of Article 120c (indecent acts or exposure), Article 92 (failure to follow an order or regulation), Article 133 (conduct unbecoming) or Article 134 (catch-all).

Apart from the above, servicemembers should not be prosecuted for consensual sexual activity, to include sodomy. If you are accused of violating the UCMJ for engaging in consensual sodomy, you may be experiencing harassment and discrimination because of your sexual orientation and you should contact OS-SLDN for assistance. For more information on harassment and discrimination, see the “Harassment and Discrimination” section of this Guide.

**Sexual Misconduct (Articles 120, 120a, 120b, and 120c)**

These sections of the UCMJ criminalize sexual assault and other sexual crimes; they were extensively amended through the National Defense Authorization Act for Fiscal Year 2012. What follows is a list of the relevant Articles and what is prohibited by them:

- **Article 120**: Rape, sexual assault, aggravated sexual contact, and abusive sexual contact.

- **Article 120a**: Stalking.

- **Article 120b**: Rape, sexual assault, or sexual abuse of a child.

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128 Lawrence v. Texas, 539 U.S. 558 (2003). There, the Supreme Court found that the U.S. Constitution protects the right of all individuals to engage in adult, consensual personal relationships. It overruled a previous decision by the Supreme Court, Bowers v. Hardwick, which upheld state laws prohibiting private consensual sexual conduct among homosexuals and heterosexuals.


130 Pub. L. No. 112-81, § 541, 125 Stat. 1298, 1404-11 (2011) (amending Article 120 and adding Articles 120b and 120c, UCMJ).


132 MCM, pt. IV, ¶ 45a.

133 MCM, pt. IV, ¶ 45b.
• **Article 120c**: Other sexual misconduct, including (1) indecent viewing, visual recording, or broadcasting of sexually explicit images; (2) forcible pandering; and (3) indecent exposure.¹³⁴

Servicemembers should be aware that voluntary intoxication is not a defense to charges under Article 120. That is, if you engage in prohibited conduct, the fact that you were too drunk to control your actions or make better decisions normally will not excuse the behavior.

If convicted, servicemembers may receive punishment that includes confinement and a bad-conduct or dishonorable discharge. Conviction may also require the accused to register as a sex offender, which has far-reaching and long-lasting consequences.

Because of a series of scandals involving sexual harassment, sexual misconduct, and rape in the military, all instances of alleged violations of Article 120 will be investigated vigorously, and charges will be preferred if there is evidence to support them.

We are aware of instances where gay servicemembers have been falsely accused of sexual misconduct. The circumstances vary, but based on these cases we advise taking the following precautions to minimize the chance of a false accusation:

- **Never** engage in sexual activity with someone who is or may be sleeping, or who is or may be intoxicated;
- **Always** obtain oral consent before engaging in sexual activity, and consent for every type of sexual act before you engage in it;
- **Never** engage in sexual activity in times, places, or circumstances that are against regulation or orders;
- **Always** get to know a person before engaging in sexual activity with them to determine if they may later regret their actions or claim that they did not consent;
- **Never** put yourself in situations—for example, someone else’s bed—where even innocent actions may be misconstrued or misunderstood;

If you find yourself wrongfully accused of sexual misconduct, contact OS-SLDN’s legal department immediately for assistance.

### Revenge Porn (Article 117a)

As discussed above, in 2017, in response to a scandal involving the posting of nude photos of women—which had been taken or shared without their consent—were posted online,¹³⁵ Congress prohibited the “wrongful broadcast or distribution of intimate visual images.”¹³⁶ The statute made it a chargeable offense to “knowingly and wrongfully broadcast[] or distribute[] an intimate visual image of another person” without the express permission of the person depicted, or that substantially harms the person depicted with regard to their

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¹³⁴ MCM, pt. IV, ¶ 45c.


“health, safety, business, calling, career, financial condition, reputation, or personal relationships.” The new offense became Article 117a of the UCMJ.

Under this Article, Service members could be subject to criminal charges for texting, emailing, messaging, snap-chatting, or posting online any explicit images of another person without that person’s consent. The prohibition applies even if the images also depict the person distributing the images.

**Conduct Unbecoming (Article 133) and Catch-All Article (Article 134)**

Articles 133 and 134 are referred to as the “general articles” and serve as a catch-all for offenses that the military wishes to prohibit but has not specifically outlawed in other articles. Article 133, UCMJ, prohibits “conduct unbecoming an officer and a gentleman,” and Article 134, UCMJ, prohibits conduct that results in the “prejudice of good order and discipline in the armed forces” as well as conduct that “bring[s] discredit upon the armed forces.”

Due to their general nature, Articles 133 and 134 have been used in the past to punish individuals for same-sex sexual activity. But with the repeal of DADT, and the repeal of consensual sodomy as a crime under the UCMJ, same-sex sexual activity alone is no longer considered an offense.

As discussed above, however, same-sex sexual activity is subject to the same regulations of violence and other misconduct under the UCMJ that opposite-sex sexual activity is subject to. For example, conduct that has been considered a violation of these Articles include fraternization, adultery, and soliciting another to commit an offense.

Servicemembers should understand that these provisions do not apply solely to sex acts; virtually any physical act with another person can be criminally prosecuted if it can be shown that the act was committed for a sexual or romantic purpose.

**Fraternization**

Fraternization is an Article 134 offense prohibiting commissioned and warrant officers from having unduly familiar relationships with enlisted members. The implementing guidelines allow the branches to apply fraternization policies to enlisted members of different ranks and officers of different ranks, if the relationship is prejudicial to good order and discipline. Fraternization includes both sexual or romantic relationships as well as business relationships, and the prohibition applies regardless of the gender of the members involved.

Not all contact or association between seniors and subordinates constitutes fraternization; the key is “whether the conduct has compromised the chain of command.

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137 Article 117a, 10 U.S.C. § 917a.
138 Article 133, 10 U.S.C. § 933.
139 Article 134, 10 U.S.C. § 934.
140 MCM, pt. IV, ¶ 60, 83.
141 MCM, pt. IV, ¶ 83.c.2. Fraternization therefore may also be charged under Article 92, UCMJ, 10 U.S.C. § 892 (failure to obey an order or regulation). See id.
142 E.g., AR 600–20, Army Command Policy, ¶ 4-14.a (“This policy ... applies to opposite-gender relationships and same-gender relationships.”); OPNAVINST 5370.2C, Navy Fraternization Policy, ¶ 4.c (“Historically, and as used in this instruction, fraternization is a gender-neutral concept. Its focus is on the detriment to good order and discipline resulting from the erosion of respect for authority inherent in an unduly familiar senior-subordinate relationship, not the sex of the members involved.”).
resulted in the appearance of partiality, or otherwise undermined good order, discipline, authority, or morale.”

For example, “dating, shared living accommodations, intimate or sexual relations, commercial solicitations, private business partnerships, gambling and borrowing money between officers and enlisted members, regardless of service, are unduly familiar and are prohibited.”

Each branch has its own policies governing fraternization. In the Air Force and Army regulations, fraternization applies only to officer-enlisted relationships. In the Navy, Chief Petty Officers (E-7 through E-9) may be punished for having a personal relationship with E-1 through E-6 enlisted members in their chain of command. Similarly, in the Marines, non-commissioned officers (NCOs) may be charged with fraternization for an improper relationship with a subordinate.

Generally, marriage “cures” fraternization. In other words, an officer who is legally married to an enlisted member cannot be charged with fraternization for conduct occurring after the marriage. Legally married dual-military couples should not be vulnerable to fraternization charges, regardless of their sexual orientations or gender identity, and should contact OS-SLDN’s legal team if this occurs.

Two things servicemembers should keep in mind: First, fraternization does not require a sexual relationship. Second, the standard—“whether the conduct has compromised the chain of command, resulted in the appearance of partiality, or otherwise undermined good order, discipline, authority, or morale”—is subjective. These factors can make servicemembers vulnerable to accusations of fraternization even where there was no improper conduct.

Adultery

Adultery is also punishable under Article 134. Adultery is defined as wrongful sexual intercourse between a married person and someone who is not their spouse, when the conduct is prejudicial to good order and discipline or brings discredit to the armed forces. Even private and discreet adultery can violate these standards, depending on the circumstances. Factors to be considered include the accused’s and co-actor’s marital status and rank, grade, and position; the co-actor’s relationship to the military; the military status or relationship to the military of the accused’s or co-actor’s spouse; the effect of the actions on the ability of the persons affected to perform their military duties; the misuse of government time or resources to facilitate the conduct; the flagrancy of the conduct, and whether it continued despite counseling or orders; the effect on the units or organizations of the persons affected; whether the married persons were separated; and whether the conduct was recent or remote.
This provision applies not just to relationships between a married servicemember and someone other than their spouse, but also to an unmarried service member and sex with a married individual. “Sexual intercourse” is not defined in the Manual for Courts Martial section dealing with adultery; it is, however, defined broadly in other sections of the UCMJ to include all forms of vaginal, oral, and anal sex.154

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154 MCM, pt. IV, ¶ 68b.c(7)(a) (in child pornography section, “sexual intercourse” includes “genital-genital, oral-genital, anal-genital, or oral-anal, whether between of the same or opposite sex”).
MILITARY FAMILY MATTERS AND BENEFITS

LGBTQ Military Families

Marriage and Commitment

With the repeal of DADT and the Supreme Court’s ruling in Obergefell, same-sex marriages are now recognized by the military. Same-sex families should be treated the same as any other family. This includes LGB servicemembers being able to talk about their home life without losing their careers, engaging without fear of the natural conversations that occur when working closely with others in a tightly knit unit.

Servicemembers should be aware that neither the DoD nor any individual service branch recognizes common-law marriages or engagements for purposes of benefits or status.

Service academy cadets should be aware of specific marriage rules that to govern their ability to enter into a marriage contract. Cadets are not permitted to get married until they graduate or otherwise leave the academy. Failure to abide by this regulation can result in discipline or even discharge. No other commands should have regulations or restrictions on a servicemember’s ability to enter into a marriage contract. If a servicemember has been told otherwise, they may be subject to discrimination based on their sexual orientation or gender identity and should contact OS-SLDN for assistance.

Servicemembers who wish to remain closeted should be aware that records of marriage and commitment are publicly available. The name and gender identity of their spouse could become known to anyone who bothers to look.

Adopting and Having Children

A servicemember’s biological, foster, and adopted children are eligible for benefits. When a servicemember has or adopts a child, they must report their new dependent to the military through the Defense Enrollment Eligibility Reporting System (DEERS). To enroll the child in DoD-provided healthcare (TRICARE), and receive additional child-related benefits, the servicemember must present their command with the child’s birth certificate and adoption papers or foster care documentation, if applicable. Failure to do so may result in a delay or denial of benefits.

In cases where an unmarried servicemember did not actually give birth to the child, proof of legal adoption should be sufficient to establish parentage for purposes of benefits eligibility. For example, if a servicemember and a same-sex partner jointly adopt a child, the policies should present no obstacle to recognition of the servicemember as a parent. If parentage is established through less-traditional means (e.g., a second-parent adoption, presumption by virtue of a same-sex marriage, or through a parenting agreement), or if the servicemember does not appear on the birth certificate, the servicemember may encounter

155 See DoDI 7730.19, ¶ 4; DoDI 1342.19, ¶ 1(e)(2)(a) (2017).
156 See https://tricare.mil/Plans/Eligibility/DEERS/RequiredDocuments.
problems registering the child as a dependent. If this occurs, please contact OS-SLDN for assistance.

Finally, stepchildren and parents-in-law gained through same-sex marriages are no longer excluded from benefits eligibility, as they were under DOMA. Typically, stepchildren are eligible for dependent benefits, and a stepchild must be registered in DEERS just like any other dependent child. Please note that to register a stepchild, a marriage certificate must be presented along with the child’s birth certificate. If you experience discrimination while attempting to enroll your child-dependents for benefits, contact OS-SLDN for assistance.

**Family Care Plans**

Servicemembers with children must create a Family Care Plan to delineate how their dependents will be cared for when the servicemember is deployed. Any adult, including a same-sex partner or spouse, may be named as the caregiver on the Family Care Plan, giving the caregiver access to benefits such as counseling through Military OneSource and shopping and programs at military installations on behalf of the dependents. See the “Family Care Plans & Deployment Support” sub-section below for more information.

**Housing and PCS**

When a married servicemember is assigned to a new duty station, they are eligible for increased funding to allow their spouse to accompany them. Additionally, a legal child of a servicemember will be eligible for the dependent travel allowances to accompany the servicemember to the new station. If you encounter problems with your same-sex spouse or dependents qualifying under this policy, please contact OS-SLDN.

**Marital Status and the UCMJ**

Marital status is relevant to several types of misconduct punishable under the UCMJ, such as adultery, spouse abuse, and cohabitation. The conduct of married servicemembers is fully subject to these provisions and are expected to behave in accordance with good order and discipline, regardless of their sexual orientation or gender identity. A marriage does not “cure” previous instances of fraternization for couples (see “Fraternization” section above).

**Benefits**

Most of the benefits available to veterans, servicemembers, and their families are granted directly by Congress. Well over one hundred of these statutory benefits are contingent on a servicemember’s marital status. Again, DoD does not recognize common law marriages or engagements.

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158 Id. Military One Source on FCP.
159 See, e.g., 37 U.S.C. §§ 474a, 476, 477, 484.
For Servicemembers

In reality, single LGB servicemembers have always been eligible for the same benefits as their single heterosexual counterparts, as those benefits were available to everyone who serves, regardless of sexual orientation. But LGB servicemembers often decided not to take advantage of all their benefits for fear that doing so would “out” them, leading to involuntary separation. With repeal, all servicemembers should feel secure in accessing all their well-earned benefits.

But since repeal married LGB servicemembers are eligible for family-related benefits as well:

**Family Separation Allowance:** A servicemember who is on duty or assigned to a new station and whose spouse and children are unable to accompany them is entitled to a monthly allowance. If both spouses are servicemembers and both are assigned to duty away from their (non-spouse) dependents, both are entitled to the allowance.

**Basic Allowance for Housing at “With Dependent Rate”:** To receive the much-greater basic allowance for housing (BAH) at the “with dependent rate,” servicemembers must have a qualifying dependent. The meaning of “dependent” for BAH (and many other benefits) includes a spouse, dependent parents and parents-in-law, biological and adopted children, and step-children. The gender of the spouse is irrelevant.

**Joint-Duty Assignments:** Under DoD regulations, dual-career military married couples are generally stationed to the same geographic area. Unmarried but committed dual-military couples may make hardship-based requests for accommodation in assignments, like any single servicemember. Military spouses are eligible for exemption from serving in hostile-fire areas when their spouse is wounded or disabled by hostile fire.

For Spouse-Dependents

Servicemembers have always been able to designate a person of their choice for certain benefits, though members of the LGBTQ community have often refrained from doing so to avoid raising suspicions about their sexual orientation or gender identity. Servicemembers should feel free to designate a same-sex or transgender partner or spouse for any of the following:

**Member-Designated Benefits:** Servicemembers may freely designate any person, including a same-sex or transgender partner, for the following benefits:

- Beneficiary of Servicemembers Group Life Insurance (SGLI) and Veterans’ Group Life Insurance (VGLI) payments

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164 Id.
166 See DoDI 1315.18 ¶¶ 6.2.3.2, E2.1.29.
168 DoDI 1315.18, ¶ E3.11.1.1.
169 See Policy Guidance, supra note 22, at 4-5.
• Receipt of unused contributions from Post Vietnam-Era Veterans Assistance Program (VEAP) and the Montgomery G.I. Bill Death Benefit, as long as the person is also designated as an SGLI beneficiary
• Beneficiary of Thrift-Savings Plan (TSP)
• Retirement annuity under the Survivor Benefit Plan (SBP), as long as the service member is not in an opposite-sex marriage and does not have a dependent child
• Beneficiary for Death Gratuity and Beneficiary for Unpaid Pay-Allowances on DD Form 93
• Appointment as the Designated Caregiver of a wounded service member during recovery, under the Wounded Warrior Act
• Appointment as the caregiver of the service member’s children on a Family Care Plan if the service member is deployed. See below for more information

**Free Legal Services:** Spouses qualify as dependents and are eligible to receive free legal services from military legal-assistance officers.

**Spousal Privilege in Courts-Martial:** The Military Rules of Evidence give spouses the privilege to refuse to testify against their spouse in criminal cases (with a few exceptions).\(^{170}\) Spouses cannot be forced to testify against their loved ones and disclose confidential information shared during the marriage relationship. Please contact OutServe-SLDN if you are facing criminal charges and your spouse may have to testify against you.

**Emergency Notification:** Servicemembers must keep their Record of Emergency Data (DD Form 93) updated so that family members may be notified if the servicemember is wounded or killed in action, missing in action, or is taken as a prisoner of war. A spouse may be recognized as the primary next of kin (PNOK), which is determined by the family members listed on the servicemember’s Record of Emergency Data.\(^{171}\) But unmarried partners may be listed only as “Designated Persons”; the DoD does not recognize common law marriages or engagements. “Designated persons” will be notified of the same information regarding their servicemember, though with less urgency than is reserved for notifying the servicemember’s PNOK. The DD-93 also requires the identification of a Person Authorized to Direct Disposition (PADD) of remains.\(^{172}\) This person must be a spouse or a blood or adoptive relative.\(^{173}\)

Servicemembers and their families should understand that privacy regulations prevent “designated persons” from receiving all the details of the emergency. If a servicemember is killed in action, any beneficiaries receiving survivor benefits or entitlements will be notified.\(^{174}\)

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\(^{170}\) Mil. R. Evid. 504.
\(^{171}\) DD Form 93, Instructions, Item 9a, 13a.
\(^{172}\) DoDI 1300.18, E2.42.
\(^{173}\) 10 U.S.C. § 1482(c).
In cases where a servicemember has children but is not married, the servicemember’s children will be listed as the next-of-kin regardless of whether they are in a committed relationship with the other parent of their children. The other parent or guardian will be notified of the emergency on the child’s behalf.

In case of emergencies back home (e.g., serious illness, death, and birth of a child or grandchild), the Red Cross provides notification to the servicemember and, if leave is requested, notification can be provided to their command as verification of the emergency. If the servicemember’s presence is requested, they may ask for leave to return home and attend to the situation.

**Hospital Visitation:** With same-sex marriages recognized under federal law, military and civilian hospitals may not restrict or limit visitation privileges based on sexual orientation. If you choose not to marry your same-sex partner, it is recommended that you consult with a family law attorney to create a “hospital visitation authorization” and, if desired, medical powers of attorney giving each other the ability to make medical decisions on behalf of the other person.

**Employment and Education for Spouses:** All spouses may be eligible for employment assistance during a PCS, as well as education and training to help them find a “portable” career.

**Morale, Welfare, and Recreation (MWR) Programs:** Generally, spouses of servicemembers, along with dependent parents, parents-in-law, children and step-children, are authorized for unlimited use of all MWR programs because they are eligible for ID cards and registration in DEERS. Eligible members are the same as those eligible for TRICARE benefits, meaning that same-sex spouses (as well as parents-in-law and step-children) are included.

But some regulations allow Installation Commanders to open up limited access to certain MWR programs to guests and the general public. These exceptions should be applied regardless of sexual orientation, gender identity, or individual situations.

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177 10 U.S.C. §§ 1784, 1784(a).

178 See DoDi 1015.10, Table 1 (2011). “Family members” is defined in the glossary as anyone who can get an ID card through DEERS.


180 See DoDi 1015.10, Table 2 (2011).
Relocation & Transportation: If married servicemembers are assigned to a new base, the couple may be eligible for increased funding and support to allow their spouse to accompany them to the new assignment. Similarly, spouses can receive travel assistance to attend the burial ceremonies if the servicemember dies while on duty. These statutory benefits are available to legally married spouses and children of servicemembers (including step-children).

Surviving Spouse Benefits: All benefits available to opposite-sex spouses are now available to same-sex spouses. This includes annuities based on retired or retainer pay, as well as death benefits.

Family Advocacy & Spouse Abuse Services: Family Advocacy Services, including New Parent Support and assistance for abused or maltreated spouses, are available only to those eligible for treatment in military medical facilities, which includes same-sex spouses. A married same-sex spouse of a servicemember can receive the same care as an opposite-sex spouse, including military-sponsored protection and emergency shelter, as well as ongoing financial support and benefits that are provided to spouses of service members discharged from the military for dependent abuse.

For Children-Dependents

In general, dependent children of servicemembers (including biological children, legally adopted children, foster children, and stepchildren) are entitled to a great number of benefits, including health care. Parents serving in the military may be eligible for certain additional benefits and allowances.

Servicemembers have a duty to report any legal dependents, including adopted children. This applies to all active duty, Reserve, National Guard, and personnel in the Individual-Ready Reserves (IRR). Contact OS-SLDN if you have questions about your family situation, especially if the servicemember is not the biological parent of the child.

Medical & Dental Care for Children: Children of servicemembers are eligible healthcare and insurance from TRICARE. If the child is adopted, the servicemember must present the birth certificate of the child as well as proof of adoption to show parentage.

181 See, e.g., 37 U.S.C. §§ 474a, 476, 477, 484.
182 37 U.S.C. § 411f (limiting the burial ceremony travel allowance to “eligible relatives,” including parents, spouse, children and stepchildren, siblings of the deceased service member, and the person designated to direct disposition of remains (“PADD”) on DD Form 93. Designation as the PADD is limited by 10 U.S.C. § 1482(c) to blood and adopted relatives, surviving spouse, or if none of those can be found, “a person standing in loco parentis to the decedent.”)
183 37 U.S.C. § 401 (defining “dependents” as spouses, which is limited to opposite sex spouses under DOMA); DoDI 1315.18, Procedures for Military Personnel Assignments (Apr. 14, 2017).
185 See, e.g., 10 U.S.C. § 1450.
188 Under 10 U.S.C. § 1059, spouses and former spouses of servicemembers convicted of dependent abuse are afforded continuing commissary privileges and monthly pay, as long as they do not live with the abusive spouse.
189 See DoDI 7730.19, ¶ 4; DoDI 1342.19, ¶ 4.7.
**Emergency Notification:** Spouses are the servicemember’s default next-of-kin. But for unmarried servicemembers with children, the child is considered the default next-of-kin, and a parent or guardian of the child will be notified on behalf of the child in emergencies involving the servicemember. In other words, an unmarried partner, who is also the legal parent or guardian of the servicemember’s child, will likely receive notification more quickly than they would as a “designated person” without children.\(^{190}\) Note that these discrepancies are remedied through marriage.

**Housing:** The military now recognizes spouses and children as dependents of servicemembers, meaning that military family housing (MFH) and dependent-rate basic allowance for housing (BAH) or monthly housing allowance (MHA) is available to LGB military families. If you are being denied housing or the dependent-rate for these allowances, you may be experiencing discrimination based on your actual or perceived sexual orientation or gender identity and should contact OS-SLDN for immediate assistance.

**Military ID Cards:** Children of servicemembers are eligible for a military ID card after being designated by a servicemember as dependents in DEERS. Children living with someone other than the servicemember and all children over age 10 must have ID cards.\(^{191}\) An ID card gives a child access to base and associated programming, including the Commissary and Exchange facilities and Morale, Welfare, and Recreation programming.

**Family Care Plans & Deployment Support:** When a servicemember is deployed, they must set up a Family Care Plan designating someone to care for their minor children and certain other dependents.\(^{192}\) Through marriage, spouses are already registered as dependents of servicemembers, granting them all benefits and privileges as the designated caregiver on a Family Care Plan. But partners who are not married may be named as the caregiver on the servicemember’s Family Care Plan, giving them access to benefits such as counseling through Military OneSource, shopping at base facilities, and programs at military installations, all on behalf of the dependents.

The unmarried caregiver does not receive a military ID card while the servicemember is deployed, but they may purchase things for the dependents at a military Commissary and Exchange while the servicemember is deployed. To do this, the servicemember or caregiver must request a letter of authorization from the commanding officer of the installation with the Commissary or Exchange through the ID card office at that installation.\(^{193}\)

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\(^{191}\) See http://tricare.mil/mybenefit/home/overview/Eligibility/IDCards.


\(^{193}\) Id.
In addition, the designated caregiver should be sure to have a comprehensive power of attorney written up as part of the Family Care Plan, so that they are able to accompany the dependent to military medical facilities and make decisions on their behalf.\(^{194}\)

**For Veterans**

Veterans can be open about their sexual orientation and gender identity without risking loss of benefits or retirement pay. The section below contains information about select benefits of interest to veterans and their families. If you have questions about your eligibility for any veterans' benefits, please contact OutServe-SLDN for assistance.

**Education Benefits (G.I. Bill):** Under the Montgomery GI Bill (Chapter 30), service members had to serve a minimum of two years active duty, receive an honorable discharge and contribute $1200 toward the program to qualify for benefits. Veterans who were discharged under DADT might have been unable to meet these requirements. (To explore the possibility of obtaining a discharge upgrade, please contact OS-SLDN for assistance.)

Under the new Post-9/11 GI Bill (Chapter 33), the qualifications were modified so that veterans who served at least 90 days active duty after September 10, 2001 and received an honorable discharge can recover a portion of the maximum benefit.\(^{195}\) Veterans who paid into the Montgomery GI Bill may be able to transfer into the Post-9/11 GI Bill if they meet the new service requirements. Servicemembers who have used all their Chapter 30 benefit and qualify for Chapter 33 can receive up to 12 months of Chapter 33. In addition, the Post-9/11 GI Bill allows service members to transfer their GI Bill benefits to their spouse or children, if they take on additional service obligations.\(^ {196}\)

**VA Caregiver Support:** Family members providing care for veterans injured in the line of duty post 9/11 may be eligible for federal assistance. The VA Caregiver Support program provides family caregivers with training, technical support, counseling and other benefits.\(^ {197}\) Additionally, if the family caregiver is the primary provider of care for the veteran, then that person may be eligible for additional benefits, such as a monthly stipend and care coverage for 30 days a year so that the family caregiver can take a break.\(^ {198}\) For this program, the family caregiver can be either a member of the veteran’s immediate or extended family, or anyone who lives with the veteran.\(^ {199}\) This means that unmarried partners may be the family caregiver for a veteran.

**VA Guaranteed Home Loan Program:** Under the Home Loan Program, servicemembers and veterans may be able to obtain favorable financing on home mortgage loans without requiring a down payment.\(^{200}\) Private lenders still finance the

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\(^{194}\) *Id.*  
\(^{195}\) 38 U.S.C. § 3311.  
\(^{196}\) 38 U.S.C. § 3319.  
\(^{200}\) 38 U.S.C. § 3710.
loan, but the federal government guarantees part of the loan to the lender, providing the security normally offered by a down payment.

Surviving spouses may also participate in the VA Home Loan Program in certain circumstances. The un-remarried surviving spouse of a veteran who died either on active duty or as the result of a service-connected disability may be eligible to take out loans under the Home Loan Program, and the surviving spouse of any veteran who had a previous VA loan may refinance that loan through the program.

**Disability Compensation:** Disabled veterans are entitled to various types of compensation for service-connected disability or death and pensions for some non-service-connected disabilities. Generally, veterans receive additional benefits if they are married or have dependent children.

**Spouse Compensation:** Generally, dependency and indemnity compensation is available to surviving spouses of veterans who die of a service-connected disability or were receiving compensation for a service-connected disability. These benefits should be available to spouses regardless of their sexual orientation or gender identity.

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Image: OutServe-SLDN’s Germany chapter celebrates Pride.

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203 See Title 38 of the US Code, Chapter 11.
205 38 U.S.C. §§ 1115, 1521(c), 1521(d)(2).
ADDITIONAL RESOURCES

In addition to the assistance and information our staff and volunteers can provide you, we encourage you to contact the organizations below for any additional information or resources you may be seeking.

Military Legal Resources

U.S. Army
Trial Defense Service (TDS) [www.jagcnet.army.mil]

U.S. Air Force
Area Defense Counsel (ADC) [www.afjag.af.mil]

U.S. Navy
Navy Legal Service Office (NLSO) [www.jag.navy.mil/legal_services/nlso_map_global.htm]

U.S. Marine Corps
Navy Legal Service Office (NLSO) [www.jag.navy.mil/legal_services/nlso_map_global.htm]

U.S. Coast Guard
Navy Legal Service Office (NLSO) [www.jag.navy.mil/legal_services/nlso_map_global.htm]

Note: Generally, Marines and Coast Guardsmen will need to seek representation through the closest NLSO office. There are fewer Marine and Coast Guard defense attorneys and they often work in a NLSO office.

Service-related Resources

Legal Services for Service Members & Veterans

American Bar Association’s Home Front Program
website: [www.americanbar.org/portals/public_resources/aba_home_front.html]
The American Bar Association’s Home Front connects service members with legal information, and has a comprehensive listing of state-by-state legal assistance programs for service members. For a direct referral, service members must go through their military legal services office to request a referral through the Military Pro Bono Center.

American Bar Association’s Home Front: Program Military Pro Bono Center
website: [www.militaryprobono.org]
The ABA Military Pro Bono Center sponsors ongoing projects to help active duty military personnel and military attorneys with free legal assistance. Through Operation Stand-By, military attorneys may seek attorney-to-attorney advice on state-specific legal information affecting their clients. The Project also accepts referrals from military legal services offices for pro bono civilian legal services for service members.
GI Rights Hotline
website: www.girightshotline.org
The GI Rights Hotline will connect service members with counselors (not always lawyers) who can provide up-to-date information about military law and policies. The calls are confidential, and the counselors can provide referrals for service members with additional needs.

Military Law Task Force
website: www.nlgmltf.org
The National Lawyers Guild Military Law Task Force assists those working on military law issues as well as military law counselors working directly with GIs. It updates changes in military law and policy.

National Institute of Military Justice
website: www.nimjblog.org
The National Institute of Military Justice (NIMJ) is a District of Columbia non-profit corporation organized in 1991 to advance the fair administration of military justice and foster improved public understanding of the military justice system. NIMJ is not a government agency.

National Veterans Legal Service Program
website: www.nvlsp.org
The National Veterans Legal Service Program (NVLSP) coordinates free legal services for veterans through the Veterans Consortium Pro Bono Program (at www.vetsprobono.net), and for recent veterans through Lawyers Serving Warriors (at www.lawyersservingwarriors.com).

LGBT Military Member Organizations

The American Military Partner Association
website: www.militarypartners.org
The American Military Partner Association (AMPA) is a resource and support network for the partners and spouses of LGBT troops and veterans.

American Veterans for Equal Rights
website: www.aver.us
The American Veterans for Equal Rights (AVER) is a Veterans Service Organization of active, reserve, and veteran service members dedicated to full and equal rights and equitable treatment for all present and former members of the U.S. Armed Forces.

The Blue Alliance
website: www.blue-alliance.org
Blue Alliance is an organization of U.S. Air Force Academy alumni who are gay, lesbian, bisexual and transgender, along with supporters and friends. The organization is dedicated to reconnecting LGBT alumni to the Academy.
Knights Out
website: www.knightsout.org
Knights Out is an organization of West Point Alumni, Staff and Faculty who are united in supporting the rights of Lesbian, Gay, Bisexual and Transgender soldiers to openly serve their country. Knights Out is currently in the second phase of their mission: “to prepare West Point graduates and cadets to lead in a military where LGBT soldiers are allowed to serve openly.”

Minority Veterans of America
website: www.minotirvets.org
Minority Veterans of America was designed to change the narrative of the American military veteran. The team of MVA works to build community around the unique identities that veterans hold, outside of their identity as a military servicemember.

SPART*A
website: www.spartapride.org
SPART*A is a membership organization, built by, for and with members from all parts of the LGBT military community, that advocates for and supports our actively serving LGBT military members and veterans

Service Academy Gay & Lesbian Alumni Network
website: www.sagala.net
Connects LGBT alumni of all the Service Academies to LGBT representatives from their school, including the Coast Guard Academy and Merchant Marine Academy.

USNA Out
website: www.usnaout.org
USNA Out is an organization of more than 350 LGBT US Naval Academy alumni, their supporters and their friends. The organization strives to provide a path for “reconnection” to the many USNA alumni who have over time been disassociated from the Academy and the USNA Alumni Association because of their sexuality or gender identity. Membership is open to all alumni of USNA.

Transgender American Veterans Association
website: www.transveteran.org
Transgender American Veterans Association acts proactively with other concerned gay, lesbian, bisexual and transgender (GLBT) organizations to ensure that transgender veterans will receive appropriate care for their medical conditions in accordance with the Veterans Health Administration’s Customer Service Standards promise to “treat you with courtesy and dignity . . . as the first class citizen that you are.”

Research Organizations

The Michael Palm Center
website: www.palmcenter.org
The Palm Center (previously Center for the Study of Sexual Minorities in the Military) is an independent research institute committed to sponsoring state-of-the-art scholarship to enhance the quality of public dialogue about critical and controversial public policy issue.
The Williams Institute
website: www.williamsinstitute.law.ucla.edu
The Williams Institute advances sexual orientation law and public policy through rigorous independent research and scholarship, and disseminates it to judges, legislators, policymakers, media and the public. A national think tank at UCLA Law, the Williams Institute produces high quality research with real-world relevance.

Military News Sources

Air Force Times
website: www.airforcetimes.com
Air Force Times is part of the Military Times Media group, consisting of Army Times, Navy Times, Air Force Times and Marine Corps Times.

Army Times
website: www.armytimes.com
Army Times is part of the Military Times Media group, consisting of Army Times, Navy Times, Air Force Times and Marine Corps Times.

Defense Link
website: www.defenselink.mil
The mission of DefenseLink is to support the overall mission of the Department of Defense by providing official, timely and accurate information about defense policies, organizations, functions and operations. Also, DefenseLink is the single, unified starting point for finding military information on-line.

Marine Corps Times
website: www.marinecorpstimes.com
Marine Corps Times is part of the Military Times Media group, consisting of Army Times, Navy Times, Air Force Times and Marine Corps Times.

Navy Times
website: www.navytimes.com
Navy Times is part of the Military Times Media group, consisting of Army Times, Navy Times, Air Force Times and Marine Corps Times.

Service Directives, Instructions, & Publications

DoD Directives System – DoD Issuances
website: www.dtic.mil/whs/directives/index.html
The DoD Directives System was established to provide a single, uniform system of DoD issuances and directive-type memorandums used to convey DoD policies, responsibilities, and procedures. The DoD Directives System provides for the orderly processing, approval, publication, distribution, internal review, and records management of DoD Directives, DoD Instructions, and DoD Publications. There is a searchable database of current issuances.

U.S. Air Force Publications
website: www.e-publishing.af.mil
U.S. Army Publications  
website: [www.apd.army.mil](http://www.apd.army.mil)

U.S. Coast Guard Publications  

U.S. Navy Publications  
website: [www.doni.daps.dla.mil](http://www.doni.daps.dla.mil)

U.S. Marine Corps Publications  

**LGBTQ Resources**

**Family Resources**

*The American Military Partner Association*  
website: [www.militarypartners.org](http://www.militarypartners.org)  
*The American Military Partner Association (AMPA)* is a resource and support network for the partners and spouses of LGBT troops and veterans.

*Children of Lesbians & Gays Everywhere*  
website: [www.colage.org](http://www.colage.org)  
*Established to engage, connect, and empower people to make the world a better place for children of lesbian, gay, bisexual, and/or transgender parents and families.*

*Parents, Families & Friends of Lesbians & Gays*  
website: [www.pflag.org](http://www.pflag.org)  
*Parents, Families & Friends of Lesbians & Gays (PFLAG) is a national non-profit organization with over 200,000 members and supporters and over 500 affiliates in the United States. This vast grassroots network is cultivated, resourced and serviced by the PFLAG national office, located in Washington, D.C., the national Board of Directors and 13 Regional Directors.*

**Legal and Policy Organizations**

*American Civil Liberties Union - Lesbian & Gay Rights Project*  
website: [www.aclu.org/lgbt-rights](http://www.aclu.org/lgbt-rights)  
*The Lesbian & Gay Rights Project fights discrimination and moves public opinion on LGBT rights through the courts, legislatures and public education.*

*Family Equality Council*  
website: [www.familyequality.org](http://www.familyequality.org)  
*The Family Equality Council works in both state and federal government to advance full social and legal equality on behalf of the approximately one million lesbian, gay, bisexual, and transgender families raising two million children. Parenting protections, adoption, repeal of*
DOMA, health insurance reform, immigration reform, safe schools, and workplace equality are many of the issues Family Equality Council is currently working on at the state and federal level.

GLBTQ Advocates & Defenders
website: www.glad.org
Gay & Lesbian Advocates & Defenders (GLAD) is a New England-based organization dedicated to ending discrimination based on sexual orientation, HIV status, and gender identity and expression. GLAD’s full-time legal staff and network of New England attorneys provide litigation, advocacy, and educational work in all areas of gay, lesbian, bisexual and transgender civil rights and the rights of people living with HIV.

Gay, Lesbian & Straight Education Network
website: www.glsen.org
The Gay, Lesbian & Straight Education Network strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression.

Human Rights Campaign
website: www.hrc.org
The Human Rights Campaign (HRC) is America’s largest civil rights organization working to achieve gay, lesbian, bisexual and transgender equality. HRC works to secure equal rights for LGBT individuals and families at the federal and state levels by lobbying elected officials, mobilizing grassroots supporters, educating Americans, investing strategically to elect fair-minded officials and partnering with other LGBT organizations.

Immigration Equality
website: www.immigrationequality.org
Immigration Equality is a national grass roots organization that works to end discrimination in U.S. immigration law, to reduce the negative impact of that law on the lives of lesbian, gay, bisexual, transgender and HIV-positive people, and to help obtain asylum for those persecuted in their home country based on their sexual orientation, transgender identity or HIV-status.

OutRight International
website: www.outrightinternational.org
The mission of OutRight International is to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based non-profit, non-governmental organization (NGO), OutRight International effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

Lambda Legal Defense and Education Fund
website: www.lambdalegal.org
Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.
National Center for Lesbian Rights
website: www.nclrights.org
The National Center for Lesbian Rights (NCLR) is a national legal resource center with a primary commitment to advancing the rights and safety of lesbians and their families through a program of litigation, public policy advocacy, and public education. In addition, NCLR provides representation and resources to gay men, and bisexual and transgender individuals on key issues that also significantly advance lesbian rights.

The Task Force
website: thetaskforce.org
The National Gay and Lesbian Task Force works to build the grassroots political strength of the LGBT community by training state and local activists and leaders, working to strengthen the infrastructure of state and local allies, and organizing broad-based campaigns to build public support for complete equality for LGBT people.

General LGBT Resources

Family Diversity Projects
website: www.familydiv.org
Love Makes a Family is a museum-quality traveling exhibit including photographs and interviews with families that have LGBT members. Through first-person accounts and positive images, this exhibit seeks to challenge and change damaging myths and stereotypes about LGBT people and their families.

Gay & Lesbian Alliance Against Defamation
website: www.glaad.org
The Gay & Lesbian Alliance Against Defamation (GLAAD) is dedicated to promoting and ensuring fair, accurate and inclusive representation of people and events in the media as a means of eliminating homophobia and discrimination based on gender identity and sexual orientation.

The Community of LGBT Centers
website: www.lgbtcenters.org
The Community of LGBT Centers exists to support and enhance LGBT community centers, which are engines of community organizing and liberation, and crucial to the health and strength of LGBT communities.

SAGE Care
website: www.sageusa.care
SAGECare provides training and consulting on LGBT aging issues to service providers. As a division of SAGE (Services & Advocacy for GLBT Elders), we are part of the country’s largest and oldest organization dedicated to improving the lives of lesbian, gay, bisexual and transgender (LGBT) older adults.
Professional Associations

Gay & Lesbian Medical Association
website: www.glma.org
*The Gay & Lesbian Medical Association (GLMA) can help LGBT patients find a provider who is sensitive to their unique needs. GLMA professional association works to ensure equality in health care by using medical expertise in professional education, public policy work, patient education and referrals, and the promotion of research.*

National Lesbian & Gay Journalists Association
website: www.nlgja.org
*The National Lesbian & Gay Journalists Association (NLGJA) is an organization of journalists, media professionals, educators and students who work within the news industry to foster fair and accurate coverage of lesbian, gay, bisexual and transgender issues. NLGJA opposes all forms of workplace bias and provides professional development to its members.*

National LGBT Bar Association
website: www.lgbtbar.org
*The LGBT Bar Association is a national association of lawyers, judges and other legal professionals, law students, activists, and affiliated lesbian, gay, bisexual, transgender legal organizations. The LGBT Bar Association promotes justice in and through the legal profession for the LGBT community in all its diversity.*

Protect and Defend
website: www.protectanddefend.org
*Protect and Defend is a non-profit organization that serves the interests of gay and lesbian law enforcement, firefighters, military, and other public safety and justice system workers. It is primarily a social organization that organizes public and private events with an eye towards charitable fundraising for LGBT organizations.*

Women’s Resources

National Organization for Women (NOW) - Lesbian Rights Homepage
website: www.now.org/issues/lgbtq-rights
*NOW is committed to fighting discrimination based on sexual orientation or gender identity in all areas, including employment, housing, public accommodations, health services, child custody and military policies.*

National Women’s Law Center
website: www.nwlc.org
*The Center has been at the forefront of landmark legal and public policy initiatives to improve the lives of women, girls and families since 1972. For example, the Center was instrumental in passing laws to prohibit pregnancy discrimination in employment and to provide compensation for victims of sexual harassment. In addition, NWLC is working to expand opportunities for female service members, to better prevent and detect sexual harassment and assault, and to eliminate all forms of sex discrimination in the military, including discrimination based on pregnancy and parental status.*
Service Women’s Action Network  
website: [www.servicewomen.org](http://www.servicewomen.org)  
Service Women’s Action Network (SWAN) effects change for servicewomen and women veterans by engaging policy makers, the media, the public, military leadership and veterans providers on issues of concern to women. It provides community programs, personal support from fellow women veterans, and legal referrals from military law experts. Women veterans design, supervise and lead SWAN’s programs. SWAN runs a Peer Support hotline for women service members and veterans at 1-888-729-2089.

**Transgender Resources**

FTM International  
website: [www.ftmi.org](http://www.ftmi.org)  
FTM International serves the Female-to-Male community by providing support meetings for FTMs and their families in cities around the world.

National Center for Transgender Equality  
website: [www.tranequality.org](http://www.tranequality.org)  
The National Center for Transgender Equality is a national social justice organization devoted to ending discrimination and violence against transgender people through education and advocacy on national issues of importance to transgender people.

Transgender American Veterans Association  
website: [www.tavausa.org](http://www.tavausa.org)  
Transgender American Veterans Association (TAVA) was formed to address the growing concerns of fair and equal treatment of transgender veterans and active duty service members.

Transgender Law Center  
website: [www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)  
The Transgender Law Center (TLC) is a California-based civil rights organization advocating for transgender communities. TLC utilizes direct legal services, public policy advocacy, and educational opportunities to advance the rights and safety of diverse transgender communities.

Transgender Law & Policy Institute  
website: [www.transgenderlaw.org](http://www.transgenderlaw.org)  
The Transgender Law & Policy Institute (TLPI) brings experts and advocates together to work on law and policy initiatives designed to advance transgender equality.

**HIV/AIDS Resources**

Department of Veterans Affairs – National HIV/AIDS Program  
website: [www.hiv.va.gov](http://www.hiv.va.gov)  
The VA’s goal is to provide excellence in patient care, veterans’ benefits and customer satisfaction. The mission of the Public Health Strategic Healthcare Group is to provide the highest quality, comprehensive care to veterans and to have that care recognized as the standard by which all health care in the United States is measured. This includes patient care activities, clinician and patient education, prevention activities, and research directed at continuous improvement of medical and preventive services and delivery of care to veterans.
The NAMES Project
website: www.aidsquilt.org
The NAMES Project works to preserve, care for, and use the AIDS Memorial Quilt to foster healing, heighten awareness, and inspire action in the struggle against HIV and AIDS.

National Minority AIDS Council
website: www.nmac.org
The National Minority AIDS Council (NMAC) is the premiere national organization dedicated to developing leadership within communities of color to address the challenges of HIV/AIDS.

National Alliances of State & Territorial AIDS Directors
website: www.nastad.org
The National Alliances of State & Territorial AIDS Directors (NASTAD) is a leading non-partisan non-profit association that represents public health officials who administer HIV and hepatitis programs in the U.S. and around the world.

Veteran’s Resources

Department of Veterans Affairs (VA) – Veterans Benefits Administration
website: www.benefits.va.gov/benefits
The mission of the Veterans Benefits Administration, in partnership with the Veterans Health Administration and the National Cemetery Administration, is to provide benefits and services to the veterans and their families in a responsive, timely and compassionate manner in recognition of their service to the Nation. Their webpage provides links to the most up-to-date resources for Veteran disability, education, and loan benefits.

Department of Veterans Affairs (VA) – Veterans Health Administration
website: www.va.gov/health
The Veterans Health Administration is America’s largest integrated health care system, providing care at 1,243 health care facilities, including 172 medical centers and 1,062 outpatient sites of care of varying complexity (VHA outpatient clinics), serving 9 million enrolled Veterans each year.

National Organization of Veterans’ Advocates
website: www.vetadvocates.com
National Organization of Veterans’ Advocates (NOVA) was incorporated as a non-profit corporation to serve attorneys and non-attorney practitioners admitted to practice before the U.S. Court of Appeals for Veterans Claims (CAVC). NOVA recognizes the need to share information and analysis in order to provide successful advocacy for veterans. NOVA provides continuing legal education and support to individuals representing veterans.

Veterans Consortium Pro Bono Program
website: www.vetsprobono.org
The Veterans Consortium Pro Bono Program (Program) was created in 1992, with a dual mission: to recruit and train attorneys in the fledgling field of veterans’ law; and to provide assistance to unrepresented appellants at the U.S. Court of Appeals for Veterans Claims.
VoteVets
website: www.votevets.org
The mission of VoteVets.org is to use public issue campaigns and direct outreach to lawmakers to ensure that troops abroad have what they need to complete their missions, and receive the care they deserve when they get home. The group is the largest progressive organization of veterans in America.

Spiritual Resources

Affirmation: Gay and Lesbian Mormons
website: www.affirmation.org
Affirmation seeks to meet the needs of persons experiencing frustration or alienation from family, friends, and the Church because of their sexual orientation. In addition to offering assistance during life’s occasional struggles, Affirmation provides a life-long opportunity for service, fun, friendship, personal enrichment, and spiritual growth.

DignityUSA (LGBT Catholics)
website: www.dignityusa.org
DignityUSA works for respect and justice for all gay, lesbian, bisexual, and transgender persons in the Catholic Church and the world through education, advocacy and support.

LGBT Humanist Council
website: www.lgbthumanists.org
A project of the American Humanist Association, The LGBT Humanist Council provides a place for LGBT Humanists to come together to discuss equality issues and methods to educate the greater community on LGBT and freethought concerns.

Lutherans Concerned / North America
website: www.lcna.org
The ministries of Lutherans Concerned / North America embody, inspire, and support the acceptance and full participation of people of all sexual orientations and gender identities, their families, friends and allies, within the Lutheran communion and its ecumenical and global partners.

Metropolitan Community Churches
website: www.mccchurch.org
As one of the world’s emerging churches, MCC is proclaiming a spirituality that is liberating and sufficiently profound to address the issues of our chaotic and complicated world.

Safra Project
website: www.safraproject.org
Primarily a group dedicated to issues affecting LGBT Muslim women, the Safra Project provides many resources that to help LGBT Muslims of any gender. The Safra Project also provides resources on up-to-date research into gender and sexuality issues in Islam.

Soulforce
website: www.soulforce.org
The purpose of Soulforce is freedom for lesbian, gay, bisexual, and transgender people from religious and political oppression through the practice of relentless nonviolent resistance.
Unitarian Universalist Association  
website: [www.uua.org](http://www.uua.org)  
The Unitarian Universalist Association (UUA) represents the interests of more than one thousand Unitarian Universalist congregations on a continental scale. Unitarian Universalism has been on record as supporting the rights of bisexual, gay, and lesbian people since 1970.

United Methodist Reconciling Ministries  
website: [www.rmnetwork.org](http://www.rmnetwork.org)  
Reconciling Ministries Network is a national grassroots organization that exists to enable full participation of people of all sexual orientations and gender identities in the life of the United Methodist Church, both in policy and practice.

The World Congress of Gay, Lesbian, Bisexual and Transgender Jews  
website: [www.glbtjews.org](http://www.glbtjews.org)  
The World Congress of Gay, Lesbian, Bisexual, and Transgender Jews: Keshet Ga’avah consists of around fifty-member organizations all over the world. The World Congress wishes: to be the worldwide voice of LGBT Jews; to support, inspire, and strengthen local groups; to foster a sense of community among diverse individuals and organizations; to achieve equality and security for LGBT Jews worldwide.

**Political Resources**

Common Defense  
website: [www.commondefense.us](http://www.commondefense.us)  
Common Defense is a diverse, grassroots organization of U.S. veterans and military family members who are fighting to preserve social, economic, and global justice, and to champion a truly equitable and representative democracy.

Gay & Lesbian Victory Fund  
website: [www.victoryfund.org](http://www.victoryfund.org)  
The Gay & Lesbian Victory Fund provides strategic, technical and financial support to openly LGBT candidates and officials.

Log Cabin Republicans  
website: [www.logcabin.org](http://www.logcabin.org)  
Log Cabin Republicans is an organization for LGBT and allied people within the Republican Party. They work to make sure the GOP chooses fairness and freedom over intolerance and exclusion.

National Stonewall Democrats  
website: [www.stonewalldemocrats.us](http://www.stonewalldemocrats.us)  
The National Stonewall Democrats is a grassroots network connecting LGBT Democratic activists across the nation. With more than 90 chapters across the country, Stonewall is a grassroots force for social change within the LGBT movement and within the Democratic Party.
