



Local leaders and veterans celebrate the end of "Don't Ask, Don't Tell" in San Francisco on Sept. 20, 2011. That Pentagon policy ostensibly allowed LGBTQ+ people to serve in the military, as long as they kept their sexuality secret. Many still ended up getting forced out. JUSTIN SULLIVAN GETTY IMAGES

BATTLE'S NOT OVER

Skepticism endures as Pentagon promises to repair damage of 'Don't Ask, Don't Tell'

Matt Alderton Special to USA TODAY

The date was Sept. 20, 2011. At 12:01 a.m., nine months after President Barack Obama signed a law to repeal it, the U.S. military policy known as "Don't Ask, Don't Tell" was extinct. Finally — for the first time ever, perhaps — LGBTQ+ service-members felt safe serving their country. It was cause for celebration.

At least, that's what most people assumed. But LGBTQ+ veterans knew better. Although the demise of Don't Ask, Don't Tell, or DADT, marked the official end of the military's ban on servicemembers who were out as LGBTQ+, it did nothing to heal the wounds of those who had already been kicked out — as many as 114,000 from World War II until the repeal of DADT, according to some estimates.

"A lot of people thought that when Don't Ask, Don't Tell was repealed, the military fixed it and went about its business," says Elizabeth Kristen, director of the Gender Equity and



President Barack Obama pumps his fist after signing legislation to repeal "Don't Ask, Don't Tell" in December 2010. The policy officially ended nine months later in September 2011. JEWEL SAMAD/AFP VIA GETTY IMAGES



LGBTQ+ Rights Program at Legal Aid at Work, a nonprofit providing free legal assistance to marginalized communities. "But these LGBTQ+ veterans have fallen through the cracks."

Discriminatory discharges

DADT became Pentagon policy under the Clinton administration in 1993. The military had for decades prohibited LGBTQ+ people from serving; DADT

Deputy Defense Secretary Kathleen Hicks announced last year that the Pentagon would review and upgrade records of veterans discharged under the now-scrapped policy. ALEX WONG/GETTY IMAGES

was supposed to be a compromise: The military wouldn't pry into the sexual orientation of LGBTQ+ servicemembers ("Don't Ask") as long as those troops remained closeted ("Don't Tell"). But that didn't stop people from being forced out.

In 2023, Legal Aid at Work joined in a lawsuit against the Department of Defense for "ongoing discrimination" against LGBTQ+ veterans.

The plaintiffs are five veterans who received "other than honorable" discharges because of their sexual orientation before and during DADT. That status means they can't reenlist in the military, are barred from federal employment and are denied access to veterans benefits ranging from low-interest mortgage loans to health care, education and burial benefits. And because veterans applying for housing and jobs may have to present their discharge papers, it means they routinely have to out themselves, thereby reliving their stigma, trauma and shame. Instead of monetary damages, plaintiffs are therefore asking the Pentagon to systematically upgrade LGBTQ+ veterans' discharges and remove all references to sexual orientation in their military records.

"Most of these veterans have been locked out of benefits for decades, so that's kind of irrelevant to them at this point," says Christie Bhageloe, director of the Discharge Upgrade Program at The Veterans Consortium Pro Bono Program, which represents LGBTQ+ veterans seeking discharge upgrades, though it's not affiliated with the suit. "For most of them, it's really about restoring honor and correcting injustice."

A step in the right direction

Since 2011, veterans discharged under DADT have been allowed to request discharge upgrades from military review boards. As of March 2023, however, just 1,375 veterans had been granted relief through the formal appeals process, according to the Pentagon. That's because the process tends to be slow, opaque and inconsistent, Bhageloe says, adding that it puts the onus on veterans to be aware of their upgrade eligibility in the first place and to initiate the upgrade process themselves by putting faith in an entity that has already betrayed their trust.

To its credit, the Pentagon has listened: In September 2023, Deputy Defense Secretary Kathleen Hicks announced that for the first time, the military would proactively review and upgrade the records of veterans discharged under DADT.

"We know correcting these records cannot fully restore the dignity taken from LGBTQ+ servicemembers when they were expelled from the military," Hicks said at a briefing. "But this is yet another step we're taking to make sure we do right by those who served honorably despite being forced to hide who they are and who they love."

Although LGBTQ+ advocates applauded the move, they're also skeptical.

"Hicks' announcement, while welcome, is not enough," says Kristen, who points out that the Pentagon's action disregards those discharged for sexual orientation prior to DADT, and that the Pentagon has failed to release specific guidelines for how and by what date it will upgrade eligible discharges. "So far, we haven't heard of a single veteran receiving the benefit of this policy."

"I'll believe it when I see it," echoes Bhageloe, who says the Pentagon will automatically upgrade only veterans with the most straightforward discharges while overlooking or otherwise excluding those with less clear-cut

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cases. Many veterans' discharge records make no mention of homosexuality, for example. Because they weren't allowed to "ask" about sexuality under DADT, commanders who suspected servicemembers of being LGBTQ+ often drummed up false charges of misconduct as excuses for expelling them. "Commanders got smart and started stacking charges, which complicates the review process significantly," says Joshua Fontanez, board chair of the

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Elizabeth Kristen
Gender Equity
and LGBTQ+ Rights Program
at Legal Aid at Work

Modern Military Association of America, the nation's largest organization of LGBTQ+ servicemembers and vets.

Although he acknowledges shortcomings in the Pentagon's policy, Fontanez nevertheless praises it. "It's a very complex problem set, and I think for years we've been trying to solve the entire puzzle instead of just saying: 'We need to help people, so who can we help today?'" That's what's being done right now," he says, adding that Congress can help the Pentagon go even further by funding a study of potential remedies and passing a law to mandate them.

For the time being, at least, most

LGBTQ+ veterans will need to go through the same appeals process that has been available since 2011, says Peter Perkowski, staff attorney at Harvard Law School's Veterans Legal Clinic. To make the process easier and more transparent, he wants the Pentagon to issue clear and consistent guidelines to the military services and their respective discharge review boards.

With the youngest surviving World War II veterans now in their 90s, and the earliest targets of DADT now in their 50s, 60s and 70s, time is of the essence. "It's never too late to right the wrongs of history," Kristen says.



Protesters in San Francisco celebrate the end of the 18-year-old "Don't Ask, Don't Tell" policy in September 2011. JUSTIN SULLIVAN/GETTY IMAGES

Discharged LGBTQ+ veterans share their stories

HONORABLE SERVICE

Matt Alderton Special to USA TODAY

Sherrill Farrell, Donnie Ray Allen and Mona McGuire love their country so much that they volunteered to serve it in the military. But when the Pentagon discharged them because of their sexual orientation, they realized just how little that country loved them back. Decades later, they share their stories in pursuit of the same ideals they were once willing to risk their lives for: liberty and justice for all.



Sherrill Farrell, 62, has joined a lawsuit against the Pentagon that alleges ongoing discrimination against LGBTQ+ veterans. The plaintiffs were given "other than honorable" discharges because of their sexual orientation. "I'm still very proud of this country ... but it's time to let people know what happened — that there were good people in the military who were hunted down and kicked out because of who they loved," Farrell says. PHOTOS COURTESY OF SHERRILL FARRELL

SHERRILL FARRELL

When it was time to choose a career, Sherrill Farrell decided to follow in the footsteps of both her father and grandfather by joining the military.

"I had gotten to a place in my life where I needed to quit partying and get serious, and I thought the military was my best option," says Farrell, 62, of McQueeney, Texas. "I thought, 'I'll be able to travel the world and learn some kind of trade, and I'll have a pension in 20 years.' But that didn't happen."

Farrell enlisted in the U.S. Navy in 1985 at age 23. Less than a year later, she received an "other than honorable" discharge after an investigation of her sexual orientation.

"My roommate in the barracks started a conversation with me about going to gay clubs. She said she liked to go, and I agreed that they were fun. That's how it started, because she apparently went and turned me in." Farrell felt so ashamed that for years afterward she didn't discuss or disclose her military service. "I felt like my honor was taken away."

In remembrance of her late mother and recently deceased twin sister, she decided to finally speak out in 2023 by joining Legal Aid at Work's lawsuit against the Department of Defense. "I had asked for a purpose, and their spirits were telling me, 'Here's your purpose: Tell your story,'" Farrell says.

She hopes to have her discharge upgraded to "honorable" so she can identify as a veteran on her driver's license, gain access to her local military base and receive long overdue medical benefits. "I'm still very proud of this country ... but it's time to let people know what happened — that there were good people in the military who were hunted down and kicked out because of who they loved."



Farrell had been in the Navy less than a year when she was discharged.

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Marine Corps veteran Donnie Ray Allen with attorney Christie Bhageloe of the Discharge Upgrade Program at The Veterans Consortium Pro Bono Program. DONNELL WALLACE DW CELEBRITY PHOTOGRAPHY LLC

DONNIE RAY ALLEN

For Donnie Ray Allen — a creative, pink-haired teenager who dreamed of leaving his small, impoverished Southern town — military service was supposed to be a ticket to a better life. Instead, it ended up being a launching point for trauma.

So says Allen, 48, who enlisted in the U.S. Marine Corps in 1996 and had an impeccable military record for two years until the death of his newborn son just moments after birth. Realizing how short and precious life is prompted Allen to come out as gay. That's when his military career took a dark turn.

On the day he was supposed to exit the military with an honorable discharge, Allen was confronted by a group of officers who told him he would not be discharged after all.

Someone had made an allegation of homosexuality against him.

"My sergeant major whispered in my

ear, 'The only way you're getting off my command is either in a body bag or a pair of handcuffs,'" recalls Allen, who was confined to his barracks and subjected to months of harassment by fellow Marines who taunted and spit on him. Finally, facing death threats, a court-martial and military prison, he confessed to homosexual conduct and forfeited his honorable discharge.

"They gave me \$1,200 and kicked me out the next day with no G.I. Bill, no mental health, no access to the VA — nothing," Allen says. "I was just a 20-year-old damaged vessel of a human being."

In 2023, Allen finally reclaimed his honorable discharge with the help of attorney Christie Bhageloe. Now a successful hairdresser in Charleston, South Carolina, he's using his newly minted veteran benefits to pursue a college degree and purchase his first home.

"Speaking up and fighting the system was the most healing thing I've ever been through," Allen says.



On the day Allen was supposed to wrap up his two years of Marine Corps service with an honorable discharge, he found out he was under investigation because of his sexuality. It wasn't until 2023 that he got his discharge upgraded, allowing him to receive veteran benefits. COURTESY OF DONNIE RAY ALLEN

MONA MCGUIRE

Mona McGuire was just 7 years old when her father died. Because he was a veteran of World War II, she was determined to honor his memory by following the example of service that he'd set.

"I always knew I wanted to be a hero — to help people and do good," says McGuire, 55, of Muskego, Wisconsin, who enlisted in the U.S. Army in 1987. "To be honest, I loved it. It was the best experience of my life at that time."

The best experience quickly turned to the worst, however: Less than a year into her service, McGuire received an "other than honorable" discharge alongside four other soldiers in her company, all of whom were accused of homosexuality. More than 30 years later, their accuser issued an apology via Facebook Messenger. She said she'd grown up in a small town and didn't

"You don't feel honorable when your country tears you down and tells you that you're not."

Mona McGuire

know how to cope with diversity.

For McGuire, at least, it was too little, too late. "There's no way we could ever accept that apology because it ruined our careers," she says.

In truth, it ruined more than that, confesses McGuire, who has two sons with her wife, both of whom are accomplished athletes. "I'm so proud to stand up for the national anthem at their games when they compete," she continues. "But when they ask parents who are former military to stand up on Veterans Day, and my sons look back at me, I don't have the courage to stand up. Because you don't feel honorable when your country tears you down and tells you that you're not."

In an attempt to restore her lost honor, McGuire recently asked the Pentagon to upgrade her discharge. It denied her request.

"I felt heartbroken and deflated," says McGuire, who plans to appeal the decision with the help of an attorney. "It's not about benefits. I haven't had those for 37 years. It's about recognition and having a piece of paper from the military that says I'm 'honorable' and not 'other than.'"