



Coming Out as an LGBT Veteran

Does “Don’t Ask, Don’t Tell” mean veterans and retirees must remain closeted?

No, but there are some rules to remember.

There are an estimated 1 million gay veterans – including military retirees – currently living in the U.S. Over the years, many lesbian, gay, bisexual and transgender veterans and retirees have lived very open lives and – in some instances – have spoken up loudly against “Don’t Ask, Don’t Tell” without problems.

Veterans – Individuals who have been discharged from the service and have no further obligation to the military, including IRR, and are not military retirees face **no legal risk** whatsoever from “Don’t Ask, Don’t Tell.” Veterans can be as out and open as they want to be and SLDN encourages all veterans to share their stories. Veterans can speak out against “Don’t Ask, Don’t Tell” on behalf of those currently serving who cannot speak for themselves.

Retirees – Individuals who have retired from active or reserve service face **a theoretical risk** from “Don’t Ask, Don’t Tell” because retirees are technically still considered members of the military for recall-to-duty purposes. The risk of being recalled – if it exists at all – is very small. SLDN knows of no known cases of military retirees being involuntarily recalled to duty or targeted under “Don’t Ask, Don’t Tell” in any way. Even if retirees were to be recalled to duty and then discharged under “Don’t Ask, Don’t Tell” their retirement benefits should not be affected, the retiree would simply receive a gay discharge.

Some lesbian, gay and bisexual retirees remain concerned about potential prosecution under the Uniform Code of Military Justice (UCMJ). However, the likelihood of such prosecution is very remote. In theory, if a retiree commits a crime while retired, the military may recall the retiree to active duty for criminal prosecution under the UCMJ. In practice, however, the military does not usually become involved in such situations unless the retiree is accused of criminal misconduct which publicly embarrassed the military while he or she was still on active duty. To-date, there are no known instances where the military has prosecuted a retiree under the UCMJ solely because the military learned that he or she is gay.

Any veterans or retirees having questions about their risks in being out of the closet or in advocating for repeal of “Don’t Ask, Don’t Tell” should contact SLDN by either calling (202.328.3244, ext. 100) or emailing (legal@sldn.org) to schedule an appointment with one of our legal staff.