



Milwaukee LGBT History Project, Inc.

Miriam Ben-Shalom

Miriam Ben-Shalom is a central figure in the historic struggle of gays and lesbians to serve openly in the United States military. In 1974, she began serving in the Army Reserves 84th Training Division. She completed drill instructors school, becoming one of the first two female drill sergeants in the division.

During this time, she became openly involved in the local gay rights movement and lesbian-feminist organizations. In late 1975, she publicly expressed her sexual identity as a lesbian. She was honorably discharged from the Army Reserves on December 1, 1976 under then-existing Army Regulation 135-178, para. 7-5(b)(6), which provided for the discharge of any soldier who “evidenced homosexual tendencies, desire or interest, but is without overt homosexual acts.” Ben-Shalom promptly filed suit claiming that her discharge violated her constitutional rights to free speech and privacy. The U.S. District Court for the Eastern District of Wisconsin agreed, and on May 20, 1980 ordered that she be reinstated. The U.S. Army refused to comply with the order. In August 1987, the U.S. Court of Appeals in Chicago supported the lower court’s ruling, and Ben-Shalom was finally reinstated in September 1988. She is the first gay or lesbian member of the U.S. military to be reinstated after being discharged for her sexual orientation.

The Army appealed the decision and on August 7, 1989 the U.S. Court of Appeals reversed itself and ruled against Ben-Shalom. She then appealed her case to the U.S. Supreme Court. On February 26, 1990, this body declined to hear her case and let stand the previous court’s ruling, effectively ending her military career.

Ben-Shalom is a vocal opponent of the federal law commonly known as “Don’t Ask, Don’t Tell” (DADT), which bans gay men and lesbians from serving openly in the military. She protested in 1993 when President Clinton signed the law, and again in November 2010 when President Obama failed to take action to repeal it. She was present when President Obama signed a law on December 22, 2010 that would repeal DADT and allow gays and lesbians for the first time to serve openly.

Ben-Shalom formed the Gay, Lesbian, and Bisexual Veterans Association in 1990 (now known as American Veterans for Equal Rights). She has received several awards for her community activism, and published poetry, short stories, and other writing.