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Public Death, Private Life:
Army Major Alan Rogers and the *Washington Post*

In early March 2008, the *Washington Post* received a provocative news tip. A local resident, Army Major Alan Rogers, had been killed fighting in Iraq in January. The source was an advocate for gays in the military, who said that Rogers, an African----American, had been the first openly gay officer to die in the war. A traditional military funeral service for Rogers was planned at Arlington Cemetery on March 14 and the source encouraged the *Post* to cover it.

Given the military's long and controversial history of banning openly gay service members from its ranks, the story, if true, would be compelling. Here was a war hero whose story could be of significant interest to readers who followed the debate on the military's policy of "don't ask, don't tell"—which allowed gay individuals to serve in the armed forces if they concealed their sexual orientation.

When the *Post* reporter assigned to the story began to dig deeper, however, she discovered that things were not that simple. It was hard to cobble a consensus from the existing evidence on just how open Rogers had been while on active duty. It emerged that Rogers had no close family or partner to speak for him, his surviving relatives had not known he had been gay, and his friends had different understandings of how open he had been as an active----duty soldier. Moreover, no one had ever discussed with Rogers whether he would want to make his sexual orientation public in the event of his death. *Post* policy advised caution about identifying someone as gay who may not wish that fact to be published.

Under these circumstances, what should the *Post* publish? With no clear picture of what Rogers would have wanted, could the paper make the decision for him? *Post* reporters and desk editors weighed the ethical and journalistic issues involved. The piece ultimately landed on the desk of Executive Editor Leonard Downie, Jr. Downie had to decide whether to identify Rogers as gay in the article that would be published following his burial at Arlington National Cemetery.

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Gays in the Military

Homosexuality has been an issue for America's armed forces since the nation's founding.[1] In 1778, George Washington approved the dismissal of a lieutenant from the Continental Army for "attempting to commit sodomy" and allegedly lying about it.[2] Despite such measures, homosexuals continued to serve in the nation's military. Periodically, the military stepped up its efforts to drive them out. In 1919, for instance, a young Franklin D. Roosevelt—then----assistant secretary of the Navy—oversaw a large sting operation to entrap and expel gay soldiers.[3] During World War II, the armed forces introduced psychological screening of recruits and banned anyone deemed to have "homosexual proclivities."[4] After the war, President Harry Truman ended racial segregation in the military in 1948; yet he and his successor, Dwight D. Eisenhower, simultaneously toughened restrictions on gays in the military. Service members who admitted to being gay or who were convicted of homosexual behavior were dishonorably discharged and stripped of their pensions. By some estimates, discharges during the Cold War increased tenfold.

In the early 1980s, the Pentagon responded to growing challenges—both popular and legal—to its policy by spelling out exactly what it forbid. In 1982, the Department of Defense (DOD) issued a ruling which was added to the Uniform Code of Military Justice. The verdict was unequivocal: "Homosexuality," the first sentence read, "is incompatible with military service." The report said that the presence of gays "seriously impairs the accomplishment of the military mission." It was their very presence, not their behavior, which was at issue: "The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order, and morale."

The new rule meant that a service member could be discharged and denied his or her pension for meeting any one of the so----called SAM conditions: statement of orientation, act or attempt to marry. With the more stringent restrictions in place, the military discharged 2,000 service members in 1982 alone—the most it had ever expelled in a single year. Over the next decade, the DOD dishonorably discharged 17,000 service members for various SAM violations.

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[1] Randy Shilts, *Conduct Unbecoming: Gays and Lesbians in the U.S. Military* (New York: World Publication), 1997, p.11.

[2] The lieutenant, Frederick Enslin, was "drummed out of camp." George Washington, *The Writings of George Washington from the Original Manuscript Sources: Vol. 11*, Electronic Text Center, University of Virginia Library, http://etext.virginia.edu/etcbin/toccer-new2?id=WasFi11.xml&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all, p.5-24, Accessed November 2, 2008.

[3] The resulting public outrage centered not on the Navy's tactics, but on the explicit testimony of the sailors caught in the investigation. Many newspapers refused to disclose the details, calling them "unprintable." John Loughery, *The Other Side of Silence: Men's Lives and Gay Identities, A Twentieth-Century History*, Excerpted in the *New York Times*, September 20, 1998.

[4] Amy Lind and Stephanie Brzuzy, *Battleground: Women, Gender, and Sexuality* (Westport, CT: Greenwood Publishing Group), 2008, p.300-301.

Don't Ask, Don't Tell. One of President Bill Clinton's first acts upon taking office in January 1993 was to fulfill a campaign promise: repeal the ban on gays in the military. Clinton's executive order lifting the ban, however, unleashed a new storm of controversy and the President was forced to compromise. The result was a new policy, known as "Don't Ask, Don't Tell, Don't Pursue," announced in July 1993. It reinstituted the ban on openly gay service members, but barred pre----enlistment questions about sexual orientation. Officers would no longer ask about their subordinates' orientation and, as long as service members didn't tell superiors they were gay, and didn't engage in homosexual acts while on active duty, they were free to serve.

"Don't ask, don't tell" had critics on both the right and left. Conservatives felt Clinton had gone too far, undermining military morale and discipline; liberals felt his order fell short of real reform, and they continued to lobby for full repeal. In practice, the new policy seemed to have little effect, with minimal drop----off in expulsion rates. From 1993----2008, 12,000 people were expelled from the armed forces because of their sexual orientation. (Most of the dismissals happened before 2001. After that year's terrorist attacks and the start of wars in Iraq and Afghanistan, dishonorable discharge numbers dropped sharply.)[5]

Gays and the Media

The news media by and large reflected prevailing social norms in its attitude toward homosexuality. In 1930, for example, the Motion Picture Production Code—or Hays Code— stipulated that "sex perversion" (meaning homosexuality) "or any inference to it is forbidden" on screen.[6] For the next 40 years, the media took a similar approach: It did its best to ignore homosexuality or, if forced to mention it, portrayed it as deviant.

Post----WWII, the stereotypical portrait of gays was harsh. The press described them as security risks who could be easily blackmailed or turned by the enemy. A 1947 *Newsweek* story, "Homosexuals in Uniform," reported that because they were nervous, unstable, and often hysterical, gays were "undesirable soldier material." Gays were also portrayed as psychologically troubled outliers. A 1950 feature on homosexuals in *Time* magazine, for example, was titled "The Abnormal." In describing gays, the early Cold War press included such language as "dirty pansy," "sex deviant" or "neuropsychiatric case."[7]

In the 1960s, society and the media shifted to treating homosexuality as a psychological, rather than security, problem. This began to change when, in 1973, the American Psychiatrists Association revoked its 1952 ruling that homosexuality was a "mental disorder."

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[5] Mark Thompson, "'Don't Ask, Don't Tell' Turns 15," *Time Magazine*, January 28, 2008.

[6] The code also prohibited "attractive" portrayals of adultery as well as miscegenation. http://www.artsreformation.com/a001/hays-code.html Accessed November 23, 2008.

[7] In a seminal study on the subject for Harvard's Shorenstein Center for Press and Politics, writer Lisa Bennett tracked 50 years worth of 20th century coverage in America's two most prominent news weeklies, *Time* and *Newsweek*. Lisa Bennett, *The Perpetuation of Stereotypes in Reporting on Gays and Lesbians: Time and Newsweek: The First Fifty Years*, Shorenstein Center for Press and Politics: Boston, 1998.

It was one of the first coups of the nascent gay rights movement and, as the movement continued to challenge anti---gay discrimination, derogatory language describing gays and lesbians in the press declined dramatically. Though words like "queer," "fag," and "fairy" continued to crop up in media coverage, the press also became a forum and organizational tool for gay activists.

The culture wars. However, with success came steady media setbacks for the growing gay rights movement. It wasn't until 1969 that a major magazine ran a cover story about homosexuality. In 1975, *Time* put a photograph, rather than an illustration, of a homosexual on its cover, a first for the industry. Tellingly, the image was of a gay military officer, Air Force Sergeant Leonard Matlovich, who had won a Purple Heart in Vietnam. The piece, titled "I Am a Homosexual," raised the concern that, as gays became successful in their quest for civil rights, "many other Americans have become alarmed, especially parents… They are especially concerned by the new contention that homosexuality is in every way as desirable as heterosexuality."[8]

Press coverage reflected the fierce social struggle over gay rights and morality. But many gay activists objected that, in striving for balance, news organizations neglected their responsibility to print not just the two sides of the debate, but what they felt was the truth. When quoting politicians who claimed that homosexuality was "not normal," activists felt that journalists had to say more forcefully that those views were inaccurate.[9] Similar comments, they contended, would never be permissible in print if they pertained to African----Americans or Jews.[10]

The rise of "outing"

In February 1990, Malcolm Forbes, a publishing magnate known for his extravagant lifestyle, died at the age of 70. In the weeks after his death, rumors about his sexual orientation began to circulate until a cover story in *OutWeek,* a gay publication, reported what it felt had become an open secret: Forbes had, in fact, been gay. But because Forbes had never revealed this in his lifetime and because the story relied on a number of anonymous sources, the piece kicked up a storm of controversy, as well as soul----searching within the gay community. Should someone who was not publicly gay be "outed" without his or her consent?

The term "outing" was coined by *Time* magazine that year, but the idea itself came out of the early gay rights movement. Originally, "outing"—declaring that you were gay—was a personal decision which was meant to be liberating. Soon, however, some gay activists were calling for mandatory outing for all gays and lesbians under the slogan,

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[8] Lisa Bennett, "The Perpetuation of Prejudice," p.6.

[9] "Your life-style is not normal," South Carolina Senator Strom Thurmond told an audience at a military base in 1993. "It's not normal for a man to want to be with a man or a woman with a woman." Jill Smolowe and Bruce Van Voorst, "Hearts and Minefields," *Time Magazine*, May 24, 1993.

[10] Jack Beatty, "The Last Refuge of the American Bigot," *The Atlantic Monthly*, October 21, 1998.

"out of the closet and into the street." Allowing a gay person to stay in the proverbial closet, they contended, perpetuated a lie and held back the cause of gay rights.[11]

If the public did not know that some of the nation's most respected figures were gay, they argued, gays would continue to be treated as outsiders. "There is no 'right' to the closet," contended activist Michelangelo Signorile, the foremost proponent of outing.[12] If the media reported on the private lives of heterosexual figures, some activists noted, why did they avoid the love lives of homosexuals? Why, for example, had the press reported on the women Forbes had slept with, but not the men?[13]

Others disagreed. Many in the gay community felt that just as there was respect for the privacy of heterosexuals, the media should respect the privacy of gay people, especially those who did not wish to make their private lives public. "Under our system of law," wrote columnist Mike Royko in the *Chicago Tribune*, "an American's home is his castle… So if a secret homosexual's home is his castle, his closet is a nook in that castle, and if he doesn't want to be dragged out of his closet, that's his right."[14] Those opposed to "outing" argued that if a gay person wanted to come out, it should be a personal—not an ideological—decision.[15]

Outing as revenge. Complicating the debate was the fact that "outing" had become a tool of political vengeance and blackmail. Activists began to out politicians they knew to be gay but who were nevertheless voting against gay rights.[16] In 1991, Signorile outed Pentagon spokesman Pete Williams in an *Advocate* article, claiming the move was justified by the Pentagon's contradictory stance: While defense officials tacitly accepted Williams' orientation, they discriminated against rank and file gays in the military.[17] Other outings, however, proved to be smear campaigns. Representative Thomas Foley (D----Wash.), for example, was falsely accused of being gay, and had to go to great lengths to disprove the reports. This, activists feared, perpetuated the notion that there was something wrong with being gay in

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[11] Journalist Andrew Miller wrote: "Since when did telling the truth become taboo? As a journalist, I find it appalling that so many of my colleagues are tripping over each other to justify… the longest on-going media cover-up in the history of the fourth estate: hiding the homosexuality of the rich and famous." *OutWeek*, May 16, 1990.

[12] Michelangelo Signorile, *Queer in America: Sex*, *The Media*, *and the Closets of Power* (Madison: University of Washington Press), 1993, p.363-364.

[13] Randy Shilts, "Is 'Outing' Gays Ethical?" *New York Times*, April 12, 1990.

[14] Mike Royko, "Antsy Closet Crowd Should Think Twice," *Chicago Tribune*, April 2, 1990.

[15] David Tuller, "Uproar over Gays Booting Others out of Closet," *San Francisco Chronicle*, March 12, 1990.

[16] "There is a right to privacy, but not hypocrisy," Barney Frank, a powerful and openly gay Massachusetts Democrat said at the time. "If politicians are gay or lesbian, and then use that against other people, they have forfeited their right to privacy. I resented very much that there were gay Republicans using gayness as an accusation." Dirk Johnson, "Privacy vs. the Pursuit of Gay Rights," *New York Times*, March 27, 1990.

[17] Michelangelo Signorile, "The Outing of Assistant Secretary of Defense Pete Williams," *The Advocate*, August 27, 1991.

the first place. This stand----off was far from resolved when, in March 2008, the *Washington Post* found itself facing a tricky editorial decision.

A News Tip

In early March 2008, *Washington Post* reporter Anne Hull received an email from Sharon Alexander, the deputy director for policy at the Servicemembers Legal Defense Network (SLDN), an activist organization working for the repeal of "don't ask, don't tell." Alexander offered a news tip: the death of someone she claimed was the first openly gay officer in Iraq. Army Major Alan Rogers, she said, had also been a Washington----area resident.

This, Alexander wrote, was more than the story of a local soldier dying in the war. Because Rogers was a decorated officer, Alexander believed that a news report about his death could have important policy implications.[18] Alexander said that she and Rogers' friends had struggled with whether or not to take the story to the media, but eventually decided that they could trust the *Post* to write a full and balanced story about the entirety of Rogers' life.[19] Rogers would be buried with full military honors at Arlington National Cemetery later that week—on Friday, March 14—and Alexander suggested that Hull attend the service and write about Rogers.

When Hull followed up with her on the phone, Alexander said SLDN wanted to give the *Post* first crack at the story, but if they didn't want it, Alexander said the organization would approach the *New York Times* instead. Hull, who had recently written about the firing of a gay Army linguist, was intrigued. But she was on leave, so she passed the original email on to an editor at the *Post*, Metro Editor R.B. Brenner, and let Alexander know.[20]

On the afternoon of Thursday, March 13, the tip landed on the desk of Patti Davis, an editor on the *Post*'s Metro desk. The *Post* covered every Arlington Cemetery funeral of a service member who died in Iraq, and was planning to cover this one. But the information on Rogers' sexual orientation suggested the possibility of writing a more extensive article that delved into the complexity of a decorated soldier who apparently led a double life.

While there were many secretly gay soldiers serving and dying in Iraq, none could be open while on active duty. Yet SLDN had described Major Rogers as the highest ranking, openly gay casualty of the war. Davis talked to her Metro colleague, Brenner, about the potential story. Both found it intriguing. Davis assigned the story to Donna St. George, an enterprise reporter. Davis felt that St. George, who specialized in human interest stories and

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[18] Author's interview with Sharon Alexander, October 27, 2008, in New York, NY. All further quotes from Alexander, unless otherwise attributed, are from this interview.

[19] Author's interview with Donna St. George, October 1, 2008, in Washington, DC. All further quotes from St. George, unless otherwise attributed, are from this interview.

[20] Author's interview with Anne Hull, October 20, 2008, in New York, NY. All further quotes from Hull, unless otherwise attributed, are from this interview.

had written about the military, would be able to handle this thorny issue with sensitivity and respect. If the reporting came together, they planned to run the story that Saturday, March 15, the day after the burial.

St. George gathered as much material as she could before the service, which was scheduled for Friday morning. By the time she had the assignment, however, it was already late Thursday afternoon. Starting with leads from Alexander at SLDN, St. George began making preliminary phone calls to Rogers' family and friends but discovered fairly quickly that Rogers had no surviving family or a partner to speak for him; his parents had died two weeks apart in 2000, and he had been an only child. "It was very slow going," says St. George. "There were not a lot of people who could develop the story line, so I ended up working late into the night that Thursday, and going to the service the next day with not that much material."

The Arlington Ceremony

The next morning, St. George went out to Arlington National Cemetery to report on the Rogers funeral. It was a traditional military ceremony, with taps and a three----volley salute over his flag----draped coffin. Rogers' Defense Department colleagues spoke movingly about the deceased. He was, they said, the best and the brightest among them. St. George estimated that at least 150 people, both military and civilian, gathered to bury Alan Rogers.

She also couldn't help noticing that no one spoke about Rogers' sexuality. "I went into the story being told that he was an openly gay service member," St. George recalls. "And I guess you wouldn't really expect it to be discussed at his service, but it wasn't discussed, and there wasn't anyone who was in the military who talked to me about that at the service." St. George talked to as many people as she could, but felt it inappropriate to pry into Rogers' sexual orientation at his funeral, especially since no one seemed to be volunteering the information. "It's a very somber occasion and people are grieving," St. George says.

> And the real issue at that moment is mourning the loss of a man people cared about. So exploring his sexual orientation was not something that was possible, or easy, or appropriate to do at that moment in time.

Instead, St. George recorded the eulogies delivered by Rogers' friends and colleagues and gathered contact information. One of the people she met was Mark Nadel. When Rogers was pursuing a master's degree at Georgetown University four years prior to his death, Nadel had been his thesis adviser. Remembering Rogers as a student, Nadel told St. George: "[I thought] this is a guy I'm going to hear from in 10 years, and he's going to be a general."[21]

[21] Donna St. George, "Army Officer Remembered As Hero: Friends, Fellow Soldiers Mourn Loss of 'Extraordinary' Man," *Washington Post*, March 22, 2008, p.B03.

Who else is there? That afternoon, St. George returned to the *Post*'s downtown offices. She was frustrated because, despite the many friends and colleagues she had seen at the funeral, she had come no closer to finding someone who could definitively speak for Rogers. She approached Davis, her editor, to say that she did not have enough reporting for the story to run the next day. There was, however, going to be a memorial held at a local bed & breakfast where Rogers' friends had held a redeployment party for him before his final tour in Iraq. Davis and St. George decided that St. George should attend the gathering to do some more reporting. They would hold the piece until Sunday.

At the Inn

In the relaxed atmosphere of the bed & breakfast, St. George was able to have more candid conversations than in the formal, somber surroundings of Arlington Cemetery. People were eating and drinking and, most importantly for St. George, reminiscing about Rogers. Though a reporting team for National Public Radio's "Morning Edition" had been at the party earlier that evening, they were interested not in Rogers' sexuality, but that his death coincided with the 4,000th American combat death in Iraq.

St. George spoke to Rogers' local friends, some of whom identified themselves as gay and who told her that Rogers had been active in the Washington gay community. He had served as the treasurer and membership coordinator of American Veterans for Equal Rights, or AVER, a gay veterans' rights group. Tony Smith, Rogers' friend and a fellow AVER officer, recalls telling St. George about Rogers' zeal in organizing AVER membership drives.[22]

Though many people spoke to her that night about Rogers' life, what emerged wasn't a uniform picture. St. George talked at length with Shay Hill, Rogers' college roommate and the beneficiary of his will. Hill said he had known about and accepted Rogers' sexuality, but he did not volunteer any additional information on that part of Rogers' life. Hill lived in Florida and was not part of the circle of Rogers' gay friends in Washington. Hill said that Rogers did not share information about his sexual orientation with everyone in his life. Instead, he decided whom to tell and when on a case----by----case basis. For St. George, this still left unanswered the question of whether he would have wanted to be identified as gay in a newspaper article.

St. George also spoke to Cathy Long, Rogers' cousin and closest surviving family member. Long had been given the flag that had draped Rogers' coffin, but had learned that Rogers had been gay only after his death. She talked about how Rogers had been ordained as a Baptist minister at his church in Florida. As far as his sexual orientation, "[s]he didn't

[22] Author's interview with Tony Smith, October 1, 2008, in Pentagon City, VA. All further quotes from Smith, unless otherwise attributed, are from this interview.

really have anything to add to that, or to develop that part of his life at all," St. George recalls.

> In fact, she expressed some reluctance about that issue… [I]t did matter that there wasn't anyone in the family to discuss that issue or to talk, most importantly, about what his wishes were.

What did Rogers want?

St. George stayed at the bed & breakfast far into the night, and the longer she stayed, the larger one question loomed in her mind: Would Alan Rogers have wanted to be publicly identified as gay in the event of his death? This was, after all, a central consideration in the *Post*'s general standard for determining whether a person should be identified as gay in its pages. However, because Rogers had died without making his wishes on the subject known, she was left to piece things together. It was no easy task. Going to gay bars and being open with certain friends was one thing, but publishing Rogers' sexual orientation in one of the nation's most widely read newspapers was another. "This is a private, personal matter," St. George thought at the time, "and we need to know that someone has a wish to have this published in the *Washington Post* and told in a story for a million people, or not."

At one point in the evening, St. George approached the evening's organizer and Rogers' close friend, Tami Sadowski. Sadowski, a Maryland realtor, had been helping Rogers scout for a place to live after his return from the war. At the end of his deployment, Sadowski said, Rogers had planned to retire from the Army and work as a military contractor because contractors did work similar to active duty personnel, yet were paid significantly more and could be open about their sexuality.[23]

Knowing that Sadowski and Rogers had been close—Rogers had stood as "man of honor" at Sadowski's recent wedding—St. George decided to broach the issue: Did Rogers want to be identified as gay after his death? "I asked her, 'Did you ever have a conversation with him? How do you know… what he wanted?'" St. George recalls. "And she said, 'I wish I could be sure. I feel like it's what he wanted because I think that he was going to retire from the military at some point so that he could live more openly. So, taking those ideas together, I feel this is what he wanted.'" This did not help St. George. "It was [his friends'] guess of what [Rogers] wanted, and it wasn't anyone who had a conversation saying this is what he wanted," she says. St. George asked several others the same question, and received similar answers.

But if Rogers' preference was murky, one thing was clear: He had been a warm and engaging human being. St. George was "very struck by how many people felt like they were his best friend, who felt like he had this incredible gift for listening to people, for

[23] Ben McGrath, "A Soldier's Legacy," *The New Yorker*, August 4, 2008.

making people feel like they were the only person in the world, in his life," she says. Each person she talked to claimed to have known Rogers best, to have been his adopted family. But ultimately they were all just friends. Moreover, their accounts of Rogers' wishes were not consistent. Different people had different understandings of how open and comfortable Rogers had been with his sexuality as an ambitious, active----duty officer.

St. George left the party no closer to an answer. The next morning, she sat down to try to make sense of it in a story for Sunday's paper.

Who was Alan Rogers?

Details of the biographical sketch were relatively easy to fill in. Alan Rogers was born in New York City in 1967. When he was three, Alan was adopted by George and Genevieve Rogers, a devout, working----class African----American family from the South Bronx. His family moved to Florida when he was nine. After high school, Rogers attended a local community college before enlisting in the Army. Rogers deployed for his first tour of combat duty in December 1990 as a chaplain's assistant in the first Gulf War.

On his return to the US Rogers, with the help of an ROTC scholarship, enrolled at the University of Florida. There he met Shay Hill, who became his close friend and roommate. Rogers graduated in 1995 with a bachelor's degree in theology, and was ordained a Baptist minister through his local church. The same year, he accepted a commission from the Army and, while stationed in Arizona, earned a master's degree in organizational management at the University of Phoenix before going on to serve in South Korea.

Throughout his life, Rogers seemed to excel both as a soldier and a scholar. When his first tour in the Iraq War was over, in 2004, he was chosen as part of an elite group of Army officers to participate in a two----year program that included a public policy master's (his second graduate degree) at Georgetown University, as well as a prestigious internship at the Joint Chiefs of Staff. After graduating, Rogers was eventually hired as the lead biometrics officer in Army Intelligence, working on cutting----edge, sensitive biometric technology used for counterinsurgency warfare. The sector was rife with politics and notoriously hard to manage, but Rogers' calm, measured intellect was in demand, and he became a highly valued member of the team.

Untangling the details of Rogers' personal life was more challenging. Soon after his 2004 move to Washington, DC, Rogers joined AVER. Within six months of joining, Rogers was elected treasurer and membership coordinator. He seemed to have been active in the city's gay scene. But though Rogers had scores of close friends, he led a compartmentalized life. He did not often speak of his love life and he had, as Alexander puts it, "pockets of friends"; many of Rogers' friends did not know each other or of each other's existence. Rogers' Defense Department colleagues, even those with whom he was friendly, for example, did not know that he was gay.

Rogers' Georgetown thesis presented another problem. His gay friends invoked the thesis, which dealt with the "don't ask, don't tell" policy, as proof of Rogers' openness. But because it was technically a capstone paper and not a thesis, it had not been kept on file and St. George could not locate a copy of it. When she reached Professor Nadel, Rogers' adviser, he told her that the paper was about the effect of the "don't ask, don't tell" policy on the Army's recruitment and retention rates, not on whether the policy was justified. St. George tried to gauge whether the thesis did in fact suggest Rogers' openness by asking Nadel if Rogers had been especially passionate about the topic. Nadel said that he hadn't been.[24]

Rogers redeployed to Iraq in late 2007. Stationed in Baghdad, he was embedded with a unit of Iraqi soldiers whose training he supervised. On January 27, 2008, Rogers was out on a morning patrol when his Humvee drove past a guardrail rigged with an IED (Improvised Explosive Device). Rogers, 40, was killed on the spot.[25] He was two weeks away from going home on leave to stand as best man at Hill's wedding. "As God would have it," his commanding officer wrote to his family in a letter, "he shielded two men who probably would have been killed if Alan had not been there."[26]

But while the biography was fairly easy to write, St. George was still unresolved about the question of Rogers' sexual orientation. Should she identify Rogers as gay?

What to Write

By Saturday afternoon, St. George was wrestling with a draft of the article. In her evolving draft, she identified Rogers as an accomplished officer who navigated a risky line between his private life and the government's ban on being openly gay. She also mentioned Rogers' leadership role in AVER. But St. George had reservations. For one thing, she remembered that SLDN's Alexander had mentioned that Rogers' friends had agonized for weeks over whether to bring the story to the media's attention. If Rogers had been as openly gay as Alexander and others said, why had they hesitated to make his story public? Did their initial reluctance indicate a suspicion that, perhaps, it was not so clear----cut? Moreover, at the funeral Rogers' military colleagues had not seemed to know he had been gay. St. George observed that some soldiers "who were his peers, who were officers… were surprised as they began to put together that part of his life," she recalls.

Early in her career, St. George had spent 19 months writing obituaries for the *Philadelphia Inquirer* but she had never come across a case like this. Now in her third day of

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[24] Author's interview with Mark V. Nadel, October 15, 2008, in New York, NY. All further quotes from Nadel, unless otherwise attributed, are from this interview.

[25] "It's pretty unusual for someone of that rank to get killed," says Nadel of students in the Master of Policy Management Program at Georgetown. "By the time they redeploy to Iraq, most of them are majors. That's a pretty high rank and so they're not typically on patrol. [Rogers] was, unfortunately." As of spring 2008, Rogers was the first and only graduate of the program to be killed in action.

[26] Donna St. George, "Army Officer Remembered As Hero."

reporting the story, there was still no clarity on Rogers' wishes: As an active----duty officer, would he have wanted his sexual orientation mentioned in his obituary? Rogers' membership in AVER indicated that he cared deeply about a gay----rights issue, but that fact "was not enough to take us over the threshold" of proving that he wanted his orientation published in the paper, St. George says.

On Saturday afternoon St. George messaged Lynn Medford, a Metro editor who ran the desk on Saturdays. St. George explained that she had a draft of the story but wasn't sure about identifying Rogers as a gay officer. On reading the story, St. George wrote, some readers might feel that the *Post* was outing Rogers because there still was no proof she could find that Rogers would have wanted this information made public. How did Medford feel about that? Medford, who had originally wanted to go with the story, agreed that the *Post* had a problem. "My first instinct was, well, the *Post* has a 'no outing' rule," recalls Medford. "But in this case, the problem was more that we didn't know [Rogers'] wishes. And who were we to speak for the dead?" comments Medford.[27]

Medford went to see St. George in person and, after discussing the issue, they agreed that the missing part of the puzzle--------Rogers' own wishes—was too important to allow the story to go to print without further discussion. Says St. George:

> We felt like, in some form, it had to come from him. It was his private life, and it needed to come from him. Whether it was a friend who had a long, deep conversation, or it was a family member who knew this is what he wanted, or it was a partner who lived with him or shared some part of his life with him who could speak to that and say, yeah, the only reason he didn't disclose this was because there were ramifications for his career, but otherwise, he would have loved to have disclosed this and he would want to be remembered upon his death in this way.

There was also the fact, Medford says, of "activists bringing their politics into it" and posthumously turning Rogers into a political cause célèbre. Would Rogers have agreed to be used this way, even for a cause he believed in? Medford and St. George decided that this was not an issue they could solve alone and held the story until they could have a wider conversation about it during the week.

Deliberating

Medford was off Sunday and Monday, so a meeting was called for Tuesday afternoon. St. George and three editors, including Medford and Brenner, the editor who had passed

[27] Author's interview with Lynn Medford, October 13, 2008, in New York, NY. All further quotes from Medford, unless otherwise attributed, are from this interview.

on the original tip, gathered in the office of Robert McCartney, the assistant managing editor in charge of metropolitan news. Metro Desk Editor Davis participated by speakerphone.

St. George summarized the situation and McCartney, who had been alerted to the rough outline of the story over the weekend, asked the questions St. George had been asking herself all weekend: "What do the people who know him say? Was there a partner? Was there a partner? What about his family?"[28] Though the *Post* had established guidance for printing someone's sexual orientation when the subject was alive (relevance to the article plus consideration of the subject's wishes) it did not squarely address a situation where there was no way to ascertain the person's wishes after death. With six journalists in a room, St. George says, the discussion was "ping---ponging all over the place." McCartney asked, "Is anybody asking us not to publish the story?" No, replied St. George. Shay Hill, Rogers' beneficiary, did not actively oppose it.

At that, McCartney felt that the story should run. "It was newsworthy," he says. Rogers was believed to be the "highest ranking gay combat casualty in Iraq. And there was a public policy reason for running it, which was how this guy led this double life in the military. So I was eager to run it at that point." At the same time, McCartney was concerned that outing Rogers posthumously without his consent presented an ethical and possibly legal dilemma. The Tuesday meeting ended with the Metro editors no closer to a decision. They agreed to consult the *Post*'s general counsel, Eric Lieberman.

The lawyer. St. George contacted Lieberman and spoke to him on Wednesday morning. Lieberman told her that the fact that Rogers' beneficiary was not actively opposing publication didn't resolve the issue: It was not Hill's decision. Lieberman said that this was not a legal issue, but an ethical one, to be decided using journalistic judgment. In the end, Lieberman advised against identifying Rogers as gay in the article. St. George summarizes Lieberman's advice to her editors: "He votes no [because] we don't know enough about his wishes, and if we're wrong it's irreparable."

McCartney's memo. The team was no closer to a decision than it had been going into the weekend. Meanwhile, it had been five days since the Arlington burial and some of St. George's sources were calling to ask when the story would run.

McCartney raised the issue with Leonard Downie, Jr., the paper's executive editor. McCartney felt that the piece should run as written—meaning it did identify Rogers as gay. Late on Wednesday, McCartney sent Downie a memo about the situation. McCartney felt it was clear that Rogers was gay and should be identified as such, and that any doubt about his openness came not from Rogers but from the military's injunction on openly gay people serving in its ranks.

[28] Author's interview with Robert McCartney, October 1, 2008, in Washington, DC. All quotes from McCartney, unless otherwise attributed, are from this interview.

Rogers, McCartney wrote, "led a carefully divided life, keeping his sexual orientation secret in the army but quietly supporting organizations that battle 'don't ask, don't tell.'" His actions outside the service, especially his AVER membership, McCartney explained, proved Rogers' real intentions: "He served for a year as an officer in the organization, he wrote his thesis on the subject. His [retired] gay military friends and acquaintances would like him to be identified as gay. We believe that the executor of Rogers' will, who is also heir to his estate, does not oppose publication."

In his memo to Downie, McCartney also acknowledged that some pieces were still missing. "We haven't asked [the heir] directly [about publishing this information] but we can do so," he wrote. After assuring Downie that St. George and her editors would check into any possible consequences to Rogers' estate should his sexuality be made public, McCartney concluded with a firm recommendation:

> To my mind, the fact that he was an officer and volunteer for the gay/lesbian veterans organization suggests he was comfortable about being identified as gay. More importantly, I think the unknowable risk of dishonoring Rogers' desires and thus committing an ethical violation is outweighed by the news value and public policy importance of describing how a senior Army officer with a promising career led a double life because of the US military's controversial secrecy policy regarding homosexuals. I recommend publishing it, balancing these two competing things.

On Downie's Desk

On receiving McCartney's memo, Downie called a meeting with him, St. George, and the other editors. In Downie's office, they briefly laid out the case. As Downie considered the situation, he had his own questions. Where was the evidence, he wondered, that Rogers even *was* gay? Just because he had gay friends and was part of a gay rights group was not proof enough. Downie knew that the *Post*'s stylebook addressed this issue directly:

> A person's sexual orientation should not be mentioned unless relevant to the story… Not everyone espousing gay rights causes is homosexual. When identifying an individual as gay or homosexual, be cautious about invading the privacy of someone who may not wish his or her sexual orientation known.[29]

In this case, Rogers' sexual orientation as an active----duty officer was clearly relevant, but was it true? What if he hadn't been gay and the *Post*, prompted by an advocacy group with a clear agenda, outed the wrong man? "I'm a member of the Gay and Lesbian Journalists Association," Downie says. "I'm a member of the National Association of Black Journalists. I'm a member of the Hispanic Journalists Association. I'm a member of the Asian Journalists

[29] As quoted in Deborah Howell, "Public Death, Private Life," *Washington Post*, March 30, 2008, p.B06.

Association, and I'm none of those things. I belong to them because I believe in those journalists, and I believe in the issues that those organizations were formed for. So I knew that he cared about that issue. That did not prove to me that he was gay."[30]

A paper of record. On the other hand, what was a reasonable standard for verifying someone's sexual orientation? St. George was a sensitive and seasoned reporter, and she had no real doubts that Rogers had been gay. If St. George excised all mention of Rogers' sexuality, and if Rogers was in fact gay, publishing a story without mentioning that fact could be viewed as a major omission.

This bothered Downie on a number of levels. "We're nationally and internationally looked to as a newspaper of record," Downie says, "so what we publish is significant." But the *Washington Post* was a local paper, too. It had one of the highest local circulation figures in the country. "We know from all the feedback from our readers that readers care a lot about what we publish and they care a lot about the nature of the newspaper that comes into their houses," Downie says. Publishing an incomplete or inaccurate story could hurt the *Post*'s reputation, both nationally and locally.

Furthermore, it seemed unlikely that such an omission would go unnoticed. Downie, who encouraged coverage of gay issues and who had many gay reporters and editors on staff, knew that a story like this would be read closely in the gay community. What the story said, or did not say, could well spark controversy. Downie would have to decide shortly what to do with the Rogers story.

[30] Author's interview with Leonard Downie, October 1, 2008, in Washington, DC. All further quotes from Downie, unless otherwise attributed, are from this interview.