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**THE REPORT OF THE DEPARTMENT OF DEFENSE
WORKING GROUP THAT CONDUCTED A
COMPREHENSIVE REVIEW OF THE ISSUES
ASSOCIATED WITH A REPEAL OF SECTION
654 OF TITLE 10, U.S.C., "POLICY CONCERNING
HOMOSEXUALITY IN THE ARMED FORCES"**

HEARINGS

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

DECEMBER 2 AND 3, 2010



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FORCES”**

THURSDAY, DECEMBER 2, 2010

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:04 a.m. in room SDG-50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Bill Nelson, E. Benjamin Nelson, Bayh, Webb, McCaskill, Udall, Hagan, Begich, Bingaman, Manchin, Coons, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, and Collins.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Gabriella E. Fahrner, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Jason W. Maroney, counsel; Michael J. Noblet, professional staff member; John H. Quirk V, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Christian D. Brose, professional staff member; Michael V. Kostiw, professional staff member; David M. Morriss, minority counsel; Lucian L. Niemeyer, professional staff member; Diana G. Tabler, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles, Kathleen A. Kulenkampff, Christine G. Lang, and Brian F. Sebold.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Jeffrey Fatora, assistant to Senator Bill Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Tressa Guenov, assistant to Senator McCaskill; Jennifer Barrett, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Lindsay

Kavanaugh, assistant to Senator Begich; Joanne McLaughlin, assistant to Senator Manchin; Halie Soifer, assistant to Senator Coons; Anthony Lazarski, assistant to Senator Inhofe; Sandra Luff, assistant to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; Erskine Wells III, assistant to Senator Wicker; Brian Walsh, assistant to Senator LeMieux; and Scott Schrage, assistant to Senator Brown.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets this morning to receive testimony on the Department of Defense's (DOD) comprehensive review of the issues associated with the repeal of Don't Ask, Don't Tell (DADT). We will hear from Defense Secretary Gates and Chairman of the Joint Chiefs Admiral Mullen, as well as the Co-Chairs of DOD's Working Group on this issue, DOD General Counsel Jeh Johnson and General Carter Ham. Tomorrow we will hear from the Vice Chairman of the Joint Chiefs and the Service Chiefs on this report.

To examine this issue, DOD launched an unprecedented effort to seek the views of our troops and their families. Mr. Johnson, General Ham, your approach and the report that you have delivered are evenhanded and respectful. You were given a very tough job and your performance is of great value to our country.

Today's hearing is part of the committee's own review of this issue, which has been before us for nearly a year. Secretary Gates and Admiral Mullen testified at a hearing on this policy on February 2, 2010. Each of the Service Chiefs were asked for their views during annual hearings on the defense budget in February and March, and on March 18, 2010, the committee heard testimony from outside experts in support of and in opposition to the policy.

Both the House of Representatives and this committee have approved legislation that would repeal the statute underlying DADT if the President, the Secretary of Defense, and the Chairman of the Joint Chiefs certify to Congress that all of the following conditions have been met:

First, they've considered the recommendations contained in the Working Group report and the report's proposed plan of action;

Second, DOD has prepared the necessary policies and regulations to implement a repeal of DADT; and

Third, the implementation of these policies and regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

Upon such certification, repeal would take effect after 60 days, a period during which Congress could review DOD's action.

This provision is included in the National Defense Authorization Act (NDAA) for Fiscal Year 2011, approved by this committee, and it is my hope that the Senate will shortly take up this legislation.

The requirement for the certification by the President, the Secretary of Defense, and Chairman of the Joint Chiefs is a key element of this legislation, as it ensures that a repeal of this policy would be conducted in an orderly manner, with adequate opportunity to prepare for a change. This certification requirement, as

well as the 60-day period before repeal takes effect, were included at the initiative of our late esteemed colleague, Senator Byrd.

Attitudes in the Nation and our military have shifted in the years since the adoption of DADT in 1993. The report before us provides important new evidence that the time for a change has come. It demonstrates that for the vast majority of our troops this change would be no big deal. They believe we can open our military to service by gay and lesbian servicemembers who would no longer have to conceal their sexual orientation and that we can do so without reducing our military effectiveness. A large percentage of troops say that they have already served with gay and lesbian coworkers who were effective members of their units.

Secretary Gates has spoken eloquently on why decisions such as this are not subject to a referendum of servicemembers, and I would add that if referenda were the basis for decisions on who can serve, President Truman would not have racially integrated the Armed Forces in 1948, when, as the Working Group's report points out, 80 percent or more of servicemembers opposed racial integration.

In this case, while there has been no referendum, the Working Group's review gives us persuasive evidence that repeal is not a problem for most troops. As the Co-Chairs wrote in this report, "If the impact of repeal was predominantly negative, that would have revealed itself in the course of our review."

A change in policy, while needed, will not be without its challenges. The report provides important and useful recommendations to address those challenges. I support these recommendations which focus on the importance of leadership, training, and education.

But in my view, one of the most striking findings of this report relates to the experiences of servicemembers themselves. An overwhelming 92 percent of troops who have worked with a gay or lesbian coworker say there was no negative effect on their unit. The message here is that when troops have actually worked with someone that they believe is gay or lesbian, they learn that those troops can get the job done.

As the report states, "Both the survey results and our own engagement of the force convinced us that when servicemembers had the actual experience of serving with someone they believed to be gay, in general, unit performance was not affected negatively by this added dimension." The report also states that, "Much of the concern about open service is driven by misperceptions and stereotypes about what it would mean if gay servicemembers were allowed to be open about their sexual orientation and we conclude that these concerns about gay and lesbian servicemembers who are permitted to be open about their sexual orientation are exaggerated and not consistent with the reported experiences of many servicemembers." In other words, real world experience is a powerful antidote to the stereotypes that are a major source of the discomfort that some feel about ending DADT.

Repeal of this policy would bring our military in line with some of our closest allies, including Great Britain and Canada. DOD's review found that resistance to openly gay and lesbian servicemembers among troops in those countries was much higher at the

time they changed their policies than it is in our military today. But they changed their policies and, as the Working Group found, “the actual implementation of change in those countries went much more smoothly than expected, with little or no disruption.”

Most important, ending this discriminatory policy is the right thing to do. DADT is an injustice to thousands of patriotic Americans who seek only the chance to serve the country they love without having to conceal their sexual orientation. Anyone who believes that maintaining this policy is necessary to preserve our military’s fighting effectiveness should read this report.

Time and time again throughout our history, our military has overcome obstacles to reflect the diversity of American society, and in doing so our military has helped strengthen the fabric of our society while keeping us safe.

We can end DADT and maintain our military strength, respect our troops and their families, allow patriotic Americans to serve their country without regard to sexual orientation, and uphold the principle that service and advancement in our military are based on merit alone.

Again, I thank the witnesses for their impressive work, and I call upon Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman. Let me also thank our distinguished witnesses for their service to our Nation. I know that many people in DOD and in our armed services devoted countless hours in the preparation of this report, especially General Ham and Mr. Johnson. I’d like to thank them for their hard work.

Today’s hearing will consider a complex and often emotional subject, the proposed repeal of the current law, commonly referred to as DADT, which evokes strongly-held and legitimate differences of opinion among many Americans. It’s no different among the U.S. military, as the Pentagon’s report demonstrates.

However, I think we can all agree on a few facts as we begin this important hearing. We can all agree that our military today is the most effective, most professional, and arguably the most experienced force that our Nation has ever had. We can all agree that we appreciate and honor the service of every American who wears the uniform of our country, as well as their families, especially during this time of war, regardless of whether they are straight or gay.

Finally, I think we can all agree, and I certainly would, that this capable, professional force of ours could, I emphasize, could, implement a repeal of DADT if ordered to, just as they so ably and honorably do everything else that is asked of them.

What I want to know, and what is Congress’ duty to determine, is not can our Armed Forces implement a repeal of this law, but whether the law should be repealed. Unfortunately, that key issue was not the focus of this study. It is, however, the fundamental question that must be answered by Congress, not by the President or the courts, but by Congress. It is a question that must be answered carefully, deliberately, and with proper consideration for the complexity of the issue and the gravity of the potential consequences for our military and the wars in which we are engaged.

DOD has had 10 months to complete this report and the RAND study that accompanies it. Together these reports and supporting documentation contain over 1,500 pages of data, material, and analyses. The members of this committee received it 36 hours ago and my staff and I are still going through it and analyzing it carefully, including the more than 72,000 comments that our servicemembers provided to the Working Group.

What I can say now, however, is that in addition to my concerns about what questions were not asked by this survey and considered in this report, I'm troubled by the fact that this report only represents the input of 28 percent of the force who received the questionnaire, and completely leaving out numerous servicemembers in combat areas. That's only 6 percent of the force at large. I find it hard to view that as a fully representative sample set, but I'm nonetheless weighing the contents of this report on their merits.

What appears clear at this time is that the survey and anecdotal data underlying this report do not lead to one unequivocal conclusion, which is no surprise considering the complex and difficult nature of this issue. So, for example, I recognize that of those surveyed who report having worked with a gay servicemember, 92 percent said their unit's ability to work together was not negatively affected. Among those in Army combat units, 89 percent of respondents felt that way, as did 84 percent of respondents in Marine combat units.

However, we also learn that of those surveyed, 30 percent of the total, 43 percent of the Marines, 48 percent of Army combat units, and 58 percent of Marine combat units, believe that a repeal of the law would have a negative or very negative impact on their units' ability to work together to get the job done.

Furthermore, 67 percent of Marines and nearly 58 percent of Army combat units believe that repeal of the law would have negative consequences on unit cohesion in a field environment or out at sea.

This is supplemented by comments like these: "I believe this is not the time for us to make huge changes in the military. We're at war and our men and women overseas do not need any more distraction. This issue should be addressed at the appropriate time. That time is not now."

I remain concerned, as I have in the past and as demonstrated in this study, that the closer we get to servicemembers in combat, the more we encounter concerns about whether DADT should be repealed and what impact that would have on the ability of these units to perform their mission. These views should not be considered lightly, especially considering how much combat our force is facing.

Additionally, I am concerned about the impact of a rush to repeal when even this survey has found that such a significant number of our servicemembers feel that it would negatively impact military effectiveness.

As we move forward with our discussion on this matter, I hope that everyone will put aside political motives and agendas. I also hope that everyone on both sides will refrain from questioning people's integrity. Finally, I hope that everyone will recognize that this

debate is focused on our military and its effectiveness, not on broader social issues being debated in our society at large.

This is a complex and important issue that could have significant repercussions for our force, a force that is engaged in its 10th straight year of sustained combat, and a force that is performing exceptionally well. At this time, we should be inherently cautious about making any changes that would affect our military and what changes we do make should be the product of careful and deliberate consideration.

I'm not saying that this law should never change. I am simply saying that it may be premature to make such a change at this time and in this manner without further consideration of this report and further study of the issue by Congress. For of all the people we serve, one of our highest responsibilities is to the men and women of our armed services, especially those risking their lives in combat.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.
Secretary Gates.

**STATEMENT OF HON. ROBERT M. GATES, SECRETARY OF
DEFENSE**

Secretary GATES. Mr. Chairman, Senator McCain, members of the committee: This past Tuesday, DOD released the report of the high-level Working Group that reviewed the issues associated with the potential repeal of the DADT law and, based on those findings, develop recommendations for implementation. The report's findings reflect nearly 10 months of research and analysis along several lines of study, and report the most thorough and objective review ever of this difficult policy issue and its impact on the American military.

First the group reached out to the force to better understand their views and attitudes about the potential repeal of the DADT law. As I said on Tuesday, and it is worth repeating again today, this outreach was not a matter of taking a poll of the military to determine whether the law should be changed. The President of the United States, the Commander in Chief of the Armed Forces under the Constitution, made his position on this matter clear, a position I support. Our job as the civilian and military leadership of DOD has been to determine how best to prepare for such a change should Congress vote to change the law.

Nonetheless, I thought it critically important to engage our troops and their families on this issue, to learn the attitudes, obstacles, and concerns needing attention, as ultimately it will be they who will determine whether or not such a transition would be successful.

This outreach included a survey questionnaire answered by tens of thousands of troops and their families, which Mr. Johnson and General Ham can address in more detail. In summary, a strong majority of those who answered the survey, more than two-thirds, do not object to gay and lesbians serving openly in uniform. The findings suggest that for large segments of the military, with the exception of some combat specialties, the repeal of DADT, though

potentially disruptive in the short-term, would not be the wrenching, traumatic change that many have feared and predicted.

Second, the Working Group also examined thoroughly all the potential changes to DOD's regulations and policies. As the Co-Chairs will explain, the majority of concerns often raised in association with the repeal—dealing with sexual conduct, fraternization, billeting arrangements, marital or survivor benefits—could be governed by existing laws and regulations. Existing policies can and should be applied equally to homosexuals as well as heterosexuals. The key to success, as with most things military, is training, education, and above all strong and principled leadership up and down the chain of command.

Third, the Working Group examined the potential impact of a change in the law on military readiness, including the impact on unit cohesion, recruiting and retention, and other issues critical to the performance of the force. In my view, getting this category right is the most important thing we must do. The U.S. Armed Forces are in the middle of two major overseas campaigns, a complex and difficult drawdown in Iraq and a war in Afghanistan.

The Working Group concluded that overall, and with thorough preparation, there is low risk from repealing DADT. However, as I mentioned earlier, the survey data showed that a higher proportion—between 40 and 60 percent—of those troops serving in predominantly all-male combat specialties—mostly Army and Marines, but including the special operations formations of the Navy and the Air Force, predicted a negative effect on unit cohesion from repealing the current law.

For this reason, the uniformed Service Chiefs are less sanguine than the Working Group about the level of risk of repeal with regard to combat readiness. The Service Chiefs will have the opportunity to provide their expert military advice to Congress tomorrow, as they have to me and to the President. Their perspective deserves serious attention and consideration as it reflects the judgment of decades of experience and the sentiment of many senior officers.

In my view, the concerns of combat troops, as expressed in the survey, do not present an insurmountable barrier to a successful repeal of DADT. This can be done and it should be done without posing a serious risk to military readiness. However, these findings do lead me to conclude that an abundance of care and preparation is required if we are to avoid a disruptive and potentially dangerous impact on the performance of those who are serving at the tip of the spear in America's wars.

I will now outline my recommendations for the way ahead. Earlier this year, the House of Representatives passed legislation that would repeal DADT after a number of steps take place, the last step being certification by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs, and that the new policies and regulations were consistent with the U.S. military's standards of readiness, effectiveness, unit cohesion, and recruiting and retention. Now that we have completed this review, I strongly urge the Senate to pass this legislation and send it to the President for signature before the end of the year.

I believe this has become a matter of some urgency because, as we have seen in the past few months, the judicial branch is becoming more involved in this issue and it is only a matter of time before the Federal courts are drawn, once more, into the fray. Should this happen, there is the very real possibility that this change would be imposed immediately by judicial fiat, by far the most disruptive and damaging scenario I can imagine and the one most hazardous to military morale, readiness, and battlefield performance.

Therefore, I believe it is important, as Senator McCain put it in his opening remarks, that the question of whether the law should be repealed is a matter for Congress to decide. I believe the change should come via legislative means, that is, legislation informed by the review just completed. What is needed is a process that allows for a well-prepared and well-considered implementation, above all, a process that carries the imprimatur of the elected representatives of the people of the United States. Given the present circumstances, those who choose not to act legislatively are rolling the dice that this policy will not be abruptly overturned by the courts.

I believe it would be unwise to push ahead with implementation of repeal before the force can be prepared for this change. The Working Group's plan, with its strong emphasis on education, training, and leader development, provides a solid road map for a successful full implementation of the repeal. DOD has already made a number of changes to regulations that within existing law, applied more exacting standards to procedures investigating or separating troops for suspected homosexual conduct, changes that have added a measure of common sense and decency to a legally and morally fraught process.

I would close on a personal note and a personal appeal. This is the second time that I have dealt with this issue as a leader in public life, the prior case being at the Central Intelligence Agency (CIA) in 1992, when as Director, I ordered that openly gay and lesbian applicants be treated like all other applicants, that is whether as individuals they met our competitive standards.

That was, and is, a situation significantly different—in circumstance and consequence—than that confronting the U.S. Armed Forces today. Views toward gay and lesbian Americans have changed considerably during this period and have grown more accepting since DADT was first enacted. But feelings on this matter can still run deep and divide, often starkly, along demographic, cultural, and generational lines, not only in society as a whole, but in the uniformed ranks as well.

For this reason, I would ask as Congress takes on this debate for all involved to resist the urge to lure our troops and their families into the politics of this issue.

What is called for is a careful and considered approach, an approach that to the extent possible welcomes all who are qualified and capable of serving their country in uniform, but one that does not undermine, out of haste or dogmatism, those attributes that make the U.S. military the finest fighting force in the world. The stakes are too high for a Nation under threat, for a military at war, to do any less.

Thank you.

Chairman LEVIN. Thank you very much, Secretary Gates.
Admiral Mullen.

**STATEMENT OF ADM MICHAEL G. MULLEN, USN, CHAIRMAN,
JOINT CHIEFS OF STAFF**

Admiral MULLEN. Thank you. Mr. Chairman, Senator McCain, and distinguished members of this committee:

My personal views on this issue remain unchanged. I'm convinced that repeal of the law governing DADT is the right thing to do. Back in February when I testified to this sentiment, I also said that I believed the men and women of the Armed Forces could accommodate such a change, but I did not know it for a fact.

Now I do. So what was my personal opinion is now my professional opinion. Repeal of the law will not prove an unacceptable risk to military readiness. Unit cohesion will not suffer if our units are well-led. Families will not encourage their loved ones to leave the Service in droves.

I do not discount for a moment the findings in the Working Group survey which indicate resistance to repeal by those in the combat arms and irregular warfare communities. I do not find these concerns trivial or inconsequential, nor do I believe we can afford to ignore them. Given that this reluctance arises from the ranks of the very troops upon which much of the burden of these wars has fallen, we would do well to pay heed and to move forward in a deliberate and measured manner.

Whatever risk there may be to repeal of this law, it is greatly mitigated by the thorough implementation plan included in the study, the time to carry out that plan, and effective, inspirational leadership.

These are the things I know for a fact. These are the things the study tells us. Now let me tell you what I believe. I believe our troops and their families are ready for this. Most of them already believe they serve or have served alongside gay and lesbians, and knowing matters a lot. Those who said they knew they were serving with a gay or lesbian servicemember were consistently more positive in their assessment of the impact of repeal across all dimensions—cohesion, effectiveness, retention, and even privacy concerns.

Our families feel the same. Most of our spouses know at least one gay or lesbian and very few of them believe repeal of the law would have any effect on family readiness.

This tracks with my personal experience. I've been serving with gay and lesbians my whole career. I went to war with them aboard a destroyer off the coast of Vietnam. I knew they were there. They knew I knew it. What's more, nearly everyone in the crew knew it. We never missed a mission, never failed to deliver ordnance on target. Readiness was not impaired. What mattered most, what made us a crew, was teamwork and focus on our combat mission.

Back then, of course, it was a different time. Society on the whole wasn't as accepting or as tolerant as it is now. So we didn't speak of such things or of how little it really mattered that the sailor next to you was gay. But America has moved on and if you look closely at this study I think you'll find that America's military is by and large ready to move on as well.

Should repeal occur, some soldiers and marines may want separate shower facilities. Some may ask for different berthing. Some may even quit the Service. We'll deal with that. But I believe and history tells us that most of them will put aside personal proclivities for something larger than themselves and for each other.

There's a special warrior bond in combat, a bond formed not by common values, as some have claimed, but rather by the common threat of the enemy, hardship, and peril. "Numerous soldiers have died more or less willingly," writes J. Glenn Gray in his book *Reflections on Men in Battle*, "not for country or honor or religious faith or for any other abstract good, but because they realized that by fleeing their posts and rescuing themselves, they would expose their companions to greater danger."

It is those greater dangers that still motivate the heroism and comradeship our troops exemplify today. That's why I believe the end of DADT will pass with less turbulence, even in the combat arms world, than some predict. In fact, it may be the combat arms community that proves the most effective at managing this change, disciplined as they are.

It's not only because our young ones are more tolerant. It's because they have far more important things to worry about. The experiences of other militaries would seem to bear that out. Our study looked at 35 other militaries that chose to permit open service, including those of our staunchest allies. In no instance was there widespread panic, mass resignations, or wholesale disregard for discipline and restraint.

Some will argue we are different. Of course, none of these foreign armies face the unique global demands we do and none are charged with the leadership roles we bear. True enough, but many of them fight alongside us in Afghanistan today and they fought with us in Iraq. Gay or straight, their troops patrolled with ours and bled with ours. They certainly shared with ours the fear, the loneliness, and the horror of combat. I don't recall a single instance where the fact that one of them might be openly gay ever led to poor performance on the field. My sense is that good order and discipline, far from being cast to the winds when one of these governments changed the policy, was actually reinforced and reemphasized.

It's clear to me that our troops expect the same. They expect that whatever change we make to the current policy will be accompanied by rigorous training and high standards of conduct. In fact, the report indicates that one of the factors distressing to those who oppose repeal are fears that new policies will not be implemented fairly, evenly, and dispassionately. Let me be clear. Nothing will change about our standards of conduct. Nothing will change about the dignity, the fairness, and the equality with which we treat our people. Nothing will change about the manner in which we deal with those who cannot abide by these standards.

The military is a meritocracy, where success is based on what you do, not who you are. There are no special classes, no favored groups. We may wear different uniforms, but we are one.

There are some for whom this debate is all about gray areas. There is no gray area here. We treat each other with respect or we find another place to work, period. That's why I also believe leadership will prove vital. In fact, leadership matters most. The large

majority of troops who believe they have served in a unit with gays and lesbians rate that unit's performance high across virtually all dimensions, but highest in those units that are well-led. Indeed, the practical differences between units in which there were troops believed to be gay or lesbian and those in which no one was believed to be so completely disappeared in effectively led commands.

My belief is, if and when the law changes, our people will lead that change in a manner consistent with the oath they took. As one Marine officer put it, "If that's what the President orders, I can tell you by God we're going to excel above and beyond the other Services to make it happen." Frankly, that's why I believe that in the long run repeal of this law makes us a stronger military and improves our readiness. It will make us more representative of the country we serve. It will restore to the institution the energy it must now expend in pursuing those who violate the policy. It will better align those organizational values we claim with those we practice.

As I said back in February, this is about integrity. Our people sacrifice a lot for their country, including their lives. None of them should have to sacrifice their integrity as well.

It is true there is no constitutional right to serve in the Armed Forces, but the military serves all the people of this country, no matter who they are or what they believe. Every one of those people, should they be fit and able, ought to be given the opportunity to defend it.

Finally, Mr. Chairman, I believe now is the time to act. I worry that unpredictable actions in the court could strike down the law at any time, precluding the orderly implementation plan we believe is necessary to mitigate risk. I also have no expectation that challenges to our national security are going to diminish in the near future or that a more convenient time will appear. I find the argument that war is not the time to change to be antithetical with our own experience since 2001. War does not stifle change. It demands it. It does not make change harder. It facilitates it.

There is, to be sure, greater uncertainty today and our forces are indeed under stress. I know the Service Chiefs are concerned about this. So am I. But I do not believe the stressors currently manifesting themselves in the lives of our troops and their families—lengthy deployments, suicides, and health care—are rendered insurmountable or any graver by this single policy change. Nor do I believe that simply acknowledging what most of our troops already know to be true about some of their colleagues threatens our ability to fight and win this Nation's wars. Quite the contrary, today's young leaders are more attuned to combat effectiveness than in any of the last 3 decades. Tempered by war, bonded through hardship, the men and women of the U.S. Armed Forces are the finest and most capable they have ever been. If there is a better opportunity or a better generation to effect this sort of change, I don't know of it.

One final word, with all due respect, Mr. Chairman and Senator McCain, it is true that as Chairman, I am not in charge of troops, but I have commanded three ships, a carrier battle group and two fleets, and I was most recently a Service Chief myself. For more than 40 years I have made decisions that affected and even risked

the lives of young men and women. You do not have to agree with me on this issue, but don't think for one moment that I haven't carefully considered the impact of the advice I give on those who will have to live with the decisions that that advice informs.

I would not recommend repeal of this law if I did not believe in my soul that it was the right thing to do for our military, for our Nation, and for our collective honor.

Thank you.

Chairman LEVIN. Thank you very much, Admiral Mullen.
General Ham.

STATEMENT OF GEN CARTER F. HAM, USA, COMMANDER, U.S. ARMY EUROPE, CO-CHAIR, COMPREHENSIVE REVIEW WORKING GROUP

General HAM. Thank you, Mr. Chairman, Senator McCain, and members of the committee.

I must admit to you that when Secretary Gates appointed me as Co-Chair of this review I was not all that thrilled. But as I thought more about it I felt honored and humbled to be able to participate in a review of a subject that is of great importance to our men and women in uniform. I anticipated the task would be complex, tough, sometimes unpleasant and uncomfortable, and now I acknowledge that I underestimated those factors.

After 9 months of study, I am convinced that if the law changes, the U.S. military can do this, even in a time of war. I do not underestimate the challenges in implementing a change in the law, but neither do I underestimate the ability of our extraordinarily dedicated service men and women to adapt to such change and continue to provide our Nation with the military capability to accomplish any mission.

I came to this conclusion not only as a Co-Chair of the DOD Working Group, but perhaps more importantly as the Commander of U.S. Army forces in Europe. I was cognizant every day of this review that I might have to actually lead the changes included in our report. As a serving commander, I'm confident that, if this law changes, I and the leaders with whom I serve, can do just that.

Thank you.

Chairman LEVIN. Thank you very much, General Ham.
Mr. Johnson.

STATEMENT OF HON. JEH C. JOHNSON, GENERAL COUNSEL, DEPARTMENT OF DEFENSE, CO-CHAIR, COMPREHENSIVE REVIEW WORKING GROUP

Mr. JOHNSON. Mr. Chairman, Senator McCain: Thank you very much for the opportunity to testify here today.

By now you have had the opportunity to read the report General Ham and I have co-authored. The report is voluminous and comprehensive, but we hope it speaks for itself. Our basic assessment is that our military can make this change, provided we do so in an orderly and reasonable manner, in accordance with the recommendations for implementation we offer in our report.

This morning I'd like to take a moment to talk to you, not in my capacity as co-author of this report, but as the lawyer for DOD. I want to repeat and elaborate upon what Secretary Gates and Ad-

miral Mullen have said and ask that Congress not leave our military's fate on this issue in the hands of the courts. I offer no view about the constitutionality of DADT or prediction about the outcome of the litigation that is under way. But regardless of how you feel about DADT or gays serving openly in the military, the fact that there is increased litigation in the courts on matters of gay rights is undeniable.

Since 2003, when the Supreme Court decided *Lawrence v. Texas*, the courts have become increasingly receptive to gay rights claims. Within the last year alone, Federal district courts have for the first time declared California's gay marriage ban, the Federal Defense of Marriage Act, and DADT all unconstitutional. We have appealed the lower court decisions on DADT, but after years in which DADT was upheld in the courts, the constitutionality of this law is now in litigation once again. We in DOD face the possibility that we must repeal DADT, not on the terms and timetable of the President, Congress, and DOD, but on the terms and timetable of a court and a plaintiff.

We got a taste of that possible future in October and November in the *Log Cabin Republicans* case. On Monday, October 11, 2010, we had a law and a policy in place that required separation of members of the military who were found to have engaged in homosexual conduct. On Tuesday, October 12, 2010, a Federal district judge in California issued an order to the Secretary of Defense to suspend enforcement of that law on a worldwide basis.

Eight days later on October 20, 2010, the appellate court issued a temporary stay of the injunction while it considered whether to grant a more permanent stay. On Monday, November 1, 2010, the Ninth Circuit agreed to keep the stay in place during the pendency of the appeal in that court.

On Friday, November 5, 2010, the Log Cabin Republicans asked the Supreme Court to reverse the stay. On Friday, November 12, 2010, the Supreme Court denied that request.

Thus, in the space of 8 days, we had to shift course on the worldwide enforcement of the law twice, and in the space of a month face the possibility of shifting course four different times. This legal uncertainty is not going away any time soon. The *Log Cabin Republican* case is on an expedited appeal schedule and more lawsuits are being filed.

Our plea to Congress is to not leave the fate of this law to the courts. As Secretary Gates has stated, if repeal of this law occurs it should be done by the elected representatives in the political branches of government, not by the courts. Indeed, in the course of our review we learned of other nations that acted to change their policies on gays in the military to head off adverse outcomes in court.

From where I sit as the lawyer for DOD, the virtue of the legislation pending before the Senate is that if passed, repeal of DADT will be done on our terms and our timetable, upon the advice of our military leadership. As the Working Group report makes clear, there are many issues that must be addressed in connection with any repeal of DADT: education and training, the core messages to be delivered as part of education and training, same sex partner benefits, berthing and billeting, a policy on reaccession, and related

changes to the U.S. Court of Military Justice and others. The Secretary and Chairman have both made it clear that they will not sign the certification contemplated by the current legislation until we've written new post-repeal policies and regulations and have at least begun our education and training of the force—in other words, that repeal is brought about in a responsible and orderly manner. In all likelihood, this will not be possible if repeal is imposed upon us by judicial fiat.

For these reasons, we urge that the Senate act now on the pending legislation. Thank you.

Chairman LEVIN. Thank you very much, Mr. Johnson.

We have a very large number of Senators here and Secretary Gates has to leave at 11:30. The others are able to stay later than that. But in order to give everyone a turn while he's here, I think our first round will need to be limited to 5 minutes, and then we will have—

Senator MCCAIN. Mr. Chairman, I object to that.

Chairman LEVIN. I'm trying to give—

Senator MCCAIN. I think 5 minutes is—

Chairman LEVIN. I agree, it's a very small time.

Senator MCCAIN. Then I suggest we have another hearing or reconvene in the afternoon. 5 minutes is not sufficient time for anything, frankly, but statements by the members.

Chairman LEVIN. We've had rounds of 5 and 6 and 7 minutes for many, many hearings. In fact, that's our tradition. But in any event, I'm trying to give every member here an opportunity while Secretary Gates is here. I'm not saying there is not going to be a second round. There will be a second round and a third round and a fourth round with Admiral Mullen and with—

Senator MCCAIN. He'll be gone.

Chairman LEVIN.—General Ham and Mr. Johnson. If we then need Secretary Gates back for an additional hearing, we'll ask him back. But I have to accommodate both his schedule as well as give an opportunity to every member of this committee while he is here to ask him questions.

Senator MCCAIN. My only response, Mr. Chairman, is this is obviously a transcendently important issue, and to allow our members 5 minutes with the Secretary of Defense is simply not adequate enough for us to have the much-needed information that the Secretary of Defense can provide.

All I can do is say you're not giving the members sufficient time to ask questions, which is maybe not the intent, but certainly the effect. Maybe we could, in the lame duck session that we are in, have another hearing as soon as possible, so that all members can have ample opportunity to get the information they need to make a very important decision.

Secretary GATES. Mr. Chairman, if it would help I can do some rearranging and stay until noon.

Chairman LEVIN. Thank you. We hope that helps, and we hope another hearing with you would not be necessary. We have our other witnesses here as long as we need them. If we need a second round with Secretary Gates, we will consider that at that time. But at least for the first round, we're going to have a 5-minute round to give all of our members an opportunity while he's here.

This is an important hearing and it's important for all of our members to have that opportunity.

Senator INHOFE. Mr. Chairman.

Chairman LEVIN. Let me proceed here. I think we just want to get going.

Senator INHOFE. I'm just saying, doing the math around here, since he's extended it by 30 minutes, you could change that to 6-minute rounds and still do the same thing.

Chairman LEVIN. Thank you very much for that recommendation. We'll have a 6-minute first round, given Secretary Gates's ability to stay an extra half hour.

Let me start with you, Admiral Mullen. You have told us that the Nation should now change our policy and that we should allow gay and lesbian servicemembers to serve in the military without having to conceal their sexual orientation. You've stated your position both personally and professionally now in a very eloquent way.

You've also urged us, as have the others, to carefully consider the views of the Service Chiefs even where they might differ. Have you carefully and seriously considered the views of all of the Service Chiefs even where they might differ in reaching your own professional conclusion?

Admiral MULLEN. I have spent a great deal of time with the Service Chiefs on this issue since the beginning of the year. I couldn't tell you the number of sessions, but one of my goals throughout this process was not one of influence, but it was one of debate, discussion, and making sure that everybody understood where everybody else was on this. In particular, when we got the report, took the report, looked at it, assess probably more than anything else the risk that is associated with it, obviously understanding what's in the report, but assess the risk. Each of us arrive at our own conclusions about that and not just from a service perspective. Certainly the Service Chiefs have that obligation, but this is also the Joint Chiefs, and so I asked them for their views from the joint perspective as well.

We received that, and certainly all of that is taken into consideration in arriving at where I am with respect to the risk level tied to potential implementation of this repeal.

Chairman LEVIN. So do I understand from your answer then that you have carefully considered the views of the Service Chiefs before you've reached your own professional opinion?

Admiral MULLEN. Very carefully, yes, sir.

Chairman LEVIN. Secretary Gates, you've also urged us to carefully consider the views of the Service Chiefs, and I fully agree with you. Have you done that in reaching your own conclusion?

Secretary GATES. Yes, sir, I have.

Chairman LEVIN. General Ham, have you carefully considered the views of all the Service Chiefs before reaching the conclusion in this report?

General HAM. Mr. Chairman, I have, but it is important to note that the report from Mr. Johnson and myself to the Secretary is not reflective of the Service Chiefs' views.

Chairman LEVIN. I understand. But before you reached your views that you've transmitted, we understand there will be differences that the Service Chiefs will have and we'll hear from them

tomorrow. But I want to know that, in considering your views, you've touched base with various stakeholders and people who have their own points of view inside the military. Have you touched base with the Service Chiefs and have you considered their views?

General HAM. Yes, Mr. Chairman.

Chairman LEVIN. Mr. Johnson?

Mr. JOHNSON. Yes, absolutely, Senator. During the comment period leading up to the publication of the report, General Ham and I took account of what we heard and in places revised our own assessment in response to views that were expressed to us by the Service Chiefs.

Chairman LEVIN. There has been, in a number of places, revisions of this assessment based on the views of those Service Chiefs?

Mr. JOHNSON. Yes, sir.

Chairman LEVIN. Now, General Ham, assuming we change the policy and repeal the policy of DADT, as Commander of the U.S. Army Europe, can you effectively implement a new policy allowing gay and lesbian servicemembers to serve in the military without concealing their sexual orientation, consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention in the Armed Forces?

General HAM. Mr. Chairman, I am confident that I can.

Chairman LEVIN. In terms of passing legislation now, the matter has been before this committee for almost a full year now, starting in February. We have had hearings on this matter. We have raised questions with the Service Chiefs. They've testified on this before and will again tomorrow.

You've indicated, Secretary Gates, that it's important that we act now, this month, I believe, and you've given us the reasons, primarily because the courts are involved now in this matter.

You've also said we should not act, I believe your words were, "in haste." Given the amount of time that we've already put into it, but given the fact that we've had this report now just for a couple days, would you consider our acting this month to be hasty?

Secretary GATES. It certainly would be expeditious. I think that, as Senator McCain has said, this is a very important matter. Frankly, my sense of urgency would not be as great were it not for what we went through in October and November that Mr. Johnson described in his opening statement, which frankly was a very difficult period for us. In essence, overnight, we were told that the law had changed and that we couldn't enforce it. We had done no training, no preparation, nothing whatsoever.

It is my worry about the unpredictability of the situation with the courts, particularly this coming spring, that gives me a sense of urgency about this. But the timetable obviously has to be based on the will of the Senate.

Chairman LEVIN. Would you consider that we have deliberated on this issue this year?

Secretary GATES. I would like to see—I'm sorry?

Chairman LEVIN. You've urged us to be deliberative, and I agree we need to be deliberative. We're a deliberative body. We have had this matter in front of us now for a year, including testimony during the year, including a separate hearing on DADT, including

many hearings where we've asked the issue of Service Chiefs, where you've testified on this I believe as well.

On the other hand, you've urged us to be deliberative. You also have urged us to act this month, and I want to know whether or not your two urgings are consistent.

Secretary GATES. As I say, I am very worried about the courts, and frankly I do think it needs to be deliberate. The reality is I had expressed the hope in February that there would be no legislation until after the review was done, so that the review and what we learned could inform the legislative process.

Now, I think the report is pretty stark. It's pretty clear in its conclusions, agree or not with them. I think it's pretty straightforward, and therefore I think that absorbing the lessons learned and the recommendations and the analysis of the report is doable within the time frame that you have before Congress adjourns.

So I believe that, at least based on the information in the report, that Congress is in a position to act because it now has this information in hand. Frankly, I don't think it's all that complicated to absorb. I think the key issues have been described quite clearly in your opening statement, Senator McCain's opening statement, and in the opening statements that the four of us have made. Those are the critical issues.

Chairman LEVIN. Senator McCain.

Thank you.

Senator MCCAIN. General Ham, thank you for your hard work on this issue. Is it your personal opinion that this law should be repealed?

General HAM. Senator McCain, I've given this a lot of thought. We certainly can. It is my personal view that I'm very concerned about the timing of the courts, and personally, I think it is time to move from debate and discussion to decision and implementation. Yes, sir, I think it is time to change.

Senator MCCAIN. Secretary Gates, this survey says nearly 60 percent of respondents in the Marine Corps and the Army combat troops say they believe there would be a negative impact on their units' effectiveness in this context. Among Marine combat troops, the number was 67 percent. Nearly 60 percent of the Army combat troops and 66.5 percent, two-thirds, of the Marine Corps combat troops voiced these concerns about repeal.

You have said that you conclude that those concerns of servicemembers, about deterioration of military unit cohesion are exaggerated. How are they exaggerated?

Secretary GATES. I don't remember using the word exaggerated because I take those concerns very seriously and, frankly, share the view of the Service Chiefs that the report's evaluation of risk and particularly in the combat arms is perhaps too sanguine.

What I believe is that, with proper time for preparation, for training, whether it's before deployments or after deployments, however it works out, if we are allowed to do this on our terms, I believe that those concerns can be mitigated. To repeat one of the things that Admiral Mullen said in his opening statement, the experience of those who have served with someone they believe to be gay or lesbian was very different, even in combat troops, than those who had never done so.

I would point out that most of the Marines that are in combat are 18 to 25 years old. Most of them have never served with women either. They've had a very focused, very limited experience in the military, and it's been a tough one. With time and adequate preparation, we can mitigate their concerns.

Senator MCCAIN. I couldn't disagree more. We send these young people into combat. We think they're mature enough to fight and die. I think they're mature enough to make a judgment on who they want to serve with and the impact on their battle effectiveness. Mr. Secretary, I speak from personal experience.

Within the combat units of the Army and the Marine Corps, the numbers are alarming. 12.6 percent of the overall military force that responded to the survey say they will leave the military sooner than they had planned. 21.4 percent of Army combat troops indicate they will leave the force earlier. In the Marine Corps that number jumps to 32 percent, nearly a third of all Marine Corps combat troops, which is probably why the Service Chiefs, particularly the Commandant of the Marine Corps, is, in your words, less sanguine than you are about this issue.

Also, if this 12.6 percent of the military left earlier, that translates into 264,600 men and women who would leave the military earlier than they had planned. Do you think that's a good idea, replacing 265,000 troops across the force in time of war? Should we be undertaking that challenge at this time?

Secretary GATES. First of all, the experience of the British, the Canadians, and some of the others has been that in their surveys prior to enacting a change in their laws and rules there were substantial numbers who said that they would leave, and in the end, those numbers were far smaller than the surveys had indicated.

Again, I go back to the point that people who have had experience serving with gays or lesbians have had a different view of these things, and that will be true in a lot of our force. Again, I think that the training and so on will help mitigate these consequences. Frankly, while there are some concerns that you will probably hear tomorrow about some of our Special Operations Forces (SOF), where there are limited numbers of people and where any loss is potentially of concern for the force as a whole, I don't think any of us expect that the numbers would be anything like what the survey suggests just based on experience.

Also, you have the reality that servicemembers can't just up and leave. They have enlistment contracts. The officers have contracts in terms of the amount of time they have to serve. It isn't like they can just say, "well, I'm out of here." They are going to have to complete their obligation. I believe that during that period their concerns can be mitigated.

One of the encouraging aspects of this has been the fairly positive responses of spouses, because, as the saying goes, you enlist the soldiers, you reenlist the family. The positive responses of the spouses have been important.

Senator MCCAIN. Mr. Secretary, finally, we are very deeply concerned about Wikileaks, the impact that it has had on identifying people who were cooperating with us in Afghanistan and Iraq. Some leaders have said they have blood on their hands. So far all we know is that one private first class was responsible for this.

Have you begun an investigation since July? Have you held any individual responsible for Wikileaks, punished anyone, put anyone on leave, or taken any disciplinary action whatsoever for this incredible breach of national security?

Secretary GATES. I would answer in two ways, Senator. First, to a certain extent our ability to go down that path is limited by the fact that we have criminal proceedings under way that limit our ability to conduct an independent investigation while that criminal investigation is going on.

By the same token, beginning in August we directed a number of steps to take every possible step—

Senator MCCAIN. My time has expired. I asked if you held anyone—

Secretary GATES.—so that this couldn't happen again.

Senator MCCAIN. Have you held anyone responsible, was my question.

Secretary GATES. Not yet.

Senator MCCAIN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks to all of you. In his opening comments, Senator McCain said that the survey and report that you put out yesterday, General Ham, Mr. Johnson, didn't answer the question of whether the law should be repealed. It did answer the question, in my opinion, that if the DADT law is repealed that it will not compromise military effectiveness, unit cohesion, or morale. That's a critically important element.

The question of whether the law should be repealed is for Congress. I want to just very briefly say that to me, in reaching a judgment on that question, we're on the front lines of a turning point in American history. We have these in every generation. This country from the beginning was defined not by its borders, but by our values. The Declaration of Independence says we're all endowed by God with those equal rights to life, liberty, and the pursuit of happiness.

Every generation has realized those rights better, because they weren't realized at the beginning, in 1776, for women, for people of color, et cetera. In our time, one of the great transitions occurring is the growing readiness and understanding among the American people, it's just wrong and un-American to discriminate against people based on their sexual orientation.

One of the great examples, and I think a heroic example of this change of public opinion, is the great man whose chair I am occupying today, who served on this committee until his death, Senator Robert C. Byrd, who strongly supported DADT in 1993 and then in our deliberations this year played a critical role, offered legislation to guarantee real due process and a deliberative process in removing this law. Essentially, said in voting for the change that DADT was wrong, it was not consistent with our values and it wasn't good for the military.

The U.S. military has a proud tradition of leading and reflecting the best values of America. In this case, I think the U.S. military

is behind the American people and behind the private sector, and it is because the law constrains you from reflecting our best values. The 1993 law says the Commander in Chief or the military don't have the latitude to end this discriminatory policy, and that's why I think it's so critically important that we do this as quickly as possible.

If we repeal DADT in this lame duck session, the deliberative process that the amendment and our law provides is really full of due process. In fact, there is no time limit on the certification required from the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff. That's up to those three honored individuals.

I think that Admiral Mullen said it well to me: "Success in America, in the military, is based not on who you are but what you do." That's true of American life generally, and this is our opportunity to change that.

I want to ask just a couple of questions. The first is this. Why do I say this policy has been bad for the military? Because the record shows that almost 14,000 servicemembers have been tossed out of the military over the last 17 years, not because they were bad soldiers, not because they violated the code of conduct, but because they were gay, who they were.

Admiral Mullen, in that sense, do you think we have lost some critical military personnel and in fact some who are gay or lesbian may have not enlisted in the military because of fear of what that would mean to them personally?

Admiral MULLEN. I don't think there's any question about that. To the whole issue of both recruiting and retention, the report itself looks very specifically at the risk level with respect to that. It also flags areas that, should this change, we need to focus on as leaders. One of the things I struggle with is that we have lost upwards of 13,000 to 14,000 individuals. Clearly, by implication alone, there are those that would choose not to come in to have to go through that.

In addition to that, and this is very fundamental to me, which is this whole issue of integrity. We're an institution that values integrity and then asks other people to join us, work with us, fight with us, die with us, and lie about who they are the whole time they're in the military. That's what doesn't make any sense to me.

While they're here and able to do that, even in the policy that we have, they are actually individuals who go through extraordinary pain to sustain that lie.

Senator LIEBERMAN. Let me read one of the more interesting and important statistics in the survey: "only 15 percent of gay and lesbian servicemembers who responded to the RAND study said that they would want their sexual orientation to be known in their unit." Here's a quote from one of those, to the interviewer: "I think a lot of people think there's going to be this big outing and people flaunting their gayness. But they forget that we're in the military. That stuff isn't supposed to be done during duty hours regardless of whether you're gay or straight."

So just to be clear, Admiral, if DADT is repealed the military code of conduct will apply to gay and lesbian members of the military as well as straight members, and just as a straight member,

a man, who may sexually harass a woman is subject to discipline, so too would a gay member of the military who subjects another person of the same gender be subject to disciplinary action?

Admiral MULLEN. Standards of conduct will not change one bit. Leadership requirements to enforce those won't change at all. So I fully agree with you.

Senator LIEBERMAN. I appreciate, finally, your comment about the integrity of the military. We're going through a tough time in American life now and it's a time in which the American people have lost confidence in some of the great institutions of our society, the Government, and the business community. Probably the one institution, central institution in our country that the American people still have trust in is the American military, because it's committed to a cause larger than individuals, because they are committed to one another, and they're mission-focused. It's not who you are, but what you do.

I think DADT is a stain on the honor of the U.S. military that we have the capacity to remove in this session of Congress, and I hope that we will.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Let me just state this. Back in 1993–1994 under the Clinton administration when DADT was installed, I was critical of it. I didn't think it would work. Now that time has gone by and we've gone what, 16 or 17 years. There's an old saying now that I recall, that I've used in the past; if it ain't broke, don't fix it. It has worked. I really believe it has worked.

Let me just ask the same question that Senator McCain asked, in perhaps a little different way. Right now we have the best, probably the best retention and recruitment percentages, over 100 percent everywhere except, I think, just the Army Guard, and there are some other reasons for that. This is something that has concerned me as to how repeal would affect that.

When you look at the report under question 71.B, the question is: "Would it affect your immediate unit effectiveness at completing its mission," and its results were a ratio of 2½ to 1 that they're stating repeal would have a negative effect.

When you look at the other figures, you have to ask the question, how is this going to negatively impact the recruitment or retention. There's another figure that can be used, that 23.7 percent would either leave or think about leaving the Service, Admiral Mullen. This is from the report. Also, 27 percent of the servicemembers surveyed said that if there was a repeal they would not be willing to recommend military service to someone else.

Now, I know there have been studies made. As I recall, it's about 50 percent of the people who go into the military do so at the recommendation of someone who's already in. Let's assume that that's right. Are you concerned at all about what's going to happen to our retention and recruitment, Admiral Mullen?

Admiral MULLEN. Senator, the report properly flagged these issues and I think that's important. It's certainly something, if implemented, we have to focus on.

I have not met a soldier, sailor, airman, marine, or coastguardsman in my whole life, man or woman, who didn't think at one point or another about whether they were going to stay or go. Then from my point of view, that focuses on exposure and understanding and the report, which indicates how many, once exposed, it did not affect at the 90 percent level, including the combat arms, the Marines as well, that it did not affect unit readiness.

Now, that's the reality of exposure. There are clearly those, as the Secretary of Defense said, who have not been exposed.

Senator INHOFE. I understand your answer, but it's taking up all my time.

Let me ask you this one further question. Why do you think only two-thirds of the people responded to this survey?

Admiral MULLEN. Actually, by every indication, and you'd have to get somebody that does this for a living, it was an extraordinarily positive response, about 28 percent of the 400,000 surveys that were sent out to the men and women in uniform and the 150,000 to our families, more than statistically significant in all the key categories.

Senator INHOFE. I certainly disagree with that. I have talked to people in the field who have said that: "We didn't respond because the decision was already made." I think Senator McCain already covered that, so I won't repeat that.

Let me quickly get this in because I know tomorrow's the hearing where we'll have the Service Chiefs, but I think it's important to get it in the record here. General Schwartz of the Air Force said, "I believe it is an important matter of keeping faith with those currently serving in the Armed Forces that the Secretary of Defense-commissioned review be completed before there is any legislation to repeal." Obviously, that didn't happen because the legislation came through in the form of an amendment back on March 27.

Admiral Roughead states, "My concern is legislative changes at this point leading sailors to question whether their input matters." That's what I've heard in the field: "It doesn't really matter; why respond to it?" General Casey states, "I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on the issue. I also believe that repealing the law before the completion of the review will be seen by men and women of the Army as a reversal of our commitment to hear their views moving forward."

Clearly they believed last January that before any decision was made we would hear their views. Then halfway through this legislation, the amendments, came. I might say right down party lines, to go ahead and do that.

This is what we hear in the field. General Amos of the Marine Corps stated: "Now is the wrong time to overturn DADT. As U.S. troops remain in the thick of war in Afghanistan, there is risk involved. I'm trying to determine how to measure that risk. This is not a social thing. This is combat effectiveness. That is what the country pays Marines to do."

Now, I know they're coming up tomorrow. We'll have a chance to ask them. Let me just ask you for a brief answer. Do you think that they're right or wrong?

Admiral MULLEN. I think there's an opportunity to hear them before legislation passes, as they have asked in the past.

Senator INHOFE. Secretary Gates?

Secretary GATES. I would just say there was another person that said something along those lines in terms of the review and that was me, before this committee in February, when I urged that there be no legislation until the review had been completed.

Senator INHOFE. All right.

Now, lastly, I have heard several times that, whatever happens here now is not all that significant because there is a final step, and the final step is that the repeal provision contained within both the House of Representatives and the Senate Armed Services Committee versions of the NDAA would work as follows. Once the law is enacted, repealed and so forth, the President, Chairman of the Joint Chiefs, and the Secretary of Defense deliver to Congress their recommendation based on these assumptions that come out of this report, and that isn't going to happen until that takes place.

Yet halfway through this process, Secretary Gates, Chairman Mullen, and the President has made it very clear that you've all already made up your mind. Have you already made up your mind, so that this step is not going to be necessary?

Secretary GATES. Absolutely not. The certification process is a critical piece of the legislation. Speaking for myself, I would not sign any certification until I was satisfied, with the advice of the Service Chiefs, that we had in fact mitigated, if not eliminated, to the extent possible, risks to combat readiness, to unit cohesion and effectiveness.

Senator INHOFE. Even though you fully support the President's decision, the question before us is not whether the military prepares to make the change, but how we prepare for it?

Secretary GATES. That's exactly right.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Inhofe.

Now, Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Admiral Mullen, You seem to be saying that there is a high correlation between those who have served with gay individuals and who believe that unit cohesion will not be affected, and that there's a very low correlation between those who have never served with them and they feel that unit cohesion will be irreparably harmed.

Which leads to the conclusion I think you're getting at, the results are, if you had the opportunity to serve with individuals who you know or suspect to be gay, that you don't have significant concerns about overall cohesion and unit effectiveness. Is that your conclusion?

Admiral MULLEN. True, yes, sir.

Senator REED. That is the conclusion of the study, too, as you look at the correlation of numbers?

Admiral MULLEN. Yes, sir. The study laid that out. Additionally, the study also found that should the law change, the difference between those who are actually deployed and in combat, concerns were lower than those who were in combat arms but not deployed, because they're very specifically focused on the mission in combat at the time.

Senator REED. That's important to emphasize again. Let me understand it fully. Those units that were surveyed that were deployed in combat, their responses were less concerned about unit cohesion with the introduction of gay personnel?

Admiral MULLEN. What the report showed specifically were those who were in combat situations or had been in combat situations on this issue found themselves much more focused on combat and expressed less concern about the policy than those who were combat arms who were not deployed at the time. It's very clear that they were focused on succeeding in combat and succeeding in their mission.

Senator REED. I think this survey data complements the best proxy we have for this question, which is the experience of our closest allies. I don't know if you want to comment or Secretary Gates wants to comment on what you've heard from the British chiefs of service in terms of their combat arms, their Royal Marines and their SOF, who are operating side-by-side with our forces.

Admiral MULLEN. I don't approach this from the perspective of a one-to-one comparison because we are different countries, and I understand that. But when I talk to my counterparts in the U.K. and in Australia specifically, the theme from both chiefs was an awful lot of resistance upfront, an awful lot of hubbub before it changed, and then it virtually was implemented without an issue once the law changed in their own country.

Senator REED. You have had no comments from the field from our commanders who are working with these units questioning their combat efficiency. In fact, my impression in Afghanistan is that they're eager for the help, their support, and quite impressed with their performance. Is that fair?

Admiral MULLEN. Their priorities are just not focused on this issue very specifically.

Senator REED. General Ham, you have conducted 95 forums at 51 bases. You've conducted 140 smaller focus group sessions. You've handed out 400,000 questionnaires, received a significant number back. But ultimately there is a judgment about whether you feel that the voice of the troops, the young men and women in the families, have been heard. I think you're ideally suited to make that judgment. Is that your judgment?

General HAM. Senator, it is. Through the administration of the survey, it provided us statistically sound and analytically rigorous information across a wide spectrum of categories. But it was the personal engagement face to face that Mr. Johnson and I and other members of our team conducted, the online inbox, and other mechanisms that allowed servicemembers and their families to voice their views. That gave us great context and gave us, frankly, some of the theme that we addressed in the survey.

Senator REED. Thank you.

Mr. Johnson, again, you stressed the pending impact of court cases, which are unpredictable. But it seems that there's a growing willingness of courts to step in and make decisions based on the constitutional theories about the inadequacies of DADT.

That, as you said in your remarks, again, adds another dimension that didn't exist last February when we started talking about

how do we do this, do we do it legislatively, do we have the survey, et cetera. Obviously, that's another factor we have to consider.

Mr. JOHNSON. Yes, absolutely, Senator. All three branches of Government are very actively involved in this issue right now.

Senator REED. A final question, Mr. Secretary. You mentioned in your opening remarks you had the experience in 1992 in the CIA, and my perception would be you faced some of the same issues, which were initially opposition within the ranks, within the public. But you ensured that policy was carried out and that within the CIA there are analysts who are removed from small unit activities in the field and then field operations. Did you notice as we've had this policy in place now for over a decade, any significant difficulties in getting field operators to accept it, the counterpart to the combat forces of our military?

Secretary GATES. No. In fact, the direction that I made in 1992 has now been in place a year longer than DADT, and in talking to my successors it has not presented a problem. But I would say, just to be clear, as I said in my opening statement, the circumstances and the intimacy, particularly of those in combat, compared with those working for CIA is very different.

Senator REED. Thank you very much, Mr. Secretary.

Chairman LEVIN. Thank you, Senator Reed.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Mr. Secretary, I know we spoke privately. I appreciate that time in order to speed up the process and get additional information. I do just have a couple of follow-ups to you and potentially the other members of the panel.

Mirroring what Senator Inhofe said about the participation, I can tell you from firsthand conversations when I visited Afghanistan and spoke to members of the Guard and Reserve that halfway through the process when the committee took certain actions they felt it was a done deal, and as a result they didn't participate in the survey.

Twenty-eight percent does not seem like a high number of participation, regardless of the total number, as it reflects to the nature and total amount of surveys that have gone forth. Is there anything additionally you can share in terms of your understanding, whether it's anybody, General Ham or Admiral Mullen as well, as to why the participation still was only at 28 percent and not higher?

Secretary GATES. Let me ask General Ham or Mr. Johnson to address the statistical significance of the numbers.

General HAM. Senator, the 28 percent overall response rate is well within the normal range, the historical range of DOD surveys of military personnel. When we worked with the company which administered the survey, we wanted to make sure that the proportional number of surveys were distributed based on historical response rates by community. Each Service and, in fact, each community within the Services, have historical response rates and we tried to account for that in the distribution of those surveys.

Having said that, there was some concern about the slowness, if you will, of the response rates. The Service Chiefs, senior enlisted leaders of the Services, Secretary of Defense, and others would

send out reminders encouraging servicemembers and families to respond.

I'm comfortable that the response rate overall was within norms and, probably more importantly, Senator, that each category that we analyzed had a statistically significant number of responses.

Senator BROWN. Mr. Secretary, just for the benefit of the people that are listening, and also for the committee, let's assume for argument's sake that we move forward and we say, okay, we're going to accept the report and we're ready to move on and take that next step and repeal DADT. Could you explain what the process would be in your mind, because a lot of the concerns that I personally have, as someone who's still serving in the military, and others that have confided in me privately is that they want to make sure that the battle readiness and military effectiveness of our troops, is not affected.

Do you envision starting with the noncombat units, the Guard and Reserve, moving up that way and implementing down the road? How will the certification process work? What's your thought process in actually moving forward with that while not jeopardizing retention, battle readiness, and effectiveness?

Secretary GATES. First of all, the key, as the report makes clear, is training of both leadership training and training of the entire force. That's better than 2 million people. Whether we would begin with one segment or not, I think we haven't addressed that issue yet.

I would tell you that my personal approach to this would be that until all the training has been completed, until the Service Chiefs are comfortable that the risks to unit cohesion and to combat effectiveness had been addressed to their satisfaction and to my satisfaction, I would not sign the certification. In other words, my view is that before the certification is signed everything has to be done to get ready. It's not something that I would start, that I would certify, while it was still in process, as it were.

Senator BROWN. So that could be 4 months or 4 years, but really you just want to make sure that they're at that point where you feel comfortable that those issues will be addressed?

Secretary GATES. That is exactly why I have been very careful not to talk about how long I think this will take to implement. People will be watching to make sure we're not slow-rolling the process. By the same token, I've said since February this process needs to be thorough, it needs to be very careful, and it needs to be completed before the certification is signed in my view.

Senator BROWN. Is it your testimony here today that you will not certify until you feel that the process can move forward without any damage to the safety and security of our men and women that are serving, number one, and that our battle effectiveness will not be jeopardized?

Secretary GATES. Absolutely.

Senator BROWN. Thank you.

I have no further questions.

Chairman LEVIN. Thank you, Senator Brown.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman, and thank you, gentlemen, for being here today.

To me the issue seems to be not whether to allow gays to serve in the military, but whether to allow them to serve openly. By permitting them to serve, but not openly, undermines the basic values of the military: honesty, integrity, and trust. When that's undermined anywhere, it's undermined everywhere.

It also seems that our military is expected to say, "I don't want to lie, but you won't let me tell the truth." How do we square this circle? I think there are those who legitimately are concerned that this will adversely affect readiness and national security, and yet we have the report that seems to be somewhat overwhelming in certain areas saying it's time to change the law.

Can you help me understand how we move to something where it is now possible to tell the truth? I say that because I hear everyone saying to one degree or another, you've served with people who are gay, but if you knew they were gay and you didn't turn them in were you lying, or was honesty a mobile commodity? Admiral?

Admiral MULLEN. Senator Nelson, you've hit at the core issue, from my perspective. I can't square the circle and certainly historically have not been able to. Your comment about if it exists anywhere, it exists everywhere, that's been the case with respect to gay and lesbian servicemembers for my whole career, including under this law.

I think it does fundamentally undermine who we are, because we're an institution that is so significantly founded and based on integrity. I can't square it.

Senator BEN NELSON. Secretary Gates, I've seen your public comments about the core values of the military: honesty, integrity, and honor need to prevail. Doesn't the current system undermine those values?

Secretary GATES. Yes, sir, it does.

Senator BEN NELSON. Those are the only questions I had, Mr. Chairman. I yield back my time.

Chairman LEVIN. Thank you very much, Senator Nelson.

Senator Collins is next.

Senator COLLINS. Thank you, Mr. Chairman. I apologize for my brief absence. I'm trying to do a Senate Homeland Security Committee hearing at the same time.

But this is such a critical issue, and I want to begin my remarks by thanking General Ham and Mr. Johnson for doing an excellent job on this report. I want to thank you, Secretary Gates, for a thoughtful statement, and you, Admiral Mullen, for your very heartfelt and strong statement this morning.

I want to go through some of the objections that we've been hearing from those who argue that we should leave the current law in place. Critics of this report state that our troops were not asked whether they believe that DADT should be repealed. I would point out that our troops aren't asked whether they should be deployed to Afghanistan. They're not asked whether we should have a war in Iraq. They're generally not asked about policy decisions.

However, the fact is, given the extensive feedback that the authors of the report and the task force received, from tens of thousands of servicemembers, in the forms of survey responses, emails, and townhall meetings, the report in fact does convey a sense of

what servicemembers think about repealing the law, even if a direct question was not included in the survey.

I was struck by one observation by a special operations operator who said at a townhall meeting: “We have a gay guy in the unit. He’s big, he’s mean, and he kills lots of bad guys, and no one cared that he was gay.”

Mr. Johnson and General Ham, is it fair to conclude that your report does incorporate and fairly represent the views of our forces?

Mr. JOHNSON. Senator Collins, I believe it does. We were asked not to, we were not supposed to ask the referendum question.

Senator COLLINS. Right.

Mr. JOHNSON. However, we did put out a 103-question survey to 400,000 servicemembers, which we got back 115,000 responses. The survey was quite comprehensive in asking in a number of different places for servicemembers to predict the consequences of the repeal in a variety of contexts.

I would add to that that in the 72,000 emails and in the 24,000 face-to-face interactions that we had, invariably the discussion and the input we got was whether to repeal the current law or not. That was always the topic of discussion. A lot of that is reflected in the report in the “What We Heard” section.

So we believe that through this very comprehensive exercise we went through we did hear the force on the question of whether we can do this. Our conclusion is as you see it.

Senator COLLINS. Presumably, if there had been widespread and large percentages of servicemembers expressing negative views, you would have reported that in the report, correct?

Mr. JOHNSON. As we stated in the report, if the answer we got back from this exercise was in effect no, we can’t do that, I would have had a professional and fiduciary obligation to my client to report that. I know General Ham feels equally as strong about that.

Senator COLLINS. Admiral Mullen, the second objection that we hear over and over is that we cannot implement this kind of change in the midst of a war. I thought you made an excellent point that the opposite may be true, that wartime facilitates change in some ways. In fact, wasn’t President Truman’s 1948 order to integrate our forces actually fully implemented during the Korean War?

Admiral MULLEN. It was. Actually, it was implemented throughout that, I don’t think fully until 1953.

Senator COLLINS. In fact, on page 83 of the report it says that “When the personnel shortages of the Korean War necessitated integrated units, Army field officers placed white and black soldiers side by side.”

Admiral MULLEN. Right. Senator Collins, if I could.

Senator COLLINS. Yes.

Admiral MULLEN. I find it in my study of this, somewhat ironic, that in the year that this was passed—and if you read the law in detail, there’s a great deal of discussion in the law about combat, combat effectiveness, at a time when we were not at war. We have been at war. We’re in our 10th year right now. We understand what it takes in combat and what combat effectiveness means better than we did back then, just by virtue of that experience.

We have changed dramatically as a military since 2001, which I would argue puts us in a good position to facilitate additional change. There couldn't be a better time to do it. We are better led, in my experience, at every level than we have ever been led. So leaders can do this.

We are able to take advantage of our ability to change and sustain that combat readiness, and I believe making a change like this makes us better; it doesn't make us worse.

Senator COLLINS. Thank you.

Chairman LEVIN. Thank you, Senator Collins.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Secretary Gates, I'd like to begin by clarifying an exchange that you had with Senator Inhofe about the importance of this study in terms of moving forward into the law. I recall an exchange that you and I had on February 2, 2010, you and Admiral Mullen came in to testify on this. I made it very clear at that time that this survey was going to be vital in terms of evaluating whether we should move forward on this law.

I have held firm on that position. In fact, Senator Inhofe is not correct. This was not a full committee vote that was strictly along party lines when we had the vote whether to move forward before this survey came in. I voted against moving forward on this legislation before we got the results of this survey, because I believe very strongly that it is important to listen to the people who are serving and to consider their views.

As I mentioned to General Ham when he came forward at his confirmation hearing not long ago, this is, in my view, an incredible piece of work. I was privileged to be able to sit down with General Ham and Mr. Johnson on a couple of occasions to give my views about how important it is to listen to not only all different Services, but the rank structure, the occupational structure, and I believe you have really done the job here.

This is a 343-page report. 160,000 respondents and, most importantly, this was done without politicizing the men and women in uniform, which is vitally important in our society.

I would like to say that this report is probably the most crucial piece of information that we have in terms of really objectively moving forward in order to address the law.

First of all, General Ham, I'd like to ask a question of you to begin with. Do we have any idea what percentage of the United States military today is gay or lesbian?

General HAM. Senator, we do. Obviously, it's imprecise because we cannot ask that question under the current law. But in RAND's update of their 1993 study they did some work in this regard, admittedly an estimate. But the estimate is that the military population as a whole is about the same as the general population, somewhere in the 2 to 3 percent. It is RAND's assessment that gay men are probably a lower percentage in the military and lesbians are probably a higher percentage in the military than in the general population.

Senator WEBB. Thank you.

Secretary Gates, I would like to follow on to a question that was asked earlier about the decision you made in 1992 at the CIA in

order to eliminate this issue in recruitment and advancement in the CIA. There are elements in the CIA who perform functions that are pretty similar to military functions, are there not?

Secretary GATES. Yes, there are some.

Senator WEBB. Have you heard of any unforeseen circumstances based on your decision in those units, taking place in those units?

Secretary GATES. Not one.

Senator WEBB. Admiral Mullen, a question that occurs to me when we look at the disparity in the percentages with respect to ground combat units, Army and Marine Corps. I take the point in the study about the percentage of people who have served alongside gay members having a higher comfort level. But do you have a different leadership approach? What would be the leadership approach that you're contemplating in terms of those types of units?

Admiral MULLEN. I think that the report itself did a terrific job in flagging those areas that we really would need to focus on. It goes back to what the Secretary of Defense said, and I agree completely. Until we've mitigated that to an acceptable level, until we've done the training—and in my remarks, the Marine who said, if this changes we'll do it better than anybody else.

This has to be, more than anything else, should it change, it has to be well-led. We understand where that leadership needs to be applied and I would not certify until we had mitigated to a point where we were satisfied that we could move ahead.

So we would focus on those all-male combat units who didn't have exposure and certainly do it in a way from a training standpoint, from a leadership standpoint, that was intense enough to achieve the outcome that we wanted there.

Senator WEBB. Thank you.

I'd just like to again conclude by expressing my respect and appreciation for the work that General Ham and Mr. Johnson did on this survey. It's really a landmark piece of work in my view.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

We're going to take a 5-minute recess.

[Recess from 10:53 a.m. to 10:59 a.m.]

[Reconvened.]

Senator Thune, I believe you are next.

Senator THUNE. Thank you, Mr. Chairman.

Secretary Gates, you said the other day the Service Chiefs are less sanguine about the Working Group, about the level of risk of repeal with regard to combat readiness. We've heard that in testimony in front of this committee from the Service Chiefs themselves, that they'd like to keep the current policy in place.

Of course, General Amos, the Commandant of the Marine Corps, told the committee a few months ago in his view: "The current law and associated policy have supported the unique requirements of the Marine Corps and thus I do not recommend its repeal."

Let me ask you, and I'd like to get a comment from Admiral Mullen as well. How should we weigh the fact that to date there's not a consensus among the Service Chiefs and yourselves with regard to the issue of repeal?

Secretary GATES. First of all, I think you'll hear from the Service Chiefs tomorrow, despite their differing views, that they do have

high regard for the review and the implementation plan that has been put together as part of the review.

To get to the heart of your question, Senator, I think that you have to take seriously the views of the Service Chiefs, as I said in my opening statement. The key question is, can the concerns that they have be mitigated? Can this be implemented without having an impact? If we take the steps that are recommended and perhaps others as well, can the concerns that they have be addressed and the risks they see be mitigated?

Our view clearly is that it can. You can hear directly from them tomorrow. I think that they will give you their honest judgment on this.

There are two pieces of this that I think need to be weighed and that I have discussed with the Service Chiefs. The first is the risk of the courts taking this out of our hands and having no time to prepare. The second is, if not now, when? When we're out of Afghanistan? As I look ahead in the world, I don't see the world getting to be a safer, easier place to live in where our troops are necessarily under less stress.

The question of, if not now, when?, I think is a worthwhile question to address to them as well.

Senator THUNE. Let me ask you as a follow-up to that. The current legislation on repeal requires yourself, Admiral Mullen, and the President to certify that repeal is consistent with standards of military readiness. Is there any reason why the Service Chiefs should not be also required to certify that repeal is consistent with military readiness and effectiveness?

Secretary GATES. I think that this question came up this summer and you get to the point where you have eight or nine people. If not the Service Chiefs, then how about the combatant commanders? If the Service Chiefs, why not the Vice Chairman? So you all of a sudden end up with 10 or a dozen people.

I said in answer to an earlier question, my view of when I think I could certify will depend heavily on the advice of the Service Chiefs of whether we have, in fact, mitigated the concerns that they have addressed.

Senator THUNE. Would you be in favor of adding the Service Chiefs to the list of certifying officials when it comes to the proposed legislative language?

Secretary GATES. No, I would not.

Senator THUNE. Let me ask a question and direct this I think to General Ham and to Mr. Johnson. The survey report has a section which describes some of the main issues associated with repeal for servicemembers. The first one they list states that 44 percent of servicemembers who've been deployed to a combat environment since September 11, 2001, said that effectiveness in a field environment or out to sea would be affected negatively or very negatively by repeal.

My question has to do with the risk level that you attach to that. It seems the risk level is very low for repeal when you have 44 percent of the troops who've been deployed into combat who said it would have a negative or very negative effect. I guess the follow-up question to that is, are you saying that you're willing to accept

the negative impact this policy change could cause to nearly half of our combat troops when we're fighting two wars?

General HAM. Senator, it is, as all of this is, a pretty complex issue. As you cited, that was a very much concerning figure to us. But a subsequent question to that says, under intense combat what would your sense be, and we saw the negative rates drop quite dramatically. As with many of the other experiences—responses to the survey, when we asked the question, have you served in combat or are you serving in combat with someone in your unit who you know or believe to be gay, the unit performance is rated very, very highly and the matter of a gay member being in the unit is assessed as having only a minimal impact, in most cases no impact, in the unit's performance.

Senator THUNE. Anything to add to that, Mr. Johnson?

Mr. JOHNSON. I would echo what General Ham said. The other thing I would add to that, Senator, is, as we note in the report, predictions in surveys of what will happen or what you will do in the event of something are valuable, but they're of limited value, and this is reflected in social science data as well. Predictions very often are reflective of attitudes, which is one of the reasons why in the report we also put a lot of emphasis on asking people about their actual experience of serving in a unit with people they believe to be gay or lesbian. As you see in the report, even in the combat units and in Marine combat units, when people reported that they had the experience of serving with somebody who was gay or lesbian, the experiences reflect pretty high numbers in terms of how the unit functioned, 84 or 87 percent.

Senator THUNE. My time has expired, but I would just again point out for the record that you have nearly half of those who have been deployed who say that it will negatively or very negatively affect combat effectiveness and readiness. That is really the bottom line issue here.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Thune.

Senator Manchin.

Senator MANCHIN. Mr. Chairman, thank you very much. I want to say as a West Virginian, I'm very honored to be on this committee and to be here to hear this important discussion.

I want to thank all of you for the work that you've done, from Secretary Gates to Mr. Johnson, General Ham, and to Admiral Mullen. I appreciate it so much. I know you've put in a lot of effort.

I'm the new person on the block, if you will, so I'm trying to get up-to-speed as quickly as possible. To Secretary Gates, if this were to be repealed, is it all at one time, or would each branch have time to sequence it in, or would they use their best judgment if they thought that it would be appropriate for them or the readiness that I think the Senator from South Dakota just asked about?

Is there going to be a mandatory implementation all at one time?

Secretary GATES. I think that the question of whether there would be sequencing for different kinds of units, whether the Services would proceed at the same pace, and so on, this is something frankly where the review offers a good implementation plan in terms of training, leadership training, what needs to be done in terms of regulations, and so on.

In terms of how those things are actually carried out, I would give great weight to the views of the Service Chiefs in terms of how to proceed in that respect.

Senator MANCHIN. Last week the Co-Chairmen of the Debt Reduction Commission issued a proposal that called for \$100 billion in reductions in defense expenditures. Do you have a cost associated to the implementation of this plan?

Secretary GATES. I would say that, first of all, probably minimal. There is one part of the report, frankly, that I disagree with. That is the idea of looking into a new benefit for single members of the Services who have a significant other or a gay or lesbian partner, and it would be for both heterosexuals and homosexuals, in terms of access to family counseling, and a variety of benefits of this kind. You might hear from the Service Chiefs tomorrow, their concern about this, partly because of the cost and the open-endedness of it. Also we're trying to deliver those services to our married members of the Services today and there is worry of diluting the quality of those services if we created a new benefit for all single people who had a special person in their life.

That one recommendation I did have a problem with, and partly because of the cost.

Senator MANCHIN. Thank you.

Mr. Johnson, would repeal cause a chaplain to deliver a moral message in a service about homosexuality? Would that cause a problem there or create a legal challenge?

Mr. JOHNSON. Senator, we spent a lot of time focused on the chaplain community and, as reflected in the report, it's our view that if repeal is brought about this would not require a chaplain to change what he preaches or what he counsels, in the religious context. The chaplain's duty is also to care for all, so if a chaplain did not feel it was appropriate that he counsel a particular service-member on the issue of homosexuality he should refer that service-member to someone else.

We heard a lot of concern about, will this require me to change my religious beliefs or my religious counseling, and the answer to that is no.

Senator MANCHIN. Did you have any inkling of how many of the religious order in the military would not continue to serve or wish to opt out early?

Mr. JOHNSON. There are definitely some pretty strong views within the chaplain community. I would not for a minute assume that if the law were repealed every single chaplain would stay in the military. I think we should assume that we may lose some of our chaplains.

I also heard from many chaplains that they take very seriously their obligation to care for all and so I anticipate that we would have just as many who feel strongly that repeal is the right thing to do.

Senator MANCHIN. General Ham, if I may, on the 40 to 60 percent that have responded back concerning combat readiness and the concerns in the combat units. I'll ask concerning the Israeli military; how do they handle this situation?

General HAM. Senator, first of all they have a very, very different culture. They're a conscript force. I found in my personal engage-

ment with the Israeli leaders, because they are a small force, they have the opportunity that if there is a servicemember who has different religious views with regard to homosexuality as perhaps their leader does, they can move that servicemember from one unit to another without major disruption because of the size. That would be an impractical solution for us.

Senator MANCHIN. What I'm saying is that they're more or less combat-ready continuously and they're on the frontlines on a continuous basis. Do they have a DADT policy? Is there anything such as that in that type of a military, since they're on combat alert at all times?

General HAM. Senator, I have the highest respect for our Israeli counterparts, but they don't have global responsibilities such as our military does. They do not have a specific policy. They do allow servicemembers in the Israeli Defense Forces to have same-sex partners and continue to serve.

Senator MANCHIN. Thank you, sir.

I thank all of you.

Chairman LEVIN. Thank you, Senator Manchin.

Senator Chambliss is next.

Senator CHAMBLISS. Thank you, Mr. Chairman.

To all of you, gentlemen, this has been a very difficult issue. I know you've put your heart and soul into it and for that we say thank you for the work you've done, whether we agree or disagree with the end result. Thanks for your service in this respect.

Admiral Mullen, you stated earlier in your comments that you served alongside gays and you knew they were gay. I don't think there's any question in the minds of any of us that we know we have gay and lesbian members or individuals serving in every branch of the Services; and certainly they serve with courage and valor. That's what I heard you say; is that correct?

Admiral MULLEN. Yes, sir.

Senator CHAMBLISS. You said they served under your command. Can you tell us a timeframe? When would they have served under your command when you knew there were gay and lesbians under your command?

Admiral MULLEN. My first command was 1973 and then subsequently about 10 years later in the mid-1980s, the mid-1990s, the late 1990s, the early 2000s, and up through 2004 to 2005.

Senator CHAMBLISS. In those first commands, when you knew there were gay and lesbians serving under you, what was the law at that time?

Admiral MULLEN. Homosexuals, at that time, were not allowed to serve. If their conduct was exposed, they were typically discharged.

Senator CHAMBLISS. Were you responsible for discharging a number of those that you knew were gay?

Admiral MULLEN. Absolutely.

Senator CHAMBLISS. Did you discharge everyone you knew was gay at that time?

Admiral MULLEN. Essentially, it was a conduct offense. This was before DADT, and if you were known to be gay or lesbian it then had to be brought forward, oftentimes in the conduct system, and they were discharged. I did this and I also saw this.

Senator CHAMBLISS. Did that have an impact on the morale of your sailors that were serving under you?

Admiral MULLEN. At the time, no, not noticeably.

Senator CHAMBLISS. Secretary Gates, have you read the report?

Secretary GATES. Yes, sir.

Senator CHAMBLISS. I want to quote from page 49, paragraph 2. It's part 6, "What We Heard." Here's what it says: "For this section of the report, there's an important caveat. If the Working Group were to attempt to numerically divide the sentiments we heard expressed in information exchange forums, online inbox entries, focus groups, and confidential online communications between those who were for or against repeal of the current DADT policy, our sense is that the majority of views expressed were against repeal of the current policy."

Now, you're basing your opinion on a 28 percent response to surveys that were sent to 400,000 men and women. The question, do you think we ought to repeal DADT, wasn't even asked to them. The question was, can we implement it? Looking at this section of the report, it's pretty clear that the authors of the report say that a majority of those men and women they interviewed across the spectrum were opposed to repeal.

Knowing that, does that change your opinion as to whether or not this law ought to be repealed?

Secretary GATES. What the Co-Chairs have told me, Senator, is that, particularly when it comes to the email inbox and those who came to many of the forums that they held, that these were clearly folks motivated to express an opinion. While those opinions were important, because they were basically self-motivated to show up and offer their opinion, what I was told was that it was important, but it wasn't statistically significant in terms of representing the views of the force. That the survey, which was done anonymously, was more reliable in terms of gauging the overall views of the force.

Senator CHAMBLISS. Mr. Secretary, I'll have to tell you I'm really bothered by your response to that alongside of the response you gave to Senator McCain when he said, "what if you had 265,000 members of the military leave tomorrow or within a short period of time?" Your response there was basically the same: "I really don't think that's important and that's not going to happen."

What if it does happen? What if those 265,000 resign from the military over the next short period of time? What are you going to do?

Secretary GATES. First of all, I didn't say it was not important. As I said in response to an earlier question, very few people can leave immediately, and so people would be around for the rest of their enlistment, for the rest of their contract if they were officers. Our expectation is that, as you've heard from the authors of the report and from Admiral Mullen, based on the survey itself, experience would dramatically lower those numbers.

If I believed that a quarter of a million people would leave the military immediately if given the opportunity, I would certainly have second thoughts about this. But I don't believe that.

Senator CHAMBLISS. But you do believe the rest of the survey is correct?

Secretary GATES. What I just described to you is the difference between what I've been told was statistically significant and the importance of the individual views that were expressed by people who showed up or who bothered to send in emails.

Senator CHAMBLISS. Thank you.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Coons.

Senator COONS. Thank you, Mr. Chairman. I'd like to thank Secretary Gates and Admiral Mullen for very compelling testimony, and the authors of the study, Counsel Johnson and General Ham, for your very hard work and your important contributions here today.

One of the issues that was raised by several of the members of the panel today was the concern that if this issue is instead forced by the courts you will not have the opportunity to thoughtfully, responsibly, and professionally implement a change in policy, but will instead be compelled to do so brusquely, and that there might be really negative consequences to that having been done.

In response to a question from the Senator from Massachusetts, I got a more detailed understanding, Mr. Secretary, of how that process might work forward. Would you share with us, Mr. Secretary, what harm might be caused by having a court-ordered repeal of this policy, what kind of differences in the timeline that might produce, and what sort of negative impacts that might cause?

Secretary GATES. If the court decisions were to be similar to the district court order that was handed down in October, we would have zero time to prepare. That order took effect immediately and it was global. No time to train, no time to prepare, and, as I said in my prepared testimony, that is the worst imaginable outcome as far as I'm concerned and has a very high risk to the force.

Senator COONS. Admiral Mullen, any further comments on the potential negative consequences of a court-ordered implementation, as opposed to a more phased-in, responsible, or timely implementation through the leadership of the Armed Forces?

Admiral MULLEN. I would endorse what the Secretary said in terms of having time to be able to implement the training, leadership, or focus, before we implement the implementation plan that's in the report. Certainly, an overnight decision from the court significantly raises the risk of being able to mitigate that in a way, and it would be much more disturbing to the force.

Senator COONS. Admiral Mullen, I found part of your testimony very compelling, that many of our allies, I think it was 35, currently allow in their Armed Forces those who are openly gay or lesbian, including Australia, Canada, U.K., Germany, and France. That, in fact, many of those nations have troops currently serving in the field with us today.

What could we learn from their experiences? Are there concerns that haven't been addressed, based on their experiences, or do you think that the implementation of a change in policy can be better informed by the experience of our ally?

Admiral MULLEN. I think that's certainly an important part as we would look to, if the law changed, implementation, certainly the lessons learned from countries who have already been through this.

At the same time recognize that these countries are not the United States of America. I don't correlate one-to-one an experience of another country with ours.

That said, certainly from the field, from the combat areas, I've gotten no feedback that this was an issue in countries who allow openly gays and lesbians to serve and are fighting alongside us.

Senator COONS. My last question. I found very compelling the testimony from several of you that this really is, at the end, about values, integrity, and allowing our men and women in the Armed Forces to serve openly with honor. Servicemembers who are currently, by this policy, required to conceal aspects of who they really are and to serve with some tension between their personal being and their desire to serve their Nation.

Are there any other parallels or lessons to be learned from racial integration where the Armed Forces were asked to undertake what was initially perceived to be a very difficult, socially driven change, but ultimately has been, from what I've read in this report, a very positive impact on unit cohesion, military professionalism, service, and its broader impact on our society? Mr. Secretary?

Secretary GATES. First of all, I think, as Admiral Mullen said, it's worth noting that most of the implementation of integration took place during the Korean War, during a period of combat. We have to be honest and straightforward about this. These social changes in the military have not been particularly easy. Integration of the forces took place over a period of 5 years, from 1948 to 1953. But the reality is we had serious racial problems within the Services at least through the end of the Vietnam War.

It's been a number of years since we admitted women into the Armed Forces and the reality is, as everybody on this committee knows, we have a continuing problem with sexual assault.

These are human beings we're dealing with, and the report is honest in saying that there will be some disruption. This is a matter of leadership, training, and discipline in terms of how we implement this.

Senator COONS. Thank you very much, Mr. Secretary. I want to close by saying that I draw great confidence from today's testimony in your ability as leaders of our Armed Forces to implement professionally, responsibly, and thoroughly any change we might recommend to the policy.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Coons.

Senator WICKER.

Senator WICKER. Thank you, Mr. Chairman.

Mr. Secretary, let me ask you about a couple of statements you made in your prepared statement to this committee. On the first page, third paragraph, you comment on why we didn't ask the question to the military members, "do you think changing this law would be a good idea? Do you support this change?"

You say this was not a matter of taking a poll of the military to determine whether the law should be changed. In justification of that decision, you say: "The President of the United States, the Commander in Chief of the Armed Forces, has made his position on this matter clear."

Now, on the second page, when discussing the various forms of litigation that are occurring about this, you say: "Therefore, it is important that this change come via legislative means, that is legislation informed by the review just completed."

Would you understand it if I said that it seems that you're saying that the other two branches of the Federal Government have painted this Congress into a corner on this? On the one hand, the President has made a decision, therefore we didn't take a full survey of military attitudes; we assumed in the survey that the decision was going to be made and we asked the members how they would respond to that. Then we're saying, although this is technically a legislative decision, the court is closing in on you and you really don't have much choice there.

Would you understand it if I saw a contradiction in your testimony there?

Secretary GATES. Let me make a couple of things clear, Senator. The President can't change this law. It's just that simple.

Senator WICKER. That's absolutely correct.

Secretary GATES. What the President did in his State of the Union Address was say that he would like to see this law repealed. Now, there aren't enough fingers and toes in this room to count all the times that a President has said that he wanted to see a law changed, so he expressed his view that he wanted this law changed. But he can't do anything about it. The only way a law can change is if Congress acts or if the courts overturn it.

The executive branch for all practical purposes in changing this law, is the odd man out. The action is either in the courts or in Congress.

With respect to polling the Services, I didn't spend a career in the military, but I've read a lot of history, and I can't think of a single precedent in American history of doing a referendum of the American Armed Forces on a policy issue. Are you going to ask them if they want 15-month tours? Are you going to ask them if they want to be part of the surge in Iraq?

That's not the way our civilian-led military has ever worked in our entire history. The question needs to be decided by Congress or the courts as far as I'm concerned.

Senator WICKER. Were you troubled at the answer we might have received if we had simply asked them, in addition to all the other questions they were being asked, do you think the law should be changed? If the servicemembers are so accepting of this, as the members of the panel have suggested today, what would have been the harm in giving that information to the body, which you acknowledge in your statement is the ultimate decisionmaking forum?

Secretary GATES. In effect doing a referendum of the members of the Armed Forces on a policy matter is a very dangerous path.

Senator WICKER. Do you think the answers to the questions would have been different had we asked them outright?

Secretary GATES. I think that, as Mr. Johnson and General Ham have testified earlier, through the many questions in the survey you get a pretty clear view of the views of the force in terms of this change. What the review has highlighted is those areas of the force

that are clearly going to need the greatest attention and focus in terms of training, leadership effectiveness, and so on.

I would say part of my considerations, going back to Senator Chambliss's question, in terms of my certification would be what we learn during the preparation period with respect to recruitment and retention and what additional steps we need to take to mitigate whatever consequences that are there.

Senator WICKER. Mr. Chairman, I don't have a clock in front of me. Do I have time for an additional follow-up question?

Chairman LEVIN. I haven't been given a note, so take advantage of it.

Senator WICKER. Let me ask you this, then. To Secretary Gates and to Mr. Johnson: I'll ask Mr. Johnson to answer first. Will you acknowledge that there is considerable difference of opinion out there as to what the lower courts have actually said about DADT in regard to Supreme Court precedents? Mr. Johnson, will you commit to Congress that until such time as the law is indeed changed that you intend to do your job, in this respect, which is to fully and zealously defend the government's position in this litigation?

Mr. JOHNSON. It is my job to enforce and defend the law as Congress gives it to us. Which is why I and DOD recommended that we appeal the *Log Cabin Republicans* case and the *Witt* case, where we got adverse rulings on the constitutionality of this law. It is our obligation to continue to defend the law as it is given to us by Congress.

There is a difference of opinion within the courts on the constitutionality of DADT, but part of what I was saying in my opening statement is there is definitely more litigation activity. We used to win all these cases and there is, I suspect, a trend that is taking place after the Lawrence decision in 2003 that we all need to be mindful of.

Senator WICKER. Mr. Secretary, do you acknowledge that the role of the legal department within DOD is still to fully and zealously defend the DADT statute until, and if it is repealed?

Secretary GATES. Absolutely.

Senator WICKER. Thank you, sir.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Wicker.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I have an awful lot of confidence in our military, and the longer I have served on this committee, the more confidence I have. The men and women that serve our military in every capacity, are the best in the world because of professionalism, because of honor, integrity, and the utmost respect for the chain of command.

I have been disappointed at some of the rhetoric surrounding this issue because I think it impugns some of the military leadership in this country, especially some of the civilian leadership. I would like to remind this country that, Secretary Gates, you were selected by President Bush to lead DOD. I'll be honest with you; at the point in time you were selected, I wasn't a Member of the Senate and I probably had some of those partisan tendencies that tend to invade all of our thought processes around here. I assumed that you were going to not call them balls and strikes.

I watched you under President Bush and I think you called balls and strikes. Now you serve President Obama. You represent the highest tradition of civilian leadership of our military that we may have ever had in this country. I want to congratulate you for that, because I think you've set a great example for all that will follow you, that you can serve two parties, two Presidents, and always stay focused on what your function is. To defend this country and to promote the professionalism, integrity, and honor of America's military. I want to congratulate you for that.

This issue has particularly been a challenging one, because obviously there is not unanimity of opinion about this very controversial subject.

I want to remind everyone also about the timeline of the integration of our Services. My recollection is that President Truman did something that was beyond controversial when he integrated the Armed Forces in 1948. It was more than a decade later that Congress began to seriously look at the Civil Rights Act.

I would ask anybody on the panel that can comment on this, what the acceptance is of changing this policy compared to the acceptance that was within the military at the time when President Truman integrated the troops?

Mr. JOHNSON. Senator, let me try to answer that. I spent a considerable amount of time in the work on this report looking at that period of racial integration. I was surprised to find out that actually there were surveys done of the military back then. The sample sizes were much, much smaller, like 3,000 or 4,000 servicemembers then. But the opposition to racial integration ran very high. It was 70 or 80 percent, and that's reflected in the report.

In addition, we were dealing with much larger numbers. The military then was about 8 million. By 1945, black soldiers were about 700,000. This was at a period of time before integration had been accepted in civilian society.

Senator MCCASKILL. I think at the time that the Armed Forces was integrated, a black person couldn't stay in the same hotel in the south with a white person; isn't that correct?

Mr. JOHNSON. As we say in the report, by 1953, 95 percent of Army units were integrated, but buses in Montgomery were not.

My assessment is that the opposition to racial integration then was much more intense than the opposition to gays serving openly today in the military.

Senator MCCASKILL. I understand that one of the common concerns of some of the servicemembers that were surveyed in this report on the repeal of DADT was a fear that some people would be getting special treatment in the implementation. Secretary Gates, if this policy is repealed, would it lead to a special set of benefits or entitlements for any gay or lesbian servicemembers of the military?

Secretary GATES. One of the important contributions of the report and in its recommendations is that there not be any special class or special protected class, that everybody be treated the same. Everybody would be subject to the same discipline and the same standards. Admiral Mullen addressed this earlier.

Senator MCCASKILL. What about on the recruitment process? Is there going to be any questions asked about sexual orientation?

Secretary GATES. No, there would be no need for that.

Senator McCASKILL. Would there be any special diversity programs or tracking in terms of trying to have some kind of quota or any attempt to distinguish from one member to the other based on sexual orientation?

Secretary GATES. No. People would be evaluated and promoted on the same basis that people are evaluated and promoted today, and that is their competence, fitness for duty, and talents as a military officer.

But let me ask Admiral Mullen to say a word about that.

Admiral MULLEN. I would only echo that. There's absolutely no consideration for any changes along the lines that you would suggest.

The other comment I would make—and there have been a couple questions about integration of African Americans and women in the military. Yes, we have had our challenges, there's no question about that. But categorically, for the last 40 years, from my experience, we are in a much better place as a military because of those steps taken when they were taken.

Senator McCASKILL. My time is up. Thank you all for your service.

Chairman LEVIN. Thank you, Senator McCaskill.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

This is a difficult discussion. It was predicted that it would have some disruptive effect on the military. I believe it probably has. It probably has not been good for morale and the problems that have arisen from it. I'm inclined to the personal view that DADT has been pretty effective and I'm dubious about the change, although I fully recognize that good people could disagree on that subject.

I would say that I think the courts are quite clear that on matters like sex or race, you can't have discrimination on those bases. But this deals more with actions of an individual rather than who they are as a person.

With regard to your statement, Mr. Gates, you say that the concerns arising from the legislation do not present an insurmountable barrier to repeal, and that you believe it could be done without posing a serious risk to military readiness.

We have an uneasy situation. We are here because, as Senator Wicker suggested, the President made a commitment in a campaign and he's delivering on that. I'm sure he believes it, but he made a political campaign commitment. There has been a lack of understanding when he made that commitment, I believe, of the serious ramifications and problems that might arise from it.

I do believe that each of you serve at the pleasure of the President pretty much. You've been appointed by him or serve at his pleasure. We have a right to ask questions about this matter and raise questions when we have them, as the report itself stated, half the people in the United States military, if asked, would say they don't want to change this policy.

Mr. Johnson, several references have been made, including by General Ham and Secretary Gates, that the courts are on the way to overturning this law. I have done some research on that, not as a result of this hearing, but as a result of the Kagan hearing. She

was Solicitor General of the United States, who ardently opposed this policy, blocking the military from even going on the Harvard campus.

Isn't it a fact that just over a year ago the First Circuit Court of Appeals, sitting in Boston, rendered an opinion of 14 defendants, challenging the DADT law constitutionality, and the American Civil Liberties Union (ACLU), who represented the plaintiffs in that case, did not want to appeal a case they lost, did not want to appeal it to the Supreme Court?

Now, I conclude from that that the Supreme Court, they believed, was likely to uphold the statute. One of the members in that case asked to have the case appealed and Ms. Kagan, after consulting with DOD before you got there, she said: "No, the California case, the *Witt* case, would be a better one; don't take it to the Supreme Court." They agreed to wait until the California case came along.

You wrote a letter in the *Witt* case in California that acquiesced in the Court of Appeals remand of the *Witt* case to the lower court to take hearings on how that individual *Witt* decision would impact the military personnel affected by it in a process that would clearly be unacceptable, would eliminate the ability to enforce the statute nationwide.

But you went along with that. You said: "A remand will allow DOD to develop a factual record in the case which will, we believe, demonstrate that the discharge was appropriate." But it was not the right legal opinion, in my view.

I asked Solicitor General Kagan, I gave her 20 minutes, that question and we don't have 20 minutes today to go for it.

I guess what I'm saying to you is, I believe that the record is crystal-clear that the Department of Justice (DOJ) and you acquiescing as counsel for DOD did not take the *Witt* case up to the Supreme Court and did not take the First Circuit case to the Supreme Court because you wanted to have a cloud over the legality of this matter and did not want a clear decision from the Supreme Court. Therefore, you would have an additional argument to Congress to overturn the statute because there's a legal cloud over it. That's my best judgment.

Mr. Johnson, you're now the Co-Chairman of the commission. Your vision about this issue is pretty clear, I think, that you were clearly for repeal of the law when you took this position; were you not?

Mr. JOHNSON. I have two responses, Senator, if I may. First, on the *Witt* case, we spent a lot of time thinking about whether or not to recommend that the DOJ petition for cert in that case. Ultimately we reached the judgment, along with the DOJ, not to petition for cert for two reasons: One, we did not think it was a good idea to push this issue to the Supreme Court then, at that point in time, on that factual record, because the factual record as it existed then was basically her own allegations. It was on her own pleading.

Second, we recognized then that we would have the opportunity to revisit the issue on appeal after the trial. So I recommended appeal. Now that we've had the trial and DOJ has gone along with that, we've appealed that decision.

Senator SESSIONS. In the *Witt* case?

Mr. JOHNSON. In the *Witt* case, yes, sir.

Senator SESSIONS. But it was delayed. That case or the First Circuit case could have possibly been decided by now had you taken what I would consider to be the appropriate position, which would be to have appealed them and supported the appeal in those cases.

Mr. JOHNSON. The First Circuit case, it was for the plaintiff in the case to decide whether or not to appeal to the Supreme Court, and they declined to do that.

Senator SESSIONS. As the ACLU favored, why did they not choose to appeal the case they lost?

Mr. JOHNSON. I would note about the First Circuit case the court decided to hold us to an intermediate level of constitutional scrutiny, which was, just as in the *Witt* case, the first time the courts had ever done that. So in both the First Circuit and the Ninth Circuit, the appellate courts have held that we should now be held to an intermediate level, versus the lower, rational basis level of scrutiny that we typically got in these matters of the military.

The other thing I'd like to add, Senator, I work for the Secretary of Defense. He is my client. I have a professional obligation to my client. It was very clear to me from the outset that if we felt that doing this would be bad, I could report that and should report that to the Secretary of Defense and he would fully support that point of view to the President.

Senator SESSIONS. Thank you for sharing those thoughts. I would just say that clearly to me the *Witt* case should have been appealed interlocutorily, and I believe you could have gotten an opinion from the Supreme Court that would have affirmed this statute. There's no history legally that would suggest otherwise.

But it has been allowed to be under a cloud and have some of our top military leaders today say one of the reasons for changing this policy is the likelihood of a Supreme Court or a legal decision that would undermine the statute. I believe had it been vigorously defended we would not have that cloud today.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman.

Let me just begin by thanking all four of you for the thorough and the thoughtful way in which you've conducted this review and the way in which you've explained the conclusions that have been drawn. Particularly, General Ham and Mr. Johnson, you took on an important task. General Ham, your comments were very heartfelt and will be remembered as we move forward.

The study I believe confirms what many of us have heard for years, and that's that DADT can be overturned without disrupting our Nation's military readiness, particularly in the medium and the long-term. I think even those who have concerns about repeal—we heard about those today, have agreed that DADT forces our gay servicemembers to live a lie. They have to lie to their fellow servicemembers about their lives, activities, families, and what they care about.

I think we've learned increasingly, that those lies can destroy morale and good military order. I listened to Admiral Mullen and others who've served. Those lies don't just affect gay service-

members; they affect straight servicemembers as well, who have knowledge about their fellow servicemembers that they are also called upon to hold close.

It's very clear to me that we're on the right track. This is the 21st century. A vast majority of Americans believe that we ought to repeal what's an increasingly harmful law. We have now learned that our servicemembers, in large part, support moving forward.

I'm not a statistician. I don't think many Senators are statisticians. It's easy to cut at some of the percentages in the reports. Again, General Ham and Mr. Johnson, you have shared with us the breadth and width of this study. You've compared it to previous surveys that, for example, surrounded the integration of the armed services some 50-plus years ago, and these numbers when you're objective and you honestly consider the facts, are very powerful.

So again, my congratulations to all of you. I did want to end my comments, before I move to a question or two, on this note. I think we should listen to Secretary Gates. He said this week and he's said it here on numerous occasions in this hearing that a repeal by a Federal judge would be much more disruptive and damaging to morale than a conscious, thorough, and stepped approach to repealing this legislation that Congress has put in place.

The best way to move forward is for the Senate of the United States to make it clear that this is the will of the Senate, therefore the will of the American people.

I would just end by saying—and, Senator Gates and Admiral Mullen alluded to this earlier today, that this is not a done deal once we act. The process has to be certified. Secretary Gates, you would have to sign off, as well as Admiral Mullen and the President of the United States. You've made it clear that this would be done in a way that takes into account all that we've learned in the survey.

My congratulations and my gratitude to you all for the very professional way in which you've taken on a very difficult, emotional, and sensitive subject.

The question I'd like to direct to you in specific, I'll direct this to Secretary Gates and Admiral Mullen. Some have said that DADT is not a failed policy and that if there's any failure it's on the part of gay servicemembers to not keep their sexual orientation a secret. We had Major Mike Almy testify earlier this year. You may be familiar with his case. He testified to the committee that he never told anyone his sexual orientation, and that his personal emails were searched without his knowledge and then they were used against him. In my opinion, the policy clearly failed Major Almy.

Would you agree that the Air Force would have retained him if not for these events, where in effect he was outed against his own will? Would you agree that the Air Force suffered a loss with his discharge?

Admiral MULLEN. Senator, actually I'm not familiar with the details of the case. But just in general, as you describe it, it's very important that we retain anybody who has talent and in fact is contributing, despite their sexual orientation. To the degree that that case represents the action that is associated with the current

law as you described it, certainly I consider that to be both action, energy, leadership, and direction focused on the wrong thing.

I know that there have been adjustments to the policy, execution of policy, Secretary Gates has made over the course of the last year, to get at specifically the kinds of things that you just described, so that the current law would be executed in a more balanced and fair way, and that's what it sounds like you're speaking to. That kind of action wouldn't be taken now, based on the changes that have been made even under current law. It wouldn't stand up for discharge.

Senator UDALL. If I might, Admiral Mullen, I'd direct an additional question to you. I know that, despite your long years of experience, it's been suggested on a number of occasions and even here this morning that somehow the views of the Service Chiefs on the repeal of DADT are somehow more informed and valuable than your own. Would you speak to that point of view one more time here, as my time expires?

Admiral MULLEN. I agree with the Secretary of Defense that the consideration of the Service Chiefs in all this is absolutely critical, and done so in independent fashion. I was asked this question earlier. I've spent a lot of time with the Service Chiefs on this and have incorporated their inputs into my advice to both the Secretary and the President.

They can certainly speak for themselves tomorrow. I will say that all of us, all six of us, the Vice Chairman and the four Service Chiefs, and the chief of the Coast Guard, agree that the implementation plan that's laid out in the report is a very solid way ahead specifically. They will also say that if the law changes they will lead the way in implementing it.

Having grown up in the military, where unanimity amongst us is something that we seek in order to execute a policy, we do what we're told to do.

Senator UDALL. Thank you, Admiral Mullen. If I might make a personal comment, I would note for the record your testimony earlier this year and your testimony this morning and the very thoughtfully crafted and well-delivered and passionately delivered remarks will long be remembered. Thank you for your leadership.

Chairman LEVIN. Thank you very much, Senator Udall.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

I just want to tell all of you here today, thank you for your time and your testimony, in particular, Mr. Johnson and General Ham, the work that you've done in compiling and presenting this report.

The Commander in Chief has stated explicitly that he would like DADT repealed. Secretary Gates, you and Admiral Mullen have both gone on record in support of repeal. Constitutionally, it is the role and responsibility of Congress to make this change to the law, and I support moving forward with repeal because I personally believe that it is the right thing to do and that the discharge of high-qualified servicemembers is unnecessary.

I wanted to go over a question having to do with professionalism in our Armed Forces. The oath of enlistment and the oath of office that our men and women take as they enter the Armed Forces is

not to a specific political ideology or party. Rather, that oath is taken to support and defend the Constitution of the United States.

My question is, are there any findings from the surveys to suggest that there would be a departure from that commitment once the statute concerning DADT has been repealed? General?

General HAM. Senator, no. In fact, we heard loud and clear from the force, from the most junior servicemembers to the most senior, that if the law changes they will make that happen.

Senator HAGAN. Since the implementation of DADT back in 1993, over 13,000 servicemembers have separated due to their sexual orientation. Will the servicemembers that have been discharged under that provision of DADT be allowed to return to their respective Services without prejudice to their separation code?

I understand that, although most servicemembers have been discharged, they've received an honorable discharge, but they also have what I understand is a reenlist code of RE-4, which makes it extremely unlikely that they would be accepted back into the Service by a recruiter. I understand that this separation code of RE-4 means they are not suitable or desired for continued service, even if the separation is under honorable circumstances.

The Working Group recommended that servicemembers discharged under DADT be allowed to reapply for reaccession. But I'm just curious about what that reenlistment code actually would mean in this case.

Mr. JOHNSON. What we're recommending, Senator, is that servicemembers who were separated pursuant to the policy be permitted to seek reenlistment like anybody else and if there is an indication that they were separated for reasons of homosexual conduct, that that be set aside and they be considered for reenlistment in all other respects if they meet the right age, weight, physical requirements, and so forth.

Senator HAGAN. Do you think anybody will, if this policy got changed?

Mr. JOHNSON. We spoke to a number of former servicemembers who were gay and lesbian who said they would welcome the opportunity to seek reenlistment.

Senator HAGAN. As I've said, I think that this policy is discriminatory in nature and unnecessarily creates an institutional barrier that impedes our servicemembers from rising to the highest level of responsibility. Senator McCaskill mentioned some of this, too, but what steps will be taken in the implementation of repeal to ensure that gay and lesbian servicemembers are treated under the same general principles of military equal opportunity policy, while at the same time not elevating those servicemembers into a special status as a protected class that would receive special treatment?

Admiral MULLEN. There's no plan at all to create any kind of special class. Our standards of conduct in how the military led would be enforced exactly as they are today. So I would not expect anything along those lines to change at all.

Senator HAGAN. Mr. Chairman, I just again want to say I thank you for the hard work that all of you have put into this, and I appreciate your being forthright in your testimony.

Thank you.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Graham.

Senator GRAHAM. Thank you.

Thank you, gentlemen. Thank you all for what you're trying to do for the country. You present to us opinions from the military and there are some strong opinions in this study. The numbers are pretty astounding to me in terms of the people who say they would feel comfortable with a policy change, but when you look at combat units the numbers are pretty strong that the policy change may be disruptive. So we'll have to balance what to do here.

Jeh, if you could in a one or two-pager, send to the committee how the system actually works in the Army, Navy, Air Force, and Marine Corps about what kind of evidence is used to discharge someone, what type of events that would lead to discharge. I think there have been some substantial regulatory changes, I've looked at the Air Force regulations and I am pretty impressed with them, to make sure that we're making rational decisions.

It would be helpful to the committee to know exactly what kind of events would lead to discharge, because the regulatory changes you guys have made have cleaned up some of the abuses in the past. That would be helpful if you could send that information to me.

Mr. JOHNSON. I would be happy to do that, Senator.

[The information referred to follows:]

Please see the provided correspondence on this issue from the Honorable Mr. Johnson to Senator Graham, dated 9 December 2010.



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

DEC 9 2010

The Honorable Lindsey Graham
United States Senate
Washington, DC 20510

Dear Senator Graham:

Thank you for the two requests for information you made to me at the Committee hearing last Thursday. I respond to those inquiries below. As you requested, I will share these responses with the Committee.

Request:

"[I]n a one or two-pager send to the Committee how the system actually works in the Army, Navy, Air Force and Marine Corps about what kind of evidence is used to discharge someone, what type [of] events that would lead to discharge. And I think there have been some substantial regulatory changes. I've looked at the Air Force regulations—pretty impressed with them—to make sure that we're making rational decisions. And I think it would be helpful to the Committee to know exactly what kind of event would lead to discharge, because the regulatory changes you ... have made, I think, have sort of cleaned up some of the abuses of the past. So that would be helpful, if you could."

Response:

Basically, under § 654 of Title 10, separation is required if a finding is made that a Service member (a) "engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts"; (b) "stated that he or she is a homosexual or bisexual, or words to that effect"; or (c) "married or attempted to marry a person known to be of the same biological sex" (10 U.S.C. § 654(b)).

As you alluded to you in your question, in March of this year the Secretary of Defense issued changes to the DoD instructions implementing § 654.¹ These changes are outlined in the attached information paper. In short, these changes (a) raised the level of the officials authorized to initiate and execute separations (this level was raised further in October), (b) codified four situations in which certain confidential information cannot be used in separation proceedings (many of which were already excepted under existing policies), and (c) set stricter guidelines on what would constitute "credible information" and who should be considered a "reliable person" for purposes of initiating an investigation or a separation.

¹The relevant instructions are DoDI 1332.14, "Enlisted Administrative Separations," and DoDI 1332.30, "Separation of Regular and Reserve Commissioned Officers."



By these revisions to the implementing regulations, we believe that we met the Secretary's mandate for changes that implemented the law in a "fairer and more appropriate manner." These regulatory changes, for the most part, revise the circumstances under which an inquiry is initiated, which we and the DOJ Office of Legal Counsel concluded we had the legal flexibility to bring about. However, it must be emphasized that these changes did not and could not change the substance of the law outlined above. For example, the changes have no effect on what constitutes "homosexual conduct," and the conduct that mandates separation is identical before and after the regulatory revisions.

Request:

"Could you maybe supply to the Committee, in the event that the courts did strike this policy down, some of the things that you would like to see Congress do in that event to make this more orderly, because you're worried about getting a court order on Monday, and Tuesday you don't know what the heck to do? So, if that day ever comes, I would suggest that maybe you send us some information as a game plan where Congress could weigh in, and maybe the courts would be sympathetic to—to a way for Congress to get involved to handle that transition, if it ever did happen. So I would just make that invitation to you to think ahead. Like I say, I don't think we're going to lose, but who knows?"

Response:

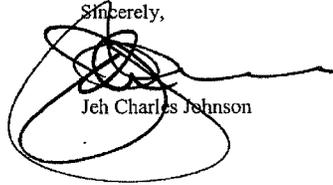
A complete set of the issues I believe are associated with repeal are identified in the recommendations section of our report. However, your request, as stated, is difficult to answer. In the event we lose in litigation, we cannot count on the luxury of time for congressional action to address the numerous issues that would be associated with repeal of the law by judicial action. Nor, for planning purposes, can we predict the contours of any court order, which would affect the remaining issues to be addressed. The very point the Secretary, the Chairman, and I continue to make is that the issues associated with repeal of the law should be addressed in a responsible and orderly way by the Department of Defense, not on the terms and timetable of a court.

For example, in the event § 654 goes away, by legislative or judicial action, and gays and lesbians are allowed to serve openly in the military, the issue of same-sex partner benefits should be addressed in some way. As our report makes clear, benefits play a large role in military life, and it is a complex area when it comes to same-sex relationships. Our report puts forth a number of recommendations regarding benefits which will take time for the Department and the Services to evaluate and implement.

Second, time will be required to develop and conduct the education and training that will be necessary, in the event of repeal, to minimize the disruption to the force. In particular, it would not be prudent to educate and train the force in advance of a court order, when the law has not changed, and we have no guarantee that we would have the time necessary to adequately educate and train the force once a court issues an order.

There is no better illustration of the hazards of leaving this issue to the courts than the court order that was actually issued in the *Log Cabin Republicans* case in October, which is on appeal now. The order was effective immediately, on a worldwide basis, and addressed none of the issues associated with repeal that are discussed in our report. As I stated in testimony, the virtue of the legislation currently under consideration is that it permits the Department of Defense to implement repeal on our terms and our timeline.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson". The signature is highly stylized and somewhat illegible due to its cursive and overlapping nature.

Jeh Charles Johnson

Attachment:
As stated

Summary of Changes
Revisions to the “Don’t Ask, Don’t Tell” regulations

Prepared by the Office of the Secretary of Defense

Background:

On February 2nd, the Secretary of Defense announced that he had directed the Department of Defense to quickly review the regulations used to implement 10 U.S.C. § 654, the law commonly known as “Don’t Ask, Don’t Tell”, and within 45 days present to him recommended changes to those regulations that will, within the confines of the existing law, enforce the law in a fairer and more appropriate manner. The Don’t Ask Don’t Tell law is implemented by two regulations: DoD Instruction 1332.14 (“Enlisted Administrative Separations”) and 1332.30 (“Separation of Regular and Reserve Commissioned Officers”). The Secretary of Defense has approved revisions to these two regulations in consultation with the Military Services and the Joint Chiefs of Staff. The changes will take effect immediately and meet the Secretary’s directive to implement 10 U.S.C. § 654 in a fairer and more appropriate manner, within the confines of the existing law.

Summary of changes:

The modifications, among other things, raise the level of the commander authorized to initiate inquiries and separation proceedings regarding homosexual conduct; revise what constitutes “credible information” and “reliable persons”; and specify certain categories of information that cannot be used for purposes of homosexual conduct discharges.

Specifically, the changes will:

- Raise the level of the officer who is authorized to initiate a fact-finding inquiry or separation proceedings regarding homosexual conduct to a general or flag officer in the Service member’s chain of command.
- Raise the level of the person who conducts a fact-finding inquiry regarding homosexual conduct to the level of O-5 (Lieutenant Colonel or Navy Commander), or above.
- Raise the level of the officer who is authorized to separate an enlisted service member for homosexual conduct to a general or flag officer in the service member’s chain of command. (Under current policy, the separation authority for officers is the Service Secretary.)
- Revise what constitutes “credible information” to initiate an inquiry or separation proceeding, by, for example, specifying that information provided by third parties should be given under oath, and by discouraging the use of overheard statements and hearsay.
- Revise what constitutes a “reliable person,” upon whose word an inquiry can be initiated, with special scrutiny on third-parties who may be motivated to harm the service member.
- Specify certain categories of confidential information that will not be used for purposes of homosexual conduct discharges:
 - Information provided to lawyers, clergy, and psychotherapists;
 - Information provided to a medical professional in furtherance of medical treatment or a public health official in the course of a public health inquiry;
 - Information provided in the course of seeking professional assistance for domestic or physical abuse;
 - Information about sexual orientation or conduct obtained in the course of security clearance investigations, in accordance with existing Department of Defense policies.

Mr. JOHNSON. I note, as we noted in the report, that approximately 85 percent of separations under this law are what we call statements cases, where the member himself makes a statement one way or another, I’m gay. If the law is repealed, obviously if somebody says “I’m gay” then it’s irrelevant.

Senator GRAHAM. Right. What I'm trying to point out to the committee, that generally speaking it's not a situation where people are hounded day-in and day-out, that we are trying to prevent that, quite frankly. The regulatory changes you guys have made has limited discharges to situations where you just described.

We can debate among ourselves as to whether you want to take that final step, but the regulatory changes have been substantial in terms of the type evidence you would use for involuntary discharge. From 1973 to 2010 is a sea change.

Admiral Mullen, what has led to your change in thinking, if you could share with the committee just a bit, about supporting the policy change?

Admiral MULLEN. Fundamentally for me, Senator Graham, the issue is this mismatch of an institution that I've been raised in my whole life, that values integrity in many ways across everything we do, and then we have thousands of men and women who are willing to die for their country, that we ask them to lie about who they are every single day.

I just, fundamentally, think that is wrong.

Senator GRAHAM. I understand.

Admiral MULLEN. I worry, Senator Graham, that it is corrosive over time. A light switch isn't going to go on and it's going to be a disaster. But it is corrosive over time, particularly during a time of war when we are focused so heavily on our combat missions. It undermines in ways our ability to do what we need to do, because of the people side of this, because of the leadership focus it takes, et cetera.

That's fundamentally what's led me to my beliefs and conclusions with respect to where we are.

Senator GRAHAM. I'm going to ask a question that is tough for a Navy guy to answer: Why do the Marines think the way they do? I say that jokingly and I'm not joking. I respect you very much. The Commandant of the Marine Corps is in a different place. We'll have him come up and answer for himself here later on.

But there is a difference of opinion on this issue between yourself and the Commandant of the Marine Corps and some other Service Chiefs. I think that fact needs to be known and understood. I'll give you 30 seconds to take a shot at it.

Admiral MULLEN. The Navy and the Marine Corps grew up together in many ways, so it's not like I haven't been around marines.

Senator GRAHAM. I know you have. So have I. I'm glad their on our side.

Admiral MULLEN. I think the way it's been described both in the report—and it's not just the Marines. It's in the Army as well, the combat arms piece, they're unique. Typically they haven't fought with or integrated with women. They're 18 to 24, trying to figure out their own selves at that particular age. It's that combination of things and the focus right now, obviously, with an awful lot of Marines in Afghanistan.

For me, it is that focus. I'm not sure it's that much different per se than it is that exposure or that lack of exposure because of who the Marine Corps is.

Senator GRAHAM. Fair enough.

Now, you worry about court challenges, Mr. Johnson and Secretary Gates. I don't know how the courts are going to come out on this. I'd be surprised, quite frankly, if they strike the statute down. But you never know with courts.

Could you supply to the committee, in the event that the courts did strike this policy down, some of the things that you would like to see Congress do in that event to make this more orderly? Because you're worried about getting a court order on Monday and Tuesday you don't know what the heck to do. So if that day ever comes, I would suggest that maybe you send us some information as a game plan where Congress could weigh in and maybe the courts would be sympathetic to a way for Congress to get involved to handle that transition if it ever did happen.

I would just make that invitation to you to think ahead. Like I said, I don't think we're going to lose, but who knows.

[The information referred to follows:]

Please see previous correspondence from Mr. Johnson to Senator Graham.

Senator GRAHAM. The last thing, and I think this is the most important thing for me. I've been in the military for a very long time. You have served longer and more sacrificially than I have, so I certainly defer to your leadership. I just haven't heard a lot of people saying in the ranks themselves: I wish this policy would change. I understand that civilian leadership in our country makes policy and that's the way it should be.

If you asked the question and this was the only question you asked, "are you comfortable with the DADT policy and should it be changed," what kind of response do you think you would get, if that were the only question you asked?

Admiral MULLEN. It's hard to know. I think you'd get answers on both sides. One of the reasons this work is so important is because 6 months ago or 8 months ago we were just talking about anecdotal evidence. We just didn't have anything that was comprehensively done, and we do now. I think we're much better informed.

Senator GRAHAM. But you would agree with me, the question wasn't asked that way?

Admiral MULLEN. No, sir. But I haven't asked soldiers if they'd like to deploy for 15 months at a crack.

Senator GRAHAM. Don't get me wrong. We're not asking for you to turn the war into a referendum, would you like to go to Afghanistan and fight. That's never going to be asked of the Services. You do what you're told.

But this is a change, a pretty significant change. The one thing, to my Democratic colleagues, passing the statute repealing during the study I think was a bad mistake. We should be listening, not dictating on this. I'm not asking the country to allow the military to make its own rules and take away public policy decisions from elected leaders. But I am asking us to listen a little bit better and ask better questions.

I'll leave it with that. Thank you.

Chairman LEVIN. Thank you very much.

Now, we promised the Secretary and I stated that he'd be out of here by noon. That was an extension of a half hour. We are going

to have a second round for the remaining members of the panel. Senator Bayh is here now. He is willing to just put any questions that he has for you, Mr. Secretary, first in his round, so that you can leave, and then he'll ask questions of the other members of the panel.

Thank you.

Senator BAYH. Thank you, Mr. Chairman.

Thank you, Mr. Secretary. I just have 1 or 2 minutes of preamble and then I'll just ask one or two questions of you. I appreciate your courtesy in staying for just a couple moments.

I'd like to begin by thanking all of you for your service to our country. One of the personal joys for me over the last 8 years has been serving on this committee, the last 2 as chairman on the Readiness and Management Support Subcommittee, and working with you to try and ensure our Nation's security at a pretty difficult time. I want to thank you for that.

I also want to say to my colleagues on the other side of the aisle, while I may have a difference of opinion with some of them on this issue, I know their concerns are heartfelt and are premised upon trying to do what's right for our country. I certainly respect that, even though I may end up at a different place at the end of the day.

I come from a State that honors our military. The American Legion is headquartered in Indianapolis, Indiana. My capital city, Indianapolis, was designed by Pierre L'Enfant and there's a north-south axis of streets radiating off of a circle at the middle of our city. There is a huge war memorial on that circle. There is an American Legion Mall north of the circle, where we have memorials honoring our war dead from every conflict we fought as a Nation.

Honoring our military, caring about our national security interest, is part of Hoosiers' DNA. It's part of my DNA. We tend to come from a place where national security has to come first. If you have competing values, well, you take care of your national security first and if some other considerations, cultural or otherwise, have to wait, well, that's just the way it is.

But as I understand your testimony, Mr. Secretary, and your colleagues' testimony, we can make this change without impairing our Nation's security. Is that a correct reading of this study and of your professional opinion?

Secretary GATES. The way I would answer that question, Senator, is to say that I would not sign the certification if I did not think we were safeguarding national security.

Senator BAYH. In fact, as I understand your testimony, other nations have made this change and some of the concerns that my colleagues sincerely hold did not come to fruition in terms of retention, morale, or effectiveness in combat and that kind of thing. Is that also a correct reading of your testimony?

Secretary GATES. I think so.

Senator BAYH. In fact, when we integrated the Armed Forces in the 1950s, some of these concerns had been raised, but were not realized following the integration of the Armed Forces along racial lines; isn't that correct, gentlemen?

Secretary GATES. As I indicated earlier, the organizational integration took place between 1948 and 1953. We did have problems, racial problems inside the Armed Forces, for a number of years after that. Ultimately, through discipline, training, and professionalism, they've largely been eliminated.

Senator BAYH. Our national security has not been harmed by the integration of the Armed Forces. I'm sure you agree. I know you agree with that.

Secretary GATES. It's been enhanced.

Senator BAYH. Correct.

Admiral Mullen, in your exchange with my friend, Senator Graham, I couldn't help but think that if we had done polling back in the day, 1948, 1949, you would have found a diversity of opinion about the racial integration of the Armed Forces. And if a minority of people had objected, following that line of logic we wouldn't have integrated the Armed Forces.

So here's the point that I'm trying to make, and then, Mr. Secretary, I'll let you go. I've always felt that our Nation is strongest and most secure when we pursue our Nation's security consistent with our values, to the extent that we can. Admiral Mullen, I associate myself with your comments and I assume, and I apologize I wasn't here for all the hearing, the thinking of your colleagues. There just seems to be something fundamentally wrong when we ask men and women to lay down their lives for our country and yet they cannot be honest about who they are.

There's something fundamentally wrong about that. If we can pursue our Nation's security without putting them or us as a country institutionalizing hypocrisy, I think America is stronger, we are a more just and secure country. That's where I come from on this issue.

General and Mr. Secretary, that's just what I wanted to say. If you need to go, thank you. Again, it's been an honor working with you.

General Ham, in your testimony to my colleague, Senator Webb, you indicated that, to the extent we know, about 2 to 3 percent of the people who serve in the Armed Forces are gays and lesbians; is that correct?

General HAM. Yes, sir, it is.

Senator BAYH. There's no reason to believe that that figure has changed over time, is there? There's no way of knowing, but I assume that's constant over time.

General HAM. I don't know, sir. The best we could do was try to get an assessment of where are we today.

Senator BAYH. Sure. But I guess the point I want to make, in all likelihood there were gay Americans serving at Valley Forge, there were gay Americans at Gettysburg, there were gay Americans on Normandy Beach, there are gay Americans serving in Iraq and Afghanistan today. In all likelihood that's probably true, wouldn't you say?

General HAM. Yes, sir, I think it's a very reasonable assumption.

Senator BAYH. There are probably gay Americans buried at Arlington Cemetery and at Normandy Beach, where I took my young sons a couple of years ago. One of the most inspiring things you can possibly see are those rows of crosses, the American flag flying

in the breeze, people who laid down their lives for our country. There are probably gay Americans buried there, aren't there?

General HAM. I think that would be a reasonable assumption.

Senator BAYH. How do we say to them or to their families that we've honored their sacrifice, laying down their life, and yet if we knew who they were not only would they not be buried there, they would have been drummed out of the Armed Forces?

General HAM. Senator, my response to that would be based on the oath that we took, that all of us in uniform take, and that is that we support and defend the Constitution of the United States. That means we follow the law. So we have to do that.

Senator BAYH. I guess my point once again is, if there are Americans who are willing to lay down their lives for our country and make that kind of sacrifice, and we can enable them to be that kind of patriot without harming our national security, not only is it better for them, it is better for us and for our country. We are stronger, more noble, and more just with a policy like that.

Gentlemen, I want to thank you for your service. It's been a pleasure serving with you and I think our country is in your capable hands. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Bayh.

Beginning a second round, I don't have any additional questions. I just, though, want to comment as to why I'm here. The suggestion was made by one of our colleagues that we're here because the President made a campaign promise, that's not why I'm here. That's not why I believe the majority of us are here.

I'm here because we passed a law in 1993 which I believe is discriminatory. Times have changed since then and it seems to me we should respond to those changes, changes in the attitude of our people, the acceptance of gay and lesbian people in the workplace.

I am here because we have men and women now serving, men and women who have died for this country, who are gay and lesbian, and we should not discriminate against them. We should honor that service, honor that patriotism, the way we do the service and patriotism of any American who is willing to put on the uniform of this country.

Now, that's why I'm here. It's not because of some campaign promise of President Obama. It's because my conscience tells me it's time now to allow men and women to serve their country and to do so without having to conceal their sexual orientation.

I don't have any further questions. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I of course regret that I could not ask additional questions of the Secretary of Defense.

I would like to point out that in 1993, at the time of the enactment of DADT, General Colin Powell now supports repeal of DADT, but at the time he was asked about the issue and comparing it to the racial integration of the military. He said that sexual orientation is different from the pigmentation of one's skin. I think that that was an important statement.

Admiral, I'm really taken aback at your and the Secretary's statement that we won't have a referendum by the men and women in the military and that you based this survey, which had 28 per-

cent return, on how best to implement repeal, rather than asking them their views. Everything I ever learned about leadership, everything I ever practiced about leadership, every great leader I've ever known always consulted with his subordinates for their views, no matter what the issue.

Certainly an issue of this magnitude deserves that leaders take into consideration the views of their subordinates. It doesn't mean that they are dictated by the views of their subordinates. But I never made a major decision in the military without going around and talking to the enlisted people, the ones that would be tasked to carry out whatever the mission was.

I'm almost incredulous to see that on an issue of this magnitude we wouldn't at least solicit the views of the military about whether it should be changed or not. Now, those views may be rejected. Those opinions for the sake of the security of the country may be discounted. But to somehow say we're not going to have a referendum—it's not a referendum. That's not what leadership is. Leadership is soliciting the views of your subordinates and thereby you're able to carry out your mission, because you have to rely on them to do so.

So to say we didn't need to ask their opinion on whether it should be repealed or not, violates in my view one of the fundamental principles of leadership.

Now, the Secretary said that he had concerns about the benefits that would be allotted to or that people would be eligible for Admiral, I'll be glad to hear your response to my comment.

Admiral MULLEN. Sir, I've grown up on the deckplates my whole life, and certainly one of the things that I pay attention to, have paid attention to in every leadership position I've been in, are my people, what motivates them, how they think, what they think. Clearly, they are the reason any of us is able to accomplish any mission, small or big. That's a fundamental principle with me.

I think the report has spoken to, in great part, their views of whether this can be successfully done or not and from my perspective, very much by implication, where they are on this.

Senator MCCAIN. Then why wouldn't we just ask the question?

Admiral MULLEN. Because I fundamentally think it's an incredibly bad precedent to ask them to essentially vote on a policy.

Senator MCCAIN. It's not voting, sir. It's asking their views. It's asking their views and whether they would agree or disagree with the change, the same way you would ask whenever any policy or any course of action were contemplated. You would ask the views of others. You wouldn't necessarily accept them.

But for you to sit there and say, "well, we wouldn't want to ask them their views," it makes this whole exercise here, that took so much time, effort, and money, a bit of an unrealistic situation.

Admiral MULLEN. Sir, I guess I disagree with you.

Senator MCCAIN. You disagree with asking them whether—

Admiral MULLEN. No, sir. I just disagree with the approach, that we would go out and ask them for their views on this specifically, although I think we've gotten them.

Senator MCCAIN. I understand your answer is we would not ask them their views on whether this policy should be changed or not as the first question.

Admiral MULLEN. We've gotten in great part their views as a result of this survey.

Senator MCCAIN. Obviously we'll go around and around. But why we didn't just simply ask them how they felt about it, just as you would about any other course of action. Every great leader I've known has said, what are your views on this issue.

Finally, I guess it would be important to include for the record this survey: "Those who served in combat with a servicemember believed to be homosexual, effect on unit's combat performance. Army, combat arms, 58 percent mostly negative. Marines, combat arms, 57 percent mostly negative."

Next question: "Those deployed in a combat environment since September 11, effect on unit effectiveness at completing its mission in a field environment or at sea if DADT is repealed, and working with a gay servicemember in your unit. Army combat arms, 57 percent, Marine combat arms, 66.5 percent, very negatively or negatively."

"Those deployed in a combat environment since September 11, effect on unit effectiveness at completing its mission in an intense combat situation if DADT is repealed, and working with a gay servicemember in their unit. Army combat arms, 40.9 percent; Marine combat arms, 47.8 percent, very negatively or negatively."

It probably should not be a surprise to hear the views of the Commandant of the Marine Corps in his testimony tomorrow and perhaps the other Service Chiefs.

Mr. Chairman, can I continue or will we just go to another, a third round?

Chairman LEVIN. We'll have a third round.

Senator MCCAIN. Okay. Thank you.

Chairman LEVIN. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks again to the witnesses. On the survey, I just want to get a few things on the record, Mr. Johnson and General Ham. As I understand it, you had an independent group send out a survey to over 400,000 members of the military; is that right?

Mr. JOHNSON. Yes, sir.

Senator LIEBERMAN. So therefore the 28 percent was more than 100,000 responded, that is, sent their surveys back in?

Mr. JOHNSON. It was 115,000. To just put that in context, 2 days ago there was a poll from Pew nationwide, on civilian attitudes on gays in the military, and the sample size there was 1,200 people.

Senator LIEBERMAN. For the whole country?

Mr. JOHNSON. For the whole country. This was a sample size of 115,000.

Senator LIEBERMAN. Let me just say that we base a lot of our decisions, probably too many, on samples about political questions and our standing that are a lot smaller than the number that you had responding here.

My understanding is, I don't know if the folks who did the survey indicated this to you, that 28 percent is actually a pretty high percentage response to a survey questionnaire sent out.

Mr. JOHNSON. It's average.

Senator LIEBERMAN. It's average, okay.

Mr. JOHNSON. But it was very large.

Senator LIEBERMAN. Did they give you any indication of margin of error in reflecting the views of the military generally?

Mr. JOHNSON. Given the size of the respondent pool, the margin of error is less than 1 percent, which is far lower than what you'd normally get in any kind of survey or poll.

Senator LIEBERMAN. Okay. Second, Admiral, I want to go now to this question that you've been asked about, and I did earlier, about the negative impact of DADT on military effectiveness apart from whether we think it's right or wrong.

One of the things that we lost or wasted when the military had to evict 14,000 people from the military because they were gay or lesbian is the money we invested in training them. I saw one estimate that said it was as high as \$500 million. I don't know whether you have a credible estimate of that, but do you agree that the implementation of this policy over the last 17 years has meant that we've lost the services of a lot of troops who we invested a lot of money to train to do what we need them to do?

Admiral MULLEN. I think the number is about right, between 13,000 and 14,000 servicemembers. I just don't have a financial impact. But clearly we do invest in every Service an extraordinary amount of effort, time, money, resources into people that we train to carry out these missions.

Senator LIEBERMAN. Right. I've seen some estimates, not of numbers, but that among the 14,000 there were a significant number of troops that we call mission critical, with mission critical skills: translators, intelligence analysts, and perhaps health care personnel. Is that right?

Admiral MULLEN. Yes, sir, I agree.

Senator LIEBERMAN. Mr. Johnson, let me just go back to President Truman for a couple of questions. I know you said you studied this period. When he ended racial segregation in the military, he did so, am I right, by executive action, by presidential decision?

Mr. JOHNSON. That is correct.

Senator LIEBERMAN. He was able to do so because there was no law, as there is in this case regarding DADT, that prohibited him from doing so?

Mr. JOHNSON. That is correct.

Senator LIEBERMAN. I'm picking up from what Chairman Levin had to say, while it's true that President Obama made clear in his campaign that he would act to end the DADT policy in the military, the fact is he cannot do it himself. Congress has to take action to give the President essentially the same latitude for executive action that President Truman had during his time.

Mr. JOHNSON. Yes, I agree with that way of looking at it, yes.

Senator LIEBERMAN. I wonder whether, in terms of the question of what impact, one of my colleagues asked you projecting from some of the numbers, of the potential hundreds of thousands of resignations. During Truman's time, obviously, it was an Army that was there because, as you said earlier, they were conscripted, they were drafted. I suppose any impact would have been seen in reenlistment rates.

Is there any evidence on the impact of the racial desegregation order by President Truman on reenlistments in the military?

Mr. JOHNSON. There may be evidence to that effect in the report. I don't recall any offhand. I do know that as integration was occurring, and this is reflected in the report, there were studies that indicated that the combat effectiveness of integrated units in the Korean War was just as good as it was for segregated units.

If I could add, I happen to agree with Senator McCain that matters of sexual orientation and race are fundamentally different, which is why in this report we didn't push the racial integration chapter too hard. I do think that it was relevant, in that, in the 1940s some of our most revered heroes from the World War II period—Admiral Nimitz, General Eisenhower, General Marshall—predicted negative consequences for unit cohesion if there was racial integration, and the limited surveys that were done indicated very strong opposition within the force to racial integration.

But we did it. It took some time. It was not without incident. But we did it, and I think the Chairman said that our military is stronger as a result.

Senator LIEBERMAN. Amen.

Thank you. My time is up.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

I just have a couple of follow-up questions and I'm looking forward to tomorrow's testimony as well.

I also agree with Senator McCain that we should have asked, "do you favor repeal of DADT," as one of the questions. Because you asked virtually everything else. But it was almost like you were right there; you never went right for the jugular.

As somebody who's served and continues to serve in the military for 31 years, I started as an enlisted man when I was 19. I'm a lieutenant colonel now and a U.S. Army National Guard Judge Advocate General (JAG) Corps. I find sometimes in the military we beat around the bush too much. We don't go and ask the real question. So I think we missed a good opportunity.

It doesn't mean you needed to follow it, but it certainly would be nice to see where everyone's heads are at. I think you would have gotten more of a response potentially.

That being said, since my years in the military and since being in this position, I've had the opportunity to visit Walter Reed. I still can't get out of my mind the one time I saw a soldier who lost both his legs, an arm, and most of another arm, doing crunches to try to get his torso strengthened enough so that he could still have a viable and fulfilling life.

I've seen many other injured men and women who have not only given their limbs, but also their lives. I've been to many funerals, unfortunately, in my home State for those soldiers.

One thing I never asked was are they gay or straight. It never even crossed my mind, to be honest with you. I just wanted to know if they gave their limb or their life with pride and with honor for our country.

So, that being said, this is very uncomfortable, this whole situation. But I know for a fact that there are good people on both sides of these issues. I see it each and every day, whether they're straight or gay.

That being said, I want to zero in for our viewers, I guess, and for the people who are in the audience, a couple of things regarding the legal part of it. First of all, has there been any instance, and Mr. Johnson and General Ham, maybe you can point on this, where a soldier has said for the purposes only of getting out of the military, hey, I'm gay?

Do you have any records or documentation of people trying to avoid their service as a result of that action?

Mr. JOHNSON. Yes. There are very strong indications, particularly during a period of time when the economy happens to be strong, that servicemembers would make statements, "I'm gay." When I was Air Force General Counsel, we had a litigation where a servicemember had, right after we had paid for his medical education, declared he was gay. We separated him and then we sued him to get the money back. I think that was in the 1999–2000 time period.

Very often there are cases where the servicemember is in his tour of duty and completes training and education, he makes such a statement and the indication is a pretty strong one that they're making the statement so they can get out of the military. Obviously, if the law is repealed they can't do that.

Senator BROWN. As someone who is a JAG, I know that once you sign that contract, there was a question about what if 250,000 servicemembers, give or take, decided that they want to get out. They can't get out. Let's be real. They can't get out because they have an obligation, a contractual obligation, where unless they do something that warrants them being discharged for conduct or otherwise, they have to fulfill their military contract, whether it's 4 or 6 years in an officer's case, in my case, it's unlimited.

Is that an accurate statement?

Mr. JOHNSON. Yes, that is correct.

Senator BROWN. Who do you actually work for, just so that people know? I know I'm somewhat new, but who do you work for? Who's your boss?

Mr. JOHNSON. I am a Senate-confirmed presidential appointee. I serve at the pleasure of the President, but I am the lawyer for the Secretary of Defense. I take this very seriously. My political loyalty obviously is to the President and the Obama administration, but my professional and fiduciary duty is to the Secretary of Defense, and to me that is a higher obligation.

Senator BROWN. So if he, in fact, says "I want to do away with this policy," are you zealously representing him in those actions to do that? Because I know there was a line of questioning from a couple of Senators saying, "well, I don't feel you were zealous enough in actually defending the position of the present law right now." Do you have any comment on that?

Mr. JOHNSON. At the outset of this assignment the Secretary made it very clear to both of us that he was very concerned that before we moved forward we had to have this comprehensive assessment, to know what the views of the force were, to systematically engage the force. That's in our terms of reference.

So he wanted to be informed by our review before he came to the views that he's expressed today. He expressed support for repeal in February with the huge caveat, I believe Admiral Mullen said the

same thing, that he wanted to know the views of the force and to have this report done.

In terms of defense of litigation, we made in the *Witt* case, for example, the strategic judgment not to push the case to the Supreme Court back then on that record. I believe that was in the best interests of DOD.

Senator BROWN. Mr. Chairman, since it's just us three may I have the courtesy of one final question?

Chairman LEVIN. Actually, we're going to have a third round anyway. Sure, if it's all right with Senator McCain that would be fine.

Senator BROWN. Thank you.

Just on the legal part of it. Senator McCain and others have touched on this. Being an attorney, I just want to make sure I understand. Is it your professional opinion that if, in fact, we don't do something that there is an imminent fear or concern that the courts will in fact act, and as a result we will in turn not be able to implement repeal in the manner that the military and DOD wishes?

That's the first part of my question. Second, do you have a professional opinion as to what the timing is with regard to court repeal? Is it next week, is it next year? What's your gut?

Mr. JOHNSON. I'm not here to express an opinion on the constitutionality of the law. I have not gone through that exercise. That, frankly, is for the courts, the Solicitor General, and our Office of Legal Counsel at DOJ they should be asked.

In terms of timing, I think we are in a very unpredictable environment. We got a taste of that in October, where all of a sudden we had a court order that required the Secretary of Defense to shut down this policy worldwide. We were faced with a situation, first through our JAG community and then through our personnel and readiness community, where we had to get the word out. Then immediately what came back were a barrage of questions that we dealt with in this report, about what do we do with recruitment centers, what do we do with people who declare that they are gay in this period of time while the appeal is pending, and so forth.

That was a very uncertain situation which I'd like to never repeat. The *Log Cabin Republicans* case right now is on an expedited appeal track.

Senator BROWN. What does that mean, expedited?

Mr. JOHNSON. It means the briefing to the Ninth Circuit will be done, I believe, by March. They have not told us when they will have oral arguments in the case, but I highly suspect it will be some time in the first half of 2011. We could have a decision very shortly after that.

Senator BROWN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Again, I'm sorry that the Secretary of Defense isn't here. We're in a lame duck session. I don't know what our schedule will be.

I, and most Americans, remain concerned, Admiral Mullen, about the Wikileaks issue. General Petraeus said: "This is beyond unfortunate; this is a betrayal of trust." There are source names and in

some cases there are actual names of individuals with whom we have partnered with in difficult missions in difficult places, and obviously that is very reprehensible.

In response to my question, the Secretary of Defense said that no one so far has been held responsible except for the private first class who is presently incarcerated.

Can you give us additional information? Is that correct?

Admiral MULLEN. Yes, sir, that is. It is reprehensible and I have been very clear that I think it did and continues to put lives at stake. The limits of the criminal investigation, there has been no one else held accountable.

Senator MCCAIN. Can't you carry out an investigation at the same time that the criminal investigation is going on?

Admiral MULLEN. Yes, sir, in certain kinds of incidents that's certainly possible.

Senator MCCAIN. At least to hold someone responsible for this besides a private first class.

Admiral MULLEN. I think, sir, what the Secretary said and what we have done is taken significant steps to limit the possibility in the future. We just have not gotten to that point yet and I don't know how this turns out. We have not gotten to the point where that action has been taken.

Senator MCCAIN. It's been going on since July.

Admiral MULLEN. Yes, sir.

Senator MCCAIN. Admiral, would you encourage Congress to take any punitive action against the leadership and personnel of Wikileaks, including asset freezes, travel bans, banking and financial sanctions, or any other such measures? Would you encourage Congress to act in that fashion, or is that maybe out of your area?

Admiral MULLEN. It's out of my lane, but I feel pretty strongly that this is an individual that should be held accountable for his actions.

Senator MCCAIN. The people who facilitated it?

Admiral MULLEN. Yes, sir.

Senator MCCAIN. So you would support some kind of congressional action or legislative action, in coordination with the administration, to try to see that not only does it not happen again, but those who committed this reprehensible act, as you and General Petraeus described it, are somehow held accountable? I understand that foreign nationalities and all those things are aspects of it that are hard to pursue.

Admiral MULLEN. I believe we, as a country, should do all we possibly can to make sure something like this doesn't happen again, because it does put lives at stake. How to do that, the legalities of it, is obviously a very complex issue. But in my world, when I have men and women in harm's way and they are now exposed because of this, I think we as a country should do all we can to make sure that it can't happen again.

Senator MCCAIN. Mr. Johnson, have you got any thoughts from a legal standpoint?

Mr. JOHNSON. Yes, I do, Senator. I don't view Wikileaks as journalism. My personal opinion is the activity of Wikileaks is not media. At least several months ago when this first broke, if you look on their web page, it is an open solicitation for classified evi-

dence. It's an open solicitation to break the law, and a materially false and misleading representation that there will be no legal consequences to that.

Wikileaks is on a different level from conventional journalism. As you've seen in the newspaper, an open criminal investigation, which I am briefed on a regular basis by DOJ. I have some private views which I'd be happy to share with you in private about what I think is going on here. But it is very troubling and I worry that this organization is out trying to solicit others right now for additional information.

Senator McCAIN. I thank you.

Mr. Chairman, I think it's worthy of our attention, along with Judiciary and Intelligence and even maybe Homeland Security. But this is of the utmost seriousness, and apparently it's not stopping.

I thank you, Mr. Chairman.

Chairman LEVIN. My understanding is we do have a briefing, I believe this afternoon at 4:30 on Wikileaks. I happen to share Senator McCain's feeling that it's not only reprehensible, but the people aiding, abetting, or otherwise involved, should be held accountable. Anyone who has been involved should be held accountable to the extent of the laws. If the laws aren't strong enough, we ought to strengthen them.

Admiral, I share your's and Mr. Johnson's statements relative to these leaks. This is not journalism. This is a threat to our security and we should act to make sure it doesn't happen again and to hold those who have broken the law, accountable for that. To the extent that it's consistent with the criminal investigation, I happen to agree with Senator McCain that the noncriminal investigation can take place at the same time, it should take place at the same time.

We thank all of our witnesses, and we will stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

INSTRUCTIONS GIVEN TO MILITARY PERSONNEL ABOUT REPEAL OF DON'T ASK, DON'T TELL POLICY

1. Senator MCCAIN. Secretary Gates and Admiral Mullen, the committee is interested in the personal and professional views held by military personnel and military leaders. However, over the course of the comprehensive review, individuals who expressed opposition to repeal have been met with warnings not to speak out publicly. Please describe, and provide copies to the committee, of the instructions given to flag and general officers and to members of the Armed Forces about their authority to express their views publicly or in their personal capacities.

Secretary GATES. I agree with you about the importance of obtaining the views of military personnel and leaders on this difficult and complicated issue. That is why I directed that systematic engagement of the force be a centerpiece of the Department of Defense's (DOD) comprehensive review.

I am not aware of any warnings or instructions given to flag and general officers and to members of the Armed Forces about their authority to express their views publicly or in their personal capacities. I am confident that servicemembers who wanted to express their views on this issue had ample opportunities to do so, both through the mechanisms provided by the Working Group and through other means.

In March, I commented publicly about a letter published by a senior officer that I did not think was appropriate. I also did not think it appropriate for military leaders to comment publicly on the content of the Working Group's report prior to its completion and release. The report is now completed and released, and I am confident that military leaders requested to do so by the committee will provide their full and candid views.

Admiral MULLEN. Obtaining the views of our military personnel and the views of their families was extremely important to me in forming my best military advice.

For this reason, I supported the engagement of the force by the Working Group and I encouraged all members and their families to express their frank and candid opinions. The views of our force and their families, positive and negative, are captured in the report's and its supporting documentation.

I am not aware of any warnings to military members against expressing their views on the repeal of Don't Ask, Don't Tell (DADT). I did not provide written or verbal guidance in this area. The Services individually may have provided periodic written or verbal information about the Working Group as the review progressed.

I did comment publicly in May 2010 about a letter published by a senior officer that I believed inappropriate. I also expressed my unease with public comment on the draft Working Group report prior to its delivery to the Secretary of Defense. Once the report was released, the Service Chiefs and I have spoken publicly and candidly to its findings.

CONTINUATION OF SECRETARY-LEVEL APPROVAL FOR ADMINISTRATIVE SEPARATIONS
UNDER 10 U.S.C. SECTION 654

2. Senator MCCAIN. Secretary Gates, as a consequence of ongoing Federal litigation, DOD issued guidance several weeks ago precluding any administrative separations under the DADT policy except as approved by a service secretary in consultation with the Under Secretary of Defense for Personnel and Readiness. What is the justification for the continuing applicability of this rule in view of the decision by the U.S. Court of Appeals for the Ninth Circuit to stay the applicability of the District Court ruling?

Secretary GATES. As your question notes, on October 21, 2010, I issued a memorandum that directed that no military member may be separated pursuant to 10 U.S.C. § 654 without the personal approval of the secretary of the military department concerned, in coordination with the Under Secretary of Defense for Personnel and Readiness and the General Counsel of DOD. I issued this memorandum in order to further ensure uniformity and care in the enforcement of DADT in light of the legal uncertainty that exists surrounding the law and policy. This legal uncertainty continues to exist, and, as such, I believe the procedures in my October 21, 2010 memorandum remain warranted.

3. Senator MCCAIN. Secretary Gates, when, if ever, do you contemplate that this authority will be redelegated to military commanders, and what changes do you anticipate, if any, to the revised rules regarding the process for separation placed into effect in April 2010?

Secretary GATES. I am not currently contemplating further changes to the procedures for separations under 10 U.S.C. § 654.

CONSTITUTIONALITY OF THE DADT POLICY

4. Senator MCCAIN. Mr. Johnson, Secretary Gates and Admiral Mullen testified about their fear of Federal litigation regarding the DADT policy and, despite the stay issued by the Ninth Circuit, their ongoing concern that Federal courts will overturn the policy and issue orders affecting the Armed Forces. Have you received any indication from the U.S. Attorney General or the Department of Justice that they will not continue to defend the existing law and the DOD DADT policy will not continue to be defended in response to the challenges?

Mr. JOHNSON. I have not.

SURVEY IN THE U.S. CENTRAL COMMAND AREA OF RESPONSIBILITY

5. Senator MCCAIN. General Ham, the manner in which the comprehensive review survey was presented to servicemembers currently deployed in support of Operation New Dawn and Operation Enduring Freedom has not been made clear. It would seem that obtaining the views of those who are in theater, living in combat conditions, and who are most familiar with the conditions that soldiers, sailors, airmen, and marines will face while serving in Afghanistan, Iraq, Kuwait, and elsewhere in the U.S. Central Command (CENTCOM) Area of Operations, would be a high priority. Please describe the practices followed with respect to surveying military members who were deployed in the CENTCOM Area of Responsibility (AOR), about to deploy, or who had returned from deployment within the previous 6 months.

General HAM. Obtaining the views of servicemembers who were deployed, were about to deploy, or who had recently returned from deployment was indeed an important aspect of the Working Group's efforts to engage the force. Servicemembers

solicited to complete the survey were selected at random according to standard practice used by the Defense Manpower Data Center (DMDC) to sample the military population. The survey sample included servicemembers who were currently deployed (to include the CENTCOM AOR), as well as those who were about to deploy or who had recently returned from deployment. For example, in response to question 6, "Have you ever been deployed for 30 days or more," 10,114 of the survey respondents answered "Yes, and I am currently deployed"; 75,383 answered "Yes, but I am not currently deployed"; and 29,292 answered "No."

6. Senator MCCAIN. General Ham, how was this rule enforced by the Working Group, Westat, and others conducting the survey?

General HAM. Servicemembers solicited to complete the survey were selected at random according to standard practice used by the DMDC to sample the military population. The survey sample included members who were currently deployed (to include the CENTCOM AOR), as well as those who were about to deploy or who had recently returned from deployment. For example, in response to question 6, "Have you ever been deployed for 30 days or more," 10,114 of the survey respondents answered "Yes, and I am currently deployed"; 75,383 answered "Yes, but I am not currently deployed"; and 29,292 answered "No."

7. Senator MCCAIN. General Ham, do you personally think that the views of soldiers and marines serving on the ground in Iraq and Afghanistan would be probative?

General HAM. Yes. The survey included the views of servicemembers currently deployed, about to deploy, and those recently returned from deployment.

WORKING GROUP RECOMMENDATION FOR BILLETING OF OPENLY GAY MILITARY MEMBERS

8. Senator MCCAIN. General Ham, with regard to proposed policies for the living arrangements for gay and straight military members living in barracks and tents, the Working Group's implementation plan says: "In most of the Working Group's engagements with the force, a large number of servicemembers expressed their discomfort with sharing bathroom facilities or living quarters with those they know to be gay or lesbian. Leaders at all levels should be aware of the frequency and intensity of discussion on this topic, and the broad range of views that exists among servicemembers."

The report goes on to recommend a prohibition of any special preference for openly gay members. The report dismisses separate living arrangements for openly gay or lesbian members citing the logistics nightmare that would accompany any effort to promulgate policies separating living and shower arrangements. However, the report and implementation plan offer no guidance on how commanders should resolve concerns about living arrangements other than proposing that they address concerns about living with a gay member at the local level on a case-by-case basis.

Given that the survey results revealed that over 70 percent of respondents would take some type of action if assigned to share a shower, room, berth, or field tent with someone believed to be a gay or lesbian servicemember, did your review include any type of assessment of an increase in workload for leaders and commanders?

General HAM. The Working Group did not specifically assess workload requirements for military leaders and commanders in dealing with issues pertaining to living arrangements. The responses to questions 86 to 91 of the servicemember survey offer insights into servicemember attitudes concerning billeting, berthing, and personal privacy. While about 30 percent of the respondents indicated they would "take no action" in the circumstances proposed, it seems more important to me that about 25 percent said they would "discuss how we expect each other to behave," and 18 to 30 percent depending on the specific circumstance replied that they would "talk to a chaplain, mentor, or leader." To me, this conveys the degree of maturity that is resident within the force and also indicates their confidence in their leaders and chaplains. We did assess that such issues would be manageable in a post-repeal environment, in part because we concluded that the number of incidents will likely be low, and also because commanders already today deal capably with any number of issues pertaining to living arrangements that may arise among the servicemembers under their command.

9. Senator MCCAIN. General Ham, why should we be asking our local commanders to take on this additional set of circumstances?

General HAM. The Working Group was not tasked to determine whether the law should change, but to assess the impacts of such change and how it could best be implemented in light of those impacts. With regard to the recommendation regarding living arrangements in the Working Group's report, I believe that commanders, and especially noncommissioned officers (NCO), are best equipped to deal, on a case-by-case basis, with issues that may arise with specific individuals within their units. Commanders today deal capably with any number of issues pertaining to living arrangements that may arise among the servicemembers under their command.

10. Senator MCCAIN. General Ham, did the Working Group formulate a position on how to educate commanders to deal with such cases?

General HAM. The Working Group provided suggested education and training materials in the recommended education and training framework, recommended leadership implementation guide, and frequently asked questions and vignettes contained in the Support Plan for Implementation. As envisioned by the Working Group, each Service will likely develop further education and training materials in a manner in keeping with their Service-specific approaches to education and training.

11. Senator MCCAIN. General Ham, what is the recommendation of the Working Group regarding whether a military member has a right to know if the person he or she is assigned to live with is gay or lesbian?

General HAM. The Working Group's recommendation is that, consistent with current policy, sexual orientation should be considered a personal and private matter, and DOD and the Services should not request, collect, or maintain information about the sexual orientation of servicemembers.

12. Senator MCCAIN. General Ham, what do you foresee will be a commander's or senior NCO's course of action if a straight member requests a change of living arrangements solely for the reason that their roommate is openly gay? Please address situations where the options are few, e.g., submarines, ships with small crews, and combat or field training exercises where individuals are required to live in confined spaces.

General HAM. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, discipline, and consistent with performance of mission. What commanders and NCOs do in a particular situation will be highly dependent on the circumstances and how they believe the situation should best be addressed in a manner that promotes morale, good order, discipline, and mission readiness. I would anticipate that a commander's or NCO's first course of action in most instances would be to talk to the servicemember or members involved to understand their concerns or issues and try to resolve them. If those issues cannot be resolved, and if the commander or NCO determines it would be appropriate in that particular instance, a servicemember requesting a different room or berthing assignment could be assigned to a different space. However, as your question notes, in certain situations a change in living arrangement would not be possible because it would be inconsistent with performance of the mission, or would otherwise be impractical. In such cases, just as they do today, commanders and supervisors have full authority to deny a servicemember's request for a change in living accommodations. In all instances, mission readiness, unit effectiveness, and good order and discipline remain the priority.

As discussed in the Working Group's report, it should also be recognized that commanders already have the tools—from counseling, to nonjudicial punishment, to the Uniform Code of Military Justice (UCMJ) prosecution—to deal with misbehavior in living quarters, whether the person who engages in the misconduct is gay or straight.

13. Senator MCCAIN. General Ham, since your proposals eliminate the commander's option of separate living arrangements for gay or lesbian members, what other course of action would he or she have?

General HAM. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission. What commanders and NCOs do in a particular situation will be highly dependent on the circumstances and how they believe the situation should best be addressed in a manner that pro-

motes morale, good order, discipline, and mission readiness. I would anticipate that a commander's or NCO's first course of action in most instances would be to talk to the servicemember or members involved to understand their concerns or issues and try to resolve them. If those issues cannot be resolved, and if the commander or NCO determines it would be appropriate in that particular instance, a servicemember requesting a different room or berthing assignment could be assigned to a different space. However, as your question notes, in certain situations a change in living arrangement would not be possible because it would be inconsistent with performance of the mission, or would otherwise be impractical. In such cases, just as they do today, commanders and supervisors have full authority to deny a servicemember's request for a change in living accommodations. In all instances, mission readiness, unit effectiveness, and good order and discipline remain the priority.

As discussed in the Working Group's report, it should also be recognized that commanders already have the tools—from counseling, to non-judicial punishment, to UCMJ prosecution—to deal with misbehavior in living quarters, whether the person who engages in the misconduct is gay or straight.

14. Senator MCCAIN. General Ham, since your proposed policy would not allow commanders to directly inquire about a member's sexual orientation, if a military member only suspects their roommate is gay or lesbian, will that be grounds for a room reassignment?

General HAM. The Working Group recommends that commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of the mission. If a servicemember has an issue with his or her rooming assignment for any number of reasons, including because he or she suspects that the roommate is gay or lesbian, the servicemember could request a room reassignment. Whether that request is granted would be determined at the discretion of the local commander or NCO in the individual's chain of command, and only if doing so in that instance would be consistent with performance of the mission and would not degrade morale, good order, and discipline of the unit.

15. Senator MCCAIN. General Ham, conversely, should the new policy permit an openly gay or lesbian military member to be afforded an opportunity to change roommates based on the roommate's sexual orientation?

General HAM. The Working Group recommendation is that policies regarding living arrangements would be applied uniformly, regardless of the sexual orientation of the person making a request for a room reassignment. Any such requests, by either a gay or a straight servicemember, would be determined at the discretion of the local commander or NCO in the individual's chain of command, and only if doing so in that instance would be consistent with performance of the mission and would not degrade morale, good order, and discipline of the unit.

IMPACT ON UNIT COHESION

16. Senator MCCAIN. Secretary Gates, in the executive summary of the report of the comprehensive review, one of the main survey questions offered as best evidence of an attitude among servicemembers that repeal of DADT will not have a negative impact on their ability to conduct their military mission was the following: when asked about the actual experience of serving in a unit with a coworker who they believed was gay or lesbian, 92 percent stated that the unit's ability to work together was very good, good, or neither good nor poor. An overwhelming 92 percent of respondents adhere to the current law and believe the current policy is conducive to their ability to work together.

Compare this to the survey result where over 60 percent of the respondents believed that a change in the policy would have a negative or mixed impact on a unit's ability to work together to get the job done. Worse than that, over 70 percent of all servicemembers who have deployed since September 11, 2001, predicted a negative, 44 percent, or mixed, 26 percent, impact on their immediate unit's effectiveness at completing its mission in a field environment or out at sea. In light of these responses, how can you assess that the results of the servicemembers' survey reveal a widespread attitude among a solid majority of servicemembers that repeal of DADT will not have a negative impact on their ability to conduct their military mission?

Secretary GATES. As stated in the executive summary of the Working Group's report, in general the survey results revealed around 15 to 20 percent of service-

members who answered that repeal would have a positive or very positive effect, and around 50 to 55 percent of servicemembers answered that repeal would have mixed or no effect. Around 30 percent of servicemembers said repeal would have a negative or very negative effect.

However, as I stated in my opening statement, the survey data shows that a higher proportion, between 40 to 60 percent, of those troops serving in predominantly all-male combat specialties, mostly Army and Marines, but including special operations formations of the Navy and the Air Force, predicted a negative effect on unit cohesion from repealing the current law.

17. Senator MCCAIN. Secretary Gates, the difference in your interpretation of most of the survey results as positive for the repeal, as opposed to negative, is your assessment of the response “Equally as positively as negatively.” In my view, the respondents who chose this answer acknowledged as much a negative impact on various readiness and morale factors as a positive one. What is your rationale for including this response as indicative of support for a change in the policy?

Secretary GATES. These survey questions asked servicemembers to make predictions about the impact of repeal, not to express their support for or against a change in policy. I agree with the Co-Chairs that a response by servicemembers of “equally as positively and negatively,” when asked to predict impact of repeal, would support an assessment that the repeal can be implemented without posing a serious risk to military readiness.

18. Senator MCCAIN. Secretary Gates, do you agree that if the survey results were adjusted to remove those who responded mixed, a larger percentage of those surveyed predict a negative impact on readiness and effectiveness than those do of a positive impact?

Secretary GATES. Yes. In general the survey results revealed around 30 percent of servicemembers who said repeal would have a negative or very negative effect, and around 15 to 20 percent who said repeal would have a positive or very positive effect. Around 50 to 55 percent of servicemembers answered that repeal would have mixed or no effect—these responses were divided more or less evenly between those who answered that repeal would have a mixed effect and those who answered that repeal would have no effect.

IMPACT OF REPEAL ON RETENTION

19. Senator MCCAIN. General Ham, according to the report, nearly 20 percent of servicemembers would probably or definitely intend to leave military service at the end of their current obligation if DADT were repealed, and a whopping 38 percent of Marine Corps members. In other words, according to your survey, 1 in 5 servicemembers would depart as a result of the change if it occurred. Given the importance of leadership in maintaining unit cohesion and readiness, what percentage of those who would probably or definitely leave military service as a result of repeal of DADT are military leaders and NCOs, upon whom we rely on for military effectiveness in fighting two major wars, and what is the impact of their departure?

General HAM. Your question refers to the responses to question 81 of the servicemember survey, which asked “If Don’t Ask, Don’t Tell is repealed, how, if at all, will your military career plans be affected.” The responses to this question, separated by pay grade, are contained in Appendix G of the report issued by Westat, the professional survey company engaged by the Working Group. The responses for officers and for enlisted servicemembers in pay grades E5 and above and were very similar, if slightly lower, than the force overall. Overall, 24 percent of servicemembers answered “I will think about leaving sooner than I had planned” or “I will leave sooner than I had planned.” For personnel in the grades E5 to E7 that number was 23 percent; for E7 to E9, 23 percent; O1 to O3, 22 percent; and O4 and above, 23 percent.

I believe that while some servicemembers will choose to leave military service earlier than they would have otherwise, that number will be much lower than 24 percent. My conclusion is based on a number of factors, including that the 24 percent figure includes those who answered “I will think about leaving sooner than I had planned,” that survey responses are often a poor prediction of one’s actual future behavior, and that the experience of our foreign allies indicates that far fewer military members actually left military service after a change in their policy than had indicated they would. Additionally, responses to questions 33 and 82 indicate that other factors are more important than DADT to servicemembers as they contemplate their future military service. Furthermore, many servicemembers have

Service obligations that preclude them from leaving the force immediately, even if they desired to do so. Still, there is no question but that commanders and NCO leaders must monitor the retention situation very carefully. The Working Group recommends that DOD conduct a follow-on review approximately 1 year after repeal of DADT to ensure retention programs remain effective.

MAJOR ISSUES ASSOCIATED WITH REPEAL FOR SERVICEMEMBERS

20. Senator McCAIN. Mr. Johnson and General Ham, according to your report and survey:

- 44 percent of servicemembers who have been deployed to combat since September 11, 2010, said that effectiveness in a deployed environment would be affected negatively or very negatively by the repeal of DADT;
- 34 percent said that trust within the unit would be very negatively or negatively affected by repeal;
- 31 percent said that unit readiness would be very negatively or negatively affected by repeal;
- 31 percent said that unit effectiveness would be very negatively or negatively affected by repeal;
- 30 percent said that concern for members in the unit would be very negatively or negatively affected by repeal; and
- 37 percent of servicemembers who usually attend military family programs said they would stop participating in military family programs altogether if DADT were repealed and gay or lesbian servicemembers participated in the program with a partner.

It is surprising in light of these findings that the Working Group concluded that repeal of DADT will present low risk to the United States military. In fact, the report characterizes servicemembers' concerns about negative impacts of repeal as exaggerated. Please explain on what basis you conclude that concerns of servicemembers about deterioration of military unit cohesion are exaggerated, and that the risks to military readiness are acceptable for our national security.

Mr. JOHNSON. I agree with the answer provided by General Ham. I would also call your attention to the executive summary, as well as section XII, "Our Assessment," of General Ham's and my report.

General HAM. The survey numbers you cite are high and we spent considerable time focusing on them. However, these particular survey results reflect predictions, and research demonstrates that predictions are not always a good indicator of actual future behavior. To me, the responses provided by servicemembers who have had the experience of actually serving with a gay person are more instructive. Servicemembers who report that they have served with a gay person, to include combat service, indicate that factors other than a person's personal sexual orientation are more important to mission accomplishment. This is consistent with information from other nations' militaries and with conversations I have had with many of my European counterparts in my duties as Commander, U.S. Army Europe. But, the 30+ percent of respondents who express concern about the impacts on unit readiness and effectiveness indicates that leaders at all levels will be required to address this concern during implementation. As a serving commander, I think one of the most effective ways which we can do so is to emphasize performance rather than sexual orientation.

COST OF REPEAL OF DON'T ASK, DON'T TELL

21. Senator McCAIN. Secretary Gates, the estimated cost of implementing a repeal of section 654 of title 10, U.S.C., and the DADT policy have not been made clear. One figure put out during the press conference was the net annual cost of repeal of \$30 to \$40 million. What is the best estimate of the monetary cost to DOD and to the Services for implementing repeal?

Secretary GATES. The best estimate DOD currently has is what is described in pages 150 and 151 of the Working Group's report. This was a rough order of magnitude estimate that involved a number of assumptions about which of the Working Group's recommendations may be adopted, especially those pertaining to benefits. Based on those assumptions, the Working Group estimated a gross annual cost of \$50 to \$60 million, plus approximately \$20 million in savings, for a total net annual cost estimate of \$30 to \$40 million. As the Working Group report notes, this is a rough estimate that will depend in large part on how implementation occurs, especially with regard to benefits for single servicemembers and for same-sex partners

of gay and lesbian servicemembers. DOD will continue to study and refine the cost estimates as it works further towards implementation.

22. Senator MCCAIN. Secretary Gates, where would the money come from in the fiscal year 2011 budget?

Secretary GATES. Whether and how much cost DOD and the Services incur in fiscal year 2011 will depend in large part on the timing of any legislation and any subsequent certification. It will also depend on which of the Working Group's recommendations, especially pertaining to benefits for same-sex partners, are adopted, and when any such policies are implemented. That said, if repeal were to become effective in fiscal year 2011, the Working Group estimates that net initial implementation costs in that fiscal year would be negligible, if any.

BURDEN ON MILITARY LEADERS

23. Senator MCCAIN. Admiral Mullen, you have extensive operational and command experience, including command of three ships. Please describe the living conditions as you recall them on USS *Noxubee* and the other ships you commanded, with respect to berthing, habitability, and individual privacy.

Admiral MULLEN. Early in my career, naval surface combatants had crowded and very basic living conditions. The space demands of a fighting ship require common berthing, showering, and living areas.

24. Senator MCCAIN. Admiral Mullen, if indeed these conditions were spartan and lacking in privacy, to what degree do they still exist on ships, submarines, other seagoing Navy platforms, and for the many individual augmentees assigned by the Navy to duty in Iraq and Afghanistan?

Admiral MULLEN. Our individual augmentees in Iraq and Afghanistan live in the same conditions as our ground forces, where we give them every measure of personal comfort consistent with the theater of operation.

Our naval ships today are far superior to those of several decades ago. Our sailors and marines enjoy better equipment, personal comfort, and connectivity with their families.

But while our combatants are much improved, going to sea on a warship remains timeless in most ways. Space demands still require common berthing, shower, and living areas. Hard work, long hours, danger, and a lack of privacy remain facts of a seagoing career, as well as the sense of pride, professionalism, and common purpose that make an effective crew.

25. Senator MCCAIN. Admiral Mullen, what would you say to a petty officer, sergeant, or junior officer who objects to living under these conditions with an openly gay or lesbian individual and is struggling to find the words to convey to those sailors who look to him or her for an answer as to why they should subordinate their concerns?

Admiral MULLEN. We ask much of our servicemembers, and put them into situations where they are living and working, day-in and day-out, under conditions that demand them to sacrifice privacy, comfort, and, at times, their separate individual interests. At all times, we must be attentive to good order, discipline, morale, and maintaining military effectiveness. We will always take the steps necessary to preserve effectiveness and readiness, consistent with our core values and military ethos, and our mission. This is what we do in the military. It's what we have always done.

I have enormous confidence in the ability of our leaders. I do not, however, expect leaders to change someone's views about homosexuality. I do expect that our standards of conduct and professionalism will not change one bit. We hold ourselves and our people accountable to those standards and will make exceptions for no one, gay or straight.

OPINIONS ABOUT THE EXISTING DADT POLICY

26. Senator MCCAIN. Secretary Gates and Admiral Mullen, to what extent has the current law hindered the military's ability, in a measurable way, to recruit and retain qualified personnel to meet service manpower requirements?

Secretary GATES. The Services are currently meeting their recruiting and retention goals. I cannot say to what extent the current law and policy have affected the Services' ability to attain these goals. However, it certainly is true that the current

law and policy have required the Services to separate, or to deny entry to, otherwise qualified individuals.

Admiral MULLEN. The Services are currently meeting their recruiting and retention goals. I cannot say for certain how the current law affects recruiting and retention overall, as we do not ask those seeking enlistment or those separating about their sexual orientation or their views on sexual orientation. Recruiting and retention are impacted by many factors.

27. Senator MCCAIN. Secretary Gates and Admiral Mullen, to what extent has the current law hindered the ability of the Army and Marine Corps to expand?

Secretary GATES. I cannot say for certain how the current law has helped or hindered the ability of the Army and Marine Corps to expand. However, it certainly is true that the current law and policy have required the Army and Marine Corps to separate, or to deny entry to, otherwise qualified individuals.

Admiral MULLEN. The Army and Marine Corps have completed their growth to the Active Duty end strength levels authorized in the 2008 National Defense Authorization Act. I cannot say how current law has helped or hindered this process.

28. Senator MCCAIN. Secretary Gates and Admiral Mullen, to what extent does the discharge of personnel under section 654 create a measurable impact on readiness of the force?

Secretary GATES. I cannot say for certain what the impact of the current law is on the readiness of the force. While over 13,000 Active Duty servicemembers have been discharged under the current law and policy, these discharges constitute a very small portion of the overall number of discharges from the military. However, it certainly is true that the current law and policy have required the Services to separate, or to deny entry, to otherwise qualified individuals.

Admiral MULLEN. I cannot say for certain what the impact of the current law has been on readiness of the force. The number of annual separations in recent years has been extremely small (well less than four-tenths of 1 percent of all separations). No one likes to see talent leave the service, whatever the reason, but we have followed the law. It is certainly true that the current law and policy have required the Services to separate otherwise qualified members.

29. Senator MCCAIN. Secretary Gates and Admiral Mullen, to what extent do you think the repeal of the current law would improve military readiness, cohesion, morale, good order, and discipline?

Secretary GATES. The Comprehensive Review Working Group's report concludes that the risk of repeal on overall military effectiveness is low, when coupled with the recommendations offered in the report. I cannot say for certain how repeal of the current law would improve military readiness, cohesion, morale, good order, and discipline, and that was not a focus of the assessment. I do think that, if this law were not repealed by Congress, there is the very real possibility that this change would be imposed immediately by judicial fiat, by far the most disruptive and damaging scenario I can imagine, and the one most hazardous to military morale, readiness, and battlefield performance. I also agree with what Admiral Mullen has said about the importance of personal integrity; a law and policy that requires people to lie about themselves seems to me fundamentally flawed.

Admiral MULLEN. I cannot say with certainty how the repeal of the current law might improve military readiness, cohesion, morale, good order, and discipline. Some of the force believe it will, but others believe it won't.

I do strongly believe the military would be improved if law and policy did not ask people to lie about who they are in order to serve, as is currently the case. Repeal of the current law would make our policy and the manner in which we treat each other consistent with our core value of integrity.

The report of the Comprehensive Review Working Group does conclude, and I agree, that repeal of the current law creates low overall risk to military effectiveness.

30. Senator MCCAIN. Secretary Gates and Admiral Mullen, what is the nature of the disruptive, short-term effects that might be expected upon repeal?

Secretary GATES. I think this issue is best addressed in the Working Group's report, as well as in the testimony provided by the Service Chiefs to the committee.

Admiral MULLEN. The report of the Comprehensive Review Working Group, the Support Plan for Implementation, and the supporting documents provided speak to this. The Working Group has identified the concerns of the force, and even provided scenarios to aid leaders in walking through issues that will arise should the law be repealed.

From this work, I expect questions and concerns to arise about changes in policy. In many cases, members may believe there will be bigger changes or impacts than will actually be the case. Sufficient time for education and training will greatly reduce the potential for disruption.

31. Senator MCCAIN. Secretary Gates and Admiral Mullen, to what degree and how would repeal of the current law improve military readiness?

Secretary GATES. The Comprehensive Review Working Group's report concludes that the risk of repeal on overall military effectiveness is low, when coupled with the recommendations offered in the report. I cannot say for certain how repeal of the current law would improve military readiness, and that was not a focus of the assessment. I do think that, if this law were not repealed by Congress, there is the very real possibility that this change would be imposed immediately by judicial fiat, by far the most disruptive and damaging scenario I can imagine, and the one most hazardous to military morale, readiness, and battlefield performance. I also agree with what Admiral Mullen has said about the importance of personal integrity; a law and policy that requires people to lie about themselves seems to me fundamentally flawed.

Admiral MULLEN. Please see my answer to question #29.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

RECRUITING AND RETENTION

32. Senator INHOFE. Secretary Gates and Admiral Mullen, when the DADT policy was first implemented in 1993, I was staunchly against it. As I see it now, the policy approved in 1993 has worked and I do not see a need to change something that is not impacting our force. Our military is meant for one thing: to fight and win America's wars, not a social science laboratory. There is no constitutional right to serve in the Armed Forces and the military is a specialized society that is fundamentally different from civilian life, characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society. I am concerned about the impact on our military if DADT is repealed and the DOD report only strengthened my concern.

Admiral Mullen, you testified at this committee just over a year ago, stating: "I remain concerned that the pace of current operations prevents our forces from training across the entire range of operations and erodes our readiness to counter future threats. We must continue to institutionalize proficiency in irregular warfare while restoring the balance and strategic depth necessary to assure national security. Additionally, the demands on our equipment are simply unsustainable. Continued operations that are not matched with appropriate resources will further degrade our warfighting systems, equipment, platforms, and, most importantly, our people."

We have the greatest military in the world because we have the greatest men and women selflessly serving in that military, fighting every day to protect this country and freedom-loving countries all over the world. We all agree that recruiting and retention are critical to an All-Volunteer Force and I am concerned we will suffer irreparable damages to our previous successes. Examples of this are the recruiting and retention statistics for the Active and Reserve components for fiscal year 2010. Only the Army National Guard was below 100 percent but that was intentional in order to stay within end strength constraints.

Roughly how long does it take to get a new recruit trained and ready to deploy into combat?

Secretary GATES. Recruit basic training lasts anywhere from 6 to 13 weeks, depending on the Service branch. Follow-on training varies greatly depending on the Service and the military occupational specialty. In general, it takes from about 6 months to 2 years to train and deploy a new recruit.

Admiral MULLEN. The data provided by Secretary Gates reflect today's force.

33. Senator INHOFE. Secretary Gates and Admiral Mullen, what decrease in retention and recruiting would you consider a significant impact, a sustained decrease over a few months or more, on our All-Volunteer Force?

Secretary GATES. DOD and the Services closely monitor several recruiting and retention indicators every month. We do not have a formal definition of what constitutes a significant impact on recruiting and retention, but if the Services were not to meet their recruiting or retention goals, we would consider that significant. Recruiting and retention are affected by a host of factors, of which repeal is just one. It is not the assessment of the Working Group or of DOD that repeal would

cause the Services not to meet their recruiting and retention goals. DOD will continue to carefully monitor the Services' achievement of their recruiting and retention goals. If we observe a downturn in these metrics, we will seek to identify the cause or causes and respond accordingly.

Admiral MULLEN. Decreases in recruiting and retention have varying impacts, depending on force structure goals and occupational specialties affected. We don't have specific decline we consider significant, but rather we always monitor our performance.

Neither the Working Group nor DOD have concluded there will be an unmanageable change in recruiting or retention if the law is repealed. The Working Group's assessment of the impact of repeal on retention is described further in its report. Because our recruiting and retention goals are impacted by many factors, we have mechanisms to monitor and respond as necessary. We will continue to do so.

34. Senator INHOFE. Secretary Gates and Admiral Mullen, according to your report, 30 percent of those who turned in a survey said repealing DADT would have a negative impact on their ability to conduct their military mission. The report also states that 23.7 percent would leave or think about leaving sooner than planned. What impact would a retention drop of 23 percent have on our force?

Secretary GATES. A retention drop of 23 percent would be significant. However, it is not the assessment of the Working Group nor of DOD that such a drop will occur. As General Ham has stated in his responses to Senator McCain, the 24 percent figure includes those who answered: "I will think about leaving sooner than I had planned." Also, survey responses are often a poor prediction of one's actual future behavior, and the experience of our foreign allies indicates that far fewer military members actually left military service after a change in their policy than had indicated they would. Additionally, responses to questions 33 and 82 of the Working Group's survey indicate that other factors are more important than DADT to servicemembers as they contemplate their future military service. Furthermore, many servicemembers have service obligations that preclude them from leaving the force immediately, even if they desired to do so. The Working Group's assessment of the impact of repeal on retention is described further in its report. DOD will continue to carefully monitor the Services' achievement of their recruiting and retention goals, as we currently do.

Admiral MULLEN. Such a drop would be significant. However, neither the Working Group nor DOD find such a drop to be likely. As you note, this number includes those who say they would think about leaving earlier. After closely reviewing the report and supporting documentation, I believe that survey captured anxiety about change that sound leadership and sustained standards of professional conduct will address and resolve. Many servicemembers also have service obligations that preclude them from leaving the force immediately, even if they desired to do so.

The Working Group's assessment of the impact of repeal on retention is described further in its report. Because our recruiting and retention goals are impacted by many factors, we have mechanisms to monitor and respond as necessary. We will continue to do so.

35. Senator INHOFE. Secretary Gates and Admiral Mullen, the RAND study initially came up with a 7 percent decrease in recruiting then modified that to a 4 percent increase by looking at a different time frame, from July through September vice April through June. Yet, according to your survey, 27 percent of the military members surveyed said if repeal occurs, then they would not be willing to recommend military service to a family member or close friend. I am not confident that we actually know what the impact on recruiting will be but any decrease will compound our ability to sustain the force. What is your response to my concerns over impacts on recruiting and our ability to sustain the force?

Secretary GATES. Your question refers to question 80 of the servicemember survey, which asked, "If Don't Ask, Don't Tell is repealed, how if at all, will it affect your willingness to recommend to a family member or close friend that he or she join the military"; 27 percent answered negatively.

While I do not doubt the veracity of views expressed in the survey, our ability to recruit qualified individuals into military service depends on a large number of factors, of which referrals from current servicemembers is just one. I agree with the assessment of the Working Group, as described in pages 107 to 109 of their report, that risks to recruiting are low. DOD will continue to carefully monitor the Services' achievement of their recruiting and retention goals, as we currently do.

Admiral MULLEN. I recognize the concerns expressed in the survey. But as Secretary Gates has identified, our ability to recruit qualified individuals into military service depends on a large number of factors, of which referrals from current

servicemembers is just one. I agree with the assessment of the Working Group that risks to recruiting are low. Because our recruiting and retention goals are impacted by many factors, we have mechanisms to monitor and respond as necessary. We will continue to do so.

USE OF PERCENTAGES IN THE REPORT

36. Senator INHOFE. Secretary Gates and Admiral Mullen, according to your report, 400,000 surveys were sent to military members and 115,052, or 28 percent, were returned. As well, 150,000 spouses received surveys and 44,266, or 30 percent, were returned. I have been contacted or have spoken with military members here in the States and overseas. I was told some did not fill them out because they felt the decision had been made and others were concerned that if they answered against the repeal, they would be tracked down, despite the identity safety protocol, and targeted. Have you researched why roughly two-thirds of those surveyed did not respond?

Secretary GATES. The response rate for the servicemember survey, as a whole and by Service, was in line with typical response rates for surveys within DOD. The number of responses to the survey provided a margin of error of less than 1 percent. The Working Group used standard techniques in administering the survey, based on industry practice. The Working Group did not undertake, nor did I feel they needed to undertake, additional research into those who did not respond.

Admiral MULLEN. Like Secretary Gates, I understand that response rate for the servicemember survey was in line with typical response rates for surveys within DOD. The Working Group used standard techniques in administering the survey, based on established industry practice, and the size of the response to the survey provided a margin of error of less than 1 percent. The Working Group did not undertake additional research into those who did not respond, nor did the professionals administering the survey recommend such an effort. I support their analysis.

37. Senator INHOFE. Secretary Gates and Admiral Mullen, the panel assessed that repeal of DADT poses a low risk to military effectiveness. I did not see a definition of low risk. How is low risk defined?

Secretary GATES. A thorough description of the panel assessment is contained in Section XI of the Working Group's report. The panel did not itself provide an assessment of impact to overall military effectiveness, but assessed its various components (e.g., unit effectiveness, military readiness, unit cohesion, recruiting, retention, and family readiness) to assist the Working Group Co-Chairs in their overall assessment. I understand that the panel used a standard military decision support process regularly used by DOD in a variety of complex military decisions and risk assessments. Panelists were asked to rate the probability and magnitude of negative impact on these various components as low, medium, or high risk using a numeric scale; they used their individual professional judgment as to what these different levels of risk entailed.

Admiral MULLEN. The panel assessment used by the Working Group is best described in their report. They assessed components of unit effectiveness, military readiness, unit cohesion, recruiting, retention, and family readiness in order to support the Working Group Co-Chairs in an overall assessment of military effectiveness. Panelists were asked to rate the probability and magnitude of negative impact on these various components as low, medium, or high risk using a numeric scale; they used their individual professional judgment as to what these different levels of risk entailed.

38. Secretary Gates and Admiral Mullen, the report also states that in the short-term, there will be some limited and isolated disruptions to unit cohesion and retention, but it will not be widespread or long-lasting. Can you define short-term, limited and isolated, widespread, and long-lasting disruptions?

Secretary GATES. Those terms are used in the report according to their standard, commonly-used definitions.

Admiral MULLEN. The report is an independent product of the Working Group. In reading their work, I used the common definitions of those terms.

39. Senator INHOFE. Secretary Gates and Admiral Mullen, the report states that 70 percent of military members think that repeal would have a positive, mixed, or no effect on unit effectiveness. It also states that a significant minority, around 30 percent overall and 40 to 60 percent in the Marine Corps and in various combat arms specialties, said that repeal would have a negative effect. Mixed, according to

the report, is equally positive and negative. This means those who answered mixed feelings felt there would be both positive and negative effects if DADT is repealed. Why is the mixed percentage included in with the positive and no effect percentages? Additional examples appear on pages 195 and 210 of the report; it appears the negative impact percentages are consistently greater than the positive impact.

Secretary GATES. I agree with you that negative impact percentages are consistently greater than the positive impact percentages. In general the survey results revealed around 30 percent of servicemembers who said repeal would have a negative or very negative effect, and around 15 to 20 percent who said repeal would have a positive or very positive effect.

Around 50 to 55 percent of servicemembers answered that repeal would have mixed or no effect—these responses were divided more or less evenly between those who answered that repeal would have a mixed effect and those who answered that repeal would have no effect. I agree with the Co-Chairs that it is appropriate, from the standpoint of assessing the impact of repeal, to consider the mixed responses, alongside the no effect and positive responses. A response by servicemembers of equally as positively and negatively, when asked to predict impact of repeal, would support an assessment that the repeal can be implemented without posing a serious risk to military readiness.

Admiral MULLEN. I have given careful consideration to the category-by-category results of the survey as well as the larger body of research undertaken by the Working Group, including the comprehensive engagement of the force using focus groups to illuminate the causes of concern. I agree with the Co-Chairs that a servicemember response of equally as positively and negatively, when asked to predict impact of repeal, supports an assessment that with proper implementation the risk of repeal to overall military readiness is low.

MORAL AND RELIGIOUS CONCERNS

40. Senator INHOFE. Secretary Gates, Mr. Johnson, Admiral Mullen, and General Ham, the report states that you heard a large number of servicemembers raise religious and moral concerns. The report further states that some of the sharpest divergence of views about DADT exists among our 3,000 chaplains. The Chaplain Corps is critical to our overall military health and wellness. On April 28, 2010, 41 retired chaplains sent a letter to President Obama and Secretary Gates, stating that “normalizing homosexual behavior in the Armed Forces will pose a significant threat to chaplains’ and servicemembers’ religious liberty.” The letter warned that reversing the policy will negatively impact religious freedom and could even affect military readiness and troop levels because the military would be marginalizing deeply held religious beliefs. The report simply says the solution to this issue can be found in the existing guidance for our chaplains but yet, the concern remains. What are we doing to ensure our Chaplain Corps can continue to practice their faith and care for their members?

Secretary GATES. The issue of moral and religious concerns, including for the Chaplain Corps, are discussed in Section XII of the Working Group’s report. Mr. Johnson and General Ham can provide further detail on their assessment and recommendations with respect to the Chaplain Corps.

Mr. JOHNSON. As your question notes, our assessment is that existing DOD and Service policies and guidance pertaining to chaplains is adequate to accommodate a repeal of DADT. However, in recognition of the concerns expressed by chaplains and their endorsing agencies, we recommend that DOD should, in the event of a repeal of DADT, direct the Services to reiterate the principle that chaplains, in the context of their religious ministry, are not required to take actions inconsistent with their religious beliefs, but must still care for all servicemembers. Evaluation, promotion, and assignment of chaplains must continue to be consistent with these long-standing Service policies.

Admiral MULLEN. The Working Group’s report examines moral and religious concerns, including for the Chaplain Corps. I defer to Mr. Johnson and General Ham for an explanation of the report’s findings and recommendations.

General HAM. I would note that none of the ecclesiastical endorsing agencies that responded to the Working Group stated that it would withdraw its endorsements for military chaplains if the law were repealed. But, a significant portion of the respondents did suggest that a change in policies resulting in chaplains’ free exercise of religion or free speech rights being curtailed could lead them to withdraw their endorsement. Also, in the Working Group’s discussion groups with chaplains, while many expressed opposition to a change in policy, nearly all indicated that they were willing to continue their ministry in the military. Only 3 out of approximately 145

chaplains who participated indicated they would seek to separate or retire should the law be changed. As with all aspects of implementing repeal of this law and policy, leadership will matter the most. The Service Chiefs of Chaplains will set the tone within their respective Services and commanders must actively ensure that the freedom of chaplains to minister according to the tenets of their denominational practice is protected. Education, training, and leadership will ensure our servicemembers and their families continue to receive the spiritual support they deserve while simultaneously ensuring the rights of our chaplains are guaranteed.

2007 UNTIL TODAY—WHAT HAS CHANGED

41. Senator INHOFE. Secretary Gates and Admiral Mullen, I was disheartened when you divulged your personal opinions about gays in the military before the conclusion of the review. You are the voice of our military and our soldiers, sailors, airmen, and marines, all who listen to you. It is my opinion that this created a perception that the decision had been made from the President on down, and the inputs of your military members did not matter, that the survey was going to be used to justify a decision that had already been made. Back in March 2007, Senator Wyden wrote to you, Secretary Gates, and asked you to reconsider DADT. Defense Under Secretary for Personnel and Readiness, Dr. David Chu, responded on your behalf, stating that the “Global War on Terrorism is far-reaching and unrelenting,” and that a national debate on changing “the Pentagon’s ban on openly gay servicemembers would bring divisiveness and turbulence across our country,” which “will compound the burden of the war.” What has changed?

Secretary GATES. The views of servicemembers were taken very seriously and factored greatly into the assessment of the Working Group. As I stated in my memorandum establishing the Working Group; “it [is] essential that the working group systematically engage the force. The participation of a range of age, rank, and warfare communities in this study including families, in addition to active outreach across the force, is a critical aspect that will undoubtedly lead to insights and recommendations essential to DOD’s implementation of any change.” The Working Group accomplished this in what I believe was the most thorough and objective review ever of this difficult policy issue and its impact on the American military.

I would also reiterate what I said in my statement before the committee: views toward gay and lesbian Americans have changed considerably and have grown more accepting since DADT was first enacted. But feelings on this matter can still run deep and divide. For this reason, I would ask, as Congress takes on this debate, for all involved to resist the urge to lure our troops and their families into the politics of this issue. What is called for is a careful and considered approach, an approach that, to the extent possible, welcomes all who are qualified and capable of serving their country in uniform, and that does not undermine out of haste or dogmatism those attributes that make the U.S. military the finest fighting force in the world.

Admiral MULLEN. When nominated for my second term as Chairman of the Joint Chiefs of Staff, this committee required me to agree that I would provide my personal opinion on military matters. When I appeared before you on 2 February 2010, I expected to be asked my personal opinion on this issue. I chose to provide that opinion in my opening statement, in anticipation of that question.

I have been very careful in fulfilling this obligation to you, and have made great efforts to separate my professional knowledge from my personal belief.

Our force has been changing continuously over the 17 years this law has been in place. As I said in my testimony, our Nation has become more tolerant of openly gay and lesbian people, and I believe our military has as well. That is borne out in the survey results of the Working Group. What has also become clear to me in recent years—what has been made clear to me by many in the force—is the conflict between the law and policy, and our core military values.

What has changed most significantly today is our professional understanding of this issue, following the report by the Working Group. To my knowledge, this has been the largest and most comprehensive assessment of any personnel-related matter in the history of the U.S. military. We have listened carefully to our force, and looked objectively at this issue. Because of this, I am confident that we will sustain our military readiness should Congress repeal the law.

[Whereupon, at 12:47 p.m., the committee adjourned.]

**TO CONTINUE TO RECEIVE TESTIMONY ON
THE REPORT OF THE DEPARTMENT OF DE-
FENSE WORKING GROUP THAT CONDUCTED
A COMPREHENSIVE REVIEW OF THE ISSUES
ASSOCIATED WITH A REPEAL OF SECTION
654 OF TITLE 10, U.S.C., “POLICY CON-
CERNING HOMOSEXUALITY IN THE ARMED
FORCES”**

FRIDAY, DECEMBER 3, 2010

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:04 a.m. in room SDG-50, Dirksen Senate Office Building, Senator Carl Levin (chairman), presiding.

Committee members present: Senators Levin, Lieberman, Reed, Bill Nelson, Webb, Udall, Hagan, Begich, Manchin, McCain, Inhofe, Sessions, Chambliss, Thune, Wicker, Brown, Burr, and Collins.

Committee staff members present: Richard D. DeBobes, staff director; Leah C. Brewer, nominations and hearings clerk; and Travis E. Smith, special assistant.

Majority staff members present: Jonathan D. Clark, counsel; Gabriella E. Fahrner, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Jason W. Maroney, counsel; Michael J. Noblet, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Christian D. Brose, professional staff member; Michael V. Kostiw, professional staff member; David M. Morriss, minority counsel; Lucian L. Niemeyer, professional staff member; Diana G. Tabler, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles, Christine G. Lang, and Breon N. Wells.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Jeffrey Fatora, assistant to Senator Bill Nelson; Gordon Peterson, assistant to Senator Webb; Tressa Guenov, assistant to Senator McCaskill; Jennifer Barrett, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Lindsay Kavanaugh, assistant to Senator Begich;

Joanne McLaughlin, assistant to Senator Manchin; Halie Soifer, assistant to Senator Coons; Anthony Lazarski, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; Erskine Wells III, assistant to Senator Wicker; Brian Walsh, assistant to Senator LeMieux; Charles Prosch, assistant to Senator Brown; and Ryan Kaldahl, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

The committee meets this morning to continue to receive testimony on the Department of Defense's (DOD) report on implementation of a repeal of Don't Ask, Don't Tell (DADT). Yesterday we heard from Secretary Gates, the Chairman of the Joint Chiefs Admiral Mullen, and the Co-Chairs of DOD's Working Group on this issue. Today we hear from the Vice Chairman of the Joint Chiefs, General James Cartwright, and from the senior military officers of each of the Services: Army Chief of Staff General George Casey; Chief of Naval Operations Admiral Gary Roughead; Commandant of the Marine Corps General James Amos; Chief of Staff of the Air Force General Norton Schwartz; and Commandant of the Coast Guard Admiral Robert Papp.

The Service Chiefs are tasked to organize, train, and equip our military forces. That's an important and challenging task, we are all grateful to the service of each of you to this Nation. If we repeal DADT, as I believe we should, the legislation stipulates that repeal will not take effect unless and until there is a certification by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs that they have adopted the necessary implementation steps to assure that we maintain our standards of military readiness, effectiveness, unit cohesion, recruiting, and retention.

Several of you have testified before this committee that you had concerns about repeal of DADT. You also testified that you supported Secretary Gates' intention to conduct the Working Group review and indicated that its findings might influence your view. We heard yesterday that your views helped shape the Working Group's report and recommendations, and we heard Secretary Gates testify yesterday to the following:

"I would not sign any certification until I was satisfied, with the advice of the Service Chiefs, that we had in fact mitigated, if not eliminated, to the extent possible, risks to combat readiness, to unit cohesion and effectiveness."

The committee wants to hear from each of you, whether you're satisfied by that assurance from the Secretary of Defense, and we want to know whether you were adequately consulted by the Working Group.

The report before us confirms that a large majority of troops believe that repeal is consistent with maintaining unit effectiveness, as do the Secretary of Defense and the Chairman of the Joint Chiefs. The Working Group found higher levels of concern about repeal in some segments of the military, such as the Marine Corps, combat arms branches of the Army, and Special Operations Forces (SOF).

The Working Group found that training, education, and leadership will be vital in mitigating those concerns. Also, the report demonstrates that actual experience serving alongside gay and lesbian colleagues has a powerful and positive effect on servicemembers' attitudes.

As the Co-Chairs of the Working Group, Jeh Johnson and General Carter Ham, wrote in their report: "While a higher percentage of servicemembers in warfighting units predict negative effects of repeal, the percentage distinctions between warfighting units and the entire military are almost nonexistent when asked about the actual experience of serving in a unit with someone believed to be gay."

Now, that is to say that predictions of negative effects are higher among troops in warfighting units, but the actual experience of troops in combat units who have fought alongside gays is that their units were largely unaffected, according to the Working Group report.

This evidence is confirmed by the experience of some of our closest allies who have made this change. In the militaries of Great Britain and Canada, there was even greater concern about this shift before it was made, than exists today in our military. But the Working Group reports that their transition was smoother than expected and that there is no evidence that a change in policy has diminished combat effectiveness for these allies, who have fought side-by-side with us over the last decade.

The Working Group has laid out a careful, deliberative plan to implement repeal while mitigating risks. While that plan focuses on the importance of leadership, education, and training, I agree with Admiral Mullen, who told us yesterday it is leadership that matters most.

Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman, and let me thank our distinguished witnesses for their service to our Nation. As Admiral Mullen noted yesterday, we have before us today a group of officers who among them represent more than 100 years of service and experience in our Armed Forces. I welcome them all this morning, and I'm pleased that Admiral Papp and General Cartwright are joining us as well.

As I said yesterday, we are considering in these hearings, a complex and often emotional subject, the proposed repeal of the current law, commonly referred to as DADT, which evokes strongly-held and legitimate differences of opinion among many Americans. It is no different among the U.S. military, as the Pentagon's report demonstrates. However, I think we can all agree that our military today is the most effective, professional, and arguably the most experienced force our Nation has ever had.

We can all agree that we appreciate and honor the service of every American who wears the uniform of our country, as well as their families, especially during this time of war, regardless of whether they are straight or gay.

Finally, I think we can all agree, and I certainly would, that this capable, professional force of ours could implement a repeal of

DADT if they were ordered to, just as they so ably and honorably do everything else that we ask of them.

What I want to know and what it is Congress' duty to determine is not, can our Armed Forces implement a repeal of this law, but whether the law should be repealed. Unfortunately, that key issue is not the focus of this study. Let me say again, just to be clear. I'm not saying we should hold a referendum among our military on this issue and leave the decision in their hands. That's not how our system works, nor should it. What I am saying is that leadership means knowing what your subordinates think, including whether they think the current law should be repealed or not, for that is the fundamental question that must be answered by Congress, not by the President or the courts, but by Congress.

It's a question that must be answered carefully, deliberately, and with proper consideration for the complexity of this issue and the gravity of the potential consequences for our military and the wars in which we are engaged.

I appreciated hearing from Secretary Gates, Admiral Mullen, Mr. Johnson, and General Ham yesterday. All of these experienced public servants occupy leading positions within our military establishment and their respective views all deserve careful consideration.

The same is true of our witnesses today. The Service Chiefs are responsible for the training, organization, and administration of the men and women of their respective Services. It's their responsibility to recruit and retain men and women of their respective Services. It's their responsibility to recruit and retain the best personnel possible and to implement policies consistent with the law that produce fully trained, motivated, and disciplined troops for employment in military operations. At present, that means sustained high-tempo combat. In short, it's the job of the Service Chiefs to ensure that our military is ready and able to win the Nation's wars.

As such, their views are especially relevant to the current debate. I have always said that I would listen to and fully consider the advice of our military regarding the potential repeal of DADT. I did that yesterday. I will do that today. I will continue to do that, and anyone that alleges otherwise is disregarding the record.

As we move forward with our discussion on this matter, I hope everyone will put aside political motives and agendas. I hope everyone on both sides will refrain from questioning people's integrity. I hope everyone will recognize that this debate is focused, not on broader social issues being debated in our society at large, but on our military and its effectiveness. On this matter, I look forward to hearing the views of our witnesses.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much.

We're going to start with the Vice Chairman of our Joint Chiefs, General Cartwright.

General CARTWRIGHT. Thank you, Mr. Chairman.

Chairman LEVIN. General, can I interrupt you for a moment.

I believe we have a quorum that is present and that means that we can vote on a confirmation.

A quorum now being present, I would ask the committee to consider the nomination of General Claude Kehler, U.S. Air Force, for reappointment to the grade of General, to be Commander of U.S. Strategic Command. His nomination has been before the committee for the required length of time.

Is there a motion to favorably report the nomination?

Senator LIEBERMAN. So moved.

Chairman LEVIN. Second?

Senator REED. Second.

Chairman LEVIN. All in favor say aye. [Chorus of ayes.]

Opposed, nay. [No response.]

Motion carried.

Thank you very much.

General.

**STATEMENT OF GEN. JAMES E. CARTWRIGHT, USMC, VICE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF**

General CARTWRIGHT. Thank you, Mr. Chairman, Senator McCain, distinguished members of the committee, and good morning. I appreciate the opportunity to comment on the final report from the Working Group regarding the potential impact of repealing section 654 of title 10, U.S.C., and the associated DOD policy, commonly referred to as DADT.

The critical question is not the issue of acceptance, but how repeal might affect or impact military effectiveness. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff emphasized early in this process that our men and women in uniform and their families deserve to have their voices heard on important issues such as this. I want to begin my remarks by commending the Working Group on this effort to reach out across the force and the military families to ensure the opportunity to participate was broad and far-reaching. As expected, the data gathered by the Working Group reflects a wide range of views on the service men and women in the U.S. military who are known to be gay or lesbian. If the law is repealed, implementation will require the deliberate and disciplined attention of leaders at all levels.

It is my view that implementation of a new DOD policy would involve manageable risk with regard to military effectiveness, even during the high tempo of wartime operations. Some ask, why not wait for some more timely opportunity? There is never a perfect time. Change challenges organizations. However, contrary to expectations, this may be a better time than one might expect. Periods of reduced activity can create conditions wherein the challenges associated with making a change of any kind seem enormous. By contrast, in times of conflict the focus is on the war effort. U.S. service-members are devoted to defending our Nation and their comrades. When they are engaged in combat operations, they rely on the warrior ethos of their fellow service men and women. The character and capabilities of the individual become the focal point, not presumed or known attitudes or lifestyles.

Based on my observations throughout 40 years of military service and reinforced by the findings of the report, I believe the men and women of the U.S. Armed Forces form the best trained and most professional military organization in history. They tend to think in

terms of mission accomplishment and look beyond issues of race, religion, and sexual orientation. In my opinion, the findings of the report confirm this view.

The concerns of our warfighters are important and I both seek out and respect their opinions. It is accurate that predictions of disruption by servicemembers in combat arms units were higher than the predictions of men and women in supporting organizations. Any good survey, though, asks key questions in multiple ways.

What stands out to me when reviewing the report is, whether assigned to combat arms or supporting units, servicemembers who have actually served with people known or suspected of being homosexual have almost universally experienced little or no disruption.

It is right to be concerned about how the organization as a whole might be impacted by repeal. But when based on actual experience, our servicemembers seem confident in their ability to serve professionally and effectively alongside gay and lesbian servicemembers. I am inclined to trust the real-world experiences of our men and women on the battlefield.

Recently we faced the very real potential the law would be repealed in the courts. My greatest concern, should the law change through the judicial process, is DOD may lose its ability to transition in a way that permits a managed implementation. Repealing the law by an act of Congress, on the other hand, offers the greater likelihood that DOD will retain the ability to manage implementation. Legislation can provide the structure and predictability DOD's civilian and military leaders require, to effectively and efficiently implement a change in policy.

We pride ourselves as a Nation that does not merely tolerate diversity, varying orientations, and attitudes; we embrace and are strengthened by the many differences among us. A preeminent strength of our Nation is the willingness to acknowledge diverse views, exchange in respectful debate, and at the end of the dialogue unite under the rule of law and pursue our national interests.

The character and appeal of the U.S. Armed Forces lies in its equality, opportunity, and the inclusive character of our organizational ethos. Being more inclusive improves the institution as a whole. Strong and committed leadership has plotted the course of the U.S. military throughout history. It is a certainty that change brings challenge, and challenge demands leadership. The quality of leadership that is a hallmark of our military institution will be the determining factor on the question at issue today.

My faith in our leadership from top to bottom and the fair-minded temperament of the American people, the reputational benefit derived from being a force defined by honesty and inclusiveness rather than by concealment, causes me to favor repeal of section 654 of title 10, U.S.C., and the associated DOD policy known as DADT.

Thank you, sir.

[The prepared statement of General Cartwright follows:]

PREPARED STATEMENT BY GEN. JAMES E. CARTWRIGHT, USMC

Thank you, Mr. Chairman, Senator McCain, distinguished members of the committee, good morning. I appreciate the opportunity to comment on the final report from the Comprehensive Review Working Group regarding the potential impacts of

repealing 10 U.S.C. § 654 and the associated Department of Defense (DOD) policy commonly referred to as Don't Ask, Don't Tell (DADT).

The Secretary of Defense and the Chairman of the Joint Chiefs emphasized early in this process that, our men and women in uniform and their families deserve to have their voices heard on important issues such as this. I want to begin my remarks here today, by commending the Comprehensive Review Working Group on its efforts in reaching out across the force and to their families to ensure the opportunity to participate was broad and far-reaching.

As expected, the data assimilated by the working group reflects a wide range of views on the service of men and women known to be gay or lesbian in the U.S. military. Many favor such a policy change, others are neutral, and some are opposed. That said, the critical question is not the issue of acceptance, but what if any, impact repeal would have on military effectiveness. I will focus my comments on this issue.

Should the current law be repealed, it is my view implementation of a new DOD policy would involve manageable risk in regards to military effectiveness—even during the high tempo of wartime operations. It is clear to me, based on my observations throughout 40 years of military service and reinforced by the findings of the report, that the men and women of the U.S. Armed Forces form the best trained and most professional military organization in history. Our servicemembers tend to think in terms of mission accomplishment and look beyond issues of race, religion, gender and, frankly, sexual orientation. I do not say this to suggest that making such a significant personnel policy shift would be a simple matter. Certainly, not. If the law is repealed, implementation of a more transparent policy will be challenging and will require the deliberate and disciplined attention of leaders at all levels.

So, you may ask why now? Why not wait for a more timely opportunity to consider this issue. Waiting for a more ideal time to decide this question is obviously one option; however, difficult tasks are rarely well served by delay. It is hard to foresee a time when the men and women of the U.S. military will be more focused and disciplined than they are today. We must be prudent in our approach, but there is little to suggest that the issues associated with a change in the law and DOD policy will diminish if we wait on the uncertain promise of a less challenging future.

In times of conflict, whether one is in direct contact with the enemy or serving in a support role, the focus is on the war effort. The challenges associated with making a change of any kind that seem enormous during periods of inactivity become less distracting when you are defending your Nation and comrades. U.S. servicemembers engaged in combat operations rely on the expertise and reliability of their fellow service men and women. The character of the individual becomes the focal point, not presumed or known attitudes or lifestyles. The findings of the report would seem to confirm this view.

The study reveals that the combat arms communities predict repeal would have a substantially higher negative effect on the force than the predictive view of the force as a whole. The perspectives of these warfighters is important and I respect their opinion; however, I agree with the report that this view is more likely the result of the lack of actual experience with serving in units with someone believed to be gay, in addition to the typical misperceptions and stereotyping.

While the percentage of "predictive" negative effects was higher within the combat arms communities, it is important to note that the numbers in the report shift dramatically to the very positive when this same combat arms subgroup was asked about their actual experiences when serving in a unit with someone believed to be homosexual. In terms of actual disruption experienced, as opposed to predicted disruption, the distinction between combat arms communities and the force as a whole is negligible.

Some may look at the numbers and suggest they are merely an indicator and not a complete picture. To that observation I say yes, a principal purpose of surveying the force was to obtain an indication of how change would impact unit cohesion, bonds of trust and the like. These indicators give me confidence that the risk to military effectiveness is manageable in much the same manner the Department manages other challenges and shortfalls that have a potential impact on readiness and effectiveness in general.

In some respects the risk we will encounter should the law and policy change will be driven by how the law and policy is changed. Repealing the existing law by an act of Congress will enhance DOD's ability to manage risk; whereas if the law is rescinded through the judicial process then, in my view, DOD's ability to manage the risk of implementation is made more difficult. Legislation will provide the structure and predictability that DOD's civilian and military leadership require to effectively and efficiently transition to a change in policy with the least disruption. It

is impossible to predict what will happen in the courts and unpredictability fuels risk. My greatest concern, should the law change through the judicial process, is DOD could lose the ability to transition in a way that facilitates managed implementation.

We pride ourselves as a Nation that does not merely tolerate diversity, varying orientations and attitudes, but as a Nation that embraces and is strengthened by the many differences among us. A preeminent strength of our Nation is the willingness to acknowledge diverse views, engage in respectful debate, and at the end of the dialogue unite under the rule of law to pursue our national interests. The character and appeal of the U.S. Armed Forces lies in the inclusivity, equality and opportunity resident in our organizational ethos; being more inclusive, in my view, will improve the institution as a whole. Strong and committed leadership has plotted the course of the U.S. Armed Forces throughout history. It is a certainty that change brings challenge, but challenges demand leadership. The quality of leadership that has been the hallmark of our military institution will be the determining factor on the question at issue today.

My faith in our leadership, from top to bottom, the fair-minded temperament of the American public, and the reputational benefit derived from being a force identified by honesty and inclusivity, rather than concealment causes me to favor repeal of 10 U.S.C. § 654 and revocation of the associated DOD policy known as DADT.

Chairman LEVIN. Thank you, General Cartwright.
General Casey.

**STATEMENT OF GEN GEORGE W. CASEY, JR., USA, CHIEF OF
STAFF OF THE ARMY**

General CASEY. Thank you, Mr. Chairman, Senator McCain, members of the committee. Good morning.

Chairman LEVIN. Good morning.

General CASEY. I've reviewed the final version of the Working Group report on the issues associated with the repeal of DADT and I want to be able to provide my informed military advice to the committee. I'll begin by relating how I see the risks from a military perspective, and then I'll give you my views on the impact on the force if DADT is repealed.

First, I think it's important that we're clear about the military risks. Implementation of the repeal of DADT would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative effects of almost a decade at war. It would be implemented by a force in which a substantial number of soldiers perceive that repeal will have a negative impact on unit effectiveness, cohesion, and morale, and that implementation will be difficult.

Further, the report clearly states that over 40 percent of our combat arms soldiers believe that the presence of a gay servicemember in their unit would have a negative impact on the unit's effectiveness, on the trust that the soldiers feel for each other, and on their morale.

As such, I believe that the implementation of the repeal of DADT in the near term will: (1) add another level of stress to an already stretched force; (2) be more difficult in our combat arms units; and, (3) be more difficult for the Army than the report suggests.

That said, if repeal is certified, the implementation principles in the report constitute a solid basis upon which to develop plans that will mitigate the risks that I just described. Properly implemented, I do not envision that the repeal of DADT would keep us from accomplishing our worldwide missions, including combat operations. We have a disciplined force and seasoned leaders who, with appropriate guidance and direction, can oversee the implementation of

repeal with moderate risk to our military effectiveness in the short-term and moderate risk to our ability to recruit and retain this All-Volunteer Force over the long haul.

I do believe that we will have to closely monitor the impact on our mid-level officers and noncommissioned officers (NCO) as they wrestle with implementing repeal simultaneously with the other challenges that they're facing after 9 years at war.

It's my judgment that we could implement repeal with moderate risk to our military effectiveness and the long-term health of our force.

Let me close by saying that if DADT is repealed, the Army will work with DOD and the other Services to finalize the implementation plans and implement repeal in the same disciplined fashion that's characterized our service to this country for 235 years.

Thank you, Mr. Chairman.

[The prepared statement of General Casey follows:]

PREPARED STATEMENT BY GEN GEORGE W. CASEY, JR., USA

Thank you Mr Chairman, Senator McCain, and members of the committee.

I have reviewed the final version of the Working Group report on the issues associated with the repeal of "Don't Ask, Don't Tell (DADT)", and want to provide my informed military advice to the committee.

I'll begin by relating how I see the risks from a military perspective and then give you my views of the impact on our force if repeal is directed.

First, I think it's important that we are clear about the military risks. Implementation of the repeal of DADT would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative impacts of almost a decade at war. It would be implemented by a force in which a substantial number of soldiers perceive that repeal will have a negative impact on unit effectiveness, cohesion and morale, and that implementation will be difficult. Further, the report clearly indicates that over 40 percent of our combat arms soldiers believe that the presence of a gay servicemember in their unit would have a negative impact on the unit's effectiveness, on the trust soldiers feel for each other and on their morale.

As such, I believe that implementation of the repeal of DADT in the near term will: (1) add another level of stress to an already stretched force; (2) be more difficult in combat arms units; and (3) be more difficult for the Army than the report suggests.

That said, if repeal is directed, the implementation principles in the report constitute a solid basis upon which to develop implementation plans that will help mitigate the risks I just described. Properly implemented, I do not envision that it would keep us from accomplishing our worldwide missions—including combat operations. We have a disciplined force and seasoned leaders, who, with appropriate guidance and direction, can oversee the implementation of the repeal with moderate risk to our military effectiveness in the short term, and moderate risk to our ability to recruit and retain our All-Volunteer Force over time. I do believe that we will have to closely monitor the impact on our mid-level officers and noncommissioned officers as they wrestle with implementing repeal simultaneously with the other challenges facing them after 9 years at war. However, it is my judgment we could implement repeal with moderate risk to our military effectiveness and long-term health of the force.

Let me close by saying that if DADT is repealed, the Army will work with the department and the other Services to finalize implementation plans, and implement the repeal in the same disciplined manner that we have executed our country's missions for the last 235 years.

Chairman LEVIN. General, thank you so much.
Admiral.

STATEMENT OF ADM GARY ROUGHEAD, USN, CHIEF OF NAVAL OPERATIONS

Admiral ROUGHEAD. Thank you, Mr. Chairman, Senator McCain, and distinguished members of the committee. Thank you for the opportunity to appear before you today to address the report of the Working Group and my perspective of the issues associated with the potential repeal of section 654 of title 10, U.S.C.

I commend the Working Group for what they have accomplished and I applaud the professionalism and the seriousness of the men and women of the U.S. Navy as they participated in an unprecedented survey of our Armed Forces. I'm satisfied with the methodology and execution of the servicemember and spouse surveys and the extent to which the Working Group engaged sailors and their families.

I believe the appropriate policy issues have been researched, examined, and the necessary courses of action have been considered. The responses helped me to assess the potential impacts to effectiveness, readiness, unit cohesion, and morale in our Navy. 76 percent of sailors believe the impact on these force characteristics will be neutral or positive.

There will be issues to be addressed, especially in the period immediately following repeal. There's a sizable minority of the Navy, approximately 24 percent, who believe the impact of a repeal will be negative. Areas of greatest concern expressed in the survey include social cohesion, privacy in sleeping and showering facilities aboard ships, submarines, and in certain training environments, and increased stress on the force during periods of high-tempo operations.

I believe these concerns can be effectively mitigated through engaged leadership, effective communications, training and education, and clear and concise standards of conduct. While we will engage all sailors regardless of their points of view, it is this minority upon which leaders must focus.

We all understand and appreciate the critical role of families in support of our sailors. The assessment of the spouses is important because of their support to our sailors and their role in reenlistment decisions that Navy families make. Of the more than 7,500 Navy spouses who responded to the survey, 81 percent told us they do not expect family readiness to be negatively impacted as a result of repeal.

Section 654 of title 10, U.S.C., is currently the subject of ongoing litigation and I cannot predict the outcome. I do believe any change in the law is best accomplished through the legislative process and not judicially. Legislative repeal affords us the time and structured process needed to effectively implement this significant change within our Armed Forces.

Should the law be repealed, the U.S. Navy will continue to be the professional, global, and effective, relevant force for the Nation. Repeal of the law will not fundamentally change who we are and what we do. The U.S. Navy can implement the necessary changes to policies and procedures even in a time of war and increasing global commitments.

With the exception of the moderate risk associated with projected retention in some Navy irregular warfare specialties, I assess the risk to readiness, effectiveness, and cohesion of the Navy to be low.

Based on my professional judgment and informed by the inputs from our Navy, I recommend repeal of section 654 of title 10, U.S.C. I have the ultimate confidence in the men and women of the U.S. Navy and in their character, discipline, and decency. Navy leaders will continue to set a positive tone, create an inclusive and respected work environment, and enforce our high standards of conduct throughout the Navy as we serve the Nation. Our sailors will continue to live by our core values of honor, courage, and commitment, which are fundamental to our character and our conduct.

Thank you.

[The prepared statement of Admiral Roughead follows:]

PREPARED STATEMENT BY ADM GARY ROUGHEAD, USN

Chairman Levin, Senator McCain, and distinguished members of the committee, thank you for the opportunity to appear before you today to address the report of the Working Group and my perspective of the issues associated with a potential repeal of 10 U.S.C. § 654.

I commend the Working Group for what they have accomplished, and I applaud the professionalism and seriousness of the men and women of the U.S. Navy as they participated in an unprecedented survey of our Armed Forces. I am satisfied with the methodology and execution of the servicemember and spouse surveys, and the extent to which the Working Group engaged sailors and their families. I believe the appropriate policy issues have been researched, examined and necessary courses of action have been considered. The servicemember survey was the largest survey of its kind ever conducted in the Department of Defense (DOD). More than 21,000 sailors responded to the survey producing a statistically valid assessment of the attitudes present within the Navy. The responses helped me to assess the potential impacts to effectiveness, readiness, unit cohesion, and morale on our Navy. Seventy-six percent of sailors so believe the impact on these force characteristics to be neutral or positive.

There will be issues to be addressed, especially in the period immediately following repeal. There is a sizeable minority of the Navy, approximately 24 percent, who believe the impact of repeal will be negative. Areas of greatest concern expressed in the survey include social cohesion, privacy in sleeping/showing facilities aboard ships, submarines and in certain training environments, and increased stress on the force during a period of high operational tempo. I believe these concerns can be effectively mitigated through engaged leadership, effective communications, training and education, and clear and concise standards of conduct.

While we will engage all sailors, regardless of their points of view, it is this minority upon which our leaders must focus.

We all understand and appreciate the critical role of families in support of our sailors. The assessment of the spouses is important because of their support to our sailors and their role in reenlistment decisions Navy families make. Of the more than 7,500 Navy spouses who responded to the Spouse Survey, 81 percent told us they do not expect family readiness to be negatively impacted as a result of repeal.

Overall, I assess recruiting and retention will not be adversely affected in the short-term. However, I do note that Navy irregular warfare specialties, critical to ongoing combat operations, such as SEALs, EOD, and Seabees, expressed greater negativity and a lower propensity to reenlist should repeal occur. While these effects may not be fully realized, these specialties must be monitored closely to ensure we are positioned and resourced to respond to changes over the long-term. We cannot assume these projected retention losses away and we must take into account the past, current and future combat employment of these critical specialties.

Should repeal occur, we will move quickly to bring Navy into compliance. We will:

- Provide our leaders with clear policies and procedures necessary to effect change,
- Clearly communicate what repeal means to sailors and their families,
- Deliver tailored training and education to inform sailors at all levels, and
- Emphasize the importance of our continued professional behavior for all through 77 clearly defined standards of conduct.

The Working Group's recommended changes to benefits are tiered appropriately, but the costs must be addressed more fully. DOD should conduct a thorough analysis of the policy and resource issues involved prior to the proposed expansion of single-member designated benefits. I do not believe we have a full accounting of the costs and manpower associated with the expanded benefits that are recommended for prompt implementation. We must also understand whether a dilution of services could result from increasing the served demographic without a concomitant increase in resources. If not properly addressed, the quality of service to all servicemembers could diminish, and reduced access to benefits in a time of war would exacerbate negative perceptions of repeal.

10 U.S.C. § 654 is currently the subject of ongoing litigation, and I cannot predict its outcome. I do believe any change in the law is best accomplished through the legislative process and not judicially. Legislative repeal affords us the time and structured process needed to 90 effectively implement this significant change within our Armed Forces.

Should the law be repealed, the U.S. Navy will continue to be professional, global, effective, and relevant to the Nation. Repeal of the law will not fundamentally change who we are and what we do. The U.S. Navy can implement the necessary changes to policies and procedures, even in a time of war and increasing global commitments. With the exception of moderate risk associated with projected retention in some Navy irregular warfare specialties, I assess the risk to readiness, effectiveness and cohesion of the Navy to be low. Accordingly, based on my professional judgment, and informed by the inputs from our Navy, I recommend repeal of 10 U.S.C. § 654.

I have the ultimate confidence in the men and women of the U.S. Navy, and in their character, discipline and decency. Navy leaders will continue to set a positive tone, create an inclusive and respectful work environment, and enforce our high standards of conduct throughout the Navy as we serve the Nation. Our sailors will continue to live by our core values of honor, courage, and commitment which are the foundation of our character and conduct.

Chairman LEVIN. Thank you very much, Admiral.
General Amos.

**STATEMENT OF GEN. JAMES F. AMOS, USMC, COMMANDANT
OF THE MARINE CORPS**

General AMOS. Chairman Levin, Ranking Member McCain, distinguished members of the committee. Thank you for the opportunity to appear before you to address the report of the DOD Working Group that conducted a comprehensive review of the issues associated with repeal of section 654 of title 10, U.S.C., "Policy Concerning Homosexuality in the Armed Forces."

I would like to begin by stating for the record that the study conducted by the DOD's Working Group is a valuable examination of the issues associated with repealing the policy concerning homosexuality in the Armed Forces and serves to usefully frame the perspectives of our servicemembers and their families. I am grateful for the efforts of the Honorable Jeh Johnson and General Carter Ham. As team leaders, I believe they led their Working Group faithfully to uncover the attitudes and opinions of our servicemembers.

The survey provides useful information about servicemember attitudes and issues regarding potential implementation of repeal across the Marine Corps. I would like to briefly share with you what this report says about our marines' opinions concerning implementation.

Viewed holistically across the Marine Corps, including all military occupational specialties (MOS), approximately 45 percent of marines surveyed viewed repeal negatively regarding unit effectiveness, unit readiness, and cohesion. 5 percent to 13 percent viewed repeal positively in those same categories.

Of particular concern to me is that roughly 56 percent of combat arms marines voiced negative concerns. Negative benchmarks for combat arms marines range between 66 percent for unit effectiveness and 58 percent for cohesion. These negative perceptions are held almost equally by all ranks within the combat arms communities.

What the survey did not identify is the risk to the force should repeal be undertaken while the Corps is engaged in its 9th year of combat operations. With half of the Marine Corps operating forces either engaged in fighting in Afghanistan, returning from theater, or preparing to deploy to combat again, their readiness and associated focus are foremost in shaping my implementation assessment.

My experiences throughout nearly 40 years in uniform tell me that young men and women who volunteer to be marines do so with honorable and patriotic intentions, and that even vast differences in backgrounds, beliefs, or personalities can be bridged. That said, if the law is changed, successfully implementing repeal and assimilating openly homosexual marines into the tightly woven fabric of our combat units has strong potential for disruption at the small unit level. It will no doubt divert leadership attention away from an almost singular focus on preparing units for combat.

I do not know how distracting that effort would be, nor how much risk it portends. I cannot reconcile, nor turn my back on, the negative perceptions held by our marines who are most engaged in the hard work of day-to-day operations in Afghanistan.

We asked for their opinions and they gave them to us. Their message is that the potential exists for disruption to the successful execution of our current combat mission should repeal be implemented at this time.

In the final analysis, I'm faced with two questions. The first question is, could we implement repeal at this time? The answer is yes. Despite the challenges I have briefly outlined above, at the end of the day we are marines. Should Congress change the law, then our Nation's Marine Corps will faithfully follow the law. Marine Corps authorities, even its very existence in law, flow directly from Congress. I promise you that we will follow the law.

Chapter 13 of the study does a good job of articulating most of the elements of a successful implementation strategy. It will require and receive highly focused leadership at every level, beginning with me and the Sergeant Major of the Marine Corps.

The second question is, should we at this time? Based on what I know about the very tough fight in Afghanistan, the almost singular focus of our combat forces as they train up and deploy to theater, the necessary tightly woven culture of those combat forces that we are asking so much of at this time, and finally the direct feedback from the survey, my recommendation is that we should not implement repeal at this time.

Today your marines continue to faithfully serve around the globe, partnered with our sister Services and allies, defending our freedoms and our way of life. The focus of my complete energy is to ensure our marines are properly led, trained, and equipped and that their families are cared for, so that our marines can focus their energy on the vital task they are assigned. I can report to you that the combat effectiveness, readiness, health, and welfare of the

Corps are as high as it has been in my nearly 40 years of service. Your marines are accomplishing their many missions with professionalism and high morale, confident in the support of their families, fellow citizens, and elected leaders.

Finally, on behalf of all marines, their families, and civilian marines, I want to thank you for your continued and faithful support. I know that the repeal issue has been difficult for all concerned.

I am grateful for the opportunity to represent our Marine Corps on this important matter and I look forward to your questions.

[The prepared statement of General Amos follows:]

PREPARED STATEMENT BY GEN. JAMES F. AMOS, USMC

Chairman Levin, Senator McCain, distinguished members of the committee, thank you for the opportunity to appear before you to address the report of the Department of Defense (DOD) Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654, title 10, U.S.C., "Policy Concerning Homosexuality in the Armed Forces."

I would like to begin by stating for the record that the study conducted by DOD's Working Group is a valuable examination of the issues associated with repealing the policy concerning homosexuality in the Armed Forces and serves to usefully frame the perspectives of our servicemembers and their families. I am grateful for the efforts of the Honorable Jeh Johnson and General Carter Ham; as team leaders, I believe they led their Working Group faithfully to uncover the attitudes and opinions of our servicemembers.

The survey provides useful information about servicemember attitudes and issues regarding potential implementation of repeal across the Marine Corps. I would like to briefly share with you what this report says about our marines' opinions concerning implementation.

Viewed holistically across the Marine Corps, including all military occupational specialties, approximately 45 percent of marines surveyed viewed repeal negatively regarding unit effectiveness, unit readiness, and cohesion; 5 to 13 percent viewed repeal positively in those same categories. Of particular concern to me is that roughly 56 percent of combat arms marines voiced negative concerns. Negative benchmark measurements for combat arms marines ranged between 66 percent for unit effectiveness, and 58 percent for cohesion. These negative perceptions are held almost equally by all ranks within the combat arms communities. What the survey did not identify is the risk to the force should repeal be undertaken while the Marine Corps is engaged in the 9th year of combat operations. With half of the Marine Corps' operating forces either engaged in fighting in Afghanistan, returning from theater, or preparing to deploy to combat, their readiness and associated focus are foremost in shaping my implementation assessment.

My experiences throughout nearly 40 years in uniform tell me that young men and women who volunteer to be marines do so with honorable and patriotic intentions, and that even vast differences in background, beliefs or personalities can be bridged. That said, if the law is changed, successfully implementing repeal and assimilating openly homosexual marines into the tightly woven fabric of our combat units has strong potential for disruption at the small unit level, as it will no doubt divert leadership attention away from an almost singular focus of preparing units for combat. I do not know how distracting that effort would be, nor how much risk it portends. While the study concludes that "... repeal can be implemented now, provided it is done in [a] manner that minimizes the burden on leaders in deployed areas," the survey data as it relates to the Marine Corps' combat arms forces does not support that assertion. I cannot reconcile, nor turn my back, on the negative perceptions held by our marines who are most engaged in the hard work of day-to-day operations in Afghanistan. We asked for their opinions and they gave them to us. Their message to me is that the potential exists for disruption to the successful execution of our current combat mission should repeal be implemented at this time.

I am faced with two questions. The first is "could we" implement repeal at this time? The answer is yes. Despite the challenges I have briefly outlined above, at the end of the day, we are marines—should Congress change the law then our Nation's Marine Corps will faithfully support the law. Marine Corps authorities, and even its very existence in law, flow directly from Congress; I promise you that we will follow the law. Chapter XIII of the study does a good job of articulating most of the elements of a successful implementation strategy. It will require and receive

highly focused leadership at every level, beginning with me and the Sergeant Major of the Marine Corps.

The second question is "should we at this time?" Based on what I know about the very tough fight on the ground in Afghanistan, the almost singular focus of our combat forces as they train up and deploy into theater, the necessary tightly woven culture of those combat forces that we are asking so much of at this time, and finally the direct feedback from the survey, my recommendation is that we should not implement repeal at this time.

Finally, on behalf of all marines, their families, and civilian marines, I want to thank you for your concern and continued support. I know that the repeal issue has been difficult for all concerned. I am grateful for the opportunity to represent our Marine Corps on this important matter to you.

I look forward to continuing to work with you to meet the challenges that lie ahead as our marines and sailors remain engaged in combat operations. I pledge you will always have my honest assessment of what is required to maintain the health of your Marine Corps and the security of our great Nation.

Chairman LEVIN. Thank you, General Amos.
General Schwartz.

**STATEMENT OF GEN. NORTON A. SCHWARTZ, USAF, CHIEF OF
STAFF OF THE AIR FORCE**

General SCHWARTZ. Mr. Chairman, Senator McCain, members of the committee. Thank you for allowing the Service Chiefs to offer testimony and our best military advice on the proposed repeal of section 654 of title 10, U.S.C.

The DOD study confirms that Air Force attitudes run roughly 70 percent to 30 percent toward those who see positive, mixed, or no effect with respect to allowing open service by gay and lesbian airmen in the Air Force. The favorability distribution runs slightly higher for the spouse survey, at about 75 percent to 25 percent, and lower for close combat Air Force skill sets, at about 60 percent to 40 percent.

The study recognizes that there are a number of complicating factors: cohabitation, privacy, and universal benefits, among others. Each of these complicating factors will require focused attention and in time will be accommodated satisfactorily. Thus, it is my assessment that the U.S. Air Force can accommodate repeal of DADT with modest risk to military readiness, effectiveness, unit cohesion, retention, and recruiting of your airmen.

The Air Force will pursue implementation of repeal, if the law changes, thoroughly, professionally, and with conviction. Nonetheless, I do not agree with the study assessment that the short-term risk to military effectiveness is low. It is inescapable that our officers and NCO leaders in Afghanistan, in particular, are carrying a heavy load. While the demands of close combat affect fewer airmen in contrast to the personnel of the other Services, I remain concerned with the study assessment that the risk of repeal of military effectiveness in Afghanistan is low. That assessment, in my view, is too optimistic.

I acknowledge the findings of the study that, under the pressures of combat, attitudes of our close combat skill personnel regarding DADT seem to moderate. After all, survival is a powerful instinct. Still, it is difficult for me as a member of the Joint Chiefs to recommend placing any additional discretionary demands on our leadership cadres in Afghanistan at this particularly demanding time. I therefore recommend deferring full implementation and certifi-

cation until 2012, while initiating training and education efforts soon after you make a decision to repeal.

Finally, I would like to emphasize and add my strong endorsement to Secretary Gates' advice that legislative action on this issue is far preferable to a decision by the courts, from which we would enjoy much less latitude to properly calibrate implementation. Precipitous repeal is not a place where your Armed Forces want to be.

Mr. Chairman, along with my colleagues, I look forward to your questions.

[The prepared statement of General Schwartz follows:]

PREPARED STATEMENT BY GEN. NORTON A. SCHWARTZ, USAF

The study by the Working Group, regarding the proposed repeal of 10 U.S.C. § 654, confirms that approximately 70 percent of the Air Force see positive, mixed, or no effect in allowing gay, lesbian, and bisexual airmen to serve openly in the U.S. Air Force, with approximately 30 percent who do not. This favorability distribution runs slightly higher for the spouse survey—at about 75:25—but lower for close-combat Air Force skill specialties, at around 60:40.

The study also recognizes a number of complicating factors—among them: cohabitation, privacy, and universal benefits—which will require focused attention and, in time, will be accommodated satisfactorily. It is my assessment that the U.S. Air Force can implement a repeal of Section 654 and the policy commonly known as Don't Ask, Don't Tell (DADT), with modest risk to military readiness and effectiveness, unit cohesion, recruiting, and retention of your airmen. If the law changes, the Air Force will pursue implementation of repeal thoroughly, professionally, and with conviction.

Nonetheless, my best military judgment does not agree with the study assessment that the short-term risk to military effectiveness is low. It is an inescapable fact that our officer and noncommissioned officer leaders in Afghanistan, in particular, are carrying a heavy load. Therefore, even while the demands of close combat affect relatively few airmen in contrast to personnel of the other Services, I remain concerned with the outlook for low short-term risk of repeal to military effectiveness in Afghanistan.

I acknowledge that the study findings indicate that, under the pressure of combat, attitudes of our close-combat skilled personnel, regarding DADT, seem to moderate. After all, survival is a powerful instinct. Still; it is difficult for me, as a member of the Joint Chiefs, to recommend placing any additional discretionary demands on our leadership cadres in Afghanistan at this particularly challenging time. I therefore recommend deferring certification and full implementation until 2012, while initiating training and education efforts soon after you take any decision to repeal.

Finally, I emphasize and add my strong endorsement to Secretary Gates' advice that legislative action on this issue is far more preferable to a decision by the courts, insofar as we would be afforded much less latitude to properly calibrate implementation. Precipitous repeal is not where your Armed Forces wants to be.

Chairman LEVIN. Thank you very much, General Schwartz.
Admiral Papp.

**STATEMENT OF ADM ROBERT J. PAPP, JR., USCG,
COMMANDANT OF THE COAST GUARD**

Admiral PAPP. Good morning, Mr. Chairman, Senator McCain, and distinguished members of the committee. Thank you for inviting me and the Coast Guard to participate in today's hearing. I'm grateful for the opportunity to provide you with my views regarding the Working Group's findings, the potential impacts of repealing DADT, and the report's recommendations for implementation.

Let me start by saying I'm very proud of our Coast Guard men and women. They are individuals of extraordinary character and abilities who readily engage in the communities in which they live and serve. I'm particularly proud of the strong response by our coastguardsmen and family members in reply to the surveys put

out by the Working Group. Our Active Duty response rate was 54 percent, our Reserve response rate was 39 percent, and our spouse response rate was 39 percent, which demonstrate their understanding of the importance of this issue.

I concur with the report's recommendations on how to implement the repeal of the current law. Allowing gay and lesbian Americans to serve in the Coast Guard openly will remove a significant barrier to those coastguardsmen who are already serving capably and who have been forced to hide or even lie about their sexual orientation. Forcing these coastguardsmen to compromise our core values of honor, respect, and devotion to duty to continue to serve is a choice they should not have to make.

Now, I'm very respectful of the unique challenges facing each Service and I don't for a second suggest my circumstances and judgment would inform our very different responsibilities. My professional opinion is my own and comes from the two worlds in which I sit.

The Coast Guard is at all times a Military Service governed by the laws this committee advances to ensure the effectiveness of our Armed Forces. Though small in numbers, we are integrated with our sister Services around the world. But we're also tightly woven into the law enforcement and first responder communities in our Nation. We work with Federal, State, and local forces where gay and lesbian Americans serve openly with distinction and heroism.

While I concur with the report's recommendations, prudence dictates that implementation must proceed with caution. I infer from the data relating to the Coast Guard that many coastguardsmen and their family members find gay and lesbian citizens in our Service acceptable. However, minority views cannot be ignored. Moreover, there is no total force view. Views within our Service communities vary to some degree. We must therefore fashion an implementation strategy that takes into account the attitudes that vary among our commands based upon where our people live and where they serve together.

Thus, I ask the committee to avoid inferring from the report that implementation of this rather significant decision will be easy. I describe myself as a pragmatist, which I define as an optimist with experience. My experience leads me to conclude that we must inform you, our civilian leaders, that implementation will not be achieved without encountering challenges along the course ahead, some of which, despite our best efforts, we cannot foresee and which will likely take considerable time and resources to overcome.

With that, I am absolutely confident that the Coast Guard leadership is prepared to implement any change that you direct. Moreover, I do not harbor the slightest doubt that Coast Guard men and women will be up to the task and will sustain their high levels of professionalism and effectiveness should the law change. They prove every day that they are among America's best and I have unshakable confidence in their ability to weather change of this magnitude.

Again, thank you for the opportunity to testify today and I look forward to your questions.

[The prepared statement of Admiral Papp follows:]

PREPARED STATEMENT BY ADM ROBERT PAPP, USCG

Thank you Mr. Chairman, Senator McCain, and distinguished members of the committee for inviting the Coast Guard to participate in today's hearing. I am grateful for the opportunity to provide you with our views regarding the Working Group's Report of the Comprehensive Review of the Issues Associated with a Repeal of Don't Ask, Don't Tell (DADT) findings on the potential impacts of repealing DADT and its recommendations for implementation.

The Coast Guard is at all times an Armed Force, and its 50,000 uniformed men and women in the Active and Reserve Force serve the American people by protecting our coasts, waterways, and maritime interests around the world. Our rescues in perilous conditions are legendary. Our law enforcement detachments board hostile vessels that carry drugs, traffic in human beings, or engage in piracy. Our maritime forces safeguard our national interests in places as diverse as the Bering Sea and the Northern Arabian Gulf.

I am extremely proud of our Coast Guard men and women. They are individuals of extraordinary caliber, who readily engage in the communities in which they serve. I am particularly proud of the strong response of coastguardsmen and family members who responded to the Working Group's survey—our Active Duty response rate was 54 percent; our Reserve response rate was 39 percent; and our spouse response rate was also 39 percent—which demonstrates their understanding of the importance of this issue.

I concur with the Working Group's recommendations on how to implement repeal of the current law. Allowing gays and lesbians to serve in the Coast Guard openly will remove a significant barrier to those coastguardsmen who are capably serving, but who have been forced to hide or even lie about their sexual orientation. Forcing these coastguardsmen to compromise our core values of honor, respect, and devotion to duty to continue to serve is a choice they should not have to make.

While I concur with the report's recommendations, prudence dictates that implementation must proceed with caution. I infer from data relating to the Coast Guard that many coastguardsmen and their family members may find gays and lesbians in our Service acceptable, however, minority views cannot be ignored. Moreover, there is no "total-force" view. Views within our Service communities vary to some degree. We must therefore fashion an implementation strategy that takes into account the attitudes that vary among our commands, based on where our people live and serve together.

Effective implementation of any repeal will surely require leadership and a conscientious dialogue with our workforce to achieve success. The Coast Guard's unique identity among the five armed services offers us potential advantages and challenges. We operate as both an Armed Force and a law enforcement agency. As a law enforcement agency, coastguardsmen partner daily with Federal, State, and local law enforcement agencies in which gays and lesbians serve with heroism and distinction. We also have many small units in remote localities throughout our Nation. Our personnel live in and are part of these communities. Indeed, 90 percent of Coast Guard personnel live on the economy rather than on base in military housing. This may facilitate the acceptance of gays and lesbians who serve among us.

At the same time, living in many remote communities around the Nation may pose challenges to assimilating gays and lesbians. As a field commander, I have seen Coast Guard members who have been victims of insensitivity, intolerance and even discrimination. While such experiences have been the exception and not the rule, our experiences in the past may be predictors of the challenges we will face in the future if the law is repealed. Openly gay or lesbian coastguardsmen may find themselves targets, and the Service must confront this issue and craft an implementation strategy that will protect the well being of all of our people, while ensuring mission execution.

By analogy, today the integration of women into the military is portrayed as a success story. However, we must not forget the rather significant challenges that accompanied our efforts to fully integrate women into the armed services—as well as the hurdles these first women encountered. The Coast Guard pioneered the integration of women—our Academy was the first Federal Service Academy to accept women, and the first to assign women to the fleet. We do not tolerate conduct that constitutes discrimination or harassment and we take proactive measures to prevent it. However, though we have a highly trained and educated workforce, now with three decades of experience serving in a gender integrated service, incidents of such conduct continue to be reported.

Thus, I ask the committee to avoid inferring from the report that implementation of this rather significant decision will be easy. I am a "pragmatist," which I define as an "optimist with experience". My experience leads me to conclude that we must

inform you, our civilian leaders, that implementation will not be achieved without encountering significant challenges along the course ahead, some of which, despite our best efforts, we cannot foresee, and which will likely take considerable time and resources to overcome.

With that said, I am absolutely confident that Coast Guard leaders are prepared to implement any change you direct. Moreover, I do not harbor the slightest doubt that Coast Guard men and women will be up to the task, and will sustain the highest level of professionalism and effectiveness, should the law change. They prove every day that they are among America's best and I have unshakable confidence in their ability to weather change of this magnitude and to prevail.

Thank you for the opportunity to testify today. I look forward to your questions.

Chairman LEVIN. I think we are going to start round one with a 7-minute round, and if we need a second round we will have a second round.

Let me start with you, General Cartwright. Yesterday Secretary Gates and Admiral Mullen clearly and forcefully articulated that, with proper leadership, education, and training, the repeal of DADT can be done without unacceptable risks to standards of military readiness and effectiveness. Your testimony indicates your agreement with that.

My first question to you is this. You are a marine. General Amos is a marine. I know you admire and respect each other greatly, not just because you're marines, but as human beings, and for all the great professionalism and experience that you've had. But your view is very different, General Cartwright, from that of General Amos. His testimony speaks to the negative perceptions that are held by marines, which could create a problem for the day-to-day operations in Afghanistan.

Can you comment on General Amos' testimony?

General CARTWRIGHT. First out, we sat next to each other as second lieutenants overseas in our first overseas deployment, and we've served together ever since. We do, at least from my perspective, share a great deal of respect for each other and our views.

My view on this issue was shaped by the contrast in the questions and the way they were asked in the study and then by my own opportunities to go to the field and to talk, not only to marines, but other Services. I tend to reflect on, probably because of my billet and because of my joint time, a broader perspective than just one Service. But I certainly still wear this uniform and do so proudly and always will consider myself a marine.

As I said in my statement, Senator, I think the difference here is the look at what the perception of the future might be, the ambiguities that are introduced when somebody tries to guess what the future might be. As the study indicated, the likelihood that stereotypes and misperceptions of how actions might occur in the future have some influence on how someone might look at the perspective.

I tended to favor strongly the views of those that, the question that was put to them in the study was, if you suspected or knew that someone in your unit was gay or lesbian, did it affect their combat effectiveness, did it affect the unit's combat effectiveness? The study numbers swing drastically when you ask them for their actual reflection, and they generally came in around the 92 percent level of it had no effect on the unit, it had no effect on their ability to conduct combat.

In fact, there were some anecdotal comments in the study that were called out. One of them that is very memorable to me was

from a SEAL who reflected that a member in his unit he suspected to be gay, was the biggest and the meanest and killed the most people, and he wanted him in that unit, and that that individual carried a large portion of the unit's effectiveness.

I weighed that heavily, Senator. I weighed the opportunity to understand the difference between the actual and the prospective, looking forward into the future. My conversations, when I went out to visit marines over the past year, most recently over the Thanksgiving period in Helmand Province, I found that the study's insights were, in fact, held up. Those that had not had any experience, or didn't believe they'd had any experience, with gay and lesbians tended to believe that the future was more ambiguous.

The RAND study also pointed in the same direction, that if you don't know you tend to be more conservative in your opinion. If you have an opportunity to understand and serve with someone who is gay or lesbian, then the facts tend to weigh heavier on your mind, and in the study they showed 92 percent of respondents believed that it would not have an effect.

That's what weighed my opinion, Senator.

Chairman LEVIN. I'd like to ask each of you a question about the other militaries. Transitions to policies of equal treatment without regard to sexual orientation have been successful in the militaries of our allies, even though opposition to change in their militaries was higher at the time that the change was made in those militaries than it is now for our military.

That shows, to a significant extent, the change in attitude which has occurred just over the last 10 years or so. But putting that aside for a moment, these militaries report that when it came to implementation, the attitudes were not only different, but, most importantly, the change in those militaries had no negative impact on morale, recruitment, retention, readiness, or overall combat effectiveness.

General Casey, let me start with you. Have you discussed the impact of repealing DADT with your counterparts in these other militaries?

General CASEY. I have, Senator. In fact, I think it was a few months ago at a hearing here that Senator Wicker asked me to do that. In October, I sat down with my counterparts from the United Kingdom, Germany, France, the Netherlands, Canada, and Denmark, purposely to talk about this particular issue. They told me that the execution was with minimal disruption, pretty much as you had discussed.

They suggested to me that when we do execute repeal we keep things as simple as possible and keep fraternization policy absolutely consistent. They did, however, point out to me two key differences. They said in almost every case, there was broad national consensus before the law was repealed, and in some cases the countries actually had laws that supported civil unions. That was a difference I took back and we should take into consideration.

Chairman LEVIN. All right.

Admiral, have you talked to your counterparts?

Admiral ROUGHEAD. Yes, sir, I have. I've long maintained that our military is different than the other militaries of the world. But the way that I would characterize the response from those chiefs

of navies that have a policy that allows gay and lesbians to serve, the term that I would bring to mind is nonevent.

Chairman LEVIN. Is what?

Admiral ROUGHEAD. Nonevent. It just happened and they got on with things.

I think it's also interesting to note that most of those changes have occurred well over 10 years ago, and in that time with most of these navies we continue to have exchange programs where our sailors and officers serve on their ships and vice versa. So we are exposed in a routine way, if you will, to navies that have a different policy.

Chairman LEVIN. General, I'm not sure who your counterpart is.

General CARTWRIGHT. Sir, I do have counterparts in each of the countries, and I have talked to a good number of them. I tend to find the same consensus that Admiral Roughead just reflected.

I will also highlight that, particularly with several of our North Atlantic Treaty Organization allies, that the issue of serving side-by-side with them, integrated with their forces on the battlefield, has not been a problem for our forces or for their forces.

Chairman LEVIN. General Amos?

General AMOS. Mr. Chairman, we have so few other Marine Corps forces around the globe, I did not ask their opinion. I have no reason to doubt the efficacy of the report as it talks to the ease of transition from the other Services around the world. I find no fault in that, and I suspect it's absolutely correct.

But we are the U.S. Marine Corps and we are heavily involved in combat right now. It would be difficult for me to reach back and look at the periods of time when these other Services, these other nations, made their transitions. I can only speak for where we are today, with over 50 percent of my combat forces heavily engaged.

Chairman LEVIN. Thank you.

General Schwartz.

General SCHWARTZ. Mr. Chairman, I have chatted with my counterparts and they have indicated relative ease in terms of the transition. But I must state for you that I am not sure that that evidence is necessarily compelling. I find actually the fact that police departments, fire departments, and municipal public servants, that the case within the United States is a more compelling analogue to transition.

Chairman LEVIN. Thank you.

Admiral Papp.

Admiral PAPP. Sir, it might not be expected, but we actually exchange quite a bit with foreign countries, primarily with Canada, but we also put law enforcement detachments on British, Dutch, and French ships. We work with the Australians and others in the Northern Arabian Gulf in terms of counter-piracy and other operations.

We have pretty good exposure to other navies and coast guards around the world. In my discussions with some of their leaders, it would reflect the same as Admiral Roughead, as pretty much a nonevent.

I might also add that I come from a department where we have other operating agencies as well, all of which employ gay and lesbian members, the Secret Service, Customs and Border Protection,

et cetera. I work on a daily basis with Services that have openly gay or lesbian members, and we see no effect.

Chairman LEVIN. One of the conclusions of the Working Group report is that leadership is key to successful implementation of repeal of DADT. A couple of you have commented on that issue, but I want to ask all of you about that. Starting with you, General Casey, would you agree that if DADT is repealed, that successful implementation depends upon leadership?

General CASEY. I would, Senator. Leadership is the key to everything. Leaders have to embrace the law or the policy that comes out and move forward to effectively implement it.

I will tell you, as I mentioned in my opening statement, one of the concerns I have is that our captains, the company commanders and first sergeants, mid-level leaders, officers, and NCOs have a lot on their plate right now, and this will be another element that will be put on their plate. Operations in Iraq and Afghanistan are hugely complex already. If we do this, it will get done and it will get done well. But other things are not going to get done, and I worry about the implications of that in Iraq and Afghanistan.

Chairman LEVIN. What would not get done?

General CASEY. I'm talking about the broad numbers of tasks that a company commander has to do in general and in combat in particular. When he is focusing his effort on implementing a new policy, he won't be able to devote the intellectual effort to some other things. I can't tell you specifically what it will be. I'm talking about the totality of the tasks.

Chairman LEVIN. Admiral Roughead, your opinion on leadership?

Admiral ROUGHEAD. Leadership is absolutely critical, Senator. But it's critical to everything that we do. It's about setting the standards, adhering to the standards, and training your people to be able to accomplish the mission. I have great faith in our leaders, officer and enlisted, throughout the Navy.

Chairman LEVIN. Does anyone else want to add a comment on this, because I want to go on to just one other question? [No response.]

Let me ask you about the need for Congress to act. A number of you have commented upon the importance of Congress taking this action if the alternative is going to be the possibility of a court decision. For those of you who have not commented on that, because I think two of you have, could you make a statement about the relative importance of doing this legislatively with an implementation certification required that there will be no negative impact on recruitment, retention, and morale. That the certification and 60-day delay is of great value in this process, and that is not assured at all if there's going to be a court opinion.

For those of you who haven't commented, please give us the importance of that?

General CASEY. Do you want me to start?

Chairman LEVIN. Yes.

General CASEY. Senator, I believe that any course of action that gives us appropriate time to prepare is the right course of action. It's the preparation time. Whether it comes from Congress or the courts I think is immaterial. But no matter what happens, we have to have the time to appropriately prepare.

Chairman LEVIN. Is that time which is part of the certification process that the Chairman of the Joint Chiefs and the Secretary of Defense must go through, plus the delay after that. Is that certification process, with the time required before certification and the fact that the Chairman must certify no impact, does that give you some reassurance as well?

General CASEY. It does. That gives us the time we need.

Chairman LEVIN. Thank you.

Let me call on General Amos and General Schwartz in terms of the certification process, the implementation process, the time that's involved in that, as well as the fact that there must be a certification by the Chairman of the Joint Chiefs of no impact or minimal impact on morale or recruitment; is that important to you in your judgment? General Amos, let me start with you perhaps.

General AMOS. Mr. Chairman, I think it absolutely goes a long way towards easing some of the pressure. I thought a lot about the question, if not now, then when, which is the second part, I think, of what you're asking, Mr. Chairman.

From my perspective as I look at it, my concern is singularly those combat units that are in combat, preparing to go, or just coming back, resetting their clocks, and getting ready to go again.

If that's the case, as I represented and that's what the survey came back and told me, then it would stand that what I would want to have, with regards to implementation, a period of time where our marines are no longer focused primarily on combat.

I think the Iraq drawdown model for the Marine Corps would be instructive. The last year and a half, for all the marines in Iraq, things had settled down for us. There was fewer and fewer kinetic operations, and we began to dramatically draw down the size of the force.

I can't tie a timeline to the certification process, but my recommendation, Mr. Chairman, would be that it begins when our singular focus is no longer on combat operations or preparing units for combat. At that point, then I'd be comfortable with implementing repeal.

Chairman LEVIN. Thank you. That's very helpful.

I apologize to my colleagues. I did not know that these slips had been placed in front of me and I obviously went over my time, and I apologize for that.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank the witnesses again for their testimony and their courage.

I think it's pretty obvious from the comments made by the Chiefs of Staff and the Service Chiefs of the Army, Navy, Air Force, and Marine Corps today, that there is significantly divided opinion on this issue. It's very obvious to me that there is a lot more scrutiny and work to be involved in before passing this legislation. That's why we see such a diversity of views here amongst the Service Chiefs.

I also think it would be helpful, and I would imagine that our witnesses, or at least most of them, would agree, that we hear from the senior enlisted people. The sergeant major of the Army, Marine Corps, and senior enlisted personnel are the ones who will bear the brunt of the responsibilities for the training and implementation of

any change in the law. I think we need to hear from the theater commanders of the various commands throughout the world, who also play a major role in ensuring the security of our Nation.

I noted that on the DADT originally passed in 1993 there were some 13 hearings held on this issue and a much more extensive examination.

I don't have a lot of questions. General Cartwright, when you look at any report it's a little bit like studying the Bible. You can draw almost any conclusion from any part you examine. But I don't understand your allegation when on question number 66 it says, "Those who served in combat with a servicemember believed to be homosexual, effect on unit's combat performance, mostly negative: Army combat arms, 58.8 percent; Marine combat arms, 57 percent."

That seems to me a pretty straightforward indication of what those in combat arms feel about those who served in combat with a servicemember believed to be homosexual. Significant responses in both Army and Marine Corps combat arms were negative.

General Casey, this is a very tough issue for you, I know. It's a tough issue for all of our witnesses. I especially appreciated the way that you presented your testimony. You said, I believe that implementation of the repeal in the near term will "add another level of stress to an already stretched force." That's one thing that we can all agree on, that the force is very badly stretched and repeal would be more difficult for the Army than the report suggests.

General Casey, what is your personal opinion about repeal at this time?

General CASEY. Senator, I believe that the law should be repealed eventually. As I read through the report, it seemed to me that the report called into question the basic presumption that underpins the law, and that is that the presence of a gay or lesbian servicemember creates an unacceptable risk to good order and discipline. I don't believe that's true, and from the surveys it appears to me that a large number of our servicemembers don't believe that's true, either. Eventually I believe it should be repealed.

The question for me, as I've said, is one of timing, about whether we can do this in the near term.

Senator MCCAIN. At this time, what is your opinion whether it should be repealed at this time?

General CASEY. I would not recommend going forward at this time, given everything that the Army has on its plate.

Senator MCCAIN. Thank you.

General Schwartz, and I don't usually like to do this with this very important issue, but could I have your personal opinion about repealing DADT at this time?

General SCHWARTZ. Sir, as I indicated, I agree with General Casey that we should repeal the law at some point, and I suggested that perhaps full implementation could occur in 2012. But I do not think it prudent to seek full implementation in the near term. I think that is too risky.

Senator MCCAIN. Repeal at this time?

General SCHWARTZ. Correct. Senator, if you calibrate this, if you allow us to begin a process of training and education, but do not

mandate that it happen in the very near term, not in 2011, but 2012 at the earliest, that would be an acceptable approach to me.

Senator MCCAIN. I thank you. I must say that I'm largely in agreement with those opinions. To rush this thing through in a lame duck session would be, of course, I think an action that would not have taken into full consideration of the views of our senior enlisted personnel.

I'm sure that at least some of the witnesses at the table would agree that everything we learn about leadership as young officers is from our senior enlisted personnel. I think they could contribute enormously to this discussion, as well as our senior officer corps.

I want to thank the witnesses. I want to thank those of you that have given us a very frank and forthright opinion. We appreciate your service to the country.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks to all of you for your testimony today. You're obviously the leaders of the uniformed military of the United States of America. This morning you've represented the best values of the U.S. military and have shown us why the Armed Forces of the United States remain in my opinion the one central institution of our country that continues to earn the respect and trust of the American people.

I say that specifically here, you all know my position. I'm for repeal of DADT. But you have come before us and stated your opinions. Some have supported repeal, some not; some now, some later. But in the end each of you, regardless of your position, have said that you will not only follow the judgment of Congress, you will make it work. That's a very powerful statement.

General Amos, you're the one who's spoken with the most concern about repeal. But I found your words very moving. You said, "Could we implement repeal at this time? The answer is yes. Despite the challenges I briefly outlined above, at the end of the day we are marines. Should Congress change the law, then our Nation's Marine Corps will faithfully support the law."

The first thing I wanted to do is to thank you, all of you, for the honesty of your testimony and your ultimate respect for the law, for civilian leadership, for Congress, and for the larger mission to which you're committed. That's why, at a tough time in our Nation's history, the U.S. Armed Forces remain the one institution that brings us together for a common cause, which is the security of our country and the freedom that is our blessing as Americans. I first wanted to thank you for that.

I thought the question that Senator McCain asked was really quite interesting, about the positions that you all have, because as I heard the testimony that Admiral Roughead, General Cartwright, and Admiral Papp have said, three of the six of you, that they favored repeal at this time. General Casey and General Schwartz, I think, expressed concern about repeal, but then in response to Senator McCain's questions said that they would favor repeal of DADT, but not now, for the reasons that you've stated.

Even General Amos, and I want to let you respond to this, you said at the end of your testimony, "We should not implement repeal

at this time.” Do you want to state an opinion as to whether you think that some time, and I believe in saying “this time” you’re talking about the combat that the marines are involved in now, whether you would favor repeal at some future time of DADT?

General AMOS. Senator, you captured it. My concern right now, as we talked before we walked in here, was on those forces that are tightly focused right now. I spent a portion of yesterday morning talking to our commander on the ground, our two-star commander, whom many of you know, Major General Rich Mills, via videoteleconference. Then I talked to our battalion commander, who is absolutely in the zone in the most dangerous fight, and tightly focused.

Interesting. I asked both of them, I said, knowing that I was going to appear before the committee today, if they had any opinions on DADT and the repeal. Both of them said, “Sir, we are so busy right now with doing the business in Afghanistan that I promise you that there has not even been one ounce of discussion about it in Afghanistan.”

You could interpret that a couple of ways. You could interpret it as they don’t care and it’s macht nichts. I chose to compare it to the survey results, which say they are concerned.

But back to the issue at hand, I think this is, from my personal perspective, Senator, this is a social issue across our country. It has transcended into becoming a political issue. My suspicions are that the law will be repealed, and all I’m asking is the opportunity to do that at a time and a choosing when my marines are not singularly, tightly focused on what they’re doing in a very deadly environment.

That particular battalion that I was talking to you about has been on the ground 3 months of their 7-month deployment. They’ve lost 18 marines and had over 100 seriously wounded. This is serious business for them. I think DADT will be repealed eventually. I just ask for the opportunity to be able to do it with my forces when they are not singularly focused on combat.

Senator LIEBERMAN. I appreciate that answer. Actually, Senator McCain, Senator Graham, Senator Gillibrand, and I were over there and visited that unit. They’re doing remarkable work and showing extraordinary progress on the ground in Afghanistan.

My conclusion is that in the end all six of you favor the repeal of DADT. I don’t mean to put words in your mouths, but the questions that the three of you have have to do with timing.

I’m sure you know, but I just want to state for the record that the provision in the National Defense Authorization Act (NDAA) before us that repeals DADT does not implement repeal until the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify to a series of effects or non-effects on military effectiveness, unit cohesion, morale, et cetera.

I was part of drafting that legislation and we intentionally did not put a time limit in it. We didn’t say they had to do it by 90 days after the law went into effect. Yesterday, Secretary Gates said that he would not certify until he had engaged in full conversation with the Service Chiefs. I just wanted to give you a quick chance, going down the road, to indicate whether you’re reassured by that

and whether that gives you some greater confidence, if we do repeal, that we can repeal it in a way that does not interfere more than you worry this will in the ongoing operations of our military.

General Casey?

General CASEY. Senator, I am very comfortable with my ability to provide military advice to Secretary Gates and have it heard.

Senator LIEBERMAN. Good.

Admiral Roughead?

Admiral ROUGHEAD. The same for me, Senator. This has been an ongoing discussion within DOD. Access and freedom to talk about the issue and the way that we believe has been unquestioned. So I have no concerns about that at all.

Senator LIEBERMAN. General Cartwright?

General CARTWRIGHT. I have no concerns, and I look at this as an opportunity to tailor the mitigation and to tailor the timing, so that we can, in fact, accommodate the fact that our forces do rotate in and out of the country. So to me that is where the opportunity for timing comes in.

Senator LIEBERMAN. That's an important point, because Secretary Gates was asked that yesterday, whether he thought it was within his purview if the repeal passed to phase in the repeal in different ways for different Services or different units. I wonder whether you would respond to that possibility.

For instance, it's possible that Secretary Gates and Chairman Mullen might decide not to immediately implement this for Marines or Army in combat, but to do it over a period of time. How would you respond to that, General Amos?

General AMOS. Sir, I think it sounds very selfish, but that would probably be acceptable for us.

But back to your first question, we've had a great opportunity to provide our input to the Secretary and I highly regard his opinion.

Senator LIEBERMAN. Good.

General Schwartz?

General SCHWARTZ. Senator, I'd repeat that, but I would suggest that having some differences between implementation time lines within different communities of the Armed Forces is not a way to proceed.

Senator LIEBERMAN. I hear your point.

Admiral Papp?

Admiral PAPP. Senator, I know, as the committee knows full well, the Commandant of the Coast Guard is not a member of the Joint Chiefs of Staff. However, I'm given the great courtesy of sitting with the Joint Chiefs of Staff with regularity, and Secretary Gates has given me the privilege of speaking to him personally and with the Service Chiefs on all of these matters, and the Coast Guard has been a full participant.

I would also add that I do have my own Secretary, Secretary Napolitano, who is very receptive, listens wisely, and has supported this effort as well.

Senator LIEBERMAN. Thank you all very much.

Admiral ROUGHEAD. Senator, if I may.

Senator LIEBERMAN. Yes, sir.

Admiral ROUGHEAD. I have 15,000 sailors on the ground in Iraq and Afghanistan.

Senator LIEBERMAN. Right.

Admiral ROUGHEAD. They are mixed in with ground units. I think to parse it out by Service would cause confusion and inconsistencies that would not be helpful to the joint force.

Senator LIEBERMAN. If repeal is adopted, then you'd say that it may be that the Secretary and the Chairman may want to wait to implement it, but when it's implemented it should be implemented across our Armed Forces?

Admiral ROUGHEAD. Yes, sir.

Senator LIEBERMAN. Thank you.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Let me ask the first question to the ground guys, General Casey and General Amos. Both of you in your opening statement talked about your great percentages on recruitment and retention, and that goes all the way across the Services. The report states that there are 23.7 percent who would leave or think about leaving sooner than planned.

The question I would ask the two of you is, how would you face a 23 percent drop in retention? What does that do to you, General Casey?

General CASEY. Senator, projections on retention are historically overstated. In other words, just in our normal retention business—

Senator INHOFE. Okay, let's assume it's overstated by 50 percent. How would you handle the 12 percent drop?

General CASEY. It could have an impact, Senator. That's why I said in my statement that I thought there was an increased level of risk over low for our ability to recruit and retain the force. I think it would be an increased level of risk, but because they wouldn't all walk out the door at the same time, I think it would be an acceptable risk.

Senator INHOFE. That's on retention. Now, also they had some figures that it would have caused a drop in recruiting, too. I would assume that you'd feel the same way about that. Do you agree with that, General Amos?

General AMOS. Sir, I agree with my colleague, General Casey, in that I think it's overstated. My instincts as I read those figures, just knowing marines for 40 years, I don't sense the same level of impact, either on retention or recruitment. Right now if you want to join the Marine Corps you're going to wait 8 months. From the time you sign up today in the recruiting office, it will be 8 months before you can ship.

I just don't see that that would have an impact.

Senator INHOFE. All right, that's fair.

Admiral Roughead, in your prepared statement you stated that 60 percent of the sailors believe the impact on effectiveness, readiness, unit cohesion, and morale would be neutral or positive. Now, on the chart 71.A it shows that positive would be 13.8 percent, negative 35.3 percent. Now, I can see you also said neutral, so the no effects would go up there. But if they did, it still is more positive than negative.

How did you come up with 60 percent?

Admiral ROUGHEAD. Senator, what we looked at in all areas, where I paid attention to are a series of questions in the survey that captured the general attitudes or what I would consider the negativity.

Senator INHOFE. It appears, Admiral, that you put the ones in the category equally as positive as negatively all in the other category, because that adds up to 60 percent. I just thought there might be something other than this.

Admiral ROUGHEAD. No, sir. As you look at the positives and the neutrals, we see within the Navy a positive to neutral effect on this. There are certain areas, as I mentioned, specific areas that we looked at more deeply.

Senator INHOFE. I appreciate that.

I don't want the answer now, Admiral Papp, but for the record, I noticed on that same chart, and I didn't notice it until we sat down today, that for some reason the Coast Guard, the positives, it's 10 percent to 44 percent. For the record, I'd like to know why so many of the Coast Guard people are opposed to the repeal as compared to the other Services. Just for the record, if you can give that to me.

[The information referred to follows:]

I recommend caution when trying to draw conclusions about the Coast Guard as a whole from response rates of single questions. These questions were designed to assess servicemember attitudes across a wide range of topics and many of the questions are linked to responses of previous questions. It's important to note, Coast Guard respondents to question 71 are a very small minority of the total Coast Guard responses. These respondents have been deployed since September 11, 2001, to a combat zone or an area where they received imminent danger pay or hostile fire pay. Although Coast Guard members deploy world-wide, very few deploy to a combat zone. A close examination of the response rates on question 71a of the servicemember survey (found on page 202 of the Working Group Final Report) shows that Coast Guard servicemember attitudes of this very small population are similar to DOD as a whole when estimating impact on a unit's effectiveness at completing its mission in a field environment or out to sea. In this particular question, "Very Positive" and "Positive" responses from Coast Guard members total 10.6 percent compared to 11.4 percent for the Armed Forces overall. "Very Negative" and "Negative" responses from Coast Guard members total 42.5 percent compared to 44.3 percent for the Armed Forces overall. These are not surprising, considering a frequently noted concern for servicemembers across engagement efforts has been privacy (including berthing and showering). It is aboard Coast Guard vessels where members encounter some challenging living arrangements. Again, these are small numbers of a very unique demographic within the Coast Guard.

Senator INHOFE. We talked yesterday about the fact that only a third of servicemembers responded to this survey. I have felt that the reason for that was that they weren't really asked the right questions. They were never asked the question, do you think we should repeal DADT. The question they were asked was, and this is in the instructions to this. They said: "Next, our mandate was to assess the impact of repeal of Don't Ask, Don't Tell and how best to implement the repeal should it occur. We were not asked to determine whether the Don't Ask, Don't Tell law and policy should be repealed."

Can anyone tell me why that question shouldn't have been asked? Let me ask you, General Casey; should that have been asked?

General CASEY. Senator, I don't think so. I don't think the survey should have been a referendum or a poll of our soldiers. This isn't

a democracy in the military, and I believe the way that the survey was executed gave us sufficient information to make our judgments.

Senator INHOFE. Anyone else think that the question, should it be repealed, should have been asked? How about you, General Amos?

General AMOS. Senator, during my confirmation hearing I was asked a similar question, and I made the statement at that time that I was pretty confident, after having gone through all the questions myself, that I would come away as a servicemember with a real sense for whether they support it or not. Sir, I'm with the Secretary of Defense and my colleagues. I don't think we needed a referendum-type question. I got the information I needed.

With regards to the low turnout, I would suggest that perhaps there was a sense of inevitability when the survey went out.

Senator INHOFE. I think that's right.

General AMOS. Now that was sensed by, certainly by then-Commandant Conway, and he in turn went out to his Marine Corps and said, okay marines, set that aside. We need your honest opinions on this thing, and then our inputs jumped up almost two or threefold.

I think we got what we needed, Senator.

Senator INHOFE. Going from the time back when I was in the U.S. Army, if they wanted to get some results they'd give a survey and say: Fill it out. We could have had a 100 percent response. I think that's probably what should have taken place.

On this information exchange forum, a lot of work was done there. The Working Group conducted 95 information exchange forums. They contacted over 24,000 servicemembers, 140 smaller focus groups. This is quite an extensive review. They came up with a lot of information, but really not the kind of information that I think that we could have come up with.

In chapter 6 of the report, on page 49 it states: "If the Working Group were to attempt to numerically divide the sentiments we heard expressed in information exchange forums, online box entries, focus groups, and confidential online communications between those who were for or against repeal of 'Don't Ask, Don't Tell,' our sense is that the majority of views expressed were against the repeal."

Instead of just saying against the repeal, would any of you like to have the information as to quantify that in some way? Going through all these working groups, I'd ask the question. Shouldn't that have been quantified in some way, or if not why go to all of this expense and time of having this, if we're not going to get any results from it?

Anyone want to respond to that? General Amos?

General AMOS. Sir, I read some of the anecdotal comments that came back that were recorded. I think there's value to get a sense for what the Services felt, what the service men and women felt. I think they got that. I don't think there's any question that the sense that I get, it was probably predominantly negative as it related to the marines.

I think there is also a sense of group dynamics, that in any group, when you bring a bunch of marines together, you bring 300

of them together, there will be a sense of a stampede theory. I don't know how they could have done that. I've thought about that. I've wondered, my sense is probably along your lines, wouldn't it have been nice to be able to quantify that? I just don't know how they could have, because it was all verbal and it was done in a group setting with group dynamics.

Senator INHOFE. Thank you, Mr. Chairman.

I would only say that it's an awful lot of expensive work for not getting out and specifically getting results, in my opinion.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

General Casey, in response to a previous question you made a comment, and I want to be clear, that what the last several months, if not several years, have indicated is the presence of gay and lesbian servicemembers does not undermine readiness or combat effectiveness. Again, is that your conclusion?

General CASEY. What I said, Senator, is that I believe that what the survey indicates and the report indicates is that the presumption that underpins the law is that the presence of a gay or lesbian servicemember in a unit causes unacceptable risks to good order and discipline, and after reading the report I don't believe that's true any more and I don't believe a substantial majority of our soldiers believe that.

Senator REED. That's a significant point, and I want you to respond. But I think what it shows is that, obviously, there are individuals in units that are perceived, even though they do not proclaim it, as being either gay or lesbian, and that perception is relatively common in every force in various numbers in the military.

Yet, what the survey seems to suggest to you, and I'll ask your colleagues too, is that that has not caused significant problems with the readiness, good order, or discipline. What it has, and it goes back to what the basic leadership issue is, and it's not for us or even for you gentlemen. It's going to be for company commanders, first sergeants, and platoon leaders which is how do you deal with an issue where at this moment there is the perception that there are gays in the unit and it doesn't seem to affect good order and discipline. We're arguing here about whether that individual, if he can be truthful about the situation, or assume around it. In fact, in some respects it might cause more leadership and more convolutions of trying to keep this policy going forward than simply admitting what seems to be the conclusion that you've reached, that we are at a point now where we can accept this service openly.

Can you comment, General Casey? I ask this as a question, not a conclusion or as a rhetorical.

General CASEY. The only thing I'd say, Senator, to what you had just talked about was that I do think we need to be careful with saying, do you feel this way if you believe someone is a gay or lesbian soldier, versus, do you know someone is a gay or lesbian soldier. I think there's a difference. I saw what the survey said about that, but I put a little asterisk by that because there's a difference between thinking someone is a gay or lesbian and knowing it. I think the soldiers might react differently to that.

Senator REED. Admiral Roughead, the same line of questions. Your comments? Again, this is a rather open-ended question, I admit. But your comments?

Admiral ROUGHEAD. Yes, sir. I think fundamentally the military that we serve in today does not prohibit gay and lesbians from serving in the military. It's whether that orientation is disclosed or not. What we are fundamentally talking about are the standards of conduct and behavior that will be acceptable in a force should the law be repealed. That gets to leadership.

We have taken our Services through significant change before, and I have confidence in the ability of the leaders in the Navy to be able to do this.

Senator REED. General Cartwright, from your position as the Vice Chairman?

General CARTWRIGHT. I, like Admiral Roughead and the other members here, believe that the leadership is going to be the determinative factor. I had this exchange and Senator McCain commented on it, when you look at the data, I saw that, like you're saying here, that if you believe there is someone in your unit who is gay, did that affect the morale, did that affect the behavior, did that affect the efficiency and effectiveness of the unit? By and large, everything I saw in there said no.

Is there a difference between believing and knowing? This is a behavior activity. How do you behave? Do you behave in consonance with the rules? If you do and it didn't affect readiness, then I believe that leadership is going to take care of this, and that is the main attribute.

Senator REED. I'm trying to recollect back 30 years, but my sense is in small units, companies and platoons, the difference between believing and knowing is quite small in fact. There are some people, because of their mannerisms, imputations are made. But these are pretty tightly knit social units that have an idea what you're doing.

This distinction of believing and knowing at a higher level might be valid. I think we're really talking about people whose beliefs have some basis in behavior or even evidence, and yet they still seem to be tolerating or the responses seem to be saying when it comes down to unit effectiveness that's not what I'm worried about. Just an aside.

General Amos, again this is a rather open-ended question, but your advice, please?

General AMOS. Senator, the Marine Corps is the smallest force. We recruit a little bit differently. We recruit principally on a warrior ethos. We take less than one-tenth of 1 percent of the American population so that automatically begins to winnow out large portions of American society.

The survey said that across all MOSs in the Marine Corps, 75 percent of the marines, and I'm going to quote this "have not served with a gay or lesbian," 80 percent of our combat forces said they "had not served with a gay or lesbian."

We have less experience at this, and I think that's intuitive. My sole focus again is the combat effectiveness of the units. If you bear with me, one of the comments that came in on the online survey, not the town halls, this came from a Marine lieutenant who's a pla-

toon commander: "My team's effectiveness is directly tied to its cohesiveness. Despite differences, we are so close that we anticipate each other's next move in garrison and in combat. Our ability to do our job is predicated on this kind of relationship. If you were to add any element of sexual competition, intra-unit sexuality, or hesitation in trust, it would unquestionably prevent those bonds from forming or immediately destroy them if introduced."

My concern are those units that are involved in combat right now. That's the cohesion that concerns me most.

Senator REED. Sir, you have to be concerned with that, because the marines, soldiers, sailors, airmen, and coastguardsmen are at the tip of the spear, as they say. So that's your job.

Just one point because my time has expired. General Schwartz and Admiral Papp, I'd like you both to respond for the record, and I'd appreciate it.

[The information referred to follows:]

General SCHWARTZ. Based on analysis of Air Force responses to the Working Group survey, the presence of gay or lesbian airmen does not appear to have caused significant problems with unit readiness, good order, and discipline.

Admiral PAPP. At less than 50,000 servicemembers strong, the U.S. Coast Guard is the smallest Military Service of the Armed Forces and as such, is a very tight knit entity and with our numerous specialized communities, shipmates serve with each other on multiple occasions, throughout the span of a career.

You raise key points regarding the conflict that exists between the law on the books and the reality of gays and lesbians in the military. We very likely have gay and lesbian servicemembers serving in our Armed Forces today. Because of section 654 of title 10, U.S.C., however, we are not allowed to ask, nor are these members permitted to disclose their orientation. So I cannot make definitive statements based on factual information about currently serving members. I can state that we have discharged over 230 members from the Coast Guard since the passage of section 654 of title 10, U.S.C. The results of the servicemember survey suggest that a sizable portion of Coast Guard members believe they are serving, or have served with, a leader, peer, or subordinate they believed to be gay or lesbian; nearly one third of coastguardsmen believe they currently serve with someone who is gay or lesbian and nearly three quarters of coastguardsmen believe they have served with a co-worker who was gay or lesbian.

I earlier described myself as a "pragmatist, an optimist with experience." Therefore, I feel very confident stating now, as I did in my opening statement, that gay and lesbian members are currently serving honorably within the Coast Guard today.

I continually observe the excellent work Coast Guard men and women perform every day, from ensuring safety of disabled ships in the Bering Sea, to protecting the environment in the Gulf of Mexico, rendering humanitarian and port recovery expertise in Haiti, and working alongside our DOD counterparts in the Middle East. Everywhere we serve, our entire workforce, including gay and lesbian within our workforce, serve with excellence. The thought that the presence of gay and lesbians serving in the military is disruptive to the force is unproven. However, there is a distinction that must be addressed in your question. Currently, gay and lesbian servicemembers can serve only while concealing their sexual orientation from their fellow coastguardsmen. So admittedly, the question becomes, will repealing the law, such that members may serve openly, be disruptive to the force.

I'm intrigued and inspired, but not surprised, by the results of the servicemember survey that suggest repeal of Don't Ask, Don't Tell would have very low negative effect on the Coast Guard. Between 75 percent and 92 percent of Coast Guard respondents indicated they believe repeal would have very positive, positive, equally as positively as negatively, or no effect on the areas of cohesion, unit effectiveness, and unit readiness. These are difficult subjects to assess and I believe the Working Group has done an exceptional job engaging the force, gathering data, and assessing those areas.

Senator Reed, I agree with you about leadership. This policy change will occur at the hands of our leaders, in the Coast Guard's case, our commanding officers and wardrooms, and especially from our chief petty officers—with leadership at the deck plates. The Working Group Co-Chairs have shown that leadership is key to successful implementation. That may seem obvious—leadership has always been critical to

taking care of people, ensuring standards of conduct are met, maintaining good order and discipline, as well as preparing for and executing our mission each and every day. In fact, I would submit that successfully managing those items is leadership. The Working Group has done an exceptional job analyzing and assessing the importance of leadership in this issue.

I have no doubt in the ability of our excellent Coast Guard men and women to demonstrate the finest attributes of leadership, as they always do, if called upon to lead our shipmates through policy change should Congress decide to repeal section 654 of title 10, U.S.C.

Senator REED. One of the aspects here of this force, it's a volunteer force. There's a certain self-selectivity in terms of where do you go. That will continue, and that's another factor that we have to reckon with.

It comes down to also, what's been repeated time and time again by all of you, is that in terms of the policy, change is coming. I think you all recognize that. What you just said, General Amos, is that it has to be done in a way that does not provide such an immediate and disruptive effect.

Frankly, that's the way we would expect every policy of this significance be implemented that affects marines, soldiers, sailors, and airmen in combat.

Thank you, gentlemen.

Chairman LEVIN. Thank you, Senator Reed.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Gentlemen, as always, we appreciate your service, but particularly on an issue like this, that's very sensitive and very emotional. You've all paid an awful lot of attention to it and, whether we agree or disagree at the end of the day with the result, your service is what's important. Your commitment to your soldiers, sailors, airmen, marines, and coastguardsmen is unquestioned.

Mr. Chairman, I just want to correct something that you inferred in your opening statement, that this survey indicates that a majority of those surveyed support this repeal. As Senator Inhofe correctly quoted from page 49 of the report, that's not the case:

"After talking to all of the individuals through the information exchange forums, the online inbox entries, focus groups, confidential online communications between those that were for and against the repeal, it's the consensus of the authors of the report that a majority of the views were in opposition to repeal of the current policy."

It's pretty obvious, General Casey and General Amos, that combat troops, the guys who are in the foxholes, are the ones that have the largest percentage, at least in the survey, of objection to this. As I have been in theater and have had soldiers come up and talk to me, it's been primarily in theater where I have had this issue brought up.

I want to direct this question to General Casey and General Amos. Would the repeal of DADT at this time have a positive or negative impact upon the readiness of your troops?

General CASEY. Senator, I think you could take from my testimony that I believe that it would increase the risk on our soldiers, particularly on our soldiers that are deployed in combat. As I said, we could execute it now at a higher level of risk than is suggested in the survey.

Senator CHAMBLISS. Would that higher level of risk, General Casey, have the potential to put soldiers in a greater position of injury or perhaps loss of life?

General CASEY. It could, Senator, but I wouldn't want to make a projection that it would.

Senator CHAMBLISS. General Amos, let me ask that same question. Would it impact readiness of marines?

General AMOS. Sir, would repeal impact the readiness of the marines? Is that the question, Senator?

Senator CHAMBLISS. Yes, sir.

General AMOS. I think it would absolutely have an impact on the combat forces, Senator. I'm not convinced it would have nearly as much of an effect on the remainder of the Marine Corps. But our combat units, I believe it would, and it goes back to this issue of cohesion, this bonding, this element of trust for those units that are heavily involved in combat right now. That's where I think the potential impact would be the greatest.

Senator CHAMBLISS. Let me ask that same follow-up question, would that negative impact on your combat troops or your troops who are in theater right now, would it have the potential of increasing the risk of injury or perhaps loss of life to those marines?

General AMOS. Senator, as I read that quote, that tightly woven fabric of that bonded, heavily engaged, and tightly focused unit, I think the potential for damage is there.

Senator CHAMBLISS. Thank you very much. I think that's the heart and soul of this issue at this point in time. I appreciate the frankness of each and every one of you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Let me begin by saying that I think we have an enormous amount of valuable material in this report. We can talk about what the response rate was, what it could have been, whether you could have sat people down and made every person in the military fill out a form. But we have 160,000 responses here, and it's given us the capability of really examining this issue and discussing it, a lot of it, in the manner we've discussed it already this morning.

I hope that on any side of this issue, and there are really valid concerns here, that people will really take a look at this in depth and read some of these numbers in depth. We have a tendency to cherry pick one item or another out of this survey.

I said yesterday and I want to repeat today that this is a valuable piece of work, so that we can evaluate this issue in a proper way.

I have tremendous regard particularly for General Ham. When you think about the integrity that he brought to this process, as he said yesterday, he didn't exactly seek this task. He was probably the best person in the uniformed military to be asked to do it. He's former enlisted. He's an infantry officer. I, for one, listened to him very carefully in his remarks yesterday.

I would like to actually focus on two different questions. One is this notion of the ability to tailor this process, as has been said today, or structure it if it were to occur. From what I'm hearing,

my initial impression on this was that there might be the ability to do this Service-by-Service or looking at the difficulties of implementing it in the combat arms, as General Amos has pointed out, where the need for cohesion is paramount and the amount of command attention that would be put into this in this environment.

Let's start with you, General Cartwright. From what I'm hearing, that's not on the table.

General CARTWRIGHT. I want to make sure I'm answering the right question.

Senator WEBB. Let me restate it, after all that rambling, in one quick sentence. What I'm hearing here is that this talk of being able to structure any implementation of this process does not mean that it would be structured even in a time sequence for different Services or for operational units. Am I correct in that understanding?

General CARTWRIGHT. As I read the plan as it was recommended by the study, the opportunity is there to structure the implementation phase.

Senator WEBB. Service-by-Service or combat arm-by-combat arm?

General CARTWRIGHT. I think that we would look at it from the perspective of the Service Chiefs, but also the combatant commander, in this particular case U.S. Central Command and the International Security Assistance Forces commander, to ensure that whatever implementation plan we came up with made sense on the battlefield.

Senator WEBB. It's not off the table? Is it something that there is mixed opinion on it among the Service Chiefs?

General CARTWRIGHT. Where our opinion probably varies is in the how, whether it's time, Service, unit, deployment cycle, or you have elements of the force—because most of our Service elements are mixed. They have liaisons, they have multiple types of particularly airmen for the air service, et cetera.

What we're trying to understand here is what would in fact be a logical implementation structure by which we could work forward.

Senator WEBB. If the certification went forward, we're talking about the certification process. The deliberations have been made, the certification went forward. Does that go to all units in the military the next day?

General CARTWRIGHT. That's what we'd have to work our way through. The question here is we're trying to understand in the rotation cycles, since they don't all line up and we do it by different elements.

Senator WEBB. So basically it's not?

General CARTWRIGHT. It's not locked down.

It's not being restricted, either. In other words, that opportunity's not being taken away from us. The chiefs, when we sit down together, are both Service Chiefs and Joint Chiefs and we look at the problem that way.

Senator WEBB. The correct interpretation of the way this process is being considered as of today, is that it could be considered Service-by-Service or combat arm-by-combat arm or unit-by-unit? That's on the table?

General CARTWRIGHT. Yes, sir.

Senator WEBB. The second question I would have——

General SCHWARTZ. Senator, may I make a comment?

Senator WEBB. I know you don't like that, General. I heard you say that earlier. I'm very short on time here. I want to put this other issue out on the table.

Yesterday, I asked General Ham what percentage of the military he believed or that the statistics showed were gay or lesbian, and his comment basically was, just about the same as in society, a little lower on the male side, a little higher on the female side. That was his comment.

I don't think anybody at the table is advocating that those people who are now in the military under DADT should leave other than for the reasons of conduct. Is there anybody who would disagree with me on that? [No response.]

Here's the ultimate question on this policy as it evolved. That is, if someone is serving well and if they are gay or lesbian and they get through the wickets that General Amos so clearly points out in the small unit deployments, what is it that we should be doing when they're 15 years into their service and they want to be able to live an open and honest life style? What should we be doing? What should we do with them?

General CASEY?

General CASEY. Senator, you're talking about the period between now and the time the law might be repealed?

Senator WEBB. If we keep the policy as it is now with DADT. If we have someone who has given 10 or 15 years of service to their country, they're valuable to the military, they want to be able to live an honest and open life. Their conduct inside the military is above reproach, how do we do that?

General CASEY. Senator, we'll follow the law. We'll do what the law says. If the law changes, we'll follow that.

Senator WEBB. No, I'm not talking about changing the law. I'm saying if we keep the law. Under the present law, you see the dilemma that the individual is at?

General CASEY. I understand the dilemma you're putting.

Senator WEBB. That's basically the challenge I think that we all have.

General CASEY. But right now we're in a position where we need to follow the law.

Senator WEBB. I understand that. I'm talking about the human dimension of someone having to live under the law.

General CASEY. I understand that, Senator. I'm saying as the Chief of Staff of the Army I'm bound to execute the laws of the land.

Senator WEBB. Right. But do you understand the human dimension?

General CASEY. I do.

Senator WEBB. Does anybody have any comment? Yes, sir?

Admiral PAPP. Yes, Senator. I come at this from a slightly different perspective. I agree with all the leadership aspects of this. Where I come from on this is that all our leaders, whether it's senior leaders or those senior enlisted leaders that Senator McCain spoke about, they need clear and unambiguous direction in terms of what they are supposed to enforce.

I would suggest that right now we find ourselves in a very ambiguous position in terms of those people who are gay and lesbian that are in the Service and those people who are supposed to enforce the law. What I think we're doing is putting people who are gay and lesbian in a position that forces them to compromise our core values. We have leaders who are getting ambiguous signals from leadership in terms of the law that they are supposed to support, which puts them in a position of perhaps being selectively obedient.

For those of you that have served in leadership positions, you understand that when you allow selective obedience that's an insidious thing which hurts our overall military effectiveness. What I would say is we need to give our leaders out there very clear and unambiguous guidance in terms of what they're supposed to enforce.

Senator WEBB. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Chambliss made a reference to my opening statement as to the accuracy of my statement that the report before us confirms that a large majority of troops believe repeal is consistent with maintaining unit effectiveness. I'm going to put the entire report in the record at this point, [see Appendix A] as well as the plan for implementation. But the specific reference or statement in the report that I was referring to says: "The results of the servicemember survey reveal a widespread attitude among a solid majority of servicemembers that repeal of 'Don't Ask, Don't Tell' will not have a negative impact on their ability to conduct their military mission."

The entire report and the plan for implementation will be put in the record, not at this point, obviously, but at an appropriate place in the record. [See Appendixes A and B.]

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Thank you, gentlemen, very much for your great service to our country and for appearing here today to answer questions on a very difficult issue.

Secretary Gates told us yesterday that the servicemembers are less sanguine than the Working Group about the level of risk of repeal with regard to combat readiness. We've heard that in testimony in front of this committee today, as well as in previous testimony many of you offered in front of the committee. General Amos, you told this committee a few months ago that in your view the current law and associated policy have supported the unique requirements of the Marine Corps and thus do not recommend its repeal. Your prepared statement for today's hearing repeats that view.

I would just pose the question of you that I did of Secretary Gates and Admiral Mullen yesterday. How should we, as Members of Congress, weigh the fact that there isn't consensus among the servicemembers, the Secretary, and the Chairman of the Joint Chiefs on this important issue? General Casey?

General CASEY. Senator, I think you should be grateful for that. What we're trying to do is provide our informed military advice so

that you can understand all of the aspects of the problem. You will get a better decision out of it.

Senator THUNE. Do you believe that implementing legislation, if in fact this moves forward, should allow for the Service Chiefs, servicemembers, or any of you, to certify? I asked the Secretary yesterday about whether or not that ought to be a requirement. He said that it should not. I think Senator Lieberman asked the question earlier today about consulting with the Service Chiefs. There's a big difference between consulting and having the Service Chiefs certify that this can be done without impacting military readiness.

General CASEY. Senator, as I said to Senator Lieberman, I am very comfortable with my ability to provide input to Secretary Gates and to the Chairman that will be listened to and considered. You could put it in there, but I don't think it's necessary.

Senator THUNE. Would you agree that that's a very different standard, though? If you had to certify as the Secretary, President, and the Chairman have to, that this would not impact military readiness?

General CASEY. For me to certify rather than just provide advice?

Senator THUNE. Right, right.

General CASEY. It might take it up a notch. But believe me, I will make sure that my views are heard.

The other thing. If you put that into the law, it undercuts the Goldwater-Nichols, that we've been trying to put the Chairman as the principal provider of military advice. That's something for the committee to consider.

Senator THUNE. Anybody else care to comment on that?

Admiral ROUGHEAD. Sir, I'm very comfortable with the access and the input that we've had. In fact, as the report came along I could see the changes that we were recommending. I have no concerns whatsoever about my advice not being heard.

Senator THUNE. The survey has been talked about a lot and yesterday there was some question, there's a statement that I think that Senator Chambliss mentioned earlier today, that there were other comments that were provided, emails, et cetera, through the process, that suggested that the majority view was against repeal of the current policy. It was mentioned yesterday that it wasn't scientific because it wasn't part of the survey and that the integrity of the survey was the important part of this process.

Do you all believe that there ought to be some consideration given to that. We all have heard and many people reference today, traveling abroad, talking with troops individually and the information, the feedback, that many of those of us up here get. I'm sure many of you get, as well, that type of input also is important in formulating an opinion of this nature?

Admiral ROUGHEAD. Senator, I'd say that that type of input is informative, as is the survey, what we in the Navy call all hands calls, where we talk to our sailors. That all comes together to inform the opinion and the recommendation that I make up the chain of command. But it's all-inclusive.

Senator THUNE. The survey itself, 28 percent response. Arguably, that means there's 72 percent of the people who were mailed the survey that didn't answer the survey, which means there are a lot of people who have not registered their opinion on this. The point

was made yesterday that that's not how we do business. I understand that. It's the military, you don't ask people for their opinions on everything.

But to the degree that opinions were voiced as a result of this survey, there were a lot of conclusions drawn from what the contents and the ultimate outcome of that survey was. The number that's been thrown out is that 70 percent approve of a change in the policy. Very different numbers when you talk about Marine Corps, Army, or people engaged in combat. Fifty-seven percent was the number for Army, and 66.5 percent for Marine Corps, of people who thought that this change would impact negatively or very negatively.

Even if you take the broader number, question 68.a, which discusses the effect of repeal on military members' ability to get the job done, if you add up mixed, negative, or very negative responses you get 61 percent. That means 61 percent of respondents said that having a gay or lesbian in their unit would have a mixed or negative effect on getting the job done. Yet the Working Group focused on, the report, the positive and mixed number, at 70 percent.

It seems that you can, as is the case with a lot of these surveys, depending on which numbers you pick, draw very different conclusions. I'm curious about the Service Chiefs' perspective on that issue and how you reconcile the different and almost in some ways opposite conclusions that were drawn from the Working Group survey. Anybody want to answer?

General SCHWARTZ. Senator, my take is that categorizing the mixed group on the positive side does not undermine the basic credibility of the conclusions of the report. I might also add that it's important to read all of page 49 in context.

Senator THUNE. Right, and I understand that. I've read the context of page 49. But it's very clear that a lot of the information that was received through these other sources, that non-scientific part, the anecdotal evidence.

General SCHWARTZ. Yes, sir. As Admiral Roughead indicated, I digested my comments that came in to the inbox and so on. We looked at those, we digested those as well as the statistical data, in coming to our conclusions. I also gathered information from my leadership team, just as each of the others here have. This was a fairly comprehensive effort on everyone's part.

General CARTWRIGHT. I would just add, Senator, that we had innumerable meetings amongst us to understand and to highlight to each other what we were trying to bring out, what we interpreted the numbers as, et cetera. We compared back and forth.

Now, that's not always good, but it's not always bad. But we all got a chance to compare with each other when we saw the numbers here, what does this mean to you, what does it mean to your Service, what did you find out working the deckplates? That helped us also.

Senator THUNE. I don't think this is entirely a scientific exercise. I think there's a lot of input that comes, and the people who express their views, which was sort of discounted yesterday, because they're motivated to express their views, I think they're people that have to be listened to in all of this.

I appreciate your testimony. I think I know where all this is headed. I would simply say that the bottom line in this, in my view at least, is combat effectiveness.

The military is a very unique and distinct group of people whom we task with an enormous responsibility. I know you all take that responsibility very seriously. As you consider final conclusions about this, I hope that the bottom line consideration is to make sure that the men and women in uniform in this country can serve and defend this country as effectively as possible.

Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Thune.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman.

Good morning to all of you. Thank you for the way in which you've brought this difficult but important discussion forward. I have an admiration for every single one of you and your service.

Mr. Chairman, if I might, I'd like to enter into the record a statement which was released by 12 current and former faculty members at Service Academies and military universities in response to some of the concerns expressed at yesterday's hearing about the repeal of DADT.

Chairman LEVIN. It will be made part of the record.

Senator UDALL. If I might, let me just summarize briefly some of their points. They pointed out concerns that repeal would undermine combat effectiveness are inconsistent with available evidence, and if gays actually undermine combat effectiveness it would be hard to understand why gay discharges always decline during wartime.

Second, they point out concerns that we do not know what the troops would say if asked whether they support repeal, are not based on the evidence. In fact, they point out that three different polls found roughly the same result that the Working Group did, and that these surveys included combat troops.

The faculty members also went on to point out concerns about the survey's response rate, that the results are not reflective of the views of the overall force, are not correct. That, in fact, the 28 percent response rate is above average for surveys, and that the response rates have nothing to do with the validity of a survey's results as long as the sample size is large enough and sampling is done properly. In this case, the survey has a margin of error that's better than most surveys, and the Gallop's editor in chief said yesterday that this survey represented a huge sample compared to most surveys. The director of the Marist College poll wondered why the survey, in fact, included as large a sample as it did.

Then finally, Mr. Chairman, the faculty members point out that the claim that DADT has been effective is inconsistent with the evidence. A U.S. district court found that, according to all available research, DADT has actually harmed the military in several ways, including wasting valuable talent, undermining cohesion, and morale.

A Government Accountability Office report found that the policy has led to the discharge of a significant number of mission-critical

specialists. No evidence has ever been provided to show that DADT promotes cohesion or is working in any way.

I wanted that to be in the record, Mr. Chairman.

[The information referred to follows:]

MILITARY UNIVERSITY FACULTY RESPOND TO DON'T ASK, DON'T TELL SENATE
HEARING

Santa Barbara, CA—December 2, 2010—The Palm Center released a statement by 12 current and former faculty members at Service Academies and Military Universities, responding with factual evidence to claims made at today's Senate Armed Services Committee Hearing on "Don't Ask, Don't Tell (DADT)."

STATEMENT BY CURRENT AND FORMER MILITARY PROFESSORS

Combat Effectiveness:

(1) Concerns that repeal would undermine combat effectiveness are inconsistent with available evidence. While it is true that many combat troops say that they think repeal would undermine combat effectiveness, a smaller percentage say that if they were going into a combat situation, fighting alongside gay troops would be a factor. Many troops in foreign militaries said, prior to repeal, that gays would undermine combat effectiveness. Subsequent to repeal, however, foreign militaries reported no decline in combat effectiveness. Statistical analysis by Dr. Laura Miller of the RAND Corporation and a colleague found that even though many troops think that repeal would undermine effectiveness, there is no statistical relationship between whether someone knows a gay peer and the reported cohesion or effectiveness of the unit. If gays actually undermined combat effectiveness, it would be hard to understand why gay discharges always decline during wartime.

Process:

(2) Concerns that the Working Group did not ask the troops whether they support repeal are disingenuous. The troops vocally expressed opinions about whether DADT should be repealed in an online inbox that received 72,384 comments, in 95 face-to-face forums at 51 bases that included more than 24,000 troops, and in 140 smaller focus groups. This data was not solicited in a scientifically valid way, but the Working Group certainly took them into account and even acknowledged that a majority of comments opposed repeal.

(3) Concerns that we do not know what the troops would say if asked whether they support repeal are not based on evidence. Three different polls, by Annenberg, Zogby, and Military Times, found roughly the same result: approximately 40 percent of the troops oppose repeal, 30 percent favor repeal, and 30 percent don't know or don't care. Surveys included combat troops. The Zogby respondent pool, for example, consisted of 545 combat and combat support troops who were serving or who had served recently in the Middle East.

Survey Validity:

(4) Concerns about the Survey's response rate, or that survey results are not reflective of the views of the overall force, are not correct: The 28 percent response rate is about average both for web-based surveys in general, and for military surveys in particular. The response rate to the military's 2006 Workplace and Gender Relations Survey was 30 percent for Active Duty members. Furthermore, response rates have nothing to do with the validity of a survey's results, as long as the sample size is large enough and sampling is done properly. In this case, the Working Group survey has a margin of error of plus or minus 1 percent, much better than most surveys.

Timing:

(5) Concerns that repeal is being rushed are not based on the historical track-record. The authors of DADT referred to it as a temporary compromise when the policy was enacted 17 years ago. Generals Colin Powell and John Shalikashvili have changed their views over this time, and military and public opinion shifted dramatically as well. The roughly year-long Pentagon review process has been one of the most comprehensive reviews ever undertaken on any military personnel policy in the history of the U.S. Armed Forces. More than 20 studies have been conducted on whether gays harm the military.

Recruitment and Retention:

(6) Concerns that recruitment will suffer are not based on evidence. In the British and Canadian militaries, approximately two-thirds of male troops said that they

would not work with gays if bans were lifted. After the lifting of bans in those countries, there were only a handful of resignations, and no reported problems with recruitment or retention. The percent of troops in the U.S. military who say that they will not work with gays and lesbians is much lower.

Effectiveness of DADT:

(7) The claim that DADT has been effective is inconsistent with the evidence. A U.S. District Court found that, according to all available research, DADT has harmed the military in several ways including wasting valuable talent and undermining cohesion and morale. A Government Accountability Office report found that the policy has led to the discharge of a significant number of mission-critical specialists. No evidence has ever been provided to show that DADT promotes cohesion or is working in any way.

(8) The claim that DADT does not involve situations in which people are hounded day-in and day-out is inconsistent with available evidence. While it is true that the military has suspended witch hunts and that most DADT discharges follow statements by servicemembers, the District Court found that gay and lesbian troops do have a constant sword hanging over their heads which undermines their ability to focus on their jobs.

Executive Order:

(9) The claim that only Congress can provide President Obama with the latitude to sign an executive order is incorrect. Congress already has provided such latitude in the “stop-loss” statute, which allows the President to suspend any law related to military separations during national security emergencies.

Signatories:

Professor John T. Ackerman, Air Command and Staff College¹
 Lt. Col. Allen Bishop, USA (ret.), former professor, U.S. Military Academy at West Point¹
 Dr. Kathleen M. Campbell, U.S. Military Academy at West Point¹
 Lt. Col. Edith A. Disler, USAF (ret.), former professor, U.S. Air Force Academy¹
 Professor Mark Eitelberg, Naval Postgraduate School¹
 Professor Barry Fagin, U.S. Air Force Academy¹
 Professor Craig A. Foster, U.S. Air Force Academy¹
 Professor Gregory D. Foster, National Defense University¹
 Professor Elizabeth L. Hillman University of California Hastings College of the Law, former instructor, U.S. Air Force Academy¹
 Professor Janice H. Laurence, Temple University, and former professor, Industrial College of the Armed Forces¹
 Professor George R. Austrian, U.S. Air Force Academy¹
 Professor Steven M. Samuels, U.S. Air Force Academy¹

Senator UDALL. If I might, I'd like to move to a follow-up on what Senator Lieberman discussed, and that was the timing of certification. It seems to me that for implementation to work, the military needs a lot of planning, training, changing of regulation, and time to make sure it's done right. None of that will begin to occur until there's a certainty that the law will change.

Since most of you, if not all, share the view that the law should be repealed, but some of you believe it just shouldn't be implemented right now, doesn't it make sense for Congress to pass the pending legislation right now? That way you could lay down some of the groundwork necessary for change which might be good to do anyway, given the concerns of court action, but you would have the flexibility not to implement right away.

In that context, I move to what Secretary Gates said yesterday. He said that the certification process is a critical piece of the legislation and that he would not sign any certification until he was satisfied with the advice of the Service Chiefs, those of you sitting

¹The views expressed by faculty at U.S. Government agencies are those of the individuals and do not necessarily reflect the official policy or position of their Service, the Department of Defense, or the U.S. Government. Nonmilitary institutional affiliations are listed for identification purposes only, and do not convey the institutions' positions.

here today, that we had in fact mitigated, if not eliminated, to the extent possible, risks to combat readiness, unit cohesion, and effectiveness.

I'd like, in that spirit, to ask each of you if Secretary Gates' comments alleviate some, if not all, of your concerns? General Casey, perhaps I could start with you.

General CASEY. Secretary Gates' comments that he's not going to certify until the implementation is—we told him we're okay with it.

Senator UDALL. Yes. The quote I have in front of me, General, is he would not sign any certification until he was satisfied with the advice of the Service Chiefs that we had, in fact, mitigated, if not eliminated, to the extent possible risks to combat readiness, to unit cohesion and effectiveness.

General CASEY. I would agree with that statement, Senator. I would also agree with what I've said several times here already. I'm very comfortable with my ability to get my opinions and advice to Secretary Gates and have them listened to.

Admiral ROUGHEAD. I agree with that statement, sir.

General CARTWRIGHT. I agree with that statement.

General AMOS. Senator, I absolutely do agree.

General SCHWARTZ. Likewise.

Admiral PAPP. I agree too, Senator.

Senator UDALL. I'm going to editorialize and then I have one final question. There's concern here that's been expressed in the committee, and I would as well add that I have been honored to serve on this committee, that we're moving too hastily in Congress to repeal DADT. But my worry is that the courts may actually move in a much more hasty and chaotic fashion, and that were Congress to act now and put in place direction as to how we would proceed with the repeal, we could actually do it in a way that keeps faith with what you all have outlined today and with a particular focus on combat effectiveness.

That's my appeal to my colleagues in the Senate, that we actually act before this session of Congress adjourns.

Let me end on this note with a final question. I'd just like to go down the line and ask each and every one of you, if we change this policy, can your branch in the U.S. military make it work? Perhaps I'll start with Admiral Papp.

Admiral PAPP. Yes, sir, Senator. I have complete confidence that we could make it work.

General SCHWARTZ. As I indicated earlier, we would execute thoroughly, professionally, and with conviction.

General AMOS. Senator, as I indicated in my written and verbal statement, we will follow the law and execute it faithfully.

General CARTWRIGHT. I concur.

Admiral ROUGHEAD. We can make it work. My most senior commanders believe that as well.

General CASEY. I believe we can implement the policy and will implement the policy with moderate risk to our short-term effectiveness and long-term health of the force.

Senator UDALL. Thank you, gentlemen.

Chairman LEVIN. Thank you very much, Senator Udall.

I believe Senator Wicker is next.

Senator WICKER. Thank you, Mr. Chairman.

I have the greatest respect for my chairman and he is aware of that. I do have to wonder if the American people watching this today are thinking, why are we here? Why, during a time when our best military minds should be concentrated on winning in Afghanistan, winning the Global War on Terror, making sure our success in Iraq stays and is guaranteed, are we taking the time and energy of this committee and these talented military people away from that central mission?

We're doing it, in my judgment, because a political decision has been made in the White House that now is the time, when we have the votes to do this, to push this through. If I might say so, with all deference to my colleagues, it reminds me of the time spent on the health care debate last Christmas and during the early months of this year. At a time when the unemployment rate of this country was hovering near 10 percent and we were in one of the most serious recessions in my lifetime, we talked about an issue that had very little to do with creating jobs, preventing further unemployment, and further recession in this country.

To paraphrase the members of the Joint Chiefs of Staff who have spoken today, really the question before us, and I suppose the question during this lameduck session, is should we, with all that's going on and all of the demands made on our military, to paraphrase the words of General Amos, accept the strong risk of disruption during this time? Should we divert leadership away from the combat effort? Those were the words of the Commandant of the Marine Corps.

Or, to paraphrase General Casey's words, is this the time to be adding another level of stress to our Armed Forces? Those were his words. Is it the time to be making things more difficult in combat units? Or, to paraphrase the words of General Schwartz, place additional discretionary demands on our personnel, when we ought to be asking them to use all of their talents, effort, and energies toward winning the war?

I wonder this. General Amos, you read a very compelling statement of a marine and I might ask you to read those words again, concerning a unit that is in combat now. Can you give us the most compelling sentences of that quote, sir?

General AMOS. Senator, the lieutenant said that his team, his platoon, his squad, his fire team's effectiveness is directly tied to its cohesiveness. I think that for me, as I work my way through this issue to come to my recommendations today, that became the center part of my concerns.

He says: "Despite differences, we are so close that we anticipate each other's moves in garrison and combat." That's that intricate woven—it's almost a filial love that takes place in small units, where everybody thinks as one instead of as individuals.

"Our ability to do our job is predicated on this kind of relationship." I think we would all agree with that. He says that: "To add any element of sexual competition, intra-unit sexuality, or hesitance in trust, it would unquestionably prevent those bonds, the bonds in that unit, from forming or immediately destroy them."

That's the essence of what he said, sir.

Senator WICKER. Thank you for reading that again.

I have to ask myself, there seems to be a resignation around this table and the panel that this is going to happen eventually; it's just a matter of time and just a matter of timing. Let me be somewhat of a contrarian here. I can't imagine that the situation is going to be that different in 2012 for that Marine Corps lieutenant, or in 2013. We're always going to be asking that type of fighting man to operate under those types of conditions. I wonder if 2012 or 2013 is going to make that lieutenant or that type of lieutenant feel any better about it.

Would you care to comment on that, General Amos?

General AMOS. Sir, it goes back to the "if not now, then when?" Having worked my way through that, my recommendation would be not to do it as long as we have forces that are involved, singularly focused the way they are right now on combat. I'm assuming at some time in our future we will come out of Afghanistan. I think we all know that and believe that. I'm looking down the road at, if there is a more favorable time when our combat units have more time at home and we have more elasticity and flexibility in our training schedule?

This particular unit, not this lieutenant, but the unit that I quoted earlier, had been deployed 21 of 43 months, 3 deployments, 2 of which were heavily involved in combat, 1 in Iraq and 1 in Afghanistan. So in that very short period of time, their kit bag is pretty full, highly focused on reconstituting the force, training the force, language, culture, improvised explosive device training, and all that goes on to bring a unit together and make it cohesive.

As long as that's the case, where we are today, in the environment we're in today, then my recommendation would be this is a bad time, Senator. If we get to a point down the road where that is not the case, then I think we could do this.

Senator WICKER. Okay, I appreciate your answer. One final line of questioning. It's been suggested that DADT has hurt military readiness by the separation of many individuals who are mission critical. The facts are that 13,000 servicemembers have been separated on the basis of homosexuality in 17 years. That's certainly far less than 1,000 per year.

I was a judge advocate in the U.S. Air Force involved in separation of homosexuals back during an earlier law. I didn't serve on Active Duty during DADT. It was frankly my experience that many military members who were separated because of homosexuality actually came forward of their own volition and asked voluntarily to be separated and cited the requirement in the military at that time as the reason for their requested separation.

Would any of you care to comment on that? Or would any of you take a stab at the circumstances under which these 13,000 servicemembers, or the majority of these 13,000, have been separated over time? Certainly I think we would agree they were not rounded up in witch hunts. Under DADT, if they're not willing to admit it then there's no separation.

Let me ask you, General Schwartz, since we're both Air Force. Am I incorrect in assuming that a significant portion of the Air Force members who were separated during these last 17 years actually voluntarily came forward and asked for separation on those grounds?

General SCHWARTZ. Separations in support of DADT were less than 1 percent of the entire flow of individuals who separated. Yes, they were predominantly voluntary.

Senator WICKER. Anyone else care to comment on that? General? Admiral Roughead?

Admiral ROUGHEAD. Ours were predominantly what we call statement, as opposed to acts or marriage, which are the actions.

Senator WICKER. Desiring to be separated, they came forward—

Admiral ROUGHEAD. People came forward.

Senator WICKER.—and claimed to be homosexual or admitted to be homosexual, and asked to be removed?

Admiral ROUGHEAD. That's correct, yes, sir.

Senator WICKER. Anyone else?

General AMOS. Senator, the Marine Corps since 1993 has discharged a little over 625,000 marines, not for this but just normal discharges, honorable discharges, and retirements. Of that 625,000-plus marines that have returned back to the United States of America, we have discharged 1,304 marines for homosexuality.

Of note, in that 1,304, 400 of them happened at boot camp, the first 12 weeks of a marine's career. I was at Parris Island just about 3 or 4 weeks ago, and was there talking to a senior drill instructor, he talked to me about a young marine that had come forward just that day. So it happens there.

The rest of them, I can't comment on the remainder. I would suspect some were, as the term goes, outed. I'd suspect the majority of them were volunteers, but I don't know that for a fact.

Senator WICKER. Thank you very much.

Chairman LEVIN. Thank you, Senator Wicker.

Senator Manchin.

Senator MANCHIN. First of all, let me say thank you for all of you who are here and the branches that you represent. I will say that every West Virginian is proud to be an American because of you. I want to thank you for your service.

Yesterday we had some questions that I had asked Secretary Gates, and it was based around the cost, in a time of dire financial challenges that we all have. The armed services are talking about \$100 billion in reduction in defense spending. Is this going to be a cost-effective measure for those of you and your branches you represent? Whoever would want to start and then whoever would want to comment on that, I'd appreciate it, based on cost.

Admiral ROUGHEAD. Senator, if I may, one of the things that we have to understand before we get into costs will be the issue of benefits and what are the costs associated with putting in place the cadre that provides additional medical and counseling. But that's all going to be a function of what the benefits are that are decided upon.

I think that there are some unknowns and that would be part, at least from my perspective, of what would be involved in the certification process as well. In other words, if we are going to go forward, if the law is repealed and we're going to go forward, then one of the things that I think is important, so that the combat effectiveness and cohesion is not affected, is that we can provide our people across the board the types of benefits, services, that maybe—

Senator MANCHIN. You haven't budgeted. Is it fair to say nothing's been budgeted in each branch for this?

Admiral ROUGHEAD. That's correct, Senator, because we have yet to take ourselves through that process.

Senator MANCHIN. You assume there will be an additional cost? Is it fair to say everyone assumes there will be additional cost?

General SCHWARTZ. Senator, the report, at least by my reading, indicates a cost in the neighborhood of \$40 to \$50 million. I don't know what the constituent pieces of that estimate are.

Senator MANCHIN. Is that just in the Air Force?

General SCHWARTZ. No, sir. That was for DOD-wide.

Senator MANCHIN. The other thing we talked about also is the effect it has on the clergy. I have heard from the clergy yesterday after our meeting. Have you spoken to your clergy of what they feel that this would do to them and how it might cause some attrition a little bit more rapid than intended?

General CASEY, if you want to start on your end.

General CASEY. I have, Senator. Welcome to the committee.

Senator MANCHIN. Thank you.

General CASEY. My Chief of Chaplains was involved with the survey group and he assures me that if the law is repealed that our chaplains will be able to serve and conduct religious services according to their faith, and that they will perform in accordance with the law and with Army regulations.

Senator MANCHIN. Did you have, and I ask this question because it came to me yesterday afterwards. I had a few phone calls that they believed that there were some concerns that you might have more of the chaplain corps, if you will, in all the branches mustered out quicker and at a higher percentage.

General CASEY. His assessment, Senator, we have about 2,800 Army chaplains from about 200 different faith groups. He thought the attrition, if the law was repealed, would be small. His words were small.

Admiral ROUGHEAD. We're saying the same thing in the Navy, as well, Senator. Even though some of the chaplains, because on moral grounds, they have some issues, and the data that shows how many would leave is relatively small.

General CARTWRIGHT. Sir, I had the opportunity to talk to many of the sponsors and their input was that they believe that they would be able to continue to sponsor if DADT were repealed.

General SCHWARTZ. Senator, for us, similar to the others. The impact would be modest, based on feedback that we've received. The understanding is that the chaplains practice the protocols and the discipline of their faith but they also have a mandate to minister to the entire flock, and that is an ethic which all of our chaplains share.

Admiral PAPP. Senator, our chaplains in the Coast Guard are detailed from the U.S. Navy Chaplain Corps, as they are to the Marine Corps as well. We have 42 chaplains and I've spoken to the senior leadership and, just as General Schwartz indicates, they understand that they are to minister to everyone regardless of their faith, and I don't expect much of a change.

Senator MANCHIN. In everything that we've been hearing, and I think that some of the Senators have commented on this, it's just

a matter of time. It looks like it's a policy that sooner or later is going to take effect, whether it's by the courts, by this body, or if you all would see fit to do it yourselves.

With that being said, if we took no action whatsoever as a body, as a Congress, and the President as I understand it has the statutory authority to suspend certain laws relating to promotion, retirement, or separation of any member of the Armed Forces who the President would determine is essential to national security. If we don't repeal this, would it still be in the purview of the President to make that decision if he thought it was of national security or a need for us to act on it?

General Amos?

General AMOS. Senator, I really can't comment on that because I don't know, I don't know the law that well. I just can't give you an answer.

Senator MANCHIN. Let me ask you, does the Commander in Chief have the statutory authority to suspend certain laws relating to promotion, retirement, or separation? Is there anyone that can comment to that?

General SCHWARTZ. Sir, I'd like to take that question for the record to give you an accurate answer.

General CASEY. You may have come up with a question, Senator, that is above our pay grades. [Laughter.]

Senator MANCHIN. I wasn't sure that was possible. [Laughter.]

General CASEY. Me either. [Laughter.]

Senator MANCHIN. I meant the pay grade. [Laughter.]

If you could, that would be very helpful.

[The information referred to follows:]

Yes. Title 10, U.S.C., section 12305, often referred to as "stop loss" specifically provides that "Notwithstanding any other provision of law, during any period members of a Reserve component are serving on Active Duty pursuant to an order to Active Duty under authority of sections 12301, 12302, or 12304 of this title, the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the Armed Forces who the President determines is essential to the national security of the United States."

Since members of the Reserve components are currently serving on Active Duty pursuant to an order to Active Duty under authority of sections 12301, 12302, or 12304, the President has the statutory authority to suspend any laws relating to promotions, retirements, or separation of any members deemed essential to national security.

The President has delegated his authority under section 12305 to the Secretary of Defense, who, in turn, has delegated the authority to the Service Secretaries.

Senator MANCHIN. Being the newest person on the block, if you will, and with what we have in front of us right now, I was just wondering on the timeliness. I've heard loud and clear that you would like to have that time guideline in your purview rather than ours. I think that's a very worthy consideration that we should have for you.

I appreciate very much your appearance and the job that you do and the service you perform for our country.

Chairman LEVIN. Thank you very much, Senator Manchin.

Senator Sessions.

Senator SESSIONS. Trying to get a little legal advice? [Laughter.]

I would just observe that I believe Senator Chambliss is correct. The report says, total evaluation of the members of the military and a majority of them oppose the change. We don't need to be in

a misimpression that there is some great groundswell of support for this.

Maybe we ought to talk a little bit about how hard our military men and women work to prepare for combat, how many hours they work, how many hours they work during the combat period, how anything that adds to that can be a difficult thing.

I would observe that the Army, the Marine Corps, and the Armed Forces Chiefs of Staff all have questioned this change, and that represents 75 percent of the men and women serving our country today.

I think the governor's question about cost is something we probably should look at a little more. There are many other factors that go into that.

General Schwartz, one quick question for you on a different subject. I know there was an inadvertent, I believe inadvertent, disclosure of competitive data in the Air Force tanker competition. I accept that you've taken remediation. You have a plan for that. One of the competitors' supporter, a Mr. Warren Thompson of the Lexington Institute, has complained about this. I just want to give you an opportunity to say, first, can Congress have integrity in this procurement process as it goes forward?

General SCHWARTZ. Senator, a couple of weeks ago we had an inadvertent disclosure that was a profound disappointment, considering the diligence that our program office and source selection team had demonstrated up to that point.

What occurred was the inadvertent release of a single page of nonproprietary data that involved our analysis of the efficiency of the offerors' proposals, but it did not include any offeror proposed prices.

Senator SESSIONS. Do you have any information that would indicate either competitor has acted inappropriately when they received the data that should not have been sent to them?

General SCHWARTZ. Both offerors reacted in a responsible manner and returned the disks that were mistakenly forwarded to them to the Air Force, and we have confirmed that by forensic evidence.

Senator SESSIONS. Thank you.

Admiral Papp, you talked about some confusion in the law. Almost every one of you and the previous panel has talked about the uncertainty of the law, that somehow the courts are liable to make this happen and therefore it would be better for the military to act on its own and get this done, or Congress act.

I just want to say to you, I've looked at that law carefully. I am absolutely convinced that the American Civil Liberties Union (ACLU), who lost the first circuit case, 13 or 14 individuals who complained about the constitutionality of this law, the First Circuit Court of Appeals in Boston found the law constitutional, and they did not appeal.

Why? Because they thought the Supreme Court was going to affirm, as it has consistently done throughout the history of this country, that being in the military is different than civilian life. A private or a sergeant can't go out and attack the President of the United States, whereas an individual American citizen can.

I just want to tell you, to the extent to which that has caused you to believe this is somehow inevitable because the Supreme Court is going to rule otherwise, I don't agree. I am very critical of Solicitor General Elena Kagan, whose personal views on this were so well known in opposition to the military policy, that she did not defend the United States, the military, and DOD effectively in the California case. The way that was done was to obtain a letter from the Chief Counsel at DOD to say that they thought that in the *Witt* case it should be sent back to the lower court for further hearings. That was Mr. Jeh Johnson, who the President or the Secretary of Defense has chosen to Co-Chair this Working Group. He should not have done that. The proper thing to do was to seek an appeal from this chaotic order of the Ninth Circuit.

I do not believe that, under the present state of the law, that the Supreme Court is likely to overthrow the statute, and I think I'm in accord with the ACLU in that view.

I saw in the report here, General Amos, a question—I'm not here to condemn anybody. We live in a great country and we have all kinds of people with different perspectives, lifestyles, and views and we accommodate that as best we can. But I did notice that in one of the questions where they asked individuals who had served with homosexuals in units how did it work and did it affect the morale or efficiency of the unit, and the numbers were pretty high. I think in the Marine Corps it was 45 percent, the Army was around 30 percent, that it either affected adversely the morale of the unit by a lot, a little, or somewhat, in that range.

It's a little bit different from some of the testimony I've heard that people who have served in units with homosexual members, it made no difference to them. Is that a correct interpretation of that question as you recall it?

General Amos?

General AMOS. Sir, I'm drawing a blank on that. I know how many of our marines have answered saying that they have served with gays that they're aware of. I'm drawing a blank on the question you're talking about.

Senator SESSIONS. I will submit that for the record.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

I just wanted to thank all of you for being here today and for your service and for your leadership. I want you to know that I'm extremely proud of all the great men and women that we have in our military Service now and the job that they are doing on behalf of our country.

You've all mentioned that leadership is going to be the determining factor in effectively implementing a repeal of this existing law. You also mentioned the importance of not phasing the implementation among military branches, units, or ranks if it comes to pass.

Will the Joint Chiefs of Staff and the servicemembers coordinate the execution of this implementation plan so that it would be universally implemented at the same time? How would that actually happen?

General CARTWRIGHT. I'll take the first swag at it. We would get together, sit down, and work our way through an implementation plan to understand where the challenges would be. I think each of the members here have highlighted various challenges we know we would have to take on. The rotation rates are different, the intermixing of units where you have different Services with different skills that rotate at different rates, trying to understand the likelihood of being able to do that while deployed versus while at home, and when at home is it appropriate. Those are the things that we would have to sit down and talk our way through and understand at that point.

General AMOS. Senator, chapter 13 has a good framework to initially get started on implementation. It talks about some of the major muscle movements. Certainly with each one of the Services, we have an operational planning team that has been looking at this, trying to determine, okay, internal to the Marine Corps what are our current Marine Corps instructions, Marine Corps orders? Things like billeting, all the different things that are specific to the Marine Corps; we are going through that right now.

It would be a holistic effort that would include all the Services, DOD, and then neck it down to each Service.

Senator HAGAN. General Casey, do you have any idea of a time-frame of an implementation process that would be amenable?

General CASEY. I don't, Senator. Until we have a chance to study it a little bit more, I think we're all hesitant to put a number on the table.

Senator HAGAN. Any other comments on that question?

Admiral ROUGHEAD. I would say, Senator, the way I would characterize it, if in fact there were to be repeal it would be a matter of months in the case of the Navy, taking into account some of the units that may be forward deployed and how we would want to work them in.

But I think it's important that if, in fact, we were to go forward we should do it relatively directly, because long periods of uncertainty are not helpful in any military organization.

General SCHWARTZ. Senator Hagan, I agree with that, except that in my view the pacing item is the most challenging, not even the average units in our Armed Forces, and those are probably again those which practice close combat in any of the Services.

Senator HAGAN. As Senator Lieberman has said, the provision in the existing version of the NDAA will not implement the repeal until the Secretary of Defense signs a certification that, among other things, effectively mitigates impact to unit cohesion, effectiveness, and readiness. We've been talking about the courts also and I was just wondering, do you believe that the unpredictability of the courts to overturn the existing law is negatively affecting our forces, and would it be preferable for Congress to repeal the existing law now, with implementation taking effect after the Secretary of Defense feels comfortable in signing the certification?

General Cartwright?

General CARTWRIGHT. My sense is that the uncertainty really surfaced here in the most recent court case. I'm not sure that it has really permeated from the Service down to the individual members. I would, at least speaking for myself, say that it certainly caught

my attention and that as a leader and sitting where I do, that I want to make sure to the extent that I can—our preference would be that this body do the implementation, not the courts drive it.

Admiral ROUGHEAD. Senator, I would say that the uncertainty does permeate down, because a couple of months ago we had to provide additional guidance to recruiters. We had to make sure that everyone understood what any of the disclosures would be. I would say that even today it's more pronounced because of the access that all of our forces have to instantaneous information, not necessarily good information.

As that's turning around, I think it injects an air of uncertainty into the force that is not helpful.

General CASEY. I would just say, Senator, I agree that there was some uncertainty, but I couldn't go as far as to say that it had a negative impact on the force. As I said earlier, no matter how the law is repealed, we need the implementation time to properly do it.

General SCHWARTZ. Ma'am, I would say that injunctions and stays in quick succession were disruptive.

Admiral PAPP. Yes, ma'am, exactly. As I stated earlier, this ambiguity that's created for particularly our junior leaders and our people who are out on the front line, needs to be cleared up so they know exactly where they stand in terms of enforcement and the way ahead.

Senator HAGAN. I think anybody at the recruiting offices would have uncertainties with the law changing or the courts going back and forth, and it would certainly be a problem.

Yesterday, Admiral Mullen emphasized that implementing a repeal of the existing law in time of war is not an issue. He put forth an example that in 1948, President Truman ordered the military to racially integrate our forces, which was implemented throughout the Korean War. Admiral Mullen added that war facilitates change and our forces are completely different now than they were back in 1993, when this existing law was passed.

Secretary Gates indicated that with enough time and preparation DOD could mitigate all concerns, even those of our combat and special forces units who are at the tip of the spear.

Can you describe your assessment of how our forces have evolved since 1993, in being receptive to change regarding this issue, and maybe describe how the war has facilitated change in this regard? I know some of the branches are different, from what I've read in the report.

General CASEY. Senator, I didn't hear Chairman Mullen's statement in its entirety, but I would say, as I said in our testimony, I believe that because we are at war it complicates repeal. I described there the additional tasks that we placed on small unit leaders in a combat zone to implement this and how that would detract from their ability to do the broad range of complex tasks that they're required to do in Iraq and Afghanistan.

Now, that said, I can understand what the Chairman was saying about a tight and close-knit bond and in some cases that may facilitate it. But frankly, I think that's a bit of a stretch.

General CARTWRIGHT. Senator, my sense is that the unknown here is the implementation plan. In other words, what does that

implementation plan allow us to do in mitigation? The Secretary was very clear about what he believed it gave us, which was he was not going to sign until the Service Chiefs were ready. If that's the case, I think that that makes me very comfortable that the fact that there's a war going on, but there's an implementation plan that each of the Service Chiefs have had input into and feel like they've mitigated and can give that kind of advice to the Secretary, that we could in fact do this.

Admiral ROUGHHEAD. Senator, in the areas of specialty in which I'm most concerned, in talking to those commanders, I'm assured that the effect at the front line would not be that great because of their focus and their current level of activity.

General SCHWARTZ. I think the Secretary of Defense indicated some measure of caution with respect to implementation and I think that's warranted.

Admiral PAPP. Yes, ma'am. As I said in my opening statement, there's just things that we cannot foresee even though we try very hard to. While it's not directly translatable, we had experience not too long ago introducing women into the Services and fully integrating them into our operational activities.

Senator HAGAN. Yes.

Admiral PAPP. Yes, ma'am. The Coast Guard Academy was the first Federal academy to introduce women, and we put women out into the fleet very early. Even with a lot of thoughtful consideration, there are things that you miss, that you don't learn about until you actually go ahead and implement the plans.

Senator HAGAN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

I actually agree with Senator Wicker in that we're in the worst recession we've had in quite a while and we seem to be doing everything except working on the one thing that can get our economy moving, which is jobs. I'm hopeful that when we get working that we will actually start to work on that one issue.

But I do certainly appreciate participating in this process as well. As I said long before I got elected and then when I got here, I've been inquired about this and many other issues many, many times, and I always said that I would pledge to have an open mind, learn, and try to understand the intricacies of this very important decision.

I've had the honor, sir, of meeting with you and speaking with you about this, and with Secretary Gates, General Petraeus, General McChrystal, and a whole host of probably about 1,000 people, not only in the continental United States (CONUS) but outside of CONUS as well. It seems to me one of the things, in following up with Senator Inhofe, is I've been in the military 31 years, so I understand this issue, more than maybe some folks or leaders here in the House and Senate that haven't had any military experience. I understand it. I've observed it. As an Army Judge Advocate General, I read the rules and regulations concerning this issue.

Senator Inhofe asked a question about surveys, and I've done many surveys in the Army. I don't ever remember them being vol-

untary. I always remember them saying: Hey, here's a survey; get it done. As a company commander: Here's a survey; we want it done; get it done, 100 percent.

I'm a little confused still as to why we didn't just say: Hey, here's a survey. We're spending a ton of money. It's a critical piece of what we're dealing with in society and in our Armed Forces. Get it done, company commanders.

Any thoughts on that, General Casey, as to why we just didn't say: Hey, here's the survey, get it done, and we'll see you next week?

General CASEY. I honestly don't, I don't know why they chose to do it the way they did it.

Senator BROWN. Anyone else have any thoughts at all?

Admiral ROUGHEAD. I think, Senator, from our perspective we use surveys for various purposes, looking at personnel issues and things like that. This is very consistent with the way that we survey our force, and the figures that we've seen in this survey are very consistent and the patterns are very consistent. This, in our opinion, was a good way to sample the force.

Senator BROWN. That's interesting. Like I said, I've been in the military 31 years and I don't ever remember, and I've taken a ton of surveys, them saying it's voluntary, just get it back. This is one thing that we're dealing with is a very important part of where our military is going, not only now but in the future. I would have thought they would have said: "Hey, get it done, period." I'll just note that for the record.

I read the report, I've spoken to at least 1,000 people in Afghanistan, National Guard, Reserves, Active Army, et cetera, getting their input. It seems to me that each and every one of you says you're not opposed to the repeal. However, I do have very serious concerns about the battle readiness and effectiveness of the repeal on our battle troops, our troops who are actually on the front lines fighting.

Is that an accurate representation of your positions? If it isn't, if someone could clarify that for me. General Cartwright, did you have a comment?

General CARTWRIGHT. My sense is that each of us have represented what we think are the key areas that either the mitigation has to be handled or some other method has to be handled before we're ready to move forward. Clearly, this issue of, can we put one more stone in the rucksack, what are the implications and not knowing what the implementation is until we start to go through it, leaves us with questions.

Senator BROWN. Thank you for that.

Mr. Chairman, one of the things that concerns me greatly after speaking and doing my due diligence, is the one issue as Senator Thune also pointed out, the safety and security of our men and women that are serving, regardless of their sexual orientation.

I want to make sure that we give them the tools and resources to do their job and come home safely and to implement social change in the middle of two battles. You've noted, I think quite eloquently not only to everybody on this committee but to anyone who was listening, your very real concerns. Quite frankly, I'm a little

surprised at the forthright nature in which you've conveyed that to us, and I appreciate that.

I know, speaking with counsel, he said March is when they felt the next court battle would be done, and then thereafter I'm sure there would be an appeal. I'm hopeful that if, in fact, when or if DADT does get repealed, that you will be given the proper respect and input, with the three signers who are going to certify, to let them know what your very real concerns are, because I and many others share those concerns.

Let's assume for argument's sake that it's been repealed and we all agree that it's time. One of the things that I need to be made aware of and be very comfortable with, sirs, is that you will do your utmost to convey to the three certifiers that we're ready to implement the back-home troops first. That we have a plan for education, implementation, done our due diligence, and have a strategy. We're going to focus on the troops that are home first, the back line, transportation, division support command service, and support units. Then with the battle units, we're going to leave them as is. They have just too much on their plate. We're going to leave them as is, and we're going to let them do the force.

But when they come home, we're going to implement them and we're going to get the training, education, work it through, and cycle it in.

It would potentially be detrimental to just all of a sudden have the courts do something overnight. It would be exceedingly disruptive to the force. I'm basing that on everything I've learned, forgetting my personal opinion, but everything that you, with your 100-plus years of testimony, have indicated.

Is there anything there that I've said that you feel needs to be corrected or is any different from your positions?

General CARTWRIGHT. First is that none of us will be shrinking violets in this activity. We all feel like we have the access that we need and the opportunity that we'll need in order to give advice. I put that up front.

The details of exactly how we'll do the implementation remain to unfold.

Senator BROWN. Anyone else?

General AMOS. Senator, I agree with the Vice Chairman. We often are in agreement and seldom in complete disagreement, but we have the opportunity. Each one of us have been hired for our own roles and confirmed by the Senate. I have great confidence in the leadership of DOD to do this thing the right way.

Senator BROWN. General Casey, I have to hear from you, the last person before we wrap up.

General CASEY. I'm very comfortable that we have access. I've said that several times today. We will have access and take great interest, because as you say it is about the safety and security of our force.

I just wouldn't commit to any kind of implementation plan now because we really haven't had enough time.

Senator BROWN. It's premature, obviously.

General CASEY. Yes.

Senator BROWN. In conclusion, Mr. Chairman, like I suggested, I'm proud to be on this committee and I am glad that we've had

an opportunity to participate in this process. Timing what it is, we're here; we might as well work.

I want to thank you all for your accessibility in answering not only me, but my staff's questions, and getting us appropriate information and guidance. I want to say thank you also for your and your families' service to our country. It makes me very proud to be here.

Chairman LEVIN. Thank you very much, Senator Brown.

Let's have a second round now.

One of the real issues that people have focused on is the question of the warfighting units. I want to read to you from this report on page 6: "While a higher percentage of servicemembers in warfighting units predict negative effects of repeal, the percentage distinctions between warfighting units and the entire military are almost non-existent when asked about the actual experience of serving in a unit with someone believed to be gay. For example, when those in the overall military were asked about the experience of working with someone they believed to be gay or lesbian, 92 percent stated that their unit's 'ability to work together' was very good, good, or neither good nor poor. Meanwhile, in response to the same question, the percentage is 89 percent for those in Army combat arms units and 84 percent for those in Marine Corps combat arms units—all very high percentages."

Then the report continues: "Anecdotally, we heard much the same. As one SOF warfighter told us: 'We have a gay guy in the unit. He's big, he's mean, and he kills lots of bad guys. No one cared that he was gay.'"

General Amos, that guy was not apparently in the Marine Corps. He was a SOF warfighter. I'm not sure what force he was in. But would you say that that expression of him, shouldn't that be read two or three times also?

General AMOS. Mr. Chairman, I don't doubt at any given base or combat outpost that we'll find men and women that are out there exactly like that Special Operations soldier, marine, sailor, whoever he was.

Chairman LEVIN. What about the percentages that I read?

General AMOS. Sir, I can't comment on that, but I can say that 80 percent of our combat arms marines say that they've never served with gays or lesbians.

Chairman LEVIN. The ones who have?

General AMOS. The ones who have, I suspect, probably are more tolerant of it. I think that probably is where you're going to with this point.

Chairman LEVIN. It's not where I'm going. It's where the report's going.

General AMOS. I understand that, sir.

Chairman LEVIN. That's critically important, it seems to me. It really needs a great deal of focus. I couldn't agree more with colleagues who say that we have to look at this entire picture. I don't know what percentage of our men and women in the military are at the point of the spear. I don't know what that percentage is.

General Cartwright, how many people in the military? All together, how many are there?

General CARTWRIGHT. All together?

Chairman LEVIN. Yes.

General CARTWRIGHT. Somewhere around 2.2 million.

Chairman LEVIN. What percentage would you say are in combat arms units?

General CARTWRIGHT. I'd have to go back and look, Senator.

[The information referred to follows:]

Percentage of servicemembers in combat arms skills/service combat arms definitions:

Army: 37.70 percent

Combat arms is defined as infantry (11), artillery (13), air defense artillery (14), aviations (15), special operations (18), cavalry (19), and combat arms immaterial (02) coded positions.

Navy: 57.50 percent

Officer: fleet support officer, surface warfare officer, submarine, special warfare officer, engineer duty officer, and aviations.

Enlisted: aviations, surface, non-nuclear submarine, nuclear submarine, and special warfare/special operations.

Marine Corps: 26.60 percent

Infantry, artillery, tracked vehicles, and pilots.

Air Force: 15.00 percent

Officer Air Force Specialty Codes (AFSCs): control and recovery (13D) and security forces (31P).

Enlisted AFSCs: tactical air command and control (1C4), survival, evasion, resistance and escape operations (1T0), pararescue (1T2), and security forces (3P0).

Chairman LEVIN. It would be a minority that are in combat?

General CARTWRIGHT. Yes.

Chairman LEVIN. So we have to try to do this right for everybody.

General Schwartz, you said that we ought to be paced by the people who are in combat. Okay. Obviously we ought to consider that. Then you said 2012, that's the right date. Do you know how many people will be in combat in 2012?

General SCHWARTZ. I don't.

Chairman LEVIN. Why is 2012 the right time? There may be people in combat.

General SCHWARTZ. There may well be, sir. I have enough confidence in what's going to transpire in 2011 that I think that's too soon.

Chairman LEVIN. I understand that. But you said it should be paced by the number of people in combat. You don't know how many people will be in combat in 2012. Yet, you say do it then not now, without knowing that.

General SCHWARTZ. There is uncertainty here, no question. But it is clear to me that you cannot disaggregate the force.

Chairman LEVIN. No, I happen to agree with you on that, by the way. I agree with your point that you cannot have a different phase-in for a different place. Admiral Roughead, you also made that same point. I happen to agree with that.

We like to say one-size-shouldn't-fit-all and one-size-can't-fit-all. There are ways in the implementation that you'll be able to do some sensitive response to where various people are in terms of their education. I don't think you can have an education program when people are in the fight. You have to wait for them to be rotated home.

There are things you can do. But I just think to delay this until 2012 is totally arbitrary.

General SCHWARTZ. Sir, what I offered in my testimony was that we would not execute full implementation until 2012. We could begin education and training soon after you acted to repeal.

Chairman LEVIN. You have to repeal before the implementation stage comes.

General SCHWARTZ. Absolutely. My forecast would be, unlike others, that it's not a matter of months.

Chairman LEVIN. For the implementation stage, even if it takes a year to begin, you have to begin with the repeal or else you can't be implementing a repeal. The first step is to repeal.

Why now? Why in a lameduck? That wasn't our timing. We had this bill I believe in March. What was the month? 6 months ago we adopted the NDAA. The majority of the committee, I think 16 to 12, said we should repeal a provision which the committee had adopted 18 years before.

The bill contains, and I agree with what Senator Brown said here, the tools and resources that need to be given to our troops. If people want to vote against this provision, fine. We're trying to get the bill to the floor so they can vote against the provision if they want to.

In the mean time, the NDAA is being held up from getting to the floor. A bill which contains the provisions for the tools and the resources for our troops, and we can't get to the floor. It only got 57 or 58 votes the last time it was brought up.

We're trying to get the NDAA to the floor. We've been trying for a long time. We didn't pick the lameduck session to bring this up. People understandably said to wait until we have the report and that was a reasonable request. Many felt strongly it was important that we have a report. We didn't set the timing for the report. The report came in December 1.

We have a bill which contains essential provisions for the men and women in the military: training, benefits, health care for them and their families, and many more things beyond that. We're trying to get the NDAA to the floor, where people who oppose this provision could either vote to strip it or modify it. That's what we're trying to do.

The timing isn't our choice. We've been trying to get this to the floor for 6 or 8 months now, and we're going to hopefully be able to find a way to get this to the floor this month. There's a lot in that bill that is essential for the well-being of our troops.

For those who think this is a mistake, I respect their position. I disagree with it because of the caution that's in terms of the implementation phase and the certification. I commend all of you for saying that you feel very comfortable about having access before this is certified, if it is, that this can be done without any negative effect on cohesion or on readiness. I thank you all for your testimony in that regard.

But that is in the NDAA. If that needs to be strengthened, fine. Someone offer an amendment to strengthen it. The timing, when we're asked why now by one of my colleagues, believe me, we've been trying for 6 months to get this bill to the floor, because it was this committee that put DADT into the law in the beginning, it is

appropriate for this committee to address it should the majority see fit.

My time is up. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I am sure that our witnesses were intrigued by the lecture on the legislative process here in the U.S. Senate, authenticating Mr. Bismarck's comment about the two things you never want to see made are laws and sausages.

I just finished a reelection campaign. Every place I went over all of my State for nearly 2 years, no one came up to me and, with military retirees, military bases, presence, none of them came up to me and said: "Gee, please, Senator McCain, get to work on DADT."

In fact, every place I went members of the military came up to me and said that things are fine; it's working. But most importantly, they said they want to get a job, they want to stay in their homes. Unemployment this morning just went up to 9.8 percent, and we're about to raise taxes on the first of the year on an overwhelming majority of Americans, middle income, high income, whatever it is. Because my friends on the other side of the aisle, in an incredible act of courage, went out of session without addressing the issue of tax extensions, so that the small and large business people in my State, what's left of them, had no predictability as to what their investments could be, whether they could hire or not. This morning we find out an increase in the unemployment rate to 9.8 percent.

I appreciate the candid assessment made by every member of this panel, whether I agree with them or not. As I said before in my opening statement, we should not be questioning anyone's integrity or motives in addressing this issue.

Admiral Roughead, obviously I disagree with your assessment, but I respect your assessment. General Cartwright, the same.

I know it's tough sometimes to speak truth to power, and I know the military culture, because it's ingrained in every military person to respect and always look up to the civilian authorities that clearly are superior in our system of government. It's tough sometimes to disagree with the Commander in Chief. It's tough to disagree with powerful Members of Congress that have the influence and power over whether your Service receives the necessary training, equipment, and everything else to make you function effectively.

I'd like to thank every member of this panel this morning for their candor and their honest opinions. It restores my faith and confidence in the loyalty and professionalism of the leadership of our military.

I will not agree to have this bill go forward, and neither will I believe that 41 of my colleagues will either, because our economy is in the tank. Our economy is in the tank and the American people want that issue addressed. The military is functioning in the most efficient, professional, and courageous fashion in any time in our history.

To somehow believe that this is some kind of compelling issue at a time when we're in two wars, as General Amos' subordinates so eloquently pointed out, is obviously not something that we should be exercising a rush to judgment.

I thank you, Mr. Chairman. I said earlier I want to hear from our senior enlisted personnel, the command master chiefs, the command master sergeants. I want to hear from them. I want to hear from our various component commands. I want to hear again from the men and women who are serving, who will be directly affected by this, and those who have the ultimate responsibility for carrying out whatever change in the law takes place.

I think I would be more than eager in the coming year to have additional hearings, as they had some 13 hearings when DADT was enacted. I look forward to joining with you, Senator Lieberman and other members of this committee, next year in taking up this issue again. Examining all the ramifications of it, including cost, which was referred to a little bit here this morning.

I would pledge to work with you on that effort, but certainly not in a lameduck session when parts of my State are suffering in ways that they never have in the history of my State.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

I'd say to my friend, Senator McCain, that, of course, I agree that our top priority is restoring some economic growth and jobs in our country, but we can do both. We have the time, if we have the will, to work across party lines to both do the things that are best for our economy. In my opinion, that means not raising anybody's taxes while the economy is as weak as the numbers that came out today say it is.

But we also have the underlying NDAA, which, as the witnesses know, contains within it a large number of authorizations that are really important to the military, and particularly the troops in combat. If we don't pass that, they're not going to be supported in the way that they deserve to be supported.

I really hope that we can come together and use our time wisely to meet all of our priorities.

Senator Wicker asked earlier, why are we here doing this while we're in combat? I think Senator Levin gave one answer. We've been at this for quite a while, really. We're here in part because some of us, and Admiral Mullen particularly spoke to this yesterday, think that the current policy of DADT is not good for our military and not good for national security.

To me, in part that meant that we put 14,000 people out, not because they were in any way inadequate members of the military or violated the code of conduct, but just because they were gay. I saw one estimate that we spent \$500 million training those discharged servicemembers. I don't know whether that's right or not, but training those 14,000 people, who were then kicked out for no good reason, in my opinion, and we lost the benefit of that money.

We're also losing—incidentally, as you all know, several hundred of those who had mission-critical skills, like translators, health personnel, and intelligence analysts. We need those people in combat to support our combat troops.

This policy does discourage a certain number of people who are gay and lesbian, have specialized skills or just the will and courage to be prepared to put their lives on the line for our country, from

enlisting in the first place because they don't want to go through a system for fear that they'll be outed.

There was a really interesting part of the survey which I quoted yesterday and I'm going to quote again today. It struck me that the survey did interview a certain number of gay and lesbian military personnel, members of the Armed Forces. What surprised me was that only 15 percent of the gay and lesbian servicemembers who responded to the survey said they would want their sexual orientation known throughout their unit. This gets in a way beyond the belief or discussion, General Casey, that you had with Senator Reed.

One member who said that said: "I think a lot of people think that there's going to be this big outing and people flaunting their gayness. But they forget we're in the military. That stuff isn't supposed to be done during duty hours regardless of whether you're gay or straight."

Then there's other testimony that I've heard personally talking to people, which is that what they fear is that somebody will accuse them of being gay because they don't like them for another reason, and it'll be a basis for them being tossed out of the military, or they'll be seen at a gay bar during hours when they're not on duty and somebody will report that. For that reason, as part of their private life, they'll be tossed out of the military, regardless of how effective they are as soldiers.

This gets to the integrity question that Admiral Mullen spoke of yesterday, which is a core military value. Again, I repeat myself, the military is one institution that still lives by values in our country. A lot of other institutions say we do, including this one, but we don't do it as well as we should.

I think all of this soliloquy is to answer the relevant question that Senator Wicker asked, which is why are we here? Those of us who advocate change are here because we think the current policy is not good for the military in terms of its core values, but also, more relevant to the combat situation, because it deprives us of a number of members of the military who can contribute to our success in combat.

We'll all take from it, I suppose, what we will and what we want to take from it. I go back to what I said. Really, you've been the best. This has been a free exchange of ideas. In the end, you've said if the law is changed you'll make it work. I'm encouraged.

General Casey and others said that in the wording of the amendment that we have on the repeal, giving the Secretary unlimited time to certify. Secretary Gates, incidentally, said yesterday he's not going to certify this theoretically if the repeal passes. In other words, he's not going to certify this because he believes it can be done without effect on the military morale, unit cohesion, and effectiveness. He's going to need to be convinced that there are plans in place that, as he said, mitigate or eliminate any concerns he has.

I just hope we can find a way to agree that this underlying NDAA is so important to our military in combat that we have to find a way to get it done before we leave here this session. This will be the first time I believe in 43 years that Congress will not have passed a NDAA. Also that we let there be a free debate on the DADT policy, and with the confidence that if repeal passes

there is a process in place to make sure that it's implemented as best we can do by law. That it is implemented, to use Secretary Gates' words, to mitigate or eliminate any of the risks that a few of you have quite sincerely expressed concerns about here this morning.

I thank you very much for your testimony and for your service to our country in many ways, including the integrity of your testimony before us today.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Do you have more questions?

Senator MCCAIN. No, except to say, Mr. Chairman, I want to thank the witnesses, and thanks for listening.

I think it's very clear that, given the testimony of the Service Chiefs, which I have said all along, that we need the testimony of our enlisted leadership, who we rely on so much and our senior enlisted personnel as well.

The fact is that the testimony today clearly indicates that we should not rush forward on this issue or pass legislation.

I'd also point out that the legislation that was referred to also has controversial issues in it, including abortions in military hospitals, including \$1 billion worth of unmitigated outrageous pork that was added in the NDAA. Which the American people just spoke so decisively against, this earmarking and porkbarreling that's been going on, which they have rejected soundly, and other controversial provisions. The problem with the NDAA isn't confined to the DADT issue.

Again, I am proud that we have the finest and best military that this Nation has ever seen, which contradicts my friend from Connecticut's statements that there are so many problems in the military associated with this policy. Not when you have the highest retention, the best recruitment, and the most professional military in our history. We just have a difference of opinion.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

The place to address the kind of issues which Senator McCain raises is on the floor of the Senate. There are issues, of course, in any NDAA to come out of committee, and the only way those issues can be addressed is to debate them and resolve them in the Senate. I'm hopeful that we can get to that point yet this year, because that's the only way we can get this bill passed is to debate issues where there are differences and to resolve those differences.

That's what's been thwarted. I hope that we can somehow figure out a path to getting our bill up to the Senate so we can debate the kind of issues which are legitimate debates, including the ones that Senator McCain made reference to.

I think all of us will hopefully read this report, including the statement of the people who wrote this report, our study group here, that: "The U.S. military's prior experiences with racial and gender integration are relevant." They pointed out on pages 7 and 8 that in their assessment, in their words, "the resistance to change at the time"—this is the time after World War II and during the Cold War—"was far more intense. Surveys of the military revealed opposition to racial integration of the Services at levels as

high as 80 to 90 percent, and some of our best-known and most revered military leaders from the World War II era voiced opposition to the integration of blacks into the military, making strikingly similar predictions of the negative impact on unit cohesion.”

That’s quoting from the study about how the military’s amazing ability to reflect what our people has been proven time and time and time again. It will be proven in this case, hopefully sooner rather than later.

You gentlemen are in a unique position to make it happen, and you testified you can, should that be the decision of Congress.

I want to join my colleagues in expressing my admiration to each and every one of you, our gratitude to you for your testimony, to the men and women that you command; their service and your service is extraordinary.

We will now stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

SINGLE MARINE BARRACKS CONSTRUCTION STANDARDS

1. Senator MCCAIN. General Amos, in reference to changes in living conditions as a result of the repeal, the working group does not recommend any new construction or modifications to facilities beyond low-cost, unit-funded adaptations where appropriate. The working group cites the Department of Defense (DOD) Unified Facilities Criteria (UFC), which requires that all new permanent party unaccompanied housing be designed to afford members private bedrooms and bathrooms shared by not more than one person (the 1+1 standard). However, the Marine Corps has had an exception to this policy for 15 years to support the tenet that two marines should share a room in order to promote unit cohesion and camaraderie for the 65,000 marines housed in barracks. Why is it important for the Marine Corps to maintain this 2+2 standard?

General AMOS. For the past 15 years, the Marine Corps has been granted a waiver from DOD design standards of the UFC 1+1 standard so it could billet marines E-1 to E-3 two to a room in order to promote a key component of our approach to developing strong unit cohesion. We believe that our standard promotes unity, increases morale, and develops bonds that are important in combat.

2. Senator MCCAIN. General Amos, in your opinion, what changes to billeting policies would you have to implement to maintain good order and discipline in the Marine Corps?

General AMOS. The Secretary of Defense has been clear that Services will not designate facilities for use by sexual orientation, and current Service policies regarding gender segregation in such facilities shall remain in effect. The Marine Corps’ implementation planning team is examining billeting policies closely and I will have their assessment.

3. Senator MCCAIN. General Amos, do you have an estimate of the cost to the Marine Corps, if it were required to adopt the 1+1 living standard, both in terms of monetary cost and impact on unit cohesion?

General AMOS. The Marine Corps has not completed a detailed analysis of fiscal impacts if it were to adopt the 1+1 living standard. Preliminary assessments indicate that building enough billeting spaces to accommodate a 1+1 living standard would be a significant and costly endeavor that would require the construction of new facilities on an expanded footprint of real estate.

INSTRUCTIONS GIVEN TO MILITARY PERSONNEL ABOUT REPEAL OF DON’T ASK, DON’T TELL POLICY

4. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, the committee is interested in the personal and professional views held by military personnel and military leaders. However, over the course of the comprehensive review, individuals in uniform who expressed opposition to repeal have been met with warnings not to speak out pub-

licly. Please describe and provide copies to the committee the instructions given to flag, general officers, and to members of your Service about their authority to express their views publicly or in their personal capacities.

General CARTWRIGHT. I am not aware of any warnings or instructions given to flag, general officers, and to members of the Armed Forces about their authority to express their views publicly or in their personal capacities. I am confident that servicemembers who wanted to express their views on this issue had ample opportunities to do so, both through the mechanisms provided by the Working Group and through other means.

General CASEY. When the Comprehensive Review was released, I encouraged Army leaders to read the report but to refrain from entering into the public debate. My guidance issued to the field is attached.



Office of the Chief of Staff, Army
General Officer Announcement
28 May 10

Troops,

We know many of you were disappointed in the House of Representatives and Senate Armed Services Committee votes on the repeal of "Don't Ask, Don't Tell." Understandably, such an action taken before the men and women of the Armed Forces were consulted could be seen as a reversal of our commitment to hear the views of our Soldiers and Families before the law was repealed. It should not be.

You should know that the amendment passed last night does preserve our prerogatives to provide our informed advice to the Secretary of Defense and the President before the law is repealed. It contains a provision that the amendment will not go into effect until the President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff complete the review and certify that the implementation of the policies and regulations to implement the repeal are consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

Please get this information to your Soldiers and Families and ask them to resist the urge to think that this is a "done deal" and that their input is unimportant. It is imperative that they continue to provide their candid responses to the review team. We remain committed to hearing your views and conveying them to our leadership before going forward on such an important issue in a time of war. Also remind them that the current law remains in effect.

On this Memorial Day weekend, we thank you and your Families for your service. We ask that, at some time over the weekend, you pause and remember the more than one million men and women who have given their lives for this country over our history.

George W. Casey, Jr.
General, United States Army
Chief of Staff

John M. McHugh
Secretary of the Army

Added by: LTC Tilley Modified by: MAJ Hicks
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Admiral ROUGHHEAD. I am unaware of any instructions, either formal or informal, given to flag and general officers or to members of the Navy regarding their authority to publicly express their views regarding repeal of section 654 of title 10, U.S.C.

My consistent direction to senior leadership and to sailors throughout this process was the expectation that all Navy personnel would fully cooperate with the efforts of the Comprehensive Review Working Group.

Representative of my message is a podcast that I delivered on June 2, 2010. In that personal communication to the fleet, I provided the following guidance:

“I want to make sure that our sailors in the fleet and their families understand that it is as important as ever for me to hear from them. I encourage you to participate in the ongoing Department of Defense review on this subject. Every sailor needs to speak for themselves, and military family members need to be heard, too. Be honest and speak your own personal beliefs and opinion. The review is only valuable with full participation . . . [and] is important to making sure that we fully understand all aspects of the issue.”

This podcast and transcript are available at <http://www.navy.mil/swf/cnopa.html>.

The Chief of Naval Personnel subsequently issued a fleet-wide message (NAVADMIN 254-10) that encouraged participation in the Working Group survey, and reemphasized that everyone’s input mattered.

As I testified before the committee, I am proud of the professionalism and seriousness of the men and women of the U.S. Navy as they participated in this unprecedented survey of our force. I found the responses, in confidential surveys and in all hands calls, to be honest, candid, thoughtful, and cognizant of the complexity of the issues involved. Their willingness to share their views enabled me to provide my best military advice to the Secretary of Defense and Congress on this issue.

General AMOS. The Marine Corps—through all phases of the process for studying and considering Don’t Ask, Don’t Tell (DADT)—has actively sought the input of marines of all ranks, and encouraged marines to express their opinions honestly. Further, the Marine Corps takes seriously these opinions and will work to address concerns that may develop into an impediment to successful implementation.

General SCHWARTZ. The Air Force has actively supported the DOD Comprehensive Review Working Group since its inception, through manning and subject matter experts in law, housing, medical, chaplaincy, education and training, recruiting, and survey methodology. The Air Force also established a subordinate working group that mirrors the Working Group structure, to provide professional, dispassionate, and informed advice to the DOD Working Group.

On 1 June 2010, Secretary of the Air Force Michael B. Donley, Chief of Staff of the Air Force Norton A. Schwartz, and Chief Master Sergeant of the Air Force James A. Roy signed a memorandum published to all Major Command leaders and their personnel. A copy of the memorandum is provided below:



THE SECRETARY OF THE AIR FORCE
CHIEF OF STAFF, UNITED STATES AIR FORCE
WASHINGTON DC



MEMORANDUM FOR A1MA1COM/CC
DISTRIBUTION C

JUN 1 2010

SUBJECT: Don't Ask Don't Tell Legislative Action

In March, the Department of Defense began its Comprehensive Review of the complex issues that would accompany repeal of 10 U.S.C. 654, which established the "Don't Ask, Don't Tell" policy. While this review is ongoing, Congress is considering legislation to repeal the current law.

The legislation now being considered by the Congress would have no immediate effect on current policy. It also does not affect current study efforts, nor will it presuppose the content of the Comprehensive Review. The goal remains to understand all of the issues and potential effects that could be associated with repeal of the law. Both the House and Senate versions currently under consideration would require, as a condition of repeal, that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify that:

- a. they have considered the recommendations from the Comprehensive Review;
- b. the Department has prepared the necessary policies and regulations to implement the repeal of 10 U.S.C. 654; and
- c. the implementation of this repeal is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

Any future policy and its implementation will be informed by the insights that Airmen and their families provide.

Therefore, in communicating with your commands, please reinforce the continued importance of Airmen's opinions, as well as those of their families. The Comprehensive Review presents the opportunity and fulfills the obligation to constructively participate in the process. It is important we encourage their participation and that they provide their candid, individual perspectives.


Michael B. Donley
Secretary of the Air Force


Norton A. Schwartz
General, USAF
Chief of Staff


JAMES A. ROY
Chief Master Sergeant of the Air Force

Admiral PAPP. Coast Guard members were encouraged to freely and fully express their views to the Working Group regarding impact of repeal via the engagement mechanisms developed (online inbox, survey, information exchange forums, focus groups and confidential communication mechanism). Correspondence, such as e-mails, were sent to all Coast Guard members encouraging participation in all surveys; a sample e-mail is provided below.

-----Original Message-----

From: Papp, Robert ADM

Sent: Monday, August 23, 2010 7:04 PM

Subject: Comprehensive Review Working Group Surveys to Spouses of Active and Reserve Service Members

Shipmates, please read the information below from a letter Master Chief Leavitt and I approved today and, if you are married, ensure your spouse is aware that they may receive one of the Department of Defense surveys.

Dear Coast Guard Family,

On August 20th, the Department of Defense (DOD) Comprehensive Review Working Group (CRWG) began mailing 150,000 surveys to spouses of Active and Reserve service members from all of our Nation's military services. Names and mailing addresses were provided by the Defense Manpower Data Center to the DOD survey contractor, Westat, Inc. Survey participants were randomly selected.

The survey is in support of the DOD's efforts to systematically engage the military workforce, including military families, regarding the potential repeal of 10 USC § 654, the law commonly known as "Don't Ask, Don't Tell." As one of our Nation's military services, decisions made by DOD concerning this law will more than likely impact us.

This survey has been designed to further explore the potential impacts of a repeal of this law on family life. Because you, the military family, are instrumental in sustaining our ability to carry out our Coast Guard missions, I fully support Secretary Gates' efforts to reach out to you in this important discussion. DOD has heard from military spouses across the country as the CRWG engaged the military workforce. Broadening this reach is important and, your views and feedback on this survey are essential.

Master Chief Leavitt and I realize that you live busy lives; however, we ask that you take a few moments to complete this important survey. Your input is confidential; your information will be protected. The collective inputs will help shape important policy discussions and decisions. Regardless of whether or not you were selected to complete this survey, thank you for all you give, all you sacrifice, and all you do to ensure the Coast Guard remains Semper Paratus - Always Ready.

With our utmost admiration,

ADM Bob Papp

Commandant

MCPOCG Michael P. Leavitt

Master Chief Petty Officer of the Coast Guard

SURVEY IN THE U.S. CENTRAL COMMAND AREA OF RESPONSIBILITY

5. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, the manner in which the comprehensive review survey was presented to servicemembers currently deployed in support of Operation New Dawn and Operation Enduring Freedom has not been made clear. It would seem that obtaining the views of those who are in theater, living in combat conditions, which are most familiar with the conditions that soldiers, sailors, airmen, and marines will face while serving in Afghanistan, Iraq, Kuwait, and elsewhere in the U.S. Central Command (CENTCOM) Area of Responsibility

(AOR), would be a high priority. Were members of your Service currently deployed to Iraq or Afghanistan surveyed?

General CARTWRIGHT. Obtaining the views of servicemembers who were deployed, were about to deploy, or who had recently returned from deployment was indeed an important aspect of the Working Group's efforts to engage the force. Servicemembers solicited to complete the survey were selected at random according to standard practice used by the Defense Manpower Data Center (DMDC) to sample the military population. The survey sample included members who were currently deployed, to include the CENTCOM AORs, as well as those who were about to deploy or who had recently returned from deployment. For example, in response to question 6, "Have you ever been deployed for 30 days or more," 10,114 of the survey respondents answered "Yes, and I am currently deployed;" 75,383 answered "Yes, but I am not currently deployed;" and 29,292 answered "No."

General CASEY. Yes. Soldiers deployed to Iraq and Afghanistan, as well as soldiers based stateside, participated in the DADT on-line survey.

Admiral ROUGHHEAD. Respondents to the survey included members who have served in Iraq or Afghanistan. Across all Services, 74 percent of respondents reported having been deployed to a combat zone, or an area in which they received imminent danger pay or hostile fire pay, since September 11, 2001.

General AMOS. Yes. Now engaged in the 9th year of combat operations, half of the Marine Corps' operating forces have either engaged in fighting in Afghanistan, are returning from theater, or are preparing to deploy to combat. According to the Westat data, 7 percent of marines surveyed self-reported being currently deployed at the time of the survey.

General SCHWARTZ. There are 1,913 airmen currently deployed in support of overseas contingency operations who responded to the survey. Additionally, 23,505 airmen who have deployed in support of overseas contingency operations since September 11, 2001, responded to the survey.

At the Secretary of Defense's direction, information exchange forums were not conducted in Iraq and Afghanistan to avoid interference with the missions there. However, at installations such as Ramstein Air Base and elsewhere, the DOD Working Group encountered large numbers of servicemembers who had deployed to Iraq or Afghanistan one or more times, or were preparing to deploy. These servicemembers shared their perspectives concerning the effect of repeal in combat situations and deployed environments.

Admiral PAPP. Because the survey was anonymous, the data to accurately answer this question is not readily available to the Coast Guard. The survey recipients, including coastguardsmen, were selected at random by the DMDC, and personnel deployed were not excluded from this random selection process.

6. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, do you personally think that the views of members of your force serving on the ground in Iraq and Afghanistan would be probative?

General CARTWRIGHT. Yes. The survey included the views of servicemembers currently deployed, about to deploy, and those recently returned from deployment.

General CASEY. Yes. The views of the force serving on the ground in Iraq and Afghanistan are important to understanding the impacts of repeal. Since the Working Group survey included currently deployed soldiers, we feel confident that their views were accounted for in the Working Group's review.

Admiral ROUGHHEAD. Respondents to the survey included members who have served in Iraq or Afghanistan. Additionally, I took into consideration the views of Commanders of Navy units currently serving on the ground in Iraq and Afghanistan. All of these responses helped me to assess the potential impacts to effectiveness, readiness, unit cohesion, and morale on our Navy.

General AMOS. No.

General SCHWARTZ. It is my assessment that the U.S. Air Force can accommodate the repeal of DADT with modest risk to military readiness and effectiveness, unit cohesion, retention, and recruiting of your airmen.

I do not agree with the study assessment that the short-term risk to military effectiveness is low. It is inescapable that our officer and noncommissioned officer (NCO) leaders in Iraq and Afghanistan, in particular, are carrying a heavy load. While the demands of close combat affect fewer airmen in contrast to personnel of the other Services, I remain concerned with the study assessment that the risk of repeal of military effectiveness in Iraq and Afghanistan is low. That assessment, in my view, is too optimistic.

Admiral PAPP. As stated, the data on coastguardsmen currently deployed to the CENTCOM AOR is not readily available. However, approximately 1,200 Coast

Guard respondents indicated they had been deployed to a combat zone or an area where they received imminent danger pay or hostile fire pay since September 11, 2001. This is a sufficient number of responses to understand the issues for this Coast Guard demographic.

WORKING GROUP RECOMMENDATION FOR BILLETING OF OPENLY GAY MILITARY MEMBERS

7. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, with regard to proposed policies for the living arrangements for gay and straight military members living in barracks and tents, the working group's implementation plan says: "In most of the Working Group's engagements with the force, a large number of servicemembers expressed their discomfort with sharing bathroom facilities or living quarters with those they know to be gay or lesbian. Leaders at all levels should be aware of the frequency and intensity of discussion on this topic, and the broad range of views that exists among servicemembers."

The report goes on to recommend a prohibition of any special preference for openly gay or lesbian members. The report dismisses separate living arrangements for openly gay or lesbian members citing the "logistics nightmare" that would accompany any effort to promulgate policies separating living and shower arrangements. However, the report and implementation plan offer no guidance on how commanders should resolve concerns about living arrangements other than proposing that they address concerns about living with a gay member at the local level on a case-by-case basis.

Given that the survey results revealed that over 70 percent of respondents would take some type of action if assigned to share a shower, room, berth, or field tent with someone believed to be a gay or lesbian servicemember, do you foresee an increase in workload for leaders and commanders?

General CARTWRIGHT. I anticipate a reasonable and acceptable increase in workload associated with repeal. As in all matters under their cognizance, commanders will have the flexibility and authority to resolve issues as they arise, to include issues surrounding living arrangements.

General CASEY. I expect that there will be some turbulence as we adapt to the new policy. Leaders and commanders at the unit level are responsible for addressing issues brought to them by their soldiers.

Admiral ROUGHEAD. I anticipate a reasonable and acceptable increase in workload associated with creating and maintaining an environment of inclusion for all. As in all matters under their cognizance, commanders will have the flexibility and authority to resolve issues as they arise. I expect and trust Navy leaders to set a positive tone, create an inclusive and respectful environment, and continue to enforce our high standards of conduct throughout the Navy.

General AMOS. Implementing repeal and assimilating openly homosexual marines into the tightly woven fabric of our combat units will no doubt divert leadership attention away from an almost singular focus of preparing units for combat. I do not know how distracting that effort would be, nor how much risk it portends, but if there are issues we're going to work through them with fundamental leadership and discipline.

General SCHWARTZ. Local commanders are best equipped to deal with this issue as they know the men and women in their command. The Working Group did not make an assessment of the workload, but the Air Force views it as manageable. Current policies regarding gender segregation in such facilities should remain in effect, except that commanders should adjudicate requests for accommodation on an individualized, case-by-case basis consistent with good order and discipline considerations and mission requirements.

Admiral PAPP. Yes. Any change to policy brings leadership challenges, which normally includes increased workload. With a careful and deliberate approach to repeal, utilizing the recommendations and support plan from the Working Group, the impact to Coast Guard leaders is estimated to be both minimal and manageable.

8. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, why should we be asking our local commanders to take on this additional set of circumstances?

General CARTWRIGHT. I anticipate a reasonable and acceptable increase in workload associated with repeal. As in all matters under their cognizance, commanders will have the flexibility and authority to resolve issues as they arise, to include issues surrounding living arrangements.

General CASEY. Assignment of soldiers to billets and any roommate conflict where a soldier may ask to be moved is up to the local command. This circumstance would be addressed in the same manner.

Admiral ROUGHEAD. As always, leaders are charged with creating and maintaining an environment of inclusion for all. Accordingly, commanders have the flexibility and authority to resolve issues that fall within their respective areas of responsibility. I have full confidence in Navy leaders to adjust, as necessary, to changing circumstances in carrying out any policy changes promulgated to the Navy.

General AMOS. Implementing repeal and assimilating openly homosexual marines into the tightly woven fabric of our combat units will no doubt divert leadership attention away from an almost singular focus of preparing units for combat. I do not know how distracting that effort would be, nor how much risk it portends, but if there are issues we're going to work through them with fundamental leadership and discipline.

General SCHWARTZ. Local commanders are best equipped to deal with this issue as they know the men and women in their command better than commanders at higher echelons, and have a better knowledge of local resources, budgets, and mission requirements. It is a reality that gays and lesbians currently serve in the Air Force's ranks. As long as they serve in accordance with current policies, directives, and regulations, commanders at all levels will be responsible for their welfare, good order, and discipline, as they are responsible for all those under their command. A person's sexual orientation is a private matter and all commanders are expected to uphold the law. Sexual orientation is just one of many aspects of the diversity of airmen that makes up today's Air Force. The Working Group did not make an assessment of workload, but sees this issue as manageable. It has been the position of the Air Force that we will implement the law as it is, and similarly if and as it may change. Local commanders are charged with implementation of our Nation's laws as they affect the military, and all military personnel under their command are duty-bound to comply.

Admiral PAPP. Allowing gay and lesbian Americans to serve in the Coast Guard openly will remove a significant barrier to those coastguardsmen who are capably serving, but who have been forced to hide or even lie about their sexual orientation. Forcing these coastguardsmen to compromise our core values of honor, respect, and devotion to duty while serving their country is a choice they should not have to make.

9. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, did the working group formulate a position on how to educate commanders to deal with such cases?

General CARTWRIGHT. The Working Group provided suggested education and training materials in the recommended education and training framework, recommended leadership implementation guide, and frequently asked questions and vignettes contained in the Support Plan for Implementation. As envisioned by the Working Group, each Service will likely develop further education and training materials in a manner in keeping with their Service-specific approaches to education and training.

General CASEY. The Army with the other Services is working with the Under Secretary of Defense (Personnel and Readiness) to develop training for soldiers and leaders at all levels based on the recommendations laid out in the Working Group Report and Support Plan for Implementation.

Admiral ROUGHEAD. The Working Group's Support Plan for Implementation provides a robust plan founded on the themes of leadership, professionalism, and respect. This plan provides an education and training framework to assist the Services in developing material tailored towards specific audiences. The education and training framework is divided into three levels of understanding for DOD personnel: Tier 1 (Expert), Tier 2 (Leader), and Tier 3 (Servicemember). Tier 2 materials, targeted towards servicemembers in leadership positions, include vignettes consisting of hypothetical, policy-related, teaching scenarios designed to stimulate discussion and provide commanders with the opportunity to prepare to respond to potential scenarios they may encounter.

General AMOS. The Working Group provided suggested education and training materials in the recommended education and training framework, recommended leadership implementation guide, and frequently asked questions and vignettes contained in the Support Plan for Implementation. The Marine Corps will review its policies, as necessary, to ensure that such policies and procedures are consistent with guidance to develop further education and training materials in a manner in keeping with its approach to education and training.

General SCHWARTZ. The DOD Working Group's Support Plan for Implementation provides a robust plan, founded on the theme of leadership-professionalism-respect. As part of repeal of DADT, the Working Group recommended that DOD issue generalized guidance to the Services that all standards of personal and professional conduct apply uniformly without regard to sexual orientation. Should repeal occur, we will continue to enforce Air Force standards of personal and professional conduct while ensuring sufficient education and training occurs within the force.

Admiral PAPP. The Support Plan for Implementation is a comprehensive and well-crafted document that lays out a framework for education and training that the Coast Guard will use to develop training programs to help deal with such cases.

10. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, what is the recommendation of the Working Group regarding whether a military member has a right to know if the person he or she is assigned to live with is gay or lesbian?

General CARTWRIGHT. The Working Group's recommendation is that, consistent with current policy, sexual orientation should be considered a personal and private matter, and DOD and the Services should not request, collect, or maintain information about the sexual orientation of servicemembers.

General CASEY. The Working Group's recommendation was consistent with current policy which respects a soldier's privacy. Soldiers should not try to obtain information regarding another soldier's sexual orientation. The Army does not intend to collect, maintain, or discuss sexual orientation of soldiers.

Admiral ROUGHEAD. The Working Group recommends that DOD continue the practice of not asking servicemembers or recruits to identify their sexual orientation.

General AMOS. The Working Group's recommendation is that, consistent with current policy, sexual orientation should be considered a personal and private matter, and DOD and the Services should not request, collect, or maintain information about the sexual orientation of servicemembers.

General SCHWARTZ. If DADT is repealed, a servicemember would have the right to disclose his or her sexual orientation, but does not have a right to know the orientation of other servicemembers, if they have not made the information public knowledge. The Air Force does not contemplate maintaining a list of the sexual orientation of its airmen for the purposes of housing assignments or creating a data category for sexual orientation. This approach fairly treats all servicemembers alike, minimizes negative effects on the Air Force regarding any policy change, and to the maximum extent possible, works within existing regulatory and administrative structures.

Admiral PAPP. Sexual orientation is a personal and private matter. Coast Guard policies will not change to collect information about sexual orientation, nor grant any servicemember the right to know if they are assigned with someone who is gay or lesbian.

11. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, what do you foresee will be a commander's or senior NCO's course of action if a straight member requests a change of living arrangements solely for the reason that their roommate is openly gay or lesbian? Please address situations where the options are few, e.g., submarines, ships with small crews, and combat or field training exercises where individuals are required to live in confined spaces.

General CARTWRIGHT. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General CASEY. Soldiers do not have a legal right to reject assignment with any other soldier within shared military accommodations and facilities. If a soldier has a concern with a billeting arrangement for any reason, he or she should address those concerns appropriately within their chain of command. Accommodation requests for any reason are considered on a case-by-case basis. Commanders may use discretion in personnel housing and other facilities to maintain morale, good order, and discipline based on Service policies and space available. Mission readiness, unit effectiveness, good order, and discipline remain the priority. There may be instances where commanders cannot accommodate a change request, especially in combat or training exercises where individuals must live together in confined spaces; in these cases, commanders will emphasize standards of conduct consistent with Army values and the law.

Admiral ROUGHEAD. I do not intend to establish quarters or berthing assignment regulations or policies that segregate servicemembers on the basis of sexual orientation. As in all situations, commanders may make reasonable accommodations in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission and the environments in which we live.

General AMOS. Draft DOD guidelines prescribe that berthing or billeting assignments based on sexual orientation are to be expressly prohibited. Nevertheless, commanders will retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General SCHWARTZ. Currently, commanders and enlisted leaders respond to individual requests for change of living arrangements based on personal preferences. Generally, where changes can be reasonably made without adverse effect on other airmen, good order and discipline, or the mission, they are accommodated. I do not anticipate any fundamental change to this approach. Further, commanders, senior NCOs, and NCOs can suggest that a servicemember modify his or her own dressing and grooming practices if he/she is concerned about sharing a shower, dressing area, or other comparable facility or environment with an openly gay or lesbian servicemember. For example, servicemembers regardless of sexual orientation concerned about privacy in a locker room setting may elect to change in a toilet stall or individual shower stall, if available.

A related question involves larger open bay arrangements found in training, deployed, and exercise locations. Because these facilities are in continual use by transitory airmen, it may not be possible to move one airman based on this request. Commanders must balance the individual preferences of an airman against the needs of a disciplined force that adheres to lawful orders and regulations, and the ability to have consistent and enforceable local policy.

Admiral PAPP. The Working Group has recommended that each Service and relevant commanders retain authorities to resolve any issues that may arise at the unit level. Coast Guard leaders are intelligent and capable of making operational decisions in the best interest of their crew members. Coast Guard commanders, commanding officers, and officers in charge will continue to work with their crews and their respective chain of command to find solutions to situations such as these that may arise. Our leaders will adhere to our core values when making these leadership decisions.

12. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, since your proposals eliminate the commander's option of separate living arrangements for gay or lesbian members, what other course of action would he or she have?

General CARTWRIGHT. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General CASEY. It is up to the local leaders and commanders to address and deal with any roommate conflicts between soldiers and maintain good order and discipline in our barracks. Soldiers who are concerned with their living arrangements for whatever reason should take them to their unit leadership to discuss and resolve.

Admiral ROUGHEAD. Commanders retain the authority to alter berthing or billeting assignments on a case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission.

General AMOS. As per DOD guidelines, berthing or billeting assignments based on sexual orientation are expressly prohibited. Nevertheless, commanders will retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General SCHWARTZ. The Air Force puts great trust in its leaders at all levels and will provide them a wide range of training and tools in order to prepare them for potential repeal of 10 U.S.C. § 654. Additionally, the Air Force will rely on existing policies and practices to address servicemembers who object to serving with openly gay, lesbian, or bisexual members. As a Service, we do not believe there should be separate facilities, berthing, or billeting assignments for gay and lesbian servicemembers. Moreover, the DOD Working Group's engagement efforts revealed that the majority of airmen would resolve room or shower issues at their level without notifying a member of their chain of command. Commanders, senior NCOs, and NCOs have the authority to adjudicate an airman's request for accommodation on

an individualized, case-by-case basis, consistent with good order and discipline considerations and mission needs.

Admiral PAPP. The Working Group recommended against separate living arrangements, and I concur with this recommendation. I hesitate to provide a single overarching solution to a hypothetical scenario where numerous other factors could be relevant. Communication is essential to resolving personnel issues. The Coast Guard expects its unit commanders and officers in charge to seek an understanding of personnel differences, and then work to resolve them or seek additional guidance from their chain of command.

13. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, since your proposed policy would not allow commanders to directly inquire about a member's sexual orientation, if a military member only suspects their roommate is gay or lesbian, will that be grounds for a room reassignment?

General CARTWRIGHT. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General CASEY. It is up to local commanders and leaders to establish the rules in which a soldier would be granted approval to change barracks room assignments based on discussion between the soldier and their unit leadership. There are multiple reasons a soldier may request to be assigned another barracks room, such as one is a smoker, personality conflicts, et cetera. Each will be reviewed on a case-by-case basis.

Admiral ROUGHEAD. Sexual orientation is considered a personal and private matter. Servicemembers shall not be asked to identify sexual orientation as part of any routine application for assignment to unaccompanied quarters. Commanders may make reasonable accommodations in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission.

General AMOS. Commanders will retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General SCHWARTZ. As a Service, we do not believe there should be separate facilities, berthing, or billeting assignments for gay and lesbian servicemembers. If an airman is concerned about sharing a shower, dressing area, or other comparable facility or environment with an openly gay or lesbian airman, then a commander could, within his or her discretion and military judgment, accommodate the airman on a case-by-case basis, consistent with good order and discipline considerations and mission needs.

Admiral PAPP. Sexual orientation is a personal and private matter. Coast Guard policies will not change to grant any servicemember the right to rooming reassignment based simply on sexual orientation, whether real or perceived. However, commanders, commanding officers, and officers in charge will retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good-order, and discipline, and consistent with performance of mission.

14. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, conversely, should the new policy permit an openly gay or lesbian military member to be afforded an opportunity to change roommates based on the roommate's sexual orientation?

General CARTWRIGHT. The Working Group's recommendation is that DOD prohibit berthing or billeting assignments based on sexual orientation; however, commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

General CASEY. No. There will be no special policy established for openly gay or lesbian soldiers. A request for a room change will be reviewed by the unit leadership the same as any other request for room changes.

Admiral ROUGHEAD. I do not intend to promulgate any broad policy permitting members to change roommates solely on the basis of sexual orientation. Commanders may make reasonable accommodations in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission.

General AMOS. Policies regarding living arrangements will be applied uniformly, regardless of the sexual orientation. Conduct, regardless of the sexual orientation of the persons involved or whether it involves persons of the same sex or the oppo-

site sex, is already regulated in the military environment, as reflected in the Uniform Code for Military Justice (UCMJ), Service regulations and policies, and unwritten Service customs and traditions. As stated above, any requests would be determined at the discretion of the commander, and only if doing so would be consistent and in the interest of maintaining morale, good order, and discipline.

General SCHWARTZ. As a Service, we do not believe there should be separate facilities, berthing, or billeting assignments for gay and lesbian servicemembers. All servicemembers of diverse cultural background and experiences should be fairly and equitably treated, applying common standards. If an airman is concerned about sharing a shower, dressing area, or other comparable facility or environment with an openly gay or lesbian airman, then a commander could, within his or her discretion and military judgment, accommodate the airman on a case-by-case basis, consistent with good order and discipline considerations and mission needs. The policy applies to every airman, and the Working Group's recommended policy was intended to be sexual-orientation neutral.

Admiral PAPP. Sexual orientation is a personal and private matter. Coast Guard policies will not change to grant any servicemember the right to rooming reassignment based simply on sexual orientation, whether real or perceived. However, commanders, commanding officers, and officers in charge will retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good-order, and discipline, and consistent with performance of mission.

IMPACT OF REPEAL ON RETENTION

15. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, according to the report, nearly 20 percent of servicemembers would probably or definitely intend to leave military service at the end of their current obligation if DADT is repealed, and 38 percent of the Marine Corps. In other words, according to your survey, 1 in 5 servicemembers would depart as a result of the change if it occurs. Given the importance of leadership in maintaining unit cohesion and readiness, what percentage of those who would probably or definitely leave Military Service as a result of repeal of DADT are military leaders and NCOs upon whom your force relies for military effectiveness in fighting two major wars, and what is the impact of their departure?

General CARTWRIGHT. While some servicemembers will choose to leave military service earlier than they would have otherwise, I anticipate the number will be much lower than 24 percent. Research shows that survey responses are often a poor prediction of one's actual future behavior. The experience of our foreign allies indicates that far fewer military members actually left military service after a change in their policy than had indicated they would. Additionally, responses to other survey questions (33 and 82) indicate other factors are more important than DADT to servicemembers as they contemplate their future military service. Furthermore, many servicemembers have service obligations that preclude them from leaving the force immediately, even if they desire to do so. Still, commanders and NCO leaders must monitor the retention situation very carefully. The Working Group recommends that DOD conduct a follow-on review approximately 1 year after repeal of DADT to ensure retention programs remain effective.

General CASEY. From the total number of participants (24,466 soldiers; this represents less than 3 percent of the total force), the data indicated that 11.2 percent of NCOs at the Sergeant-Staff Sergeant levels would leave sooner based on the repeal, at the Sergeant First Class-Sergeant Major levels the percentage was 12 percent. The percentage for officers at the Lieutenant-Captain levels was 9.3 percent and 10.7 percent for Major and above. The Army would not want to see qualified soldiers leave; however, the Army would honor a soldier's decision to leave at the end of his or her current obligation. The impacts of these soldiers leaving would be negligible for two reasons: (1) all losses are programmed and these programmed losses would occur over a period of months; and (2) surveys capture attitudes at a moment in time that do not always translate into quantifiable actions.

Admiral ROUGHEAD. The Working Group servicemember survey indicates that the Navy may experience a decline in current retention levels of up to 6.8 percent for officers in pay grades O4-O6, and up to 7 percent for enlisted personnel in pay grades E7-E9, as a result of DADT repeal. Should those projections materialize, due to Service obligations, most of these losses will not be immediate and will occur over time. Accordingly, I believe that any adverse retention impacts will be manageable.

General AMOS. The responses to question 81 of the servicemember survey, which asked "If Don't Ask, Don't Tell is repealed, how, if at all, will your military career

plans be affected?" are contained in Appendix G of the report issued by Westat. The responses for officers and for enlisted servicemembers in pay grades E5 and above were similar; approximately 5 points lower than the rest of the overall Marine Corps. Overall, 38 percent of servicemembers answered "I will think about leaving sooner than I had planned" or "I will leave sooner than I had planned." For personnel in the grades E5 to E7 that number was 36.1 percent; for E7 to E9, 34.5 percent; O1 to O3, 33.8 percent; and O4 and above, 33.1 percent.

As the Working Group report indicated, survey responses of future behavior are often a poor prediction of one's actual behavior. According to the data and the experience of our foreign allies, far fewer military members actually leave Military Service than had indicated they would. Furthermore, many servicemembers have service obligations that preclude them from leaving the force immediately, even if they desired to do so.

General SCHWARTZ. The Working Group report and the Air Force's independent analysis of the survey data both determined that the more Active Duty time is served by airmen, the more likely they are to stay until eligible for retirement. The Air Force analysis showed that between 6 percent and 7.5 percent of airmen may separate, when Active Duty service commitments are complete, if the repeal 10 U.S.C. § 654 occurs. The primary factors influencing career-oriented officers and enlisted personnel to stay appears to be the overall compensation/benefits package and the retirement program. Since unit leaders are well-vested in their careers, we do not foresee significant losses or an impact on unit cohesion and readiness. The Working Group also looked at the effect on foreign militaries after their policies were changed. The results showed very little effect, if any, on retention.

Admiral PAPP. Question 81 as shown on page 210 of the Report of the Comprehensive Review of the Issues Associated with a Repeal of Don't Ask, Don't Tell indicates that 6.2 percent of the Coast Guard surveyed would leave the Service sooner than otherwise planned if DADT is repealed. The data does not provide a breakdown by rank. The 10-year average Coast Guard attrition rate is approximately 12 percent. Most likely, a portion of the 6.2 percent would have attrited regardless, resulting in a minimal impact on Coast Guard military effectiveness.

MAJOR ISSUES ASSOCIATED WITH REPEAL FOR SERVICEMEMBERS

16. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, according to the report and survey:

- 44 percent of servicemembers who have been deployed to combat since September 11, 2010, said that effectiveness in a deployed environment would be affected negatively or very negatively by repeal of DADT;
- 34 percent said that trust within the unit would be very negatively or negatively affected by repeal;
- 31 percent said that unit readiness would be very negatively or negatively affected by repeal;
- 31 percent said that unit effectiveness would be very negatively or negatively affected by repeal;
- 30 percent said that concern for members in the unit would be very negatively or negatively affected by repeal; and
- 37 percent of servicemembers who usually attend military family programs said they would stop participating in military family programs altogether if DADT is repealed and a gay or lesbian servicemember participated in the program with a partner.

It is surprising in light of these findings, that the Working Group concluded that repeal of DADT will present low risk to the U.S. military. In fact, the report characterizes servicemembers' concerns about negative impacts of repeal as exaggerated. Do you agree that the concerns of members of your force, as reflected in the survey, about deterioration of military unit cohesion are exaggerated, and that the risks to military readiness are acceptable for our national security?

General CARTWRIGHT. These particular survey results reflect predictions, and research demonstrates that predictions are not always a good indicator of actual future behavior. The responses provided by servicemembers who have had the experience of actually serving with a gay person are more instructive. Servicemembers who report that they have served with a gay person, to include combat service, indicate that factors other than a person's personal sexual orientation are more important to mission accomplishment.

General CASEY. I believe implementation of the repeal in the near term will be more difficult for the Army than the report suggests, with increased risk particu-

larly on our soldiers that are deployed in combat. If the law changes we must mitigate against these risks through engaged leadership, effective communication, education, and clear standards of conduct. Properly implemented, I do not envision that the repeal of DADT would keep us from accomplishing our worldwide missions, including combat operations.

Admiral ROUGHHEAD. According to the survey, 76 percent of sailors believe the impacts on effectiveness, readiness, unit cohesion, and morale will be neutral or positive. There is a sizeable minority, approximately 24 percent, who believe the impact of repeal will be negative. I am mindful of the concerns expressed by these individuals. However, I believe their concerns can be effectively mitigated through engaged leadership, effective communications, training and education, and clear and concise standards of conduct. I have the utmost confidence in the ability of the men and women of the U.S. Navy to implement change while setting a positive tone, creating an inclusive and respectful working environment, and maintaining high standards of conduct, mutual respect, and military decorum. As such, I assess the risk to effectiveness, readiness, unit cohesion, and morale of the Navy to be low and acceptable.

General AMOS. The study conducted by the Working Group provided useful information about servicemember attitudes and issues regarding implementation of repeal across the Marine Corps. Surveys, in general, are excellent tools for measuring opinions and attitudes; in this instance, the Working Group survey appears to thoroughly and fairly capture the opinions expressed by its respondents. While the survey does provide useful information, it cannot be read to conclusively define risk to the force. It should not be understood to completely measure the effects and risks of implementation on unit cohesion, combat effectiveness, military readiness, retention, family readiness, leadership, or the other intangibles vital to the success of the Marine Corps.

The House of Representatives and the Senate have voted and the President has repealed Title 10, U.S.C. §654 "Policy Concerning Homosexuality in the United States Armed Forces." The Marine Corps will faithfully implement this new policy.

General SCHWARTZ. It is my assessment that the U.S. Air Force can accommodate the repeal of DADT with modest risk to military readiness and effectiveness, unit cohesion, retention, and recruiting of our airmen.

I do not agree with the study assessment that the short-term risk to military effectiveness is low. It is inescapable that our officer and NCO leaders in Iraq and Afghanistan, in particular, are carrying a heavy load. While the demands of close combat affect fewer airmen in contrast to personnel of the other Services, I remain concerned with the study assessment that the risk of repeal of military effectiveness in Iraq and Afghanistan is low. That assessment, in my view, is too optimistic.

Admiral PAPP. The Coast Guard has no reason to disagree with the assessment of the Working Group and Co-Chairs.

COST OF DON'T ASK, DON'T TELL REPEAL

17. Senator McCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, the estimated cost of implementing a repeal of section 654 of title 10, U.S.C. and the DADT policy have not been made clear. One figure put out during the press conference was net annual costs of repeal of \$30 to \$40 million. What is the best estimate of the monetary cost to your Service of implementing repeal?

General CARTWRIGHT. The best estimate DOD currently has is what is described in pages 150 and 151 of the Working Group's report. This was a rough order of magnitude estimate that involved a number of assumptions about which of the Working Group's recommendations may be adopted, especially those pertaining to benefits. Based on those assumptions, the Working Group estimated a gross annual cost of \$50 million to \$60 million, plus approximately \$20 million in savings, for a total net annual cost estimate of \$30 million to \$40 million. As the Working Group report notes, this is a rough estimate that will depend in large part on how implementation occurs, especially with regard to benefits for single servicemembers and for same-sex partners of gay and lesbian servicemembers. DOD will continue to study and refine the cost estimates as it works further towards implementation.

General CASEY. The Army cannot validate the annual figure of \$30 million to \$40 million released at the press conference because the Army does not have the historical data to provide a reliable cost estimate to implement the repeal of the DADT policy. The Army strongly supports the position that 1 year after the repeal of DADT, the Army conducts a follow-on review to monitor and assess the effectiveness of the implementation of the repeal to determine the adequacy of the recommended actions and proposed policy changes and a better assessment of the number of sol-

diers affected by the repeal. Without historical data to determine the cost, the collection of this initial data will provide the first cost estimates. The most reliable preliminary cost estimation the Army has identified is the education and training of the Army's leadership and soldiers. This is an estimated cost of \$2 million in fiscal year 2011 and \$2.5 million in fiscal year 2012. Training examples included in this cost are unit training packages (pamphlets and training aids), interactive videos, specialized training for commanders, chaplains, the Judge Advocate General, and equal opportunity officers and leaders pamphlets. This represents the minimum costs if there are no policy changes such as in benefits and support resources, billeting or issues in recruiting and retention as examples in which there are currently no soldier data to determine an estimated cost.

Admiral ROUGHEAD. Revisions to initial accession training curricula regarding sexual harassment, and travel and curricula changes for fleet sexual harassment training are estimated to be approximately \$1.6 million.

General AMOS. We are in process of determining a detailed estimate of the cost or other fiscal impacts to the Marine Corps. There are myriad variables that would affect this estimation, such as the current Force Structure Review Group effort (which may result in some adjustment to the affected population totals), implementation assumptions (especially with regard to benefits for same-sex partners of gay and lesbian servicemembers), and the determination by lawmakers on a qualifying relationship.

General SCHWARTZ. The Air Force's estimate of the cost to implement the repeal is approximately \$8.6 million annually.

Admiral PAPP. The specific monetary impact of repeal on the Coast Guard has not been estimated, but I do not expect to have significant monetary costs associated with the repeal. Near-term costs will include the administration and execution of training programs outlined in the Working Group report. Long-term costs are unknown at this time.

18. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, where would the money come from in the fiscal year 2011 budget?

General CARTWRIGHT. Whether and how much cost DOD and the Service incur in fiscal year 2011 will depend in large part on the timing of any legislation and any subsequent certification. It will also depend on which of the Working Group's recommendations, especially pertaining to benefits for same-sex partners, are adopted, and when any such policies are implemented. That said, if repeal were to become effective in fiscal year 2011, the Working Group estimates that net initial implementation costs in that fiscal year would be negligible, if any.

General CASEY. The Army did not budget for any costs associated with the repeal of DADT during the fiscal year 2011 budgeting process. Therefore, any costs associated with the potential repeal of DADT would be funded by offsetting funds from previously budgeted programs.

Admiral ROUGHEAD. Pending decisions on additional funding, Navy will fund training from existing training funds, reprioritizing fiscal year 2011 funding requirements and deferring lower priority training changes to subsequent fiscal years.

General AMOS. This is a question best answered by the leaders of DOD, Congress, and the Executive Office.

General SCHWARTZ. To fund this emergent requirement, the Air Force will reprioritize within the fiscal year 2011 Operations and Maintenance budget.

Admiral PAPP. Ensuring the smooth and timely implementation of the Working Group's support plan is a high priority for the Service, and I plan to use available resources for the initial stages of implementation.

OPINIONS ABOUT THE EXISTING DON'T ASK, DON'T TELL POLICY

19. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, to what extent has the current law hindered the military's ability, in a measurable way, to recruit and retain qualified personnel to meet your Service's manpower requirements?

General CARTWRIGHT. The Services are currently meeting their recruiting and retention goals. I cannot say to what extent the current law and policy have affected the Services' ability to attain these goals. However, it certainly is true that the current law and policy have required the Services to separate, or to deny entry to, otherwise qualified individuals.

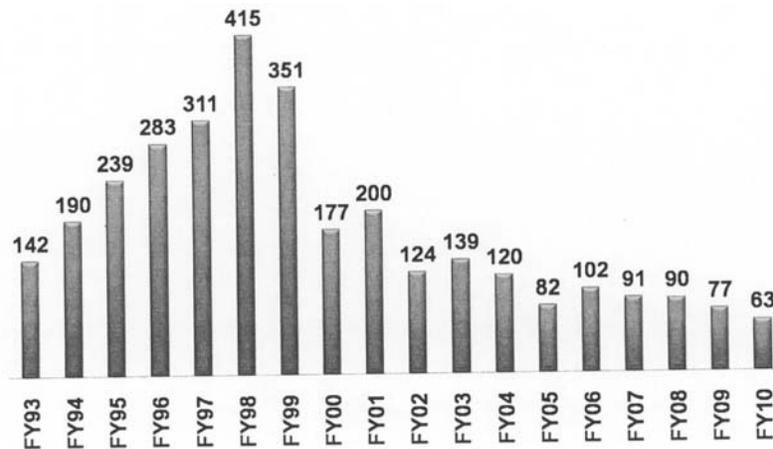
General CASEY. The current law and DADT policy have not negatively impacted the Army's ability to recruit and retain soldiers. All components (Active, Army Re-

serve, and Army National Guard) achieved fiscal year 2010 recruiting and retention goals. The Army currently has enough enlisted soldiers to fill all the current authorizations, which helps to mitigate the stress of the high operational pace. The current Active component end strength is 569,600 servicemembers compared to our targeted end strength of 569,400 servicemembers, which includes a 22,000 servicemembers temporary end strength increase.

Admiral ROUGHHEAD. There is no indication that the current law has impacted the Navy's ability to recruit qualified personnel to meet manpower requirements.

General AMOS. Since 1993, the Marine Corps has honorably discharged a little over 625,000 marines and of that number 1,304 were discharged for homosexuality (about 400 at boot camp during the initial stages of a marine's time in Service). The number discharged due to breach of 10 U.S.C. § 654 represents about .2 percent of all discharges. Recruiting and retention are impacted by many factors. The Marine Corps has and is currently meeting its recruiting and retention goals.

General SCHWARTZ. The Air Force faithfully executes current law and has separated 3,196 airmen under 10 U.S.C. § 654 since 1993. The Air Force has met or exceeded recruiting goals every year since fiscal year 2000. Based on the chart below, the Air Force had 200 or fewer discharges per year since fiscal year 2000. The current retention rate in the Air Force is at a 16-year high. The current law has not had a measurable negative effect on meeting recruiting goals and annual manpower requirements.



Air Force Discharges under 10 USC 654 (by Fiscal Year)

Admiral PAPP. Assessing the impact of the current law on recruiting and retention was not a task or focus of the Working Group, nor has the Coast Guard examined these impacts.

20. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, to what extent, if any, has the current law hindered the ability of your Service to increase end strength or in critical military skills?

General CARTWRIGHT. I cannot say for certain how the current law has helped or hindered the ability of the Army and Marine Corps to expand. However, it certainly is true that the current law and policy have required the Army and Marine Corps to separate, or to deny entry to, otherwise qualified individuals.

General CASEY. The current law and DADT policy have not negatively impacted the Army's ability to recruit and retain soldiers. The Army has enjoyed tremendous success in meeting the end strength goals. All components (Active, Army Reserve, and Army National Guard) achieved fiscal year 2010 recruiting and retention goals. The Army currently has enough enlisted soldiers to fill all the current authorizations, which helps to mitigate the stress of the high operational pace. The current Active component end strength is 569,600 servicemembers compared to our targeted

end strength of 569,400 servicemembers, which includes a 22,000 servicemembers temporary end strength increase. This success is based on both our recruiting and retention programs.

Admiral ROUGHEAD. There is no indication that the current law has impacted Navy recruiting in our ability to increase end strength or critical military skills.

General AMOS. Recruiting and retention are impacted by many factors. The Marine Corps has and is currently meeting its recruiting and retention goals. The Marine Corps has already completed its growth to the Active Duty end strength level of 202,000.

General SCHWARTZ. The Air Force has not contracted or independently conducted any studies regarding retention with regard to the DADT policy. The 2009 Career Decisions and New Directions Surveys (officer and enlisted) suggest that the primary factors driving an airman's decision to remain in the Air Force are economic, deployment/remote assignment-related, and satisfaction. The primary factors influencing career-oriented officers and enlisted personnel to stay appear to be the overall compensation/benefits package and the retirement program. The top two factors influencing officers who intend to separate from the Air Force are 365-day deployments and remote assignments. For enlisted personnel who intend to separate, the top two factors influencing them to separate are 365-day deployments and career field satisfaction. Therefore, the Air Force has not seen the current law as a hindrance to meeting end-strength goals or requirements for critical military skills.

Admiral PAPP. Assessing the impact of the current law on increasing end-strength or in critical military skills was not a task or focus of the Working Group, nor has the Coast Guard examined these impacts.

21. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, to what extent has the discharge of personnel in your Service under section 654 created a measurable impact on readiness of your force?

General CARTWRIGHT. I cannot say for certain what the impact of the current law is on the readiness of the force. While over 13,000 Active Duty servicemembers have been discharged under the current law and policy, these discharges constitute a very small portion of the overall number of discharges from the military. However, it certainly is true that the current law and policy have required the Services to separate, or to deny entry, to otherwise qualified individuals.

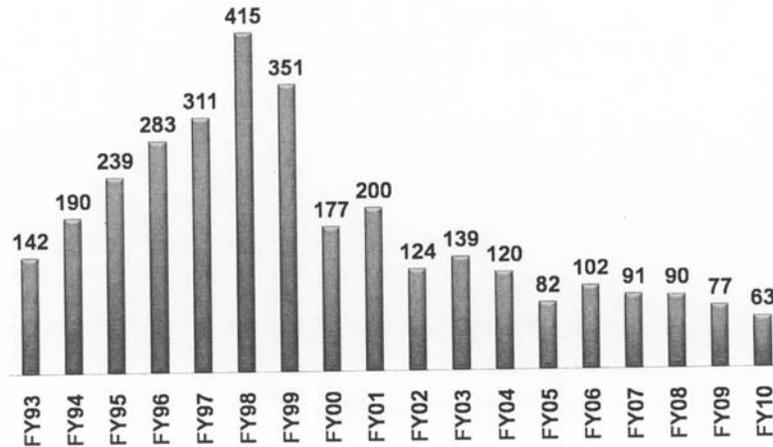
General CASEY. The number of discharges under section 654 have made up less than 1 percent of total separations in each fiscal year from 1983 to present. This has not made a measurable impact on the readiness of our force.

Admiral ROUGHEAD. We have no empirical data upon which to base an assessment of the extent to which discharge of personnel under section 654 has had a measureable impact on military readiness.

General AMOS. Since 1993, the Marine Corps has honorably discharged a little over 625,000 marines and of that number 1,304 were discharged for homosexuality (about 400 at boot camp during the initial stages of a marine's time in Service). The number discharged due to breach of 10 U.S.C. § 654 represents about .2 percent of all discharges.

General SCHWARTZ. The Air Force defines readiness as the ability of Air Force forces to deliver their designed capabilities without unacceptable delay. The Status of Resources and Training System (SORTS) is the readiness reporting system of record. In SORTS a unit commander makes an objective assessment about their unit's readiness, and he/she can subjectively upgrade or downgrade the unit's assessment based on factors such as collective training and morale. This has not been a significant factor in SORTS reporting.

Based on the DOD Working Group's report, the Air Force can accommodate the repeal of DADT with modest risk to military readiness and effectiveness, unit cohesion, retention, and recruiting of airmen. Based on the chart below, the Air Force had 200 or fewer discharges per year since fiscal year 2000. This has not had a measurable effect on readiness.



Air Force Discharges under 10 USC 654 (by Fiscal Year)

Admiral PAPP. Over the past 10 years, the average annual number of discharges related to the DADT policy was 16, or roughly 0.03 percent of the Coast Guard military workforce. This number of discharges had no measurable impact on military readiness.

22. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, to what extent do you think the repeal of the current law barring service by openly gay or lesbian individuals would improve military readiness, cohesion, morale, good order, and discipline?

General CARTWRIGHT. The Working Group's report concludes that the risk of repeal on overall military effectiveness is low, when coupled with the recommendations offered in the report. I cannot say for certain how repeal of the current law would improve military readiness, cohesion, morale, good order, and discipline, and that was not a focus of the assessment. I do think that, if this law were not repealed by Congress, there is the very real possibility that this change would be imposed immediately by judicial fiat, by far the most disruptive and damaging scenario I can imagine, and the one most hazardous to military morale, readiness, and battlefield performance. I also agree with what Admiral Mullen has said about the importance of personal integrity; a law and policy that requires people to lie about themselves seems to me fundamentally flawed.

General CASEY. In the near-term, there is a moderate level of risk that military readiness, cohesion, morale, good order, and discipline could be diminished, not improved. If the law changes we must mitigate against these risks through engaged leadership, effective communication, education, and clear standards of conduct.

Admiral ROUGHEAD. Although I cannot quantify the extent to which repeal of the law would improve military readiness, cohesion, morale, good order, and discipline, I believe repeal, in the long-term, will make our Navy better. Gay and lesbian sailors already serve in our Navy. Repeal will end the otherwise unnecessary loss of these talented and dedicated men and women from the Service and improve our ability to provide an environment where all sailors can truly serve with honesty and integrity. I am confident that the professional men and women of the U.S. Navy will ensure we remain the world's most ready, capable, and professional Navy, in which all shipmates continue to be treated with mutual dignity and respect.

General AMOS. The House of Representatives and the Senate have voted and the President has signed repeal of Title 10, U.S.C. § 654 "Policy Concerning Homosexuality in the United States Armed Forces." The Marine Corps will faithfully implement this new policy.

General SCHWARTZ. It is my assessment that the Air Force can accommodate the repeal of DADT with modest risk to military readiness and effectiveness, unit cohesion, retention, and recruiting of airmen. Sexual orientation is one of many aspects of the diversity resident in today's Air Force.

Admiral PAPP. Allowing gay and lesbian Americans to serve in the Coast Guard openly will remove a significant barrier to those coastguardsmen who are capably serving, but who have been forced to hide or even lie about their sexual orientation. Forcing these coastguardsmen to compromise our core values of honor, respect, and devotion to duty while serving their country is a choice they should not have to make.

23. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, what do you predict as the nature of the disruptive, short-term effects that might be expected upon repeal?

General CARTWRIGHT. While there are likely to be short-term disruptions, I am confident repeal will make our military forces stronger in the long-term.

General CASEY. The effect would be another level of stress on an already stretched force, particularly in the combat arms units. However, this would not prevent the Army from accomplishing its world-wide missions to include combat operations. The Army's NCO and officer leaders within each unit will be able to mitigate any short-term risk through proper guidance and direction.

Admiral ROUGHEAD. The results of the Working Group servicemember survey indicated that approximately 76 percent of sailors believe the impact of repeal will be neutral or positive. Among the 24 percent who believe the impact of repeal will be negative, areas of concern include social cohesion, privacy, and increased stress on the force. I am confident these concerns can be effectively mitigated through engaged leadership, effective communications, training and education, and clear and concise standards of conduct.

General AMOS. Successfully implementing repeal and assimilating openly homosexual marines into the tightly woven fabric of our combat units has strong potential for disruption at the small unit level, as it will no doubt divert leadership attention away from an almost singular focus of preparing units for combat. It is difficult to predict how distracting that effort would be, nor how much risk it portends. Nevertheless, the Marine Corps will step out smartly to faithfully implement this new policy.

General SCHWARTZ. The short-term effects of repeal will center on the updating of policy, the education and training of the Air Force, to include those airmen serving in Iraq and Afghanistan. It is critical that the entire Air Force understands the changes of a repeal of 10 U.S.C. §654. The Air Force will address concerns expressed by airmen in the Working Group survey. The Working Group report studied the effect of repeal of policies for many of our North Atlantic Treaty Organization partners, among others, and all reports demonstrated minimal negative effect on the military.

Admiral PAPP. With any personnel policy change, educating and training members to the new policy changes is critical. The Working Group developed a comprehensive support plan that will assist in the education and training requirements for our servicemembers that will greatly reduce potential impacts.

24. Senator MCCAIN. General Cartwright, General Casey, Admiral Roughead, General Amos, General Schwartz, and Admiral Papp, to what degree and how would repeal of the current law improve military readiness in your Service?

General CARTWRIGHT. I cannot say for certain how repeal of the current law would improve military readiness; however, I do think that repeal will make our military forces stronger in the long-term. Gay and lesbian servicemembers already exist in the force. Repeal will end the otherwise unnecessary loss of these talented and dedicated men and women from the Service and improve our ability to provide an environment where all can truly serve with honesty and integrity.

General CASEY. In the near-term, there is a moderate level of risk that military readiness, cohesion, morale, good order, and discipline could be diminished, not improved. If the law changes we must mitigate against these risks through engaged leadership, effective communication, education, and clear standards of conduct.

Admiral ROUGHEAD. Although I cannot quantify the extent to which repeal of the law would improve military readiness, I believe repeal, in the long-term, will make our Navy better. Gay and lesbian sailors already serve in our Navy. Repeal will end the otherwise unnecessary loss of these talented and dedicated men and women from the Service and improve our ability to provide an environment where all sailors can truly serve with honesty and integrity. I am confident that the professional men and women of the U.S. Navy will ensure we remain the world's most ready, capable, and professional Navy, in which all shipmates continue to be treated with mutual dignity and respect.

General AMOS. The House of Representatives and the Senate have voted and the President has signed repeal of title 10, U.S.C. §654 "Policy Concerning Homosex-

uality in the United States Armed Forces.” The Marine Corps will faithfully implement this new policy.

General SCHWARTZ. Based on the DOD Working Group’s report, the Air Force can accommodate the repeal of DADT with modest risk to military readiness. The fact that gays and lesbians are currently serving, but unable to disclose their sexual orientation should they choose to do so, forces them to protect their duty status. Lifting that barrier could have a positive effect on individual wellness, social cohesion, and morale, which ultimately contributes to overall military readiness.

Admiral PAPP. Allowing gay and lesbian Americans to serve in the Coast Guard openly will remove a significant barrier to those coastguardsmen who are capably serving, but who have been forced to hide or even lie about their sexual orientation. Forcing these coastguardsmen to compromise our core values of honor, respect, and devotion to duty while serving their country is a choice they should not have to make.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

EFFECTS OF REPEAL ON MORALE AND EFFICIENCY

25. Senator SESSIONS. General Amos, in the recent DADT survey, 58.5 percent of the Marine Corps respondents answered “a lot, some, or a little” to the question “how much did the unit member’s belief that this coworker was gay or lesbian affect the unit’s ability to work together?” Additionally, 52 percent of Marine Corps respondents answered “a lot, some, or a little” to the question “how much did the unit member’s belief that this coworker was gay or lesbian affect the unit’s morale?” I heard at several points during testimony that the survey indicated that those who have served with homosexual servicemembers said that it made no difference to them. Do you agree with this statement in light of the survey results above?

General AMOS. It is important to note that in many parts of the survey there are conditional questions to which other questions are derived. This is one such section of the survey. One must consider that in these instances, the responses reflected are percentages of percentages to the originating conditional question. This is a very important point. In this case, the questions are very specific to a marine’s response regarding his/her leader or co-worker or subordinate. There is not an aggregate of all three categories. The statistical responses to the initiating condition and the follow-on questions for the Marine Corps are as follows:

- Question 35—Ever served with gay leader=yes (30.8 percent of USMC)
- Question 36—Ever served with gay co-worker=yes (58.2 percent of USMC)
- Question 37—Ever served with gay subordinate=yes (43.4 percent of USMC)

At least a few other members of the respondent’s unit also believed the leader/co-worker/subordinate to be gay.

Of the above percentage of “Yes” respondents, the follow-on questions apply:

Questions 40, 48, and 56: “Among all the factors that affect how well a unit works together, how much did the unit members’ belief that this leader (Q40)/co-worker (Q48)/subordinate (Q56) was gay or lesbian affect the unit’s ability to work together?”

[Percentage]

	Q40	Q48	Q56
A lot	15.90	13.20	12.20
Some	20.70	25.20	24.30
A Little	19.50	20.10	23.10
Not at all	36.60	33.40	33.90
No basis to judge	7.40	8.10	6.50

Questions 42, 50, and 58: “Among all the factors that affect a unit’s morale, how much did the unit members’ belief that this leader (Q42)/co-worker (Q50)/subordinate (Q58) was gay or lesbian affect the unit’s morale?”

[Percentage]

	Q42	Q50	Q58
A lot	13.0	10.7	11.2

[Percentage]

	Q42	Q50	Q58
Some	20.3	21.4	21.4
A Little	19.5	19.9	21.5
Not at all	38.6	39.8	39.1
No basis to judge	8.6	8.2	6.8

26. Senator SESSIONS. General Amos, what do you predict the affect would be on recruitment and retention if the policy were repealed in light of these statistics?

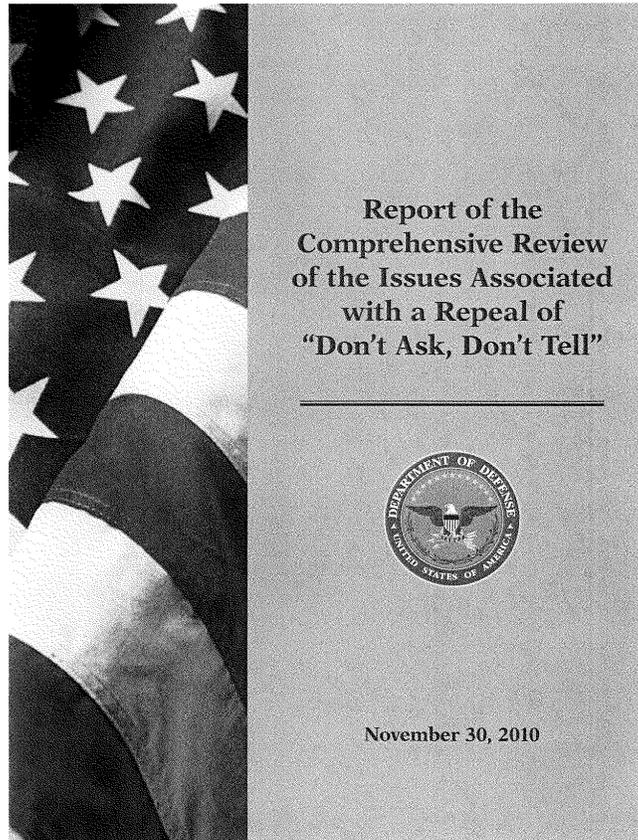
General AMOS. Since 1993, the Marine Corps has honorably discharged a little over 625,000 marines and of that number 1,304 were discharged for homosexuality (about 400 at boot camp during the initial stages of a marine's time in Service). The number discharged due to breach of 10 U.S.C. § 654 represents about .2 percent of all discharges. Recruiting and retention are impacted by many factors. The Marine Corps has and is currently meeting its recruiting and retention goals. The Marine Corps has already completed its growth to the Active Duty end strength level of 202,000.

27. Senator SESSIONS. General Amos, do these statistics concern you as you look at the impact of repeal on the Marine Corps' readiness?

General AMOS. The study conducted by the Working Group provided useful information about servicemember attitudes and issues regarding implementation of repeal across the Marine Corps. Surveys, in general, are excellent tools for measuring opinions and attitudes. While these statistics provide useful information, it cannot be read to conclusively define risk to the force. They should not be understood to completely measure the effects and risks of implementation on unit cohesion, combat effectiveness, military readiness, retention, family readiness, leadership, or the other intangibles vital to the success of the Marine Corps.

[The Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell" and the Support Plan for Implementation for the Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell" follow:]

APPENDIX A



**Report of the Comprehensive Review of the Issues Associated
with a Repeal of "Don't Ask, Don't Tell"**

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**Report of the
Comprehensive Review
of the Issues Associated
with a Repeal of
“Don’t Ask, Don’t Tell”**



November 30, 2010

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I

EXECUTIVE SUMMARY

On March 2, 2010, the Secretary of Defense appointed the two of us to co-chair a working group to undertake a comprehensive review of the impacts of repeal, should it occur, of Section 654 of Title 10 of the United States Code, commonly known as the “Don’t Ask, Don’t Tell” law. In this effort, we were aided by a highly dedicated team of 49 military and 19 civilian personnel from across the Department of Defense and the Military Services. Our assignment from the Secretary was two-fold: 1) assess the impact of repeal of Don’t Ask, Don’t Tell on military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness; and 2) recommend appropriate changes, if necessary, to existing regulations, policies, and guidance in the event of repeal. The Secretary directed us to deliver our assessment and recommendations to him by December 1, 2010.¹ This document constitutes our report of that assessment and our recommendations. The Secretary also directed us to develop a plan of action to support implementation of a repeal of Don’t Ask, Don’t Tell. That plan accompanies this report.

At the outset, it is important to note the environment in which we conducted our work: the Nation’s military has been at war on several fronts for over 9 years. Much is being demanded from the force. The men and women in uniform who risk their lives to defend our Nation are, along with their families, stretched and stressed, and have faced years of multiple and lengthy deployments to Iraq, Afghanistan, and elsewhere. Some question the wisdom of taking on the emotional and difficult issue of Don’t Ask, Don’t Tell on top of all else. For these and other reasons, the Secretary directed that we “thoroughly, objectively and methodically examine all aspects of this question,” and include, most importantly, the views of our men and women in uniform. Accordingly, over the last nine months we:

- solicited the views of nearly 400,000 active duty and reserve component Service members with an extensive and professionally-developed survey, which prompted 115,052 responses—one of the largest surveys in the history of the U.S. military;

¹ During the nine months we conducted our work, the legislative and legal landscape for Don’t Ask, Don’t Tell changed considerably. In May, efforts in Congress to repeal 10 U.S.C. § 654 gained momentum, and a repeal provision was added to the National Defense Authorization Act (NDAA) for Fiscal Year 2011 in both the House and Senate. The amended NDAA passed the full House, but, as of this writing, has not been voted upon by the full Senate. Also, a federal district court in California declared the Don’t Ask, Don’t Tell law to be unconstitutional in September, and issued a worldwide injunction immediately prohibiting Don’t Ask, Don’t Tell enforcement the following month. The decision and injunction were appealed by the Government, and the Court of Appeals for the Ninth Circuit stayed the injunction pending the appeal. As of this writing, the appeal before the Ninth Circuit is still pending. After careful consideration of these legislative and legal developments, we determined they did not alter our assignment in any way.

- solicited the views of over 150,000 spouses of active duty and reserve component Service members, because of the influence and importance families play in the lives of Service members and their decisions to join, leave, or stay in the military, and received 44,266 responses;
- created an online inbox for Service members and their families to offer their views, through which we received a total of 72,384 entries;
- conducted 95 face-to-face “information exchange forums” at 51 bases and installations around the world, where we interacted with over 24,000 Service members—ranging from soldiers at Fort Hood, Fort Benning, and Fort Bragg, sailors at Norfolk, San Diego, and Pearl Harbor, airmen at Lackland, Langley, and Yokota in Japan, Marines at Camp Lejeune, Camp Pendleton, and Parris Island, cadets and midshipmen at our Service academies, and Coast Guardsmen on Staten Island, New York;
- conducted 140 smaller focus group sessions with Service members and their families;
- solicited the views of the Service academy superintendents and faculty, Service chiefs of chaplains, and Service surgeons general;
- solicited and received the views of various members of Congress;
- engaged RAND to update its 1993 study, *Sexual Orientation and U.S. Military Personnel Policy*;
- solicited and received the views of foreign allies, veterans groups, and groups both for and against repeal of the current law and policy; and
- during a two-week period prior to issuance, solicited and received the comments of the Secretaries of the Army, Navy and Air Force, and the Chiefs of each Service, on this report in draft form.

Finally, we heard the views and experiences of current and former Service members who are gay or lesbian. We knew that their viewpoints would be important, and we made affirmative efforts to reach them, though our ability to do so under the current Don't Ask, Don't Tell law was limited. The two of us personally interviewed former Service members who are gay or lesbian, including those who had been separated under Don't Ask, Don't Tell. To reach those currently in the military, we hired a private company to administer the survey of Service members and an interactive online confidential communications mechanism. This company was obligated to protect the identity of Service members and did not reveal identifying information to the Working Group. Through the confidential communications mechanism, the private company was able to engage a total of 2,691 Service members, 296 of whom self-identified as gay or lesbian, in interactive online conversations about their experiences.

Our Working Group also reviewed hundreds of relevant laws, regulations, and Department of Defense and Service policies and issuances (directives, instructions, and memoranda) and evaluated various policy options. As discussed in detail in section V, the breadth and depth of the Working Group's work was extensive. To our knowledge, our nine-month review and engagement of the force was the largest and most comprehensive in the history of the U.S. military, on any personnel-related matter.

Based on all we saw and heard, our assessment is that, when coupled with the prompt implementation of the recommendations we offer below, the risk of repeal of Don't Ask, Don't Tell to overall military effectiveness is low. We conclude that, while a repeal of Don't Ask, Don't Tell will likely, in the short term, bring about some limited and isolated disruption to unit cohesion and retention, we do not believe this disruption will be widespread or long-lasting, and can be adequately addressed by the recommendations we offer below. Longer term, with a continued and sustained commitment to core values of leadership, professionalism, and respect for all, we are convinced that the U.S. military can adjust and accommodate this change, just as it has others in history.²

Significant to our assessment are the following:

The results of the Service member survey reveal a widespread attitude among a solid majority of Service members that repeal of Don't Ask, Don't Tell will not have a negative impact on their ability to conduct their military mission.³ The survey was conducted by Westat, a research firm with a long track record of conducting surveys for the U.S. military. The survey was one of the largest in the history of the military. We heard from over 115,000 Service members, or 28% of those solicited. Given the large number of respondents, the margin of error for the results was less than $\pm 1\%$, and the response rate was average for the U.S. military.

The results of the survey are best represented by the answers to three questions:

- When asked about how having a Service member in their immediate unit who said he or she is gay would affect the unit's ability to "work together to get the job done," 70% of Service members predicted it would have a positive, mixed, or no effect.⁴
- When asked "in your career, have you ever worked in a unit with a co-worker that you believed to be homosexual," 69% of Service members reported that they had.⁵

² Our assessment is based on conditions we observe in today's U.S. military. It is not meant as commentary on any point prior to today, over the past 17 years since the Don't Ask, Don't Tell law was enacted by Congress. Nothing in this report should be construed as doubt by us about the wisdom of enacting 10 U.S.C. § 654 in 1993, given circumstances that existed then.

³ See Section VII, "The Survey Results."

⁴ See Appendix C, "Survey Responses: 2010 Department of Defense Survey of Service Members," Question 68a.

⁵ See Appendix C, Question 36.

- When asked about the actual experience of serving in a unit with a co-worker who they believed was gay or lesbian, 92% stated that the unit's "ability to work together" was "very good," "good," or "neither good nor poor."⁶

Consistently, the survey results revealed a large group of around 50–55% of Service members who thought that repeal of Don't Ask, Don't Tell would have mixed or no effect; another 15–20% who said repeal would have a positive effect; and about 30% who said it would have a negative effect.⁷ The results of the spouse survey are consistent. When spouses were asked about whether repeal of Don't Ask, Don't Tell would affect their preference for their Service member's future plans to stay in the military, 74% said repeal would have no effect, while only 12% said "I would want my spouse to leave earlier."⁸

To be sure, these survey results reveal a significant minority—around 30% overall (and 40–60% in the Marine Corps and in various combat arms specialties)—who predicted in some form and to some degree negative views or concerns about the impact of a repeal of Don't Ask, Don't Tell. Any personnel policy change for which a group that size predicts negative consequences must be approached with caution. However, there are a number of other factors that still lead us to conclude that the risk of repeal to overall military effectiveness is low.

The reality is that there are gay men and lesbians already serving in today's U.S. military, and most Service members recognize this. As stated before, 69% of the force recognizes that they have at some point served in a unit with a co-worker they believed to be gay or lesbian.⁹ Of those who have actually had this experience in their career, 92% stated that the unit's "ability to work together" was "very good," "good," or "neither good nor poor," while only 8% stated it was "poor" or "very poor."¹⁰ Anecdotally, we also heard a number of Service members tell us about a leader, co-worker, or fellow Service member they greatly liked, trusted, or admired, who they later learned was gay; and how once that person's sexual orientation was revealed to them, it made little or no difference to the relationship.¹¹ Both the survey results and our own engagement of the force convinced us that when Service members had the actual experience of serving with someone they believe to be gay, in general unit performance was not affected negatively by this added dimension.

Yet, a frequent response among Service members at information exchange forums, when asked about the widespread recognition that gay men and lesbians are already in the military, were words to the effect of: "yes, but I don't *know* they are gay." Put another way, the concern with repeal among many is with "open" service.

⁶ See Appendix C, Question 47a.

⁷ See Appendix C, Questions 67-75.

⁸ See Appendix D, "Survey Responses: 2010 Department of Defense Survey of Spouses," Question 17.

⁹ See Appendix C, Question 36.

¹⁰ See Appendix C, Question 47a.

¹¹ Service members, CRWG Focus Groups, 2010; Service members, Online Inbox, 2010.

In the course of our assessment, it became apparent to us that, aside from the moral and religious objections to homosexuality, much of the concern about “open” service is driven by misperceptions and stereotypes about what it would mean if gay Service members were allowed to be “open” about their sexual orientation. Repeatedly, we heard Service members express the view that “open” homosexuality would lead to widespread and overt displays of effeminacy among men, homosexual promiscuity, harassment and unwelcome advances within units, invasions of personal privacy, and an overall erosion of standards of conduct, unit cohesion, and morality. Based on our review, however, we conclude that these concerns about gay and lesbian Service members who are permitted to be “open” about their sexual orientation are exaggerated, and not consistent with the reported experiences of many Service members.

In today’s civilian society, where there is no law that requires gay men and lesbians to conceal their sexual orientation in order to keep their job, most gay men and lesbians still tend to be discrete about their personal lives, and guarded about the people with whom they share information about their sexual orientation. We believe that, in the military environment, this would be true even more so. According to a survey conducted by RAND of a limited number of individuals who anonymously self-identified as gay and lesbian Service members, even if Don’t Ask, Don’t Tell were repealed, only 15% of gay and lesbian Service members would like to have their sexual orientation known to everyone in their unit.¹² This conclusion is also consistent with what we heard from gay Service members in the course of this review:

“Personally, I don’t feel that this is something I should have to ‘disclose.’ Straight people don’t have to disclose their orientation. I will just be me. I will bring my family to family events. I will put family pictures on my desk. I am not going to go up to people and say, hi there—I’m gay.”¹³

“I think a lot of people think there is going to be this big ‘outing’ and people flaunting their gayness, but they forget that we’re in the military. That stuff isn’t supposed to be done during duty hours regardless if you’re gay or straight.”¹⁴

If gay and lesbian Service members in today’s U.S. military were permitted to make reference to their sexual orientation, while subject to the same standards of conduct as all other Service members, we assess that most would continue to be private and discreet about their personal lives. This discretion would occur for reasons having nothing to do with law, but everything to do with a desire to fit in, co-exist, and succeed in the military environment.

¹² RAND, *Sexual Orientation and U.S. Military Personnel Policy - An Update of RAND’s 1993 Study*, Santa Monica, CA: National Defense Research Institution, November 2010, 27.

¹³ Service member, Confidential Communication Mechanism, 2010.

¹⁴ Service member, Confidential Communication Mechanism, 2010.

As one gay Service member stated:

"I don't think it's going to be such a big, huge, horrible thing that DoD is telling everyone it's going to be. If it is repealed, everyone will look around their spaces to see if anyone speaks up. They'll hear crickets for a while. A few flamboyant guys and tough girls will join to rock the boat and make a scene. Their actions and bad choices will probably get them kicked out. After a little time has gone by, then a few of us will speak up. And instead of a deluge of panic and violence...there'll be ripple on the water's surface that dissipates quicker than you can watch."¹⁵

In communications with gay and lesbian current and former Service members, we repeatedly heard a patriotic desire to serve and defend the Nation, subject to the same rules as everyone else. In the words of one gay Service member, repeal would simply "take a knife out of my back...You have no idea what it is like to have to serve in silence."¹⁶ Most said they did not desire special treatment, to use the military for social experimentation, or to advance a social agenda. Some of those separated under Don't Ask, Don't Tell would welcome the opportunity to rejoin the military if permitted. From them, we heard expressed many of the same values that we heard over and over again from Service members at large—love of country, honor, respect, integrity, and service over self. We simply cannot square the reality of these people with the perceptions about "open" service.

Given that we are in a time of war, the combat arms communities across all Services required special focus and analysis. Though the survey results demonstrate a solid majority of the overall U.S. military who predict mixed, positive or no effect in the event of repeal, these percentages are lower, and the percentage of those who predict negative effects are higher, in combat arms units. For example, in response to question 68a, while the percentage of the overall U.S. military that predicts negative or very negative effects on their unit's ability to "work together to get the job done" is 30%, the percentage is 43% for the Marine Corps, 48% within Army combat arms units, and 58% within Marine combat arms units.¹⁷

However, while a higher percentage of Service members in warfighting units *predict* negative effects of repeal, the percentage distinctions between warfighting units and the entire military are almost non-existent when asked about the *actual* experience of serving in a unit with someone believed to be gay. For example, when those in the overall military were asked about the experience of working with someone they believed to be gay or lesbian, 92% stated that their unit's "ability to work together," was "very good," "good" or "neither good nor poor."¹⁸ Meanwhile, in response to the same question, the percentage is 89% for those in Army combat arms units and 84% for those in Marine combat arms units—all very high percentages.¹⁹ Anecdotally, we heard much the same. As one special operations force warfighter told us, "We have a gay guy [in the unit]. He's big, he's mean, and he kills lots of bad guys. No one cared that he was gay."²⁰

¹⁵ Service member, Confidential Communication Mechanism, 2010.

¹⁶ Service member, Confidential Communication Mechanism, 2010.

¹⁷ Westat, *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell,"* vol. 1, Rockville, MD, November 19, 2010, Appendices J and L, Question 68a.

¹⁸ See Appendix C, Question 47a.

¹⁹ Westat, vol. 1 Appendices J and L, Question 47a.

²⁰ Service member, CRWG Focus Group, 2010.

Thus, the survey results reflecting actual experience, our other engagements, and the lessons of history lead us to conclude that the risks of repeal within warfighting units, while higher than the force generally, remain within acceptable levels when coupled with our recommendations for implementation.

The survey results also reveal, within warfighting units, negative predictions about serving alongside gays decrease when in “intense combat situations.” In response to question 71a, for example, 67% of those in Marine combat arms units predict working alongside a gay man or lesbian will have a negative effect on their unit’s effectiveness in completing its mission “in a field environment or out at sea.” By contrast, in response to the same question, but during “an intense combat situation,” the percentage drops to 48%.²¹ See section VII. While 48% indicates a significant level of concern, the near 20-point difference in these two environments reflects that, in a combat situation, the warfighter appreciates that differences with those within his unit become less important than defeating the common enemy.

Our assessment also took account of the fact that the Nation is at war on several fronts, and, for a period of over nine years, the U.S. military has been fully engaged, and has faced the stress and demands of frequent and lengthy deployments. We conclude that repeal can be implemented now, provided it is done in manner that minimizes the burden on leaders in deployed areas. Our recommended implementation plan does just that, and it is discussed more fully in section XIII of this report and in the accompanying support plan for implementation. The primary concern is for the added requirement that will be created by the training and education associated with repeal. We are cognizant of this concern, but note that during this time of war, the Services have undertaken education and training in deployed areas on a number of important personnel matters. These education and training initiatives have included increased emphasis on sexual assault prevention and response, suicide prevention, and training to detect indications of behavioral health problems. The conduct of these programs in deployed areas indicates that training and education associated with a repeal of Don’t Ask, Don’t Tell can be accommodated. We assess this to be the case, in large part because our recommendations in this report involve a minimalist approach to changes in policies, and education and training to reiterate existing policies in a sexual orientation-neutral manner.

It is also the case that the results of the survey indicate that, in this war-time environment, a solid majority of Service members believe that repeal will have positive, mixed, or no effect. Most of those surveyed joined our military after September 11, 2001, and have known nothing but a military at war.

Our assessment here is also informed by the lessons of history in this country. Though there are fundamental differences between matters of race, gender, and sexual orientation, we believe the U.S. military’s prior experiences with racial and gender integration are relevant. In the late 1940s and early 1950s, our military took on the racial integration of its ranks, *before* the country at large had done so. Our military then was many times larger than it is today, had just returned from World War II, and was in the midst of Cold War tensions and the

²¹ Westat, vol. 1 Appendices J and L, Questions 71a and 71c.

Korean War. By our assessment, the resistance to change at that time was far more intense: surveys of the military revealed opposition to racial integration of the Services at levels as high as 80–90%.²² Some of our best-known and most-revered military leaders from the World War II-era voiced opposition to the integration of blacks into the military, making strikingly similar predictions of the negative impact on unit cohesion. But by 1953, 95% of all African-American soldiers were serving in racially integrated units, while public buses in Montgomery, Alabama and other cities were still racially segregated.²³ Today, the U.S. military is probably the most racially diverse and integrated institution in the country—one in which an African American rose through the ranks to become the senior-most military officer in the country 20 years before Barack Obama was elected President.

The story is similar when it came to the integration of women into the military. In 1948, women were limited to 2% of active duty personnel in each Service,²⁴ with significant limitations on the roles they could perform. Currently, women make up 14% of the force,²⁵ and are permitted to serve in 92% of the occupational specialties.²⁶ Along the way to gender integration, many of our Nation's military leaders predicted dire consequences for unit cohesion and military effectiveness if women were allowed to serve in large numbers. As with racial integration, this experience has not always been smooth. But, the consensus is the same: the introduction and integration of women into the force has made our military stronger.

The general lesson we take from these transformational experiences in history is that in matters of personnel change within the military, predictions and surveys tend to overestimate negative consequences, and underestimate the U.S. military's ability to adapt and incorporate within its ranks the diversity that is reflective of American society at large.

Our conclusions are also informed by the experiences of our foreign allies. To be sure, there is no perfect comparator to the U.S. military, and the cultures and attitudes toward homosexuality vary greatly among nations of the world. However, in recent times a number of other countries have transitioned to policies that permit open military service by gay men and lesbians. These include the United Kingdom, Canada, Australia, Germany, Italy, and Israel. Significantly, prior to change, surveys of the militaries in Canada and the U.K. indicated much higher levels of resistance than our own survey results—as high as 65% for some areas²⁷—but the actual implementation of change in those countries went much more smoothly than expected, with little or no disruption.

22 Erin R. Mahan, Office of the Secretary of Defense, *Racial and Gender Integration of the Armed Forces*, August 9, 2010, 5–6.

23 Matthew Cashdollar, "Not Yes or No, But What If: Implications of Open Homosexuality in the Military," in *Attitudes Aren't Free: Thinking Deeply About Diversity in the US Armed Forces*, ed. James Parco and David Levy (Maxwell Air Force Base: Air University Press, 2010), 169.

24 Judith Bellafaire, "America's Military Women—The Journey Continues," accessed November 19, 2010, <http://www.womensmemorial.org/Education/WHM982.html>.

25 Defense Manpower Data Center, *Female Representation in the Active Component - 1980, 1987, & 1990–2009*, Excel spreadsheet.

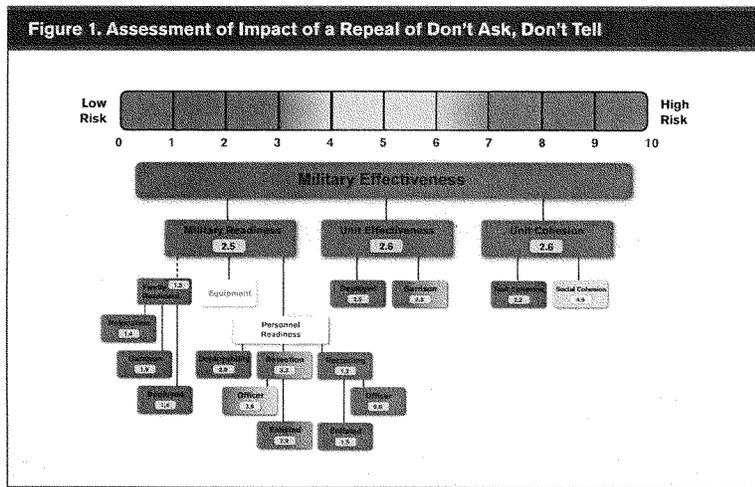
26 OUSD(P&R), e-mail communication to CRWG, November 12, 2010.

27 United Kingdom Ministry of Defence, *Report of the Homosexuality Policy Assessment Team* (United Kingdom: February 1996); G2-8 and Franklin C. Pinch, *Perspective on Organization Change in Canadian Forces*, January 1994, 22.

Likewise, the experience of various municipal and federal agencies is somewhat relevant. These agencies include the CIA, FBI, USAID, and the State Department, who at present have personnel who live and work alongside U.S. military personnel in deployed areas. Reportedly, in those agencies the integration of gay and lesbian personnel did not negatively affect institutional or individual job performance.

Finally, our overall assessment is itself based on a risk assessment conducted by a panel of military and DoD career civilian personnel drawn from across the Services, and included those in combat arms specialties. The panel utilized a standard military decision support process recommended by the J-8 directorate of the Joint Staff. This same process has been used by the Department of Defense to support recent decisions about the new Cyber Command location and authority, and the Afghanistan National Security Force size and mix. Upon reviewing the survey results and other information gathered by the Working Group, the panel members utilized their own professional judgment to assess the risk of a repeal of Don't Ask, Don't Tell to military readiness, unit effectiveness, unit cohesion, recruiting, retention, and family readiness. The results of that exercise are detailed in section XI.

Informed by the panel's determinations, as the co-chairs of the Working Group the two of us then assessed the risk of repeal to overall "military effectiveness" as low. Figure 1 depicts the panel's ratings, plus our own assessment of risk to overall military effectiveness.



In sum, we are convinced the U.S. military can make this change, even during this time of war. However, this assessment is accompanied by, and depends upon, the recommendations provided in section XIII of this report.

Motivating many of our recommendations is the conclusion, based on our numerous engagements with the force, that repeal would work best if it is accompanied by a message and policies that promote fair and equal treatment of all Service members, minimize differences among Service members based on sexual orientation, and disabuse Service members of any notion that, with repeal, gay and lesbian Service members will be afforded some type of special treatment.

Included, also, should be a message to those who are opposed to "open" service on well-founded moral or religious grounds, that their views and beliefs are not rejected, and that leaders have not turned their backs on them. In the event of repeal, we cannot and should not expect individual Service members to change their personal religious or moral beliefs about homosexuality, but we do expect every Service member to treat all others with dignity and respect, consistent with the core values that already exist in each Service. These are not new concepts for the U.S. military, given the wide variety of views, races, and religions that already exist within the force.

Our most significant recommendations are as follows:

Leadership, Training, and Education. Successful implementation of repeal of Don't Ask, Don't Tell will depend upon strong leadership, a clear message, and proactive education. Throughout our review, we heard from a number of senior officers and senior enlisted leaders in all the Services words to the effect of "If the law changes, we can do this; just give us the tools to communicate a clear message." This will require us to equip commanders in the field with the education and training tools to educate the force on what is expected of them in a post repeal environment. In our support plan accompanying this report, we set forth this key implementation message for repeal:

- *Leadership.* The clear message from the Working Group's assessment is "leadership matters most." Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DoD policy to sustain unit effectiveness, readiness, and cohesion.
- *Professionalism.* Leaders must emphasize Service members' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion.
- *Respect.* Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect.

In our view, the starting point for this message should be a written communication from the leaders of the Department of Defense, including the Secretary of Defense and senior military leaders of each Service, that deliver their expectations in clear and forceful terms.

Standards of Conduct. Throughout our engagement with the force, we heard many concerns expressed by Service members about possible inappropriate conduct that might take place in the event of repeal, including unprofessional relationships between Service members; public displays of affection; inappropriate dress and appearance; and acts of violence, harassment, and disrespect. Many of these concerns were about conduct that is already regulated in the military environment, regardless of the sexual orientation of the persons involved, or whether it involves persons of the same sex or the opposite sex. For instance, military standards of conduct—as reflected in the Uniform Code for Military Justice, Service regulations and policies, and unwritten Service customs and traditions—already prohibit fraternization and unprofessional relationships. They also address various forms of harassment and unprofessional behavior, prescribe appropriate dress and appearance, and provide guidelines on public displays of affection.

We believe that it is not necessary to establish an extensive set of new or revised standards of conduct in the event of repeal. Concerns for standards in the event of repeal can be adequately addressed through training and education about how already existing standards of conduct continue to apply to *all* Service members, regardless of sexual orientation, in a post-repeal environment.

We do recommend, however, that the Department of Defense issue guidance that all standards of conduct apply uniformly, without regard to sexual orientation. We also recommend that the Department of Defense direct the Services to review their current standards to ensure that they are sexual-orientation neutral and that they provide adequate guidance to the extent each Service considers appropriate on unprofessional relationships, harassment, public displays of affection, and dress and appearance. Part of the education process should include a reminder to commanders about the tools they already have in hand to punish and remedy inappropriate conduct that may arise in a post-repeal environment.

As a related matter, to address tensions and incidents that may arise between individual Service members in a post-repeal environment, including the Service member who simply refuses to serve alongside a gay person, commanders should be reminded of the enormous latitude and discretion they have, for the sake of unit cohesion, to address any situation concerning Service members who are intolerant or intractable in their behavior toward one another.

Moral and Religious Concerns. In the course of our review, we heard a large number of Service members raise religious and moral objections to homosexuality or to serving alongside someone who is gay. Some feared repeal of Don't Ask, Don't Tell might limit their individual freedom of expression and free exercise of religion, or require them to change their

personal beliefs about the morality of homosexuality. The views expressed to us in these terms cannot be downplayed or dismissed. Special attention should also be given to address the concerns of our community of 3,000 military chaplains. Some of the most intense and sharpest divergence of views about Don't Ask, Don't Tell exists among the chaplain corps. A large number of military chaplains (and their followers) believe that homosexuality is a sin and an abomination, and that they are required by God to condemn it as such.

However, the reality is that in today's U.S. military, people of sharply different moral values and religious convictions—including those who believe that abortion is murder and those who do not, and those who believe Jesus Christ is the Son of God and those who do not—and those who have no religious convictions at all, already co-exist, work, live, and fight together on a daily basis. The other reality is that policies regarding Service members' individual expression and free exercise of religion already exist, and we believe they are adequate. Service members will not be required to change their personal views and religious beliefs; they must, however, continue to respect and serve with others who hold different views and beliefs.

Within the chaplain community, the solution to this issue can be found in the existing guidance developed by and for our chaplains, which we believe should be reiterated as part of any education and training concerning repeal. Those regulations strike an appropriate balance between protecting a chaplain's First Amendment freedoms and a chaplain's duty to care for all. Existing regulations state that chaplains "will not be required to perform a religious role...in worship services, command ceremonies, or other events, if doing so would be in variance with the tenets or practices of their faith."²⁸ At the same time, regulations state that "Chaplains care for all Service members, including those who claim no religious faith, facilitate the religious requirements of personnel of all faiths, provide faith-specific ministries, and advise the command."²⁹

Privacy and Cohabitation. In the course of our review we heard from a very large number of Service members about their discomfort with sharing bathroom facilities or living quarters with those they know to be gay or lesbian. Some went so far to suggest that a repeal of Don't Ask, Don't Tell may even require separate bathroom and shower facilities for gay men and lesbians. We disagree, and recommend against separate facilities. Though many regard the very discussion of this topic as offensive, given the number of Service members who raised it, we are obliged to address it.

The creation of a third and possibly fourth category of bathroom facilities and living quarters, whether at bases or forward deployed areas, would be a logistical nightmare, expensive, and impossible to administer. And, even if it could be achieved and administered, separate facilities would, in our view, stigmatize gay and lesbian Service members in a manner reminiscent of "separate but equal" facilities for blacks prior to the 1960s. Accordingly,

²⁸ Department of the Army, AR 165-1, *Army Chaplain Corps Activities*, December 3, 2009, 12.

²⁹ Department of the Navy, SECNAVINST 1730.7D, *Religious Ministry within the Department of the Navy*, August 8, 2008, 5.

we recommend that the Department of Defense expressly prohibit berthing or billeting assignments or the designation of bathroom facilities based on sexual orientation. At the same time, commanders would retain the authority they currently have to alter berthing or billeting assignments or accommodate privacy concerns on an individualized, case-by-case basis, in the interests of morale, good order and discipline, and consistent with performance of mission.³⁰ It should also be recognized that commanders already have the tools—from counseling, to non-judicial punishment, to UCMJ prosecution—to deal with misbehavior in either living quarters or showers, whether the person who engages in the misconduct is gay or straight.

Most concerns we heard about showers and bathrooms were based on stereotype—that gay men and lesbians will behave as predators in these situations, or that permitting homosexual and heterosexual people of the same sex to shower together is tantamount to allowing men and women to shower together. However, common sense tells us that a situation in which people of different anatomy shower together is different from a situation in which people of the same anatomy but different sexual orientations shower together. The former is uncommon and unacceptable to almost everyone in this country; the latter is a situation most in the military have already experienced. Indeed, the survey results indicate 50% of Service members recognize they have already had the experience of sharing bathroom facilities with someone they believed to be gay.³¹ This is also a situation resembling what now exists in hundreds of thousands of college dorms, college and high school gyms, professional sports locker rooms, police and fire stations, and athletic clubs around the nation. And, as one gay former Service member told us, to fit in, co-exist, and conform to social norms, gay men have learned to avoid making heterosexuals feel uncomfortable or threatened in these situations.³²

Equal Opportunity. We recommend that, in a post-repeal environment, gay and lesbian Service members be treated under the same general principles of military equal opportunity policy that apply to all Service members. Under the Military Equal Opportunity program, it is DoD policy to “[p]romote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level or responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability.”³³ This policy goes hand-in-hand with Service-level policies and basic military values that call for treating every military member with dignity and respect.

We do *not* recommend that sexual orientation be placed alongside race, color, religion, sex, and national origin, as a class eligible for various diversity programs, tracking initiatives, and complaint resolution processes under the Military Equal Opportunity Program. We

³⁰ Each Service has directives on command authority, for example: Department of the Air Force, AF1 51-604, *Assumption of Command*, April 4, 2006; Department of the Army, AR 600-20, *Army Command Policy*, April 27, 2010.

³¹ See Appendix C, Question 87.

³² Retired Service member, communication to CRWG Co-Chair, May 10, 2010.

³³ Department of Defense, DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, August 18, 1995, 2-3; Department of Defense, DoDD 1020.2, *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, February 5, 2009, 4.

believe that doing so could produce a sense, rightly or wrongly, that gay men and lesbians are being elevated to a special status as a “protected class” and will receive special treatment. In a new environment in which gay and lesbian Service members can be open about their sexual orientation, we believe they will be accepted more readily if the military community understands that they are simply being permitted equal footing with everyone else.

In the event of repeal of Don’t Ask, Don’t Tell, the Department of Defense should make clear that sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making. Gay and lesbian Service members, like all Service members, would be evaluated only on individual merit, fitness, and capability. Likewise, the Department of Defense should make clear that harassment or abuse based on sexual orientation is unacceptable and that all Service members are to treat one another with dignity and respect regardless of sexual orientation. Complaints regarding discrimination, harassment, or abuse based on sexual orientation can be dealt with through existing mechanisms—primarily the chain of command—available for complaints not involving race, color, sex, religion, or national origin.

Benefits. As part of this review, we considered appropriate changes, in the event of repeal, to benefits to be accorded to same-sex partners and families of gay Service members. This issue is itself large and complex, and implicates the ongoing national political and legal debate regarding same-sex relationships.

Members of the U.S. military are eligible for and receive a wide array of benefits and support resources, both for themselves and their families. A reality is that, given current law, particularly the Defense of Marriage Act, there are a number of those benefits that cannot legally be extended to gay and lesbian Service members and their same-sex partners, even if they are lawfully married in a state that permits same-sex marriage. An example of this is the Basic Allowance for Housing at the “with-dependent rate.” The “with-dependent” rate is limited by statute to Service members with “dependents.”³⁴ The word “dependent” is also defined by statute and is limited to the Service member’s “spouse” or dependent parents, unmarried children, or certain others under the age of 23 who are placed in the legal custody of the Service member.³⁵ And, the Defense of Marriage Act limits the definition of the word “spouse” to mean “only a person of the opposite sex who is a husband or wife.”³⁶

However, there are some benefits that are now, under current law and regulations, fully available to anyone of a Service member’s choosing, including a same-sex partner, because they are “member-designated” benefits. Examples here are beneficiaries for Servicemembers’ Group Life Insurance and Thrift Savings Plan, missing member notification, and hospital visitation access. If Don’t Ask, Don’t Tell is repealed, Service members may designate a same-sex partner for these benefits without then having to conceal the nature of the relationship from the military. In the event of repeal, the Department of Defense and

³⁴ 37 U.S.C. § 401.

³⁵ 37 U.S.C. § 401.

³⁶ 1 U.S.C. § 7.

the Services should inform Service members about these types of benefits so that they can take advantage of them for their committed same-sex partners should they desire to do so.

A third category of benefits are those that are not statutorily prohibited, but that current regulations do not extend to same-sex partners. With regard to this category, the Department of Defense and the Services have the regulatory flexibility to revise and redefine the eligible beneficiaries to include same-sex partners. Here, we recommend that, where justified from a policy, fiscal, and feasibility standpoint, the benefit be refashioned to become a member-designated one—in other words, to give the Service member, gay or straight, the discretion to designate whomever he or she wants as beneficiary. An example of a benefit in this category is the provision of free legal services by a military legal assistance office, and it may be suitable for this member-designated approach. Military family housing is another prominent benefit in this category. However, we do *not* recommend at this time that military family housing be included in the benefits eligible for this member-designated approach. Permitting a Service member to qualify for military family housing, simply by designating whomever he or she chooses as a “dependent,” is problematic. Military family housing is a limited resource and complicated to administer, and a system of member designation would create occasions for abuse and unfairness.³⁷

Also, we are *not*, at this time, recommending that the Department of Defense or the Services revise their regulations to specifically add same-sex committed relationships to the definition of “dependent,” “family members,” or other similar terms in those regulations, for purposes of extending benefits eligibility. We are convinced that, to create an environment in which gay and lesbian Service members can win quick and easy acceptance within the military community, repeal must be understood as an effort to achieve equal treatment for all. If, simultaneous with repeal, the Department of Defense creates a new category of unmarried dependent or family member reserved only for same-sex relationships, the Department of Defense itself would be creating a new inequity—between unmarried, committed same-sex couples and unmarried, committed opposite-sex couples. This new inequity, or the perception of it, runs counter to the military ethic of fair and equal treatment, and resentment at perceived inequities runs deep in military families.

We recommend that the particular issue of a “qualifying relationship” status for couples not in a Federally-recognized marriage be revisited as part of a follow-on review of the implementation of a repeal of Don’t Ask, Don’t Tell. This will permit the Department of Defense to revisit and reassess the issue as implementation of repeal is underway. It is also in recognition that the national debate on same-sex marriage and partner benefits is ongoing, and that the judicial and legislative landscape on this issue is in a state of flux.

³⁷ Current Service policies state that non-dependents are not allowed to reside in military family housing. We do not recommend any changes to those policies, other than to state that any exception to policy to allow a non-dependent to reside in military family housing, be administered without regard to sexual orientation.

Re-accession. In the event of repeal, we recommend that Service members who have been previously separated under Don't Ask, Don't Tell be permitted to apply for reentry into the military, pursuant to the same criteria as others who seek reentry. The fact that their separation was for homosexual conduct would not be considered as part of the Service member's application for re-accession. For example, a Service member separated under Don't Ask, Don't Tell who received an honorable discharge would be evaluated for re-accession under the same criteria that other Service members who had received honorable discharges would be. Further, consistent with the practice for other Service members who apply for re-accession, we recommend that the Service member who applies for re-accession after having been separated under Don't Ask, Don't Tell not be given any type of credit for the time out of service, subject to any actions a board for the correction of military records may, in its discretion, take.

UCMJ. We support the pre-existing proposals to repeal Article 125 of the Uniform Code of Military Justice and remove private consensual sodomy between adults as a criminal offense. This change in law is warranted irrespective of whether Don't Ask, Don't Tell is repealed, to resolve any constitutional concerns about the provision in light of *Lawrence v. Texas*³⁸ and *United States v. Marcum*.³⁹ We also support revising offenses involving sexual conduct or inappropriate relationships to ensure sexual orientation neutral application, consistent with the recommendations of this report. For example, the offense of adultery defined in the *Manual for Courts-Martial* should be revised to apply equally to heterosexual and homosexual sex that is engaged in by or with a married person.

Follow-on Review. Finally, we recommend that one year after any repeal of Don't Ask, Don't Tell has been in effect, the Department of Defense conduct a follow-on review to monitor the implementation of repeal and to determine the adequacy of the recommended actions that are adopted. This should include a reassessment of the same-sex partner benefits issues referred to earlier.

We are confident in the assessment and recommendations summarized above and detailed in the pages that follow. As stated before, this may have been the most comprehensive and inclusive personnel-related review in the history of the U.S. military. We both personally spent many long hours on this project. Our work was supported by a team of highly-dedicated civilian and military personnel, many of whom are experts in the area of military personnel matters.

Two final points should be made about our mission. In the course of our review, many asked us if the stated positions of the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff in support of repeal in some way influenced, prejudiced, or constrained our review and assessment. This was not the case. The views expressed by

³⁸ 539 US 558 (2003).

³⁹ 60 M.J. 198 (C.A.A.F. 2004).

Service members and their families in information exchange forums and other engagements were civil and professional, but always frank and diverse and reflected strongly held views both for and against changing the law and policy, without regard to the views expressed by our national leaders.

Next, our mandate was to assess the impact of repeal of Don't Ask, Don't Tell, and how best to implement repeal should it occur; we were not asked to determine *whether* the Don't Ask, Don't Tell law and policy *should* be repealed. However, our engagement of the force was wide-ranging enough that we did answer the question of *whether* the U.S. military *can* implement repeal of Don't Ask, Don't Tell. To be clear, the Service member survey did not ask the broad question whether Don't Ask, Don't Tell should be repealed. This would, in effect, have been a referendum, and it is not the Department of Defense's practice to make military policy decisions by a referendum of Service members. But, among the 103 questions in the Service member survey and the 44 questions in the spouse survey were numerous opportunities to express, in one way or another, support for or opposition to repeal of the current policy. Among the 72,000 online inbox submissions were numerous expressions both for and against the current policy. If the impact of repeal was predominately negative, that would have revealed itself in the course of our review.

Further, as co-chairs, we believe we are both personally required to report our honest and candid assessments to the Secretary—either as the solemn duty of a military officer to his civilian leadership, or because of the fiduciary obligation a lawyer owes his client. Thus, if our assessment was that the risk to military effectiveness of implementing repeal was unacceptable, we both would have been obligated to report that to the Secretary.

We are both convinced that our military can do this, even during this time of war. We do not underestimate the challenges in implementing a change in the law, but neither should we underestimate the ability of our extraordinarily dedicated Service men and women to adapt to such change and continue to provide our Nation with the military capability to accomplish any mission.



Carter F. Ham
General, United States Army



Jeh Charles Johnson
General Counsel, Department of Defense

II BACKGROUND

Law and Regulations

Section 654 of Title 10 of the United States Code, commonly known as the Don't Ask, Don't Tell law, was enacted by Congress and signed into law by President Bill Clinton in 1993, following a protracted and high-profile political debate through much of that year concerning homosexuality in the U.S. military.⁴⁰

The law, formally titled "Policy concerning homosexuality in the armed forces," states that a member of the armed forces "shall be separated from the armed forces" if it is found that he or she:

1. "has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts," unless the member demonstrates, among other things, that "such conduct is a departure from the member's usual and customary behavior" and "under all the circumstances, is unlikely to recur";
2. "has stated that he or she is a homosexual or bisexual, or words to that effect," unless the member demonstrates that "he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts"; or
3. "has married or attempted to marry a person known to be of the same biological sex."

This law is implemented by the Department of Defense through DoD Instruction 1332.14, *Enlisted Administrative Separations*;⁴¹ DoD Instruction 1332.30, *Officer Separations*;⁴² and DoD Instruction 1304.26, *Qualification Standards for Enlistment, Appointment, and Induction*.⁴³

⁴⁰ The historical account in this Law and Regulations subsection is drawn in large part from the 1993 study by RAND and its 2010 update. (RAND, *Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment*, Santa Monica, CA: National Defense Research Institution, 1993; RAND, 2010.)

⁴¹ Department of Defense, DoDD 1332.14, *Enlisted Administrative Separations*, December 21, 1993.

⁴² Department of Defense, DoDD 1332.30, *Separation of Regular Commissioned Officers*, December 21, 1993.

⁴³ Department of Defense, DoDD 1304.26, *Qualification Standards for Enlistment, Appointment, and Induction*, December 21, 1993.

In short, the Don't Ask, Don't Tell law and policy set forth three forms of homosexual conduct that require separation of a Service member: acts, statements, or marriage.

The phrase "Don't Ask, Don't Tell" comes from two aspects of the law and policy. First, under DoD policy, sexual orientation is considered to be a "a personal and private matter" and Service members and military recruits are not asked to reveal their sexual orientation ("Don't Ask"). Second, under both the law and policy, a statement by a Service member that he or she is gay is—in addition to homosexual acts and marriage—grounds for separation ("Don't Tell").

Prior to 1993, there was no Congressional statute that expressly regulated homosexuality in the U.S. military; homosexuality in the military was regulated and restricted through a combination of sodomy prohibitions in military law and military personnel regulations. These restrictions were not formalized until the early 20th century. The first such provision was Article 93 of the Articles of War, enacted in 1917, which prohibited sodomy.⁴⁴ Throughout the World War I and II periods, Article 93 was the principal vehicle by which the military discharged homosexual men and women from service.

After World War II, in October 1949, the Department of Defense issued a memorandum that standardized policy across Services. This policy stated that "homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Services in any capacity, and prompt separation of known homosexuals from the Armed Forces be made mandatory."⁴⁵ That memorandum was followed in 1953 by Executive Order 10450, which declared "sexual perversion" to be cause for dismissal from Federal jobs⁴⁶ and resulted in a significant increase in the annual number of discharges for homosexuality relative to the size of the force.⁴⁷ In 1959, the Department of Defense issued Directive 1332.14, *Administrative Discharges*, that listed homosexual acts and sodomy as "sexual perversion" and, therefore, reason for discharge from military service.⁴⁸ The language of the directive was later altered in 1975 to describe "homosexual acts or other aberrant sexual tendencies" as grounds for dismissal.⁴⁹

Inconsistent application of this policy among the Services led, in 1981, to the issuance of a new memorandum by Deputy Secretary of Defense W. Graham Clayton, Jr. which made discharge mandatory for openly gay or lesbian personnel, and minimizing opportunities for retention.⁵⁰ Among the rationales for the policy of mandatory separation was to provide the Department of Defense with the most legal protection against lawsuits filed by Service members discharged for homosexuality. Subsequently, the revised directives stated that

⁴⁴ RAND, 1993, 4.

⁴⁵ RAND, 1993, 6; RAND, 2010, 37–39.

⁴⁶ RAND, 1993, 6; RAND, 2010, 37–39.

⁴⁷ RAND, 1993, 6–7; RAND, 2010, 37–39.

⁴⁸ RAND, 1993, 7; RAND, 2010, 37–39.

⁴⁹ RAND, 1993, 7; RAND, 2010, 37–39.

⁵⁰ Deputy Secretary of Defense, Memorandum regarding homosexuality and military service, January 16, 1981; DoDD 1332.14; DoDD 1332.30.

homosexuality is “incompatible with military service,” as the presence of homosexual personnel would “seriously [impair] the accomplishment of the military mission.”⁵¹ This marks a shift in the justification used for the discharge of gay and lesbian Service member from one based on physical or mental unfitness to serve to one based on negative impacts on mission accomplishment.

Under the 1982 directive the following were grounds for separation: 1) a statement that one was gay; 2) engaging or attempting to engage in homosexual acts; 3) marriage to a person of the same-sex. These are the same three basic elements for separation under today’s Don’t Ask, Don’t Tell law and policy.

On January 29, 1993, President Clinton directed Secretary of Defense Les Aspin to develop a draft executive order that would end discrimination due to sexual orientation in determining who may serve in the U. S. military. On April 5, 1993, Secretary Aspin formed a Military Working Group to develop and assess policy options to meet the President’s requirement.⁵² The Military Working Group was composed of a general or flag officer from each Service and a support staff of approximately 50 officers, enlisted personnel, and civilian employees. The Military Working Group met with Service members as well as with civilian experts on the military; it also examined the experiences of foreign militaries, reviewed available research reports, and military separations data from the Services.⁵³

The 1993 Military Working Group concluded that homosexuality remained inconsistent with military service, and that the presence in the military of individuals identified as homosexuals would have a significantly adverse effect on both the readiness of the force and unit cohesion.⁵⁴

In parallel with the Military Working Group’s study, the Department of Defense contracted RAND to conduct a separate study on the topic to provide “information and analysis required to structure the issues and...[develop] an analytic framework to evaluation a range of implementation alternatives.” RAND collected historical information on racial and gender integration in the U.S. military, identified and interviewed civilian and military personnel from foreign nations that accepted gays and lesbians into military service or anticipated doing so, collected information on public safety organizations within the United States regarding their acceptance of gays and lesbians into their ranks, examined the academic research from social and behavioral science regarding the issue, and analyzed the then-current policy and possible alternatives. RAND’s report concluded that sexual orientation, by itself, was “not germane” to military service and recommended clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. RAND recommended a military policy that focused on

51 DoDD 1332.14, 1-9.

52 Department of Defense, *Summary Report of the Military Working Group*, July 1, 1993, 1.

53 DoD, *Summary*, 3.

54 DoD, *Summary*, 11.

actual conduct, not behavior presumed because of sexual orientation, and that the military hold all Service members to the same standard of conduct.⁵⁵

Meanwhile, President Clinton's directive and the studies undertaken by the Military Working Group and RAND sparked a political debate and congressional interest in the subject of homosexuality in the military. The Senate and House Armed Services Committees held hearings on the subject, and called to testify a number of active duty and retired senior military officers, academic researchers, and individuals from interested organizations. Many of those who testified—most prominent among them General Colin Powell, then Chairman of the Joint Chiefs of Staff—expressed opposition to lifting the ban on gays and lesbians in the military.

In the midst of the reviews and the political debate, the Clinton Administration announced its position on the issue—referred to as “Don't Ask, Don't Tell, Don't Pursue.” This approach would have ended the practice of directly questioning recruits about their sexual orientation (“Don't Ask”), would have required gay and lesbian personnel to keep their sexual orientation private (“Don't Tell”), and would have, at least in concept, prevented investigations from being started on an arbitrary basis (“Don't Pursue”).

Ultimately, after hearings and extensive debate, Congress enacted into law much of the Administration's proposal, albeit without the “Don't Pursue” component, as part of the 1994 National Defense Authorization Act. The new law was codified at Section 654 of Title 10 of the United States Code.

Central to the Don't Ask, Don't Tell law were fifteen policy findings by Congress, made after numerous hearings and testimony, and which were similar in large part to the findings and recommendations of the 1993 Military Working Group. These findings noted the importance of high morale, good order and discipline, and unit cohesion to success in combat, the fact that “military life is fundamentally different than civilian life,” and that it is often necessary of military members “involuntarily to accept living conditions and working conditions that are often Spartan, primitive, and characterized by forced intimacy with little or no privacy.” The findings concluded that “[t]he prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service” and “[t]he presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”⁵⁶

The Department of Defense implemented the Don't Ask, Don't Tell law by incorporating provisions regarding homosexual conduct into the DoD regulations covering separations

⁵⁵ RAND, 1993, xxiv.

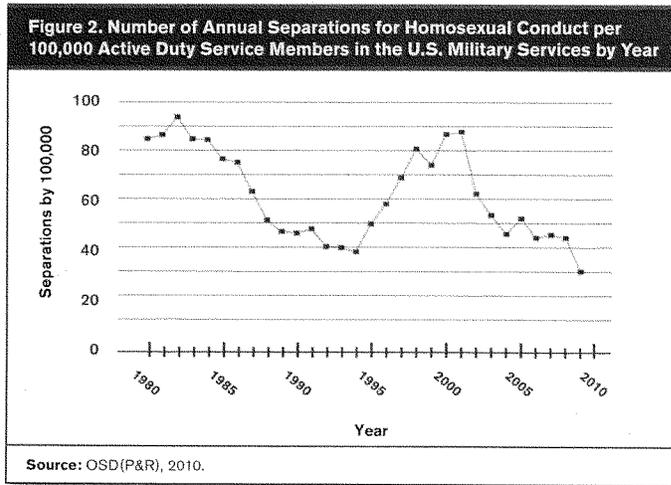
⁵⁶ 10 U.S.C. § 654.

and accessions.⁵⁷ Based on these DoD regulations, the military departments each issued their own implementing regulations.⁵⁸

Separations

Since 1980, over 32,000 active duty Service members have been separated on the basis of homosexuality or homosexual conduct under Don't Ask, Don't Tell and its predecessor policies; of these more than 13,000 occurred since the law was enacted.⁵⁹

During the early 1980s the number of Service members separated each year for homosexuality was approximately 1,700. This number dropped to approximately 900–1,000 per year between 1987 and 1992. After Don't Ask, Don't Tell was enacted, an average of approximately 700–800 Service members were separated from the military on the basis of homosexual conduct. In the years 1997–2001, separations increased to approximately 1,100 year.⁶⁰



57 DoDD 1332.14; DoDD 1332.30.

58 Department of the Army, AR 635-200, *Active Duty Enlisted Administrative Separations*, June 6, 2005, 104; Department of the Navy, NAVPERS 15560D, *Navy Military Personnel Manual*, May 15, 2009, sec. 1910-148; Department of the Air Force, AFI 36-3208, *Administrative Separation of Airmen*, July 9, 2004, 86; Department of the Navy, MCO P1900.16F Ch 2, *Marine Corps Separation and Retirement Manual*, June 6, 2007, 1-6.

59 OSD(P&R), Spreadsheet of numbers of annual separations for Homosexual conduct, 2010.

60 OSD(P&R), 2010.

Since Don't Ask, Don't Tell has been in place, approximately 85% of discharges for homosexual conduct have been made on the basis of statements by the Service member, while approximately 15% were on the basis of homosexual acts.⁶¹ Further, 69% of homosexual conduct discharges under Don't Ask, Don't Tell were of male Service members.⁶² Also, the vast majority—nearly 99%—of separations under Don't Ask, Don't Tell have been of enlisted personnel, who make up roughly 84% of the active force.⁶³ Approximately one quarter of these discharges have occurred in the first four months of a Service member's service.⁶⁴

While the over 13,000 active duty Service members discharged under Don't Ask, Don't Tell is itself a substantial number, these discharges constitute a very small portion of the overall number of discharges from the military. Since 2005 the number of discharges for homosexual conduct is just under 1% of all involuntary discharges, which include, for example, discharges for misconduct, medical disqualification, hardship, and indiscipline.⁶⁵ Overall, homosexual conduct discharges represent approximately one third of one percent (0.33%) of all separations, voluntary and involuntary, from the military.⁶⁶

Attitudes of the American Public

Since Don't Ask, Don't Tell was enacted in 1993, a number of public opinion polls reveal shifting public sentiment toward gay men and lesbians in the U.S. military. These polls, and the attitudes they reflect, are of limited relevance for our review but are noted here as they reflect the changing views of society at large—which includes both current and potential future Service members, military families, and others who may influence Service members' views and attitudes.

In the early 1990s, polls by major national polling and news organizations consistently indicated that 50–60% of the American public supported allowing gay men and lesbians to serve in the military, and around 40% supported allowing gay men and lesbians to serve openly. In the years since, polls indicated that public opinion has shifted toward greater support of open military service by gay men and lesbians, as reflected in Figure 3 below. It is significant to note the difference in the level of support for allowing gays and lesbians to serve versus allowing them to serve “openly.”

⁶¹ OSD(P&R), 2010.

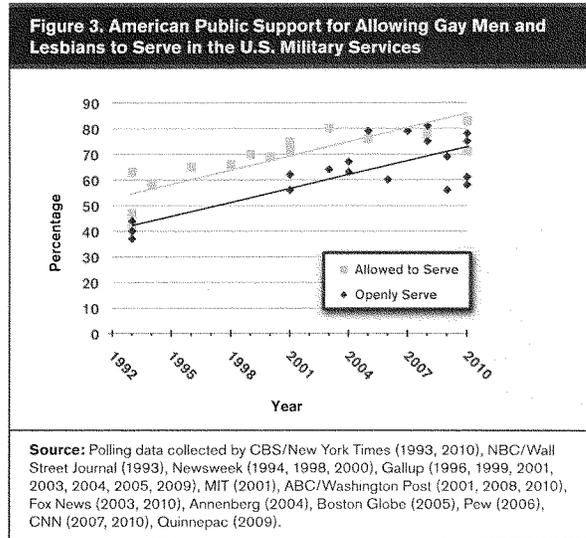
⁶² OSD(P&R), 2010.

⁶³ OSD(P&R), 2010.

⁶⁴ OSD(P&R), 2010.

⁶⁵ OSD(P&R), 2010.

⁶⁶ OSD(P&R), 2010.



Attitudes of the American Military

Authoritative data on Service members' opinions on whether gays and lesbians should be allowed to serve openly in the military is limited. While several organizations have polled military personnel, these polls tend to lack the methodological rigor of many of the public opinion polls described above. These polls of Service members, limited as they are, show the same general trend over time toward greater support for open service by gay men and lesbians.⁶⁷ However, the trend lags behind the acceptance of open service found in the public at large.

Because of their various limitations, the Working Group has not relied on these polls; nor has the Working Group conducted its own poll of whether Service members think Don't Ask, Don't Tell should be repealed. As stated before, it was not our mission to conduct such a referendum of Service members.

⁶⁷ Polls include Annenberg Public Policy Center, *National Annenberg Election Survey*, Washington, October 2004; Zogby International and Sam Rodgers, *Opinions of Military Personnel on Gays in the Military*, New York, December 2006, 5-7.

Litigation

The Supreme Court has never ruled on the constitutionality of Don't Ask, Don't Tell. However, lower Federal appellate courts have, until recently, consistently upheld the law in the face of constitutional challenges. Plaintiffs in these cases have brought a variety of constitutional challenges to Don't Ask, Don't Tell, including free speech arguments under the First Amendment, and equal protection and substantive due process arguments under the Fifth Amendment.

In evaluating these challenges, the courts until recently have by and large reviewed Don't Ask, Don't Tell under a "rational basis" legal standard, which is the most deferential standard of judicial review. In practice, application of the rational basis standard means that a court will almost always find a law to be constitutional. The courts have also shown substantial deference to the judgments of Congress and the Executive, which they traditionally do in matters involving military affairs. In upholding the constitutionality of Don't Ask, Don't Tell, the courts have relied on the findings made by Congress in 1993, which came after many hearings and much congressional testimony and were codified in the Don't Ask, Don't Tell statute itself.

These early Don't Ask, Don't Tell cases were decided against a backdrop of the Supreme Court's 1986 decision in *Bowers v. Hardwick*.⁶⁸ In that case, the Supreme Court found that there was no fundamental right to engage in consensual, homosexual sodomy.

Seventeen years later, however, in the case *Lawrence v. Texas*,⁶⁹ the Supreme Court overturned *Bowers*. In *Lawrence*, the Court found a Texas law that criminalized homosexual sodomy to be unconstitutional, and ruled that consenting adults have a protected liberty interest to engage in private, consensual sexual intimacy. The Court explicitly rejected *Bowers*, declaring "*Bowers* was not correct when it was decided, and it is not correct today. It ought not to remain binding precedent. *Bowers v. Hardwick* should be and now is overruled."

Lawrence has had an impact on lower court constitutional challenges to Don't Ask, Don't Tell. Since *Lawrence*, two Federal appellate courts—the U.S. Court of Appeals for the Ninth Circuit, in the case *Witt v. Department of the Air Force*,⁷⁰ and the U.S. Court of Appeals for the First Circuit, in the case *Cook v. Gates*⁷¹—have held that the deferential "rational basis" standard of review is no longer appropriate and have required the government to defend Don't Ask, Don't Tell under a heightened level of constitutional scrutiny. However, these two courts came to different conclusions about the constitutionality of Don't Ask, Don't Tell.

⁶⁸ 478 U.S. 186 (1986).

⁶⁹ 539 U.S. 558 (2003).

⁷⁰ 527 F.3d 806 (9th Cir. 2008).

⁷¹ 528 F.3d 42 (1st Cir. 2008).

In the First Circuit decision, the government still prevailed: the court held that although Don't Ask, Don't Tell should be subject to heightened scrutiny, it concluded that the law met this standard, by deferring to the findings made by Congress in 1993. In the *Witt* case, however, the Ninth Circuit decided that it must look at the particular facts of each individual case to determine if the application of Don't Ask, Don't Tell to that Service member was constitutional. The court therefore required the government to demonstrate that Major Witt's discharge under Don't Ask, Don't Tell "significantly further[s]" an "important governmental interest," such as military readiness or unit cohesion, and that her discharge was "necessary to further that interest."⁷² The court remanded the case to the district court to evaluate the specific facts of Major Witt's separation against this new, higher standard of review.

Following a 6-day trial in September 2010, the district court held that the government had not met this higher standard and ordered Major Witt to be re-instated in the Air Force, subject to meeting applicable re-entry requirements. As of this writing, the government has appealed the trial court's ruling, and the appeal is pending review by the Ninth Circuit.

Earlier that same month, on September 9, 2010, another Federal district court in California, following an 8-day bench trial, declared Don't Ask, Don't Tell to be unconstitutional in its entirety, in the case *Log Cabin Republicans v. Gates*.⁷³ This case differed in an important way from the *Witt* case in that the court reviewed the Don't Ask, Don't Tell law and policy as applied to everyone, not just the particular plaintiff. The district court held that Don't Ask, Don't Tell violates Service members' substantive due process rights under the Fifth Amendment, as well their free speech rights under the First Amendment. Applying the *Witt* heightened scrutiny standard, the district court ruled that the government had failed to show that Don't Ask, Don't Tell significantly furthers the government's interest in military readiness or unit cohesion. The district court also ruled that Don't Ask, Don't Tell places restrictions on speech that are broader than are reasonably necessary. Consequently, the district court held that the law and policy are unconstitutional.

On October 12, in that same case, the district court issued a worldwide injunction that immediately prohibited enforcement of the Don't Ask, Don't Tell law and policy. The decision and injunction were appealed by the government, and on October 20 the Court of Appeals for the Ninth Circuit stayed the injunction pending the appeal. As of this writing, the appeal before the Ninth Circuit is still pending.

Pending Legislation

In his State of the Union address in January of this year, President Obama declared that Don't Ask, Don't Tell "denies gay Americans the right to serve the country they love

⁷² *Id.* at 819.

⁷³ Memorandum Opinion, *Log Cabin Republicans v. Gates*, Case No. CV 04-08425-VAP (C.D. Cal., September 9, 2010).

because of who they are," and he stated his intention to work with the military and Congress to repeal the law.⁷⁴

The following week, on February 2, 2010, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff both testified before the Senate Armed Service Committee in support of repeal of Don't Ask, Don't Tell.⁷⁵ At the same time, Secretary Gates announced his intent to appoint this Working Group. The Working Group was officially established one month later, on March 2, and the Secretary directed that the Working Group submit a report of its assessment and recommendations to him by December 1, 2010.⁷⁶

In May 2010, well before this report was completed, efforts in Congress to repeal the Don't Ask, Don't Tell law gained momentum, and a repeal provision was added to the National Defense Authorization Act (NDAA) for Fiscal Year 2011 in both the House and Senate. On May 27, the House agreed to an amendment to the NDAA (H.R. 5136) to repeal Don't Ask, Don't Tell, and the NDAA, with the amendment, passed the full House on May 28. That same day, the Senate Armed Services Committee added the identical repeal language to its version of the NDAA (S. 3454). Efforts on the Senate floor in September 2010 to pass the NDAA did not yield a vote, and as of this writing, the full Senate has not passed the NDAA for FY 2011.

The repeal provision contained within both the House of Representatives and Senate Armed Services Committee versions of the NDAA would work as follows: once the law is enacted, repeal of 10 U.S.C. § 654 would be effective only after the President, the Secretary of Defense, and the Chairman of the Joint Chiefs deliver to Congress a certification that: 1) they have considered this report and recommendations; 2) the Department of Defense has prepared the necessary post-repeal policies and regulations; and 3) the implementation of those policies and regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Once the certification is delivered, repeal of 10 U.S.C. § 654 becomes effective 60 days later.⁷⁷

Again, as of this writing, the full Senate has not passed S. 3454, and the FY2011 NDAA containing the repeal provision has not become law.

⁷⁴ Office of the Press Secretary, The White House, *Remarks by the President in the State of the Union Address*, January 27, 2010, accessed November 20, 2010, <http://www.whitehouse.gov/the-press-office/remarks-president-state-union-address>.

⁷⁵ Senate Committee on Armed Services, *Department of Defense Authorization for Appropriations for Fiscal Year 2011, and to Receive Testimony Relating to the "Don't Ask, Don't Tell" Policy*, 111th Cong. 2d Sess., 2010.

⁷⁶ See Appendix A, "Memorandum and Terms of Reference."

⁷⁷ House, *National Defense Authorization Act for Fiscal Year 2011*, 111th Cong., 2d Sess., H.R. 5136; Senate, *National Defense Authorization Act for Fiscal Year 2011*, 111th Cong. 2d Sess., S. 3454.

III OUR MISSION

On February 2, 2010, in testimony before the Senate Armed Service Committee, Secretary of Defense Robert Gates announced his intent to appoint this Comprehensive Review Working Group from within the Department of Defense to, as he put it, undertake a "review of the issues associated with properly implementing a repeal of the 'Don't Ask, Don't Tell' policy."⁷⁸ Our mandate from the Secretary was to "thoroughly, objectively and methodically examine all aspects of this question."⁷⁹

The Working Group was established on March 2, 2010. The Terms of Reference issued to us by the Secretary were to:

1. Determine any impacts on military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness and recommend any actions that should be taken in light of such impacts.
2. Determine leadership, guidance, and training on standards of conduct and new policies.
3. Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.
4. Recommend appropriate changes (if any) to the Uniform Code of Military Justice.
5. Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of this review.
6. Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.
7. Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654.

The Secretary directed that we deliver the report with our assessment and recommendations, as well as a plan of action to support implementation of repeal, by December 1, 2010.

⁷⁸ Senate Committee on Armed Services, *Department of Defense Authorization for Appropriations for Fiscal Year 2011, and to Receive Testimony Relating to the "Don't Ask, Don't Tell" Policy*, 111th Cong. 2d Sess., 2010, 56.

⁷⁹ See Appendix A.

Underlying our nine-month assignment were two guiding principles. First, our review was to be wide-ranging and comprehensive, and include "active outreach" across the force. We were directed to "systematically engage" the force at all levels, which necessarily encompassed the large surveys of Service members and spouses, the numerous large-group information exchange forums, the smaller focus group sessions, the online inbox, and the confidential communication mechanism.

In addition, we were directed to solicit the views of military families as part of the review, because of the influence families play on a Service member's decision to join, stay in, or leave the force.

Second, both the Secretary and we were mindful that Don't Ask, Don't Tell is, to many, an emotional, divisive, and political issue, and he directed us to conduct our review in a "professional, thorough and dispassionate manner," and to "minimize disruption and polarization within the ranks." In accordance with that, at the outset of our review, we directed Working Group members to leave their personal views about Don't Ask, Don't Tell at the door, and we abided by the same principle ourselves. In the course of our work, we studiously avoided soliciting Working Group members' personal views about the issue.

IV OUR WORKING GROUP

The Working Group was composed of military and civilian personnel from across the Department of Defense and the Military Services. Of the 68 individuals associated with the Working Group, 49 were military, both officer and enlisted, and 19 were civilian personnel.⁸⁰

Air Force Major General Gregory Biscone served as the Working Group's chief of staff and coordinated its efforts.

In addition, because an overwhelming majority of separations under Don't Ask, Don't Tell occurred among the enlisted force, we ensured that the Working Group consisted of a number of enlisted personnel, with Navy Fleet Master Chief Scott Benning serving as the senior enlisted advisor to the Working Group.

A majority of the Working Group's members were assigned to four teams, each led jointly by a senior DoD civilian and a two- or three-star general or flag officer.

Survey Team. Led by Lieutenant General Richard Newton, Air Force Deputy Chief of Staff for Manpower and Personnel, and Mr. Karl Schneider, Principal Deputy Assistant Secretary of the Army for Manpower & Reserve Affairs, this team oversaw the Working Group's engagement of the force, including surveys of Service members and military spouses, the online inbox, and the confidential communication mechanism, and served as our primary interface with RAND.

Legislative, Regulatory, and Legal Team. Led by Mr. Paul Oostburg Sanz, General Counsel of the Navy and Major General Steve Lepper, Deputy Judge Advocate General of the Air Force, this team provided analysis of the various laws, policies, and regulations addressing homosexual conduct and status in the military and civilian life, and provided recommendations for changes to Federal law, the Uniform Code of Military Justice, and certain regulations should Don't Ask, Don't Tell be repealed. This team also monitored and evaluated the legislation pending in Congress to repeal Don't Ask, Don't Tell and the ongoing litigation involving the issue.

Policy Team. Led by Mr. Daniel B. Ginsberg, Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Vice Admiral Mark Ferguson, Chief of Naval Personnel, and Lieutenant General Thomas Bostick, Army Deputy Chief of Staff for Personnel, this team produced recommended changes to policies that would be affected by a repeal of Don't Ask, Don't Tell.

⁸⁰ See Appendix B, "Comprehensive Review Working Group."

Education and Training Team. Led by Lieutenant General Richard Zilmer, Deputy Commandant for Manpower and Reserve Affairs of the Marine Corps and Mr. Joseph McDade, Jr., Army Assistant Deputy Chief of Staff for Personnel, this team provided recommendations for an education and training plan in the event of repeal of Don't Ask, Don't Tell.

In the course of our review, the Working Group also provided regular reports to and was advised by an "Executive Committee" consisting of the Under Secretary of Defense for Personnel and Readiness; the Under Secretaries and Vice Chiefs of the Army, Navy, and Air Force; the Assistant Commandant of the Marine Corps, the Vice Commandant of the Coast Guard; the senior enlisted leader of each Service; and the Chief and senior enlisted advisor of the National Guard Bureau.

Support for our work was provided by a number of DoD and Service agencies, including the Defense Manpower Data Center; the U.S. Army Research Institute for Behavioral and Social Sciences; the Navy Personnel Research Science and Technology Laboratory; the Army Personnel Survey Office; the Air Force Personnel Survey Office; the Defense Equal Opportunity Management Institute; CNA; the Office of the Department of Defense Historian; the Historians of the Army, Navy, and Air Force; the FBI Historian; the Armed Services Chaplains Board; the U.S. Military Academy (West Point); the U.S. Naval Academy; the U.S. Air Force Academy; the U.S. Coast Guard Academy; and the Surgeons General of the Army, Navy, and Air Force.

V OUR WORK

Systematic Engagement of the Force

The Secretary of Defense directed our Working Group to engage in a far-reaching effort unlike any other, to “systematically engage the force” about a repeal of Don’t Ask, Don’t Tell. In his initial written direction, the Secretary stated:

“To effectively accomplish this assessment, I believe it essential that the working group systematically engage the force. The participation of a range of age, rank and warfare communities in this study including families, in addition to active outreach across the force is a critical aspect that will undoubtedly lead to insights and recommendations essential to the Department’s implementation of any change.”⁸¹

To accomplish this goal, the Working Group solicited the views of Service members and their families through a variety of means:

Information Exchange Forums. The Working Group conducted 95 “information exchange forums” (IEFs) at 51 separate installations with a total of about 24,000 active duty, guard and reserve Service members. These IEFs typically ranged in size from 150–300 military personnel who, in almost all cases, were assigned to attend by the base or installation leadership. Smaller IEFs were conducted with military spouses at most installations visited. We attended many of the IEFs personally and led the discussions, others were led by other members of the Working Group leadership, generally two team leads and one senior enlisted leader. With very few exceptions, we found the discussion at IEFs to be lively, frank, candid, and at times emotional, but always civil. IEFs were not open to the general public or media, but participants were advised at the outset of each IEF that information expressed at the sessions was not confidential. The following table lists the installations at where we conducted IEFs, in addition to an initial session we conducted at the Pentagon:

⁸¹ See Appendix A.

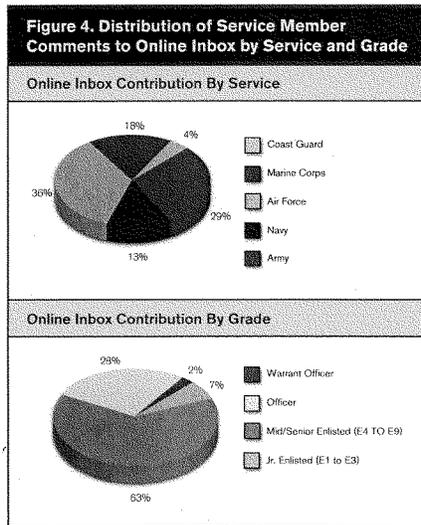
Table 1. Locations of Information Exchange Forums		
Army	Marine Corps	Navy
Fort Benning, GA Fort Hood, TX Fort Sam Houston, TX Fort Bragg, NC Fort Eustis, VA Fort Carson, CO Schofield Barracks, HI Fort Shafter, HI Baumholder, Germany Stuttgart, Germany	Camp Lejeune, NC Parris Island, SC MC Air Station Miramar, CA MC Recruit Depot San Diego, CA Camp Pendleton, CA MCBH Kaneohe Bay, HI MCB Okinawa, Japan	NAB Little Creek, VA Norfolk Naval Station, VA Naval Station San Diego, CA Port Hueneme, CA NAS North Island, CA Naval Station Pearl Harbor, HI Naples, Italy Yokosuka NB, Japan
Air Force	Coast Guard	Reserve Components
Lackland AFB, TX Randolph AFB, TX Langley AFB, VA Buckley AFB, CO U.S. Air Force Academy, CO Peterson AFB, CO Hickam AFB, HI Ramstein AB, Germany Yokota AB, Japan	Sand Island, HI Staten Island, NY Coast Guard Headquarters, DC	Arlington Hall Readiness Center, VA Norfolk Reserve Center, VA March AFB, CA Andrews AFB, MD Little Rock, AR MC Reserve Training Center Chicago, IL MC Reserve Training Center Madison, WI Hickam Reserve Center, HI Naval Operations Support Center Great Lakes, IL U.S. Army Reserve Center Honolulu, HI Air Force Reserve Center, HI Air National Guard Center, HI Army National Guard Center, HI
<p>Note: Locations of IEFs are listed according to the Service that had responsibility for the visit; however, most IEFs were attended by personnel from various Services and components.</p>		

At the Secretary's direction, IEFs were not conducted in Iraq and Afghanistan to avoid interference with the missions there. However, at installations such as Fort Hood, Fort Bragg, Fort Benning, Camp Lejeune, and elsewhere, we encountered large numbers of Service members who had deployed to Iraq or Afghanistan one or more times, or were preparing to deploy. These Service members shared their perspectives concerning the impact of repeal in combat situations and deployed environments.

Focus Groups. Typically, as a follow-on to each IEF, the Working Group held focus groups in smaller sessions of 9–12 Service members each (and sometimes family members)—140 in all—intended to understand the views of the military community in a more intimate and relaxed

setting. Trained discussion facilitators from Westat led the focus group sessions. All focus group attendees were told their participation was voluntary and they could leave at any time. Focus group attendees were also asked to honor a request for non-attribution of all comments made during the discussions, but attendees were also told that the confidentiality of comments made in focus groups could not be guaranteed. Similarly, at many installations, we and other senior members of the Working Group conducted small and informal leadership discussion groups with general and flag officers and senior enlisted Service members.

Online Inbox. The Working Group established this mechanism to allow all Service members and their families to anonymously express their views to the Working Group through a website accessible with a Common Access Card (CAC). Access to the online inbox was restricted to CAC holders to help ensure that comments were entered only by Service members. The Working Group also encouraged Service members to input comments provided by their family. To ensure the comments we received did not include identifying information (other than rank and Service), the Working Group contracted with the Data Recognition Corporation to redact names, units, and other similar information prior to providing the comments to the Working Group. In all, the Working Group received 72,384 total comments about Don't Ask, Don't Tell via the online inbox, with 98% (70,732) of these comments from Service members. Among Service member comments, 70% were from the enlisted ranks. Of those Service members who contributed to the online inbox, the breakdown among the Services and grade is given in the figure below:



Service Members' Survey. To conduct a large-scale survey of Service members, we retained the Westat Corporation. Westat has regularly provided research services to agencies of the U.S. Government, as well as businesses, foundations, and state and local governments since 1963. Westat has a long track record of studies that support the military's human resource needs—particularly in the areas of personnel recruitment and retention, quality of life, and programs for military members and their families. The results of these studies are used to shape many of the human resources policies and practices of the Military Services.

The Service member survey was developed by representatives from the Working Group, Westat, the Defense Manpower Data Center, and the Services' survey offices. The survey questions were devised to address each area of the Terms of Reference, as well as additional topics of concern (e.g., privacy) that were identified through our IEFs and other engagements with the forces.

Once drafted, questions were subjected to multiple rounds of review and scrutiny beginning with survey experts from the Military Services, the Defense Manpower Data Center, and the Office of the Undersecretary of Defense for Personnel and Readiness. Prior to release, the Army, Navy, and Air Force Chiefs of Staff, the Commandants of the Marine Corps and Coast Guard all had an opportunity to review and comment upon the survey questions.

Initially, the Working Group intended to solicit 200,000 active duty and reserve component Service members to participate in the survey. At the direction of the Secretary of Defense in May, the Working Group doubled the intended number of recipients to 400,000. Service members solicited to complete the survey were selected at random according to standard practice used by the Defense Manpower Data Center to sample the population. Service members were sampled according to military Service, active/reserve components, pay grade, military occupation, deployment status, location, gender, and family status. The sampling plan also called for an oversampling of certain sub-groups (e.g., enlisted Service members at the grade of E1–E3) who in recent DoD surveys tended to have lower response rates than the overall military population. This combination of stratification and selected oversampling was intended to ensure that survey responses were as representative of the force as possible.

The 103-question web-based survey was designed to take approximately 30 minutes to complete. The survey was released on July 7, 2010, and was available online through August 15, 2010. Service members chosen for the survey received a letter explaining the purpose of the survey, along with a unique PIN for accessing the survey. Survey invitations were sent to Service members via e-mail, and the participants responded to the survey online. Westat sent five reminder notices to Service members; two of the notices were sent by both e-mail and U.S. mail, and the other three reminders were sent by e-mail only.

In all, we received 115,052 responses (28% of those solicited)—making this one of the largest surveys ever within the U.S. military. The percent of Service members who received the survey and responded⁸² by Service were:

- Army – 19% of active duty personnel who received the survey responded, 22% for the Army National Guard, and 25% for U.S. Army Reserve
- Marine Corps – 29% of active duty personnel who received the survey responded and 20% for the Marine Corps Reserve
- Navy – 28% of active duty personnel who received the survey responded and 33% for the U.S. Navy Reserve
- Air Force – 39% of active duty personnel who received the survey responded, 38% for Air Force National Guard, and 39% for the Air Force Reserve
- Coast Guard – 54% of active duty personnel who received the survey responded and 39% for Coast Guard Reserve.

The response rate for this survey, as a whole and by Service, was in-line with typical response rates for surveys within the Department of Defense. Since 2008, DMDC's Status of Forces Survey (SOFS) program, which features the most comparable methodology to the Service member and spouse surveys (web administration with postal and e-mail notifications and reminders), has seen response rates of 29–32% for Active Duty Service members, and 25–29% for Reservists.⁸³

To offer perspective on the scope and representative accuracy of the survey results, we note that recent Gallup polls of national opinion have surveyed 1,021 respondents to achieve a $\pm 4\%$ margin of error;⁸⁴ and 2,240, to achieve a $\pm 2\%$ margin of error,⁸⁵ with 95% confidence that the results represent the views of the targeted U.S. adult population of more than 227 million.⁸⁶ In comparison, the Service member survey received responses from a significantly larger number of respondents (more than 115,000), representing a much smaller target active duty and reserve (including Coast Guard) population of around 2.2 million.⁸⁷ The number of responses to the Service member survey reduced the margin of

⁸² These are weighted response rates to reflect the intentional oversampling of certain low-response categories of Service members, such as junior enlisted, as described above. 29% is the overall unweighted response rate.

⁸³ Defense Manpower Data Center, "DADT Response Rate Q&A" information paper, November 19, 2010, 1.

⁸⁴ Gallup News Service, *Gallup Poll Social Series: Health and Healthcare*, November 17, 2010, accessed November 20, 2010, http://www.gallup.com/poll/File/144779/Most_Urgent_Health_Prob_Nov_17_2010.pdf; Gallup News Service, *Gallup Poll Social Series: Health and Healthcare*, November 11, 2010, accessed November 20, 2010, http://www.gallup.com/poll/File/144425/Congress_Approval_Nov_11_2010.pdf.

⁸⁵ Gallup News Service, *2010 Final Mid-Term Election Poll*, November 3, 2010, accessed November 20, 2010, http://www.gallup.com/poll/File/144167/Priorities_for_Congress_Nov_3_2010.pdf; Gallup News Service, *2010 Final Mid-Term Election Poll*, November 1, 2010, accessed November 20, 2010, http://www.gallup.com/poll/File/144131/Final_Midterm_Election_Estimate%20_Nov_1_2010.pdf.

⁸⁶ U.S. Census Bureau, *2008 American Community Survey: 3-Year Estimates: S0101 Age and Sex*, accessed November 20, 2010.

⁸⁷ Westat, vol. 1, 18, A1, A6.

error to less than $\pm 1\%$, with a similar 95% level of confidence in the representative accuracy of the results. The spouse survey was similar.

Spouse Survey. We also surveyed the spouses of active duty and reserve component Service members. The spouse survey was, like the Service member survey, created through a joint effort between the Department of Defense and Westat. Questions for the survey were mainly taken from the Service member survey and existing DoD family readiness surveys. Other questions were developed based on issues raised by family members in IEFs and family focus groups. Through an iterative process between Westat and the Working Group, questions were edited, cut, and added in order to effectively assess spouses' attitudes about the potential impact of repeal on recruiting, retention, and family readiness. Further drafts were reviewed by senior Service representatives and representatives from the Office of the Under Secretary of Defense for Personnel and Readiness. The final draft was approved by the Working Group and Westat, after taking into account comments from the Services and Office of the Under Secretary of Defense for Personnel and Readiness.

The final spouse survey included 43 questions and was expected to take 15–20 minutes to complete. In all, 150,186 spouses of Service members were solicited to respond to the survey, randomly selected from a DoD database and chosen for the purposes of obtaining a statistically representative sample.

The spouse survey was sent out via postal mail on August 13, 2010, and responses were accepted until September 26, 2010. Westat sent two reminder notices to spouse non-respondents, followed by a second survey and a final reminder. In addition, the U.S. Coast Guard sent a separate communication encouraging participation in the spouse survey. In all, we received 44,266 responses to the spouse survey, or 30% of those solicited.

Confidential Communication Mechanism. At the outset of this review, we recognized that some Service members, particularly those who are gay or lesbian, would want a means of communicating their thoughts and concerns about Don't Ask, Don't Tell to the Working Group in an anonymous and confidential manner. We also recognized that the viewpoints of current Service members who are gay or lesbian would be important to obtain as part of this review, but that the Working Group's ability to do so was constrained by current law and policy. To meet this need, the Working Group directed the Westat Corporation to design, implement, and manage a confidential communication mechanism to engage Service members, including gay and lesbian Service members, in a live interactive online exchange.

These confidential dialogues offered the opportunity for Service members to engage in confidential online discussions with Westat moderators. Service members were provided a PIN to allow them to use the confidential communication mechanism on a non-government computer and in a place of their choosing. Like the Service member survey, the confidential communication mechanism was open from July 7, 2010, through August 15, 2010. The Working Group ensured that the online confidential communication mechanism was accessible from 8:00 am to 8:00 pm Eastern time, seven days a week, to enable Service

members around the world to utilize it. After conducting an online dialogue, Westat analysts removed information that could be used to personally identify the Service member.

In all, 2,691 Service members and family members made use of the confidential communication mechanism to communicate with Westat, including 296 who self-identified as gay, lesbian, or bisexual.

Confidentiality. In order to protect the confidentiality of individuals who utilized the confidential communication mechanism, Westat obtained a Certificate of Confidentiality from the Department of Health and Human Services. This Certificate also covered other aspects of Westat's work including the Service member and spouse surveys, and family focus groups. With the Certificate, issued in accordance with section 201(d) of the Public Health Service Act, 42 U.S.C. § 241(d), Westat cannot be compelled to release the identities or identifying characteristics of participants in the surveys, confidential communication mechanism, or family focus groups to Federal, state, or local authorities. Users of the confidential communication mechanism were informed of the Certification of Confidentiality and were told that Westat would not disclose their identity unless a participant provided consent for release of that information or Westat discovered that a participant planned harm against him or herself or another. We are confident that these confidentiality protections helped ensure that gay and lesbian Service members were able to discuss the issues related to their service in the military fully and candidly, without fear that the information they revealed might generate an investigation or discharge under Don't Ask, Don't Tell.

Research

The Working Group also turned to a number of academic and research sources, both inside and outside the Department of Defense, to obtain insight in the issues associated with a repeal of Don't Ask, Don't Tell.

The Working Group actively engaged with scholars from each of the Service academies. Faculty and researchers at the academies drafted white papers that included useful research and guidance on issues related to repeal. The West Point paper addressed the issue of repeal from a variety of disciplines, including philosophy and ethics, organizational behavior, psychology, sociology, and management. The Air Force Academy paper built on the solid base provided by the West Point paper and extended the discussion into implications for implementation. The Naval Academy paper discussed diversity implications for repeal and provided suggestions for potential implementation. An important contribution of the Coast Guard Academy white paper was a thoughtful discussion of the religious and moral issues related to Don't Ask, Don't Tell law.

The Working Group consulted historians from the Department of Defense and the Services, who provided historical insights on topics such as the past usage of surveys in

military personnel studies and the experience of the U.S. military with racial and gender integration.

The Working Group hosted meetings with faculty, scholars, and researchers from the academies, war colleges, research laboratories, and civilian academia with expertise related to military personnel matters, organizational change management, and other relevant issues.

Key Engagements

Consistent with our Terms of Reference, the Working Group engaged a large number of interested and relevant organizations for their advice and viewpoints, including those who are prominent advocates for and against the repeal of Don't Ask, Don't Tell. These meetings spanned nearly the entire period of our review, beginning with an initial round of meetings, at our invitation, not long after the Working Group was first stood up. The advocacy groups and organizations with which we met included:

- Alliance Defense Fund
- Center for American Progress
- Center for Military Readiness
- Center for Security Policy
- Family Research Council
- Focus on the Family
- Heritage Foundation
- Human Rights Campaign
- Liberty Counsel
- OutServe
- Palm Center for the Study of Sexuality in the Military
- Service Members Legal Defense Network
- SLDN Military Outreach Committee
- Service Members United
- USMA Knights Out

We attended most of these meetings personally. We learned much from these organizations, and appreciated the many diverse views provided. These views did much to inform the assessments and recommendations in this report. (These meetings with the Working Group, however, should in no way be interpreted as participation by these

organizations in the Working Group, or endorsement by them of the Working Group or our assessments and recommendations.)

On September 16, 2010, the Working Group met with 15 same-sex partners of gay and lesbian current Service members to hear their viewpoints and experiences.

The Working Group consulted current and former military chaplains in groups and individually, on several occasions. We also personally met with the four heads of the Services' chaplains corps to solicit their views on the impact of repeal. These chaplains were drawn from the full spectrum of religious affiliations, all Military Services, and included junior, mid-level, and senior chaplains. In addition, the Working Group consulted the chaplains' endorsing organizations. At present, there are 202 religious organizations that serve as endorsing agencies for chaplains in the U.S. military. Through the auspices of the Armed Forces Chaplain's Board, the Working Group requested input from all 202 of these endorsing agencies concerning the effect repeal of Don't Ask, Don't Tell may have on the ministry of the chaplains they endorse. The Working Group received replies from 77 of these endorsing organizations. Several other religious organizations, including, for example, the Catholic League and the North Carolina Conference of Methodist Church Youth, submitted unsolicited input, opinion, and documents for the Working Group's consideration.

We personally met with the Service Surgeons General and discussed medical issues associated with repeal of Don't Ask, Don't Tell, such as safety concerns about the blood supply. Additionally, the Working Group reached out to the:

- American Medical Association
- American Psychological Association
- Gay and Lesbian Medical Association

We solicited input from veteran and Military Service organizations. These organizations included:

- Air Force Association
- American Legion
- AMVETS
- Association of the U.S. Army
- Association of the U.S. Navy
- Iraq and Afghanistan Veterans of America
- Marine Corps League
- Military Families United

- Military Officers Association of America
- National Association for Uniformed Services
- National Guard Association of the United States
- National Military Family Association
- Non Commissioned Officers Association
- Reserve Officers Association
- Service Women's Action Network
- Student Veterans of America
- Veterans of Foreign Wars
- Veterans and Military Families for Progress
- Vietnam Veterans of America
- VoteVets

We met with representatives from these veteran and Military Service organizations during March, April, and May. These groups also provided information and other written materials to the Working Group, including surveys, public statements, policy analysis, and testimony. (As above, these meetings did not constitute formal participation in or endorsement of the Working Group process.) Additionally, we met personally with a number of gay and lesbian veterans arranged by the Human Rights Campaign, Servicemembers' Legal Defense Network's Military Outreach Committee and by Servicemembers United.

Finally, we personally visited with and solicited the views of several members of Congress and their staffs.

Overall, the Working Group accepted information from these organizations and any others who offered input.

Engagement with Foreign Militaries

In order to understand the experiences of foreign militaries with the integration of gay and lesbian personnel, the Working Group contacted representatives of all nations who are members of NATO and those nations that contribute to the International Security Assistance Force - Afghanistan, to obtain information on those nations' policies regarding gay and lesbian Service members. General Ham had a number of conversations with counterparts in the European and Israeli militaries. At a conference with his counterparts from the United Kingdom, Canada, Germany, Australia, Denmark, and the Netherlands, Mr. Johnson solicited their views and experiences. On May 19, 2010, members of the Working Group attended a conference held at the Brookings Institution in Washington, D.C. and hosted by the Century Defense Initiative at Brookings and the Palm Center. Senior military officers

and experts from Australia, Britain, Canada, Israel, the Netherlands, and Sweden discussed their experiences with implementing policy changes related to the open service of gay and lesbian Service members in their countries.

The Working Group sought additional, detailed information from the United Kingdom, Canada, and Australia in particular, regarding their transition experiences, implementation plans, and lessons learned.

RAND Study Update

As directed by Secretary Gates in the Terms of Reference, the Working Group engaged RAND to update its 1993 study, *Sexual Orientation and U.S. Military Personnel Policy*. RAND's update provided us with an additional source of input for our assessment and recommendations. For its updated study, RAND's research centered on the following nine areas:

Foreign Militaries. RAND examined the experiences of selected foreign governments that have changed or are considering changing their policies to allow openly gay and lesbian personnel to serve in their militaries. The RAND analysis focused on the following seven countries: Canada, United Kingdom, Germany, the Netherlands, Italy, Israel, and Australia.

Police and Fire Departments and Other Government Organizations. RAND visited domestic police and fire departments and other domestic governmental organizations that have dealt with the issue of integrating gay men and lesbians into their workforces. RAND collected information from 10 police and fire departments, as well as the FBI, CIA, U.S. Agency for International Development, and State Department.

Recruiting and Retention. RAND researched recruiting and retention since its 1993 study and assessed the factors associated with attitudes towards gay men and lesbians in the general population. First, they reviewed recent major studies of the determinants of enlistments and reenlistments and drew from that literature and other available data to describe important trends in these determinants since 1993. Second, they assessed the possible effects of repeal on recruiting and retention by looking at youth survey data and the relevant results from the Working Group's Service member survey.

Military Focus Groups. RAND conducted 22 focus groups with Service members at 10 military bases across the country.

Survey of Serving Gay Men and Lesbians. RAND conducted a limited survey designed to gather information on how gay men and lesbians manage their identity in military units and how that might change if Don't Ask, Don't Tell is repealed. RAND adopted a "peer-to-peer recruitment" approach to conduct its survey. This approach is based on the assumption that there are existing networks of gay and lesbian Service members who are known to

each other. RAND fielded the survey through the Internet, and using this approach, RAND reached 208 self-identified gay and lesbian current Service members.

Unit Cohesion and Performance. RAND updated its 1993 report with new research on unit cohesion and performance conducted since 1993.

Homosexual Identity and Behavior. RAND updated its 1993 report with new data on the prevalence of homosexuality in the general population and the military. RAND also provided updated research on sexual orientation, sexual behavior, and gay and lesbian individual behavior with regard to disclosing their sexual identity. In addition, RAND updated its research on the epidemiology of HIV and other health issues within the gay and lesbian population.

Developments in Policy and Public Opinion Since Passage of Don't Ask, Don't Tell. RAND examined significant events and developments in U.S. military personnel policy regarding sexual orientation since 1993. In addition, RAND overviewed changes in public opinion regarding the ability of gays and lesbians to serve openly in the military.

Implementation. RAND conducted a literature review and engaged in focused field observations on how organizations have changed policies concerning sexual orientation in the workplace and in other relevant contexts, such as college housing.

RAND's updated report served as an additional independent input to our assessment and recommendations, and not as a stand-alone assessment. In many areas, RAND's work overlapped with the Working Group review, while in some areas, they provided new information for our consideration.

Legal and Policy Review

The Working Group identified a number of issues areas that merited a review of existing policies and consideration of possible policy modifications in the event of repeal. These issue areas were identified in large part from what the Working Group learned in our engagements with the force, in addition to those areas specifically listed in the Terms of Reference. Among the issue areas considered by the Working Group were equal opportunity policy; collection and maintenance of data based on sexual orientation; standards of conduct; changes to the Uniform Code of Military Justice and *Manual for Courts-Martial*; privacy and cohabitation; benefits; duty assignments; medical policies; re-accession of prior Service members; moral and religious concerns; and release from service commitments.

For each of these issue areas, and others, the Working Group reviewed the relevant laws, regulations, and Department of Defense and Service policies and issuances (directives, instructions, and memoranda) and evaluated various policy options. The Working Group's work, in doing so, was extensive. For instance, the Working Group issued a data call to the

Services, in response to which the Services submitted 1,007 documents. These documents were integrated in the Working Group's policy analysis. To understand issues related to stationing gay and lesbian Service members and their families overseas, the Working Group compiled and analyzed over 320 Status of Forces Agreements and their amendments, researched the laws and policies regarding homosexuality of 194 countries, and interviewed 21 legal scholars from foreign nations. The Working Group examined data from the Centers for Disease Control and the Department of Health and Human Services, solicited input from medical personnel across the Services, to include the Services Surgeons General, and consulted with medical experts from the American Psychological Association and the American Medical Association. When delving into the benefits issue, the Working Group examined the applicability of 126 military and veterans benefits to same-sex partners and their children that are codified in several hundred enumerated statutes within Titles 10, 37, and 38 of the United States Code. The Working Group conducted a comparative analysis of the laws and policies of all 50 states to understand family law issues, litigation trends under state constitutional rights regarding employment and housing discrimination, and the interrelation and impact of the Defense of Marriage Act. The Working Group reviewed and considered the scores of reports, articles, and research studies received from external advocacy groups and organizations.

Based on this extensive research and policy analysis, input from our engagements with the force, and consultation with policy subject matter experts, the Working Group developed a range of potential courses of action for each issue area. The Working Group then provided these policy options and recommended approach to the Executive Committee for their thoughts and insights into how the Department of Defense should proceed in these areas in the event of repeal. Comments from the Executive Committee informed our ultimate recommendations on these issues, which are summarized in section XIII of this report.

Leadership, Education, and Training

The Working Group worked with the Services' training experts, Service academy staff, and the Defense Equal Opportunity Management Institute to define education and training requirements in the event of repeal and to develop leadership, education, and training guidance and tools. The following principles guided the Working Group's approach: 1) education and training requirements should provide the Services discretion in how they will implement repeal of Don't Ask, Don't Tell consistent with their unique service cultures, 2) education and training products should be simple and should target education and communication efforts that will assist leaders in successful implementation with minimal impact on the force, and 3) education and training implementation should leverage existing programs rather than creating new, stand-alone requirements.

Beginning in May 2010, the Working Group met with Service Headquarters Education and Training Directorates to gain Service perspectives about education and training guidance and products. The Working Group later undertook leadership engagement visits to the Service Training and Education Commands. Between May and October, the Working Group also

conducted a series of monthly conferences with the Service Training Commands, Service academies, Professional Military Schools, and the Defense Equal Opportunity Management Institute to identify suggested communication, education, and training requirements and content. These meetings utilized the expertise of all the Services in the development of recommended education and training products. Each of these conferences had specific themes which corresponded with the progression of policy issues and with the development of various leadership, education, and training products. Many of these products are included in the support plan for implementation, published as a companion document to this report.

Panel Assessment

To assist us in our overall assessment, we convened a panel to assess impact of repeal on the areas specified in the Terms of Reference. This panel was made up of subject matter experts and Service members representing a range of Service, rank, and warfare communities. The panel reviewed all of the material relevant to each assessment area: military readiness, unit effectiveness, unit cohesion, recruiting, retention, and family readiness. Information and data for this assessment was derived from the Working Group's systematic engagement of the force and their families, input from interested and relevant organizations, scholarly work of civilian and military researchers, experiences of foreign militaries and domestic organizations with similarities to the military, and the historic record of racial and gender integration in the U.S. military. The assessment panel was aided by staff from the Joint Staff, J-8, and used a standard decision support process recommended by them. After coming to a numeric assessment of risk within each area, the panel considered the various policy, legal, and training and education recommendations that were intended to mitigate impacts within each assessment area and then developed a final assessment of risk. A more detailed discussion of the assessment approach and the results of the panel's assessment can be found in section XI of this report.

Fiscal Assessment

The Working Group identified areas for which a repeal would likely result in implementation costs, based on the assessment and implementation of recommendations contained in this report. These net costs were estimated with a rough order of magnitude. The costs included the extension of certain benefits and support resources to a "member-designated" status, minor privacy-related modifications to a limited number of existing facilities, execution and administration of education and training programs for the force, and potential impacts on recruiting and retention. The Working Group also identified areas of cost avoidance stemming from the fact that, in the event of repeal, Service members would no longer be discharged on the basis of homosexual conduct. Savings would be derived by avoiding the need to recruit and to train Service members to replace those separated under Don't Ask, Don't Tell.

Service Review

After completion of the policy review and development of policy recommendations, the Working Group also visited the Service war colleges and non-commissioned officer academies to hold discussion panels with selected students. These institutions included the National Defense University, Army War College, Naval War College, Air War College, and U.S. Marine Corps War College, as well as U.S. Army Sergeants Major Academy, Air Force Senior Noncommissioned Officer Academy, and U.S. Navy Senior Enlisted Academy. At these panels, Working Group members discussed preliminary findings and recommendations to obtain feedback and insight from these current and future leaders.

In addition, as directed, we provided the Military Department Secretaries and Service Chiefs with a near-final version of our report for review and comment. The Secretaries and Chiefs provided us with extensive and insightful comments, as well as their perspectives on Service-level impacts, which helped inform our assessment and recommendations and contoured the final version of this report.

VI WHAT WE HEARD

The Secretary of Defense directed a far-reaching effort to “systematically engage the force” about a potential repeal of Don’t Ask, Don’t Tell. As described in section V, the Working Group received survey responses from 115,052 Service members and 44,266 military spouses. Ninety-five information exchange forums were conducted with over 24,000 Service members, 140 smaller focus group sessions with a total of about 14,000 Service members, and received 72,384 online inbox entries. Westat engaged in interactive online confidential communications with 2,691 Service members, including 296 who self-identified as gay or lesbian. The Working Group also engaged in discussions with a variety of different foreign governments, interested groups, historians, academics, doctors, chaplains, lawyers, veterans, communities within the military, and members of Congress on this topic. We heard frank, strong, and sharply divergent views on this topic, but we were heartened that the conversation was civil and respectful.

For this section of the report, there is an important caveat. If the Working Group were to attempt to numerically divide the sentiments we heard expressed in IEFs, online inbox entries, focus groups, and confidential online communications between those who were for or against repeal of the current Don’t Ask, Don’t Tell policy, our sense is that the majority of views expressed were against repeal of the current policy. However, any such effort to divide the sentiments into one camp or another would not have any quantitative value, and would be highly misleading and flawed. As we discovered from the survey results, the views voiced both for and against repeal in IEFs, online inbox entries, focus groups, and confidential communications were not representative of the force as a whole. The Service members we heard from through these mechanisms were those individuals who felt strongly enough and motivated enough to give voice to their views. Further, the Service members and spouses participating in IEFs, focus groups, the online inbox, and online confidential communication mechanism were not selected through a formal sampling process to ensure representativeness of the force. Many volunteered to participate, while others were asked by their local commands to participate. It is also true that Service members could make multiple inputs to the online inbox and online confidential communication mechanism.

The survey results, by contrast, were intended to and did capture the views of the force as a whole in an analytically sound and objective manner, and were representative across every component of the force.⁸⁸

⁸⁸ Westat, vol. 1, A1-A9.

But, through the large numbers of Service members we heard from in IEFs, focus groups, online inbox entries, and confidential communications, a consistent list of concerns, observations, and arguments for and against the current Don't Ask, Don't Tell policy emerged. This list informs both our assessment and our set of recommendations in this report. In other words, the information obtained through these mechanisms is of qualitative, but not quantitative, value. The surveys are the instruments designed to provide data of quantitative value.

What follows is selection of unvarnished comments⁸⁹ representative of themes that we commonly and consistently heard from the force in IEFs, focus groups, online inbox comments, and online confidential communication mechanism. Although the Working Group did not ask Service members *whether* the law should be repealed, the vast majority of Service members offered views on just that. As such, we divide the list into two basic categories: views in support of and against the current policy. Again, this list informs our assessment and the set of recommendations that follow in this report.

Views in Support of Current Policy

Privacy; Unwanted Advances. This concern was typically on the top of the list, the most prevalent in our discussions. In sum, Service members acknowledge the likelihood that they have already had the experience of being in close proximity to someone else in the military who is gay, but they were concerned about sharing bathroom facilities, living quarters, or berthing arrangements with someone they “know” to be gay. Many Service members raised the possibility that a third and possibly fourth category of bathroom facilities for gay and lesbian Service members would be necessary if Don't Ask, Don't Tell were repealed.

“I live in the barracks and I don't think that it would go over well in that kind of environment. I'm concerned about how people would treat that individual.”⁹⁰

“In the privacy side of the thing, they'll have to make some changes to the current infrastructure, [for example] privacy stalls in the bathrooms.”⁹¹

“I do not have to shower or sleep in a room with men so I do not want to shower or sleep in the same room as a woman who is homosexual. I would feel uncomfortable changing and sleeping as I would if it was a man in the room. I should not have to accept this.”⁹²

⁸⁹ Some quotes in this report have been corrected for typographical errors and minor misspellings. In no case has the substance or content of the quote been altered.

⁹⁰ Service member, CRWG Focus Group, 2010.

⁹¹ Service member, CRWG Focus Group, 2010.

⁹² Service member, CRWG Focus Group, 2010.

"Tell him if he hits on me I will kick his - - -!"⁹³

Overall Effects on Unit Cohesion. Many Service members expressed concern that repeal would hurt unit cohesion. Specific concerns included erosion of trust and caring between unit members, a decrease in socializing both on- and off-duty, and discomfort with working and fighting alongside someone who may be sexually attracted to them.

"I cannot rely on someone who I don't feel comfortable with, nor can they trust me. A lack of trust turns into a lack of cohesion which eventually leads to mission failure."⁹⁴

"I think removing the 'Don't ask, don't tell' policy will cause a negative effect. I believe it will cause more tension and isolation in workcenters. Causing workflow to decrease and attitudes of tension and conflict to arise."⁹⁵

"It will be difficult to relate to new members. You just can't show them around. Can't take them out to a bar. It is tough to relate on a one on one basis."⁹⁶

"It will be detrimental to unit cohesion. They (the gay people) will be separated and will feel left out. Those who are openly gay will be excluded from social functions, such as barbeques. This, in turn, will result in people feeling bad, left-out or upset."⁹⁷

Religious and Moral Issues. Many Service members expressed strong religious and moral objections to homosexuality. These Service members worried that repeal would mean the end of their personal religious freedoms or a censorship of their religious views. Others questioned how religious beliefs would impact retention and whether military members would leave the military as a result of repeal.

"For me personally, it's morally wrong and socially unacceptable."⁹⁸

"People might separate voluntarily. That's going to be detrimental to the government. I do my job, I know they're here, but some people like myself have a problem if they come out. You can't question my morals, you can't make me stay."⁹⁹

93 Service member, Online Inbox, 2010.

94 Service member, Online Inbox, 2010.

95 Service member, Online Inbox, 2010.

96 Service member, CRWG Focus Group, 2010.

97 Service member, CRWG Focus Group, 2010.

98 Service member, CRWG Focus Group, 2010.

99 Service member, CRWG Focus Group, 2010.

“The problem is dealing with people’s background or moral teachings and there are a percentage of Marines who have a religious basis for being against homosexuality, and you cannot ask or force people to go against something that have been taught.”¹⁰⁰

“...homosexuality is morally offensive. Like adultery, and drug use, I can not tolerate homosexuality. I will not work side by side with someone that is an adulterer, a drug addict, or a homosexual.”¹⁰¹

“What would they [the DoD] do? Come out with a memo saying that the Bible, Koran, etc are wrong and that it is ok to be gay?”¹⁰²

“If the state favors the demands of the homosexual activists over the First Amendment, it is only a matter of time before the military censors the religious expression of its chaplains and marginalizes denominations that teach what the Bible says about homosexual behavior.”¹⁰³

“The law works; why change it?” Many Service members expressed this view about Don’t Ask, Don’t Tell. Others emphasized that their current units are effective and questioned how repeal would improve that performance. We also heard from those who believed the law actually protects gay men and lesbians from harassment or violence and keeps sexual orientation a personal and private matter.

“You don’t ask you don’t tell, you come to work and do your job. It is not broke so don’t fix it.”¹⁰⁴

“Doesn’t DADT work, doesn’t it make sense? They can serve; just keep it to yourself.”¹⁰⁵

“It is easier to live with speculation than confirmation.”¹⁰⁶

“If you know for sure, it would freak people out more. There are rumors, but you never know. If it is out of sight it is out of mind, but once you know for sure that’s when people are freaked out.”¹⁰⁷

100 Service member, CRWG Focus Group, 2010.

101 Service member, Online Inbox, 2010.

102 Service member, Confidential Communication Mechanism, 2010.

103 Service member, Online Inbox, 2010.

104 Service member, CRWG Focus Group, 2010.

105 Service member, CRWG Focus Group, 2010.

106 Service member, CRWG Focus Group, 2010.

107 Service member, CRWG Focus Group, 2010.

"I strongly disagree with the repeal of the Don't Ask, Don't Tell policy. I believe it will cause more conflict and more hazing among the military. It seems to be working perfectly as is."¹⁰⁸

"Why now? We are at war." Service members also voiced concern about taking this issue up now. There was a worry that Service members already have a very full plate (or overflowing rucksack) and that a repeal of Don't Ask, Don't Tell was just too much while fighting two wars.

"I believe this is not the time for us to make huge changes in the military. We are at war and our men and women overseas do not need any more distractions. This issue should be addressed at the appropriate time. That time is not now."¹⁰⁹

"I think there are times and places for everything. This is not that time when we are in two wars and money is an issue."¹¹⁰

"The bottom line is the timing is wrong. We're getting ready for another surge in Afghanistan, and it's not the right time."¹¹¹

A number of Service members also believe repeal is politically motivated, driven by special interests. For example, a Service member told us that repeal was being driven by a "handful" of people who want to "push their agenda of trying to change society's moral standards."¹¹² Another stated, "this isn't about the military, this is politics."¹¹³

Standards of Conduct. At almost every engagement, issues regarding standards of conduct were raised. Specific concerns were voiced about the possibility of unwanted sexual advances, violence erupting in reaction to repeal, and harassment. Some attendees said that they would find it difficult to witness public displays of affection between gay and lesbian Service members. Some Service members were troubled by the potential for flamboyant behavior and questioned whether "pink boas" would be authorized with uniforms.¹¹⁴

"A small part of the military will come out and affect the entire military. Good order and discipline will be affected by this."¹¹⁵

"Some will be flamboyant; they might get a beating."¹¹⁶

108 Service member, Online Inbox, 2010.
 109 Service member, CRWG Focus Group, 2010.
 110 Service member, CRWG Focus Group, 2010.
 111 Service member, CRWG Focus Group, 2010.
 112 Service member, Confidential Communication Mechanism, 2010.
 113 Service member, CRWG Focus Group, 2010.
 114 Service member, CRWG Information Exchange Forum, 2010.
 115 Service member, CRWG Focus Group, 2010.
 116 Service member, CRWG Focus Group, 2010.

“There needs to be protection on both sides. People get drunk and it’s a whole other thing. There’s the possibility of beating up gays, but there’s also the possibility of a gay guy making advances.”¹¹⁷

“They should just sustain the standard. I don’t like flamboyant queers.”¹¹⁸

“Flamboyant behavior by any members should not be allowed or tolerated.”¹¹⁹

Health Issues. Some Service members expressed concern that repeal of Don’t Ask, Don’t Tell would lead to increased risk of contracting HIV or other sexually transmitted diseases. Others had more general concerns about medical readiness and medical treatment of homosexuals or worries about battlefield transfusions.

“I think homosexual sex leads to diseases. There’s always a chance to getting what someone has.”¹²⁰

“I think of the medical issues. The AIDS rate is running rampant in the gay community. When they go to medical will they be looked at different than a straight man? When you start looking at the statistics, they have more chance of getting an STD as well as other things. Doctors need to look at them differently from when I get checked. Another issue, when you fill out your form at the doctors they will need to ask ‘are you homosexual’ so they can look for different things.”¹²¹

“If you are in an infantry company in a fire fight, and you have an open homosexual who gets wounded, who is going to want to treat him for the fear of HIV and other stuff?”¹²²

“Blood transfusions in battle zones, when lives are on the line can become a stress point.”¹²³

Same-sex Partner Benefits. Service members and their families asked many questions about extending benefits to same-sex partners. Many cautioned that it would be unfair to treat same-sex partners differently than committed boyfriends or girlfriends of straight Service members. Others worried about the availability of resources to pay for benefits.

117 Service member, CRWG Focus Group, 2010.

118 Service member, CRWG Focus Group, 2010.

119 Service member, Online Inbox, 2010.

120 Service member, CRWG Focus Group, 2010.

121 Service member, CRWG Focus Group, 2010.

122 Service member, CRWG Focus Group, 2010.

123 Service member, Online Inbox, 2010.

“...I would have a problem giving their partners benefits. That would not be fair to heterosexuals who have live-in boyfriends and don’t get benefits.”¹²⁴

“Allocation of resources is an issue. It’s a natural progression that benefits will be given to partners. It’s a financial stress on the system.”¹²⁵

Creation of a New Protected Class. Service members questioned whether repeal would mean the creation of a new protected class like race or gender. Some were apprehensive that they could be forced to celebrate “gay pride week” or punished if they refused to socialize with gay and lesbian Service members.

“How far are we going to go with this whole gay thing? Am I supposed to celebrate gayness—do they get to wear a rainbow flag on their uniform? If that is the case, this uniform isn’t worth wearing.”¹²⁶

“How will it fair for me to potentially decline social events with my gay boss or subordinates because of my religious beliefs? How do I host events without EO/IG complaints because I would not invite gay couples? My moral values cannot be compromised to support what I consider immoral behavior.”¹²⁷

Erosion of Overall Standards Within the Military Community; Family Values. Many expressed the view that the military is “the last moral institution in American,” that repeal of the policy will destroy that, and that the military should not be used for “social experimentation.”

“I believe that the impact would be devastating to me, my family, my unit, the military, our country and the world!”¹²⁸

“People view the military as the last bastion of morals and what is good. If we break that down here, what does it boil down to? What’s left?”¹²⁹

“The military shouldn’t be a testing ground for social experiments.”¹³⁰

Participants frequently expressed concerns about living next door to a gay couple. Many were worried about how repeal would clash with the kinds of values they are trying to teach their children. In particular, they spoke about “exposing” their children to the “gay lifestyle.” They often voiced concerns about how that living situation would impact their

124. Service member, Online Inbox, 2010.

125. Service member, CRWG Information Exchange Forum, 2010.

126. Service member, CRWG Focus Group, 2010.

127. Service member, Online Inbox, 2010.

128. Service member, Confidential Communication Mechanism, 2010.

129. Service member, CRWG Focus Group, 2010.

130. Service member, CRWG Focus Group, 2010.

children. Others expressed a fondness for the military community because of the similarity in values and emphasis on family, and a fear that it will come to an end. Many of these concerns mirror concerns expressed in civilian society.

"I'm raising my family and was brought up a devout Catholic. Now all of a sudden Adam and Steve move in next door. I have to deal with that earlier, now with my kid."¹³¹

"I won't raise my kids in a neighborhood with a gay family."¹³²

One Service member thought some parents might not want their children socializing with children from gay families.¹³³ Others focused more generally on not wanting to deal with having to explain homosexuality to their children if they saw a gay or lesbian couple.

"How can you attend a family meeting and have two guys holding hands there? What do you tell your kids?"¹³⁴

"One of my main concerns should the law pass is preparing myself as a parent to explain the dynamics of a same sex couple/family. My son is far too young for me to explain this topic and would create confusion and pose questions that would place me and my spouse in a difficult spot."¹³⁵

"If repealed I would have to deal with it and so would my family but I would not attend (unless ordered to) any function where that particular lifestyle would be exhibited."¹³⁶

Views in Support of Repeal

"There are already gays and lesbians in the military." Typically, between 60% and 80% of Service members we talked to at information exchanges forums and small focus group discussions believed they had served alongside a gay or lesbian Service member. Many shared their belief that today the military performs its mission with gay men and lesbians and repeal would have no affect on performance—either personally or as a unit.

"We've all worked with homosexuals; what's changed? The standards are the same."¹³⁷

131 Service member, CRWG Focus Group, 2010.
 132 Service member, CRWG Focus Group, 2010.
 133 Service member, CRWG Focus Group, 2010.
 134 Service member, CRWG Focus Group, 2010.
 135 Service member, CRWG Focus Group, 2010.
 136 Service member, Confidential Communication Mechanism, 2010.
 137 Service member, CRWG Focus Group, 2010.

"Everyone kind of knows if someone is gay. There is no impact on effectiveness."¹³⁸

"I have served with gays in the military and have found them to be of high caliber and encompassing all the Army values and performance standards. Performance has NEVER been an issue."¹³⁹

"There are already gay men and women serving with me...and it does not have an impact on how I do my job."¹⁴⁰

"In the unit that I am in now there are individuals that are homosexual. Of course they aren't able to come out and say it but we know. I really don't see an impact in my unit. We haven't had any issues thus far and these soldiers have been deployed numerous times with the same people."¹⁴¹

"I don't care, as long as he can fight." Other Service members stated they didn't care about the whole debate over repeal; they only cared if their fellow unit members could work together to "get the job done." What mattered to these Service members was a cohesive team that focused on the mission and a common enemy.

"All I care about is can you carry a gun, can you walk the post, as far as people in my unit."¹⁴²

"As a team or a corps, I am only as good as the rest of my team. Cohesion is the heart of the matter. Given a task, a homosexual and a heterosexual can probably accomplish it the same way, so it should not have too much of an effect on getting the task done."¹⁴³

"As Battalion Commander for a unit that recently completed 12-month combat deployment to Iraq, I can say unequivocally that gay/lesbian Soldiers are integrated across our force, at the lowest tactical levels, with no negative operational impacts. In fact, my unit was far better, particularly technically and from a leadership perspective, with these Soldiers in positions of operational and organizational significance."¹⁴⁴

"I think it's morally wrong but as long as the mission gets done and done right, I wouldn't have a problem with it."¹⁴⁵

138 Service member, CRWG Focus Group, 2010.

139 Service member, Online Inbox, 2010.

140 Service member, Confidential Communication Mechanism, 2010.

141 Service member, Confidential Communication Mechanism, 2010.

142 Service member, CRWG Focus Group, 2010.

143 Service member, CRWG Focus Group, 2010.

144 Service member, Online Inbox, 2010.

145 Service member, CRWG Focus Group, 2010.

“What does it matter if they can do the job if you are gay or straight?”¹⁴⁶

“**This is America.**” Some Service members expressed a view that repeal is not only the “right thing” to do, but is one of the freedoms for which they fight and die. Others believed all Americans should have the right to serve their country, including gay men and lesbians:

“I believe that this policy/law change will only enhance who we are as a great nation. We claim to be free when other nations have already accepted this factor into their environment. This is only something that will help us promote peace and implement non-prejudicial acts rather than hatred.”¹⁴⁷

“Gays and lesbians have been serving in the Armed Forces since the inception of our country. They love this country just as much as heterosexuals. They have been ‘outed’ while serving, humiliated in front of their peers, beaten up and given dishonorable discharges in the past (and even present day). This must end. This is NOT what our country is about.”¹⁴⁸

“I love America for its tolerance. I am willing to be a KIA [Killed In Action] because I think America values equality and civil liberties. It would be great if the institution I served in mirrored exactly these ideals.”¹⁴⁹

“**We need everyone willing and able to serve.**” Other Service members spoke of repeal in pragmatic terms and stated the military simply needs everyone who is willing and able to serve. Others expressed concern that we had degraded readiness by kicking out qualified and experienced warriors out of the military.

“Please repeal the act. We need all available men and women who are willing to serve their country, no matter what their sexual orientation is.”¹⁵⁰

“As it is, there aren’t enough good people in the military, and we shouldn’t turn people away because of things they do in their private life.”¹⁵¹

“We have lost immeasurable talent and dedication with those discharged or never allowed to enter military service.”¹⁵²

¹⁴⁶ Service member, CRWG Focus Group, 2010.

¹⁴⁷ Service member, Online Inbox, 2010.

¹⁴⁸ Service member, Online Inbox, 2010.

¹⁴⁹ Service member, Confidential Communication Mechanism, 2010.

¹⁵⁰ Service member, Online Inbox, 2010.

¹⁵¹ Service member, Online Inbox, 2010.

¹⁵² Service member, Online Inbox, 2010.

“Times are changing.” Some Service members viewed the issue of repeal as a “generational” one with the younger generation being more accepting of open homosexuality. Cadets and midshipmen in particular told us that serving with a gay man or lesbian is “no big deal.”

“Kids growing up now, it is not a big deal. In this room the average age is 30. The values most of us were raised with are different. You look at younger guys born in the 80s, some of these guys their tolerance level is different than mine is.”¹⁵³

“With the younger generation it may not be as big of a deal. The percentage is a lot higher with acceptance instead of 45 and older. The military population is conservative.”¹⁵⁴

“Younger generations are more open. It’s more of the younger generation’s decision.”¹⁵⁵

“There are kids in society who accept this type of thing now. It is not like when we were kids. They don’t have a problem with them [gay people].”¹⁵⁶

“It won’t be such a big deal.” Some Service members expressed a view that repeal of Don’t Ask, Don’t Tell would be a “non-event.” These members saw no realistic concerns over privacy. Some gay and lesbian Service members predicted repeal would have minimal impact because Service members may be reluctant to serve openly.

“There is no need for separate showers. People will get over it when people realize that they are not being hit on or approached in the shower.”¹⁵⁷

“About separate facilities: we all went to college and stayed in dorms, we are all adult now and we have accepted it.”¹⁵⁸

“I think if it is lifted not a lot of members will come out. They are your coworkers and things will stay where they are. If we didn’t know you were gay by now, it is unlikely that you will tell us.”¹⁵⁹

“We’ve done it before; we can do it again.” Some Service members pointed out that lessons learned from the racial and gender integration of the U.S. military apply to repeal of Don’t Ask, Don’t Tell.

153 Service member, CRWG Focus Group, 2010.

154 Service member, CRWG Focus Group, 2010.

155 Service member, CRWG Focus Group, 2010.

156 Service member, CRWG Focus Group, 2010.

157 Service member, CRWG Focus Group, 2010.

158 Service member, CRWG Focus Group, 2010.

159 Service member, CRWG Focus Group, 2010.

"This is not the first time we have had to tackle this issue. It was done before with two other groups of people; there were issues and problems that had to be overcome. This has happened before and will likely happen again. We have a blueprint on how to handle it—we handled it before, we'll handle it again."¹⁶⁰

"It's going to take time to get used to it. It took time to get used to women, African Americans. Any time there is a prejudice it takes generations to disappear. Some people will have issues, but as long as they are professional then it doesn't matter."¹⁶¹

"This is an equality issue, and who doesn't deserve equal rights? We've done it before with African Americans, and we have done it before with females. We can do it again. As brothers and sisters in arms, we stand and fight not only for our country, but for one another."¹⁶²

"I recommend repeal of DADT and believe Service members will make it work, just as they made it work when laws were changed to allow non-whites and females to serve their nation honorably and with pride."¹⁶³

"Take a knife out of my back." Gay and lesbian Service members shared with us through online inbox entries and confidential online communications how Don't Ask, Don't Tell places a heavy burden on their shoulders. They explained how repeal would mean the end of living a lie for them and their families. Gay and lesbian Service members also expressed how repeal would increase their personal effectiveness and promote unit cohesion, because they can now be honest with their fellow unit members.

"I doubt I would run down the street yelling 'I'm out'; but it would take a knife out of my back I have had for a long time. You have no idea what it is like to have to serve in silence..."¹⁶⁴

"It is hard to explain to a child why their parents can't hold hands or attend school or unit functions together the way other families do. It also places a strain on my relationship when I am deployed since I am afraid that someone will find the picture I carry in my shirt pocket or find a letter from my family. It also makes it very difficult and uncomfortable to explain to someone why I wear a wedding ring since I am not married."¹⁶⁵

¹⁶⁰ Service member, CRWG Focus Group, 2010.

¹⁶¹ Service member, CRWG Focus Group, 2010.

¹⁶² Service member, Online Inbox, 2010.

¹⁶³ Service member, Online Inbox, 2010.

¹⁶⁴ Service member, Confidential Communication Mechanism, 2010.

¹⁶⁵ Service member, Confidential Communication Mechanism, 2010.

"I deploy twice per year and sacrifice a lot of time away from my very legitimate family to serve this country. I have less than a handful of military friends because of the Don't Ask, Don't Tell policy. If I invite someone to my home for a barbecue or any other activity that straight families take for granted, it makes my sexual orientation too obvious."¹⁶⁶

By and large, gay and lesbian Service members expressed the view that they would be relieved to no longer have to hide the existence of their partners and looked forward to the opportunity to share their work lives with their families.

"Every time there is a family event, there are people left out, because of who they are with; they are not allowed to bring their family with them. The fact that they are same sex does not negate the fact that they love and are proud of the support that their partner has given them, the same support that a wife or husband would give their spouse in the military. The conventional family is recognized and able to be thanked for their support, as every military member knows, we could not do what we do and go where we go without the support of our spouse or partner."¹⁶⁷

"We can do this; just provide clear guidance and strong leadership." Many commanders and senior enlisted personnel simply expressed a desire in the case of repeal to receive clear guidance and leadership from the chain of command.

"I can't pick and choose what I enforce; I have strong religious beliefs but I have to leave them behind and do my job; if I can't do that, I've got to leave the Army."¹⁶⁸

"It is important to lead by example. Even if we disagree we have to follow rules."¹⁶⁹

"We must ensure we are ready for this change with the necessary policies and practices to provide a safe, tolerant, supportive environment for all who serve."¹⁷⁰

"In the military, you are given orders and you drive on. This policy needs to come from the top, with specific guidelines. Soldiers will then adapt, as they always do."¹⁷¹

166 Service member, Online Inbox, 2010.
 167 Service member, Online Inbox, 2010.
 168 Service member, CRWG Focus Group, 2010.
 169 Service member, CRWG Focus Group, 2010.
 170 Service member, Online Inbox, 2010.
 171 Service member, Confidential Communication Mechanism, 2010.

VII THE SURVEY RESULTS

In the previous section, we provided a sense of what we heard through our qualitative engagements with the force. In this section, we provide a summary of Service members' responses to the quantitative tools used by the Working Group: the pair of surveys conducted by Westat. The Service members' survey was one of the largest surveys in the history of the military, with 115,052 responses. In addition, we received 44,266 responses to the spouse survey. The results of these surveys constitute a significant component of our assessment.

We highlight here the responses to particular questions that we believe are representative of the overall picture. Appendix C of the report contains results for all of the questions on the Service member survey, with results broken down by Service; Appendix D of the report contains results for the spouse survey.¹⁷² There, we let the survey results speak for themselves. Before reviewing the survey highlights, we make several points:

First, we did not "poll" the military or conduct a referendum on the overall question of whether to repeal the current Don't Ask, Don't Tell law and policy. That was not our mission, nor are military policy decisions made by referendum of Service members. Our primary mission was to assess the impact of a repeal, should it occur to military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness. To accomplish that task we focused the survey on those topics.

Second, many of the survey questions were devised in response to concerns raised frequently by Service members in information exchange forums and focus group sessions. For example, the questions about privacy and living arrangements were asked in response to the concerns expressed by a large number of Service members in our discussions.

Third, as described in section V, the survey sample of Service members was designed to ensure adequate representation in terms of Service, active/reserve component, rank, and gender, among other factors. The overall sample was almost 400,000 Service members (split evenly among active duty and reserve component forces). The response rate for this survey (28% overall), as a whole and by Service, was typical for surveys within the Department of Defense.¹⁷³ The survey sample of military spouses was similarly designed to ensure adequate representation in terms of Service and active/reserve component. The overall sample was just over 150,000 spouses (70,000 active duty and 80,000 reserve component). The response rate for the spouse survey (29% overall) was also typical for this type of survey within the military community.¹⁷⁴ The results of each survey were "weighted," consistent with industry

¹⁷² The entirety of the survey results broken down by all subpopulations is contained in Volume 1 of the Westat Survey Report, published in conjunction with this report.

¹⁷³ Defense Manpower Data Center, "DADT," 1.

¹⁷⁴ Defense Manpower Data Center, "DADT," 1.

standard practices, to more accurately reflect the make-up of the force by accounting for the intentional oversampling of certain low-response groups (e.g., junior enlisted). The 115,052 responses to the Service member resulted in a margin of error of less than ±1%. The spouse survey margin of error was similar.

We highlight the following:

Impact of Repeal on Cohesion

The Service member survey asked a number of questions on Service members' views about the effect of repeal on unit cohesion, including task and social cohesion. Task cohesion is a unit's ability to work together effectively, whereas social cohesion is a unit's ability to get along and trust one another. Overall, 70–76% of Service members said repeal would have a positive, a mixed, or no effect on aspects of task cohesion. Similarly, 67–78% of Service members said repeal would have a positive, mixed, or no effect on aspects of social cohesion. Table 2 summarizes Service members' responses to questions on aspects of task cohesion; Table 3 does so for questions on aspects of social cohesion.

Table 2. Service Members' Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Task Cohesion				
Question 68 & 69. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would it affect...				
Task Cohesion	Positively / Very Positively	Equally Positively & Negatively	No Effect	Negatively / Very Negatively
Question 68a. How Service members in your immediate unit work together to get the job done?	18.4%	32.1%	19.9%	29.6%
Question 68b. How Service members in your immediate unit pull together to perform as a team?	19.4%	31.8%	19.3%	29.5%
Question 69c. The extent to which leaders in your immediate unit have the skills and abilities to lean unit members into combat?	19.4%	32.7%	24.1%	23.9%

Table 3. Service Members' Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Social Cohesion

Question 68 & 69. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would it affect...

Social Cohesion	Positively / Very Positively	Equally Positively & Negatively	No Effect	Negatively / Very Negatively
Question 68c. How Service members in your immediate unit trust each other?	18.1%	31.2%	17.6%	33.1%
Question 68d. How much Service members in your immediate unit really care about each other?	18.1%	33.6%	18.4%	30.0%
Question 69a. The extent to which Service members in your immediate unit can get help from their leaders on personal problems	20.0%	33.5%	21.9%	24.7%
Question 69b. The extent to which leaders in your immediate unit trust their unit members?	19.2%	33.8%	21.7%	25.4%
Question 69d. The extent to which leaders in your immediate unit care about their unit members?	20.3%	34.6%	22.7%	22.4%

Impact of Repeal on Unit Effectiveness

The survey also asked a number of questions in a variety of different ways to solicit views about the impact of repeal of Don't Ask, Don't Tell on unit effectiveness and the overall ability to get the job done. Because not all Service members have the same experience with deployed or combat situations, the survey asked questions about unit effectiveness based on the experience each Service member said they had in different environments.

Service members without combat deployment experience since September 11, 2001, were asked how, if at all, repeal would affect their unit's effectiveness at completing its mission "on a day-to-day" basis.¹⁷⁵ Almost 80% said repeal would have a positive, a mixed, or no effect.¹⁷⁵ Service members with combat experience during this period were asked slightly different questions. When asked how, if at all, repeal would affect their unit's effectiveness "in a field environment or out at sea," 56% said it would have a positive, mixed, or no effect, and 44% said it would have a negative effect. However, when specifically asked about the

¹⁷⁵ Calculated as the sum of the responses "very positive," "positive," "no effect," and "equally positive and negative effect."

effect “in intense combat situations” or “when a crisis or negative event happens that affects your unit” the levels of those that predicted a negative effect went down—approximately 30% said that repeal would have a negative effect, and approximately 70% said it would have a positive, mixed, or no effect on their unit’s effectiveness. Table 4 below summarizes these responses.

Table 4. Service Members' Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Unit Effectiveness				
Question 70 & 71. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission...				
	Very Positive / Positive	Equally Positive and Negative	No Effect	Very Negative / Negative
Question 70. Respondents without combat deployment experience since September 11, 2001				
On a day-to-day basis	17.4%	32.6%	29.3%	20.8%
When a crisis or negative event happens that affects your immediate unit	17.2%	32.8%	29.9%	20.0%
Question 71. Respondents with combat deployment experience since September 11, 2001				
In a field environment or out at sea	11.4%	25.8%	18.6%	44.3%
When a crisis or negative event happens that affects your immediate unit	12.5%	33.3%	24.7%	29.4%
In an intense combat situation	12.4%	31.4%	25.6%	30.6%
Note: Question 70 was asked only of Service members who have never been deployed or who have not been deployed into a combat environment since September 11, 2001. Question 71 was asked only of Service members who have been deployed into a combat environment since September 11, 2001.				

Privacy/Living Arrangements

Given the large number of Service members who raised privacy issues in large group and focus group sessions, the survey devoted a number of questions in the survey to privacy concerns—in particular, bathroom facilities and living and berthing arrangements—to gauge how Service members thought they would handle these issues if repeal occurred. These questions were also asked in order to understand more fully potential impacts on social cohesion within a unit.

In general, when it came to bathrooms with open bay showers, almost a third (29%) of Service members said they would do nothing different in the event of repeal; 11% said they would address the matter directly with the gay or lesbian Service member; and 26% said they would take a shower at a different time. Meanwhile, 19% said they would seek guidance from a chaplain, mentor, or leader, and 7% said they would do "something else." (See Table 5.) Service members responded similarly when asked about living and berthing arrangements. (See Table 6.) Service members that answered that they would do "something else" to either question were given the opportunity to describe in their own words what they would do; less than 0.1% of all Service members indicated that violence of any kind might occur.¹⁷⁶

Table 5. Service Members' Likely Actions if Assigned to Share Open Bay Shower Facilities With a Gay or Lesbian Service Member	
Question 90. If Don't Ask, Don't Tell is repealed and you are assigned to bathroom facilities with an open bay shower that someone you believe to be a gay or lesbian Service member also used, which are you most likely to do?	
	Overall
Take no action	29.4%
Use the shower at a different time than the Service member I thought to be gay or lesbian	25.8%
Discuss how we expect each other to behave and conduct ourselves	11.0%
Talk to a chaplain, mentor, or leader about how to handle the situation	1.3%
Talk to a leader to see if I had other options	17.7%
Something Else	7.0%
Don't Know	7.9%

Table 6. Service Members' Likely Actions if Assigned to Share Living Quarters With a Gay or Lesbian Service Member	
Question 88. If Don't Ask, Don't Tell is repealed and you are assigned to share a room, berth, or field tent with someone you believe to be a gay or lesbian Service member, which are you most likely to do?	
	Overall
Take no action	26.7%
Discuss how we expect each other to behave and conduct ourselves which sharing a room, berth, or field tent	24.2%
Talk to a chaplain, mentor, or leader about how to handle the situation	2.4%
Talk to leader to see if I have other options	28.1%
Something Else	8.7%
Don't Know	9.9%

¹⁷⁶ CRWG, "Summary of Open Ended Responses From the Service Member Survey," white paper, September 30, 2010.

Impact of Repeal on Unit Readiness

Service members were asked to assess their current readiness, as well as how repeal of Don't Ask, Don't Tell would affect their personal readiness and their unit's readiness. With regard to personal readiness, 67% of Service members said that repeal would have a positive or no effect; 22% said the effect would be equally positive as negative, and 12% said repeal would have a negative effect. In addition, 58% said repeal would have a positive or no effect on their ability to train well; 21% said the effect would be equally positive as negative; and 21% said repeal would have a negative effect. The responses about effects at the unit level, as opposed to at the personal level, were somewhat more negative. For example, with regard to their unit's ability to train well together, 31% said that repeal would have a negative impact. (See Table 7.)

Table 7. Service Member Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Military Readiness				
Question 75. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would it affect...				
	Positively / Very Positively	No Effect	Equally Positive as Negative	Negatively / Very Negatively
Personal Readiness				
Your personal readiness	7.1%	60.0%	21.5%	11.5%
Your ability to train well	7.3%	51.1%	20.8%	20.8%
Unit Readiness				
Your immediate unit's readiness	6.8%	46.1%	25.8%	21.2%
Your unit's ability to train well together	7.0%	37.1%	24.5%	31.3%

Impact of Repeal on Recruitment

The Services rely on referrals—from family, friends, and current or former Service members—for about a third of new recruits. Overall, nearly one-half (47%) of Service members said that repeal of Don't Ask, Don't Tell would have no effect on their willingness to recommend military service to a family member or close friend; 6% said that it would have positive effect; 10% said it would have a mixed effect; and 27% said it would have a negative effect.

Table 8. Service Member Willingness to Recommend Military Service to a Family Member or Close Friend if Don't Ask, Don't Tell is Repealed

Question 80. If Don't Ask, Don't Tell is repealed, how, if at all, will it affect your willingness to recommend to a family member or close friend that he or she join the military?

	Overall
Positively	6.3%
Equally as positively as negatively	9.9%
No effect	46.5%
Negatively	27.3%
Don't know	10.0%

Impact of Repeal on Retention

Overall, more than 60% of Service members told us that their career plans would not change as a result of repeal; 13% said that they would definitely leave sooner than they had otherwise planned; and 11% said they would think about leaving sooner than they had planned. (See Table 9.)

Table 9. Service Member Intentions to Remain in the Military if Don't Ask, Don't Tell is Repealed

Question 81. If Don't Ask, Don't Tell is repealed, how, if at all, will your military career plans be affected?

	Overall
My military career plans would not change	62.3%
I will stay longer than I had planned	1.7%
I will think about staying longer than I had planned	1.8%
I will think about leaving sooner than I had planned	11.1%
I will leave sooner than I had planned	12.6%
Don't know	10.5%

Service members were asked to rate the three factors they consider most important when deciding whether to remain in the military.¹⁷⁷ "Job satisfaction," "Retirement benefits," "Current economic situation and civilian job availability," "Pay and allowances/Bonuses," and "To serve and defend my country" were each listed by over one-quarter of respondents. Of these, all were consistently rated as more important than repeal of Don't Ask, Don't Tell in

¹⁷⁷ See Appendix C, Question 33.

deciding whether to remain in the military.¹⁷⁸ Overall, 48% of Service members told us that all the factors they listed are more important to their decision to stay or leave the military than repeal, while only 8% said repeal was more important than anything else. (See Table 10.)

Table 10. Service Members' Assessment of the Relative Importance of Repeal in Their Decision of Whether to Stay in the Military	
Question 82. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would your top three decision factors be to you in deciding whether to remain in the military?	
	Overall
All Factors More Important than Repeal	48.0%
All Factors Equally Important as Repeal	16.0%
All Factors Less Important than Repeal	7.6%
Some more, Some less Important as Repeal	28.5%

Impact of Repeal on Morale

In addition, the survey also asked questions about morale. In question 73, Service members were asked how their level of morale would be affected if Don't Ask, Don't Tell were repealed. Consistent with responses to similar questions about effects on unit effectiveness, cohesion, and readiness, 62% of Service members responded that repeal would have a positive, mixed, or no effect on their morale, while 28% said it would have a negative impact on their morale.

Table 11. Service Member Perception of Impact of Repeal on Morale	
Question 73. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would your level of morale be affected?	
	Overall
Positively / Very Positively	4.8%
Equally as positively as negatively	13.2%
No effect	43.6%
Negatively / Very Negatively	27.9%
Don't know	10.5%

¹⁷⁸ See Appendix C, Questions 82a, 82d, 82f, 82m, and 82u.

Those Who Have Already Served With Someone They Believe is Gay

Service members were asked on the survey whether they had ever worked with a leader, co-worker, or subordinate they believed to be gay or lesbian in their career. 75% of Service members answered “yes” to at least one of these questions.¹⁷⁹ For example, 69% of Service members said that they had worked with a co-worker that they believed to be gay or lesbian. (See Table 12.) When asked if they were currently serving with someone they believed to be gay or lesbian, more than a third (36%) answered yes. (See Table 13.)

Table 12. Service Members Who Have Served With Leaders They Believe to be Gay or Lesbian	
Question 36. In your career, have you ever worked in a unit with a co-worker you believed to be homosexual?	
	Overall
Yes	69.3%
No	30.7%

Table 13. Percentage of Service Members Currently Serving With Someone They Believe to be Gay or Lesbian	
Question 34. Do you currently serve with a male or female Service member you believe to be homosexual?	
	Overall
Yes	36.0%
No	64.0%

Thus, a large number of Service members report that they have already had the experience of serving in a unit with a person they believed to be gay or lesbian. This is consistent with what we heard in large group information exchange forums. In response to the question, “How many of you have already had the experience of serving in a unit with a person you believed to be gay or lesbian?”, in a group of 150–300 Service members, typically 80% or more of those present raised their hands.¹⁸⁰

Those Service members who reported that they are currently serving with someone they believe to be gay or lesbian were more likely to answer that repeal would have a positive, mixed, or no effect on unit cohesion, unit effectiveness, unit readiness, recruiting, retention, and family readiness. For example, when asked how repeal of Don't Ask, Don't Tell would affect their immediate unit's effectiveness in an intense combat situation, 74% of those

¹⁷⁹ CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Service Members, 2010.
¹⁸⁰ CRWG analysis of information exchange forum notes, 2010.

currently serving with someone they believe to be gay or lesbian reported the impact would be positive, equally positive and negative, or have no effect, while 26% reported that it would have a negative effect.¹⁸¹ Those not currently serving with someone they believe to be gay or lesbian were more negative in their predictions: 33% of these Service members predicted that repeal would have a negative impact on unit effectiveness in an intense combat situation.¹⁸²

Among Service members who said that they are currently serving with someone they believe to be gay or lesbian, the portion who said repeal would have positive, mixed, or no effect on aspects of unit cohesion was 3–8% percentage points higher than those who are not currently serving with someone they believe to be gay or lesbian. With regard to privacy and living arrangements, Service members currently serving with someone they believe to be gay or lesbian were more likely to say they would take no action or handle the situation on their own.

Overall, among those Service members who report that they are currently serving with someone they believe to be gay or lesbian, the portion answering that the effects of repeal would be negative was generally around 6% percentage points lower than for those who report that they are not currently serving with someone they believe to be gay or lesbian. Table 14 compares these responses across a selection of questions related to unit effectiveness, unit cohesion, and unit readiness.

181 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Service Members, 2010.

182 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Service Members, 2010.

Table 14. Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Unit Effectiveness, Unit Cohesion, and Unit Readiness by Whether Currently Serving With Someone They Believe to be Gay or Lesbian					
If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would it affect...					
	Currently Serve w/ Gay or Lesbian	Positively / Very Positively	Equally Positively & Negatively	No Effect	Negatively / Very Negatively
Unit Effectiveness					
Question 71a. Your immediate unit's effectiveness at completing its mission in a field environment or out at sea	Yes	15.1%	25.9%	21.6%	37.5%
	No	9.3%	25.7%	17.0%	48.1%
Question 71c. Your immediate unit's effectiveness at completing its mission in an intense combat situation	Yes	16.0%	30.1%	27.8%	26.0%
	No	10.3%	32.2%	24.4%	33.2%
Unit Cohesion					
Question 68a. How Service members in your immediate unit work together to get the job done?	Yes	22.4%	30.5%	22.6%	24.5%
	No	16.1%	32.9%	18.5%	32.4%
Question 68c. How Service members in your immediate unit trust each other?	Yes	22.8%	29.3%	19.6%	28.4%
	No	15.5%	32.2%	16.4%	35.8%
Unit Readiness					
Question 75b. Your immediate unit's readiness	Yes	9.3%	24%	48.4%	18.3%
	No	5.4%	26.9%	44.8%	22.9%
Question 75f. Your unit's ability to train well together	Yes	10.0%	23.0%	40.4%	26.5%
	No	5.4%	25.4%	35.2%	34.1%
Note: "Currently Serve w/ Gay or Lesbian" reflects Service members' responses to question 34: "Do you currently serve with a male or female Service member you believe to be homosexual?"					

Army, Marine Corps, and Combat Arms

Among the Services, the Marines were consistently more negative in their responses about the effect of repeal. The combat arms communities in both the Army and the Marine Corps were also more negative about the effect of repeal than others in their Services.¹⁸³

For example, as discussed earlier, approximately 44% of all Service members said that their unit's effectiveness "in a field environment or out at sea" would be negatively impacted by repeal of Don't Ask, Don't Tell. Nearly 60% of respondents in the Marine Corps and in Army combat arms said they believed there would be a negative impact on their unit's effectiveness in this context; among Marine combat arms the number was 67%. (See Table 15.)

Likewise, when asked how repeal of Don't Ask, Don't Tell would impact the readiness of their immediate unit, 21% of Service members overall said that it would have a negative impact. Among Marine Corps respondents this number was 32%; among Army combat arms it was 35%; and among Marine combat arms 43%. (See Table 15.)

Table 15. Army, Marine Corps, and Army and Marine Combat Arms Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Unit Readiness

Question 75b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's readiness?

	Overall	Army	Marine Corps	Army Combat Arms	Marine Combat Arms
Positively / Very positively	6.8%	7.4%	5.3%	5.2%	3.5%
Equally as positively as negatively	25.8%	25.8%	27.4%	23.9%	24.5%
Negatively / Very Negatively	21.2%	23.8%	31.8%	35.1%	43.5%
No effect	46.1%	42.9%	35.5%	35.8%	28.5%

The responses of Marines and of Army and Marine combat arms were similarly more negative than the force overall in response to questions about unit cohesion. For example, question 68a asked Service members about the impact of repeal on their unit's ability to "work together"—an aspect of task cohesion. While slightly under 30% of Service members as a whole predicted repeal would have a negative impact, that number was 43% among the Marine Corps, 48% among Army combat arms, and 58% among Marine combat arms. (See Table 16.)

¹⁸³ The Working Group invited the Services to further analyze Service-specific data from the Service member survey data. We understand, based on this Service analysis, that this finding generally applies to combat warfare communities in all Services.

Table 16. Army, Marine Corps, and Army and Marine Combat Arms Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Task Cohesion

Question 68a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... How Service members in your immediate unit work together to get the job done?

	Overall	Army	Marine Corps	Army Combat Arms	Marine Combat Arms
Positively / Very positively	18.4%	18.9%	12.7%	13.2%	8.7%
Equally as positively as negatively	32.1%	31.5%	31.1%	26.1%	24.4%
Negatively / Very negatively	29.6%	31.9%	42.8%	47.5%	57.5%
No Effect	19.9%	17.8%	13.4%	13.3%	9.4%

Question 68c asked Service members about the impact of repeal on the trust between unit members—a part of social cohesion. Overall, 33% of Service members predicted a negative impact on trust between unit members; this number was 47% for the Marine Corps, 49% for Army combat arms, and 60% for Marine combat arms. (See Table 17.)

Table 17. Army, Marine Corps, and Army and Marine Combat Arms Perceptions of Impact of a Repeal of Don't Ask, Don't Tell on Social Cohesion (Trust)

Question 68c. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... How Service members in your immediate unit trust each other?

	Overall	Army	Marine Corps	Army Combat Arms	Marine Combat Arms
Positively / Very Positively	18.1%	18.6%	11.8%	13.6%	8.3%
Equally as positively as negatively	31.2%	30.3%	29.5%	26.1%	24.7%
Negatively / Very Negatively	33.1%	35.5%	47.3%	48.9%	59.7%
No Effect	17.6%	15.6%	11.4%	11.3%	7.4%

The Marine Corps, Army combat arms, and Marine combat arms also differed significantly from the force overall in the portion that reported that they are currently serving with someone they believe to be gay or lesbian, and that reported that they are

servicing in gender-integrated units. While more than a third of the force as a whole said they are currently serving with someone they believe to be gay or lesbian, around one-quarter of Army combat arms and Marines believe they are doing so. (See Table 18.) Fewer still Marine combat arms personnel report that they are serving with someone they believe to be gay or lesbian.

Table 18. Percentage of Army, Marine Corps, and Army and Marine Combat Arms Service Members Currently Serving With Someone They Believe to be Gay or Lesbian

Question 34. Do you currently serve with a male or female Service member you believe to be homosexual?

	Overall	Army	Marine Corps	Army Combat Arms	Marine Combat Arms
Yes	36.0%	37.6%	24.9%	26.7%	20.0%
No	64.0%	62.4%	75.1%	73.3%	80.0%

In addition, while 80% of the overall force indicated that it serves in units with both men and women, 63% of Marines report that they serve in mixed gender units. Additionally, only 43% of Army combat arms personnel and 30% of Marine combat arms personnel indicate that they serve in units that include both men and women. In general, men who are currently serving in gender-integrated units are less likely to predict a negative impact of repeal of Don't Ask, Don't Tell: 28% compared to 39% among men who are serving in male-only units.¹⁸⁴

Table 19. Percentage of Army, Marine Corps, and Army and Marine Combat Arms Service Members Currently Serving in Units With Both Men and Women

Question 4. Does your immediate unit include both men and women?

	Overall	Army	Marine Corps	Army Combat Arms	Marine Combat Arms
Yes	80.0%	77.3%	62.7%	42.5%	29.7%
No	20.0%	23.7%	37.3%	57.5%	70.3%

184 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Service Members, 2010.

Impact of Repeal on Family Readiness

To further assess some of the concerns expressed in the information exchange forums and focus groups, the Working Group included questions in the Service member survey and spouse survey about the presence of same-sex couples in on-base military housing and about the involvement of same-sex partners in family readiness activities. When asked about military housing, 44% of Service members answered that if a same-sex couple lived on-base they would “get to know them like any other neighbors”; 17% answered that they would be uncomfortable but would not move; and 18% answered that they “would probably move off base.” Many Service members reported that they simply didn’t know how they might respond. (See Table 20.)

Table 20. Service Member Reported Courses of Action if a Gay or Lesbian Couple Moved Into On-base Housing	
Question 96. If Don't Ask, Don't Tell is repealed and you had on-base housing and a gay or lesbian Service member was living with a same-sex partner on-base, what would you most likely do?	
	Overall
I would get to know them like any other neighbors.	42.2%
I would make a special effort to get to know them.	1.9%
I would be uncomfortable, but access to the exchange, commissary, and MWR facilities is more important to me than who my neighbors are when deciding where to live.	5.1%
I would be uncomfortable, but the quality of on-base housing is more important to me than who my neighbors are when deciding where to live.	5.2%
I would be uncomfortable, but the cost of moving makes it unlikely I would leave on-base housing.	6.3%
I would probably move off-base.	17.6%
Something else	5.5%
Don't Know	16.3%

With regard to participation in deployment support activities, 76% of spouses responded that the presence of a same-sex partner of a gay or lesbian Service member would have no effect on their own participation; 14% responded that they would attend less often. (See Table 21.)

Table 21. Military Spouses' Perceptions of Impact of Repeal on Deployment-Support Activities	
Question 29. Assume Don't Ask, Don't Tell is repealed and your spouse is deployed. Would the presence of a partner of a gay or lesbian Service member affect how often you attend deployment-support activities?	
	Overall
Yes, I would attend deployment-support activities more often	1.3%
No, it would have no effect on my attendance at deployment-support activities	76.2%
Yes, I would attend deployment-support activities less often	13.4%
I don't know	9.1%

The spouse survey also asked spouses to rate the impact of repeal on their own family readiness. Over three-quarters (77%) of military spouses also said that repeal would have no effect on their family readiness; 8% said that it would reduce their family readiness.

Table 22. Military Spouses' Perceptions of the Impact of Repeal on Family Readiness	
Question 32. Assume Don't Ask, Don't Tell is repealed. Would repeal affect your family readiness?	
	Overall
Yes, it would improve my family readiness	1.0%
No, it would have no effect on my family readiness	77.2%
Yes, it would reduce my family readiness	8.2%
I don't know	13.5%

Open-Ended Responses

Finally, Service members were given the opportunity, in question 103 of the survey, to provide a response in their own words about “the impacts to you, your family, your immediate unit, or your Service if Don't Ask, Don't Tell is repealed.” Comments were provided by 47,318 Service members. The Working Group reviewed all of these responses and found that

they expressed many of the same sentiments—on all sides of the issue—raised by Service members in the Working Group's other engagements with the force.

In addition, with the assistance of the Defense Manpower Data Center, the Working Group compared the open-ended comments provided by Service members with their responses to other survey questions regarding impact of repeal. This analysis revealed that Service members' open-ended comments were by and large consistent with their responses to the other questions in the survey. For example, Service members whose responses to questions about impact of repeal were predominately negative tended to provide open-ended comments that were negative. These Service members' open-ended comments most often expressed concerns about flamboyant gay men in the Service, repeal tarnishing the image of the military, and privacy in living facilities and showers. Similarly, Service members whose responses to questions about impact of repeal were predominately positive tended to provide open-ended comments that were also positive. These Service members' open-ended comments most often expressed that sexual orientation is irrelevant to a Service member's ability to do the job, that gay and lesbian Service members have a right to serve openly, that they have a right to serve without fear of being separated, and the like.

Meanwhile, those Service members who indicated on the survey that repeal would have no effect provided open-ended comments similar to those who indicated a positive effect. The most prevalent comments were that sexual orientation is irrelevant to a Service member's ability to do the job, that gay and lesbian Service members have a right to serve openly, and that repeal is acceptable so long as good order and discipline is maintained.

Those Service members who indicated that repeal would have equally mixed positive and negative effects provided open-ended comments along the same lines, mixed positive and negative. The most prevalent comments included: that sexual orientation is irrelevant to a Service member's ability to do the job, concerns about privacy in living facilities and showers, that Don't Ask, Don't Tell is working and does not need to be changed, that repeal is acceptable so long as good order and discipline is maintained, and the like.

VIII LESSONS FROM HISTORY

Although there are fundamental differences between matters of race, gender and sexual orientation, we believe the racial integration of the U.S. military in the 1940s and 1950s, and the gender integration of the military that began in earnest in the 1970s, present some useful historical lessons. We discuss these lessons here.

Racial Integration of the U.S. Military

As a preliminary matter, it should be noted that, contrary to popular belief, President Harry S. Truman did not simply and abruptly order the Military Services to end racial segregation in 1948. Calls to study the issue began around 1945; Truman's 1948 Executive Order declared that "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin" was "the policy of the President," and established a Committee which then took two years to study the issue.¹⁸⁵ The Services adopted integration plans in 1949 and 1950. However, it was not until 1953 that 95% of African-American soldiers were serving in integrated units and not until the 1970s that Navy ships were fully integrated.¹⁸⁶

During World War II and in the immediate post-War era, some of America's most admired public figures and war heroes of that period expressed concern for permitting Service members of different races to serve together. Like the discussion today, the concerns then centered on military readiness, military effectiveness, unit cohesion, and morale. In 1941, Admiral Chester Nimitz stated:

"One does not install a part in a machine, no matter how excellent that part may be in itself, unless it will fit and work smoothly with other parts. That, frankly, covers the Navy Department's attitude on this question. Negro officers aboard ship would form a small unassimilable minority which, despite anything we could do, would inevitably form a source of discord that would be harmful to the service."¹⁸⁷

¹⁸⁵ "Records of the President's Committee on Equality of Treatment and Opportunity in the Armed Services (Record Group 220)," Harry S. Truman Library and Museum, accessed November 19, 2010, <http://www.trumanlibrary.org/hstpaper/fahy.htm>.

¹⁸⁶ Matthew Cashdollar, "Not Yes or No, But What If: Implications of Open Homosexuality in the Military," in *Attitudes Aren't Free: Thinking Deeply About Diversity in the US Armed Forces*, eds. Jim Parco and David Levy, (Maxwell Air Force Base: Air University Press, 2010), 169.

¹⁸⁷ Erin R. Mahan, "Racial Integration of the Armed Forces: Information Paper for Considering Open Service Policy," August 9, 2010, 7.

Likewise, Admiral Nimitz stated "The policy [of limiting black Sailors to the messman's branch] was instituted in the interest of harmony and efficiency aboard ship after many years of experience."¹⁸⁸

In 1941, Army Chief of Staff General George Marshall contended that racial segregation was working and should be continued, and warned that "experiments within the Army in the solution of social problems are fraught with danger to efficiency, discipline, or morale,"¹⁸⁹ and General Henry "Hap" Arnold, commander of the Army Air Corps, wrote in a 1940 internal Army memo, "Negro pilots cannot be used in our present Air Force since this would result in having Negro officers serving over white enlisted men. This would create an impossible social problem."¹⁹⁰

Much of the opposition to racial integration of the Military Services stemmed from what we now know to be blatant stereotype. In 1946, the Army's Assistant Chief of Staff for Organization and Training, Major General Idwal Edwards, warned that the Army must recognize the "ineptitude and limited capacity of the Negro soldier."¹⁹¹ Others even suggested that segregation actually benefited the black soldier. Most notably, in 1948 then Army Chief of Staff General Dwight D. Eisenhower testified before a Senate hearing that segregation protected blacks because "In general, the Negro is less educated...and if you make a complete amalgamation, what you are going to have in every company the Negro is going to be relegated to the minor jobs, and he is never going to get his promotion."¹⁹²

Meanwhile, opinion polls and surveys of the military then, though not as extensively used in the 1940s as today, showed solid opposition to the idea of racial integration of the military. In a 1946 survey of 2,376 Army and Army Air Forces white enlisted men, over 80% responded that "white and Negro soldiers should *not* work, train, and live [eat or sleep] together."¹⁹³ Similarly, 80% of white officers at that time reported that they would not like being assigned to an integrated unit (shared working, training, and living conditions), 9% were in favor of such an assignment, and 10% were undecided.¹⁹⁴

Within a few years during and after World War II, as African Americans had an opportunity to prove themselves alongside their white counterparts in integrated situations, attitudes began to change. During World War II, the number of African Americans in the Army increased dramatically, from 4,435 in 1940 to over 700,000 by September 1945.¹⁹⁵ Integration of the other Military Services occurred on a limited and experimental basis

188 Mahan, "Racial," 7.

189 Mahan, "Racial," 6.

190 Commander of Army Air Corps, Memo, "Employment of Negro Personnel in Air Corps Units," May 31, 1940.

191 Mahan, "Racial," 6.

192 Mahan, "Racial," 7.

193 Army-Air Force TI&E Division, Special Memorandum No. 40-309C, "Supplemental report on attitudes of white enlisted men toward serving with Negro enlisted men, based on a study made in November 1946," 1949.

194 Troop Information & Education Division, Troop Attitude Research Branch, "Attitudes of Officers and Enlisted Men Toward Certain Minority Groups," July 14, 1947, 5, in RG 330, ASD (Manpower, Personnel & Reserve) Research Division, *Surveys on Troop Attitudes, 1942*, June 1955, Report No 1005.

195 Mahan, "Racial," 6.

toward the end of World War II and in the post-war period. Both the Navy and the Army Air Force experimented with integrated units because of morale and undermanning problems. In 1943, the Navy's Special Programs Unit proposed a plan to assign black crew members to predominantly white crews aboard ships. The experiment began in 1944 and was successful to the point that racial restrictions were lifted in Navy general-service positions. Thus, the Navy was partially integrated three years before President Truman's executive order.¹⁹⁶ The post-war Air Force went through a similar process due to practical problems of obtaining enough qualified pilots for the all-black 332nd Fighter Wing, the famed Tuskegee Airmen. Initially, the idea met resistance but moved forward after Truman's 1948 executive order.¹⁹⁷

The Army and Marine Corps moved more slowly toward racial integration. However, when the personnel shortages of the Korean War necessitated integrated units, Army field officers placed white and black soldiers side by side.¹⁹⁸

By the end of World War II, opposition to racial integration began to erode. In 1944, the commandant of the Marines Corps, Lieutenant General Alexander Vandegrift declared, "The Negro Marines are no longer on trial. They are Marines. Period."¹⁹⁹ By 1949, attitudes toward integrated units were improving, but opposition to integration still existed. In a 1949 survey of 1151 white enlisted men, 61% opposed full integration (work, train, and live together), compared to 80% in 1946; 32% opposed partial integration (working and training together but separate living and eating facilities) compared to over 70% in 1946. This survey also revealed that white soldiers who had worked with black soldiers were less opposed to integration than white soldiers who had only served in segregated units.²⁰⁰

Likewise, following the 1948 Executive Order, many in military leadership accepted the new policy and emphasized the importance of leadership in successful implementation of integration efforts. Army Major General Idwal Edwards, who two years earlier warned of the Negro's "inceptitude and limited capacity," stated in 1948 that any problems implementing the Commander-in-Chief's direction will be "minimized if commanders give the implementation of this policy their personal attention and exercise positive control."²⁰¹

By the time of the Korean War in 1951, Army studies proclaimed integration to be an unqualified success and stated that "integration enhances the effectiveness of the Army."²⁰²

To be sure, racial integration of the U.S. military did not proceed smoothly, and following President Truman's Executive Order racial discrimination, tension, and stereotypes

¹⁹⁶ Morris J. MacGregor Jr., *Integration of the Armed Forces 1940-1965* (Washington, DC: Center of Military History, 1985), 77-86.

¹⁹⁷ Mahan, "Racial," 9.

¹⁹⁸ MacGregor, 428-434.

¹⁹⁹ Mahan, "Racial," 8.

²⁰⁰ Armed Forces I&E Division, Report No. 101-239, *Morale Attitudes of Enlisted Men, May - June 1949, Attitudes Towards Integration of Negro Soldiers in the Army* (Washington, DC, September 1949).

²⁰¹ Mahan, "Racial," 9.

²⁰² Raymond B. Ansel, *From Segregation to Desegregation: Blacks in the U.S. Army, 1703-1954* (Carlisle Barracks, PA: Army War College, 1990), 35-37.

did not magically evaporate within the ranks. Numerous individual incidents of racial hostility occurred, and racial tensions persisted for years in the military. During the civil rights and Vietnam eras in the 1960s and 1970s, there were outbreaks of racial violence within the military, reflecting the unrest in society at large. One such incident in July 1969, at Camp Lejeune, North Carolina, led to the death of a Marine. In 1971, a race riot at Travis Air Force Base, California, involved hundreds of military members and spanned four days.

Despite those incidents, the U.S. military is today widely regarded as one of the most integrated and diverse institutions in America; it is, for example, the community in America in which interracial marriage is most prevalent.²⁰³ In 1989, General Colin Powell, an African American, rose to become the most senior officer in the U.S. military, twenty years before Barack Obama became the first African-American President of the United States.

In drawing parallels to racial integration in the 1940s and 1950s, there are similarities and differences between that experience and repeal of Don't Ask, Don't Tell today that we must acknowledge.

First, skin color and sexual orientation are fundamentally different. That said, the concerns expressed in the 1940s about the effects of integration on unit cohesion and effectiveness sound much the same as those voiced in this debate.

Second, there is a religious component to the issue of homosexuality that generally does not exist on matters of race. Many hold a sincere religious and moral belief that homosexuality is a sin. Many military chaplains today express opposition in religious terms to allowing gay men and lesbians to serve openly in the military. By contrast, there was no significant opposition to racial integration among military chaplains. In fact, the historical record of the period indicates that the military chaplain community, for the most part, encouraged followers along the path of racial integration.

Third, the military began racial integration in the late 1940s and 1950s, *in advance* of American civilian society. In 1954, 95% of the Army was integrated, while buses and other public accommodations in cities such as Montgomery, Alabama, were not. As such, the military did serve as a social experiment in this regard for the rest of American society. By contrast, repeal of Don't Ask, Don't Tell would mean treating gay men and lesbians in the military in a manner similar to what already exists in civilian workplaces, where there is no law that requires gay men and lesbians to hide their sexual orientation to keep their jobs. In that respect, repeal would *not* mean that the military is being used as a social experiment—the military would be following the rest of American society.

203 A study conducted by Jacobson analyzed the 1990 census (PUMS) and the Current Population Survey (CPS) from 1976 to 1998 and found that while interracial marriage is still rare in U.S. society, it is significantly more prevalent in the U.S. military than in civilian society. (Cardell K. Jacobson and Tim B. Heaton, "Inter-group marriage and United States military service," *Journal of Political and Military Sociology*, 33, 2003, 1-22.)

Fourth, the historical record strongly suggests that the opposition to racial integration at the outset was much wider and deeper than the present-day opposition to repeal of Don't Ask, Don't Tell. As previously noted, opposition to integration among white enlisted soldiers in 1946 was as high as 80% of those surveyed. In 1949, one year after President Truman's Executive Order, opposition to integrated living and working space among white enlisted soldiers was still over 60%.

Fifth, many note the military is today being asked to consider repeal of Don't Ask, Don't Tell during a time of war. The fact is that the U.S. military took on racial integration in the midst of World War II, during the Korean War, and the beginning of the Cold War era; there is no reason to believe that today's force could not successfully accomplish a similar change.

Sixth, in terms of numbers, the size of the change brought about by racial integration of the U.S. military in the 1940s and 1950s was many times larger than any change that would result from a repeal of Don't Ask, Don't Tell. In 1945, there were 700,000 African Americans in the Army, out of a total force of over 8 million, or 9% of the force.²⁰⁴ Today, the active duty force is approximately 1.4 million Service members, and by all estimates the portion of gay and lesbian Service members is significantly smaller.²⁰⁵ Further, race is an obvious identifier; sexual orientation is not. Even if the law is repealed, it is likely that gay men and lesbians will continue to be discreet and private about their sexual orientation, as in civilian society.

These similarities and differences aside, we believe the military's successful experience in racial integration is a relevant chapter in American history for this basic reason: prior to integration, many of the most admired and respected military leaders predicted negative consequences for unit cohesion and morale that are very similar to the concerns we have heard in our engagements on Don't Ask, Don't Tell. Those public fears of racial integration were based in large part on lack of experience and stereotype; likewise, surveys of the force at the time indicated widespread opposition. But, with strong leadership and a clear message, change occurred in large part without negative consequences for unit cohesion and effectiveness, and the military is a better institution for it today.

Gender Integration of the U.S. Military

Gender integration of the military has occurred at a slower pace than racial integration. The passage of the Armed Services Integration Act, which made women an official part of the military, occurred in 1948²⁰⁶—the same year as President Truman's Executive Order on

204 At its peak in 1945, the Army had approximately 8.2 million soldiers. (Kent Roberts Greenfield, Robert R. Palmer, & Bell I. Wiley, "The Organization of Ground Combat Troops," in *US Army in World War II* (Washington, DC: Center of Military History, 1992).)

205 RAND, 2010, 98–102.

206 Judith Bellafaire, "America's Military Women—The Journey Continues," *Women in Military Service for America Memorial Foundation*, accessed November 19, 2010, <http://www.womensmemorial.org/Education/WHM982.html>.

racial desegregation. But it took many years to expand the military occupational specialties open to women, and even today, certain specialties are restricted to men only.

In 1948, women were limited to 2% of active duty personnel in each of the Services,²⁰⁷ and there were significant limitations on the positions they could fill. It was not until the late-1970s that the number and the roles of women in the military increased. This coincided with the introduction of the all-volunteer force, the end of the Vietnam War, projected shortages of military personnel, and the national debate over the Equal Rights Amendment and women's rights generally. In 1976, women entered the Service academies for the first time and flight training was opened to women. In 1977, the Coast Guard assigned the first woman to sea duty, and in 1978, women were allowed to serve on noncombatant ships in the Navy. In 1978, the Women's Army Corps was disbanded and women were integrated into the regular Army.

These events did not happen without resistance or controversy. As with racial integration, the initial concerns most frequently raised were predictions about negative impacts to unit cohesion and military effectiveness. Many leaders expressed concerns about women breaking from what they perceived to be traditional roles in society and questioned the physical capabilities of female Service members, especially in combat settings. For example, in an October 1943 memo, the Marine Corps' director of Plans and Policies, Brigadier General C. Thomas stated, "The American Tradition is that a woman's place is in the home,"²⁰⁸ and "Women do not take kindly to regimentation."²⁰⁹ Similarly, three decades later in 1976, General William C. Westmoreland, who had retired four years earlier as Army Chief of Staff stated, "The purpose of West Point is to train combat officers, and women are not physically able to lead in combat. Maybe you could find one woman in 10,000 who could lead in combat, but she would be a freak, and we're not running the Military Academy for freaks."²¹⁰

Surveys of Service members showed similar opposition. In 1977, over 80% of upperclass midshipmen preferred that the U.S. Naval Academy remained an all-male institution.²¹¹ In 1981 and 1982 U.S. Navy surveys of ships' crews receiving women indicated concerns about discipline and cohesion. In these surveys, lower ranking enlisted personnel generally were more open to gender integrated crews, while the chief petty officers and commissioned officers generally opposed gender integration.²¹²

²⁰⁷ John Whiteclay Chambers II, ed. *The Oxford Companion to American Military History* (New York: Oxford, 2000).

²⁰⁸ Erin R. Mahan et al., OSD Historians Office, meeting and spreadsheet, July 23, 2010.

²⁰⁹ Erin R. Mahan et al., OSD Historians Office, meeting and spreadsheet, July 23, 2010.

²¹⁰ Erin R. Mahan et al., OSD Historians Office, meeting and spreadsheet, July 23, 2010.

²¹¹ Kathleen P. Durning, *Women at the Naval Academy: The First Year of Integration* (San Diego: Navy Personnel Research and Development Center, February 1978), 23.

²¹² Patricia Thomas, *Women in the Military: Gender Integration at Sea* (San Diego: Navy Personnel Research and Development Center, May 1981); Carol S. Greebler, Patricia J. Thomas, and Judy D. Kuczynski, *Men and Women in Ships: Preconceptions of the Crews* (San Diego: Navy Personnel Research and Development Center, August 1982).

Today women make up about 14% of the force and can serve in over 92% of the occupational specialties in the military.²¹³ As time has gone by, many barriers have gone down. Women have been a part of combat flying units since the early 1990s, and this summer women were allowed to attend submarine school for the first time. Though all the Military Services (with the exception of the Coast Guard) retain some restrictions on assignments, women are, in fact, routinely exposed to the dangers of combat operations. This is exemplified by the fact that combat casualty rates for women in Operation Iraqi Freedom are higher than in any combat operation in our nation's history, and in 2005 the first Silver Star was awarded to a woman for combat action.²¹⁴

As with racial integration, the expansion of women's roles in the military have not brought a degradation in military readiness, military effectiveness, or unit cohesion. At the same time, similar to racial integration, the integration of women has not been without incident, sometimes with national attention. In September 1991, the nation learned of the sexual misconduct of scores of Naval Officers at the annual Tailhook Convention in Las Vegas. In 1996, the Army brought charges against 12 commissioned and non-commissioned male officers for sexual assault of female trainees at the Aberdeen Proving Ground. More recently, the United States Air Force Academy faced national scrutiny when multiple cases of sexual assault and rape were reported by female cadets in 2003. These incidents have highlighted the need for military leaders to remain focused on integration implementation, including leadership, standards of conduct, and sexual assault and harassment prevention.

Despite these ongoing concerns related to harassment and assault, it is clear that the introduction and integration of women into the force has made our military stronger.

We note some differences and similarities between the advances in equality for women over the past six decades and repeal of Don't Ask, Don't Tell.

First, gender, as with race, is an obvious identifying characteristic, whereas, sexual orientation is not.

Second, the religious and moral objections to women serving in the military, while stronger than religious objections to racial integration, do not rise to the same level as religious and moral objections concerning service by gay or lesbian individuals. While some may hold more traditional views on the roles of women based on religious or moral grounds, for the most part, women are welcome and successful at all levels of the chain of command.

Third, although the integration of women has involved restrictions on military occupational specialties, including exclusion from ground combat units, we do not recommend

²¹³ Defense Manpower Data Center, "Female Representation in the Active Component—1980, 1987, & 1990-2009," Excel spreadsheet; OSD(P&R), e-mail communication to CRWG, November 12, 2010.

²¹⁴ Silver Star awarded to Army Sgt. Lee Ann Hester June, 2005 for valorous action in combat, defeating an enemy ambush on their convoy. There were four previous women who received the Silver Star in World War II for evacuating 42 patients from a field hospital under fire.

similar limitations for sexual orientation upon repeal of Don't Ask, Don't Tell. Gay men and lesbians are currently serving across the Services in combat and combat support roles, and we would expect them to continue to do so after repeal.

Fourth, issues of proper relationships, public displays of affection, and harassment that arose after integrating women will certainly surface after repeal of Don't Ask, Don't Tell. Just as military leaders continue to be vigilant in addressing incidents of sexual harassment and assault, we must remain committed over the long term to leadership, professionalism, and respect, regardless of sexual orientation.

IX EXPERIENCE OF OTHER MILITARIES

Comparison between our military and those of other nations is far from perfect, but here too we find some information relevant to our assessment.

The Working Group researched the policies regarding military service by gays and lesbians in the 43 NATO and ISAF partner nations.²¹⁵ Of these, the Working Group identified 35 that permit gays and lesbians to serve openly in their military. The Working Group confirmed that six nations—the United States, Bulgaria, Jordan, Poland, Turkey, and the United Arab Emirates—exclude gay men and lesbians from serving or serving openly in the military by policy. For the remaining two nations, the Working Group was unable to determine their policies regarding service by gays and lesbians. In some nations, actual practice toward gays and lesbians in the military may differ from official policy.

Table 24. Personnel Policies Regarding Military Service by Gay Men and Lesbians in NATO and ISAF Partner Nations

Permit Gay/Lesbian Open Service, or No Ban on Homosexual Conduct		Exclude Gays and Lesbians, or Open Service	Undetermined
Albania Australia Austria Azerbaijan Belgium Bosnia & Herzegovina Canada Croatia Czech Republic Denmark Estonia Finland <i>France</i> Georgia Germany Greece <i>Hungary</i> <i>Iceland</i>	Ireland Italy Latvia Lithuania <i>Luxembourg</i> Netherlands New Zealand Norway Portugal Republic of Korea Romania Slovakia Slovenia Spain Sweden Ukraine United Kingdom	Bulgaria Jordan Poland Turkey United Arab Emirates United States	Republic of Macedonia Singapore

Nations in Bold: Official Government Information, *Nations in Italics:* Secondary Source Data

²¹⁵ The Working Group undertook to research the policies of all nations around the world, by contacting embassies and researching foreign laws and policies. This research proved inconclusive in many instances. For many countries, the Working Group was unable to obtain definitive information on their policies. This exercise was further complicated by the fact that many countries may not have a formal military policy banning gays and lesbians or open service, but the countries' civilian laws criminalize homosexuality or homosexual conduct as a general matter.

A number of nations have, over the past 20 years, transitioned to policies permitting open service by gays and lesbians. These countries include the United Kingdom (policy changed in 2000), Canada (1992), Australia (1992), Germany (2000), and Israel (1993). Some of these nations changed their policies in light of court decisions or other legal challenges. For instance, the United Kingdom and Canada lost court cases that then required them to rapidly implement a change in their policies.²¹⁶ In Germany²¹⁷ and Australia, national defense leaders changed their policies to head off adverse outcome in pending court challenges.

Working Group members interacted with senior military and civilian officials from the United Kingdom, Canada, and Australia to study conditions prior to policy change, how they handled the transition, and what impacts, if any, they observed. The Working Group focused on these three countries because they are in many ways culturally similar to the United States, and their militaries are, like the U.S. military, all-volunteer forces and of similar size proportionate to their national populations. These nations also work closely with U.S. forces in international operations.

Researchers from RAND also spent time interviewing military officials from Canada, the United Kingdom, Germany, the Netherlands, Italy, Israel, and Australia.

Prior to policy change in these countries, the rank and file military was generally opposed to allowing gay men and lesbians to serve. Notably, both Canada and the United Kingdom conducted surveys of their military personnel, and both convened small study groups to examine the potential implications of change. The surveys conducted in Canada and the United Kingdom revealed that 60–65% of military personnel were opposed to bathing or sharing living quarters with gay men or lesbians,²¹⁸ and 35–45% were opposed to working with gay men or lesbians.²¹⁹ The most common arguments against policy change involved degradation of unit cohesion, concerns about personal privacy in bathing facilities and housing, moral opposition, and medical concerns related to HIV and AIDS—many of the same concerns expressed by U.S. Service members in the Working Group's engagements with the force.²²⁰

The approach taken to the change in policy varied by country, but by and large they undertook what is best described as a minimalist approach. The usual pattern for implementing policy change started with an announcement of the policy change, sometimes accompanied by a statement from senior defense leaders, and followed by an information packet for the chain of command to explain how the policy worked and how it was to be enforced. In Israel and Germany, the announcement was simply a notice of the change embedded within a list of other policy changes. In RAND's interviews, German officials

216 Gregory M. Hereck, Jared B. Jobe, and Ralph M. Carney, *Out in Force: Sexual Orientation and the Military* (Chicago: University of Chicago Press, 1996), 117.

217 German Defense Official, interview with the CRWG, June 18, 2010.

218 UK Ministry of Defence, 1996.

219 UK Ministry of Defence, 1996.

220 Wilbur J. Scott and Sandra Carson Stanley, *Gays and Lesbians in the Military: Issues, Concerns, and Contrasts* (New York: Aldine de Gruyter, 1994).

noted that in many cases, military leaders were unaware of the impending change until after it had already occurred.²²¹

These countries, by and large, describe their current policies regarding gay men and lesbians in military service as, in essence, a “non-policy.”²²² By this, they mean that gay men and lesbians may serve openly not because they have a policy expressly permitting it, but because they have no specific policy on military service by gay men and lesbians at all. When the bans and restrictions were lifted in these countries (in the case of the United Kingdom, it was a ban on homosexuality in the military; in Australia, a prohibition on homosexual conduct; and in Canada, from 1988, restrictions on gays and lesbians serving in certain sensitive and leadership positions), they were most often replaced with general policies of non-discrimination or codes of conduct that addressed all military personnel without regard to their sexual orientation. The United Kingdom, for instance, issued a formal Code of Social Conduct that applies to all its military personnel, but does not specifically address homosexuality or sexual orientation.²²³ Israel’s military personnel policy is silent on the issue of homosexuality.²²⁴

Only a few of these nations assessed the impact of their policy changes in the years after the bans were lifted. In discussions with the Working Group and with RAND, many foreign military officials have referred to the change as a “non-issue.” Within the United Kingdom, Canada, and Australia militaries, there was a general expectation that noticeable numbers of gay men and lesbians would reveal their sexual orientation to fellow military personnel after the policy change, but in fact very few did so. As a result, commanders and senior officials have generally concluded that the policy change has had little impact on their forces.²²⁵

Officials in Canada and the United Kingdom also indicated that their recruiting goals were still met in the years immediately following the policy change, and that their retention did not suffer as a result of the policy change.²²⁶

The United Kingdom undertook a review six months after the policy change as well as a more formal review two years afterwards. British officials told RAND that they knew of three military members who had resigned from service as a result of the policy change, out of a total force of 250,000 personnel.²²⁷ In their two year review, the United Kingdom did not notice any recruitment challenges. Indeed, British officials observed that their new recruits were largely “indifferent” to the presence of gay men and lesbians in the ranks.²²⁸

221 RAND Foreign Military Researcher, phone interview with the CRWG, August 19, 2010.

222 United Kingdom, Canada, Australia, and New Zealand Defense Officials, interview with the CRWG, May 2010.

223 RAND, 2010, 313.

224 RAND, 2010, 293.

225 RAND, 2010, 231, 315–316.

226 Canadian officials noted a drop in retention rates did occur during this period but explained that this drop was consistent with their expectations due to force reductions taking place at the same time unrelated to the policy change.

227 RAND, 2010, 309.

228 United Kingdom Ministry of Defence, *Tri-Service Review of the Armed Forces Policy on Homosexuality and Code of Social Conduct* (United Kingdom: December 2002).

Similarly, Australian defense officials reported no noticeable problems with recruiting or retention following the change.²²⁹

Thus, in the United Kingdom, Canada, and Australia, no problems with recruiting and retention following the change in policy to permit gay men and lesbians to serve were reported, except for isolated reports of small increases in the loss of senior non-commissioned officers that may have resulted in part from the policy change.

None of these nations directly assessed the effects of the policy change on unit cohesion or combat effectiveness. However, most of these nations have been engaged in combat operations in the years since changing their policy. Uniformly, these nations reported that they were aware of no units that had a degradation of cohesion or combat effectiveness, and that the presence of gay men and lesbians in combat units had not been raised as an issue by any of their units deployed in Iraq or Afghanistan. The United Kingdom's review two years after its policy change found very few problems in units, primarily because only a small number of military members opted to disclose their sexual orientation. Those few incidents that did occur were handled at the unit level, and were comparable in scope to incidents reported as "personality clashes."²³⁰ Since the time of that review, British forces have deployed to Iraq and Afghanistan; senior officials interviewed indicated that no incidents had occurred during these deployments and that leaders and military personnel had fully adapted to the policy.²³¹

None of the nations contacted by the Working Group or RAND indicated that there was a rise in the number of harassment incidents as a result of the policy change.²³² Germany maintains a somewhat unique reporting mechanism for formal complaints of all kinds, which operates outside the Ministry of Defence and reports directly to the Parliament. In the five years since the policy change, 50 of the 60,000 complaints filed involved a gay man or lesbian. Of those 50, fewer than 10 involved harassment of some kind.²³³ In the United Kingdom, there was no increase in the rate of same-sex harassment. In the two years that followed the policy change, there had been one incident of an unwanted sexual advance by a gay man, which was dealt with effectively at the unit command level.²³⁴ Canada observed no change in the rate of same-sex harassment in the years after policy change.²³⁵ In Australia there were 12 complaints filed involving gay men or lesbians in the 2 years post policy change, of which fewer than 5 involved harassment of any kind.²³⁶ In their report to the Working Group, RAND notes that in the course of their review of foreign militaries, several countries have commented that harassment due to gender integration was far more pronounced than harassment due to sexual orientation.²³⁷

229 "Lessons Learned from the Service of Gays and Lesbians in Allied Militaries," presentation, *The Brookings Institution Conference*, Washington, DC, May 19, 2010.

230 United Kingdom Ministry of Defence, *Tri-Service*.

231 United Kingdom, Canada, Australia, New Zealand Defense Officials, interview with the CRWG, May 2010; RAND, 2010, 256–263.

232 RAND, 2010, 315.

233 RAND, 2010, 290.

234 United Kingdom Ministry of Defence, *Tri-Service*.

235 United Kingdom, Canada, Australia, and New Zealand Defense Officials, interview with the CRWG, May 2010.

236 "Lessons Learned from the Service of Gays and Lesbians in Allied Militaries," presentation, *The Brookings Institution Conference*, Washington, DC, May 19, 2010.

237 RAND, 2010, 287, 295, 307, 314.

X

EXPERIENCES OF DOMESTIC ORGANIZATIONS

We also looked to the experiences of various municipal and federal agencies in the United States in integrating gay and lesbian personnel. As with foreign militaries, there are limits to making comparisons to these domestic organizations, but there are some important insights to be drawn. In particular, a number of the federal agencies currently have personnel who live and work alongside U.S. military personnel in deployed areas. For this task, we relied in large part on RAND's update to its 1993 report.²³⁸

In 1993, RAND studied sexual orientation at local police and fire departments. These institutions were chosen based on certain similarities to the military: they are all-volunteer forces of U.S. citizens, they are hierarchical in nature, and they rely heavily on cohesion and readiness to perform effectively. In many of the organizations, men far outnumber women.

In its 2010 update, RAND again surveyed municipal public safety agencies, this time in Houston, San Diego, Chicago, Charlotte, Oklahoma City, Orange County, and Philadelphia. RAND also studied several Federal agencies, including the Federal Bureau of Investigation, the Central Intelligence Agency, the State Department, and the U.S. Agency for International Development.

In 1993, none of the organizations surveyed by RAND had formal bans on gay employees or limits on the positions they could hold, but they did report very few openly gay personnel. Since then, many of the localities in question adopted policies of non-discrimination based on sexual orientation, which in turn apply to these public safety agencies. For example, Chicago, Houston, San Diego, and Orange County all now have ordinances against discrimination based on sexual orientation.²³⁹

Some Federal agencies have instituted policies to the same effect. For example, then-Secretary Warren Christopher issued a memo in 1994 outlining the Department of State's commitment to non-discrimination:

"The Department of State is committed to equal opportunity and fair and equitable treatment for all. The Department shall not discriminate among its employees or candidates for employment on the basis of race, color, national origin, sex, religion, disability, or sexual orientation."²⁴⁰

²³⁸ RAND, 2010.

²³⁹ RAND, 2010, 331.

²⁴⁰ RAND, 2010, 331.

Later, in 1998, President Clinton issued an Executive Order prohibiting discrimination based on sexual orientation for civilian employees in all Federal agencies.²⁴¹ Twenty-four states have enacted similar prohibitions applicable to state organizations.²⁴²

Employees of these institutions reported that having gay and lesbian personnel among their ranks has had no effect on their organization's institutional performance. Rather, it appears that a common focus on the job brought co-workers together despite personal beliefs. Anecdotally, one Philadelphia police officer said: "[Other police officers] can hate your guts but they will still back you up,"²⁴³ noting instances of racist white police officers supporting fellow officers who were black. Likewise, a captain of a firefighting squad opined that sexual orientation "has nothing to do with fighting fires."²⁴⁴ Several interviewees actually reported that integration of gay and lesbian personnel resulted in improved performance, in that the organizations were better equipped to respond to concerns of gay and lesbian constituents in their communities.²⁴⁵

Gay and lesbian employees of the agencies surveyed were evaluated by the same criteria as all other employees and accordingly, were represented in institutional leadership. The FBI reported that it had gay employees working successfully in positions that required close collaboration with the military, both domestically and internationally.²⁴⁶ Some stated that a work environment permitting gay and lesbian employees to acknowledge their sexual orientation improved individual job performance as the individuals did not have to expend effort concealing part of their lives and could focus fully on their work.²⁴⁷

Recruiting has also not suffered, with police and fire departments generally reporting "an abundance" of recruits for their agencies.²⁴⁸ Some agencies (e.g., Chicago Police Department, Philadelphia Police Department) have gone so far as to conduct specific outreach efforts to their local gay and lesbian communities.

Overall, retention was generally reported to be very high at the agencies surveyed, and it is rare for an employee to leave for reasons related to sexual orientation.²⁴⁹

The fire departments RAND studied presented a somewhat comparable environment to the military with regard to living and working conditions and associated privacy concerns. While on shift, firefighters share living, bathing, and eating facilities. Also like the military, fire departments had to adapt when women were integrated into their ranks. Those adaptations were often temporary at first (e.g., curtains dividing living spaces) with

²⁴¹ RAND, 2010, 326.

²⁴² RAND, 2010, 330.

²⁴³ RAND, 2010, 345.

²⁴⁴ RAND, 2010, 345.

²⁴⁵ RAND, 2010, 345.

²⁴⁶ RAND, 2010, 346.

²⁴⁷ RAND, 2010, 346.

²⁴⁸ RAND, 2010, 347.

²⁴⁹ RAND, 2010, 348.

more permanent accommodations following over time. Nonetheless, firefighters share intimate quarters when on duty, regardless of permanent, separate facilities. None of the departments interviewed saw the need for additional privacy accommodations for gay firefighters, and some individuals said that, when compared to integrating women, integrating gay and lesbian personnel was trivial. Very few privacy problems have been reported on the basis of sexual orientation.²⁵⁰

Among Federal agencies, the FBI's training facility at Quantico, Virginia is one example of an environment where Federal employees share living space. During interviews there, RAND did not find any incidents or complaints based on sexual orientation.²⁵¹ Foreign service officers from the State Department may be assigned to shared living spaces in certain countries; according to a foreign service officer interviewed by RAND, this has "absolutely been a non-issue."²⁵²

Furthermore, some Federal agencies send their personnel to deployed environments, where they may work alongside U.S. military personnel and live in military housing facilities. In the case of the FBI, according to RAND, no agent has asked to be sent home from a deployment with military personnel because of harassment directed against gays and lesbians.²⁵³

The locales surveyed represent a range of anti-discrimination regimes. In cases where there is no official policy forbidding discrimination based on sexual orientation, existing standards provide similar protections. For example, Oklahoma City policy states that "employment decisions shall be made on the basis of skill, ability, qualifications, and job performance."²⁵⁴ All agencies have some form of formal complaint process outside the chain of command to resolve complaints with a supervisor; typically an Office of Internal Affairs, human resources, or Equal Employment Opportunity office. Federal employees interviewed by RAND cited a 1992 change in policy allowing gay individuals to obtain security clearances and Executive Order 13087 in 1998 as important to extending workplace protections to employees.²⁵⁵

In the 1990s, more open forms of harassment such as graffiti on lockers were a concern in many agencies. Today, however, these forms of harassment are far less frequent. Slurs and derogatory name-calling based on sexual orientation still happen, but at much lower rates than for race or gender. These concerns are typically handled successfully at low levels in the organizational hierarchy.²⁵⁶

250 RAND, 2010, 337.

251 RAND, 2010, 337.

252 RAND, 2010, 337.

253 RAND, 2010, 337.

254 RAND, 2010, 331.

255 RAND, 2010, 332-333.

256 RAND, 2010, 342-343.

In general, reports of gay men or lesbians harassing others individuals are rare. In Oklahoma City, interviewees claimed that gay officers tended to keep their off-duty life private. One interviewee stated, "I know in this part of the country it's not easy for people [to accept homosexuality]. I was raised to believe [homosexuality] is wrong, but at work, it's about treating all fairly."²⁵⁷

RAND found no case of standards of conduct being lowered due to the presence of gay or lesbian employees, and some interviewees stated they thought having openly gay co-workers benefitted the unit.²⁵⁸ For the most part, gay men and lesbians either kept their sexual orientation private, or revealed it to select co-workers on a case-by-case basis.²⁵⁹ Interviewees typically had trouble estimating the number of gay or lesbian members of their organization because only a small number were open about their sexuality to the entire department. When gay employees have decided to "come out," it has typically been a discreet event to a few people. One human resources representative stated, "If you can't be successful out, then you won't come out."²⁶⁰

There were also very few reports of "flamboyant" or inappropriate behavior by gay and lesbian personnel. One official observed that if a police officer carried a purse while on duty, he would be disciplined for a uniform policy violation. Broadly there was a sense that gay personnel know what behavior is acceptable in a business environment.²⁶¹

In general, cohesion and effectiveness have not seemed to have been affected by breaches of standards of conduct. An Oklahoma City Police officer said, "We really just think of ourselves as gray shirts."²⁶² A fire captain said that sexual orientation does not advantage or disadvantage a firefighter.²⁶³ What mattered most to people interviewed was not a person's background or orientation, but whether they could do the job.

In sum, as with racial and gender integration of the military, the process of integrating gay men and lesbians into these municipal and Federal organizations ultimately laid many fears to rest. The experience of municipal law enforcement agencies and Federal agencies has been that the integration of gay and lesbian personnel has not negatively affected institutional or individual job performance.

²⁵⁷ RAND, 2010, 344.

²⁵⁸ RAND, 2010, 344-346.

²⁵⁹ RAND, 2010, 339.

²⁶⁰ RAND, 2010, 341.

²⁶¹ RAND, 2010, 340-342.

²⁶² RAND, 2010, 345.

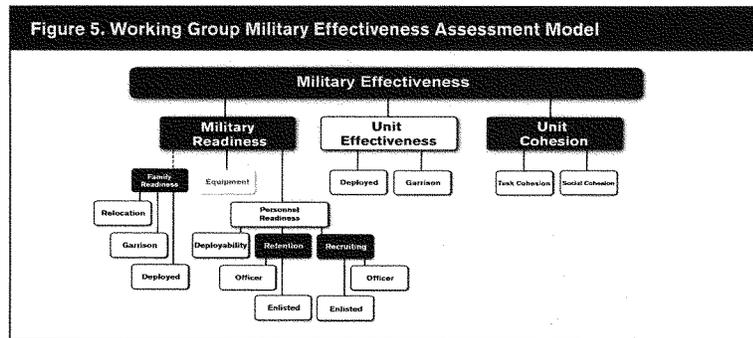
²⁶³ RAND, 2010, 345.

XI PANEL ASSESSMENT

To assist us in our assessment, the Working Group established a panel to consolidate and review the full breadth and depth of data collected by the Working Group and to conduct a staff assessment. A summary of the assessment panel's approach, make-up, and findings are contained in this section; our overall assessment, which considers the findings of the staff assessment along with other factors, is in the following section.

Approach

To address the Terms of Reference, the Working Group needed to understand how the six areas assigned by the Terms of Reference—military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness—relate to one another. Figure 5 depicts the model constructed by the Working Group to depict these relationships. Areas in blue are those assigned expressly by the Terms of Reference: military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness. The overarching area to be assessed was military effectiveness. Military readiness and unit cohesion are primary components of military effectiveness. In addition, "unit effectiveness," which is similar to but somewhat different from unit cohesion, was considered an additional component of military effectiveness that should be evaluated. Within military readiness, components are defined by statute, and include personnel readiness. As such, recruiting and retention were considered to be subcomponents of military readiness. Taken together, the panel's assessment of these major assessment areas and their subcomponents provided the information for the co-chairs to make an overall risk assessment to military effectiveness.



In order to understand and evaluate each assessment area, the Working Group broke down each area into component parts. For unit cohesion, academic and military research indicates that it is made up of both task cohesion and social cohesion.²⁶⁴ Therefore, though they were not specifically assigned by the Terms of Reference, the panel assessed these subcomponents too. Unit effectiveness was assessed both while in garrison and deployed. Recruitment and retention focused on enlisted and commissioned officer personnel. Additionally, as part of the Department of Defense's responsibility to report readiness to Congress,²⁶⁵ the deployability of the force is considered part of military readiness; and it was also evaluated by the panel. Finally, family readiness was evaluated based on three distinct time periods for a military family: in garrison, during deployment, and while relocating.

The panel was selected to represent all the Services and a wide range of ages, grades, warfare specialties, and experiences. The assessment panel included military officers, three senior non-commissioned officers, and several DoD career civilians. The panel consisted of combat arms personnel, aviators, surface combat personnel, an intelligence officer, a personnel specialist, family readiness specialists, a recruiter, a judge advocate, an aeromedical officer, and a military researcher. Eight of the panel members were part of the Working Group, including three Working Group members who were brought into the Working Group specifically because of their recent operational experience. For most of the review, the panel consisted of 11 members; for the family readiness review, the panel was increased to 15 members. In performing their assessment, each of the panel members applied their own individual, professional judgment. Through inclusion of panel members representing the operational communities in each service, the concerns and views of those communities were both heard and incorporated into the panel deliberations. Specifically included were representatives from the Army and Marine Corps combat arms communities.

To conduct its staff assessment, the panel used a standard military decision support process recommended by the Force Structure, Resources, and Assessment Directorate of the Joint Staff (J-8). The same process has also been used by the Department of Defense in a variety of complex military decisions and risk assessments. The process is also widely used and accepted in academia and industry as well.²⁶⁶

The first step of the decision support process required the assessment panel to determine the importance of each of the sub-areas to the various assessment areas. For example, the panel had to determine whether task cohesion or social cohesion had greater influence to overall unit cohesion and to what degree—or whether the two sub-areas had equal importance. The panel reviewed an extensive body of research, including materials submitted by outside organizations about the relative importance of task and social cohesion. This particular topic is itself subject to ongoing debate among academics and researchers. When discussing the Don't Ask, Don't Tell policy, some researchers have minimized the

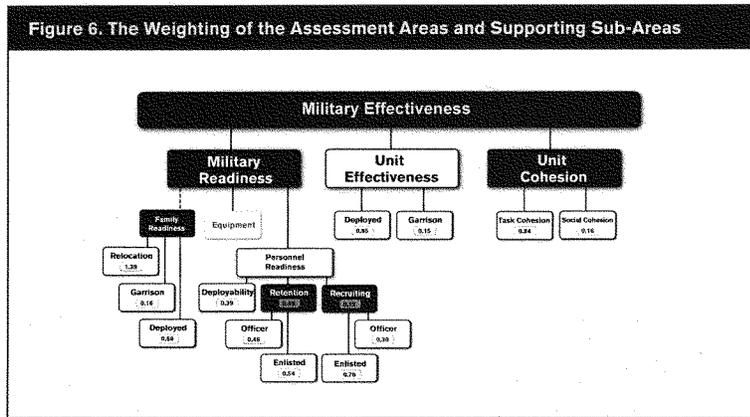
²⁶⁴ "Task cohesion" refers to the ability to work together effectively in order to accomplish a mission. "Social cohesion" refers to the emotional bonds and trust among unit members.

²⁶⁵ 10 U.S.C. § 117.

²⁶⁶ Other users of the process include National Aeronautics and Space Administration, Johnson & Johnson, and Amtrak.

importance of social cohesion and explained that it is only task cohesion that is critical to performance.²⁶⁷ Others tout the importance of social cohesion in military units as the driving force behind unit performance.²⁶⁸ The consensus among the panel was that both contribute to unit cohesion, but that task cohesion is the more important of the two. Indeed, research and analysis of the Service member survey data shows that task cohesion has a stronger relationship with unit performance than social cohesion.²⁶⁹ Thus, the panel weighed task cohesion significantly higher (0.84) than social cohesion (0.16) in relative importance for overall unit cohesion.

In a similar manner, the panel assigned numerical weights to each assessed area as reflected in Figure 6.



In order to conduct its risk assessment, the panel reviewed relevant material and heard presentations from six different subject matter experts on the topics of unit effectiveness,

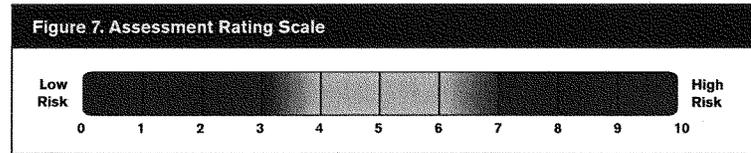
267 Bonnie Moradi and Laura Miller, "Attitudes of Iraq and Afghanistan War Veterans Toward Gay and Lesbian Service Members," *Armed Forces & Society*, 36(3), October 29, 2009, 397-419; Danny Kaplan and Amir Rosenmann, *Presence of Openly Gay Soldiers in IDF Does Not Undermine Unit Social Cohesion*, Research Report submitted to the Michael D. Palm Center, June 2010.

268 Gary Schaub, Jr., "Unit Cohesion and the Impact of DADT," *Strategic Studies Quarterly*, 4(3), Fall 2010, 85-101; Leonard Wong and Thomas A. Kolditz, Raymond A. Millen, and Terrence M. Potler, *Why They Fight: Combat Motivation in the Iraqi War* (Carlisle Barracks, PA: U.S. Army War College, July 2003).

269 Guy L. Siebold, "Military Group Cohesion," *Military Life: The Psychology of Serving in Peace and Combat*, vol. 1, ed. Thomas W. Britt, Carl Andrew Castro, and Amy B. Adler (Westport, CT: Praeger Publishers, 2006), 185-201; CRWG analysis of 2010 DoD *Comprehensive Review Survey of Active Duty and Reserve Members*, 2010.

unit cohesion, recruiting, retention, deployability, and family readiness. Each subject matter expert described the area to be assessed, provided relevant information gathered by the Working Group, and answered questions. The information provided included qualitative information from the Working Group's systematic engagement of the force and their families (i.e., information exchange forums, focus groups, online inbox, and confidential communication mechanism), quantitative data from surveys, other data from the Services, scholarly work from civilian and military researchers, materials submitted by outside organizations, experiences of foreign militaries and domestic organizations, historical accounts of racial and gender integration in the U.S. military, and the relevant sections of RAND's update to its 1993 report.

After hearing each presentation and reviewing the data, panel members assigned a numeric rating for the risk of repeal of Don't Ask, Don't Tell to each sub-area of military readiness, unit effectiveness, unit cohesion, recruiting, retention, and family readiness. A rating of less than 3 was "LOW RISK"; a rating of 4 and above, but less than 6, was "MODERATE RISK," and 7 and above was "HIGH RISK." A rating between 3 and 4 was "LOW-MODERATE" and between 6 and 7 was "MODERATE-HIGH."



The assessments of each individual panel member were then averaged to determine a single risk assessment for each area. Risk assessments for subcomponents were aggregated, in accordance with the weights assigned, to form a numeric risk rating for the overall area assessment.

The panel applied its numeric ratings twice: once before and once after the consideration of risk mitigation factors, including the various policy, legal, training and education, and leadership recommendations of the Working Group. The panelists assumed that the Department of Defense had adequate time to fully implement these recommendations.

Concurrently, a "red team" observed the assessment process from a separate room. The purpose of the red team was to critically evaluate the application of the methodology by the assessment panel, to ensure that the methodology was applied fairly and objectively, and that the assessment was based on relevant data and subject matter expertise. The red team was composed of seven individuals, co-led by a general officer and a career SES civilian, with personnel from each Service, as well as civilian analysts that specialized in

red teaming. The red team was provided with the same information as the panel members and was able to hear and see everything during the assessment. The red team provided a summary report noting areas of concern with regard to methodology, discussion of ratings, group dynamics, and weaknesses in logic and analysis. The red team noted that, in general, the assessment panel's conclusions and assessments were somewhat more conservative (i.e., presuming greater risk) than warranted given the data and information considered. Additionally, although the panel members did not always agree on their assessment of risk, panel deliberations were noted to be thoughtful, dispassionate, and without undue influence by any one panel member.

Factors Considered by the Panel

In evaluating the information gathered by the Working Group and presented by the subject matter experts, the panel considered a number of contextual factors, the most important of which are discussed below. Through the survey process and other engagements with the force, the Working Group heard views, concerns, and attitudes about a repeal of Don't Ask, Don't Tell. Utilizing this information—in conjunction with historical lessons, the experiences of foreign militaries and domestic organizations, and organizational research on the topic within the U.S. military—the panel made its assessments of the impact of repeal. In order to best interpret this information, the panel also considered several contextual factors including: the relationship between attitudes and behaviors, research on when and if gays and lesbians are likely to disclose their sexual orientation in a military environment, and understanding what “open” service is and is not.

Attitude vs. Behavior. First, the assessment panel discussed research indicating that attitudes—including those expressed in surveys—are not a good predictor of actual future behavior. This is demonstrated in social psychology data.²⁷⁰ Attitudes tend to be fairly general and emotionally laden. Behaviors reflect attitudes to a limited extent, and are also strongly affected by rules, social norms, and other constraints of specific situations. Thus, this is one of the reasons the Working Group's survey focused in large part on Service members' actual, past experiences with gay men and lesbians in their unit, and less on the predictions of how Service members might respond to future situations.

Disclosure of Sexual Orientation. Second, the panel considered the extent to which gay and lesbian Service members will disclose their sexual orientation upon repeal. Research reviewed by the panel indicated that gay and lesbian Service members make-up approximately 3–4% of the total force.²⁷¹ Based upon academic literature, RAND's survey of gay and lesbian Service members, and the experiences of other nations after policies were changed to allow gay men and lesbians to serve openly, the panel expected gay Service

²⁷⁰ C.J. Armitage and M. Conner, “Efficacy of the theory of planned behavior: a meta-analytic review,” *British Journal of Social Psychology*, 40, 2001, 471–499.

²⁷¹ RAND, 2010, 101; Estimate is based on FY2008 Adolescent Health survey data. This survey is administered by the National Institutes of Health and incorporates information on a variety of work and health related topics. It includes information on self-reported sexual orientation and military service.

members to continue to be discreet about their personal lives and careful to whom they share their sexual orientation.

Understanding What “Open” Service Means. Third, the panel considered the apparent disconnect between Service members’ reports of having served successfully with others they believe to be gay or lesbian and predictions of negative impacts if gays and lesbians are allowed to serve “openly.” When Service members speak about gays and lesbians with whom they actually served, such co-workers are described based on their professional attributes, technical proficiency, and what they brought to the unit. In contrast, when expressing generalized concerns about repeal, Service members often focused on stereotypes: that gay men in particular would act in an effeminate manner inconsistent with the common image of a warfighter, would make unwanted sexual advances toward heterosexual Service members, or would engage in inappropriate public displays of affection.²⁷² These generalized perceptions of gay Service members led to a fear that unit cohesion, morale, and good order and discipline will erode. Additionally, the panel considered the fact that Service members were not aware of the Working Group’s recommendations for how to implement a repeal of Don’t Ask, Don’t Tell. As such, the consensus was that Service members, fairly, were likely to consider a “worst case” scenario when predicting likely impact of repeal.

Areas of Assessment

With regard to each of the assessment areas the panel made the following findings:

Unit Cohesion. As discussed previously, unit cohesion has two primary parts, task cohesion and social cohesion. “Task cohesion” refers to the ability to work together effectively in order to accomplish a mission. “Social cohesion” refers to the emotional bonds and trust among unit members.

Based on research and comments from currently serving gays and lesbians, the panel expected that the number of gay and lesbian Service members would remain small following a repeal, and that most gay and lesbian Service members would likely only disclose their sexual orientation in a limited manner.²⁷³

Service members reported high levels of task cohesion in their current units—including those who believed they were currently serving with gay men and lesbians. Overall, 72% of Service members, and 77% of Service members currently serving with someone they believe to be gay or lesbian, indicated that repeal would have a positive, mixed, or no effect on task cohesion.²⁷⁴ Analysis of the survey data revealed that the largest driver of task cohesion was not the presence of gay men or lesbians in a unit, but the presence of good leadership by

²⁷² Service members, CRWG Information Exchange Forums and Focus Groups, 2010.

²⁷³ CRWG, “The Process of Disclosure of Sexual Orientation in the Workplace,” white paper, 2010.

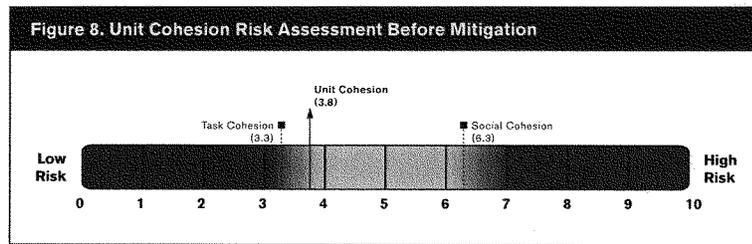
²⁷⁴ CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

officers and non-commissioned officers.²⁷⁵ Additionally, research indicates that leadership, shared mission success, and a common out-group or enemy all enable high unit cohesion.²⁷⁶

Another key factor in the panel's assessment was research indicating that cohesion in military units is not likely to be adversely impacted by group diversity, especially with the presence of an effective leader.²⁷⁷ A number of Service members indicated in focus groups and in comments on the survey that what was important was whether or not someone could do their job, not their sexual orientation.²⁷⁸ The panel noted that Service members within combat arms were somewhat more negative about impact of repeal on task cohesion; however, combat arms personnel also believed, on the whole, that they were better led and reported higher overall cohesion in their current units.²⁷⁹

On the other hand, a significant reason for the panel's relatively high risk assessments for social cohesion was the potential impact of repeal on trust within a unit that might result from any violations of personal privacy. Though the possibility of violent episodes based on violations of personal privacy exists, the panel assessed that instances of violence are likely to be extremely rare and isolated. In addition, the panel found—and survey results supported—that while some units or individuals may reduce their off-duty socializing post-repeal, this has little impact on social cohesion, especially when compared to the large impact of leadership.

The combined assessments of the panel members yielded an initial risk rating of LOW-MODERATE for task cohesion, and of MODERATE-HIGH for social cohesion before mitigation measures were considered. Given the relative greater importance of task cohesion to social cohesion, the panel rated the overall initial risk to unit cohesion as LOW-MODERATE.



²⁷⁵ CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

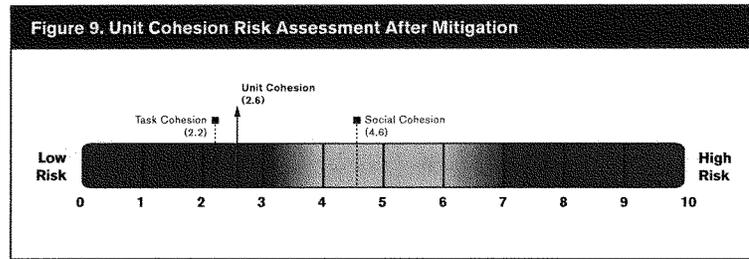
²⁷⁶ CRWG, "Military Cohesion: Summary of Key Research Findings," white paper, 2010.

²⁷⁷ CRWG, "Diversity and Cohesion," white paper, 2010.

²⁷⁸ Service member, CRWG Focus Groups, 2010.

²⁷⁹ CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

The panel determined the impact of repeal on personal privacy, trust, and overall social cohesion can be significantly mitigated by the Working Group's policy recommendations, emphasis on existing standards of conduct, support to leaders to handle situations dealing with personal privacy, and education of the force that will help break down stereotypes. The panel recognized that mitigation measures for social cohesion will, in large part, rely on unit leaders to manage the expectations and behavior of their unit members. With these types of mitigation measures in place, the panel's risk assessments went down considerably. Consistent, sexual-orientation neutral standards of conduct, as well as a policy of not collecting or tracking information on a Service member's sexual orientation, served to mitigate task cohesion risk. Altogether, the panel found the risk to task cohesion as LOW, the risk to social cohesion as MODERATE, and the overall risk to unit cohesion to be LOW.



Unit Effectiveness. Unit effectiveness refers to a unit's ability to accomplish assigned tasks or missions and is the product of a complex interplay of numerous factors, both internal and external to the unit. Internal factors include leadership, individual knowledge and skills, training, equipment, logistical support, and unit cohesion, while external factors include weather, terrain, and enemy characteristics. Many of these factors would not be impacted by repeal; however, social factors such as cohesion, leadership, and social interactions, could be impacted. As such, the research and analysis for unit cohesion was a component of the assessment of the impact of repeal on unit effectiveness.

The panel assessed the risk to unit effectiveness in the two environments within which the majority of military units operate: "in garrison" (e.g., at home, on base, or in port) and deployed. Prior to mitigation measures, the panel rated the impact of repeal as MODERATE risk in garrison and as LOW-MODERATE in a deployed environment.

The survey results revealed that Service members were more negative about the impact of repeal on unit effectiveness while deployed to a field environment or out at sea, with 44% of respondents reporting that unit effectiveness would be affected negatively in

that situation.²⁸⁰ On the other hand, the numbers of those predicting negative effects fell to 29% when asked about unit effectiveness in a crisis situation and 31% in an intense combat situation.²⁸¹ These results suggest a large number of respondents are concerned about privacy and non-work-related distractions in the field or at sea. However, these concerns diminish when a strong focus on mission accomplishment is required. These findings are consistent with research showing that a mutual threat and high levels of interdependence among unit members, commonly found in combat situations, enhances cohesion by activating an in-group identity and a shared goal that supersedes individual differences.²⁸² Within garrison or during down time on deployment, the external threat is greatly reduced or non-existent, and those environments allow for numerous distractions, which can exacerbate tensions between Service members and detract from mission focus.

Further, the survey results revealed unit effectiveness was reported to be good among those Service member who are currently serving with someone believed to be gay or lesbian.²⁸³ While these ratings are slightly less positive than those for units in which the Service member is not serving with someone believed to be gay or lesbian, when quality of leadership is accounted for, this difference becomes virtually non-existent.²⁸⁴ It is only in units with poor quality leadership—which in the survey accounted for less than 3% of responses—that this difference is noticeable. As with unit cohesion, the differences in unit effectiveness due to quality of leadership are five to ten times larger than those due to the presence of someone believed to be gay or lesbian.

The panel also found relevant the historical record of the U.S. military's experience with racial and gender integration, as well as experiences of foreign militaries and analogous domestic organizations. Not long after surveys of U.S. forces indicated that 65–80% of white Service members predicted significant disruption and negative impact to unit effectiveness if blacks were integrated into their units, Army research from the period 1951–1953, conducted during the Korean War, found that racially integrated units performed in combat equally as well as all-white units.²⁸⁵ Likewise, Army research from the 1970s revealed no decline in unit effectiveness as a result of gender integration.²⁸⁶

Finally, RAND's updated report notes that domestic police and fire departments concluded that the presence of gay men and lesbians did not undermine unit effectiveness. The RAND report also describes the experiences of several foreign militaries that lifted bans on the military service of gay men and lesbians.²⁸⁷ These nations have participated in

280 See Appendix C, Question 71a.

281 See Appendix C, Questions 71b–c.

282 Guy L. Siebold, "Military Group Cohesion," *Military Life: The Psychology of Serving in Peace and Combat*, vol. 1, ed. Thomas W. Britt, Carl Andrew Castro, and Amy B. Adler (Westport, CT: Praeger Publishers, 2006), 185–201.

283 See Appendix C, Questions 39c, 47c, and 55c.

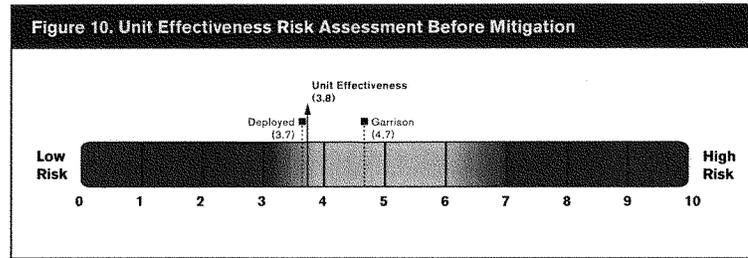
284 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

285 Alfred H. Haurath, "Utilization of Negro Manpower in the Army," *Journal of the Operations Research Society of America*, 2, no. 1 (February 1954).

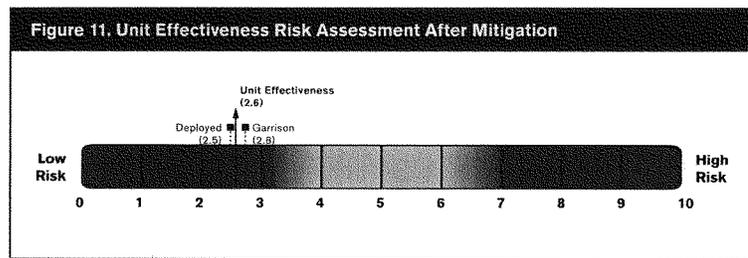
286 Leora N. Rosen et al., "Cohesion and Readiness in Gender-Integrated Combat Service Support Units: The Impact of Acceptance of Women and Gender Ratio," *Armed Forces & Society*, 22, 1996, 537–553.

287 RAND, 2010, 275–316.

combat operations, often in cooperation with U.S. forces, since they lifted their bans, and none observed a decline in unit effectiveness.



The primary focus of mitigation measures were good leadership, clear standards of conduct applicable to all Service members, and well-designed education and training programs. The panel discussed the importance of leaders fully and consistently enforcing the standards of conduct in garrison or in port, as well as when deployed in the field or at sea. When the recommended mitigation measures were considered, the panel rated the risk of repeal to unit effectiveness in both garrison and deployed settings as LOW. With those two environments combined, the panel rated the risk of repeal to overall unit effectiveness as LOW.



Military Readiness. Military readiness is defined as the ability of forces to fight and meet the requirements of the National Military Strategy.²⁸⁸ Within military readiness, the panel considered recruiting, retention, and deployability issues as separate sub-areas for assessment. The panel rated retention as the most important of the three based on the time and resources invested in developing each Service member through their career, followed by non-deployability issues based on its impact on the ability to send forces abroad, and recruitment. The panel's assessment of each is described separately below. Based on the assessments of recruiting, retention, and deployability factors, the panel assessed the overall risk of repeal to military readiness as MODERATE, before taking account of any mitigation measures and LOW, after taking account of these measures.

Recruiting. The panel concluded, from data supplied by the Services, there would be little impact from a repeal of Don't Ask, Don't Tell on recruiting for the officer and enlisted ranks. Service Academies and ROTC programs remain highly competitive and Services are meeting their officer accession objectives.

A military recruiting survey asked potential recruits whether a repeal of Don't Ask, Don't Tell would impact their likelihood to enlist. RAND analyzed this data and concluded that the effect on enlisted recruitments could decline by up to 7%, or the equivalent effect of a 1% decline in the national unemployment rate. The overall decline of 7% came from RAND's analysis of a survey conducted by Joint Advertising Marketing Research and Studies in the April-June timeframe.²⁸⁹ (A subsequent analysis of a survey in the July to September timeframe, which used slightly different wording, showed an *increase* in overall recruiting of 4%; however, this information was not available to the panel at the time of its assessment.)²⁹⁰

The consensus among panel members, however, was that overall risk to recruitment was LOW for a number of reasons.

First, research and survey data show that enlisted recruits are driven primarily by economic and financial reasons. Research also shows that there is a weak link between attitudes and behavior, especially when individuals are asked to predict behavior in situations with which they are not familiar. As such, the panel was skeptical that enlisted recruits' prediction about the impact of repeal on their likelihood of enlisting would reliably predict their actual behavior. Thus, the consensus of the panel was that a 7% decline would not actually come to fruition.

Second, military recruitment systems are structured such that they are resilient to fluctuations in the availability of potential recruits and the demand for new recruits on an annual basis. Each Service has been able to meet recruiting goals in recent years in substantially more difficult conditions than exist currently.²⁹¹

²⁸⁸ Department of Defense, Joint Publication 1-02, *Dictionary of Military and Associated Terms*, September 30, 2010, 387.

²⁸⁹ RAND, 2010, 178, 187.

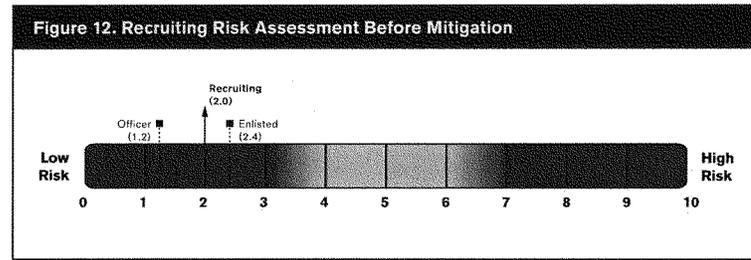
²⁹⁰ RAND, 2010, 178, 187.

²⁹¹ CRWG Assessment Team, "Recruiting Analysis Paper," white paper, 2010.

Third, Service member survey data indicated that 63% of respondents would still recommend military service if Don't Ask, Don't Tell was repealed.²⁹²

Finally, based on the experience of other nations, the panel believed that any recruiting challenges resulting from a repeal of Don't Ask, Don't Tell will be minimal.

Accordingly, the panel assessed that, without mitigation measures in place, the risk of repeal to both officer and enlisted recruitment is LOW.²⁹³

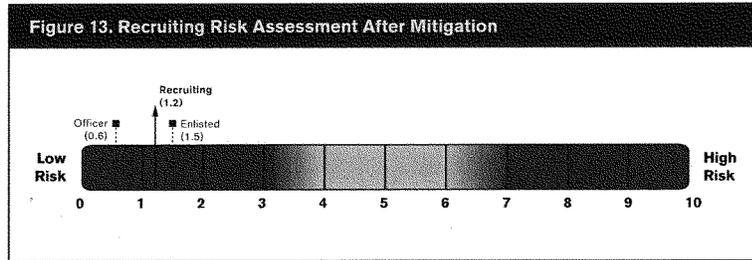


In terms of mitigation measures, of particular importance to the panel's assessment was the recommendation not to collect data on applicants' sexual orientation and to continue existing policy of not asking recruits to reveal their sexual orientation. Also of importance was education and training for recruiters. This would enable them to clearly, succinctly, and accurately explain to potential recruits what repeal of Don't Ask, Don't Tell means for individual recruits, thereby reducing uncertainty about the change in policy.

After such mitigation measures were taken into account, the risk of repeal to both officer and enlisted recruitment was assessed as LOW.

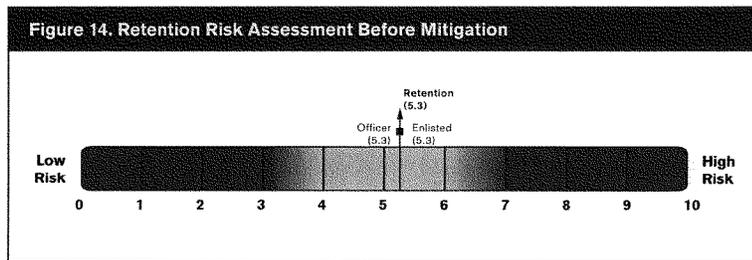
²⁹² See Appendix C, Question 80.

²⁹³ In reaching this conclusion, the panel did not place any weight on arguments offered that repeal would increase the number of ROTC candidates available, or recruiters' access to college campuses. Although repeal may mean that ROTC programs will be generally more accepted on college campuses, the panel did not find any persuasive evidence that supports the view that repeal will have a positive effect on officer recruitment. There may be minimal gain, but more likely a net zero impact, of access to schools and institutions that currently prohibit military accessions programs.



Retention. Just as the Military Services place great emphasis on recruiting in order to sustain personnel readiness, they also emphasize retention of those already serving. Retaining those the Services have already invested time and resources training and developing to be productive members of the force is critical to the sustainment of readiness. This is particularly true of those junior leaders who represent an investment of 7–10 years of training and development, and who make up the pool of the future leaders of the force. As with recruitment, the panel assessed retention of enlisted and officer personnel separately.

Prior to mitigation measures being taken, the panel concluded that the risk of repeal of Don't Ask, Don't Tell to the retention of enlisted and officer personnel is MODERATE.



Here, key to the panel's considerations were these factors:

First, the survey results revealed that if Don't Ask, Don't Tell were repealed, 62% of Service members across all pay grades reported that their career plans would not change; 13% reported that they will leave sooner than planned, and 11% indicated that they will consider leaving sooner than planned.²⁹⁴ Additionally, 19% of Service members who reported they intend to remain beyond their current obligation or until retirement, indicated they would leave sooner if Don't Ask, Don't Tell is repealed.

Second, the panel concluded, based on the survey results and other factors, that enlisted personnel retention is most heavily influenced by financial benefits and economic conditions outside the military. The Service member survey asked respondents to identify the top three factors in considering whether to stay or depart from military service. Among the enlisted ranks, the state of the economy was consistently ranked first or second—except for among the senior enlisted grades for whom retirement benefits and years to retirement became more important. The survey results indicate that officer retention is impacted primarily by personal job satisfaction and the satisfaction of their families with the military. Additionally, when Service members compared these particular factors to repeal, only 8% of Service members viewed repeal to be more important than other retention factors.²⁹⁵ RAND's analysis of this data estimates the number of Service members, depending on Service and warfare community, who may leave the military sooner as a result of repeal at 3–6%.²⁹⁶

Third, the majority of enlisted personnel have long-term service obligations that will prevent large numbers from leaving immediately if repeal were to occur. Initial obligations are between three to six years; with a second contract term, this often adds up to nine to ten years' service. The 10-year mark is halfway to retirement benefits. Over the years of fulfilling their service obligations, enlisted personnel will likely adjust to and better understand the changes brought about by repeal. Officers do not sign enlistment contracts. They incur service obligations in various other ways (e.g., professional education), but these obligations do not extend as far through an officer's career as typical service obligations do for enlisted personnel. Officers have more flexibility in extending their obligations and decide to leave or stay for a larger variety of reasons. Thus, though survey results indicated fewer officers than enlisted personnel would change their career plans if Don't Ask, Don't Tell were repealed, the panel assigned a greater risk of repeal to officer retention than enlisted retention. This was because officers have greater flexibility in their own retention decisions, there are fewer financial incentive programs available to the Services that may significantly affect officer retention, and the primary burden of managing the process of repeal will fall to leaders of small units.

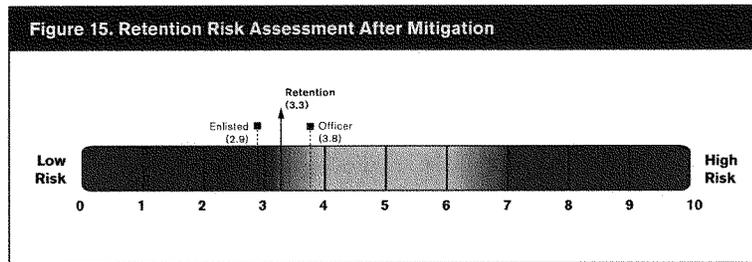
294 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

295 See Appendix C, Question 33.

296 RAND, 2010, 188.

Fourth, neither Canada nor the United Kingdom observed retention problems as a consequence of their lifting of the respective bans on military service by gay men and lesbians.²⁹⁷

The panel concluded that, after mitigation measures, the risk of repeal of Don't Ask, Don't Tell to the retention of enlisted personnel is LOW, and the risk to retention of officers is higher, in the range of LOW-MODERATE. The overall risk rating for retention is LOW-MODERATE.

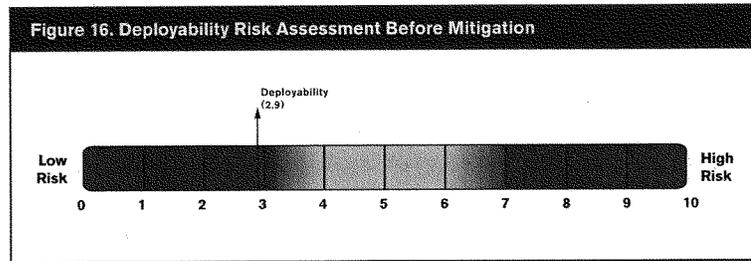


In terms of mitigation factors, key to the panel's risk assessment on retention was the recommendation not to introduce new mechanisms for Service members to terminate their military service prior to the conclusion of their present service obligation. Education and training considered was also considered important, to enable commanders to effectively communicate the actual and expected consequences of repeal for everyday life in the military, for use in retention counseling.

Other Readiness Factors. Personnel readiness is a key facet of military readiness and refers to the preparedness of Service members, individually and collectively, to perform their responsibilities in support of the missions assigned. Within personnel readiness, commanders track unit personnel who are non-deployable. Many reasons exist as to why a member may be non-deployable, including lack of a security clearance, pending disciplinary action, inadequate training, or the Service member being within 180 days of separation.

²⁹⁷ Canadian Defense Officials, interview with the CRWG, May 2010; United Kingdom Ministry of Defence, *Tri-Service*.

The panel identified four key reasons for non-deployability that may be impacted by a repeal of Don't Ask, Don't Tell—training, medical, legal, and family care. The panel found the impact of repeal on deployability to be LOW, even before mitigation measures were considered.



Throughout the Working Group's engagements with the force, Service members brought up various medical concerns. This included increased risk of contracting HIV or other sexually transmitted diseases. In 1993, the DoD Military Working Group concluded that HIV-related concerns were a significant risk to the military if gays and lesbians were allowed to serve openly. However, since then the medical community has made significant advances in its understanding, treatment, and prevention of HIV. The panel noted that every Service member is tested for HIV at least every two years, and all Service members are tested prior to and following deployment, on the advice of a doctor, or upon request. A positive HIV test immediately classifies a Service member as non-deployable. All new recruits are tested, and a positive HIV test result precludes entry into military service.

In addition, the Services Surgeons General have issued a joint letter to the Working Group stating that the medical community procedures to prevent the spread of HIV and to secure the blood supply of the Military Services are sufficient, such that a repeal of Don't Ask, Don't Tell will have no adverse impact to deployability of personnel.²⁹⁸ Thus, the panel concluded that repeal of Don't Ask, Don't Tell would result in no significant change in overall HIV prevalence in the military.

Next, the panel considered survey results in which 46% of Service members predicted that repeal of Don't Ask, Don't Tell would have a negative effect on their unit's ability to train well together.²⁹⁹ The panel reviewed research and discussions related to social cohesion and

²⁹⁸ Surgeons General of the Army, Navy, and Air Force, Memorandum to the CRWG Co-Chairs, "Medical Impact of the Repeal of 10 U.S.C. § 654 (Don't Ask, Don't Tell Policy)," August 12, 2010.

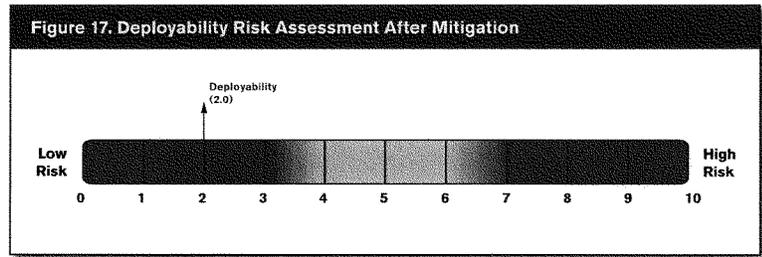
²⁹⁹ CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.

privacy and concluded that any impacts to training would not jeopardize the deployability or readiness of troops.

The panel also considered whether repeal would result in an increase in violence or harassment such that Service members would be unable to deploy due to pending disciplinary action. Foreign militaries indicated very few incidents of violence and harassment following repeal.³⁰⁰ The panel reviewed data from the Services on typical non-deployability due to "legal reasons," reviewed qualitative data from the Working Group's engagements with the force, and assessed comments regarding violence from the write-in portions of the survey. Based on this, the panel concluded that existing standards and good leadership would maintain discipline within the force and not impact deployability.

Finally, the panel considered whether repeal would impact family care plan issues. Within the military a family care plan is required for children of dual military spouses or children of a single military parent. Service members must have concrete plans in place for who will take care of their children in the event of deployment and must ensure that required legal documentation—such as a medical power of attorney—is complete. Current data shows that the numbers of those who are non-deployable for lack of family care plans is very small, and the panel concluded that repeal would not add significantly to that number.

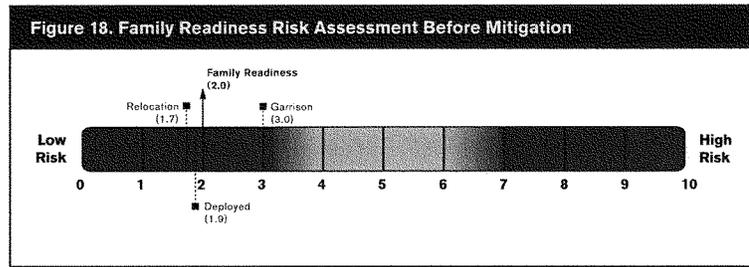
Mitigation measures discussed by the panel included: sexual orientation neutral policies, maintaining current high standards of conducts, and providing education and training to leaders and the force at large. These measures were determined to be effective in reducing overall risk of deployability. The panel rated the potential impact to deployability as LOW.



300 "Lessons Learned from the Service of Gays and Lesbians in Allied Militaries," presentation, *The Brookings Institution Conference*, Washington, DC, May 19, 2010.

Family Readiness. Family readiness is the military family's ability to successfully meet the challenges of daily living in the unique context of military life, including deployments and frequent relocation. Programs and benefits provided by the Services play a key role in helping Service members and their families through deployment-related stresses.

Based on several factors, the assessment panel concluded that the overall risk of repeal of Don't Ask, Don't Tell to family readiness, before considering mitigating factors, was LOW. The area of largest concern was family readiness in garrison.



First, a majority of spouses (61%) rated their family as ready or very ready, with only 6% rating their family as unready or very unready.³⁰¹ Moreover, 78% of spouses said that repeal would have no effect on or would improve their family readiness, while only 8% said it would reduce their family readiness.³⁰²

Second, spouses reported that repeal would have no effect on their involvement in family support activities, programs, and events. More than 70% of spouses who said they attended most support activities and that these activities were important or very important indicated that repeal would have no effect on their participation.³⁰³ However, 24% of those spouses who attend most deployment support events, and 15% of those who attend most family support events, report they would attend less often. Although some spouses had expressed concerns about a negative impact on participation in these programs, many recognized that same-sex partners cope with the same experiences and stresses while their Service members were deployed. Many (72%) of the spouses also said that repeal would either have no effect on their attendance at military social events or that they would attend more often.³⁰⁴

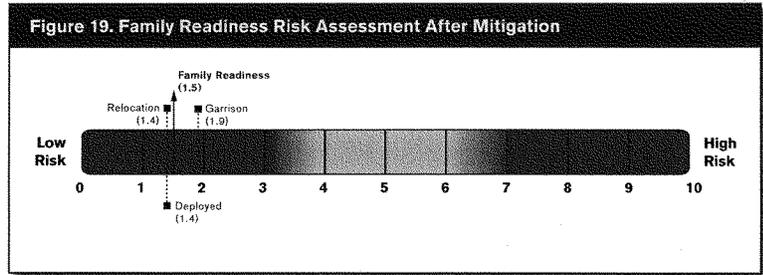
301 See Appendix D, Question 31.
 302 See Appendix D, Question 32.
 303 CRWG analysis of 2010 DoD Comprehensive Review Survey of Active Duty and Reserve Members, 2010.
 304 See Appendix D, Question 27.

Third, while many spouses and Service members expressed concerns about same-sex couples moving into on-base housing, a majority of spouses who currently live in on-base housing said that if Don't Ask, Don't Tell were repealed they would stay in on-base housing. Far fewer, less than 20%, said they would seek to move if Don't Ask, Don't Tell were repealed.³⁰⁵

Fourth, while the assessment panel recognized the potential for some minor negative impacts to family readiness for many families, they also concluded that there would likely be a substantial positive effect on family readiness for gay or lesbian Service members and their families.

The key mitigating factors considered by the assessment panel were effective education, strong leadership, and clear policies. Although many spouses indicated that they would prefer to have information about a new policy distributed on military web sites (34%) or printed information (37%), many also said that no special communication would be necessary (43%).³⁰⁶

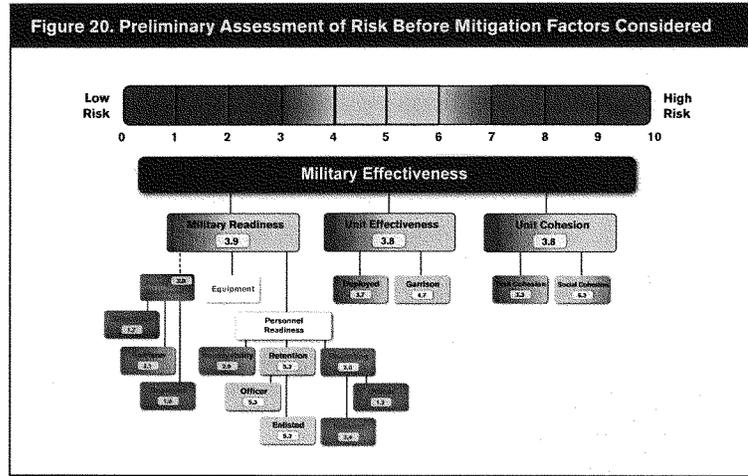
After considering the impact of repeal after mitigation measures are in place, the panel rated the overall impact on family readiness as LOW, including in garrison.

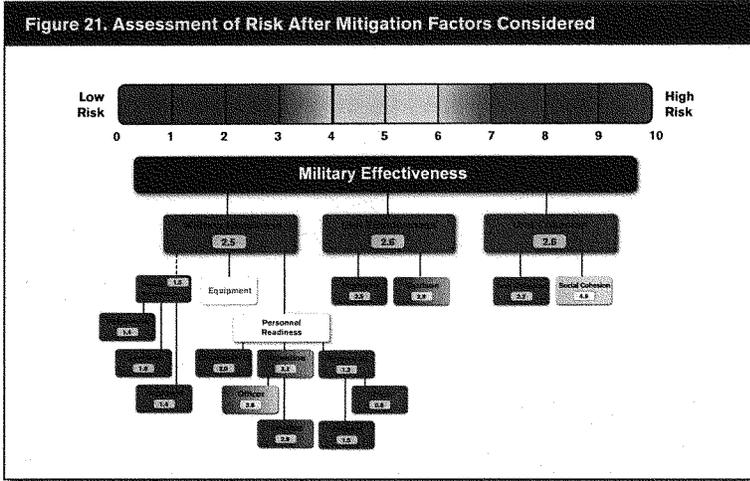


305 See Appendix D, Question 21.
 306 See Appendix D, Question 11.

Summary of Panel Assessment

The panel provided the Co-Chairs with their staff assessment of overall risk in the areas of military readiness, unit effectiveness, unit cohesion, recruiting, retention, and family readiness. Figure 20 depicts the panel's numeric risk ratings prior to the consideration of mitigating factors; Figure 21 depicts the numeric risk ratings after consideration of mitigation factors.





XII OUR OVERALL ASSESSMENT

Introduction

Based on all we saw and heard, our assessment is that, when coupled with the prompt implementation of the recommendations we offer below, the risk of repeal of Don't Ask, Don't Tell to overall military effectiveness is low. We conclude that, while a repeal of Don't Ask, Don't Tell will likely, in the short term, bring about some limited and isolated disruption to unit cohesion and retention, we do not believe this disruption will be widespread or long-lasting, and can be adequately addressed by the recommendations we offer below. Longer term, with a continued and sustained commitment to our core values of leadership, professionalism, and respect for all, we are convinced that the U.S. military can adjust and accommodate this change, just as it has others in history.

The survey results reveal that approximately 70% of the force predict that repeal will have mixed, positive or no effects on their unit's ability to "work together to get the job done." We are mindful that, during this time of war, these same survey results reveal a significant minority—around 30%, and in some cases as high as 40–60% in warfighting units—that predict negative effects. However, for the reasons stated below, we are confident that the risks of repeal to military effectiveness in these units, while somewhat higher than the overall force, remain within acceptable levels when coupled with the recommendations for implementation in this report.

For our assessment we considered a number of things large and small, complex and simple. Those most important are described below.

We begin with an e-mail received in the course of our review from a military spouse from Virginia who is also an active volunteer in support of military families. This one e-mail captures much of what underlies our assessment.

"As a wife of a Marine (an officer who entered as an enlisted), I've served as a volunteer, been appointed as a Family Readiness Assistant and worked professionally as a Readiness and Deployment Support Trainer and a Family Readiness Trainer for Marine Corps Family Team Building. I've had the opportunity to come in contact with and discuss this matter with a number of Marines and family members of varying ages and ranks....

"I do believe that repealing 'Don't Ask, Don't Tell' is an inevitable and important step for modernizing our current military force, and is fundamentally necessary for a country built on the ideals of equality for all citizens.

"I firmly believe that, in time, our future generations will look back on our current debate as antiquated and nonsensical, failing to comprehend how we could possibly oppose opening our military to any citizen wanting to serve the nation. I believe this debate is largely motivated by a general misunderstanding and a reactionary fear, similar to the motives of our previous generations who opposed or questioned the idea of integrating our armed forces or permitting women to serve in the diverse roles they currently occupy across our branches of the service.

"With that said, I have no illusions that this process will be an easy or a quick one. The military is a community steeped in tradition and order. We take great pride in our history and culture, and at times this pride often impedes the speed of progress or willingness to embrace change. In the Marines Corps, particularly, the opposition to this process will likely be immense, specially surrounding living quarters and barracks structure for junior enlisted Marines. I believe that this issue can be addressed and mitigated by the leadership (both officers and NCOs) starting with every Marine's first day of training at boot camp/officer candidate school...

"I think it's important we emphasize both to our leaders and junior military members that this policy is intended to build morale among the branches and equalize our military, not to alter its culture. It's important to remember that the military culture is an impartial one that does not offer any special treatment, advancement or encouragement of any lifestyle choices, and simply welcomes those who want to serve their nation—without discrimination—but equally without any endorsement of any personal qualities, traits or choices made by its members.

"I believe that in the next few decades, as the armed forces adjust to this change and become more comfortable with its impact, the resistance will recede and the military will actually be stronger for making this policy change."³⁰⁷

Survey Results

The results of the Service member survey, described in section VII, reveal that in today's U.S. military, a solid majority believe that repeal of Don't Ask, Don't Tell will have a positive, mixed, or no effect on military readiness, military effectiveness, unit cohesion,

³⁰⁷ Spouse, e-mail message to CRWG, 2010.

recruiting, retention, and family readiness.³⁰⁸ Asked specifically in question 68a of the Service member survey about how an openly gay or lesbian individual in their unit would affect the unit's ability to "work together to get the job done," 70% of Service members said the effect would be equally mixed, positive, or non-existent; only 30% said it would be negative or very negative.³⁰⁹ Asked in question 81 about how repeal will affect their own military career plans, 62% responded that their plans would not change, while an additional 11% did not know.³¹⁰

Overall, in response to a variety of questions, 50–55% of the force indicated that repeal will have a mixed or no effect; about 15–20% believe that repeal will have a positive effect, while another 30% believe it will have a negative effect.³¹¹

The results of the spouse survey are consistent. When spouses were asked whether repeal of Don't Ask, Don't Tell would affect their preference for their Service member's future plans to stay in the military, 74% of respondents said repeal would have no effect on their preference; 12% answered "I would want my spouse to leave earlier."³¹² When asked what they would do if a gay or lesbian Service member and same-sex partner lived on-base in their neighborhood, 63% of respondents answered "I would get to know them like any other neighbor," 13% answered "I would do nothing," and 13% answered "I would generally avoid them when I could."³¹³ Finally, 76% of spouses answered the presence of a gay or lesbian partner of a Service member "would not affect my attendance at deployment-support activities."³¹⁴

To be sure, these survey results reveal a significant minority—about 30%—who expressed in some form and to some degree negative views or concerns about the impact of a repeal of Don't Ask, Don't Tell.³¹⁵ Any personnel policy change for which a group that size predicts negative consequences must be approached with caution. However, there are a number of other considerations that still lead us to conclude that the risk of repeal to overall military effectiveness is low.

Misperceptions About "Open" Service

The reality is that gay men and lesbians are already serving in today's military. The other reality, revealed in the course of this review, is that much of the force recognizes this. As the survey indicates, 36% believe they are currently serving in a unit with a gay or lesbian Service member; 69% believe that, at some point in their career, they have served in

³⁰⁸ See Appendix C, Questions 67–75.

³⁰⁹ See Appendix C, Question 68a.

³¹⁰ See Appendix C, Question 81.

³¹¹ See Appendix C, Questions 67–75.

³¹² See Appendix D, Question 17.

³¹³ See Appendix D, Question 25.

³¹⁴ See Appendix D, Question 29.

³¹⁵ See Appendix C, Questions 67–75.

a unit with a co-worker they believed to be gay or lesbian.³¹⁶ But, a frequent response among Service members at information forums, when asked about the widespread recognition that gay men and lesbians are already in the military, is “yes, but I don’t *know* they are gay.” Put another way, the concern with repeal among many is with “open” service.

In listening to Service members we found a perceptions gap—between the perception of the gay Service member that people know and work with, and the perception of the stereotypical gay individual that people do not know and have never worked with. When Service members talk about a unit member they believe to be gay or lesbian, their assessment of that individual was based on a complete picture and actual experience, including the Service member’s technical and tactical capabilities and other characteristics that contribute to his or her overall effectiveness as a member of the military and as a colleague.

By contrast, when asked about serving with the *imagined* gay Service member who is “open” about his or her sexual orientation, that feature becomes the predominant if not sole characteristic of the individual, and stereotypes fill in the rest of the picture. Stereotypes motivated many of the comments we heard. The most prevalent concern expressed is that gay men will behave in a stereotypically effeminate manner, while lesbian women are stereotypically painted in “masculine” terms. We heard widespread perceptions that, if permitted to be open and honest about their sexual orientation, gay Service members would behave as sexual predators and make unwelcome sexual advances on heterosexuals, gay men would adopt feminine behavior and dress, there would be open and notorious displays of affection in the military environment between same-sex couples, and that repeal would lead to an overall erosion of unit cohesion, morale, and good order and discipline. Based on our review, however, we conclude that these concerns are exaggerated and not consistent with the reported experiences of many Service members.

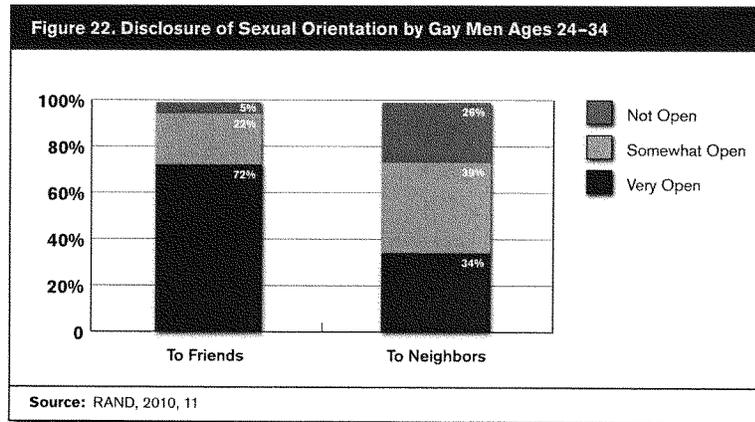
The perceptions gap we note here is also reflected in the survey data. The data reveals that Service members who are currently serving with someone they believe to be gay or lesbian are less likely to perceive a negative impact of repeal on the key elements of unit task and social cohesion, and unit effectiveness. Conversely, those who have believe they have never served with someone who is gay or lesbian are more likely to perceive a negative impact. Likewise, of Service members who believe they have in their career served in a unit with a co-worker who is gay or lesbian, 92% stated that the unit’s “ability to work together” was “very good,” “good,” or “neither good nor poor.”³¹⁷

Thus, our view is that the negative perceptions and predictions of serving alongside a gay Service member are refuted by the considerable track record of actual experiences where Service members did exactly that.

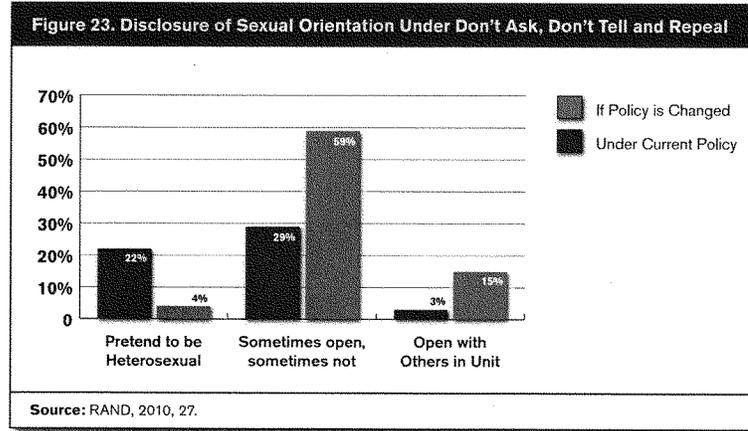
³¹⁶ See Appendix C, Question 34.

³¹⁷ See Appendix C, Question 47a.

In addition, we conclude that if Don't Ask, Don't Tell is repealed, there will not be a mass "coming out" of gay Service members, as some predict. We assess that, for the most part and at least in the short term, gay Service members would continue to be selective and discreet about whom they share information about their sexual orientation with, for reasons having nothing to do with the law and everything to do with a sheer desire to fit in, co-exist, and succeed in the military environment. This conclusion is also consistent with the environment in civilian society, where no law requires gay men and lesbians to conceal their sexual orientation to keep their jobs. In civilian society, gay men and lesbians are legally permitted to be "open" about their sexual orientation, but research indicates that they tend to be open about their sexual orientation only with someone they know and trust (e.g., friends) rather than with someone they don't know as well (e.g., neighbors). (See Figure 22.)



We believe this selectivity would exist even more so in the military environment, apart from what the law may prohibit or permit. RAND conducted a limited survey that included 208 individuals who anonymously self-identified as gay or lesbian Service members and asked them how their behavior would change if Don't Ask, Don't Tell were repealed. Only 15% indicated they would like to have their sexual orientation known to everyone in their unit if the law is repealed, and 59% would selectively disclose it to others. (See Figure 23.)



Our conclusion that gay and lesbian Service members would, for the most part, continue to be discreet about their orientation is consistent with what we heard directly from those Service members, on an anonymous basis:

“Personally, I don’t feel that this is something I should have to ‘disclose.’ Straight people don’t have to disclose their orientation. I will just be me. I will bring my family to family events. I will put my family pictures on my desk. I am not going to go up to people and say, hi there—I’m gay.”³¹⁸

“I think a lot of people think there is going to be this big ‘outing’ and people flaunting their gayness, but they forget that we’re in the military. That stuff isn’t supposed to be done during duty hours regardless if you’re gay/straight.”³¹⁹

“If I am asked the question, then I will answer honestly, but I will not go to work the next day after DADT is repealed and just announce to everyone that I am Gay. I try my best not to make the people around me uncomfortable; I already know how that feeling can be.”³²⁰

³¹⁸ Service member, Confidential Communication Mechanism, 2010.

³¹⁹ Service member, Confidential Communication Mechanism, 2010.

³²⁰ Service member, Confidential Communication Mechanism, 2010.

Risks of Repeal Within Warfighting Units

Though the survey results demonstrate a solid majority of Service members—around 70%—who predict mixed, positive, or no effects in the event of repeal,³²¹ this percentage is not uniform among all subgroups in the U.S. military. The percentages of those who predict negative effects are higher in warfighting units.³²² In response to question 68a, for example, while only 30% the U.S. military as a whole predict negative or very negative effects on their unit's ability to "work together to get the job done,"³²³ the percentage is 43% for the Marines Corps, 48% within Army combat arms units, and 58% within Marine combat arms units.³²⁴ Particularly in this time of war, we made sure that warfighters in all Services were part of our risk assessment process.

The percentages above reflect *attitudes*. Social science research tells us that attitudes, which are often laden with emotion and misperception, are less valuable as predictors of future behavior than actual experiences.³²⁵ Thus, in designing the survey we recognized that an important component in assessing the impact of repeal of Don't Ask, Don't Tell was to also focus on Service members' actual past and present experiences in a unit with someone they believed to be gay.

In response to question 34 of the survey, while 36% of the overall force stated they are currently serving in a unit with someone they believe to be gay,³²⁶ only 20% of those in Marine combat arms units and 27% of those in Army combat arms units answered that they were serving with someone they believe to be gay.³²⁷ A similar distinction exists in response to question 36, when it came to those who have ever at any point in their career served in a unit with a co-worker they believed to be gay or lesbian. Thus, fewer Service members in warfighting units have served with someone they believe to be gay, and more are left to only imagine what service with an openly gay person would be like—the circumstance in which misperceptions and stereotypes fill the void, for lack of actual experience.

However, when Service members in warfighting units who had served with someone they believed to be gay or lesbian were asked to assess their actual experiences, the distinctions in survey results between those in combat arms and the overall military are almost non-existent. For example, for those who have had the experience of working with someone they believed to be gay or lesbian, when asked to rate that unit's "ability to work together," 92% of the overall military said the answer was "very good," "good," or "neither good nor poor."³²⁸ In response to that same question, the percentage is 89% for those in

321 See Appendix C, Questions 67–75.

322 See Appendix C, Questions 67–75.

323 See Appendix C, Questions 67–75.

324 Westat, vol. 1, Appendices J and L, Question 68a.

325 Allan W. Wicker, "An Examination of the 'Other Variables' Explanation of Attitude-Behavior Inconsistency," *Journal of Personality and Social Psychology*, 19, no. 1, July 1971, 18–30.

326 See Appendix D, Question 34.

327 Westat, vol. 1, Appendices J and L, Question 34.

328 See Appendix C, Question 47a.

Army combat arms units and 84% for those in Marine combat arms units—all very high percentages.³²⁹

These survey results reveal to us a misperception that a gay man does not “fit” the image of a good warfighter—a misperception that is almost completely erased when a gay Service member is allowed to prove himself alongside fellow warfighters. Anecdotally, we heard much the same. As one special operations force warfighter told us, “We have a gay guy [in the unit]. He’s big, he’s mean, and he kills lots of bad guys. No one cared that he was gay.”³³⁰

The survey results also reveal that, within warfighting units, negative predictions about serving alongside gays decrease when in “intense combat situations.” In response to question 71a, for example, 67% of those in Marine combat arms units predict working alongside a gay man or lesbian will have a negative or very negative effect on their unit’s effectiveness in completing its mission “in a field environment or out at sea.”³³¹ By contrast, in response to the same question, but during “an intense combat situation,” the percentage drops to 48%.³³²

Our judgment is that the levels of reluctance of gays to “out themselves” described in the previous section, even if permitted by law, would be even higher in warfighting units. This, coupled with the low number of gay men estimated to be in the military (relative to their representation in civilian population),³³³ leads us to conclude that, if the law were repealed, the change in culture and environment in warfighting units will be minimal.

For these reasons, we conclude that the risks of repeal within warfighting units of all Services, while somewhat higher than the force generally, remain within acceptable levels when coupled with our recommendations for implementation.

Change During a Time of War

Our assessment also took account of the fact that the Nation is at war on several fronts, and for a period of over nine years, the U.S. military has been fully engaged, and has faced the stress and demands of frequent and lengthy deployments. When it comes to a repeal of Don’t Ask, Don’t Tell, many ask: why now?

The question “why now?” is not for us, but for the President, the Secretary of Defense, and Congress, informed by the military advice of the Joint Chiefs of Staff. The question we answer here is “can we now?” We considered the question carefully and conclude that

³²⁹ Westat, vol. 1, Appendices J and L, Question 47a.

³³⁰ Service member, CRWG Focus Group, 2010.

³³¹ Westat, vol. 1, Appendices J and L, Question 71a.

³³² Westat, vol. 1, Appendices J and L, Question 71c.

³³³ RAND, 2010, 98–102.

repeal can be implemented now, provided it is done in a manner that minimizes the burden on leaders in deployed areas. Our recommended implementation plan does just that, and it is discussed more fully in the accompanying support plan for implementation.

The primary concern is for the added requirement that will be created by the training and education associated with repeal. We are cognizant of these concerns, but note that during this period, the Services have undertaken education and training in deployed areas on a number of important personnel matters. These education and training initiatives have included increased emphasis on sexual assault prevention and response, suicide prevention, and training to detect indications of behavioral health problems. The conduct of these programs in deployed areas indicates that training and education associated with a repeal of Don't Ask, Don't Tell can be accommodated. We assess this to be the case, in large part because our recommendations in this report involve a minimalist approach to changes in policies, plus education and training that reiterates existing policies in a sexual orientation-neutral manner.

It is also the case that the results of the survey indicate, though this is a time of war, a solid majority of Service members believe that repeal will have positive, mixed, or no effect. Most of those surveyed joined our military after September 11, 2001, and have known nothing but a military at war.

We are also informed by past experience. In the late 1940s and early 1950s, in the period immediately following World War II, during the Korean War and the beginning of the Cold War, our military took on the task of racial integration, in advance of the rest of society. And, at the time, the change implicated far larger numbers of Service members: African Americans in the Army then numbered 700,000 of a total force of over 8 million, and the opposition to racial integration was far greater than today's resistance to repeal of Don't Ask, Don't Tell. The process of racial integration was slow and presented many challenges, but history shows that there were no differences in combat effectiveness in the Korean War between integrated and all-white segregated units.

Resistance to Change Generally

We recognize that some number of individuals within any group or organization are initially resistant to significant change, no matter the specific circumstances.³³⁴ Research shows that factors such as self-interest, misunderstandings about the underlying situation, and differing assessments all play a role in creating initial resistance among a significant minority of those who will be affected by change.³³⁵ Such resistance can also occur based on the potential insecurity and instability that change can bring.³³⁶ Such baseline resistance

³³⁴ Eric B. Dent and Susan G. Goldberg, "Challenging 'resistance to change'", *The Journal of Applied Behavioral Science*, 35, no. 1, March 1999, 25-41; Paul Thornton, *Management Principles and Practice*. (Livermore: Wingspan Press), 2006, 153.

³³⁵ John P. Kotter and Leonard A. Schlesinger, "Choosing Strategies for Change," *Harvard Business Review* (Boston: July 1, 2008), 130-139.

³³⁶ Kotter, 130-139.

to any major organizational change is estimated by some experts at a consistent 20–30% (with 5–10% expressing strong resistance) and is to be expected.³³⁷

Lessons from History

Though there are fundamental differences among matters of race, gender, and sexual orientation, we believe the racial integration of the U.S. military in the 1940s and 1950s and the gender integration of the military that took place largely in the 1970s present some useful historical lessons and provide basic support for our assessment.

With the benefit of many years of hindsight, we believe the lesson to be drawn from these transformational experiences described in section VII above is that, in matters of personnel change within the military, predictions and surveys tend to overestimate the negative consequences for unit cohesion and military effectiveness, and underestimate the U.S. military's ability to adapt and incorporate within its ranks the diversity that is reflective of American society at large. These experiences also highlight the importance of effective leadership in the process of implementing change.

Experiences of Other Militaries

Our assessment is also informed by the experiences of foreign allies. To be sure, there is no perfect comparator to the U.S. military. In recent times, however, a number of other nations have transitioned to policies that permit open military service by gays and lesbians. These include the United Kingdom, Canada, Australia, Germany, Italy and Israel. Significantly, prior to change, surveys of the militaries in Canada and the U.K. indicated much higher levels of resistance than the Working Group's survey results—as high as 65% for some areas—but the actual implementation of change in those countries went much more smoothly than expected, with little or no disruption.³³⁸

We also know from the experience of other nations that very few gay men and lesbians “came out” after the lifting of the ban on military service. We have heard from military officials from the United Kingdom and Canada that few military members revealed their sexual orientation after the policy changed.³³⁹

³³⁷ Paul Thornton, *Management Principles and Practice*, (Livermore: Wingspan Press), 2006, 153.

³³⁸ “Lessons Learned from the Service of Gays and Lesbians in Allied Militaries,” presentation, *The Brookings Institution Conference*, Washington, DC, May 19, 2010.

³³⁹ Defense Officials from the United Kingdom, Canada, Australia, and New Zealand, interviews with CRWG, Norfolk, VA, May 2010.

Domestic Organizations

Our assessment is also informed by the experiences of non-military organizations in our country. As with the other comparators above, we recognize that no domestic organization is wholly analogous to the U.S. military. That said, we think the fact that municipal law enforcement agencies (local police and fire departments) and Federal agencies (including the FBI and CIA) have had no negative major disruptions in integrating gay and lesbian personnel is notable.

The experience of these agencies shows that the integration of gay and lesbian personnel has not negatively affected institutional job performance or individual job performance. Rather, it appears that in these organizations sexual orientation has had little or nothing to do with success in the workplace.³⁴⁰ Further, some gay and lesbian personnel were able to do their jobs even better in environments accepting of their sexual orientation.³⁴¹ Integrating gay and lesbian employees also did nothing to negatively impact recruiting and retention at the agencies surveyed.³⁴² Further, in situations in which gay and lesbian personnel in these Federal agencies have lived and worked alongside U.S. military personnel in deployed environments, we are aware of no reports of conduct detrimental to accomplishing the mission.³⁴³

Panel Assessment

Finally, our overall assessment is itself based on the staff assessment conducted by a panel of military officers, senior non-commissioned officers, and DoD career civilians chosen to represent all the Services, and a wide range of ages, grades, warfare specialties, and experiences. To conduct its assessment, the panel used a standard military decision support process recommended by the J-8, Directorate of the Joint Staff. This staff risk assessment was typical in the military context, and it is one the military utilizes for a variety of important decisions.

To inform our assessment of the overall risk to military effectiveness, the panel assessed the impact of repeal of Don't Ask, Don't Tell on military readiness, unit effectiveness, unit cohesion, recruiting, retention, and family readiness. After consideration of various mitigation measures, including policies, leadership, education, and training, the panel assessed all areas and subcomponents of those areas as in the LOW or MODERATE risk ranges. In the key areas of military readiness, unit effectiveness, and unit cohesion the risks were all deemed to be LOW. Having considered the panel's assessments, as well as other information gathered by the Working Group and implementation of our recommendations that follow, we assess the risk of repeal of Don't Ask, Don't Tell to overall military effectiveness is LOW.

³⁴⁰ RAND, 2010, 344-346.

³⁴¹ RAND, 2010, 346.

³⁴² RAND, 2010, 347-348.

³⁴³ RAND, 2010, 346.

XIII OUR RECOMMENDATIONS

We now turn to our recommendations. Our Terms of Reference call for us to recommend appropriate changes to policies and regulations and to develop leadership guidance and training for the force in the event of repeal.

These recommendations were developed in conjunction with our assessment, based on all that we heard. Many of the recommendations that follow come, in particular, from listening to Service members during our engagement of the force. In some instances, we recommend revisions to existing regulations; in other areas we recommend that the Department of Defense and/or the Services simply reiterate existing guidance; in still other places we recommend no change at all, but reviewed the issue because a number of Service members raised it. As indicated in the prior section, our assessment presumes successful implementation of these recommendations.

Motivating many of our recommendations is the conclusion, based on our numerous engagements with the force, that repeal would work best if it is accompanied by a message and policies that promote fair and equal treatment of all Service members, minimize differences among Service members based on sexual orientation, and disabuse Service members of any notion that, with repeal, gay and lesbian Service members will be afforded some type of special treatment. Within the military culture, such a message maximizes the opportunities for quick and smooth acceptance of gay and lesbian Service members within the force. It is also consistent with all we heard from gay and lesbian Service members themselves, who told us that they simply want a repeal of the law so that they can be treated the same as everyone else, and serve the Nation without fear of separation if their sexual orientation becomes known.

As a related matter, we believe it critical that it be made clear to those who are opposed to repeal, particularly on moral and religious grounds, that their concerns are not being rejected and that leaders have not turned their backs on them. In the event of repeal, individual Service members are *not* expected to change their personal religious or moral beliefs about homosexuality; however, they *are* expected to treat all others with dignity and respect, consistent with the core values that already exist within each Service. For the U.S. military, these are not new concepts, given the wide variety of views, races, and religions that already exist within the force.

Leadership, Training, and Education

First and foremost, successful implementation of a repeal of Don't Ask, Don't Tell requires strong leadership, a clear message, and proactive training and education. Throughout our engagements with the force, we heard from general and flag officers and senior enlisted leaders in all the Services, including those strongly opposed to changing the law and policy, words to the effect of "If the law changes, we can do this; just give us the tools to communicate a clear message." Further, leaders must demonstrate to Service members that they are committed to implementing this change, and that the leaders expect Service members to adapt as well. Messages like the one from the Commandant of the Marine Corps, that if repeal comes the Marines will "get in step and do it smartly,"³⁴⁴ must continue. Accordingly, the Working Group has developed training and education guidance in the event of repeal. This includes specific recommendations for training in the deployed environment. This training and education guidance is contained in the Support Plan for Implementation, provided as a companion document to our report.

In the Support Plan, we set forth what we believe is the key implementation message for repeal:

- *Leadership.* The clear message from the Working Group's assessment is "leadership matters most." Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DoD policy to sustain unit effectiveness, readiness, and cohesion.
- *Professionalism.* Leaders must emphasize Service members' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion.
- *Respect.* Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect.

In our view, the starting point for this message should be a written communication from the leaders of the Department of Defense, to include the Secretary of Defense and the senior military leaders of each Service, that deliver their expectations in clear and forceful terms.

³⁴⁴ General James F. Amos, Commandant, United States Marine Corps, *Senate Armed Services Committee Confirmation Hearing*, September 21, 2010, transcript, 13.

Standards of Conduct

Throughout our engagement of the force we heard Service members express concerns, in the event of a repeal of Don't Ask, Don't Tell, about standards of conduct. Most often, those concerns centered on a potential for unprofessional relationships between Service members, public displays of affection, dress and appearance, and acts of violence, harassment, or disrespect between homosexual and heterosexual Service members.

In light of these concerns, we considered whether the Department of Defense should issue revised or additional standards of conduct in the event of repeal.

The military is a highly regulated environment. Service core values, customs, courtesies, and traditions define acceptable behavior. Overall, the purposes of standards of conduct are to promote good order and discipline, prohibit behavior that would bring discredit on the Military Services, and promote the customs, traditions, and decorum of the military and of individual Services. Among many other things, military standards of conduct prescribe appropriate attire and personal appearance, prohibit unprofessional relationships, address various forms of harassment and related unprofessional behavior, and provide guidelines on public displays of affection. These standards of conduct regulate many aspects of Service members' personal lives considered off-limits in civilian society. These regulations, policies, and orders are generally issued at the Service level, or by commanders.

For example, the Air Force regulates dating, courtship, and close friendships between men and women, noting that personal relationships "become matters of official concern when they adversely affect or have the reasonable potential to adversely affect the Air Force by eroding morale, discipline, respect for authority, unit cohesion, or mission accomplishment."³⁴⁵ The formation of such relationships between superiors and subordinates within the same chain of command or supervision is prohibited.³⁴⁶

Depending on the severity or impact to others, violations of standards of conduct may be addressed through administrative action (e.g., counseling or formal reprimand) or discipline under the Uniform Code of Military Justice (UCMJ). Criminal acts—for example, assault, cruelty and maltreatment, or disrespect to a superior commissioned or non-commissioned officer—may be addressed through non-judicial punishment or trial by court-martial.³⁴⁷

Rules concerning public displays of affection and proper dress and appearance, meanwhile, are largely unwritten and vary by Service and across commands within Services. For example, at present, other than in the Marine Corps there are no Service-level regulations or written policies prohibiting public displays of affection. However, public

³⁴⁵ Department of the Air Force, AFI 36-2909, *Professional and Unprofessional Relationships*, August 13, 2004, 2, para. 1.

³⁴⁶ AFI 36-2909, 3, para. 3.3.

³⁴⁷ 10 U.S.C. § 815.

displays of affection—especially while in uniform—are informally discouraged in all the Services as a matter of individual Service culture, traditions, and decorum.

We believe it is not necessary to set forth an extensive set of new or revised standards of conduct in the event of repeal. Concerns for standards in the event of repeal can be adequately addressed through training and education about how already existing standards of conduct continue to apply to *all* Service members, regardless of sexual orientation, in a post-repeal environment.

We do recommend, however, that the Department of Defense issue generalized guidance to the Services that all standards of personal and professional conduct must apply uniformly without regard to sexual orientation. We also recommend that the Department of Defense instruct the Services to review their current standards of personal and professional conduct to ensure that they are neutral in terms of sexual orientation and provide adequate guidance to the extent each Service considers appropriate on unprofessional relationships, harassment, public displays of affection, and dress and appearance. Part of the education process should include a reminder to commanders about the tools they already have in hand to remedy and punish inappropriate conduct that may arise in a post-repeal environment.

Moral and Religious Concerns

In the course of our review, we heard a large number of Service members raise religious and moral objections to homosexuality or to serving alongside someone who is gay. Some feared repeal of Don't Ask, Don't Tell might limit their individual freedom of expression and free exercise of religion, or require them to change their personal beliefs about the morality of homosexuality. Without doubt, the views along these lines were sharply divided and deeply held, and they cannot be discounted or dismissed.

Special attention should also be given to address the concerns of our community of approximately 3,000 military chaplains. Some of the most intense and sharpest divergence of views about Don't Ask, Don't Tell exists among the chaplains. During the course of the Working Group's engagements with the force, a number of currently-serving chaplains voiced concern that a repeal of Don't Ask, Don't Tell would constrain their ability to provide religious ministry consistent with their beliefs and customs; some chaplains also asked whether they would still be able to express opposition to homosexuality and worried that they might receive negative performance reports or adverse personnel actions for expressing such opinions. In the course of our review, we heard some chaplains condemn in the strongest possible terms homosexuality as a sin and an abomination, and inform us that they would refuse to in any way support, comfort, or assist someone they knew to be homosexual. In equally strong terms, other chaplains, including those who also believe homosexuality is a sin, informed us that "we are all sinners," and that it is a chaplain's duty to care for all Service members.

To ensure that we understood these issues, our Working Group included two military chaplains among its membership. In addition, we conducted discussion groups with chaplains, and personally consulted with the senior chaplains of each Service, as well as a number of more junior chaplains across the force.

To serve as a military chaplain, an individual must receive an endorsement from a qualified religious organization; if the organization withdraws its endorsement, the individual can no longer serve as a chaplain. The Working Group also contacted the approximately 200 ecclesiastical endorsing agencies that endorse military chaplains, to gauge the likelihood of continued endorsement in the event of repeal. Of the approximately 200 endorsing agencies to which the Working Group wrote, 77 responded, which, in total, represented almost 70% of active duty military chaplains. Of the 77 that responded, most expressed opposition to a repeal of Don't Ask, Don't Tell, based primarily on theological objections to homosexuality. However, none stated that it would withdraw its endorsements for military chaplains if the law were repealed. A significant portion of the respondents did suggest that a change in policies resulting in chaplains' free exercise of religion or free speech rights being curtailed would lead them to withdraw their endorsement.

In the discussion groups with chaplains, while many expressed opposition to a change in policy, nearly all indicated that they were willing to continue their ministry in the military. Only three out of approximately 145 chaplains who participated indicated they would seek to separate or retire should the law be changed.

In general, we conclude three things:

First, the reality is that in today's U.S. military, Service members of sharply religious convictions and moral values—including those who believe that abortion is murder and those who do not, and those who believe Jesus Christ is the Son of God and those who do not—and those who have no religious convictions at all, already co-exist, work, live, and fight together on a daily basis. This is a reflection of the pluralistic American society at large.

Second, with regard to Service members concerned about their own individual expression and free exercise of religion, we conclude that no modified or revised policy is required, particularly in light of the training and education we are recommending in the event of repeal. In our view, existing policies regarding individual expression and free exercise of religion by Service members are adequate. Service members will not be required to change their personal views and religious beliefs; they must, however, continue to respect and co-exist with others who may hold different views and beliefs.

Third, existing DoD and Service policies and guidance pertaining to chaplains is adequate to accommodate a repeal of Don't Ask, Don't Tell. In our view, existing policies on chaplains' protections and obligations are adequate and strike an appropriate balance between protecting a chaplain's First Amendment freedoms and a chaplain's duty to care

for all. Existing Army and Air Force regulations state that chaplains “will not be required to perform a religious role...in worship services, command ceremonies, or other events, if doing so would be in variance with the tenets or practices of their faith.”³⁴⁸ At the same time, according to Navy regulations, “chaplains care for all Service members, including those who claim no religious faith, facilitate the religious requirements of personnel of all faiths, provide faith-specific ministries, and advise the command.”³⁴⁹ Overall, it is DoD policy that chaplains “serve a religiously diverse population,”³⁵⁰ and, to be considered for appointment as a chaplain, an individual must be “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.”³⁵¹

However, in recognition of the concerns expressed by chaplains and their endorsing agencies, the Department of Defense should, in the event of a repeal of Don't Ask, Don't Tell, direct the Services to reiterate the principle that chaplains, in the context of their religious ministry, are not required to take actions inconsistent with their religious beliefs, but must still care for all Service members. Evaluation, promotion, and assignment of chaplains must continue to be consistent with these long-standing Service policies.

Equal Opportunity

We recommend that, in a post-repeal environment, gay and lesbian Service members be treated under the same general principles of military equal opportunity policy that applies to all Service members. Under the Military Equal Opportunity program, it is DoD policy to, “promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability.”³⁵²

Hand-in-hand with military equal opportunity are Service-level policies on diversity, inclusion, and respect. These are consistent with and support basic military values of treating every military member with dignity and respect. For instance, among the facets of the Air Force Diversity Policy is to “educate and train all personnel on the importance of diversity, including mutual respect, thus promoting an Air Force culture that values inclusion of all personnel in the Total Force....”³⁵³ The DoD Human Goals Charter, last issued in 1998, states that the Department of Defense strives “to create an environment that values diversity and fosters mutual respect and cooperation among all persons.”³⁵⁴ That same year, the Secretary of Defense William Cohen issued a memorandum in which he stated: “I will not tolerate illegal discrimination against or harassment of any DoD personnel. I expect all commanders,

348 AR 165-1, 12, para. 3-2.b(6); Department of the Air Force, AFI 52-101, *Planning and Organizing*, May 10, 2005, updated March 14, 2008, 2, para 2.1.

349 SECNAVINST 1730.7D, 5, para. 5.e.(3).

350 Department of Defense, DoDD 1304.19, *Appointment of Chaplains for the Military Departments*, June 11, 2004, 2, para. 4.2.

351 Department of Defense, DoDD 1304.28, *Guidance for the Appointment of Chaplains for the Military Departments*, June 11, 2004, 3, para. 6.I.2.

352 DoDD 1350.2, 2, para. 4.2; DoDD 1020.2, 4, paras. 3.d, 4.c.(1).

353 Department of the Air Force, AFPD 36-70, *Diversity*, October 13, 2010, 2, para. 2.2.2.

354 “Text of the DoD Human Goals Charter,” U.S. Department of Defense, accessed November 21, 2010, <http://www.defense.gov/news/newarticle.aspx?id=43191>.

executives, managers, and supervisors to work continuously toward establishing a climate of respect and fairness for all DoD personnel.³⁵⁵

Under the Military Equal Opportunity program, there is also a reference to “unlawful discrimination,” which is defined with reference to five specified classes: race, color, religion, sex, and national origin. The DoD Military Equal Opportunity directive states, “Unlawful discrimination against persons or groups based on race, color, religion, sex or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned.”³⁵⁶ Complaints of unlawful discrimination on these bases, as well as of sexual harassment, may be handled through the resources of the Military Equal Opportunity program, or through the chain of command. These five identified classes—race, color, religion, sex, and national origin—are also the focus of diversity programs and initiatives and are tracked as an identifier in Service personnel systems based on initial and periodic inquiries of Service members.

Meanwhile, there are other prohibited practices contrary to Military Equal Opportunity policy that do not involve “unlawful discrimination” against one of the five groups identified above, or sexual harassment; those prohibited practices are addressed principally through the chain of command, and not through the resources of the Military Equal Opportunity Program.

As stated before, we believe that, to maximize the opportunities for a smooth and successful repeal, perceived “equal treatment” of all Service members is key. Throughout the force, rightly or wrongly, we heard both subtle and overt resentment toward “protected groups” of people and the possibility that gay men and lesbians could, with repeal, suddenly be elevated to a special status. For example, a common question was whether, if the law were repealed, there would be affirmative action to recruit gay men and lesbians? While much of this sentiment is based on misperceptions about equal opportunity policy, we believe that, in a new environment in which gay and lesbian Service members can be open about their orientation, they will be accepted more readily if the military community understands that they are simply being permitted equal footing with everyone else, pursuant to general principles of military equal opportunity applicable to all Service members. This is consistent with the views and aspirations we heard from current and former gay and lesbian Service members: that they are not seeking special treatment, just asking the Department of Defense to “take [the] knife out of my back,” as one gay Service member put it.³⁵⁷

Therefore, in the event of repeal, we do *not* recommend that the Department of Defense place sexual orientation alongside race, color, religion, sex, and national origin as a class eligible for various diversity programs, tracking initiatives, and the Military Equal Opportunity program complaint resolution processes. Instead, the Department of Defense

355 Secretary of Defense, Memorandum, “Equal Opportunity for Military and Civilian Personnel of the Department of Defense,” October 14, 1998.

356 DoDD 1350.2, 2, para. 4.2.

357 Service member, Confidential Communication Mechanism, 2010.

should make clear that sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making. Gay and lesbian Service members, like all Service members, would be evaluated only on individual merit, fitness, and capability. Likewise, the Department of Defense should make clear that harassment or abuse based on sexual orientation is unacceptable and that all Service members are to treat one another with dignity and respect regardless of sexual orientation. Complaints regarding discrimination, harassment, or abuse based on sexual orientation would be dealt with through existing mechanisms available for complaints not involving race, color, sex, religion, or national origin—namely, the chain of command, the Inspector General, and other means as may be determined by the Services.

Collection and Retention of Sexual Orientation Data

As a related matter, we considered whether the Department of Defense should proactively collect and maintain data on Service members' sexual orientation. Under current policy, Service members are not asked to reveal their sexual orientation, and data regarding Service members' sexual orientation are not tracked (though discharge documents for Service members separated under Don't Ask, Don't Tell may indicate that the basis was homosexual conduct).

We recommend against creating a data category for Service member sexual orientation; in the event Don't Ask, Don't Tell is repealed, we recommend that the Department of Defense continue the practice of not asking Service members or recruits to identify their sexual orientation. This recommendation is consistent with the policy of other Federal agencies, and with the DoD's own policy for civilian employees. We would not, however, preclude the Department of Defense or the Services from continuing current policy, to collect and maintain other information that incidentally implicates sexual orientation, for example, where a gay or lesbian Service member lists a same-sex partner as a beneficiary for certain benefits, or as a person to be notified upon injury or death. (The issue of benefits is discussed in greater detail later in this section.) In the event such information is collected, it is protected from routine disclosure by Federal law and implementing DoD policy.³⁵⁸ Also, we would not preclude voluntary, anonymous, and confidential surveys, such as for purposes of legitimate data analysis or as a follow-up to this assessment.

The Uniform Code of Military Justice

Next, we recommend modification to the prohibition on sodomy in Article 125 of the Uniform Code of Military Justice (UCMJ),³⁵⁹ and a corresponding change to the Manual for Courts-Martial (which implements the UCMJ and provides rules, policies, and, procedures for UCMJ prosecutions).

358 5 U.S.C. § 552a; Department of Defense, DoDD 5400.11, *Department of Defense Privacy Program*, May 8, 2007, 3, para. 4.6.
359 10 U.S.C. § 925.

Article 125 of the UCMJ treats all acts of sodomy, heterosexual, homosexual, consensual, or otherwise, as punishable conduct. In *Lawrence v. Texas*,³⁶⁰ the Supreme Court held that private consensual sodomy between adults cannot be considered a crime. The U.S. Court of Appeals for the Armed Forces reached a similar conclusion in the military context in the case *United States v. Marcum*.³⁶¹ In light of these decisions, we recommend that Article 125 be repealed or amended to the extent it prohibits consensual sodomy between adults, regardless of sexual orientation. The other prohibitions considered punishable under Article 125, including forcible sodomy, sodomy with minors and sodomy that is demonstrated to be “service discrediting” (e.g., in public or between a superior and subordinate), should remain on the books.

The DoD Joint Service Committee on Military Justice, which consists of military lawyers from each Service, is responsible for conducting an annual review of the Manual for Courts-Martial and recommends changes to both the UCMJ and the Manual. The Joint Services Committee has already developed a legislative proposal along the lines outlined above, in light of *Lawrence* and *Marcum*, and we endorse that proposal.

In essence, the Joint Service Committee has proposed the following action by Congress: repeal of Article 125 in its entirety, and amend Article 120 of the UCMJ³⁶² to include forcible sodomy and sodomy offenses against children. The Joint Service Committee also proposes to rewrite the Manual for Courts-Martial so as to make clear that all other aspects of the repealed Article 125 not barred by *Lawrence* and *Marcum* may be prosecuted under Article 134 of the UCMJ,³⁶³ which generally prohibits all misconduct that is prejudicial to good order and discipline or is Service discrediting.

In addition and in general, we recommend that the Joint Service Committee review all other UCMJ offenses involving sexual conduct or inappropriate relationships to ensure sexual orientation-neutral application of the UCMJ in a post-repeal environment, consistent with the recommendations of this report. For example, as applied in courts-martial, the definition of “sexual intercourse” means only intercourse between a man and a woman.³⁶⁴ Several offenses specified in the Manual for Courts-Martial under Article 134 of the UCMJ—namely Adultery, Prostitution, and Patronizing a Prostitute—all have “sexual intercourse” as a required element of the offense.³⁶⁵ As a result, homosexual sex is not covered under these offenses, such that if a married woman had sex with a man who was not her husband, it could qualify as adultery under military law, but if she had sex with a woman, it would not. We recommend that the Joint Service Committee determine how to revise these offenses to apply to both homosexual and heterosexual sex.

³⁶⁰ 539 U.S. 558 (2003).

³⁶¹ 60 M.J. 198 (C.A.A.F. 2004).

³⁶² 10 U.S.C. § 920.

³⁶³ 10 U.S.C. § 934.

³⁶⁴ Department of the Army, Pamphlet 27-9, *Military Judges' Benchbook*, January 1, 2010, 691.

³⁶⁵ Joint Service Committee of Military Justice, *Manual for Courts-Martial United States*, 2008, IV-114, para. 62, IV-134, para. 97.

Privacy and Cohabitation

Throughout our engagements with the force, we heard a number of Service members express discomfort about sharing bathroom facilities or living quarters with someone they know to be gay or lesbian. In connection with this issue, we note that 38% of survey respondents state that they have already shared a room, berth, or field tent with another Service member they believe to be homosexual;³⁶⁶ 50% believe they have already shared bathrooms with open bay showers that were also used by a Service member they believe to be homosexual.³⁶⁷

Housing policy for the U.S. military is established through a combination of DoD and Service-level regulations; in general the Department of Defense requires Service members without dependents, in pay grades E-6 and below, to live in barracks or dormitories. These Service members, with command approval, may live off-base. Overall, approximately 24% of the active duty force resides in barracks, dorms or onboard ship.³⁶⁸ This percentage varies from Service to Service: in the Air Force, the percentage is only 17%, while in the Marine Corps it is 39%.³⁶⁹

In general, DoD regulations also provide that Service members in barracks or dorms have a private bedroom and a bathroom shared by no more than one other person.³⁷⁰ However, there are variances to this standard, most notably the Marine Corps, the Navy, at Service academies, and in training environments. For instance, in the Marine Corps personnel E-3 and below share a bedroom in the interest of unit cohesion.³⁷¹ Navy shipboard requirements provide that both officers and enlisted personnel occupy shared staterooms or berthing areas divided by pay grade and gender.³⁷² The Services require gender segregation in housing and berthing.³⁷³

We do *not* recommend segregated housing for gay or lesbian Service members. We believe this would do more harm than good for unit cohesion, create a climate of stigmatization and isolation, and be impossible to enforce or administer unless Service members are required to disclose their sexual orientation. On the other hand, we are sensitive to concerns expressed to us by commanders that disputes may arise between gay and straight Service members assigned to live together involving, at least to some extent, sexual orientation. Commanders should have the flexibility, on a case-by-case basis, to address those concerns in the interests of maintaining morale, good order, and discipline.

³⁶⁶ See Appendix C, Question 86.

³⁶⁷ See Appendix C, Question 87.

³⁶⁸ Westat, vol. I, Appendix F, Question 11.

³⁶⁹ Westat, vol. I, Appendices S and T, Question 11.

³⁷⁰ U.S. Army Corps of Engineers, TI 800-01, *Design Criteria*, July 20, 1998, Table B-2.

³⁷¹ Defense Manpower Data Center, *April 2007 Status of Forces Survey of Active Duty Members: Housing Briefing*, December 2007.

³⁷² Department of the Navy, *Shipboard Habitability Design Criteria Manual*, December 1, 1955, 11, para. 3.2.3.3., 13, para. 3.2.7.2.

³⁷³ DoN, *Shipboard*, 11, para. 3.2.3.3., 13, para. 3.2.7.2.

Accordingly, we recommend that the Department of Defense expressly prohibit berthing or billeting assignments based on sexual orientation, except that commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission.

Next, a frequent concern expressed by some Service members was personal privacy in settings where they may be partially or fully unclothed in the presence of another Service member they know to be gay or lesbian—for instance, shared showering facilities or locker rooms. Likewise, military mission or training requirements may require that Service members live and work under conditions that offer limited personal privacy. Many ask whether repeal of Don't Ask, Don't Tell will require a third and possibly a fourth set of separate bathroom facilities. Meanwhile, others regard the very suggestion as offensive. Service members consistently raised this general topic, so we are obliged to address it.

Personal privacy in shared bathing situations exists to varying degrees throughout the U.S. military. The basic design standard for DoD facilities requires separate male and female showers directly adjacent to the corresponding gender's dressing and toilet areas, and include private shower/drying stalls. In other places, such as recruit training, there are shared facilities containing open bay berthing and group showers. Navy shipboard design criteria require individual stall showers,³⁷⁴ while Army regulations only require separate toilet facilities for men and women, but do not establish personal privacy standards.³⁷⁵

Here again, we are convinced that separate bathroom facilities would do more harm than good to unit cohesion and would be impracticable to administer and enforce. Concerns about showers and bathrooms are based on a stereotype—that gay men and lesbians will behave in an inappropriate or predatory manner in these situations. As one gay former Service member told us, to fit in, co-exist, and conform to social norms, gay men have learned to avoid making heterosexuals feel uncomfortable or threatened in situation such as this. The reality is that people of different sexual orientation use shower and bathroom facilities together every day in hundreds of thousands of college dorms, college and high school gyms, professional sports locker rooms, police and fire stations, and athletic clubs.

Accordingly, we recommend the Department of Defense expressly prohibit the designation of separate facilities based on sexual orientation, except that commanders retain the authority to adjudicate requests for accommodation of privacy concerns on an individualized, case-by-case basis in the interest of maintaining morale, good order, and discipline, and consistent with performance of mission. It should also be recognized that commanders already have the tools—from counseling, to non-judicial punishment, to UCMJ prosecution—to deal with misbehavior in both living quarters and bathing situations, whether the person who engages in the misconduct is gay or straight.

³⁷⁴ DoN, *Shipboard*, 18, para. 3.4.3.4.

³⁷⁵ TI 800-01, 15-2, para. 2.c.

Benefits

Next, our Terms of Reference required that we consider the issue of benefits for same-sex partners and the families of gay and lesbian Service members, in the event of repeal. This issue is itself large and complex, and is part of the ongoing national, political, and legal debate concerning same-sex relationships and gay marriage. We studied the issue carefully, and no other policy recommendation came close to consuming as much time and effort.

As a preliminary matter, it is important to note that, given current law, particularly the Defense of Marriage Act,³⁷⁶ there are a number of benefits that cannot legally be extended today to gay and lesbian Service members and their same-sex partners, even those who were lawfully married in states that permit same-sex marriage. Therefore, on the issue of benefits, our recommendations are these, in the event of repeal of Don't Ask, Don't Tell:

1. That the Department of Defense and the Services inform Service members about those benefits that are now, under current law and regulations, already available to any person of a Service member's choosing, which would include a same-sex partner.
2. That the Department of Defense and the Services review those benefits that may, where justified from a policy, fiscal, and feasibility standpoint, be revised by a change in regulation to become a "member-designated" one—in other words, to give the Service member the discretion to designate whomever he or she wants as a beneficiary, which would include a same-sex partner.
3. That the Department of Defense and the Services not, at this time, revise their regulations to specifically add same-sex committed relationships to the definition of "dependent," "family members," or other similar term in those regulations, for purposes of extending benefits eligibility, but that this particular issue be revisited as part of a follow-on review of the implementation of a repeal of Don't Ask, Don't Tell.

Members of the U.S. military are eligible for and receive a wide array of benefits and support resources, both for themselves and for certain members of their families. These benefits include health care, on-base housing, housing allowances, family separation allowances, family support programs, and commissary and base exchange shopping privileges. Many of these benefits are governed and limited in some manner by statute and/or regulation, be it the amount of the benefit, who is eligible for it, or both. In the event of repeal of Don't Ask, Don't Tell, the basic question becomes whether and to what extent benefits and support resources currently available only to spouses of Service members can and should also be extended to same-sex partners of Service members.

³⁷⁶ 1 U.S.C. § 7.

For our analysis of the benefits issue, we divided benefits broadly into three categories:

First, there are certain benefits that, given current law, cannot legally be extended to same-sex partners. Legal limitations include, for example, the small number of jurisdictions in the United States in which gay men and lesbians are legally permitted to marry or obtain legal recognition of their relationship, the statutory definition of “dependent” in Titles 10 and 37 of the U.S. Code, and, on top of all that, the Defense of Marriage Act, which for Federal purposes defines “marriage” to mean “only a legal union between one man and one woman as husband and wife” and “spouse” to refer “only to a person of the opposite sex who is a husband or a wife.”³⁷⁷ Thus, under current law, full benefit parity between spouses of heterosexual Service members and same-sex partners of gay and lesbian Service members in committed relationships is legally impossible.

More specifically, many of the most significant benefits for those who are married, including eligibility for the Basic Allowance for Housing at the “with-dependent rate,” are statutorily defined in a way that does not allow extension to any same-sex relationship. Criteria for the Basic Allowance for Housing—money a Service member living off-base receives to pay for housing—are set forth in 37 U.S.C. § 403. As Section 403 contemplates, the amount of the Basic Allowance for Housing is significantly higher if the Service member has “dependents.” However, “dependent” is also defined by law, in 37 U.S.C. § 401, and is limited to the Service member’s “spouse” or dependent parents, unmarried children, or certain others under the age of 23 who are placed in the legal custody of the Service member. And, as described above, the Defense of Marriage Act limits the definition of the word “spouse” to refer “only to a person of the opposite sex who is a husband or wife.”³⁷⁸ Thus, the higher “with-dependent” Basic Allowance for Housing cannot be made available to the gay or lesbian Service member under current Federal law, even if he or she is lawfully married, on the sole basis of a same-sex relationship.

Likewise, military health care benefits for same-sex partners are legally limited in the same way, because coverage is for “dependents” and that term is defined by law, in 10 U.S.C. § 1072, with reference to “spouse.”

Thus, for benefits in this first category, we simply cannot recommend that the Department of Defense extend them to same-sex couples, because it would be legally impermissible to do so. We did not, therefore, assess the fiscal implications of extending these types of benefits. We note, however, the evolving legal landscape. On July 8, 2010, a Federal district court in Boston declared the Defense of Marriage Act unconstitutional,³⁷⁹ and the case is now on appeal.

³⁷⁷ 1 U.S.C. § 7.

³⁷⁸ 1 U.S.C. § 7.

³⁷⁹ Memorandum Opinion, *Gill v. Office of Personnel Management*, Case No. 09-10309-JLT (D. Mass., July 8, 2010); Memorandum Opinion, *Massachusetts v. Department of Health and Human Services*, Case No. 1:09-11156-JLT (D. Mass., July 8, 2010).

The second category of benefits we studied are those that are now, under current law and regulations, fully available to anyone of a Service member's choosing, including a same-sex partner, because they are "member-designated" benefits. In other words, benefits like Servicemembers' Group Life Insurance and Thrift Savings Plan beneficiaries, missing member notification, and hospital visitation access, are currently available to same-sex partners because the Service member has discretion to designate the beneficiary. If Don't Ask, Don't Tell is repealed, Service members may so designate a same-sex partner without then having to conceal the nature of the relationship from the military. In the event of repeal, we recommend the Department of Defense and the Services inform Service members about these types of benefits, so that they can take advantage of them for their committed same-sex partners and children, should they desire to do so.

The third category of benefits is more complicated, and our recommendation is consequently more complicated. In this category are benefits that are not statutorily prohibited, because Congress has not explicitly limited the benefit in a manner that precludes same-sex partners, but that current regulations do not extend to same-sex partners. For these, the Department of Defense and the Services have the regulatory flexibility to define the eligible beneficiaries in way that includes same-sex partners.

An example of a benefit in this category is the provision of free legal services by a military legal assistance office. At present, those legal services may be extended to "dependents," and in this context Congress has left it to Service secretaries to determine who is a "dependent."³⁸⁰

Military family housing is another prominent benefit in this category. The Services, through regulation, make military family housing available to Service members who also qualify for the Basic Allowance for Housing at the "with-dependent" rate. Linking military family housing to the legal criteria for the "with-dependent" Basic Allowance for Housing is not legally required, but it has been long-standing regulatory practice.³⁸¹

For benefits such as these, the Department of Defense *could* legally direct the Services to revise their regulations to extend coverage to Service members' same-sex partners. This could be accomplished in two ways: leave to the Service member the freedom to designate his or her "dependents," "family members," or similar term; or, revise these definitions to specifically mention a committed, same-sex relationship, and require some type of proof of that committed relationship. The latter is similar to the approach now being taken in Federal agencies for civilian employees.³⁸²

³⁸⁰ 10 U.S.C. § 1044(e).

³⁸¹ Department of Defense, DoD Manual 4165.63-M, *DoD Housing Management*, October 28, 2010.

³⁸² In June 2010, the President issued a memorandum, followed by implementing guidance from the Office of Personnel Management, directing Federal civilian agencies to create a new status of "domestic partner" applicable to same-sex relationships of Federal civilian employees, and to extend to domestic partners those benefits that can be extended under existing law. The criteria for what constitutes a "domestic partnership" for Federal benefits purposes, and how a partnership is established or dissolved, are set forth by OPM and include that the two individuals are at least 18 years of age, maintain a common residence (or would but for an assignment abroad or other relevant obstacle), and share responsibility for a significant measure of each other's financial obligations. Federal agencies can, if they choose to do so, require employees to provide documentation, such as a sworn affidavit, attesting that their relationship meets these criteria. (Executive Office of the President, *Presidential Memorandum - Extension of Benefits to Same-Sex Domestic Partners of Federal Employees*, June 2, 2010.)

Our recommendation is that the Department of Defense and the Services review benefits in this category and assess whether they can be extended to same-sex partners in accordance with the former approach—that is, to refashion the benefit to become a “member-designated” one. Where it is legally permissible to do so under current statutory definitions, and where justified by policy, fiscal, and feasibility considerations, DoD should redefine the eligibility criteria for benefits in this category to allow Service members—gay or straight—to designate a beneficiary of their choosing, which could be a same-sex partner.

There is an element of fairness and equality to this approach, and it provides Service members with greater discretion to decide who in their life has access to benefits and support services. Both homosexual and heterosexual Service members could avail themselves of this type of expanded member-designated eligibility, and the Department of Defense would be enhancing the vital role of a Service member’s “supporters”—people in a Service member’s life who may not be his or her spouse, but may be a long-time partner, boyfriend, girlfriend, parent, or friend. Obviously, this approach requires some limit on the number of people the member could designate, and it should be constrained by other policy, fiscal, and practical considerations.

Access to legal services is a benefit that may be suitable for this member-designated approach, provided there is some type of limit to the number of people the member may designate. Other benefits and support services that may be suitable are, for example, programs and services provided by the Department of Defense family centers, which include mobility and deployment assistance, relocation assistance, and crisis assistance. Expanding the eligibility for these benefits and programs could be achieved by modifying the definition of “family member” in DoD policy and regulations to permit Service member designation.

We do not, however, recommend that military family housing be included in the benefits eligible for this member-designated approach. Permitting a Service member to qualify for military family housing, simply by designating whomever he chooses as a “dependent,” is problematic. Military family housing is a limited resource and complicated to administer, and such a system would create occasions for abuse and unfairness.³⁸³

Also, we do not, at this time, recommend that the Department of Defense and the Services revise their regulations to specifically add same-sex committed relationships to the definition of “dependent,” “family member,” or other similar term, for purposes of extending benefits eligibility. We realize this is different from the direction the Federal government is taking for civilian employees to address the disparity in benefits available to married opposite-sex relationships and committed same-sex relationships. However, we believe that, in the short-term, immediately following a repeal of Don’t Ask, Don’t Tell, our recommended approach is justified in the military context, for several reasons.

³⁸³ Current Service policies state that non-dependents are not allowed to reside in military family housing. We do not recommend any changes to those policies, other than to state that any exception to policy to allow a non-dependent to reside in military family housing be administered without regard to sexual orientation.

First, as stated before, we believe that to create an environment in which gay and lesbian Service members can win quick and easy acceptance within the military community, repeal must be explained as an effort to achieve equal treatment for all. If, simultaneous with repeal, the Department of Defense creates a new category of unmarried dependent or family member reserved only for same-sex relationships, the Department of Defense itself would be creating a new inequity—between unmarried, committed same-sex couples and unmarried, committed opposite-sex couples. This new inequity, or the perception of it, would run counter to the military ethic of fair and equal treatment.

In addition, benefits play a much larger role in day-to-day military life, than in Federal civilian agencies. For the military, “benefits” cover many aspects of day-to-day life, including on-base housing, housing allowances, family support programs, and commissary and base exchange shopping privileges, and provide other valuable forms of assistance, like family separations allowances, space-available travel, and relocation assistance. We know from our numerous engagements of the force that resentment at perceived inequities runs deep in military families.

Finally, there is the complexity of the administration of a new system in which the personnel or another office on a military base would have to determine whether a same-sex couple qualifies as a “committed” relationship. Other Federal agencies are managing this by establishing a domestic partner status for same-sex partners, through an affidavit or other evidence of the relationship.³⁸⁴ Within the military community, where benefits are much more prominent and visible than in civilian life, administering such a system distracts from the military’s core mission and runs counter to the Secretary of Defense’s basic direction that implementation of a repeal of Don’t Ask, Don’t Tell be done in a way that minimizes disruption to the force.

For these reasons, we recommend, for the time being, that the Department of Defense and the Services not revise their regulations to specifically add same-sex committed relationships to the definition of “dependent,” “family member,” or other similar term, for purposes of benefits eligibility.

However, we also recommend that the Department of Defense revisit this issue after repeal, as part of the post-repeal follow-on review we recommend below. This will permit the Department of Defense to revisit and reassess the issue as implementation of repeal is underway. It is also in recognition that the national debate on same-sex marriage and partner benefits is ongoing, and that the judicial and legislative landscape is in a state of flux. During the post-repeal assessment, the Department of Defense may then reconsider creating a “qualifying relationship” status for same-sex relationships, or for both committed same-sex and committed unmarried opposite-sex relationships, if the implementation of repeal to that point indicates that the extension of benefits in this manner is feasible and desirable.³⁸⁵

³⁸⁴ Executive Office of the President, *Presidential Memorandum - Extension of Benefits to Same-Sex Domestic Partners of Federal Employees*, June 2, 2010.

³⁸⁵ A number of benefits and support programs for current and former Service members and their families are administered through the Department of Veterans’ Affairs. As such, we recommend that DoD work with the Department of Veterans Affairs on this and future action pertaining to same-sex partner benefits.

Duty Assignments

The Working Group considered the extent to which U.S. and foreign laws and policies and international agreements may impact duty assignments for gay and lesbian personnel, and, in particular, Service members with committed same-sex partners.

First, the Working Group considered overseas assignments of Service members to countries that criminalize homosexual conduct, or homosexuality in general. Gay and lesbian Service members assigned to serve in such countries may be subjected to greater legal risk than their heterosexual counterparts. To address this, we recommend that the Services ensure that information on host-country laws and related military policies regarding homosexuality and homosexual conduct are included in their standard briefings to all Service members being deployed overseas. We do not recommend imposing restrictions on overseas assignments of gay and lesbian personnel.

Second, the Working Group considered issues related to duty assignments for Service members with committed same-sex partners. With regard to overseas assignments, current law limits the ability of the Department of Defense to fund and support accompanying travel for the Service member's partner, based on the eligibility definitions for "dependents" in 37 U.S.C. § 403.³⁸⁶ Furthermore, even if a same-sex partner wishes to accompany a Service member to an overseas assignment at his or her own expense, in many instances the partner would not be eligible for the special host-nation legal protections that a "command sponsored" individual may receive. The United States has negotiated Status of Forces Agreements with various countries, which, among other things, set forth legal protections under the host country's law for civilians who accompany a Service member to that country. In many instances, the terms of the agreements—which vary by country—have been written in such a way that they would not cover same-sex partners among those who receive those protections.

The Department of Defense and the Services also have policies that allow for "dual-career military married couples" to apply to be assigned to the same geographic area.³⁸⁷ DoD instructions define these "Joint Spouse Assignments" as "[a]ssignments made expressly for allowing military members to establish a joint household with their spouses who are also military members."³⁸⁸ Because the term "spouse" here can only refer to opposite-sex married couples under the Defense of Marriage Act, if the Department of Defense and the Services were to extend the co-located assignment policy to Service members in a committed same-sex relationship with another Service member, it would need to rewrite the relevant regulations to refer to same-sex partners (or some other term), instead of only "spouses." Without such a revision, two Service members in a committed same-sex relationship would

³⁸⁶ 37 U.S.C. § 403; Department of Defense, DoDI 1315.18, *Procedures for Military Personnel Assignments*, January 12, 2005, 44.

³⁸⁷ DoDI 1315.18, 7, para. 6.2.3.2.

³⁸⁸ DoDI 1315.18, 22, para. E.2.1.29.

not be able to apply for a co-located assignment and would be more likely to be assigned to different geographic locations than an opposite-sex married military couple would be.

As it relates to the treatment of Service members with committed same-sex partners, the topic of duty assignments—both for overseas assignments and for co-location of dual military couples—presents many of the same issues discussed in the previous section on benefits. As such, our recommendation and the reasons for it are similar. In short, we recommend that the Department of Defense and the Services not, at this time, rewrite their regulations to specifically accommodate same-sex committed relationships for purposes of duty assignments. However, gay and lesbian Service members in committed relationships—with either a civilian or a military partner—should be able to make an individualized, hardship-based request for accommodation in assignment. Additionally, to account for the differences in the treatment of same-sex partnerships and family relationships in various U.S. jurisdictions and foreign countries, the Services should make available voluntary counseling to gay and lesbian Service members on these issues.

Medical

During our engagement of the force, we heard from a number of Service members concerns about the prevalence of HIV in the military, the safety of the blood supply, and other medical issues. Thus, we considered whether the Department of Defense should issue any additional or modified medical guidance or policies in these areas.

The 1993 Summary Report of the Military Working Group cited medical concerns as one of the reasons against lifting the ban on homosexual conduct in the military. Specifically, the report stated that “due to their sexual practices, active male homosexuals in the military could be expected to bring an increased incidence of sexually transmitted diseases,”³⁸⁹ of which HIV was the primary concern.

An assessment of the impact of repeal on individual medical readiness is addressed in section XI of this report. In short, in the event of repeal, there will be no change in the safety of the blood supply and no significant change in overall HIV prevalence. There is a possibility that repeal of Don't Ask, Don't Tell could lead to an increase in the number of Service members who fall into the category of “men who have sex with men,” and this is the group at highest risk for HIV infection in the civilian population. However, our view is that such an increase is likely to be minimal and is not expected to impact military readiness or effectiveness.

The Surgeons General of each of the military departments have drafted and signed a joint letter to the Working Group stating that:

389 Department of Defense, *Summary Report of the Military Working Group*, July 1, 1993, 6-7.

"The repeal of 10 U.S.C. § 654 will not affect the medical readiness of the Armed Forces. Further, repeal of Don't Ask, Don't Tell will not require a change to any medical policies. The Department of Defense has policies and procedures to protect the health of the force to include the prevention of diseases such as human immunodeficiency virus (HIV) transmission."³⁹⁰

We concur with the Surgeons General and recommend no new policies or modifications to existing medical policies. We do recommend minor changes to existing education and training programs to address misinformation and misperceptions about HIV and the safety of the blood supply.

Re-Accession

Under current law and policy, Service members who have been involuntarily discharged under Don't Ask, Don't Tell are not eligible for reenlistment or reappointment.³⁹¹ Each Service maintains procedures for reenlistment or reappointment. Generally, the fact that a Service member was separated on the basis of homosexual conduct is indicated by separation and re-entry codes provided on the Service member's record of discharge (DD Form 214).

In the event of repeal, we recommend that the Department of Defense issue guidance to the Services permitting Service members previously separated on the basis of homosexual conduct to be considered for re-entry, assuming they qualify in all other respects. Requests for re-entry by those previously separated on the basis of homosexual conduct should be evaluated according to the same criteria as other former Service members seeking re-entry, and the fact that the basis of the separation was homosexual conduct should not be considered to the detriment of the applicant. For example, those whose DD Form 214 show an honorable discharge (or an uncharacterized discharge for those separated during initial training) and a separation code reflecting homosexual conduct shall be considered for re-entry. The Services should not establish any special procedures or preferential treatment for those Service members. The needs of the Service will continue to determine re-entry criteria.

We also considered whether the Department of Defense or the Services should adopt a policy to provide monetary compensation and/or other non-monetary redress to Service members previously separated under Don't Ask, Don't Tell. We recommend no change in policy. In general, the Department of Defense does not provide retroactive monetary compensation unless specifically authorized by legislation; nor does the Department of Defense provide non-monetary redress such as promotion in grade following then-validly executed separation actions.

³⁹⁰ Surgeons General of the Military Departments, Memorandum to the CRWG Co-Chairs, "Medical Impact of the Repeal of 10 U.S.C. § 654 (Don't Ask, Don't Tell Policy)."

³⁹¹ 10 U.S.C. § 654(c)(1).

This recommendation would not preclude a Service member previously separated under Don't Ask, Don't Tell or for any other reason from petitioning for redress through the Service Boards for the Correction of Military Records or Service Discharge Review Boards under the procedures and standards set forth by statute.³⁹² The types of redress available at these boards can be either monetary (e.g., retroactive payments for periods of broken service, retroactive payment of full separation pay) or non-monetary (e.g., change in categorization of discharge, credit for periods of broken service).

Release from Service Commitments

Some Service members told us they would seek to be released from their service commitments if Don't Ask, Don't Tell were repealed, based on their opposition to gay men and lesbians in the military or to homosexuality in general. We recommend against a policy allowing release from service commitments and voluntary discharge of Service members based on opposition to living or serving with gay or lesbian Service members after a repeal of Don't Ask, Don't Tell. The U.S. military is an all-volunteer force, but once Service members join the Military Services, they are not guaranteed a certain legal or policy landscape for the duration of their commitment.³⁹³ At present, Service members serve alongside others of different backgrounds, beliefs, races, and religions, reflective of American society as a whole. This already includes gay men and lesbians, and most Service members recognize that. It would be inappropriate, unworkable, and unfair to others to adopt a policy that permits release based on an assertion of incompatibility with or intolerance for gay men and lesbians. Under existing regulations, Service members may request to be voluntarily discharged under a military department secretary's plenary authority. The military department Secretary has the discretion whether to grant such requests, and only after determining the early separation to be in the best interest of the Service. Such discretionary discharges should only be permitted when they meet the standard of being in the best interest of the Service.

Fiscal Impact

The Working Group undertook a rough order of magnitude net annual cost estimate for repeal of Don't Ask, Don't Tell that factored in the implementation of our recommendations. This estimate includes costs related to the expansion of benefits eligibility, minor privacy accommodations (e.g., shower curtains), and execution and administration of education and training programs for the force. It also considers savings if there is no longer a need to recruit and train replacements for some number of Service members separated under Don't Ask, Don't Tell each year.

The estimated cost depends to a significant degree on which benefits and support resources are refashioned to have a "member-designated" eligibility, consistent with our

³⁹² 10 U.S.C. § 1552; 10 U.S.C. § 1553.

³⁹³ Service members sign a DD Form 4/1 upon entry acknowledging that laws and regulations governing military personnel may change without notice.

recommendation above. The decision of which benefits to extend would be made at later time by the Department of Defense and the Services, and a more complete cost estimate is not possible until such decisions are made. To obtain a preliminary cost estimate, the Working Group assumed a set of readiness-enhancing support resources that would be extended in this fashion. Based on this assumption, the Working Group estimated the annual cost of changing these benefits to a member-designated system for all Service members, regardless of sexual orientation, to be \$40-\$50 million. These benefits costs constituted approximately 80% of the total estimated annual cost of \$50-\$60 million. The Working Group estimated approximately \$20 million in cost savings, for a total net annual cost estimate of \$30-\$40 million.

We also recognize that, should future decisions provide the partners of gay and lesbian Service members with benefits more consistent with those received by spouses of married Service members, personnel costs would rise. They would also rise if recruitment and retention issues become evident; however, at this time, the Working Group expects recruiting and retention expenses related to repeal to be negligible. Because of the uncertain nature of these future decisions and certain external conditions, this area will require further analysis by the Services in the event of repeal and should be included in the follow-on review recommended below.

Follow-On Review

Finally, we recommend that one year after any repeal of Don't Ask, Don't Tell takes effect, the Department of Defense conduct a follow-on review to monitor and assess effectiveness of implementation of repeal and to determine the adequacy of the recommended actions that are adopted.

APPENDIX

A**MEMORANDUM AND TERMS OF REFERENCE**

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 2 2010

MEMORANDUM FOR THE GENERAL COUNSEL
COMMANDER, US ARMY EUROPE

SUBJECT: Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. §
654

The President has requested that the Congress repeal 10 U.S.C. § 654, "Policy Concerning Homosexuality in the Armed Forces," and directed the Department to consider how best to implement a repeal of this law.

The Chairman of the Joint Chiefs of Staff and I owe the President an assessment of the implications of such a repeal, should it occur. We also must develop an implementation plan for any new statutory mandate. To be successful, we must understand all issues and potential impacts associated with repeal of the law and how to manage implementation in a way that minimizes disruption to a force engaged in combat operations and other demanding military activities around the globe. Should Congress take this action, strong, engaged and informed leadership will be required at every level to properly and effectively implement a legislative change.

Accordingly, you are to stand up an intra-Department, inter-Service working group to conduct a comprehensive review of the issues associated with a repeal of the law. An integral element of this review shall be to assess and consider the impacts, if any, a change in the law would have on military readiness, military effectiveness and unit cohesion, and how to best manage such impacts during implementation.

To effectively accomplish this assessment, I believe it essential that the working group systematically engage the force. The participation of a range of age, rank and warfare communities in this study including families, in addition to active outreach across the force is a critical aspect that will undoubtedly lead to insights and recommendations essential to the Department's implementation of any change.

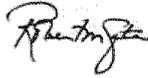
It is critical that this effort be carried out in a professional, thorough and dispassionate manner. Given the political dimension of this issue, it is equally critical that in carrying out this review, every effort be made to shield our men and women in uniform and their families from those aspects of this debate.



OSD 02399-10



Your terms of reference are attached. By copy of this memorandum, all DoD Components will fully cooperate in the execution of this Review and be responsive to all requests for information, detail personnel, or other support. The working group shall submit its report to me by December 1, 2010.



Attachment(s):
As stated

cc:
Secretaries of the Military Departments
Under Secretary of Defense for Personnel and Readiness
General Counsel of the Department of Defense
Joint Chiefs of Staff

TERMS OF REFERENCE**Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. § 654**

These Terms of Reference (TOR) establish the objectives of the Secretary of Defense-directed Comprehensive Review for the Repeal of 10 U.S.C. § 654, "Policy Concerning Homosexuality in the Armed Forces." The Review will examine the issues associated with repeal of the law should it occur and will include an implementation plan that addresses the impacts, if any, on the Department.

Objectives and Scope:

The Review will identify the impacts to the force of a repeal of 10 U.S.C. § 654 in the area reflected below:

1. Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.
2. Determine leadership, guidance, and training on standards of conduct and new policies.
3. Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.
4. Recommend appropriate changes (if any) to the Uniform Code of Military Justice.
5. Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of the review.
6. Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.
7. Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654.

Methodology:

1. Review all DoD directives, instructions and other issuances potentially impacted by a repeal. Identify where new directives and instructions may be needed.
2. Ensure participation in the working group by: military service leadership; appropriate OSD staff elements; cross service officer and enlisted communities; mid-grade and senior ranks; human resources/personnel specialists; pay and benefits specialists; family support programs specialists; accession point and training communities; service

academies and/or senior service schools; and medical, legal and religious support personnel.

3. In an appropriately balanced manner, engage Members of Congress, key influencers of potential service members and other stakeholder groups that have expressed a view on the current and perspective policy.
4. Research/study methods shall include systematic engagement of all levels of the force and their families, analysis of current data and information, and review the experiences of foreign militaries.
5. Engage the RAND Corporation to update the National Defense Research Institute report on "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment" (1993).

Deliverables:

- * A Report addressing the areas above will be delivered to the Secretary of Defense not later than December 1, 2010. Prior to the delivery of the report to the Secretary of Defense, each Service Chief shall be afforded the opportunity to review and comment.
- * The Review will provide a plan of action to support the implementation of a repeal of the law. The Review shall identify areas for further study.

Support:

- * The Under Secretary of Defense (Comptroller)/Chief Financial Officer will provide adequate funding for the Review.
- * The DA&M, through Washington Headquarters Services, will coordinate for and provide human resources, office/facilities, and other support to ensure success of this effort.
- * The Military Departments and other DOD Components will provide full support to the Review with detail personnel, information (including but not limited to documents and interviews of personnel), analytical capacity as determined necessary and any other support as requested.

APPENDIX

B**COMPREHENSIVE REVIEW WORKING GROUP****Co-Chairs**

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Senior Enlisted Advisor

FLTCM Scott A. Benning, USN

Chief of Staff

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Lt Col Sandra Edens, USAF
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YN3 Kimberly Bender, USCG
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CAPT Richard Giroux, USN
Col Gary Linsky, USAF
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Mr. Lach Litwer

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Lt Col Kathy Pallozzi, USAF
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SMSgt Greg Renz, USAF
TSgt Shakoda Gilliam, USAF
Mr. Justin Rubin

APPENDIX

C

**SURVEY RESPONSES: 2010 DEPARTMENT OF DEFENSE
SURVEY OF SERVICE MEMBERS**
Table 26. Question Index by Terms of Reference Topics

Topic	Questions
Effectiveness	8a-c, 16a-b, 17a-c, 39c, 44, 45, 47c, 52, 53, 55c, 60, 61, 64, 65, 66, 70a-b, 71a-c, 74, 83, 84, 85
Combat Effectiveness	8c, 17c, 64, 65, 66, 71c, 83, 84, 85
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Social Activity	20, 25, 72, 92, 93
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All respondents were asked the following question, but given Service specific options for the answer:

Question 1. Which one of the following best describes your current military occupational specialties?		
Army	N	Army
Combat Arms (CA/MFE)	7,411	25.8%
Combat Support (CS/OS)	8,783	31.4%
Combat Service Support (CSS/FS, IS)	6,510	17.9%
Medical, JAG, Chaplains, Acquisition	4,201	11.7%
Other	3,420	13.2%
Marine Corps	N	Marine Corps
Combat Arms (CA)	5,391	28.3%
Combat Support (CS)	5,478	35.6%
Combat Service Support (CSS)	5,624	36.1%
Navy	N	Navy
Surface	6,849	35.8%
Aviation	5,378	26.7%
Submarine	1,029	5.2%
Medical	2,613	12.9%
Other	5,583	19.4%
Air Force	N	Air Force
Operations	13,702	31.2%
Logistics	4,982	13.8%
Support	11,441	31.1%
Medical	3,832	8.8%
Other	5,007	15.1%
Coast Guard	N	Coast Guard
Afloat	1,430	21.4%
Ashore	4,927	64.7%
Aviation	676	9.1%
Medical	146	1.9%
Other	223	2.8%

The following questions were asked of all respondents:

Question 2. About how many people serve in your immediate unit?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
1-10	30,233	27.1%	26.4%	26.3%	27.8%	28.6%	26.3%
11-20	38,064	33.3%	31.0%	36.0%	37.9%	33.6%	32.0%
21-30	12,826	10.9%	9.6%	12.3%	13.0%	11.2%	13.8%
31-40	7,191	6.2%	6.2%	6.5%	6.0%	6.2%	6.7%
41-50	7,270	6.2%	6.5%	6.7%	5.0%	6.2%	6.8%
Larger than 50	17,311	16.2%	20.3%	12.2%	10.3%	14.2%	14.3%

Question 3. About how long have you worked in your immediate unit?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
0-3 months	12,114	10.7%	10.5%	13.7%	9.8%	9.9%	17.7%
4-6 months	10,729	11.5%	11.3%	15.1%	12.6%	10.0%	5.9%
7-12 months	20,400	19.0%	19.7%	19.3%	19.8%	16.8%	17.3%
13-18 months	16,574	14.9%	14.8%	15.0%	17.2%	12.9%	18.6%
19-24 months	12,632	11.0%	11.3%	10.7%	12.3%	9.9%	10.0%
More than 2 years	42,313	32.8%	32.4%	26.2%	28.3%	40.6%	30.4%

Question 4. Does your immediate unit include both men and women?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	97,661	80.0%	77.3%	62.7%	85.9%	89.4%	84.5%
No	16,996	20.0%	22.7%	37.3%	14.1%	10.6%	15.5%

Question 5. Does your immediate unit include individuals of different races or ethnicities?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	109,405	96.4%	96.6%	97.8%	97.4%	94.9%	94.0%
No	5,033	3.6%	3.4%	2.2%	2.6%	5.1%	6.0%

Question 6. Have you ever been deployed for 30 days or more?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, and I am currently deployed	10,114	10.9%	14.2%	6.7%	12.1%	4.9%	11.6%
Yes, but I am not currently deployed	75,383	58.9%	56.7%	59.8%	62.9%	60.2%	56.1%
No	29,292	30.2%	29.1%	33.4%	25.0%	34.9%	32.3%

The following question was only asked to respondents who said they were currently deployed or previously had been deployed:

Question 7. Since September 11, 2001, have you been deployed to a combat zone or an area where you received imminent danger pay or hostile fire pay?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	66,053	83.2%	89.6%	87.4%	74.0%	79.8%	24.4%
No	19,390	16.8%	10.4%	12.6%	26.0%	20.2%	75.6%

The following questions were only asked to respondents who said they were not currently deployed but had been deployed since September 11:

Question 8a. Thinking back to the unit with which you most recently deployed, how effective was that unit in completing its mission... In a field environment or out to sea?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	34,176	56.3%	52.6%	61.3%	60.8%	58.8%	55.1%
Effective	18,847	34.1%	37.5%	31.8%	32.5%	28.6%	35.7%
Equally as effective as ineffective	2,217	5.0%	6.3%	4.1%	4.4%	2.8%	6.5%
Ineffective	341	0.8%	1.0%	0.5%	0.5%	0.4%	1.1%
Very ineffective	349	0.7%	0.8%	0.6%	0.8%	0.5%	0.6%
Does not apply	2,120	3.2%	1.8%	1.7%	1.0%	9.0%	1.1%

Question 8b. Thinking back to the unit with which you most recently deployed, how effective was that unit in completing its mission... When a crisis or negative event happened that affected your unit?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	27,376	44.8%	41.2%	51.1%	46.7%	48.3%	40.4%
Effective	22,534	38.8%	40.9%	36.2%	37.9%	35.8%	42.7%
Equally as effective as ineffective	4,264	9.3%	11.6%	6.9%	8.5%	5.8%	10.3%
Ineffective	954	2.1%	2.8%	1.7%	1.7%	1.1%	1.2%
Very ineffective	564	1.3%	1.7%	0.7%	1.1%	0.8%	1.2%
Does not apply	2,271	3.7%	1.8%	3.4%	4.1%	8.1%	4.1%

Question 8c. Thinking back to the unit with which you most recently deployed, how effective was that unit in completing its mission... In an intense combat situation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	21,702	38.7%	40.9%	46.1%	33.3%	34.2%	19.2%
Effective	14,521	27.2%	31.7%	25.5%	23.0%	21.0%	16.9%
Equally as effective as ineffective	2,673	6.1%	8.0%	4.8%	5.4%	3.0%	6.3%
Ineffective	404	1.0%	1.4%	0.5%	0.7%	0.4%	0.9%
Very ineffective	314	0.7%	0.9%	0.4%	0.7%	0.4%	1.1%
Does not apply	18,291	26.4%	17.1%	22.7%	36.9%	41.0%	55.6%

The following question was asked of all respondents:

Question 9. What is your current marital status?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Now married	75,444	55.9%	56.3%	48.5%	55.4%	59.1%	55.5%
Legally separated or filing for divorce	2,909	2.9%	2.9%	3.3%	3.6%	2.1%	2.4%
Divorced	9,392	7.7%	8.3%	4.4%	7.0%	8.5%	6.3%
Widowed	275	0.2%	0.2%	0.0%	0.2%	0.2%	0.1%
Never married	26,802	33.3%	32.3%	43.9%	33.7%	30.1%	35.7%

The following question was only asked to respondents that said they were divorced, widowed or never married:

Question 10. Are you currently in a committed relationship?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	16,501	43.8%	44.8%	42.9%	44.3%	41.4%	45.5%
No	19,834	56.2%	55.2%	57.1%	55.7%	58.6%	54.5%

The following questions were asked of all respondents:

Question 11. During the last 24 months, where have you lived the most?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
In a temporary facility while on deployment (e.g., tent, trailer)	5,852	7.2%	12.2%	5.7%	2.0%	1.7%	0.5%
Onboard a ship or submarine	1,444	1.5%	0.1%	0.7%	7.3%	0.0%	5.4%
Barracks or dormitory at a military facility	8,781	15.4%	13.7%	33.7%	14.6%	12.1%	5.9%
Military family housing	10,632	10.3%	8.9%	11.6%	11.1%	12.0%	9.3%
Rented or owned civilian housing	85,137	62.7%	61.6%	45.3%	62.8%	71.9%	76.4%
Other	3,026	2.9%	3.5%	3.0%	2.2%	2.2%	2.5%

Question 12. How many of the NCOs/Pos in your immediate unit are good leaders?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All	15,237	14.1%	14.6%	14.5%	11.7%	14.9%	11.8%
Most	53,888	43.0%	44.6%	43.3%	37.7%	42.9%	45.9%
Some	25,259	23.0%	22.5%	22.9%	24.6%	22.8%	24.2%
A few	14,155	16.1%	15.3%	15.9%	20.6%	14.8%	13.9%
None	1,263	1.4%	1.4%	1.3%	1.7%	1.3%	1.2%
Do not have any NCOs/POs in my immediate unit	4,951	2.3%	1.5%	2.0%	3.6%	3.3%	2.9%

Question 13. How many of the officers over your immediate unit are good leaders?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All	22,940	20.1%	18.9%	25.1%	19.6%	21.0%	18.8%
Most	50,457	38.6%	39.3%	37.4%	36.9%	39.1%	37.5%
Some	20,656	18.8%	19.8%	16.8%	19.3%	17.1%	17.5%
A few	12,699	14.0%	14.9%	12.2%	15.3%	12.1%	10.7%
None	2,424	3.0%	3.1%	2.8%	3.3%	2.6%	2.1%
Do not have any officers over my immediate unit	5,511	5.5%	3.9%	5.9%	5.5%	8.1%	13.4%

The following questions were asked of all respondents and used to measure unit cohesion:

Question 14a. Service members in my immediate unit work together to get the job done							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	49,096	38.8%	37.2%	39.4%	37.5%	43.0%	39.1%
Agree	56,065	49.6%	49.8%	49.7%	50.5%	48.2%	52.5%
Neither agree nor disagree	6,502	7.5%	8.3%	7.6%	7.4%	6.0%	6.5%
Disagree	2,620	3.3%	3.8%	2.6%	3.8%	2.4%	1.7%
Strongly disagree	525	0.7%	0.9%	0.6%	0.8%	0.5%	0.3%

Question 14b. Service members in my immediate unit pull together to perform as a team							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	46,604	36.7%	35.7%	36.7%	35.3%	40.1%	37.3%
Agree	54,747	47.7%	47.7%	47.4%	48.4%	46.9%	51.7%
Neither agree nor disagree	9,288	10.4%	10.9%	11.3%	10.6%	9.1%	8.4%
Disagree	3,405	4.2%	4.6%	3.8%	4.6%	3.3%	2.2%
Strongly disagree	692	1.0%	1.1%	0.9%	1.1%	0.6%	0.3%

Question 14c. Service members in my immediate unit trust each other							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	34,036	26.0%	25.6%	27.4%	23.9%	28.1%	25.3%
Agree	52,829	43.0%	42.4%	43.2%	42.8%	43.6%	49.4%
Neither agree nor disagree	19,314	20.5%	21.1%	20.3%	21.3%	19.0%	18.8%
Disagree	6,597	7.9%	8.1%	7.1%	8.8%	7.2%	5.3%
Strongly disagree	1,923	2.6%	2.8%	2.0%	3.1%	2.2%	1.3%

Question 14d. Service members in my immediate unit really care about each other							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	31,731	24.4%	24.6%	24.4%	21.4%	26.7%	22.5%
Agree	50,948	41.0%	40.4%	41.7%	39.9%	42.2%	46.1%
Neither agree nor disagree	23,526	24.2%	24.6%	24.1%	26.2%	22.1%	24.0%
Disagree	6,256	7.3%	7.3%	7.0%	8.6%	6.6%	5.7%
Strongly disagree	2,174	3.1%	3.2%	2.8%	3.9%	2.4%	1.7%

Question 15a. Service members in my immediate unit can get help from their leaders on personal problems							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	40,013	32.2%	30.3%	38.7%	31.9%	33.6%	29.3%
Agree	54,434	46.9%	46.5%	46.1%	47.9%	46.8%	53.2%
Neither agree nor disagree	13,577	13.7%	15.0%	10.5%	13.0%	13.1%	12.8%
Disagree	4,712	5.2%	5.9%	3.4%	5.1%	4.9%	3.4%
Strongly disagree	1,565	2.0%	2.3%	1.4%	2.2%	1.5%	1.2%

Question 15b. Leaders in my immediate unit trust their unit members							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	30,501	23.6%	22.4%	25.5%	22.8%	25.8%	21.9%
Agree	57,204	47.3%	46.6%	49.1%	46.9%	47.7%	53.6%
Neither agree nor disagree	18,782	20.1%	21.2%	18.2%	20.7%	18.3%	18.2%
Disagree	6,203	7.1%	7.7%	5.6%	7.5%	6.7%	5.0%
Strongly disagree	1,546	1.9%	2.1%	1.6%	2.1%	1.6%	1.3%

Question 15c. Leaders in my immediate unit have the skills and abilities to lead unit members into combat							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	29,500	24.6%	25.7%	29.5%	20.4%	24.0%	14.3%
Agree	47,621	40.5%	41.8%	42.2%	37.1%	40.3%	33.5%
Neither agree nor disagree	25,514	23.1%	20.9%	19.7%	28.3%	24.1%	35.7%
Disagree	7,806	7.7%	7.6%	5.7%	8.8%	7.9%	10.2%
Strongly disagree	3,739	4.1%	4.0%	3.0%	5.5%	3.8%	6.3%

Question 15d. Leaders in my immediate unit care about their Service members							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Strongly agree	39,768	30.5%	29.8%	33.1%	28.5%	32.5%	27.5%
Agree	53,353	45.6%	44.9%	45.9%	46.0%	45.9%	52.9%
Neither agree nor disagree	14,705	16.3%	17.0%	15.1%	17.2%	15.0%	15.0%
Disagree	4,423	5.2%	5.6%	3.7%	5.5%	4.7%	3.3%
Strongly disagree	1,868	2.5%	2.8%	2.2%	2.8%	1.8%	1.3%

The following questions were only asked to respondents that said they were not currently deployed:

Question 16a. How effective is your immediate unit in completing its mission... On a day-to-day basis?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	20,809	41.0%	36.6%	43.9%	39.4%	47.8%	43.0%
Effective	22,957	47.0%	47.9%	46.1%	49.1%	44.2%	49.2%
Equally as effective as ineffective	4,018	10.1%	12.7%	8.8%	10.2%	6.9%	6.8%
Ineffective	566	1.5%	2.3%	0.9%	1.0%	0.8%	0.8%
Very ineffective	138	0.4%	0.6%	0.2%	0.3%	0.2%	0.2%

Question 16b. How effective is your immediate unit in completing its mission... When a crisis or negative event happens that affects your immediate unit?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	18,650	35.6%	32.1%	34.8%	34.5%	42.0%	39.3%
Effective	22,352	45.3%	45.1%	46.2%	46.5%	44.0%	47.7%
Equally as effective as ineffective	6,113	15.5%	18.5%	15.1%	15.7%	11.4%	10.9%
Ineffective	1,020	2.8%	3.5%	2.9%	2.3%	2.0%	1.7%
Very ineffective	285	0.8%	0.9%	1.1%	1.0%	0.6%	0.4%

The following questions were only asked to respondents that said they were currently deployed:

Question 17a. How effective is your immediate unit in completing its mission... In a field environment or out to sea?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	3,288	40.2%	39.9%	49.4%	38.5%	39.4%	48.3%
Effective	3,505	43.4%	42.8%	41.6%	45.8%	45.4%	39.8%
Equally as effective as ineffective	917	13.5%	14.0%	8.5%	13.5%	12.9%	11.5%
Ineffective	146	2.2%	2.6%	0.2%	1.8%	1.6%	0.4%
Very ineffective	42	0.7%	0.8%	0.3%	0.4%	0.6%	0.0%

Question 17b. How effective is your immediate unit in completing its mission... When a crisis or negative event happens that affects your immediate unit?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	2,719	32.2%	31.5%	38.9%	31.3%	34.2%	38.3%
Effective	3,744	45.9%	45.3%	47.0%	46.8%	47.6%	48.6%
Equally as effective as ineffective	1,130	16.9%	17.6%	12.0%	17.3%	14.8%	10.7%
Ineffective	243	3.9%	4.3%	1.6%	3.8%	2.8%	2.4%
Very ineffective	63	1.1%	1.3%	0.5%	0.7%	0.6%	0.0%

Question 17c. How effective is your immediate unit in completing its mission... In an intense combat situation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very effective	2,361	30.2%	30.4%	41.0%	26.1%	29.5%	20.9%
Effective	3,237	39.3%	39.3%	40.1%	38.9%	40.0%	31.0%
Equally as effective as ineffective	1,827	24.5%	23.5%	16.1%	29.4%	26.8%	41.1%
Ineffective	255	3.8%	4.3%	1.4%	3.4%	2.3%	5.0%
Very ineffective	144	2.2%	2.4%	1.3%	2.2%	1.5%	2.0%

The following questions were asked of all respondents and were used to measure unit readiness:

Question 18a. To perform its immediate mission-essential tasks, does your unit have enough... Trained personnel?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	81,409	70.5%	69.6%	77.3%	67.9%	71.0%	71.4%
No	29,196	24.8%	24.6%	18.9%	28.2%	25.6%	24.7%
Don't know	4,207	4.7%	5.8%	3.8%	3.9%	3.4%	4.0%

Question 18b. To perform its immediate mission-essential tasks, does your unit have enough... Experienced personnel?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	78,910	68.1%	69.1%	72.9%	65.0%	66.0%	70.1%
No	31,911	27.5%	25.8%	23.6%	31.1%	30.8%	25.9%
Don't know	3,953	4.3%	5.1%	3.4%	3.8%	3.3%	4.0%

Question 18c. To perform its immediate mission-essential tasks, does your unit have enough... Motivated personnel?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	85,769	68.8%	68.3%	70.3%	67.0%	69.8%	74.6%
No	22,860	24.8%	24.9%	23.3%	27.4%	23.8%	18.8%
Don't know	6,040	6.4%	6.8%	6.4%	5.6%	6.4%	6.7%

Question 19. To perform its immediate mission-essential tasks, does your unit have enough deployable personnel?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	58,670	50.8%	50.6%	54.4%	47.1%	52.3%	49.6%
No	22,304	19.0%	19.4%	14.6%	20.0%	19.2%	20.0%
Don't know	17,448	17.7%	20.1%	14.7%	13.8%	17.2%	16.0%
Does not apply	16,339	12.5%	9.9%	16.3%	19.1%	11.3%	14.4%

The following questions were asked of all respondents:

Question 20. For your immediate unit to work together well, how important is it for unit members to socialize together off-duty?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very important	10,592	10.8%	11.5%	14.5%	8.4%	9.4%	8.1%
Important	40,818	35.3%	35.5%	39.8%	32.6%	35.3%	32.7%
Neither important nor unimportant	47,517	40.5%	40.0%	35.4%	42.6%	42.0%	44.6%
Unimportant	13,012	10.8%	10.5%	8.2%	12.8%	10.9%	12.0%
Very unimportant	2,685	2.6%	2.5%	2.0%	3.5%	2.4%	2.6%

Question 21. How would you rate your immediate unit's morale?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very high	9,687	8.0%	8.5%	7.9%	7.4%	7.5%	5.1%
High	46,275	35.5%	36.0%	38.1%	33.5%	34.8%	33.0%
Moderate	45,788	41.3%	40.6%	40.1%	41.7%	42.4%	46.4%
Low	9,704	11.0%	10.7%	10.3%	12.1%	11.3%	11.6%
Very low	3,210	4.2%	4.1%	3.6%	5.3%	4.0%	3.9%

Question 22. How would you rate your own morale?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very high	21,139	17.7%	19.2%	18.0%	16.8%	15.9%	11.2%
High	48,951	38.8%	38.7%	39.1%	36.3%	40.4%	39.8%
Moderate	33,356	30.4%	29.1%	29.6%	31.5%	32.0%	37.7%
Low	7,831	8.5%	8.3%	8.3%	9.8%	8.0%	8.4%
Very low	3,449	4.6%	4.7%	5.0%	5.7%	3.6%	2.9%

Question 23. How well prepared is your immediate unit to perform its mission?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very well prepared	26,169	20.9%	18.5%	23.4%	20.2%	25.4%	20.5%
Well prepared	59,039	48.8%	45.5%	50.9%	50.3%	53.2%	56.1%
Moderately prepared	25,648	25.5%	29.3%	22.6%	25.8%	19.0%	20.7%
Poorly prepared	3,254	4.1%	5.6%	2.7%	3.1%	2.1%	2.4%
Very poorly prepared	531	0.8%	1.1%	0.4%	0.5%	0.4%	0.4%

Question 24. How well prepared are you to perform your military job?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very well prepared	41,085	35.4%	34.6%	38.8%	34.8%	36.6%	28.5%
Well prepared	55,751	47.1%	46.3%	45.8%	47.7%	48.3%	54.3%
Moderately prepared	15,930	15.1%	15.8%	13.8%	15.7%	13.5%	15.9%
Poorly prepared	1,590	1.9%	2.5%	1.2%	1.4%	1.3%	1.2%
Very poorly prepared	404	0.6%	0.8%	0.3%	0.4%	0.3%	0.2%

Question 25. In the last 2 months, about how often has your immediate unit socialized together, off-duty?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Not at all in the last 2 months	34,191	30.5%	33.3%	21.2%	29.7%	30.0%	24.2%
Once	32,534	25.8%	25.4%	23.8%	26.4%	27.2%	26.8%
Two or three times	35,873	30.8%	28.9%	37.4%	31.2%	31.5%	33.0%
Four or more times	11,981	12.8%	12.4%	17.6%	12.8%	11.3%	16.0%

The following question was only asked of respondents that said they were "Now married":

Question 26. How does your spouse feel about your military service?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positive	25,405	29.9%	27.8%	30.9%	29.8%	33.7%	32.6%
Positive	25,334	30.9%	30.4%	27.7%	30.4%	33.4%	34.4%
An equal mix of positive and negative feelings	20,343	31.9%	33.3%	33.6%	32.8%	27.8%	28.3%
Negative	2,317	3.7%	4.3%	3.5%	3.7%	2.7%	2.7%
Very negative	1,378	2.7%	3.3%	3.1%	2.5%	1.7%	1.3%
Not sure	452	0.9%	0.9%	1.2%	0.7%	0.8%	0.7%

The following question was only asked of respondents that said they were in a committed relationship, but not currently married:

Question 27. How does your significant other feel about your military service?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positive	4,509	23.8%	22.4%	21.6%	24.0%	28.5%	21.7%
Positive	5,015	27.3%	26.2%	26.3%	26.0%	31.4%	32.9%
An equal mix of positive and negative feelings	5,538	38.6%	40.7%	41.1%	38.0%	32.5%	36.9%
Negative	647	4.8%	4.9%	5.3%	6.1%	3.0%	4.0%
Very negative	364	3.2%	3.7%	3.2%	3.6%	1.5%	2.3%
Not sure	385	2.4%	2.1%	2.5%	2.4%	3.1%	2.1%

The following question was only asked of respondents that said they were "Now married":

Question 28. How does the rest of your family feel about your military service?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positive	28,331	34.4%	29.7%	38.0%	38.6%	38.9%	44.3%
Positive	29,525	37.3%	37.2%	35.4%	36.2%	38.9%	39.4%
An equal mix of positive and negative feelings	14,492	23.1%	26.9%	22.7%	20.4%	18.2%	13.4%
Negative	1,235	2.1%	2.8%	1.4%	1.8%	1.3%	0.9%
Very negative	480	1.1%	1.4%	0.8%	1.0%	0.6%	0.5%
Not sure	1,189	1.9%	1.9%	1.6%	2.0%	2.0%	1.5%

The following question was only asked of respondents that did *not* say they were "Now married":

Question 29. How does your family feel about your military service?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positive	17,576	42.4%	37.1%	42.1%	46.3%	50.1%	53.4%
Positive	12,484	29.7%	29.9%	29.2%	28.7%	30.1%	33.0%
An equal mix of positive and negative feelings	7,640	22.7%	26.9%	24.0%	19.7%	16.0%	10.8%
Negative	691	2.1%	2.6%	1.9%	2.0%	1.2%	0.6%
Very negative	344	1.1%	1.5%	0.9%	1.0%	0.7%	0.6%
Not sure	727	2.0%	2.0%	1.7%	2.2%	2.0%	1.6%

The following questions were asked of all respondents:

Question 30. Would you ever recommend to a family member or close friend that he or she pursue service in the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, and I have done so	85,602	69.5%	69.2%	61.9%	66.5%	75.2%	76.2%
Yes, but I have not done so to date	17,041	15.9%	15.7%	17.5%	17.9%	14.3%	15.7%
No	11,873	14.6%	15.1%	20.5%	15.6%	10.5%	8.1%

Question 31. Why did you join the military? Choose 2 that best apply.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Pay and allowances	16,435	15.6%	15.3%	11.2%	17.0%	16.7%	20.2%
Education benefits/GI Bill	41,074	41.2%	41.1%	30.1%	44.5%	44.5%	35.8%
Retirement benefits	15,489	11.4%	10.9%	5.4%	12.4%	14.1%	17.0%
Health benefits	6,655	7.0%	6.5%	4.3%	8.5%	7.8%	11.9%
Family tradition	13,661	12.0%	13.5%	10.6%	9.8%	11.4%	8.9%
To serve my country or to defend the nation	67,338	53.3%	56.8%	62.2%	43.3%	49.5%	48.6%
Needed a job	10,564	10.1%	9.3%	8.7%	10.8%	11.5%	14.3%
See the world	20,092	17.9%	12.2%	21.7%	28.2%	21.0%	14.4%
Live by Service's core values	7,837	5.4%	5.6%	12.9%	3.0%	3.4%	5.1%
Service members' moral values	5,545	4.2%	4.7%	6.0%	2.8%	3.4%	3.8%
Other	12,703	11.4%	11.9%	15.0%	11.1%	8.9%	10.0%

The following questions were asked of all respondents:

Question 32. Which one of the following statements best describes your current military career intentions?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Definitely stay in until retirement	54,834	37.9%	36.2%	25.2%	40.3%	45.2%	44.7%
Probably stay in until retirement	21,550	20.8%	21.4%	17.6%	18.4%	22.7%	23.4%
Definitely stay in beyond my present obligation, but not necessarily until retirement	4,308	5.6%	5.6%	7.3%	6.9%	3.7%	5.2%
Probably stay in beyond my present obligation, but not necessarily until retirement	8,116	10.5%	10.9%	13.3%	10.6%	8.2%	8.8%
Definitely leave upon completion of my present obligation	6,459	9.6%	9.9%	18.5%	9.5%	5.5%	4.7%
Probably leave upon completion of my present obligation	7,269	10.0%	10.2%	15.7%	9.2%	7.6%	7.4%
Have met retirement eligibility but continue to serve	12,119	5.6%	5.8%	2.3%	5.1%	7.0%	5.9%

Question 33. What THREE factors do you consider most important to you when deciding whether to remain in the military? Mark up to 3:							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Pay and allowances / Bonuses	27,353	26.1%	24.9%	24.5%	29.5%	26.5%	29.2%
Education benefits	14,394	16.8%	16.2%	14.1%	19.5%	17.4%	15.1%
Quality of leadership	20,094	20.4%	22.6%	25.8%	16.7%	16.3%	14.1%
Retirement benefits	42,334	30.4%	28.3%	20.0%	33.6%	36.4%	38.8%
Years completed toward retirement	26,551	18.7%	18.3%	11.4%	18.7%	23.1%	20.4%
Current economic situation and civilian job availability	25,770	26.5%	23.3%	29.0%	29.6%	29.2%	34.5%
Family separations and stability	19,735	18.7%	19.6%	19.1%	20.8%	15.3%	15.9%
Health benefits	19,987	18.4%	17.0%	14.7%	21.1%	20.4%	27.1%
Deployment-related considerations	11,934	12.3%	14.5%	13.0%	10.0%	9.6%	3.8%
Live by Service's core values	6,185	4.4%	5.0%	6.4%	2.8%	3.4%	3.2%
Service members' moral values	7,850	6.5%	6.9%	8.4%	5.6%	5.7%	4.2%
Comaraderie	18,806	14.4%	15.0%	20.6%	11.8%	12.8%	9.2%
To serve and defend my country	34,231	25.7%	27.8%	26.2%	21.0%	25.0%	19.8%
Job satisfaction	36,800	30.5%	28.9%	33.2%	30.9%	31.7%	37.0%
Family satisfaction with military	21,736	20.0%	20.8%	22.3%	18.6%	18.3%	19.7%
Other	3,994	4.1%	4.4%	4.8%	4.1%	3.4%	2.2%

Question 34. Do you currently serve with a male or female Service member you believe to be homosexual?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	35,506	36.0%	37.6%	24.9%	46.0%	30.6%	29.9%
No	79,128	64.0%	62.4%	75.1%	54.0%	69.4%	70.1%

Question 35. In your career, have you ever worked in a unit with a leader you believed to be homosexual?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	43,089	38.5%	40.4%	30.8%	44.3%	33.4%	40.9%
No	71,506	61.5%	59.6%	69.2%	55.7%	66.6%	59.1%

Question 36. In your career, have you ever worked in a unit with a coworker you believed to be homosexual?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	78,749	69.3%	68.9%	58.2%	78.6%	67.9%	72.0%
No	35,840	30.7%	31.1%	41.8%	21.4%	32.1%	28.0%

Question 37. In your career, have you ever worked in a unit with a subordinate you believed to be homosexual?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	60,040	49.1%	51.0%	43.4%	62.8%	37.6%	46.8%
No	54,653	50.9%	49.0%	56.6%	37.2%	62.4%	53.2%

The following question was only asked to respondents who said they served with a leader they believed to be gay or lesbian:

Question 38. In the unit where you had a leader you believed to be gay or lesbian, about how many other unit members also believed the leader to be gay or lesbian?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or most	19,773	47.5%	47.9%	40.7%	50.8%	45.9%	48.1%
Some	11,062	24.8%	25.5%	26.0%	22.2%	25.2%	23.8%
A few	5,091	12.8%	12.9%	16.0%	12.5%	11.7%	12.6%
None	1,050	2.6%	2.5%	3.7%	2.8%	2.4%	2.2%
Don't know	6,031	12.2%	11.1%	13.5%	11.6%	14.8%	13.2%

The following questions were only asked to respondents who said they served with a leader they believed to be gay or lesbian and where all, most, some or a few other unit members believed the leader to be gay or lesbian:

Question 39a. How would you rate that unit's... Ability to work together?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	13,805	30.9%	30.1%	23.8%	32.7%	33.9%	33.1%
Good	20,062	46.0%	45.3%	44.6%	47.8%	46.3%	49.2%
Neither good nor poor	5,924	14.8%	15.2%	19.7%	13.0%	13.6%	12.5%
Poor	2,422	6.2%	6.9%	8.8%	4.8%	4.7%	3.8%
Very Poor	773	2.2%	2.6%	3.1%	1.7%	1.4%	1.5%

Question 39b. How would you rate that unit's... Morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	11,092	24.6%	24.2%	18.4%	25.6%	27.1%	24.7%
Good	19,078	43.3%	43.6%	40.0%	44.9%	42.2%	45.6%
Neither good nor poor	7,331	18.1%	17.9%	22.1%	16.7%	18.3%	17.4%
Poor	3,992	9.9%	9.9%	14.0%	9.1%	9.0%	8.6%
Very Poor	1,447	4.1%	4.4%	5.5%	3.6%	3.4%	3.7%

Question 39c. How would you rate that unit's... Performance?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	13,953	31.1%	29.7%	26.5%	32.9%	34.8%	34.1%
Good	20,404	47.0%	46.6%	45.7%	48.5%	46.7%	49.5%
Neither good nor poor	5,739	14.6%	15.4%	17.9%	12.6%	13.3%	12.0%
Poor	2,090	5.2%	6.0%	6.9%	4.3%	3.8%	3.3%
Very Poor	712	2.1%	2.4%	3.1%	1.6%	1.4%	1.0%

Question 40. Among all the factors that affect how well a unit works together, how much did the unit members' belief that this leader was gay or lesbian affect the unit's ability to work together?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	2,947	9.2%	10.4%	15.9%	6.6%	6.2%	6.3%
Some	6,207	16.6%	17.3%	20.7%	15.3%	14.6%	15.0%
A little	5,951	16.4%	16.5%	19.5%	15.9%	15.3%	15.9%
Not at all	18,208	50.5%	49.0%	36.6%	54.7%	55.9%	55.4%
No basis to judge	2,588	7.2%	6.8%	7.4%	7.6%	8.1%	7.4%

The following question was only asked to respondents that answered a lot, some or a little to the previous question:

Question 41. Was the effect on the unit's ability to work together...							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	2,306	15.9%	15.5%	14.3%	18.7%	15.0%	17.8%
Mostly negative	5,652	37.5%	39.7%	43.8%	30.2%	34.6%	30.3%
About equally positive and negative	7,184	46.6%	44.8%	41.8%	51.1%	50.4%	51.9%

The following question was only asked to respondents who said they served with a leader they believed to be gay or lesbian and where all, most, some or a few other unit members believed the leader to be gay or lesbian:

Question 42. Among all the factors that affect a unit's morale, how much did the unit members' belief that this leader was gay or lesbian affect the unit's morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	2,625	8.1%	9.3%	13.0%	5.7%	5.5%	4.8%
Some	5,581	14.9%	15.6%	20.3%	13.3%	12.7%	12.6%
A little	6,064	16.4%	16.7%	19.5%	15.5%	15.5%	15.6%
Not at all	19,087	53.5%	51.8%	38.6%	58.3%	58.7%	59.9%
No basis to judge	2,529	7.1%	6.7%	8.6%	7.2%	7.7%	7.2%

The following question was only asked to respondents that answered a lot, some or a little to the previous question:

Question 43. Was the effect on the unit's morale...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	1,211	9.1%	8.1%	9.3%	12.1%	9.0%	10.1%
Mostly negative	6,560	46.1%	48.8%	51.1%	37.6%	43.2%	41.7%
About equally positive and negative	6,497	44.8%	43.1%	39.6%	50.3%	47.9%	48.2%

The following question was only asked to respondents who said they served with a leader they believed to be gay or lesbian and where all, most, some or a few other unit members believed the leader to be gay or lesbian:

Question 44. Among all the factors that affect a unit's morale, how much did the unit members' belief that this leader was gay or lesbian affect the unit's performance?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	2,066	6.4%	7.4%	10.4%	4.7%	4.3%	3.8%
Some	4,887	13.2%	13.9%	18.2%	11.6%	11.2%	11.0%
A little	5,145	14.3%	14.5%	18.5%	13.4%	12.9%	13.5%
Not at all	21,119	58.6%	57.0%	44.1%	63.2%	63.7%	64.2%
No basis to judge	2,599	7.4%	7.2%	8.8%	7.1%	7.9%	7.6%

The following question was only asked to respondents who said they served with a leader they believed to be gay or lesbian and where all, most, some or a few other unit members believed the leader to be gay or lesbian:

Question 45. Was the effect on the unit's performance...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	931	8.6%	8.1%	8.3%	10.6%	7.9%	10.0%
Mostly negative	5,572	46.2%	48.9%	50.1%	38.6%	42.9%	41.1%
About equally positive and negative	5,583	45.2%	43.0%	41.6%	50.7%	49.2%	49.0%

The following questions were only asked to respondents who said they served with a coworker they believed to be gay or lesbian:

Question 46. In the unit where you had a coworker you believed to be gay or lesbian, about how many other unit members also believed the coworker to be gay or lesbian?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or most	38,770	53.1%	53.3%	48.2%	57.5%	51.1%	49.0%
Some	20,271	23.8%	23.9%	25.5%	21.2%	25.0%	25.3%
A few	9,357	12.2%	12.6%	13.8%	11.1%	11.5%	12.3%
None	1,162	1.6%	1.5%	2.6%	1.4%	1.5%	1.6%
Don't know	9,060	9.4%	8.7%	9.9%	8.8%	11.0%	11.7%

The following questions were only asked to respondents who said they served with a coworker they believed to be gay or lesbian and where all, most, some or a few other unit members believed the coworker to be gay or lesbian:

Question 47a. How would you rate that unit's... Ability to work together?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	24,379	29.5%	28.3%	21.8%	31.5%	33.1%	31.3%
Good	38,031	47.1%	46.2%	46.8%	48.3%	47.8%	50.7%
Neither good nor poor	10,732	15.0%	15.8%	19.5%	13.3%	13.3%	13.4%
Poor	4,123	6.2%	7.1%	8.3%	5.3%	4.4%	3.7%
Very Poor	1,263	2.2%	2.6%	3.6%	1.7%	1.4%	0.9%

Question 47b. How would you rate that unit's... Morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	19,840	23.5%	22.9%	17.5%	24.8%	26.2%	23.2%
Good	37,476	45.6%	45.7%	42.7%	46.1%	45.7%	49.3%
Neither good nor poor	13,486	18.8%	18.9%	23.2%	17.7%	17.9%	17.9%
Poor	5,789	8.7%	8.8%	11.5%	8.4%	7.5%	7.6%
Very Poor	1,855	3.4%	3.6%	5.1%	3.0%	2.7%	2.1%

Question 47c. How would you rate that unit's... Performance?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	24,503	29.5%	27.8%	24.6%	31.1%	33.5%	31.3%
Good	39,127	48.6%	48.0%	47.3%	49.7%	49.1%	52.7%
Neither good nor poor	10,476	15.0%	16.0%	18.5%	13.9%	12.8%	12.3%
Poor	3,134	4.9%	5.7%	6.7%	3.9%	3.4%	2.7%
Very Poor	1,117	2.0%	2.5%	2.9%	1.5%	1.2%	1.0%

Question 48. Among all the factors that affect how well a unit works together, how much did the unit members' belief that this coworker was gay or lesbian affect the unit's ability to work together?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	3,213	8.7%	10.0%	13.2%	6.8%	5.9%	4.9%
Some	8,176	18.3%	19.2%	25.2%	15.1%	16.2%	15.4%
A little	8,026	17.8%	18.2%	20.1%	17.8%	16.3%	17.5%
Not at all	20,842	47.5%	45.1%	33.4%	52.8%	53.7%	53.7%
No basis to judge	3,288	7.6%	7.4%	8.1%	7.6%	7.9%	8.5%

The following question was only asked to respondents that answered a lot, some or a little to the previous question.

Question 49. Was the effect on the unit's ability to work together...							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	2,296	12.4%	12.3%	10.2%	14.4%	12.1%	16.3%
Mostly negative	8,384	43.0%	44.4%	48.1%	37.2%	41.5%	35.0%
About equally positive and negative	8,777	44.6%	43.3%	41.7%	48.4%	46.4%	48.8%

The following question was only asked to respondents who said they served with a coworker they believed to be gay or lesbian and where all, most, some or a few other unit members believed the coworker to be gay or lesbian:

Question 50. Among all the factors that affect a unit's morale, how much did the unit members' belief that this coworker was gay or lesbian affect the unit's morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	4,312	7.2%	8.3%	10.7%	5.5%	5.2%	4.1%
Some	10,688	15.2%	16.2%	21.4%	13.0%	12.6%	12.6%
A little	11,668	16.6%	16.8%	19.9%	15.7%	15.6%	15.8%
Not at all	36,671	53.8%	51.7%	39.8%	59.1%	58.7%	60.4%
No basis to judge	4,884	7.2%	7.0%	8.2%	6.7%	7.8%	7.1%

The following question was only asked to respondents that answered a lot, some or a little to the previous question.

Question 51. Was the effect on the unit's morale...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	1,880	7.5%	7.0%	10.1%	5.7%	7.3%	9.0%
Mostly negative	13,214	49.9%	51.6%	43.9%	55.1%	47.9%	43.9%
About equally positive and negative	11,570	42.7%	41.4%	46.0%	39.2%	44.8%	47.0%

The following question was only asked to respondents who said they served with a subordinate they believed to be gay or lesbian and where all, most, some or a few other unit members believed the coworker to be gay or lesbian:

Question 52. Among all the factors that affect a unit's performance, how much did the unit members' belief that this coworker was gay or lesbian affect the unit's performance?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	3,393	5.9%	6.8%	9.4%	4.6%	4.0%	2.9%
Some	9,531	13.8%	15.1%	18.5%	11.5%	11.2%	10.4%
A little	10,427	14.8%	15.0%	19.8%	13.4%	13.6%	14.2%
Not at all	39,626	57.9%	55.7%	43.8%	63.1%	62.9%	64.3%
No basis to judge	5,229	7.7%	7.3%	8.5%	7.3%	8.3%	8.3%

The following question was only asked to respondents that answered a lot, some or a little to the previous question.

Question 53. Was the effect on the unit's performance...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	1,444	6.5%	6.1%	6.1%	8.3%	6.3%	8.0%
Mostly negative	11,735	51.0%	53.2%	55.2%	45.1%	48.2%	44.2%
About equally positive and negative	10,125	42.5%	40.8%	38.7%	46.6%	45.5%	47.8%

The following questions were only asked to respondents who said they served with a subordinate they believed to be gay or lesbian:

Question 54. In the unit where you had a subordinate you believed to be gay or lesbian, about how many other unit members also believed the subordinate to be gay or lesbian?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or most	25,818	45.1%	45.3%	41.1%	50.0%	41.0%	41.1%
Some	16,055	25.3%	25.7%	25.5%	23.2%	26.8%	25.3%
A few	8,710	15.2%	15.4%	16.9%	13.0%	16.0%	16.7%
None	1,316	2.7%	2.7%	3.4%	2.6%	2.5%	2.6%
Don't know	8,006	11.7%	10.9%	13.1%	11.2%	13.7%	14.2%

The following questions were only asked to respondents who said they served with a subordinate they believed to be gay or lesbian and where all, most, some or a few other unit members believed the coworker to be gay or lesbian:

Question 55a. How would you rate that unit's... Ability to work together?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	18,378	29.4%	28.6%	21.5%	31.3%	33.3%	31.2%
Good	28,831	46.7%	46.2%	47.2%	47.5%	46.7%	49.5%
Neither good nor poor	8,479	15.6%	15.7%	19.7%	14.8%	14.5%	14.4%
Poor	3,179	6.0%	6.9%	8.2%	4.9%	4.1%	3.9%
Very Poor	1,006	2.2%	2.7%	3.4%	1.5%	1.4%	1.0%

Question 55b. How would you rate that unit's... Morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	15,579	24.6%	24.3%	18.2%	25.6%	28.0%	24.4%
Good	28,615	45.6%	45.9%	42.4%	46.6%	45.0%	49.4%
Neither good nor poor	10,415	19.1%	18.7	24.9%	18.4%	18.4%	18.1%
Poor	3,937	7.6%	7.7%	10.3%	7.1%	6.4%	6.3%
Very Poor	1,274	3.0%	3.4%	4.2%	2.4%	2.3%	1.7%

Question 55c. How would you rate that unit's... Performance?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very good	18,613	29.7%	28.5%	23.6%	31.3%	34.0%	31.1%
Good	29,357	47.7%	47.5%	47.8%	48.5%	47.0%	51.0%
Neither good nor poor	8,420	15.7%	15.9%	19.1%	14.8%	14.5%	14.1%
Poor	2,452	4.9%	5.5%	6.5%	4.2%	3.2%	2.9%
Very Poor	885	2.1%	2.5%	3.0%	1.3%	1.3%	0.9%

Question 56. Among all the factors that affect how well a unit works together, how much did the unit members' belief that this subordinate was gay or lesbian affect the unit's ability to work together?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	1,333	8.1%	8.8%	12.2%	6.8%	5.0%	5.5%
Some	3,277	18.1%	19.2%	24.3%	15.1%	14.0%	15.9%
A little	3,480	18.9%	18.3%	23.1%	18.7%	18.3%	20.5%
Not at all	8,434	49.1%	48.2%	33.9%	53.7%	56.5%	51.0%
No basis to judge	1,072	5.8%	5.5%	6.5%	5.7%	6.1%	7.1%

The following question was only asked to respondents that answered a lot, some, or a little to the previous question:

Question 57. Was the effect on the unit's ability to work together...							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	814	11.7%	11.8%	9.3%	14.0%	10.6%	14.4%
Mostly negative	3,691	43.9%	45.2%	48.6%	39.4%	40.0%	36.0%
About equally positive and negative	3,582	44.4%	43.0%	42.1%	46.6%	49.3%	49.5%

The following question was only asked to respondents who said they served with a coworker they believed to be gay or lesbian and where all, most, some or a few other unit members believed the coworker to be gay or lesbian:

Question 58. Among all the factors that affect a unit's morale, how much did the unit members' belief that this subordinate was gay or lesbian affect the unit's morale?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	3,293	7.5%	8.6%	11.2%	5.9%	4.7%	3.8%
Some	8,234	15.5%	16.2%	21.4%	13.0%	13.6%	12.7%
A little	9,222	17.2%	17.0%	21.5%	16.4%	16.5%	16.4%
Not at all	26,705	53.9%	52.4%	39.1%	59.2%	59.0%	61.0%
No basis to judge	2,935	5.9%	5.8%	6.8%	5.5%	6.1%	6.0%

The following question was only asked to respondents that answered a lot, some, or a little to the previous question:

Question 59. Was the effect on the unit's morale...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	1,394	7.9%	7.6%	6.1%	10.0%	7.4%	10.2%
Mostly negative	10,384	49.0%	51.2%	52.7%	43.4%	46.0%	43.2%
About equally positive and negative	8,935	43.1%	41.1%	41.2%	46.7%	46.6%	46.7%

The following question was only asked to respondents who said they served with a subordinate they believed to be gay or lesbian and where all, most, some or a few other unit members believed the subordinate to be gay or lesbian:

Question 60. Among all the factors that affect a unit's performance, how much did the unit members' belief that this subordinate was gay or lesbian affect the unit's performance?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	2,773	6.5%	7.3%	10.2%	5.0%	4.2%	3.5%
Some	7,479	14.3%	15.2%	19.0%	12.0%	12.4%	11.6%
A little	8,265	15.6%	15.7%	20.0%	14.6%	14.5%	13.9%
Not at all	28,699	57.3%	55.6%	43.2%	62.3%	62.4%	64.3%
No basis to judge	3,134	6.3%	6.2%	7.5%	6.0%	6.4%	6.6%

The following question was only asked to respondents that answered a lot, some, or a little to the previous question:

Question 61. Was the effect on the unit's performance...

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	1,136	7.2%	7.1%	5.9%	8.4%	6.6%	8.5%
Mostly negative	9,500	50.4%	52.5%	54.4%	44.4%	47.4%	46.1%
About equally positive and negative	7,837	42.5%	40.4%	39.7%	47.1%	45.9%	45.4%

The following question was asked of all respondents:

Question 62. Did you ever serve in combat with a Service member of any rank whom you believed to be homosexual?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	25,487	34.6%	44.6%	29.0%	26.9%	23.8%	6.0%
No	61,528	65.4%	55.4%	71.0%	73.1%	76.2%	94.0%

The following question was only asked to respondents that said they had served in combat with a Service member they believed to be homosexual:

Question 63. About how many other members of that combat unit also believed the Service member to be gay or lesbian?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or most	11,739	49.9%	52.7%	40.7%	49.7%	43.2%	48.8%
Some	7,236	26.5%	25.7%	29.8%	24.9%	29.8%	24.7%
A few	3,778	14.8%	14.0%	19.2%	15.3%	15.6%	14.8%
None	212	0.9%	0.8%	1.4%	1.1%	0.8%	1.4%
Don't know	2,473	7.9%	6.9%	8.9%	9.0%	10.6%	10.3%

Question 64. How did that unit perform in combat?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very well	9,982	37.7%	37.1%	34.6%	37.5%	42.1%	38.5%
Well	10,807	42.5%	43.0%	44.6%	41.4%	40.3%	41.6%
Neither well nor poorly	3,578	15.3%	15.1%	16.4%	17.3%	13.8%	13.3%
Poorly	762	3.3%	3.7%	3.0%	2.3%	2.8%	6.1%
Very poorly	244	1.2%	1.1%	1.4%	1.4%	1.0%	0.4%

Question 65. Among all the factors that affect a unit's performance in combat, how much did the belief that the Service member was gay or lesbian affect the unit's combat performance?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
A lot	1,441	6.7%	6.8%	10.1%	5.7%	5.5%	5.7%
Some	3,582	15.9%	16.4%	18.0%	14.2%	14.5%	12.8%
A little	3,502	15.0%	15.0%	20.1%	13.8%	13.5%	17.6%
Not at all	12,879	56.4%	55.8%	46.2%	59.5%	61.5%	56.8%
No basis to judge	1,279	5.9%	5.9%	5.6%	6.9%	5.0%	7.1%

The following question was only asked to respondents that answered a lot, some or a little to the previous question.

Question 66. Was the effect on the unit's combat performance...							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Mostly positive	714	9.4%	8.4%	11.0%	12.7%	9.5%	24.4%
Mostly negative	4,263	49.3%	51.0%	48.8%	41.4%	49.2%	41.2%
About equally positive and negative	3,524	41.3%	40.7%	40.1%	45.9%	41.3%	34.4%

The following questions were asked of all respondents:

Question 67a. If Don't Ask, Don't Tell is repealed, how easy or difficult do you think it will be for leadership as they start implementing the policy to... Hold Service members to the high standards of military personal conduct regardless of their sexual orientation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very easy	21,550	19.8%	19.1%	13.3%	22.5%	22.2%	18.9%
Easy	23,031	19.3%	18.7%	13.9%	21.7%	21.1%	23.0%
Equally as easy as difficult	25,472	22.4%	22.1%	21.4%	23.7%	22.2%	24.6%
Difficult	21,611	18.1%	18.6%	22.8%	15.7%	16.6%	16.8%
Very difficult	19,564	17.0%	18.4%	25.0%	12.6%	13.7%	12.9%
Don't know	3,509	3.5%	3.1%	3.7%	3.7%	4.1%	3.9%

Question 67b. If Don't Ask, Don't Tell is repealed, how easy or difficult do you think it will be for leadership as they start implementing the policy to... Treat Service members in the same manner regardless of their sexual orientation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very easy	15,100	13.8%	13.3%	7.8%	16.6%	15.5%	14.0%
Easy	19,777	16.4%	15.7%	9.8%	20.4%	17.8%	19.3%
Equally as easy as difficult	24,130	20.9%	20.6%	17.9%	22.8%	21.5%	22.7%
Difficult	26,281	21.6%	21.8%	24.0%	19.5%	21.9%	21.8%
Very difficult	26,247	24.2%	26.0%	37.6%	17.6%	19.4%	18.8%
Don't know	3,170	3.0%	2.6%	2.9%	3.1%	3.9%	3.5%

Question 67c. If Don't Ask, Don't Tell is repealed, how easy or difficult do you think it will be for leadership as they start implementing the policy to... Provide the same opportunities to all Service members regardless of their sexual orientation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very easy	17,675	16.2%	15.6%	10.0%	19.5%	17.8%	17.1%
Easy	23,418	19.9%	19.5%	13.9%	23.5%	20.8%	23.0%
Equally as easy as difficult	26,099	22.4%	21.8%	21.9%	23.9%	22.7%	23.4%
Difficult	22,452	18.7%	19.2%	21.5%	15.6%	18.6%	17.8%
Very difficult	21,549	19.5%	21.1%	29.4%	14.0%	16.2%	15.1%
Don't know	3,367	3.2%	2.8%	3.3%	3.4%	3.8%	3.6%

Question 67d. If Don't Ask, Don't Tell is repealed, how easy or difficult do you think it will be for leadership as they start implementing the policy to... Make sure all Service members are treated with respect by their coworkers?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very easy	12,052	11.8%	11.6%	6.9%	14.0%	12.8%	11.2%
Easy	15,939	14.0%	13.9%	8.6%	16.7%	14.5%	15.2%
Equally as easy as difficult	24,927	21.4%	20.8%	16.9%	23.9%	22.7%	24.2%
Difficult	26,437	20.7%	20.1%	21.4%	19.9%	22.3%	22.7%
Very difficult	32,434	29.4%	31.3%	43.7%	22.6%	24.3%	23.4%
Don't know	2,847	2.7%	2.3%	2.6%	3.0%	3.4%	3.3%

Question 67e. If Don't Ask, Don't Tell is repealed, how easy or difficult do you think it will be for leadership as they start implementing the policy to... Enforce good order and discipline?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very easy	17,219	16.5%	16.0%	11.3%	18.8%	18.3%	16.3%
Easy	21,954	19.3%	18.9%	13.2%	21.7%	21.1%	22.1%
Equally as easy as difficult	27,125	23.6%	23.2%	21.8%	24.7%	24.2%	26.7%
Difficult	22,805	18.3%	18.4%	21.3%	16.9%	17.7%	17.0%
Very difficult	22,496	19.4%	20.9%	29.5%	14.8%	15.2%	14.6%
Don't know	2,970	2.9%	2.5%	2.9%	3.1%	3.5%	3.3%

The following questions were asked of all respondents and used to measure unit cohesion:

Question 68a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect...
How Service members in your immediate unit work together to get the job done?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,154	6.6%	7.0%	3.9%	7.7%	6.4%	6.4%
Positively	11,887	11.8%	11.9%	8.8%	14.1%	11.1%	12.7%
Equally as positively as negatively	36,822	32.1%	31.5%	31.1%	33.5%	32.6%	34.3%
Negatively	22,548	19.7%	19.7%	25.8%	14.4%	16.9%	15.9%
Very negatively	11,507	10.9%	12.2%	17.0%	7.1%	8.3%	6.4%
No effect	24,105	19.9%	17.8%	13.4%	23.2%	24.8%	24.2%

Question 68b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect...
How Service members in your immediate unit pull together to perform as a team?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,411	6.9%	7.3%	4.0%	7.9%	6.7%	6.5%
Positively	12,718	12.5%	12.6%	9.2%	14.9%	11.7%	13.8%
Equally as positively as negatively	36,480	31.8%	31.2%	30.9%	33.0%	32.4%	34.0%
Negatively	22,126	18.2%	19.1%	24.9%	13.9%	16.7%	15.3%
Very negatively	11,890	11.3%	12.7%	17.9%	7.3%	8.5%	6.5%
No effect	23,334	19.3%	17.1%	13.1%	22.9%	23.9%	23.8%

Question 68c. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... How Service members in your immediate unit trust each other?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,123	6.5%	6.9%	3.8%	7.5%	6.3%	6.6%
Positively	12,003	11.6%	11.7%	8.0%	13.7%	11.2%	13.2%
Equally as positively as negatively	35,348	31.2%	30.3%	29.5%	33.1%	32.1%	34.0%
Negatively	23,501	19.2%	19.8%	25.7%	15.7%	17.9%	16.1%
Very negatively	14,697	13.9%	15.7%	21.6%	9.4%	10.3%	8.6%
No effect	21,245	17.6%	15.6%	11.4%	20.6%	22.1%	21.5%

Question 68d. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... How much Service members in your immediate unit care about each other?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,015	6.5%	6.9%	3.7%	7.1%	6.3%	6.2%
Positively	11,892	11.6%	11.9%	8.4%	13.4%	10.8%	13.1%
Equally as positively as negatively	38,829	33.6%	32.8%	32.0%	35.0%	34.6%	36.7%
Negatively	21,733	18.2%	18.9%	24.6%	14.7%	16.4%	14.7%
Very negatively	12,136	11.8%	13.0%	19.1%	8.4%	8.8%	7.5%
No effect	22,201	18.4%	16.4%	12.1%	21.3%	23.1%	21.7%

Question 69a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect the extent to which... Service members in your immediate unit can get help from their leaders on personal problems?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,621	6.9%	7.1%	4.4%	7.8%	6.7%	7.1%
Positively	13,490	13.1%	13.3%	10.9%	15.3%	11.8%	14.2%
Equally as positively as negatively	38,049	33.5%	33.3%	33.6%	33.6%	34.0%	34.3%
Negatively	18,106	15.9%	16.8%	21.3%	12.4%	14.0%	13.8%
Very negatively	9,149	8.8%	9.6%	13.7%	6.6%	6.7%	6.2%
No effect	27,197	21.9%	19.9%	16.1%	24.2%	26.8%	24.4%

Question 69b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect the extent to which... Leaders in your immediate unit trust their unit members?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,104	6.4%	6.7%	3.7%	7.4%	6.3%	6.3%
Positively	13,301	12.8%	13.0%	10.1%	15.1%	12.0%	14.5%
Equally as positively as negatively	38,448	33.8%	32.9%	34.5%	34.6%	34.5%	34.9%
Negatively	18,882	16.4%	17.9%	22.2%	12.2%	13.7%	13.3%
Very negatively	9,133	9.0%	10.1%	14.1%	6.4%	6.5%	5.6%
No effect	26,622	21.7%	19.4%	15.4%	24.4%	27.0%	25.5%

Question 69c. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect the extent to which... Leaders in your immediate unit have the skills and abilities to lead unit members into combat?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,377	6.8%	7.3%	4.3%	7.5%	6.6%	6.0%
Positively	12,759	12.6%	13.2%	10.0%	14.4%	11.1%	12.3%
Equally as positively as negatively	36,661	32.7%	32.4%	33.3%	33.0%	32.7%	32.8%
Negatively	16,245	13.7%	14.3%	17.9%	10.6%	12.9%	11.6%
Very negatively	10,990	10.2%	10.7%	16.5%	7.4%	8.4%	7.8%
No effect	29,380	24.1%	22.1%	17.9%	27.1%	28.3%	29.6%

Question 69d. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect the extent to which... Leaders in your immediate unit care about their Service members?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	6,720	7.0%	7.4%	4.4%	7.7%	6.8%	6.6%
Positively	13,783	13.3%	13.7%	10.3%	15.5%	12.1%	14.4%
Equally as positively as negatively	39,804	34.6%	33.8%	35.5%	34.6%	35.7%	36.1%
Negatively	15,575	14.0%	15.2%	19.7%	10.7%	11.6%	11.3%
Very negatively	8,205	8.4%	9.3%	13.8%	6.2%	6.0%	5.7%
No effect	28,214	22.7%	20.6%	16.3%	25.3%	27.8%	26.0%

The following questions were asked to respondents who have never been deployed or haven't been in combat environment since September 11, 2001:

Question 70a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission... On a day-to-day basis?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,690	6.9%	7.6%	4.6%	7.5%	6.5%	5.8%
Positively	4,383	10.5%	11.2%	8.1%	12.3%	9.0%	9.7%
Equally as positively as negatively	15,577	32.6%	32.1%	35.3%	32.2%	32.2%	33.8%
Negatively	7,013	14.1%	14.9%	20.1%	11.1%	12.5%	13.4%
Very negatively	2,940	6.7%	6.8%	11.3%	5.7%	5.5%	5.0%
No effect	14,881	29.3%	27.3%	20.7%	31.2%	34.3%	32.3%

Question 70b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission... When a crisis or negative event happens that affects your immediate unit?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,722	7.0%	7.6%	4.7%	7.4%	6.6%	5.8%
Positively	4,289	10.2%	10.8%	8.0%	12.4%	8.8%	9.5%
Equally as positively as negatively	15,629	32.8%	32.9%	33.8%	32.8%	32.1%	34.9%
Negatively	6,283	12.4%	13.1%	18.4%	9.2%	11.3%	11.4%
Very negatively	3,375	7.6%	7.8%	13.2%	6.1%	6.4%	5.1%
No effect	15,134	29.9%	27.7%	21.8%	32.1%	34.8%	33.3%

The following questions were asked to respondents who have been deployed at some point and been in combat environment since September 11, 2001:

Question 71a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission... In a field environment or out to sea?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,092	4.1%	4.1%	3.0%	4.7%	4.1%	4.6%
Positively	3,881	7.3%	7.8%	4.5%	9.1%	5.9%	6.0%
Equally as positively as negatively	15,906	25.8%	25.5%	22.1%	27.6%	26.7%	28.4%
Negatively	15,385	21.6%	21.8%	25.3%	18.6%	21.4%	19.3%
Very negatively	15,295	22.7%	23.6%	34.1%	16.7%	19.2%	23.2%
No effect	12,050	18.6%	17.2%	11.0%	23.3%	22.7%	18.5%

Question 71b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission... When a crisis or negative event happens that affects your immediate unit?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,290	4.4%	4.4%	3.1%	5.0%	4.5%	4.9%
Positively	4,503	8.1%	8.6%	5.6%	9.7%	7.1%	8.3%
Equally as positively as negatively	21,586	33.3%	33.0%	32.9%	33.7%	34.0%	36.9%
Negatively	11,131	16.0%	16.6%	20.4%	13.1%	14.4%	12.8%
Very negatively	8,489	13.4%	14.6%	19.6%	9.2%	10.5%	10.7%
No effect	16,582	24.7%	22.7%	18.4%	29.3%	29.5%	26.4%

Question 71c. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect your immediate unit's effectiveness at completing its mission... In an intense combat situation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,323	4.6%	4.8%	3.3%	4.8%	4.3%	4.9%
Positively	4,231	7.8%	8.1%	6.0%	9.2%	6.6%	6.1%
Equally as positively as negatively	20,146	31.4%	31.4%	30.2%	32.5%	31.2%	33.5%
Negatively	9,982	14.0%	14.2%	17.3%	11.6%	13.6%	13.8%
Very negatively	10,730	16.6%	17.5%	24.1%	11.9%	14.2%	13.3%
No effect	17,029	25.6%	23.9%	19.0%	30.0%	29.9%	28.4%

The following questions were asked of all respondents:

Question 72. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect how often your immediate unit socializes together off-duty?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Probably increase how much we get together	1,606	1.9%	2.1%	1.4%	2.4%	1.4%	2.1%
Probably decrease how much we get together	40,322	36.9%	38.5%	51.9%	30.9%	31.5%	31.9%
It would probably have no effect	52,068	44.8%	43.6%	31.4%	49.9%	49.6%	47.3%
Don't know	17,988	16.4%	15.8%	15.4%	16.8%	17.4%	18.6%

Question 73. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would your level of morale be affected?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,819	1.9%	2.0%	1.1%	2.3%	1.9%	2.1%
Positively	2,941	2.9%	3.1%	1.6%	3.6%	2.6%	3.0%
Equally as positively as negatively	15,157	13.2%	13.4%	13.7%	13.7%	12.5%	13.2%
Negatively	19,611	16.0%	16.5%	21.3%	12.6%	15.0%	13.6%
Very negatively	12,612	11.9%	13.3%	18.2%	8.0%	9.1%	7.1%
No effect	48,721	43.6%	42.0%	32.6%	48.4%	48.2%	47.4%
Don't know	11,164	10.5%	9.7%	11.4%	11.3%	10.8%	13.6%

Question 74. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would your job performance be affected?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,249	1.4%	1.5%	0.9%	1.7%	1.2%	1.4%
Positively	1,908	2.1%	2.2%	1.6%	2.5%	1.6%	2.0%
Equally as positively as negatively	16,438	14.3%	14.9%	16.1%	13.3%	13.1%	14.3%
Negatively	11,049	9.7%	10.4%	13.7%	7.0%	8.4%	8.1%
Very negatively	5,330	5.7%	6.4%	9.1%	4.2%	4.0%	3.6%
No effect	66,704	57.9%	56.3%	48.6%	61.8%	62.7%	59.4%
Don't know	9,336	8.9%	8.3%	10.1%	9.6%	9.0%	11.3%

Question 75a. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your personal readiness?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,351	2.9%	3.2%	2.2%	3.0%	2.4%	2.6%
Positively	3,651	4.2%	4.7%	3.6%	5.2%	2.9%	4.0%
Equally as positively as negatively	23,604	21.5%	21.6%	23.7%	21.7%	20.1%	22.5%
Negatively	7,641	7.2%	8.1%	10.4%	5.2%	5.1%	5.4%
Very negatively	3,974	4.3%	4.8%	7.2%	3.0%	3.0%	2.4%
No effect	70,629	60.0%	57.7%	53.0%	61.8%	66.5%	63.0%

Question 75b. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your immediate unit's readiness?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,159	2.6%	2.8%	2.0%	2.8%	2.2%	2.4%
Positively	3,686	4.2%	4.6%	3.3%	5.2%	3.1%	4.0%
Equally as positively as negatively	28,175	25.8%	25.8%	27.4%	26.3%	24.7%	25.6%
Negatively	18,416	15.2%	16.9%	21.5%	11.9%	11.5%	10.6%
Very negatively	6,040	6.0%	6.9%	10.3%	4.0%	4.0%	3.0%
No effect	53,177	46.1%	42.9%	35.5%	49.8%	54.5%	54.5%

Question 75c. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your motivation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,661	3.2%	3.6%	2.4%	3.2%	2.6%	2.9%
Positively	4,315	4.7%	5.1%	3.5%	5.9%	3.6%	4.5%
Equally as positively as negatively	20,303	18.6%	18.3%	19.4%	19.9%	17.7%	21.0%
Negatively	15,940	13.5%	14.7%	19.3%	9.6%	11.7%	9.6%
Very negatively	8,701	8.6%	9.6%	15.1%	5.7%	6.1%	4.1%
No effect	59,737	51.3%	48.7%	40.4%	55.6%	58.3%	58.0%

Question 75d. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your immediate unit's motivation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,135	2.6%	2.9%	2.0%	2.7%	2.2%	2.4%
Positively	3,765	4.3%	4.7%	3.1%	5.4%	3.2%	4.2%
Equally as positively as negatively	28,091	25.4%	25.3%	25.2%	26.7%	24.8%	26.1%
Negatively	22,646	18.8%	20.5%	26.8%	14.0%	15.4%	13.2%
Very negatively	8,397	8.3%	9.4%	14.9%	5.4%	5.5%	3.7%
No effect	46,483	40.6%	37.2%	28.0%	45.8%	49.0%	50.5%

Question 75e. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your ability to train well?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,403	3.0%	3.3%	2.3%	3.1%	2.4%	2.6%
Positively	3,789	4.3%	4.7%	3.2%	5.3%	3.1%	4.2%
Equally as positively as negatively	23,191	20.8%	20.5%	21.3%	22.2%	19.9%	22.5%
Negatively	15,760	13.4%	14.8%	19.0%	9.6%	11.0%	10.3%
Very negatively	7,120	7.4%	8.3%	13.3%	4.9%	4.9%	4.1%
No effect	59,356	51.1%	48.3%	40.8%	54.9%	58.7%	56.4%

Question 75f. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would it affect... Your immediate unit's ability to train well together?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	2,250	2.7%	3.0%	2.0%	3.0%	2.3%	2.5%
Positively	3,792	4.3%	4.8%	3.2%	5.3%	3.2%	4.3%
Equally as positively as negatively	27,230	24.5%	24.2%	23.4%	26.2%	24.4%	26.0%
Negatively	25,132	20.8%	22.2%	28.9%	15.8%	18.3%	16.9%
Very negatively	10,735	10.5%	11.8%	18.1%	7.0%	7.4%	5.8%
No effect	42,388	37.1%	34.1%	24.5%	42.7%	44.5%	44.5%

The following question was only asked to individuals that said they were "Now married":

Question 76. If Don't Ask, Don't Tell is repealed, how, if at all, would the way your spouse feels about your military service be affected?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,869	2.7%	2.6%	1.8%	3.1%	2.7%	4.0%
Positively	3,071	4.1%	4.1%	3.0%	4.5%	3.9%	5.1%
Equally as positively as negatively	7,166	10.3%	10.7%	11.3%	10.1%	9.3%	9.3%
Negatively	11,813	14.3%	14.6%	17.9%	12.6%	13.8%	13.7%
Very negatively	9,346	13.5%	15.3%	18.2%	10.1%	11.0%	8.9%
No effect	31,383	42.3%	40.5%	33.2%	46.8%	45.9%	43.8%
Don't know	8,759	12.8%	12.2%	14.6%	12.9%	13.3%	15.2%

The following question was only asked to individuals that said they were in a committed relationship, but not "Now married":

Question 77. If Don't Ask, Don't Tell is repealed, how, if at all, would the way your significant other feels about your military service be affected?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	969	6.1%	6.4%	3.8%	7.1%	5.6%	7.4%
Positively	953	5.5%	5.4%	4.7%	6.0%	5.6%	6.1%
Equally as positively as negatively	1,643	10.4%	10.3%	12.6%	9.9%	9.6%	11.3%
Negatively	1,748	11.3%	11.9%	17.1%	8.9%	8.6%	10.9%
Very negatively	1,361	9.6%	10.7%	14.0%	7.4%	6.6%	7.9%
No effect	7,014	42.6%	42.0%	32.6%	45.3%	48.1%	42.4%
Don't know	2,219	14.5%	13.3%	15.4%	15.5%	15.9%	14.0%

The following question was only asked to individuals that said they were "Now married":

Question 78. If Don't Ask, Don't Tell is repealed, how, if at all, would the way the rest of your family feels about your military service be affected?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,269	1.8%	1.7%	1.0%	2.2%	1.8%	2.4%
Positively	2,227	3.0%	3.2%	1.9%	3.4%	2.8%	3.7%
Equally as positively as negatively	8,232	11.3%	11.4%	11.5%	11.6%	10.7%	11.2%
Negatively	13,373	16.8%	17.5%	19.8%	14.4%	16.0%	15.2%
Very negatively	10,019	15.2%	16.7%	22.2%	11.8%	12.1%	10.8%
No effect	27,178	36.0%	34.7%	26.5%	40.0%	39.5%	38.0%
Don't know	11,206	15.9%	14.7%	17.1%	16.7%	17.1%	18.7%

The following question was only asked to individuals that said they were not "Now married":

Question 79. If Don't Ask, Don't Tell is repealed, how, if at all, would the way your family feels about your military service be affected?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,511	4.1%	4.4%	2.5%	4.4%	3.8%	4.9%
Positively	1,585	3.9%	4.0%	2.1%	4.8%	3.9%	5.1%
Equally as positively as negatively	4,095	11.2%	11.4%	12.9%	10.6%	10.0%	12.0%
Negatively	5,030	13.2%	13.1%	18.3%	11.2%	12.1%	12.4%
Very negatively	3,925	11.6%	12.3%	18.4%	9.4%	8.1%	8.0%
No effect	16,021	40.0%	39.9%	28.3%	42.5%	45.3%	39.5%
Don't know	5,928	16.0%	14.9%	17.6%	17.0%	16.6%	18.0%

The following questions were asked of all respondents:

Question 80. If Don't Ask, Don't Tell is repealed, how, if at all, will it affect your willingness to recommend to a family member or close friend that he or she join the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Positively	6,646	6.3%	6.5%	3.5%	7.1%	6.4%	7.6%
Equally as positively as negatively	10,962	9.9%	9.9%	10.4%	10.3%	9.4%	10.3%
Negatively	30,611	27.3%	29.1%	40.3%	21.4%	22.5%	19.8%
No effect	52,479	46.5%	45.4%	34.4%	50.0%	51.7%	50.7%
Don't know	10,704	10.0%	9.2%	11.4%	11.2%	10.0%	11.6%

Question 81. If Don't Ask, Don't Tell is repealed, how, if at all, will your military career plans be affected?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
I will stay longer than I had planned	1,422	1.7%	1.9%	0.7%	2.2%	1.2%	1.7%
I will think about staying longer than I had planned	1,500	1.8%	2.0%	1.5%	2.2%	1.4%	1.5%
I will think about leaving sooner than I had planned	12,698	11.1%	11.8%	15.0%	8.6%	9.9%	9.1%
I will leave sooner than I had planned	12,126	12.6%	14.2%	23.1%	7.9%	8.2%	6.2%
My military career plans would not change	73,210	62.3%	60.2%	47.5%	68.0%	69.0%	67.5%
Don't know	10,690	10.5%	9.8%	12.2%	11.2%	10.3%	14.0%

For this question, respondents were asked to say how repeal would impact the importance of the three factors they selected, in response to question 33, as most important to them when deciding whether to remain in the military:

Question 82a. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Pay and allowances / Bonuses

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	14,988	54.5%	54.4%	44.3%	57.0%	56.8%	56.5%
Equally as important as repeal	5,447	21.4%	21.8%	21.8%	21.5%	20.3%	20.5%
Less important than repeal	3,057	12.4%	13.9%	19.1%	9.1%	10.1%	7.8%
Don't know	2,927	11.7%	9.9%	14.8%	12.5%	12.8%	15.3%

Question 82b. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Education benefits

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	7,289	51.7%	52.3%	43.9%	51.4%	53.9%	50.7%
Equally as important as repeal	3,215	24.2%	24.4%	25.6%	25.6%	21.7%	25.4%
Less important than repeal	1,373	9.9%	10.8%	12.0%	7.8%	9.1%	7.1%
Don't know	1,954	14.2%	12.4%	18.4%	15.2%	15.3%	16.8%

Question 82c. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Quality of leadership							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	10,570	52.4%	53.2%	46.4%	53.3%	53.7%	52.8%
Equally as important as repeal	4,553	23.6%	23.7%	23.1%	23.3%	23.8%	24.4%
Less important than repeal	2,213	11.9%	12.2%	16.3%	9.2%	9.8%	8.9%
Don't know	2,077	12.1%	10.9%	14.2%	14.2%	12.7%	13.8%

Question 82d. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Retirement benefits							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	25,305	58.1%	56.1%	52.7%	60.4%	61.0%	60.0%
Equally as important as repeal	8,099	20.8%	21.6%	21.5%	20.3%	19.6%	20.1%
Less important than repeal	3,493	9.4%	11.3%	13.3%	6.7%	7.4%	5.7%
Don't know	4,318	11.8%	11.0%	12.4%	12.6%	12.0%	14.2%

Question 82e. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Years completed toward retirement							
	N	Over- all	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	16,133	58.8%	57.1%	53.2%	61.8%	60.9%	60.6%
Equally as important as repeal	4,803	19.9%	20.8%	19.6%	18.8%	19.0%	18.9%
Less important than repeal	2,355	10.3%	12.2%	14.7%	7.2%	8.3%	6.5%
Don't know	2,585	11.1%	9.9%	12.5%	12.2%	11.8%	14.0%

Question 82f. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Current economic situation and civilian job availability							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	14,176	54.8%	53.9%	47.9%	56.7%	58.1%	54.4%
Equally as important as repeal	5,120	21.1%	21.8%	22.3%	20.6%	19.7%	22.6%
Less important than repeal	2,568	11.3%	13.0%	16.3%	8.3%	8.7%	7.9%
Don't know	2,984	12.8%	11.3%	13.5%	14.4%	13.6%	15.0%

Question 82g. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Family separations and stability							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	12,055	60.2%	60.9%	49.6%	60.3%	64.2%	59.9%
Equally as important as repeal	3,525	19.6%	19.7%	21.4%	19.8%	17.9%	19.7%
Less important than repeal	1,644	9.0%	9.4%	13.8%	7.5%	6.7%	6.2%
Don't know	1,825	11.3%	9.9%	15.3%	12.4%	11.3%	14.2%

Question 82h. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Health benefits							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	11,112	54.9%	55.1%	47.5%	54.5%	57.2%	56.7%
Equally as important as repeal	4,032	22.3%	23.1%	22.6%	23.9%	19.8%	19.8%
Less important than repeal	1,714	9.5%	10.6%	13.5%	6.9%	8.5%	6.4%
Don't know	2,441	13.3%	11.2%	16.4%	14.8%	14.5%	17.0%

Question 82i. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Deployment-related considerations							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	6,430	52.7%	52.7%	44.9%	54.0%	56.4%	46.9%
Equally as important as repeal	2,439	21.5%	22.7%	19.0%	18.7%	21.1%	25.2%
Less important than repeal	1,477	13.8%	13.5%	21.4%	13.1%	10.7%	10.4%
Don't know	1,188	12.1%	11.1%	14.6%	14.1%	11.8%	17.5%

Question 82j. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Live by Service's core values							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	3,160	51.3%	51.2%	47.5%	53.2%	54.0%	48.0%
Equally as important as repeal	1,353	23.5%	22.9%	24.8%	26.1%	21.7%	29.1%
Less important than repeal	904	14.3%	15.3%	16.7%	11.9%	10.9%	7.6%
Don't know	601	11.0%	10.5%	11.0%	8.9%	13.4%	15.4%

Question 82k. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Service members' moral values							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	3,341	43.7%	44.5%	36.6%	45.4%	45.1%	42.6%
Equally as important as repeal	2,131	28.3%	28.0%	29.4%	29.2%	27.4%	28.7%
Less important than repeal	1,339	16.9%	17.9%	21.0%	11.3%	15.5%	14.6%
Don't know	771	11.2%	9.5%	13.0%	14.1%	11.9%	14.1%

Question 82l. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Camaraderie							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	8,961	47.4%	47.8%	41.1%	50.3%	49.0%	48.1%
Equally as important as repeal	4,293	24.3%	24.7%	23.2%	24.5%	23.9%	24.5%
Less important than repeal	2,919	16.3%	16.9%	22.4%	13.0%	12.9%	12.4%
Don't know	2,073	12.0%	10.5%	13.4%	12.2%	14.3%	15.0%

Question 82m. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? To serve and defend my country							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	20,530	59.2%	58.6%	54.5%	61.9%	61.4%	58.2%
Equally as important as repeal	6,482	20.1%	20.6%	19.8%	19.7%	19.5%	20.9%
Less important than repeal	3,218	10.3%	11.2%	13.8%	8.3%	7.8%	7.5%
Don't know	3,071	10.4%	9.7%	11.9%	10.1%	11.3%	13.4%

Question 82n. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Job satisfaction							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	20,332	54.4%	54.1%	45.3%	57.1%	57.2%	55.9%
Equally as important as repeal	7,498	21.9%	22.7%	22.8%	20.8%	20.5%	21.5%
Less important than repeal	4,113	12.4%	13.2%	18.5%	9.9%	10.0%	8.4%
Don't know	3,753	11.4%	10.0%	13.4%	12.2%	12.3%	14.2%

Question 82o. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Family satisfaction with military							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	12,693	57.6%	57.7%	49.6%	59.3%	61.0%	57.2%
Equally as important as repeal	4,155	20.0%	20.5%	21.9%	18.1%	19.1%	19.9%
Less important than repeal	1,969	10.2%	10.6%	15.4%	8.6%	7.6%	8.0%
Don't know	2,234	12.2%	11.3%	13.1%	13.9%	12.3%	14.9%

Question 82p. Assume Don't Ask, Don't Tell is repealed. How important, compared with the repeal, would the following factors be to you in deciding whether to remain in the military? Other							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than repeal	1,504	40.3%	41.0%	31.5%	41.5%	43.1%	45.5%
Equally as important as repeal	655	19.3%	19.9%	17.7%	21.8%	16.1%	19.1%
Less important than repeal	491	15.9%	17.6%	19.8%	11.2%	13.1%	9.9%
Don't know	932	24.5%	21.4%	31.0%	25.6%	27.7%	25.5%

The following question was answered by all respondents:

Question 83. In your opinion, which of the following are the top THREE factors that enable you to fulfill your mission during combat?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Having NCOs/POs who lead by example	33,789	37.5%	43.1%	38.3%	28.5%	32.8%	27.2%
Having officers who lead by example	24,764	18.0%	18.0%	14.1%	18.9%	18.8%	21.2%
Unit training/Individual training	46,615	39.1%	39.4%	40.1%	40.1%	37.0%	42.6%
Length of time serving together	4,668	5.5%	6.1%	7.5%	4.6%	3.7%	6.1%
Individual unit members' technical capabilities	20,139	16.6%	14.8%	15.2%	16.5%	21.5%	15.1%
Unit morale	33,484	31.3%	29.4%	32.4%	35.9%	32.1%	26.1%
Clear task objectives	32,138	26.1%	24.3%	21.8%	28.7%	29.6%	31.4%
Trust among unit members	54,139	48.2%	47.6%	53.5%	48.5%	46.3%	53.3%
Unit members who get along well socially	7,343	9.3%	9.1%	11.1%	8.5%	9.5%	10.1%
Similar moral values among unit members	9,714	8.6%	9.6%	8.7%	6.9%	7.9%	6.8%
Having only heterosexual members in the unit	4,471	5.2%	6.0%	8.2%	3.3%	3.8%	3.7%
Diversity among unit members	3,641	4.0%	3.4%	2.1%	6.9%	3.7%	4.5%
Having unit members who work together as a team	58,062	49.9%	48.8%	46.5%	51.5%	52.8%	50.1%

For this question, respondents were asked to say how repeal would impact the importance of the three factors they selected, in the previous question, as most important to them being able to fulfill their mission in combat:

Question 84a. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Having NCOs/POs who lead by example

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	13,138	37.7%	37.7%	40.3%	37.2%	36.5%	37.4%
As important as before repeal	9,010	26.5%	26.5%	27.9%	25.7%	25.9%	27.5%
Less important than before repeal	1,685	6.1%	6.4%	10.0%	4.3%	4.5%	4.3%
Would not be impacted by repeal	9,795	29.7%	29.4%	21.7%	32.8%	33.2%	30.9%

Question 84b. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Having officers who lead by example

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	9,787	38.4%	38.5%	42.0%	37.6%	37.7%	36.1%
As important as before repeal	6,834	27.3%	26.4%	28.4%	28.2%	27.6%	28.9%
Less important than before repeal	1,016	5.2%	6.1%	7.0%	4.3%	3.7%	3.1%
Would not be impacted by repeal	7,032	29.2%	29.0%	22.5%	29.9%	31.0%	31.9%

Question 84c. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Unit training/Individual training							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	12,195	27.6%	28.6%	31.9%	26.4%	24.6%	22.4%
As important as before repeal	14,738	30.5%	30.9%	33.6%	29.9%	28.5%	31.4%
Less important than before repeal	1,752	4.5%	5.0%	7.1%	3.7%	2.9%	3.7%
Would not be impacted by repeal	17,663	37.3%	35.4%	27.4%	40.0%	44.0%	42.6%

Question 84d. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Length of time serving together							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	1,381	29.3%	29.5%	32.1%	28.4%	26.5%	28.0%
As important as before repeal	1,386	29.1%	28.9%	27.8%	32.5%	27.9%	29.5%
Less important than before repeal	371	9.5%	9.0%	12.6%	9.7%	8.7%	6.8%
Would not be impacted by repeal	1,497	32.1%	32.5%	27.4%	29.3%	36.9%	35.7%

Question 84e. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Individual unit members' technical capabilities							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	4,256	22.7%	23.3%	25.6%	21.8%	21.5%	21.8%
As important as before repeal	5,824	27.7%	28.1%	29.4%	26.9%	27.0%	29.2%
Less important than before repeal	553	3.6%	3.9%	5.8%	3.7%	2.4%	2.9%
Would not be impacted by repeal	9,407	45.9%	44.7%	39.2%	47.6%	49.1%	46.1%

Question 84f. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Unit morale							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	12,365	36.2%	37.3%	41.5%	33.4%	34.2%	31.9%
As important as before repeal	10,096	29.6%	30.2%	29.6%	29.7%	28.1%	29.5%
Less important than before repeal	2,856	8.9%	9.4%	12.8%	7.2%	7.6%	8.7%
Would not be impacted by repeal	7,946	25.3%	23.1%	16.1%	29.7%	30.1%	29.9%

Question 84g. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Clear task objectives							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	7,257	23.5%	24.3%	25.1%	22.9%	22.4%	21.2%
As important as before repeal	9,242	27.6%	27.2%	30.8%	27.7%	26.9%	28.5%
Less important than before repeal	877	3.6%	4.0%	5.8%	2.9%	2.5%	3.0%
Would not be impacted by repeal	14,575	45.3%	44.5%	38.3%	46.5%	48.3%	47.4%

Question 84h. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Trust among unit members							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	22,721	40.8%	41.8%	44.6%	38.3%	38.9%	35.3%
As important as before repeal	14,944	26.8%	26.4%	25.5%	28.0%	27.4%	29.2%
Less important than before repeal	4,210	9.0%	9.6%	13.0%	7.3%	7.1%	6.7%
Would not be impacted by repeal	11,913	23.4%	22.2%	16.9%	26.4%	26.6%	28.8%

Question 84i. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Unit members who get along well socially							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	2,620	35.9%	36.8%	41.3%	32.5%	33.5%	33.0%
As important as before repeal	2,198	28.8%	28.5%	26.3%	29.6%	29.5%	35.0%
Less important than before repeal	836	11.8%	12.7%	15.5%	10.1%	9.2%	9.8%
Would not be impacted by repeal	1,579	23.6%	22.0%	17.0%	27.8%	27.8%	22.2%

Question 84j. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Similar moral values among unit members							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	4,729	46.2%	46.6%	45.5%	43.7%	47.5%	41.8%
As important as before repeal	2,745	28.5%	27.9%	28.1%	28.3%	30.2%	31.6%
Less important than before repeal	1,328	14.6%	15.1%	16.8%	13.8%	12.9%	11.8%
Would not be impacted by repeal	843	10.8%	10.5%	9.6%	14.2%	9.5%	14.8%

Question 84k. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Having only heterosexual members in the unit							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	2,764	63.1%	64.9%	59.5%	62.2%	61.1%	62.1%
As important as before repeal	910	19.6%	19.0%	18.8%	19.8%	21.8%	20.8%
Less important than before repeal	636	15.0%	14.2%	18.4%	14.7%	14.2%	14.8%
Would not be impacted by repeal	121	2.4%	1.9%	3.3%	3.2%	2.9%	2.3%

Question 84l. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Diversity among unit members							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	1,004	26.8%	26.0%	26.4%	28.3%	26.2%	29.9%
As important as before repeal	1,207	33.3%	32.3%	30.0%	35.7%	32.9%	33.3%
Less important than before repeal	143	4.5%	4.8%	11.4%	3.0%	4.3%	1.9%
Would not be impacted by repeal	1,260	35.4%	36.8%	32.1%	33.0%	36.7%	34.9%

Question 84m. How would the repeal of Don't Ask, Don't Tell affect the importance of these factors? Having unit members who work together as a team							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More important than before repeal	21,403	36.4%	37.6%	41.1%	33.2%	34.8%	32.2%
As important as before repeal	16,448	27.6%	27.6%	27.3%	28.1%	27.2%	28.3%
Less important than before repeal	3,136	6.1%	6.4%	10.2%	5.0%	4.8%	5.0%
Would not be impacted by repeal	16,661	29.9%	28.4%	21.4%	33.6%	33.2%	34.5%

The following question was asked of all respondents:

Question 85. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would that affect your own ability to fulfill your mission during combat?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positively	1,238	1.5%	1.7%	0.8%	1.6%	1.2%	1.5%
Positively	1,463	1.7%	1.8%	1.6%	2.0%	1.2%	1.4%
Equally as positively as negatively	12,704	11.8%	12.2%	13.6%	11.4%	10.5%	9.9%
Negatively	15,998	13.2%	13.8%	17.2%	10.1%	12.9%	9.4%
Very negatively	8,471	8.3%	8.9%	13.6%	5.6%	6.7%	5.4%
No effect	58,422	53.0%	52.7%	41.9%	56.4%	56.6%	49.0%
Don't know of does not apply	12,633	10.6%	8.8%	11.3%	12.9%	10.9%	23.5%

The following questions were asked of all respondents that said they were serving with or had previously served with a Service member they believed to be gay or lesbian:

Question 86. Have you shared a room, berth or field tent with a Service member you believed to be homosexual?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	27,757	38.3%	41.8%	26.8%	46.9%	28.0%	34.6%
No	57,416	61.7%	58.2%	73.2%	53.1%	72.0%	65.4%

Question 87. Have you been assigned to share bath facilities with an open bay shower that is also used by a Service member you believed to be homosexual?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	36,005	50.1%	56.8%	42.0%	49.5%	40.2%	34.5%
No	49,235	49.9%	43.2%	58.0%	50.5%	59.8%	65.5%

The following questions were asked of all respondents:

Question 88. If Don't Ask, Don't Tell is repealed and you are assigned to share a room, berth or field tent with someone you believe to be a gay or lesbian Service member, which are you most likely to do?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Take no action	30,470	26.7%	26.8%	13.8%	30.6%	29.3%	30.3%
Discuss how we expect each other to behave and conduct ourselves while sharing a room, berth or field tent	24,549	24.2%	24.1%	22.6%	26.7%	23.4%	21.8%
Talk to a chaplain, mentor, or leader about how to handle the situation	2,644	2.4%	2.3%	3.2%	2.5%	2.3%	2.6%
Talk to a leader to see if I have other options	32,277	28.1%	28.6%	38.1%	22.1%	27.1%	24.8%
Something else	9,604	8.7%	9.4%	13.0%	7.0%	6.8%	6.7%
Don't know	11,376	9.9%	8.9%	9.3%	11.1%	11.0%	13.9%

Question 89. If a wartime situation made it necessary for you to share a room, berth or field tent with someone you believe to be a gay or lesbian Service member, which are you most likely to do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Take no action	34,531	30.3%	29.5%	17.7%	36.1%	33.1%	34.6%
Discuss how we expect each other to behave and conduct ourselves while sharing a room, berth or field tent	28,313	27.3%	27.3%	27.8%	28.9%	26.3%	24.9%
Talk to a chaplain, mentor, or leader about how to handle the situation	2,566	2.5%	2.4%	2.7%	2.8%	2.5%	1.9%
Talk to a leader to see if I have other options	27,156	24.0%	25.3%	31.9%	17.2%	23.1%	19.4%
Something else	7,524	6.9%	7.9%	10.0%	4.7%	5.2%	4.4%
Don't know	10,321	9.0%	7.6%	9.8%	10.4%	9.8%	14.7%

Question 90. If Don't Ask, Don't Tell is repealed and you are assigned to bathroom facilities with an open bay shower that someone you believe to be a gay or lesbian Service member also used, which are you most likely to do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Take no action	32,757	29.4%	30.0%	16.4%	33.3%	31.0%	29.7%
Use the shower at a different time than the Service member I thought to be gay or lesbian	28,841	25.8%	26.2%	27.9%	23.5%	25.9%	23.8%
Discuss how we expect each other to behave and conduct ourselves	10,768	11.0%	10.9%	10.4%	13.2%	9.8%	10.8%
Talk to a chaplain, mentor, or leader about how to handle the situation	1,297	1.3%	1.3%	1.7%	1.3%	1.2%	1.2%
Talk to a leader to see if I had other options	20,619	17.7%	17.3%	25.2%	13.9%	17.8%	18.0%
Something else	7,637	7.0%	7.6%	10.3%	5.2%	5.6%	5.0%
Don't know	8,833	7.9%	6.8%	8.1%	9.5%	8.7%	11.5%

Question 91. If a wartime situation made it necessary for you to share bathroom facilities with an open bay shower with someone you believe to be a gay or lesbian Service member, which are you most likely to do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Take no action	35,215	31.5%	31.8%	18.4%	36.3%	33.3%	32.4%
Use the shower at a different time than the Service member I thought to be gay or lesbian	28,220	25.3%	25.8%	27.9%	22.1%	25.4%	22.4%
Discuss how we expect each other to behave and conduct ourselves	11,389	11.5%	11.4%	11.4%	13.7%	10.2%	11.8%
Talk to a chaplain, mentor, or leader about how to handle the situation	1,378	1.4%	1.4%	1.7%	1.5%	1.3%	1.1%
Talk to a leader to see if I had other options	18,622	16.1%	16.1%	22.6%	12.4%	16.0%	15.1%
Something else	6,775	6.2%	6.7%	9.2%	4.4%	5.1%	4.2%
Don't know	8,933	8.0%	6.7%	8.8%	9.6%	8.7%	13.0%

Question 92. Do you usually attend military social functions?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, by myself	23,221	21.0%	19.0%	26.9%	21.1%	23.0%	18.2%
Yes, with my spouse, significant other or other family members	61,222	49.3%	51.4%	49.9%	46.7%	46.6%	44.2%
No	26,386	29.7%	29.6%	23.2%	32.2%	30.4%	37.6%

The following question was only asked to respondents that said they attended military social functions:

Question 93. If Don't Ask, Don't Tell is repealed and a gay or lesbian Service member attended a military social function with a same-sex partner, which are you most likely to do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Continue to attend military social functions	41,690	49.5%	48.1%	36.8%	56.8%	53.7%	54.0%
Stop bringing my spouse, significant other or other family members with me to military social functions	4,644	5.0%	5.2%	5.5%	4.8%	4.3%	4.3%
Stop attending military social functions	25,231	30.4%	32.5%	40.4%	23.0%	26.4%	24.8%
Something else	2,556	3.0%	3.0%	4.0%	2.7%	2.8%	2.3%
Don't know	10,067	12.1%	11.2%	13.3%	12.7%	12.9%	14.5%

The following question was only asked to respondents that said they attended military family programs:

Question 94. Do you usually attend military family programs?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, by myself	8,044	8.0%	9.0%	9.2%	6.9%	6.4%	5.4%
Yes, with my family	49,330	40.1%	44.2%	36.8%	33.9%	38.1%	32.4%
No	52,717	51.9%	46.9%	54.0%	59.2%	55.4%	62.2%

The following questions were asked of all respondents.

Question 95. If Don't Ask, Don't Tell is repealed and a gay or lesbian Service member participated in military family programs with a same-sex partner, which are you most likely to do?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Continue to participate in military family programs	23,634	43.1%	43.7%	30.4%	47.9%	44.4%	46.4%
Stop bringing my family with me to military family programs	5,550	8.6%	8.8%	8.9%	9.0%	8.0%	7.2%
Stop participating in military family programs altogether	20,578	35.1%	35.3%	46.8%	28.9%	33.7%	30.8%
Something else	1,370	2.3%	2.3%	2.5%	2.3%	2.1%	2.0%
Don't know	6,148	10.9%	10.0%	11.4%	11.9%	11.8%	13.7%

Question 96. If Don't Ask, Don't Tell is repealed and you had on-base housing and a gay or lesbian Service member was living with a same-sex partner on-base, what would you most likely do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
I would get to know them like any other neighbors.	46,740	42.2%	41.6%	27.7%	47.3%	45.8%	47.3%
I would make a special effort to get to know them.	1,893	1.9%	1.9%	2.1%	1.9%	1.6%	1.9%
I would be uncomfortable, but access to the exchange, commissary, and MWR facilities is more important to me than who my neighbors are when deciding where to live.	5,385	5.1%	5.2%	6.2%	5.2%	4.3%	4.5%
I would be uncomfortable, but the quality of on-base housing is more important to me than who my neighbors are when deciding where to live.	5,293	5.2%	5.3%	7.6%	4.7%	4.3%	4.3%
I would be uncomfortable, but the cost of moving makes it unlikely I would leave on-base housing.	7,088	6.3%	6.6%	8.4%	5.1%	5.4%	5.8%
I would probably move off-base.	19,944	17.6%	18.7%	25.0%	13.1%	15.7%	12.6%
Something else	6,261	5.5%	5.6%	5.8%	5.5%	5.3%	4.1%
Don't know	17,957	16.3%	15.1%	17.2%	17.2%	17.6%	19.5%

Question 97. What is your present pay grade?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
E1-E3	8,486	14.8%	12.6%	30.6%	12.7%	13.8%	11.5%
E4	13,523	22.4%	27.6%	24.5%	17.3%	13.8%	25.0%
E5-E6	26,938	33.4%	30.5%	25.8%	41.5%	37.2%	34.4%
E7-E9	19,718	12.0%	11.9%	7.8%	10.5%	15.8%	8.8%
W1-W5	3,678	1.5%	2.3%	1.3%	0.5%	0.0%	4.8%
O1-O3	16,888	8.5%	8.5%	5.9%	8.8%	9.3%	10.0%
O4 or above	20,937	7.4%	6.5%	4.2%	8.7%	10.2%	5.5%

Question 98. What is your current age?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
18-24	16,742	29.8%	28.1%	53.6%	27.5%	24.3%	28.0%
25-31	27,374	30.7%	31.0%	28.5%	31.7%	30.1%	35.2%
32-38	25,042	18.2%	17.9%	11.0%	20.9%	20.2%	18.4%
39-45	24,907	13.4%	14.1%	5.4%	13.7%	15.5%	12.0%
46-52	12,341	6.0%	6.6%	1.3%	5.0%	7.7%	5.4%
53-59	3,402	1.7%	2.1%	0.1%	1.0%	2.1%	1.0%
60 or older	224	0.1%	0.2%	0.0%	0.1%	0.1%	0.0%

Question 99. Are you male or female?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Male	90,893	84.4%	84.4%	92.2%	83.6%	81.1%	87.2%
Female	18,587	15.6%	15.6%	7.8%	16.4%	18.9%	12.8%

Question 100. Are you Spanish/ Hispanic/ Latino?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes: Mexican-American, Mexican, Chicano, Puerto Rican, Cuban, Central or South American, or other Spanish/ Hispanic/ Latino	11,916	13.1%	13.3%	18.4%	13.0%	10.4%	12.0%
No	97,322	86.9%	86.7%	81.6%	87.0%	89.6%	88.0%

Question 101. What is your race? Mark one or more races to indicate what you consider yourself to be.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
White	89,092	78.0%	77.8%	81.3%	72.0%	80.3%	88.5%
Black or African-American	12,678	17.2%	18.0%	14.1%	19.8%	15.7%	7.9%
Native-American, American Indian or Alaska Native	3,767	4.1%	3.8%	4.5%	5.3%	3.5%	4.5%
Asian-American, Asian-Indian, Chinese, Filipino, Japanese, Korean, Vietnamese or other Southeast Asian	5,261	5.2%	4.4%	4.6%	8.2%	5.3%	3.5%
Native Hawaiian, Samoan, Guamanian, Chamorro or other Pacific Islander	1,320	1.4%	1.2%	1.4%	1.5%	1.5%	1.9%

Question 102. Do you have any family members, friends or acquaintances who are gay or lesbian, or whom you believe to be gay or lesbian?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, one	20,937	18.9%	19.2%	20.2%	17.4%	18.8%	18.3%
Yes, more than one	45,793	39.9%	39.6%	33.2%	43.8%	40.5%	41.2%
No	43,364	41.2%	41.2%	46.6%	38.8%	40.6%	40.5%

Question 103. If you would like to share other thoughts and opinions about the impacts on you, your family, your immediate unit, or your Service if Don't Ask, Don't Tell is repealed, please use the space below.

This question was an open comment field.

APPENDIX

D**SURVEY RESPONSES: 2010 DEPARTMENT OF DEFENSE
SURVEY OF SPOUSES**

The following question was asked of all respondents:

Question 1. What is your marital status? MARK ONE.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Married	43,465	97.8%	97.3%	97.1%	97.6%	99.0%	98.9%
Separated	740	2.2%	2.7%	2.9%	2.4%	1.0%	1.1%
Divorced	Respondents that answered that they were "divorced" or "widowed" were asked to skip to the end. The answers for the remaining questions were only tabulated from those respondents that said they were married or separated.						
Widowed							

The following questions were asked of all eligible respondents:

Question 2. How many years have you been married?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
5 years or less	15,650	43.0%	42.3%	62.5%	43.4%	36.3%	41.1%
6 to 10 years	10,193	24.0%	24.2%	19.9%	25.2%	24.3%	25.1%
11 to 15 years	7,118	14.6%	14.7%	9.3%	14.9%	16.5%	14.2%
16 to 20 years	5,685	10.0%	9.9%	5.8%	10.1%	11.7%	11.3%
21 to 25 years	3,280	5.1%	5.2%	2.0%	4.4%	6.6%	5.2%
More than 25 years	2,220	3.3%	3.6%	0.4%	2.0%	4.6%	3.1%

**Report of the Comprehensive Review of the Issues Associated
with a Repeal of "Don't Ask, Don't Tell"**

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Question 3. In which branch of the Armed Forces is your spouse currently serving?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Army, Active Duty	5,458	27.6%	58.6%	-	-	-	-
Army National Guard, Army Reserve	7,980	19.5%	41.4%	-	-	-	-
Navy, Active Duty	4,346	15.2%	-	-	-	-	-
Navy Reserve	2,220	2.6%	-	-	85.6%	-	-
Air Force, Active Duty	3,658	15.2%	-	-	14.4%	65.5%	-
Air National Guard, Air Force Reserve	6,972	8.0%	-	-	-	34.5%	-
Marine Corps, Active Duty	4,040	8.4%	-	90.6%	-	-	-
Marine Corps Reserve	2,285	0.9%	-	9.4%	-	-	-
Coast Guard, Active Duty	2,477	2.2%	-	-	-	-	86.3%
Coast Guard Reserve	720	0.4%	-	-	-	-	13.7%

Question 4. Are you currently serving, or have you ever served, in the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, currently	Respondents that answered that they were currently serving in the military were asked to skip to the end and their answers were not included in the final response tally.						
Yes, previously but not now	4,703	11.8%	12.2%	7.2%	12.3%	13.0%	7.8%
No	39,471	88.2%	87.8%	92.8%	87.7%	87.0%	92.2%

The following questions were asked of all eligible respondents:

Question 5. Is your spouse currently deployed?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	5,737	15.8%	18.6%	14.3%	16.6%	10.4%	9.8%
No	38,415	84.2%	81.4%	85.7%	83.4%	89.6%	90.2%

Question 6. How many times has your spouse been deployed since September 11, 2001?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Never	11,207	21.5%	18.6%	17.1%	17.2%	30.0%	48.6%
1 time	12,138	28.2%	33.8%	27.7%	20.3%	24.1%	14.4%
2 times	9,387	23.5%	27.6%	26.7%	21.4%	17.0%	8.0%
3 times	4,993	12.9%	12.2%	16.0%	15.9%	11.4%	4.7%
4 or more times	5,688	13.9%	7.8%	12.6%	25.2%	17.4%	24.2%

Question 7. Do you have any family members, friends or acquaintances, including coworkers, whom you believe to be gay or lesbian?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, one	5,236	12.1%	11.9%	14.1%	11.5%	12.5%	10.6%
Yes, more than one	27,091	59.0%	57.5%	57.1%	63.2%	58.9%	66.5%
No	11,726	28.9%	30.6%	28.9%	25.3%	28.6%	22.9%

Question 8. Has your spouse ever worked on a daily basis with an individual he or she believed to be a homosexual Service member?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	14,082	34.8%	32.5%	26.9%	45.9%	33.1%	43.9%
No	12,019	26.4%	26.7%	35.0%	17.7%	29.5%	23.0%
Don't Know	17,916	38.8%	40.8%	38.1%	36.4%	37.4%	33.0%

The following questions were asked to respondents that said that their spouse has worked on a daily basis with an individual he or she believed to be a homosexual Service member.

Question 9. How well did you know that individual? If more than one individual, please answer thinking about the Service member with whom your spouse worked most recently.

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very well	1,331	9.9%	10.5%	7.9%	9.5%	9.7%	9.2%
Well	1,938	14.8%	14.9%	12.8%	13.5%	16.4%	15.8%
Somewhat well	3,241	23.7%	24.1%	24.3%	22.5%	24.2%	21.6%
Not well at all	7,513	51.7%	50.5%	55.0%	54.5%	49.6%	53.4%

Question 10. Compared with other Service members in the community, how much did that Service member participate in military social activities?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
More than most other Service members in the community	830	6.2%	6.3%	4.8%	5.7%	7.2%	5.4%
Less than most other Service members in the community	1,346	9.2%	9.5%	10.8%	7.8%	9.4%	9.5%
About the same as most other Service members	6,338	45.7%	46.5%	45.5%	44.1%	45.9%	47.0%
Don't Know	5,497	38.8%	37.6%	38.8%	42.5%	37.5%	38.1%

The following questions were asked of all eligible respondents.

Question 11. If Don't Ask, Don't Tell is repealed, the military will want to prepare and assist spouses in understanding the new policy. How would you like the military to provide you with information on the new policy? MARK ALL THAT APPLY.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
No special activities or communications would be necessary	19,039	43.0%	42.5%	37.0%	43.0%	45.8%	49.1%
Distribute printed information to spouses about repeal	16,000	37.4%	37.8%	40.9%	38.5%	34.8%	34.4%
Provide information about the repeal on military Web sites	14,793	34.3%	34.0%	38.1%	36.3%	32.3%	31.5%
Have interactive chats available on line to answer questions from Service member spouses	3,191	8.2%	8.5%	8.5%	9.2%	6.9%	7.0%
Conduct information sessions on bases and installations about repeal	5,367	13.5%	13.8%	15.4%	13.8%	12.4%	9.5%
Provide information through military chaplains trained to work with spouses and family members on repeal	5,891	14.5%	15.4%	16.7%	14.1%	12.4%	10.9%
Provide information through other military counselors trained to work with spouses and family members on repeal	5,663	14.1%	14.8%	15.6%	14.8%	11.9%	11.2%
Provide information through Family Readiness Group/ Work-Life Program leaders trained to work with spouses and family members on repeal	8,308	21.2%	22.9%	25.3%	20.1%	17.7%	14.0%
Offer courses to spouses on how to discuss repeal within their families	3,337	9.1%	9.9%	11.5%	9.5%	6.7%	6.1%
Other	1,649	3.6%	3.7%	3.7%	3.2%	3.7%	3.1%

Question 12. Overall, how do you feel about your spouse's current military service?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very positive	16,097	32.9%	29.0%	32.4%	35.0%	38.6%	43.3%
Positive	15,151	32.5%	31.6%	30.7%	32.2%	35.2%	34.4%
An equal mix of positive and negative feelings	11,401	30.6%	34.8%	33.3%	28.2%	23.9%	20.1%
Negative	699	1.8%	1.9%	1.8%	2.3%	1.1%	1.0%
Very negative	454	1.4%	1.8%	1.3%	1.4%	0.7%	0.6%
Never thought about it	279	0.8%	0.9%	0.6%	0.9%	0.6%	0.6%

Question 13. Which one of the following statements best describes your spouse's current military career intentions?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Definitely stay in until retirement	24,415	51.8%	48.1%	41.1%	54.7%	60.5%	62.4%
Probably stay in until retirement	8,405	20.1%	20.9%	20.9%	19.1%	19.3%	18.7%
Definitely stay in beyond present obligation, but not necessarily until retirement	1,322	3.8%	3.9%	5.4%	4.5%	2.6%	2.3%
Probably stay in beyond present obligation, but not necessarily until retirement	2,048	5.7%	6.2%	8.0%	5.7%	4.2%	3.1%
Definitely leave upon completion of present obligation	1,631	4.9%	5.6%	9.0%	4.4%	2.5%	1.9%
Probably leave upon completion of present obligation	1,665	4.7%	5.4%	8.7%	3.7%	2.8%	2.1%
Have met retirement eligibility but will continue to serve	2,888	4.5%	4.6%	2.7%	4.3%	5.0%	6.8%
Don't Know	1,646	4.4%	5.4%	4.3%	3.6%	3.1%	2.7%

Question 14. Which of the following best describes your preference for your spouse's military career intentions?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Remain in the military until retirement	30,684	67.0%	63.2%	57.3%	69.3%	75.5%	78.8%
Remain in the military beyond present obligation, but not necessarily until retirement	3,698	10.0%	10.4%	14.0%	10.4%	7.6%	7.5%
Leave upon completion of his or her present obligation	3,564	9.2%	10.9%	12.1%	8.1%	5.8%	4.7%
I do not have a strong preference	6,063	13.8%	15.4%	16.6%	12.3%	11.1%	8.9%

Question 15. What are the most important factors you and your spouse consider when making decisions about his or her future in the military? PLEASE MARK UP TO 3 FACTORS.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Spouse's current pay and benefits	18,685	49.3%	49.3%	45.4%	49.0%	50.2%	55.0%
Your job status	2,548	7.2%	6.9%	7.4%	7.1%	7.5%	10.2%
Education benefits (for you, your spouse, and/or your children)	7,245	22.1%	22.7%	20.4%	22.9%	21.1%	18.8%
Spouse's retirement benefits	17,158	38.9%	36.8%	28.6%	39.6%	45.8%	43.3%
Spouse's years completed toward retirement	6,612	15.5%	15.4%	13.3%	14.7%	17.3%	13.6%
Current economic situation and civilian job availability	8,652	26.8%	25.6%	33.4%	27.6%	26.0%	29.6%
Family separations and stability	6,823	17.7%	19.7%	18.6%	18.1%	13.2%	14.0%
Medical care	9,456	29.2%	28.4%	30.2%	30.2%	29.2%	33.0%
Childcare options	244	0.9%	0.9%	1.2%	0.9%	0.6%	0.9%
Deployment-related considerations	5,079	13.1%	15.5%	14.9%	10.4%	10.4%	4.9%
Spouse's ability to serve and defend the country	4,496	10.6%	10.9%	9.7%	9.8%	11.4%	8.2%
Spouse's job satisfaction	8,683	21.0%	19.3%	22.3%	21.6%	23.2%	25.4%
Our satisfaction with military life	4,343	12.1%	11.2%	15.5%	12.6%	12.7%	10.1%
Our children's well-being	6,451	18.8%	19.0%	22.3%	19.7%	15.9%	20.3%
Living on-base	164	0.7%	0.8%	1.0%	0.5%	0.6%	0.3%
The ability to live in a close knit military community	408	1.2%	1.3%	1.6%	0.9%	1.2%	0.7%
Other	916	2.4%	2.5%	2.9%	2.5%	2.2%	1.6%

Question 16. How important a factor would a repeal of Don't Ask, Don't Tell be to you in making decisions about your spouse's future in the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very important	5,906	13.4%	13.9%	17.4%	12.0%	12.5%	9.7%
Important	5,356	12.0%	11.9%	15.3%	11.3%	11.6%	9.0%
Neither important nor unimportant	11,783	27.7%	27.7%	27.4%	26.9%	28.3%	28.7%
Unimportant	7,222	16.0%	15.8%	13.3%	16.6%	16.9%	18.1%
Very unimportant	10,981	24.1%	23.5%	19.5%	26.4%	24.9%	29.2%
Don't Know	2,790	6.7%	7.2%	7.1%	6.8%	5.7%	5.3%

Question 17. Would a repeal of Don't Ask, Don't Tell affect your preference for your spouse's plans for his or her future in the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, I would want my spouse to stay longer	1,031	2.8%	2.9%	2.2%	3.5%	2.5%	2.3%
Yes, I would want my spouse to leave earlier	5,507	11.8%	12.0%	16.5%	9.6%	11.7%	7.6%
No, it would have no effect on my preference for my spouse's plans for military service in the future	32,439	73.8%	73.6%	66.5%	75.6%	75.0%	79.4%
Don't Know	5,068	11.6%	11.5%	14.8%	11.3%	10.8%	10.7%

Question 18. Have you ever recommended to a family member or close friend that he or she pursue service in the military?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	33,354	75.4%	74.7%	71.5%	74.6%	78.2%	81.9%
No	10,794	24.6%	25.3%	28.5%	25.4%	21.8%	18.1%

Question 19. Would a repeal of Don't Ask, Don't Tell affect your willingness to recommend military service to a family member or close friend?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, I would be more likely to recommend military service to a family member or close friend	1,924	4.8%	4.9%	3.7%	5.5%	4.6%	5.4%
Yes, I would be less likely to recommend military service to a family member or close friend	8,521	17.9%	17.6%	23.4%	15.3%	18.9%	13.1%
No, it would not affect my willingness to recommend military service to a family member or close friend	29,254	67.2%	67.1%	60.8%	69.6%	67.6%	73.0%
Don't Know	4,375	10.0%	10.4%	12.1%	9.6%	8.9%	8.5%

Question 20. What is your preference on where to live?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
In on-base housing	7,175	21.6%	21.8%	31.1%	15.1%	23.4%	12.0%
In military housing off-base	2,156	6.5%	5.8%	7.0%	11.0%	4.2%	7.4%
In civilian housing	34,326	71.9%	72.4%	61.9%	73.9%	72.4%	80.6%

Question 21. Where do you currently live?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
In on-base housing	4,347	16.2%	16.0%	22.9%	11.4%	18.7%	7.3%
In military housing off-base	1,200	4.1%	2.5%	4.8%	9.8%	2.7%	6.0%
In civilian housing	38,522	79.7%	81.5%	72.3%	78.8%	78.6%	86.7%

Question 22. Assuming you had a choice on where to live, what are the most important factors you would consider? PLEASE MARK UP TO 3 FACTORS.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Cost of housing	21,527	56.8%	54.7%	60.0%	59.3%	57.7%	60.1%
Housing condition	14,564	39.7%	41.8%	42.0%	36.6%	37.4%	34.6%
Amount of space	7,415	21.8%	23.2%	20.8%	20.5%	20.9%	16.6%
Quality of schools in the area	18,811	44.4%	43.6%	38.3%	45.9%	46.8%	47.6%
Safety of the community	22,186	58.5%	57.2%	59.3%	61.2%	58.7%	59.0%
Sense of the community in the neighborhood	2,841	5.9%	5.7%	5.6%	6.0%	6.4%	5.9%
Presence of children in the neighborhood	1,515	3.7%	3.7%	3.9%	3.4%	3.6%	3.1%
Commuting time to your job	6,329	14.6%	14.8%	12.3%	14.1%	15.4%	17.0%
Proximity to spouse's job	8,233	21.6%	20.8%	26.5%	22.6%	20.1%	26.2%
Neighbors that I know and trust	2,915	6.7%	7.0%	6.4%	5.5%	7.4%	5.6%
The values of the community	4,278	9.1%	9.4%	7.8%	7.6%	10.2%	8.2%
Presence of local businesses	1,113	2.8%	2.9%	2.5%	2.5%	2.7%	2.8%
Easy access to the exchange, commissary, and MWR facilities	2,377	6.8%	6.7%	8.1%	7.8%	6.1%	5.7%
Other	983	2.5%	2.7%	2.8%	2.4%	2.1%	3.1%

Question 23. Assuming you had a choice on where to live, how important would a repeal of Don't Ask, Don't Tell be to you in considering where to live?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very important	5,660	13.2%	13.9%	16.1%	11.9%	12.0%	9.1%
Important	3,831	8.6%	8.5%	11.0%	7.8%	8.4%	6.7%
Neither important nor unimportant	12,062	27.7%	27.7%	27.8%	28.2%	27.4%	28.0%
Unimportant	7,758	17.8%	17.8%	15.7%	17.1%	19.0%	18.9%
Very unimportant	12,016	26.4%	25.6%	22.5%	29.1%	27.1%	32.1%
Don't Know	2,751	6.3%	6.5%	6.9%	5.9%	6.0%	5.2%

Question 24. Assume Don't Ask, Don't Tell is repealed and you live in on-base housing. If a gay or lesbian Service member lived in your neighborhood with their partner, would you stay on-base or would you try to move out?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
I would stay on-base	20,185	49.5%	48.9%	48.1%	51.9%	49.0%	54.6%
I would try to move out	7,004	15.8%	15.9%	19.8%	13.6%	16.3%	12.4%
Don't Know	4,727	10.9%	10.6%	12.9%	10.6%	11.2%	8.7%
Does not apply, I would not live on-base	11,987	23.7%	24.5%	19.2%	23.9%	23.5%	24.2%

The following question was asked to respondents that said they would stay on-base, try to move out, or don't know if Don't Ask, Don't Tell is repealed and they live on-base.

Question 25. While living on-base, which of the following would you do?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
I would make a special effort to get to know the gay or lesbian Service member and partner	876	2.6%	2.5%	2.4%	3.0%	2.5%	3.6%
I would get to know them like any other neighbor	20,021	63.1%	62.4%	57.5%	66.4%	63.7%	70.9%
I would generally avoid them when I could	4,230	13.2%	13.8%	15.6%	11.1%	13.0%	9.4%
I would do nothing	3,767	12.8%	12.8%	16.5%	12.4%	12.0%	9.4%
I would do something else	1,031	3.1%	3.1%	3.1%	2.6%	3.3%	2.6%
Don't Know	1,613	5.2%	5.4%	4.9%	4.6%	5.5%	4.1%

The following questions were asked of all eligible respondents.

Question 26. In the last 12 months, about how many informal military social events, such as picnics, gatherings and holiday parties, have you attended?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or nearly all of these events	4,753	10.9%	11.6%	13.8%	9.9%	9.2%	10.4%
Many of these events	6,422	15.3%	14.1%	18.8%	15.4%	16.3%	14.9%
Some of these events	11,042	25.8%	24.8%	26.9%	24.8%	28.2%	26.6%
Very few of these events	11,391	26.1%	25.6%	24.8%	26.3%	27.4%	26.7%
None of these events	10,119	21.9%	23.8%	15.7%	23.7%	18.9%	21.3%

Question 27. Assume Don't Ask, Don't Tell is repealed. Would the attendance of a gay or lesbian Service member with his or her partner affect how often you attend these types of military social events?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, I would attend these types of military social events more often	559	1.4%	1.4%	1.3%	1.5%	1.3%	1.2%
Yes, I would attend these types of military social events less often	8,203	18.1%	18.1%	23.0%	15.3%	19.0%	14.3%
No, it would not affect my attendance at these types of military social events	31,315	72.0%	71.6%	66.8%	75.0%	71.8%	77.9%
Don't Know	3,877	8.5%	8.9%	8.9%	8.2%	7.9%	6.5%

Question 28. During your spouse's most recent deployment since September 11, 2001, how many deployment-support gatherings did you attend?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
All or nearly all of these gatherings	3,925	9.4%	11.8%	12.0%	9.3%	4.1%	2.9%
Many of these gatherings	3,572	9.0%	10.7%	9.5%	9.0%	5.9%	4.0%
Some of these gatherings	5,515	13.3%	14.6%	13.7%	13.2%	11.1%	7.5%
Very few of these gatherings	6,283	15.8%	17.3%	15.8%	16.5%	13.1%	6.6%
None of these gatherings	14,119	32.7%	28.4%	33.1%	36.6%	38.3%	34.2%
Does not apply, my spouse has not been deployed since September 11, 2001	10,401	19.8%	17.3%	15.9%	15.5%	27.5%	44.7%

Question 29. Assume Don't Ask, Don't Tell is repealed and your spouse is deployed. Would the presence of a partner of a gay or lesbian Service member affect how often you attend deployment-support activities?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, I would attend deployment-support activities more often	506	1.3%	1.3%	1.3%	1.7%	1.0%	0.8%
Yes, I would attend deployment-support activities less often	6,168	13.4%	13.0%	16.7%	11.8%	14.5%	11.1%
No, it would not affect my attendance at deployment-support activities	33,063	76.2%	76.8%	72.4%	77.7%	75.1%	77.8%
Don't Know	4,208	9.1%	8.8%	9.7%	8.8%	9.4%	10.3%

Question 30. If you had concerns about the impact of the repeal of Don't Ask, Don't Tell, to whom would you likely turn? MARK ALL THAT APPLY.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Would not need to talk to someone	13,370	31.4%	31.3%	27.1%	33.5%	31.1%	35.8%
My spouse	30,130	68.5%	68.2%	73.2%	66.8%	68.9%	64.9%
A family member	11,209	26.8%	26.5%	33.3%	25.9%	25.8%	25.3%
A friend outside of your family	8,358	19.9%	19.6%	24.2%	18.7%	20.0%	16.7%
A neighbor	2,399	5.9%	5.9%	8.2%	5.4%	5.5%	4.5%
Key Spouse/Senior Spouse	1,373	3.3%	3.1%	5.1%	2.4%	4.1%	1.0%
Airmen and Family Readiness Center	1,073	2.6%	1.5%	2.2%	1.3%	6.2%	0.6%
Military Family Life Consultants (MFLC)	2,246	6.0%	6.9%	5.1%	5.7%	5.1%	3.7%
Other military spouses	8,130	19.2%	18.6%	26.1%	19.1%	17.9%	17.6%
Family Readiness Group	3,495	9.3%	12.0%	13.8%	6.7%	4.8%	1.5%
Work-Life Program	402	0.9%	0.8%	0.6%	1.2%	0.5%	4.5%
Ombudsman/Ombuds Offices	1,043	2.3%	0.8%	0.8%	8.6%	0.6%	5.7%
Support services on the base or installation	2,368	6.1%	6.1%	6.8%	7.2%	5.1%	4.3%
Support services in the civilian community	972	2.2%	2.5%	2.4%	2.1%	1.7%	1.4%
A military chaplain	4,959	12.0%	13.7%	12.8%	9.8%	10.5%	7.7%
Community religious leaders	5,328	11.4%	11.3%	10.9%	10.7%	12.7%	9.1%
Someone else	1,572	3.5%	3.5%	3.6%	3.0%	3.7%	2.8%

Question 31. How would you rate your overall family readiness to handle the challenges of military life?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very ready	11,891	26.0%	24.4%	26.5%	29.1%	26.4%	29.2%
Ready	15,838	35.4%	32.9%	37.8%	36.3%	38.5%	36.6%
About an equal mix of feeling ready and unready	11,488	26.8%	27.8%	25.0%	26.7%	25.6%	26.8%
Unready	1,451	3.3%	4.2%	3.3%	2.6%	2.2%	2.7%
Very unready	880	2.4%	3.4%	2.1%	1.4%	1.3%	1.7%
Not sure	2,482	6.1%	7.3%	5.3%	3.8%	6.1%	3.0%

Question 32. Assume Don't Ask, Don't Tell is repealed. Would repeal affect your family readiness?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, it would improve my family readiness	401	1.0%	1.1%	1.0%	1.3%	0.7%	0.9%
Yes, it would reduce my family readiness	3,809	8.2%	8.4%	10.9%	6.6%	8.3%	5.5%
No, it would have no effect on my family readiness	34,179	77.2%	76.0%	70.8%	81.2%	78.3%	84.7%
Don't Know	5,654	13.5%	14.5%	17.3%	10.8%	12.7%	8.9%

Question 33. What family readiness programs would you turn to for assistance in sustaining family readiness? MARK ALL THAT APPLY.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Military One Source	18,270	48.1%	53.2%	57.8%	46.4%	38.1%	16.2%
Health Facilities	9,532	23.0%	22.6%	20.1%	24.2%	24.1%	25.3%
Deployment Support Programs	16,479	40.1%	41.1%	40.9%	40.0%	39.9%	18.2%
On-base Chapels	6,095	15.9%	16.2%	16.9%	14.0%	16.8%	12.5%
Family Support Programs	21,930	54.6%	54.9%	48.5%	54.0%	57.9%	43.8%
Work-Life/Employee Assistance Programs	5,833	14.2%	13.4%	13.7%	14.7%	13.4%	34.2%
Other	4,697	10.8%	10.3%	11.0%	11.1%	11.1%	15.2%

Question 34. How important are military family programs in supporting your overall family readiness?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Very important	9,392	23.3%	25.8%	24.7%	23.1%	18.7%	14.3%
Important	14,762	34.4%	35.0%	37.4%	32.7%	34.4%	26.7%
Neither important nor unimportant	13,526	29.7%	27.5%	27.3%	30.8%	33.7%	38.5%
Unimportant	4,176	8.2%	7.6%	6.8%	8.6%	9.0%	13.5%
Very unimportant	2,126	4.3%	4.1%	3.8%	4.7%	4.2%	7.0%

Question 35. Assume Don't Ask, Don't Tell is repealed. If the partner of a gay or lesbian Service member participated in a family support program, would it affect your participation?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes, I would participate in that family support program more often	433	1.1%	1.2%	1.0%	1.2%	1.0%	0.9%
Yes, I would participate in that family support program less often	7,019	15.2%	14.9%	19.5%	12.8%	16.5%	12.4%
No, it would not affect my participation in that family support program	32,541	75.1%	75.4%	69.9%	78.0%	73.8%	78.5%
Don't Know	4,066	8.6%	8.5%	9.6%	8.0%	8.7%	8.2%

Question 36. Please tell us if you have any other thoughts or comments about how a repeal of Don't Ask, Don't Tell would affect your family readiness. PLEASE PRINT.							
This question was an open comment field.							

Question 37. What is the highest degree or level of school you have completed?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
12 years or less of school, but no high school diploma, certificate, or GED	676	2.1%	2.6%	1.9%	2.0%	1.2%	0.9%
High school diploma or GED	4,563	13.3%	14.4%	15.2%	11.9%	11.6%	9.5%
Some college credit, but no degree	11,571	31.2%	31.6%	36.1%	31.3%	28.5%	28.7%
Associate's degree (e.g., AA, AS)	6,462	16.1%	16.3%	16.3%	16.0%	15.5%	16.7%
Bachelor's degree (e.g., BA, AB, BS)	13,551	25.8%	24.2%	22.2%	27.0%	29.0%	30.8%
Master's, professional, or doctorate degree (e.g., MA, MS, MD, JD, DVM, DDS, PhD)	7,242	11.6%	10.9%	8.3%	11.8%	14.2%	13.5%

Question 38. What age were you on your last birthday?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Up to 20 years old	629	2.4%	2.2%	7.1%	2.3%	1.2%	1.2%
21 to 25 years old	5,265	16.9%	15.6%	34.2%	16.4%	13.7%	12.9%
26 to 30 years old	8,078	22.2%	22.0%	24.7%	22.9%	20.9%	24.2%
31 to 35 years old	8,031	19.1%	18.7%	14.9%	20.3%	20.4%	22.6%
36 to 40 years old	7,905	16.0%	16.6%	10.5%	16.4%	16.5%	15.9%
41 years old or more	14,048	23.4%	25.0%	8.6%	21.7%	27.3%	23.2%

Question 39. Are you male or female?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Male	2,741	6.7%	6.6%	1.1%	7.0%	9.1%	4.8%
Female	41,367	93.3%	93.4%	98.9%	93.0%	90.9%	95.2%

Question 40. Do you or your spouse have any children living at home either part-time or full-time?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	33,655	76.4%	78.3%	69.9%	75.3%	76.4%	73.9%
No	10,441	23.6%	21.7%	30.1%	24.7%	23.6%	26.1%

The following questions were asked of respondents that said they had children living at home either part-time or full-time.

Question 41a. How many children do you or your spouse have, living at home either part-time or full-time, in each age group? 5 years old or younger?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
None	15,384	40.5%	42.2%	24.4%	39.1%	43.9%	38.1%
One	11,344	37.2%	36.9%	47.6%	37.6%	33.8%	38.4%
Two or three	6,742	22.0%	20.6%	27.4%	23.0%	22.0%	23.2%
Four or more	105	0.3%	0.3%	0.6%	0.4%	0.3%	0.3%

Question 41b. How many children do you or your spouse have, living at home either part-time or full-time, in each age group? 6-12 years old?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
None	17,605	53.0%	51.2%	61.8%	53.4%	52.9%	56.3%
One	9,867	29.4%	30.3%	24.3%	29.9%	29.0%	28.3%
Two or three	5,938	17.1%	17.9%	13.6%	16.3%	17.6%	14.8%
Four or more	171	0.5%	0.6%	0.3%	0.4%	0.5%	0.5%

Question 41c. How many children do you or your spouse have, living at home either part-time or full-time, in each age group? 13-17 years old?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
None	23,418	72.8%	71.3%	83.2%	73.5%	71.7%	75.2%
One	7,329	20.0%	21.0%	12.7%	19.3%	21.0%	18.5%
Two or three	2,763	7.0%	7.5%	4.0%	7.1%	7.1%	6.1%
Four or more	53	0.2%	0.2%	0.0%	0.1%	0.1%	0.2%

Question 41d. How many children do you or your spouse have, living at home either part-time or full-time, in each age group? 18 years old or older?

	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
None	28,012	86.3%	84.7%	94.3%	88.3%	85.2%	88.8%
One	4,073	10.1%	11.2%	4.5%	8.9%	10.9%	8.8%
Two or three	1,422	3.4%	3.9%	1.2%	2.7%	3.7%	2.4%
Four or more	44	0.2%	0.2%	0.0%	0.1%	0.2%	0.0%

The following questions were asked of all eligible respondents.

Question 42. Are you of Hispanic or Latino origin?							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
Yes	4,637	12.9%	13.7%	16.0%	13.2%	10.1%	9.9%
No	39,113	87.1%	86.3%	84.0%	86.8%	89.9%	90.1%

Question 43. What is your race? PLEASE SELECT ONE OR MORE.							
	N	Overall	Army	Marine Corps	Navy	Air Force	Coast Guard
White	36,912	81.9%	80.4%	86.0%	77.8%	85.7%	91.0%
Black or African-American	3,279	12.1%	14.9%	8.4%	12.4%	8.3%	4.8%
Asian	2,292	6.0%	4.4%	5.7%	10.6%	5.9%	4.2%
Native Hawaiian or other Pacific Islander	626	1.8%	1.6%	2.1%	2.2%	1.7%	1.6%
American Indian or Alaska Native	884	2.6%	2.8%	2.7%	2.8%	2.2%	2.6%

Question 44. As the last question in the survey, we'd like you to tell us about any other thoughts or opinions you have – positive, negative, or neutral – about the implications on family readiness and support or other aspects of military life if the government decides to repeal the Don't Ask, Don't Tell law and policy. PLEASE PRINT.

This question was an open comment field.

**Report of the Comprehensive Review of the Issues Associated
with a Repeal of “Don’t Ask, Don’t Tell”**

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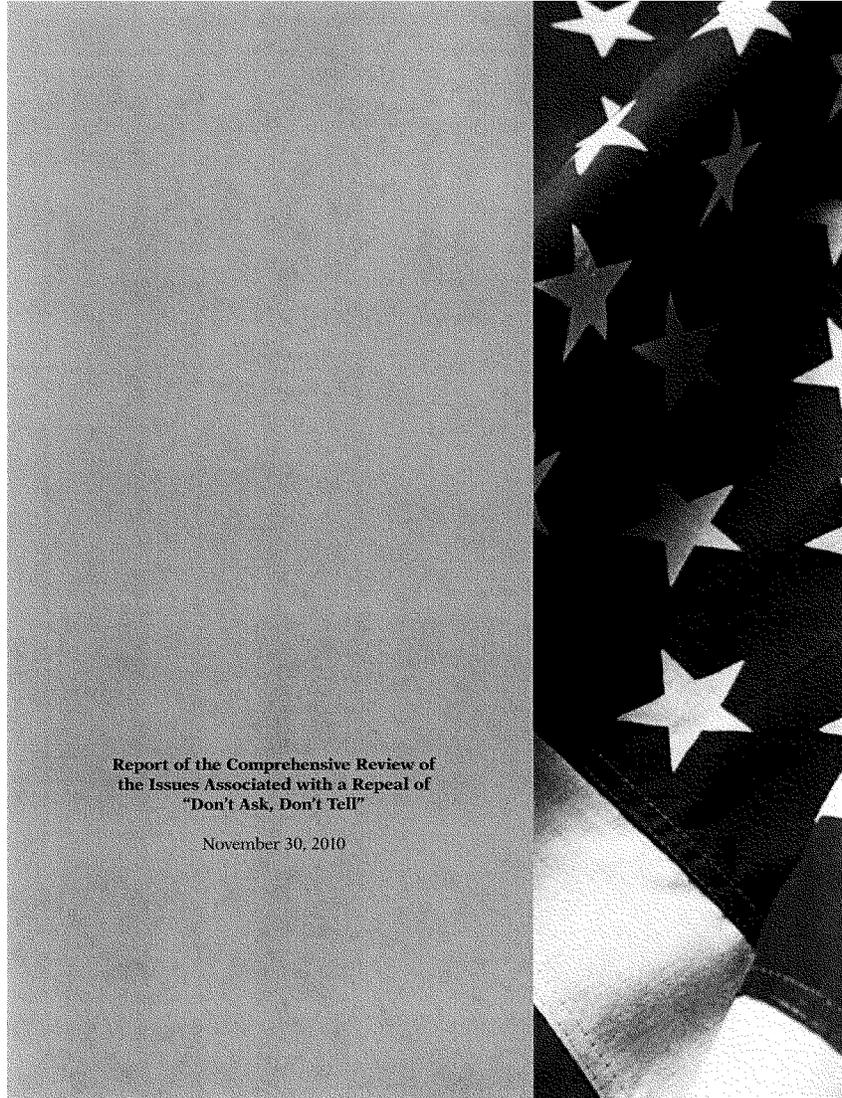
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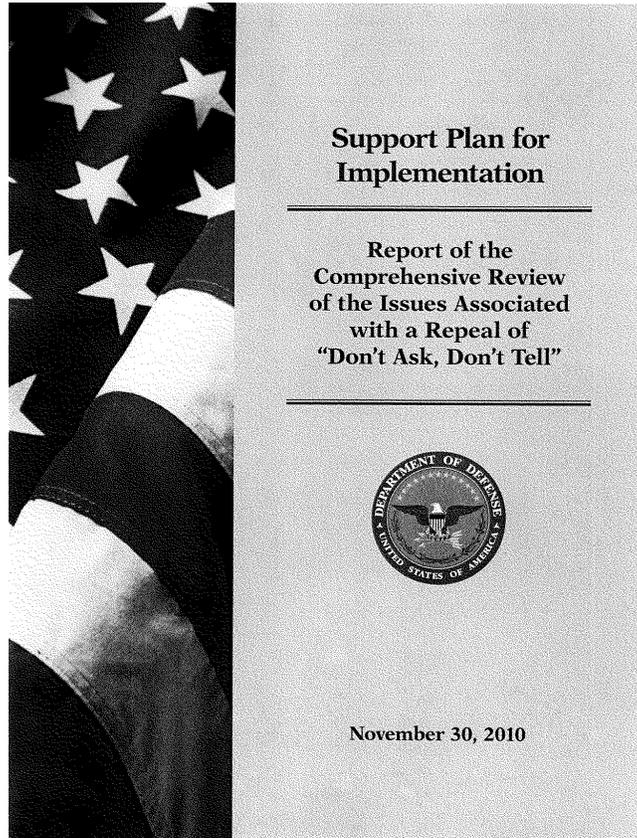
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**Report of the Comprehensive Review of
the Issues Associated with a Repeal of
"Don't Ask, Don't Tell"**

November 30, 2010

APPENDIX B



Support Plan for Implementation
Report of the Comprehensive Review of the Issues Associated
with a Repeal of “Don’t Ask, Don’t Tell”

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Support Plan for Implementation

**Report of the
Comprehensive Review
of the Issues Associated
with a Repeal of
“Don’t Ask, Don’t Tell”**



November 30, 2010

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I

BACKGROUND

Overview

On March 2, 2010, the Secretary of Defense directed the Honorable Jeh Charles Johnson, General Counsel of the Department of Defense, and General Carter F. Ham, Commander, U.S. Army Europe, to “stand up an intra-Department, inter-Service working group to conduct a comprehensive review of the issues associated with a repeal of the [Don’t Ask, Don’t Tell] law.” The Secretary’s Terms of Reference required two deliverables: 1) a Report containing the Co-Chairs’ assessment and recommendations; and 2) “a plan of action to support the implementation of a repeal of the law.” This is that plan.

The Support Plan for Implementation was written in close collaboration with the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) and anticipates key elements of a successful implementation. It is based on the assessment and recommendations contained in the Co-Chairs’ Report. Because issues associated with repeal of 10 U.S.C. § 654 (commonly known as the “Don’t Ask, Don’t Tell” law) are subject to a shifting legislative and legal landscape, in order to implement any change in law or policy successfully the Department of Defense and the Services may need to deviate from some recommendations found in this Support Plan.

Until such time as Congress may act to repeal Don’t Ask, Don’t Tell, the Support Plan and subsequent related work by OUSD(P&R) and the Services serve as contingency plans that will assist the Department of Defense in preparing for a repeal, should it indeed occur. This plan is designed to support each of the Service Training Commands in developing training materials in the traditions and requirements of their respective Service. This plan does not mandate any activity, nor does it contain actual training documents or specific lesson plans; the body of the plan outlines the key policies affected if repeal occurs, while the appendices provide sample tools and information that Services may find useful in designing their training and communication materials. Planning now will allow the Department of Defense to better anticipate repeal-related issues and costs and will help to ensure that any post-repeal transition occurs with maximum efficiency and minimum disruption to a force engaged in combat operations and other demanding military activities around the globe. The Support Plan provides a basis upon which OUSD(P&R) and the Services can build executable, DoD-wide and Service-specific plans in the event of repeal.

The Support Plan links the Co-Chairs’ assessment and recommendations to OUSD(P&R) planning processes, thereby enabling a smooth transition from the Working Group to OUSD(P&R) now that the Working Group has completed its effort. The Support

Plan relies heavily on the research conducted by the various teams within the Working Group, survey data, engagements with the force, and the white papers produced by the Service academies. The Support Plan also builds on best practices gleaned from other relevant military and academic publications, the updated RAND study, and various Working Group interactions with and information provided by academic and military groups and other interested organizations.

Key Implementation Message

Based on engagements with the force and the assessment of the impact of repeal, the Working Group distills the key message for risk mitigation and successful implementation to **Leadership-Professionalism-Respect**.

Leadership. The clear message from the Working Group's assessment is "leadership matters most." Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DoD policy to sustain unit effectiveness, readiness, and cohesion.

Professionalism. Leaders must emphasize Service members' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion.

Respect. Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect.

A clear focus on **Leadership-Professionalism-Respect** will enable any change in policy to be executed with minimal disruption to the force.

Stages of Implementation

The Support Plan addresses both short-term preparation for and execution of a repeal of 10 U.S.C. § 654, as well as long-term sustainment. The Support Plan breaks the implementation process into three stages, each covered in a separate section: "pre-repeal" (section III), "implementation" (section IV), and "sustainment" (section V).

The pre-repeal stage would begin at the direction of the Secretary of Defense, prior to the enactment of any legislation that would bring about repeal of the law. During this stage, the Department of Defense and the Services would continue to review existing policies and issuances affected by repeal, and prepare new or revised issuances based on the recommendations in the Working Group's report, should the Secretary approve those recommendations. The Department of Defense and the Services would also develop education and training materials and communications plans that would be used in the implementation stage. Because the pre-repeal stage assumes that no repeal

legislation has yet been passed by Congress, it would not be appropriate to commence education and training programs for the force during this stage.

The implementation stage would begin upon the enactment of legislation bringing about repeal of the law, should such legislation be enacted. This stage would last until some point after the effective date of repeal, once the roll-out of new policies has been completed. During the implementation stage, prior to the effective date of repeal, the Department of Defense and the Services would finalize the policy revisions started during the pre-repeal stage. Education and training programs necessary to prepare the force for repeal and to communicate the upcoming policy changes would then be executed. Upon the effective date of repeal, the Department of Defense and the Services would put any new or revised policies into effect.

Finally, the sustainment stage would begin at some point after the new policies have been put into effect, and would be ongoing. The sustainment stage would involve follow-on review and ongoing monitoring of implementation of repeal, in order to make adjustments to implementation based on the experiences of the Department of Defense and the Services to that point.

While the Support Plan separates these stages into distinct sections for ease of discussion, in execution the precise boundaries between them may not so easily be discerned.

Legislative and Legal Context

The Support Plan for Implementation is written at a time when the legislative and legal landscape regarding Don't Ask, Don't Tell is in flux. As of this writing, legislation that would allow for repeal of 10 U.S.C. § 654 is under consideration by the 111th Congress, but has not been enacted into law. The Don't Ask, Don't Tell law and policy are also the subject of ongoing constitutional challenge in Federal court.

The Support Plan does not make assumptions about the content or timing of repeal legislation, should such legislation be enacted. Depending on the content and timing of such legislation, the specific actions taken during the pre-repeal and implementation stages may need to be adjusted, and the boundaries between the stages may overlap.¹

The Support Plan also does not assume any outcome of ongoing litigation, or changes to other laws affecting the implementation of repeal, such as the Defense of Marriage Act.²

¹ For instance, under the legislation currently contained in the House of Representatives version (H.R. 5136) and Senate Armed Services Committee version (S. 3454) of the National Defense Authorization Act for 2011, repeal would only take effect 60 days after the delivery of a certification signed by the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff. If such legislation were to pass in the near future, much of the development of policies and of education and training materials described in the "pre-repeal" stage would likely occur after the passage of the legislation; these activities would then blend into the finalization of policy changes and the execution of education and training described in the "implementation" stage, both of which would likely occur prior to certification.

² 1 U.S.C. § 7.

In general, this Support Plan is written with the awareness that the Department of Defense and the Services may need to deviate from its recommendations depending on legislative and legal outcomes that are unknown as of this writing. Furthermore, the Department of Defense and the Services must be mindful that, prior to the effective date of a repeal, 10 U.S.C. § 654 and associated policies remain in effect, and, as such, homosexual conduct remains a basis for separation from military service.

Additional Materials

Included in this Support Plan is a review of many of the materials the Working Group considered in developing this plan (in particular, the white papers provided by the Service academies). This literature review is provided in section II.

The Support Plan also contains four appendices that provide sample tools that may be useful for the Department of Defense and the Services in developing and executing education and training related to repeal. Appendix A contains recommended talking points. Appendix B lays out the Working Group's recommended education and training framework, including learning objectives for specific policy areas. Appendix C is a recommended leadership implementation guide to assist leaders at all levels in addressing practical issues associated with repeal. Appendix D provides a set of frequently asked questions (FAQs) and answers regarding repeal, as well as training vignettes covering a number of the Working Group's policy recommendations.

Finally, Appendix E suggests some strategies for undertaking follow-on review and ongoing monitoring of implementation of repeal.

II LITERATURE REVIEW

Before developing the recommendations in this Support Plan, the Working Group reviewed the most recent thinking from military and academic professionals, to include external groups, and compared this review to the research and engagements the Working Group conducted. The Working Group found consistent themes across all the data considered. The Working Group specifically invited the Service academies to submit white papers and received submissions from the United States Air Force Academy (USAFA), the United States Coast Guard Academy (USCGA), the United States Military Academy (USMA),³ and the United States Naval Academy (USNA). These papers represent contributions from 37 uniformed and civilian faculty, commanders, staff, and cadets at the Service academies.

In addition to these white papers, the Working Group reviewed several books and articles published on implementation issues, along with papers submitted by interested groups. Two publications the Working Group reviewed were RAND's 1993 report and its updated 2010 study. The Working Group also reviewed literature representing both sides of the issue, including books such as Parco and Levy's 2010 *Attitudes Aren't Free: Thinking Deeply about Diversity in the U.S. Military Services*. Other major works reviewed by the Working Group in the preparation of this Support Plan are listed in the bibliography. The Service academy white papers, the two RAND reports, and *Attitudes Aren't Free* would, in particular, serve as good resources for planners and leaders who want to understand issues associated with a repeal of Don't Ask, Don't Tell, should it occur.

The Working Group's research, literature review, engagements with the force, and assessment of impact of repeal resulted in the key implementation message of **Leadership-Professionalism-Respect** as described in section I, and discussed further in section IV. This concept, when combined with the Working Group's approach to education and training, constitutes an implementation strategy that reflects many of the Service academy recommendations in their white papers. Those papers identified four ideas that are similar to the Working Group's key implementation message:

- 1. Leadership Matters Most.** Unified, strong leadership is the most important factor in successful transition. The manner in which DoD military and civilian leadership executes transition will determine the success of the transition process. To be effective, leaders must be given clear, equitable, and enforceable standards of conduct and the tools required to enforce standards and maintain good order and discipline in a sexual orientation-neutral way.

³ The USMA Office of Economic and Manpower Analysis (OEMA) also wrote a white paper, which predated the first Service academy white paper from USMA.

- 2. Minimize Management.** It is clear that effective management is important to any change process but management cannot be the driver of change. Therefore, while the Department of Defense will need effective and efficient management tools and processes, it is important to ensure that the processes developed to manage change should not dominate the change process. Unnecessary layers of new management requirements will slow down the transition process.⁴
- 3. Communicate and Educate.** Some training on the new rules and procedures will be needed as part of implementation. However, most training can be incorporated within already existing training programs, and extensive new or sensitivity-type training will not improve the implementation process. Communication and education should focus on actions and policies needed to maintain good order and discipline of an effective fighting force. Many Service members are uncertain about the prospect of serving with known gay or lesbian personnel, and have misunderstandings about the implementation process. Effective communication and education can provide needed information for effective post-repeal decision making.
- 4. Promote Strength through Professionalism.** Values such as respect, freedom, service, patriotism, integrity, and honor are some of the bonds all military professionals share. While each Service articulates these values slightly differently, these values share a common heritage with the military professional's oath to support and defend the Constitution of the United States. Military professionals are often called upon to subjugate their personal beliefs to this sworn oath as they obey the legal orders of those appointed over them. Our strength as an effective fighting force comes from our ability to apply our professional values to our conduct in training and in combat. Change must be grounded in these important professional values.

Service Academy White Papers

The idea for the Service academy white papers developed from Working Group Co-Chair General Carter Ham's vision of including the thoughts of Service academy scholars and leaders in the Working Group process. The concept solidified after an annual meeting of the Service academies (51st Annual Conference of Service Academy Superintendents (COSAS)) hosted at West Point in the spring of 2010. During the conference, senior Working Group leaders, including Co-Chair Jeh Charles Johnson, were at West Point for a scheduled engagement with academy personnel. During that visit, the Working Group leaders met with the COSAS group to discuss the Working Group process, and the academies began discussing their white papers. The United States Military Academy at West Point completed its white paper on May 18, 2010. Working from a draft of the West Point paper, the United States Air Force Academy completed its white paper on June 24, 2010. The United States Coast Guard Academy and the United States Naval Academy worked independently from these two papers and completed their papers in August 2010. By working this way, the Service academies were able to create a body of work that represents the joint expertise of all the Services

⁴ Kotter, *Leading Change* (1996)

and provides a comprehensive, multidisciplinary review of Don't Ask, Don't Tell and the process of organizational change.

United States Military Academy (USMA) white paper

The USMA white paper “provides a series of scholarly, evidence-based perspectives on the repeal of Don't Ask, Don't Tell” from the “academic disciplines of history, public policy, comparative politics, civil-military relations, sociology, psychology, organizational behavior, management, and law.” As the first of the four Service Academy papers, the USMA white paper provides more context than applied recommendations. This paper is important as the foundational work from the Service academies and represents a thorough review of many of the issues related to repeal. This paper also introduced the first three of the four themes that guided the Working Group's study of implementation. The ability of the USMA authors to succinctly, yet thoroughly, frame issues from a multidisciplinary perspective was a valuable source of information for the Working Group.

United States Air Force Academy (USAF) white paper

The USAFA white paper team sought to supplement and build on the interdisciplinary review provided by their West Point colleagues. The USAFA team sought to “go beyond the contextual and scholarly analysis of the issues related to changes in Don't Ask, Don't Tell policy and provide actionable suggestions to assist decision makers in creating a culture of inclusiveness.” The authors framed the problem in the values of the profession of arms, the oath of office, and Service core values. The authors especially focused on the value of respect for human dignity. Other ideas offered by the USAFA team included suggestions on the use of training scenarios or vignettes, developing sexual orientation-neutral standards and training, the importance of initially focusing on behavior rather than attitudes or culture, developing a leadership information “tool-kit”, working training into pre-existing programs as much as possible, and developing specialized training for medical and legal professionals. The authors emphasized seven points:

1. Focus on military readiness, cohesion, and effectiveness and not difficult moral debates on sexual orientation.
2. Focus on “strength through respect” as a unifying theme embedded in military values.
3. Resolve practical issues such as housing and privacy quickly and with little fanfare.
4. Swift accountability for non-compliance.
5. Incorporate training into existing training as much as practical.
6. Culture change is a long-term process that will require persistence.
7. Do not allow a small vocal minority to dominate the debate.

United States Naval Academy (USNA) white paper

The USNA white paper summarized the USMA and USAFA white papers and provided five independently written perspective papers. Three perspective papers were written through the lenses of the three primary mission areas at USNA of moral, mental, and physical development; a fourth was from the Admissions Office and the fifth was from the Sexual Assault Response Coordinator (SARC).

The moral perspective paper proposed a “minimalist approach to change” similar to the West Point theme of minimizing management. This perspective identified the most important factor in successful repeal as “the steadfast and unwavering support of leaders from the most senior officers to the most junior midshipmen.” A seamless transition marked by ethical leadership will create “a sense of ownership in the process and promote the readiness of future leaders.” The mental perspective paper also provided recommendations for swift implementation should the law change. Finally, this perspective suggested that sexual orientation-specific policies and standards not be created and that existing conduct standards be used to address breaches to good order and discipline. The physical perspective paper discussed issues related to NCAA athletics and provided insights that may be useful to the other Service academies post-repeal.

In addition to the perspective papers covering the three main mission elements at USNA, papers from the Admissions Office and the Sexual Assault Response Coordinator round out the USNA white paper. The admissions perspective discussed tactical implementation practices related to training admissions staff to ensure new accessions are aware of the change in policy, creating communications, and collecting data on the impact of repeal. The perspective paper from the SARC expressed the opinion that policies and procedures are currently in place to support victims of sexual assault irrespective of their sexual orientation. This paper suggested that SARC offices already handle cases of same-sex assault and that repeal would remove some of the barriers for victims of same-sex sexual assault to report assaults.

United States Coast Guard Academy (USCGA) white paper

The USCGA’s interdisciplinary analysis cautioned against linear, compartmentalized thinking and offered perspectives on how organizational change theory can assist in the transition process. Based on their findings, the team recommended a professionalism-based framework for Don’t Ask, Don’t Tell repeal using the themes of leadership matters, minimize management, maximize education, and promote professionalism. The USCGA paper also expanded the discussion on organizational change introduced in the USMA paper and further developed in the USAFA paper. Leader-led change throughout the organization was identified as an important component of successful organizational change.

An important contribution of the USCGA paper was a thoughtful discussion of the religious and moral issues related to Don’t Ask, Don’t Tell. The authors offered the idea

that religious plurality is a core American value and that constitutional protections allow all Service members to retain their personal views regarding homosexuality without fear of reprisal. The United States is characterized by both religious freedom and religious diversity and citizens do in fact make different choices about their personal spirituality. As such, there is diversity of opinion on homosexuality both across religions and within denominations. Military leaders must lead all members without prejudice regardless of their religious or personal convictions.

In its recommendations for implementation, the USCGA white paper authors suggested five coequal components of a successful repeal process:

1. Consistent professional ethos and core values linkages.
2. Leader-led implementation at all levels.
3. Providing resources and tool sets to all leaders.
4. Focusing on unit cohesion and military effectiveness and readiness.
5. Assessment and leader accountability.

Finally, the USCGA white paper suggested that preparation, communication, and execution of the repeal process "should be based in the core values and professional ethos of the individual Services." Each Service should personalize its implementation plan in a way that demonstrates ownership of the process in the context of Service values and respect for human dignity.

United States Military Academy Office of Economic and Manpower Analysis (OEMA) white paper

In a April 28, 2010, white paper that predated the four Service Academy white papers, the United States Military Academy Office of Economic and Manpower Analysis (OEMA) provided a baseline analysis of implementation issues related to the repeal of Don't Ask, Don't Tell. Not surprisingly, OEMA's main contribution to the discussion was a focus on the process of assessing the impact of repeal on the force. In order to prepare for follow-on review, the OEMA report recommended collecting data on several metrics to provide the Department of Defense a pre-repeal, baseline measure.

The OEMA white paper offered a list of recommended implementation efforts based on their analysis, to include:

1. Leadership must provide unqualified and committed support for the policy change.
2. Any non-discrimination policy should be adopted in concert with regulations governing all behavior, regardless of sexual orientation.

3. Enforcement of the policy must be uniform.
4. Training in support of the policy should address inappropriate behaviors without reference to sexual orientation.

Finally, the OEMA white paper cautioned that whatever policy is ultimately adopted by the Department of Defense, the costs to military readiness of being reactive versus proactive can be significant. Therefore, early preparation for any potential change will assist in both the efficiency and the effectiveness of the change process. The report suggested that metrics collected pre-repeal will greatly assist in a proactive understanding of repeal issues. This position was echoed in the USNA white paper: "Once the Department of Defense gives the direction, we should be ready to make the change without delay."

Other Academic Literature Related to Don't Ask, Don't Tell

In addition to the Service academy white papers, the Working Group reviewed the 1993 RAND study, the 2010 RAND study, Parco and Levy's (2010) *Attitudes Aren't Free*, other academic writings on Don't Ask, Don't Tell; interacted with multiple groups such as the Brookings Institution/Palm Center Forum on the Experiences of Foreign Militaries; received inputs from interested groups; and issued multiple data calls. The total body of literature reviewed overwhelmingly converged on the four themes of leadership matters most, minimize management, communicate and educate, and promote strength through professionalism.

In addition to these four themes, the literature also suggested the following goals for each stage of the implementation process:

1. Goals of Pre-repeal.
 - a. Develop a strategic vision and a strategic communications plan.
 - b. Develop a plan for change (e.g., policy review, training/education materials).
 - c. Cultivate unified leadership committed to change.
 - d. Stress organizational values related to change (e.g., respect, team, integrity).
 - e. Emphasize preparation.
2. Goals of Implementation.
 - a. Publish revised policies, instructions, and regulations.
 - b. Roll-out education and training materials.
 - c. Ensure senior leaders and commanders brief change to the force, public, retirees, and other interested groups.

- d. Conduct specialized training for chaplains, JAGs, medical, counselors, recruiters, and personnel specialists.
 - e. Ensure standards of conduct are equally applied without reference to sexual orientation.
 - f. Emphasize behavior (not attitudes) and standards.
3. Goals of Sustainment.
- a. Conduct on-going assessment and adjustment.
 - b. Continue to train new personnel.
 - c. Manage resistance with ongoing education and swift, appropriate response to violations of standards.
 - d. Provide support to people most impacted by the change.
 - e. Monitor changes in Federal law and adjust as needed.
 - f. Emphasize a culture of respect and inclusiveness.

Conclusions

As mentioned earlier, the most frequently cited idea across all the data sources reviewed for this Support Plan was that successful transition depends on effective leadership. Leadership must be unified at all levels of the chain of command. Commanders must have the authority to effectively execute the change and be held accountable for its implementation. Several other ideas also emerged consistently across most of the data sources. Ultimately, these frequently-cited ideas are all variants of the Working Group's key message for successful implementation of a repeal: **Leadership-Professionalism-Respect**. Nonetheless, as the Department of Defense and the Services work to frame the change process from pre-repeal preparation through sustainment, there is value in noting a few more particularized concepts:

- A clearly articulated vision of what the Department of Defense expects as a result of repeal, should it occur, is an important part of the change process. An essential part of this vision is the ability to apply unifying military values, especially respect for all Service members, to the transition process.
- Many Service members' views about Don't Ask, Don't Tell have a strong religious and moral component. Religious pluralism is a core American value and Service members have a wide range of religious views on this issue. Service members will not be required to change their personal views and religious beliefs. They must, however, continue to respect and co-exist with others who may hold different views and beliefs, consistent with the core values that already exist within each Service.

- Each Service culture is unique and implementation must account for and align with Service core values.
- Unit cohesion is a leadership responsibility and leadership is the best way to mitigate potential cohesion problems.
- Respect strengthens the team and is the most important value associated with the effective inclusion of any new group. Respect does not mean agreement with a person's point of view. Respect does mean honoring a person's right to hold their point of view even if it differs from yours.
- Education and communication will be important aspects of the implementation process. Accurate and timely information is important. People want to know "What does this change mean to me?" Information that answers this very basic question will greatly assist in the implementation process.
- Focus on military readiness, cohesion, and effectiveness and keep sexual orientation a private matter as much as possible. Behavior consistent with the military mission should guide implementation.
- Focus on standards of behavior and not attitudes. Policies and standards should be sexual orientation-neutral, clearly worded, and equally enforced. The goal is equitable treatment for all without endorsing any particular point of view or belief system.
- Recurring assessments that measure performance and impact of repeal on military readiness, cohesion, and effectiveness are important.

Note on the Service Academy White Papers

The Service academy white papers occupy a unique position in the scholarship on military service by gays and lesbians in the United States, primarily because Service academies are responsible for developing future officers and preparing them for military leadership. The current legal and legislative landscape is unclear, but it is likely that this issue will be an ongoing source of debate among Service members as the broader national conversation about sexual orientation continues. Academy and ROTC students of today will be asked to lead any changes that may arise in the future, first as junior officers, and later as commanders and senior leaders. Current academy perspectives, therefore, have an important impact on leadership trends in the years ahead. Further, as educational institutions, the academy faculties represent some of the best thinking of the Military Services. The white papers not only provide a rigorous analytical approach to the issue of gay and lesbian service, but also reflect the breadth of first-hand command experience of senior military officers. For these reasons, the Support Plan draws on the analysis and conclusions of those papers to inform its approach to implementation.

III PRE-REPEAL STAGE

The pre-repeal stage would begin at the direction of the Secretary of Defense, prior to the enactment of any legislation that would bring about repeal of 10 U.S.C. § 654. During this stage, the Department of Defense and the Services would continue to review existing policies and issuances affected by repeal, and prepare new or revised issuances based on the recommendations in the Working Group's report, should the Secretary approve those recommendations. The Department of Defense and the Services would also develop education and training materials and communications plans that would be used in the implementation stage.

Because the pre-repeal stage assumes that no repeal legislation has yet been passed by Congress, this section focuses on actions that may appropriately be taken prior to Congressional action and while 10 U.S.C. § 654 remains in effect.

Key Implementation Message

As previously mentioned, the key message for successful implementation is **Leadership-Professionalism-Respect**. Among these three, leadership matters most. Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DoD policy to sustain unit effectiveness, readiness, and cohesion. All Service members must remember their professional military obligations and their oath to support and defend the U.S. Constitution. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion. Finally, each member of the unit must be treated with respect and dignity. A clearly articulated message of **Leadership-Professionalism-Respect** will enable any change in policy to be executed with minimal disruption to the force.

Pre-Repeal Overview

During the pre-repeal stage, the Department of Defense and the Services should prepare for repeal in four key areas: policies and regulations, education and training, leadership communication, and implementation assessment.

A. Legal, Policy, and Regulatory Issues

- Review and prepare for revision of necessary policies, regulations, and instructions affected by repeal.
- Review and prepare for required changes to the Uniform Code of Military Justice (UCMJ) and the *Manual for Courts-Martial* (MCM).
- Further study the fiscal impact and timing of repeal actions.

B. Education and Training

- Services draft initial training documents and lesson plans for specialty areas (e.g., judge advocates, chaplains, medical, personnel, recruiters) and the force.
- Services prepare content for Service member education (e.g., FAQs, leader toolkits, vignettes for issues related to repeal). Plan for distribution via various media: manuals, websites, and social media.
- Services develop training documents and lesson plans for BMT, officer accessions, professional schools, and other educational forums.
- Develop sexual orientation information for future incorporation into human relations and sexual assault prevention training programs as appropriate.
- Develop informational materials appropriate for distribution to military spouses, supporters, and families.

C. Leadership Communications

- Develop and articulate a clear leadership vision.
- Prepare memoranda to be issued by senior DoD and Service military and civilian leaders.
- Prepare press releases and senior leader talking points.
- Inform retired and active duty General Officer and Senior NCOs/CPOs on the Working Group study and recommendations.

D. Pre-Repeal Preparation for Implementation Follow-On Review

- Identify and begin to prepare appropriate monitoring mechanisms to measure the success of follow-through on repeal.

Pre-Repeal Analysis

A. Legal, Policy, and Regulatory Issues

The Working Group reviewed existing DoD policies, regulations, and UCMJ articles related to repeal and recommends the Department of Defense and the Services review the following and develop appropriate guidance in the pre-repeal stage:⁵

1. Separation for Homosexual Conduct

- DoDI 1332.14, *Enlisted Administrative Separations*, March 29, 2010, and DoDI 1332.20, *Officer Separations*, March 29, 2010, should be amended to eliminate homosexual conduct as a basis of separation.
- DoD discharge code for homosexual conduct should be deleted.
- Services should review any specific instructions or regulations regarding separations on the basis of homosexual conduct, along with any corresponding separation and re-enlistment codes.

2. Standards of Conduct

In the Working Group's engagements with the force many Service members questioned whether standards of conduct would be maintained after repeal of Don't Ask, Don't Tell. Many of these concerns were about conduct that is already regulated in the military environment, regardless of the sexual orientation of the individuals involved.

As such, the Working Group does not recommend an extensive set of new or revised standards of conduct in the event of repeal. Instead, the Working Group recommends that the Department of Defense issue generalized guidance that all standards of personal and professional conduct should apply uniformly without regard to sexual orientation. The Working Group also recommends that the Services review existing standards of conduct to ensure that they are sexual orientation-neutral and provide adequate guidance, to the extent each Service considers appropriate, in the following areas:

- Public Displays of Affection (PDA)
- Dress and Appearance
- Unprofessional Relationships
- Harassment

⁵ This is not intended to be an exhaustive list. The Working Group anticipates that there may be additional policies, directives, and instructions not identified here that require review and, where necessary, amendment or alteration.

The Working Group recognizes the uncertainty many Service members currently have about this issue and notes that commanders will be instrumental in providing clarity for their units where there may be confusion. Therefore, the Working Group strongly recommends that commanders rely on the FAQs and vignettes provided in this Support Plan to answer questions and communicate policies to Service members. In the event of repeal, leaders must ensure that all Service members understand that the military's current high standards of conduct will continue to apply to all Service members.

- Services should aim to ensure they have standards clearly addressing the responsibility of leaders, supervisors, and subordinate personnel at all levels to foster unit cohesion, good order and discipline, respect for authority, personal safety, and mission accomplishment.
- Leaders at all levels should understand that repeal does not change their duty to ensure the impartial administration of standards of conduct. In cases where conduct is prohibited, leaders should be expected to take unbiased corrective or disciplinary action as necessary to preserve good order and discipline, unit cohesion, morale, military readiness, and combat effectiveness.
- Service members should understand they will be held accountable for their behavior without regard to sexual orientation.

3. Moral and Religious Concerns

In the Working Group's engagements with the force, a large number of Service members expressed religious and moral objections to homosexuality or to serving alongside someone who is gay. Some feared repeal of Don't Ask, Don't Tell might limit their individual freedom of expression and free exercise of religion, or require them to change their personal beliefs about the morality of homosexuality. The concerns expressed by the force, including the concerns of many in the community of 3,000 military chaplains, should not be downplayed.

In today's U.S. military, people of very different moral values and religious convictions already co-exist, work, live, and fight together on a daily basis. Policies regarding Service members' individual expression and free exercise of religion already exist and are adequate. Therefore, the Working Group does not recommend any policy change regarding Service members' exercise of religious beliefs, nor has it recommended any change to policies on the chaplains corps and its duties. Service members, to include chaplains, will neither be encouraged nor required to change their personal views and religious beliefs; they must, however, continue to respect and serve with others who hold different views and beliefs. Specially for chaplains, the existing guidance developed by and for our chaplains, should be reiterated as part of any education and training concerning repeal. These regulations strike an appropriate balance between protecting a chaplain's First Amendment freedoms and a chaplain's duty to care for all.

4. Equal Opportunity

The Working Group does not recommend that the Department of Defense place sexual orientation alongside race, color, religion, sex, and national origin as a class eligible for various diversity programs, tracking initiatives, and the Military Equal Opportunity program complaint resolution processes. Instead, if a Service member experiences inappropriate interpersonal behavior where sexual orientation is a factor, he or she should use existing (non-MEO) mechanisms to file the proper complaint.

The Working Group recommends that, in a post-repeal environment, gay and lesbian Service members be treated under the same general principles of military equal opportunity policy to “promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible” and to evaluate Service members “only on individual merit, fitness, and capability.”

The Department of Defense should issue guidance on the prevention of discrimination, harassment, or abuse based on sexual orientation.

- Sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making.
- Gay and lesbian Service members, like all Service members, shall be evaluated only on individual merit, fitness, and capability.
- Harassment or abuse based on sexual orientation is unacceptable.
- All Service members are to treat one another with dignity and respect regardless of sexual orientation.

The Department of Defense and the Services should ensure that MEO policies are clearly communicated to the force so Service members and leaders understand the proper manner in which to process discrimination complaints related to sexual orientation issues.

The Department of Defense should review its current MEO Program as established in DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, August 18, 1995, to discuss how allegations based on harassment and “sex stereotyping” are actionable under the DoD MEO program, to the extent these allegations are based on gender (sex) as opposed to sexual orientation.

The Department of Defense should consider whether to issue guidance on how to process Service member complaints alleging discrimination based on sexual orientation. Any such guidance should discuss the distinction between complaints based on sexual orientation and complaints based on sexual harassment or sex stereotyping (gender) which are actionable under DoD MEO.

Defense Equal Opportunity Management Institute (DEOMI) should draft additional fact-based vignettes to supplement those in Appendix D in order to aid leaders in identifying and resolving discrimination-based complaints on “sex stereotyping” and “sexual orientation.”⁶

All Service MEO programs should be reviewed to ensure consistency regarding discrimination based on “sex stereotyping” and/or “harassment.”

5. Collection and Retention of Sexual Orientation Data

The Working Group does not recommend any new guidance. The Department of Defense and the Services should continue their policy against requesting, collecting, or maintaining information about the sexual orientation of Service members.

6. UCMJ

The Working Group recommends that the Department of Defense proceed with the Joint Service Committee (JSC) proposals to seek repeal of Article 125 of the UCMJ in its entirety and to amend Article 120 of the UCMJ to include forcible sodomy and sodomy offenses against children. The Department of Defense should also proceed with the JSC’s related proposal to amend the *Manual for Courts-Martial* (MCM) to include other aspects of Article 125 not barred by Federal court decisions (e.g., sodomy that is Service discrediting) in the punitive offenses section of the MCM under Article 134.

Additionally, the Working Group recommends the JSC review all other UCMJ offenses involving sexual conduct or inappropriate relationships to ensure sexual orientation-neutral application. For example, the offense of adultery defined in the *Manual for Courts-Martial* should be revised to apply equally to heterosexual and homosexual sex that is engaged in by or with a married person.

7. Privacy and Cohabitation

In most of the Working Group’s engagements with the force, a large number of Service members expressed their discomfort with sharing bathroom facilities or living quarters with those they know to be gay or lesbian. Leaders at all levels should be aware of the frequency and intensity of discussion on this topic, and the broad range of views that exists among Service members. As with standards of conduct, leaders should rely on the FAQs and vignettes provided in this Support Plan to answer questions and communicate policies to the force. The Working Group recommends that the Department of Defense prohibit the creation of separate bathroom and shower facilities based on sexual orientation. Besides being logistically impractical, “separate but equal” facilities would wrongly isolate and stigmatize some Service members. Consistent with

⁶ DEOMI assisted in the development of the vignettes in the Appendix D.

the military mission, commanders retain their authority to alter berthing or billeting assignments and may accommodate privacy concerns of individuals on a case-by-case basis.

Therefore, the Working Group recommends that:

- The Department of Defense prohibit berthing or billeting assignments based on sexual orientation, except that commanders should retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of mission.
- The Department of Defense prohibit the designation of separate bathroom or bathing facilities based on sexual orientation except that commanders would have the authority to accommodate privacy requests on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of mission.

8. Benefits

For reasons laid out in the recommendations section of the Working Group's report, the Working Group recommends that the Department of Defense not create a new status of "committed relationship" applicable to same-sex relationships for the purpose of benefits eligibility at this time. The issue of benefits eligibility is very complex and is part of the ongoing national political and legal debate concerning same-sex relationships and gay marriage. The Working Group recommends that the Department of Defense and the Services continue to treat all Service members not in a federally recognized marriage as "single Service members" for benefits purposes. However, to ensure all Service members have the support of important people in their lives—be they a spouse, long-time partner, parent, or friend—the Working Group recommends that the Department of Defense and the Services review those benefits that may, where justified from a policy, fiscal, and feasibility standpoint, be revised to give the Service member the discretion to designate a person or persons of their choosing as a beneficiary. By extending these benefits and resources, the Department of Defense would enhance the vital role that a Service member's supporters can play in enabling them to accomplish the mission, especially during times of deployment stress.

Service members can currently designate beneficiaries of their choosing for several benefit and notification purposes. Federal law and DoD Instructions often establish the priority for the distribution of benefits and notifications for

Service members. For married Service members, the Service member's spouse is typically the first beneficiary, followed by children, parents, and then other relatives in the priority set by law. For single Service members, the typical order is children, followed by parents, and then other relatives. However, all Service members may designate other people to receive some benefits and notifications. These designations are usually made on the Service member's DD Form 93, *Record of Emergency Data* (RED) and the Servicemembers' Group Life Insurance (SGLI) Policy. Service members may want to designate permissible benefits to someone other than a person in the priority list set by law. This could include an unmarried partner, significant other, friend, or distant relative. Service members must be diligent to ensure their desired beneficiaries are properly documented in the event the Service member dies or goes missing while serving. As such:

- The Department of Defense and the Services should ensure benefit-related administrative processes and educational materials are sufficient to provide Service members with the information they need to properly designate beneficiaries and ensure that people they designate receive proper notification in the event the Service member dies or goes missing while serving.
- Commanders and other leaders should proactively counsel subordinates on the need to keep emergency data current. A thorough review of all emergency data must be conducted on a regular basis and prior to any deployment.
- Table 1 lists benefits the Working Group identified for which Service members can currently designate to a beneficiary of his or her choosing. This may not be an exhaustive list. The Working Group recommends that the Department of Defense and the Services study other possible benefits and beneficiary designations that currently exist.
- The Department of Defense and the Services should determine what other additional benefits and beneficiary designations could be extended to supporters of single Service members as allowed by law and where justified by policy, fiscal, and feasibility considerations.

Table 1. Benefits for Which Service Members Can Currently Identify a Beneficiary of His or Her Choosing

Benefit	Eligibility
<ul style="list-style-type: none"> • Service members' Group Life Insurance (SGLI) – Eligible Beneficiary • Veterans' Group Life Insurance (VGLI) – Eligible Beneficiary 	<p>A Service member can designate anyone to receive SGLI/VGLI payments if properly designated as a beneficiary. If undesignated, a person might only receive as a residual beneficiary if authorized by law. (38 USC §§ 1965-1980A)</p>
<ul style="list-style-type: none"> • Post Vietnam-Era Veterans Assistance Program (VEAP) • All-Volunteer Force Educational Assistance (VEA) Program (Montgomery G.I. Bill – Active Duty), Death Benefit 	<p>A Service member can designate anyone to receive unused contributions if properly designated as an SGLI beneficiary. (38 USC §§ 3201-43 and 38 USC §§ 3011-3020)</p>
<ul style="list-style-type: none"> • Beneficiary for Death Gratuity • Beneficiary for Final Settlement of Accounts: Deceased Members (Pay and Allowances) 	<p>A Service member may designate on the DD Form 93 a person or persons of their choosing to receive the full value of this benefit. (10 USC § 1477 and 10 USC § 2771; Implemented by DoDI 1300.18)</p>
<ul style="list-style-type: none"> • Survivor Benefit Plan (SBP) 	<p>A Service member may designate anyone to receive the retirement annuity if the Service member is not married and does not have a dependent child. (10 USC §§ 1447-1455; Implemented by DoDI 1332.42)</p>
<ul style="list-style-type: none"> • Rights Regarding Care, Management, and Transition of Recovering Service Member (Wounded Warrior Act) 	<p>A Service member can appoint anyone as a designated caregiver for a wounded Service member during recovery. (Pub Law 110-181 Secs 1601 - 1676; Implemented by DODI 1300.24)</p>
<ul style="list-style-type: none"> • Thrift Savings Plan (TSP) Beneficiary Designation 	<p>A Service member can designate anyone as a beneficiary. (See Chapters 83-4 of Title 5.)</p>
<p>Notes:</p> <ol style="list-style-type: none"> 1. Eligibility always follows a priority set by law unless otherwise properly designated by the Service members. Service members should always confirm the proper designation of all benefits with the appropriate installation personnel. 2. Federal law will not permit an unmarried partner to qualify as a "spouse," "widow," or "widower." 3. Unused benefits not properly designated by the Service member will follow the priority set by law for each benefit. 	

9. Medical Policy

The Working Group has assessed that, in the event of repeal, there will be no change in the safety of the blood supply and no significant change in overall HIV prevalence. Consistent with the letter provided to the Working Group by the Surgeons General of the military departments, the Working Group recommends no new policies or modifications to existing medical policies.

10. Accessions and Recruiting Policy

As stated in item 5 above, it is the policy of the Department of Defense and the Services not to ask applicants for entry into military service to reveal their sexual orientation. The Working Group does not recommend any change to this policy.

- All recruiting and accession instructions of Service members should be changed to remove references to homosexual conduct as a basis for administrative separation or for denial of entry into military service. In particular, appropriate portions of DoD Instruction 1304.26 should be deleted.
- Recruiter training should continue to include a section addressing the prohibition on requesting or collecting information regarding applicants' sexual orientation.
- Interaction with the public is a fundamental part of recruiters' mission. Therefore, recruiters should be prepared to answer questions on repeal that they will inevitably receive from potential recruits and in public venues.
- Language pertaining to administrative separation for homosexual conduct should be removed from briefings given to applicants for enlistment and appointment regarding separation policy and personal conduct in the Military Services.
- Policies derived from subsection (c) of 10 U.S.C. § 654 requiring every applicant be briefed on the homosexual conduct prohibition in the Military Services, should be deleted or amended and relevant references from the periodic briefing requirement for enlisted members should be removed.
- The policy to brief every applicant for enlistment on personal conduct while at the Military Entrance Processing Station (MEPS) should be updated to reflect changes.⁷
- USMEPCOM Form 601-23-5-R-E, *Introductory Pre-Accession Interview* (requiring applicant to affirm he/she has been briefed on DoD separation policies and restrictions on personal conduct) should be updated as necessary.

⁷ MEPS personnel are required to administer the DoD Applicant Briefing on Separation Policy and Restrictions on Personal Conduct in the Military Services, USMEPCOM Form 601-23-4-E, to all applicants processing through MEPS for enlistment.

- DoD Applicant Briefing on Separation Policy and Restrictions on Personal Conduct in the Military Services for Officer Candidate School personnel should be amended.
- DoD Directive 1322.22, requiring each Service cadet or midshipman be briefed on separation policies within 72 hours of reception should be amended as appropriate.

11. Re-Accession

The Working Group recommends that the Department of Defense issue guidance to the Services permitting Service members previously separated on the basis of homosexual conduct to be considered for reentry, assuming they qualify in all other respects.

- Prior service personnel who meet all qualifying conditions and were discharged solely on the basis of homosexual conduct under 10 U.S.C. § 654 should have the same opportunity for reentry as other similarly qualified prior Service personnel.
- The fact that the basis of the separation was homosexual conduct should not be considered to the detriment of the applicant. If, however, there are reasons for discharge other than just homosexual conduct, these may be considered in the way they would for any other Service member. For example, a separation that resulted in an "other than honorable" characterization of service would disqualify a previously-discharged Service member from reentry under this policy recommendation.
- The Department of Defense should leave to the discretion of each Service how to change reentry codes in some uniform manner or, alternatively, to issue guidance to ensure that a disqualifying reentry code on a DD Form 214 will not prohibit consideration of a candidate qualified for reentry. (Some prior Service personnel may desire the DD Form 214 to remain historically accurate.)
- The Department of Defense and the Services should process claims for redress by Service members previously separated under 10 U.S.C. § 654 according to policies and procedures applicable to all prior Service members (i.e., through Service Boards for Correction of Military Records and Discharge Review Boards).
- The Department of Defense should coordinate with the Department of Veterans Affairs to determine if any veteran benefits for Service members separated under 10 U.S.C. § 654 need to be reinstated.

12. Release from Service Commitments

The Working Group does not recommend additional policies or procedures to allow for release from service commitments for Service members opposed to repeal of 10 U.S.C. § 654 or to serving and living with gay and lesbian Service members.

- Service members may request to be voluntarily discharged under the Military Department Secretary's plenary authority. Under current policy, such discretionary discharge may only be granted when the Military Department Secretary has determined the early separation would be in the best interest of the Service.
- If a chaplain is unable to reconcile serving with or caring for gay and lesbian Service members with his or her faith, the chaplain may request that the relevant endorsing agency withdraw its ecclesiastical endorsement for him or her. This would trigger an administrative separation under DoDI 1304.28.

13. Family Readiness

Benefits and services are discussed in item 8 above. In addition, the Department of Defense and the Services should publish information to military spouses and families about repeal. The Working Group asked military spouses to identify how they would like to receive information about repeal. The responses to that question are presented in Table 2:

Table 2. Spouse Preferences for Information on Repeal from the Spouse Survey	
Question 11. If Don't Ask, Don't Tell is repealed, the military will want to prepare and assist spouses in understanding the new policy. How would you like the military to provide you with information on the new policy? MARK ALL THAT APPLY.	
	Overall
No special activities or communications would be necessary	43.0%
Distribute printed information to spouses about repeal	37.4%
Provide information about the repeal on military Web sites	34.3%
Have interactive chats available on line to answer questions from Service member spouses	8.2%
Conduct information sessions on bases and installations about repeal	13.5%
Provide information through military chaplains trained to work with spouses and family members on repeal	14.5%
Provide information through other military counselors trained to work with spouses and family members on repeal	14.1%
Provide information through Family Readiness Group/Work-Life Program leaders trained to work with spouses and family members on repeal	21.2%
Offer courses to spouses on how to discuss repeal within their families	9.1%
Other	3.6%

Based on these results and engagements with the force and military spouses, the Working Group recommends that the Department of Defense and the Services provide information to spouses and families as follows:

- The largest percentage of spouses who indicated they would like information about repeal would like printed or web-based materials. Family readiness personnel could use information in the appendices of this Support Plan to develop printed information for distribution to military families. This information should also be posted to military family websites (e.g., MilitaryOneSource.com).
- Family support staff, including counselors and military chaplains, should be trained to assist Service members and their families in discussing issues related to repeal. Links to helpful resources for talking to children and youth about repeal and sexuality could be placed on military family websites.
- The ability to send in questions to the Department of Defense and Service experts on repeal would help ensure accurate information is available.
- Place links to web-based resources in printed materials. Wallet-cards could be an efficient and cost-effective manner to advertise web site locations.

B. Pre-Repeal Education and Training

The Department of Defense and the Services should begin to prepare education and training programs for the force in the pre-repeal stage. The Working Group developed a framework for education and training with three tiers of education, each targeted towards different categories of DoD personnel for the most efficient distribution of information.⁸ A tiered approach to education and training will enable the Services to tailor information to a Service member's position, occupational specialty, and level of responsibility:

Tier 1 (Expert Level). Material targeted toward Service members responsible for administration or policy implementation, or whose occupation specialty requires that the Service member needs to understand the implications of any policy change. At a minimum this includes: judge advocates and civilian lawyers, chaplains, recruiters, personnel specialists, military law enforcement personnel, military criminal investigators, family support staff, military equal opportunity advisors, and health services personnel.

Tier 2 (Leader Level). Material targeted toward Service members in leadership positions who are responsible for maintaining standards of conduct, good order and discipline, and military effectiveness. At a minimum this includes: senior leaders (general/flag officers and senior executive service), commanding officers, chief

⁸ A complete description of the recommended education and training guide developed by the Working Group is located in Appendix B. The Working Group relied on the expertise of Service Headquarters Training leadership, Service Academy and War College academic leadership, OUSD(P&R) representation, and DEOMI leadership to identify the training requirements associated with the Working Group recommendations.

warrant officers, senior enlisted advisors, senior non-commissioned officers and chief petty officers, and civilian supervisors.

Tier 3 (Service Member Level). Material designed for all members of the Military Services, to be distributed as soon as practical after passage of legislation and prior to the effective date of repeal, and during accessions training for all personnel. At a minimum, all Service members should be briefed on the new policy and expectations of personal conduct in the military.

Education and training guidance at Tiers 1 and 2 should include more detailed information for senior leaders, commanders, and personnel responsible for implementing policy and should be more detailed than the general guidance provided to all Service members in Tier 3. As currently envisioned, Tiers 1 and 2 are discretionary requirements provided on a “need to know” basis, while Tier 3 is mandatory to ensure the education and training of all personnel on policies and standards of conduct. Effective education and training ensures that Service members have uniform, clear information, which allows them to follow new policy readily. The Department of Defense and the Services should prepare much of the education and training in the pre-repeal stage in order to enable execution of education and training in the implementation stage prior to the effective date of repeal.

- The education and training framework sets out what training must be provided, to whom, and the appropriate level of detail. The question of how to conduct the training should be left to Service training commands as much as possible.
 - The framework (see Appendix B) is organized in tiers, each tier describing the target audience, learning objectives, training guidance, and measures of effectiveness for the policy topic at issue.
- Much of the Level 1 and 2 training would occur as early as practical in the implementation stage, after the development of policies, to ensure that personnel responsible for executing those policies are adequately prepared. Tier 3 training should be rolled out to the force as soon as possible prior to the effective date of repeal.
- The Department of Defense and the Services must ensure that deployed troops receive adequate training quickly and without disrupting combat operations. The Working Group recommends that Service members deployed to a combat zone be informed about the basics of the change in policy and the key message of **Leadership-Professionalism-Respect**. The message to these troops must not degrade the combat mission but must succinctly and clearly inform troops of the new policy and the expectations for respecting all members of the force. Additional recommendations on education and training of deployed troops are located in section IV (Implementation Stage).

- The Department of Defense and the Services must also ensure that personnel in Special Duty assignments (e.g., fellowships, joint assignments, and attaché duty) are informed of the change in policy expeditiously.
- Recommendations for training content are included in the Recommended Training and Education Framework, Leaders' Implementation Guide, vignettes, and FAQs (see Appendices B–D). During the pre-repeal stage the Services should adapt this material to their Service culture.
- For some specialty areas, especially combat arms, greater proportions of those surveyed expressed concerns about the impact of repeal. Training personnel should be aware of particular areas of concern and the concerns of particular specialties within the force (as described in the survey, assessment, and recommendations sections of the report) when they develop lesson plans and educational materials.

C. Pre-Repeal Leadership Communication

Communication from DoD leadership should consistently reinforce that, unless and until Don't Ask, Don't Tell may be repealed, homosexual conduct remains a basis for administrative discharge and existing policies remain in effect. This section recommends an approach to communications based on the findings of the Working Group.

1. Pre-Repeal Internal Leadership Communication

- Should repeal occur, leadership will be the best predictor of successful transition.
- Leaders throughout the chain of command should be familiar with the concerns voiced to the Working Group during its engagements with the force.
- Senior leaders should actively explain to Service members the Working Group process, findings, and recommendations.
- Senior leaders should reinforce professional military values such as respect for human dignity, integrity, and selfless service so that the force is best prepared for repeal should the law change.

2. Public Communication

In addition to internal communications for the force, leadership should prepare to engage with the public, media, and key constituencies like veterans' groups, Service academy graduate organizations, and advocacy groups that provided input to the Working Group. The message should emphasize that, with or without repeal, exemplary behavior is expected from all personnel and the professional focus of the Services will remain on combat readiness. Talking points should be prepared for leaders and targeted for different audiences, consistent with the law and with the President's and Secretary of Defense's intent and vision.

D. Pre-Repeal Preparation for Implementation Follow-on Review

The Department of Defense should establish baseline metrics for post-repeal review and an ongoing program to monitor military effectiveness and the workforce climate after repeal to ensure continued success in implementation, as specified in the Working Group's Terms of Reference.

- In keeping with the theme of minimizing impact on the force, the Working Group recommends that, to the extent possible, assessments be incorporated in existing surveys such as the DEOMI Organizational Climate Survey (DEOCS) and DoD IG processes. (See Appendix E.)
- The Working Group does not anticipate the need for an extensive survey similar to the surveys conducted during the preparation of this report. DEOMI and Service MEO specialists should be consulted to provide subject-matter expertise on effective DoD-wide and Service-specific monitoring approaches.

Summary

During the pre-repeal stage, the primary goals are the preparation of: 1) the necessary policies, regulations, and instructions required to implement a repeal; 2) the education and training plans that will best inform Service members and their families of the changes a repeal would bring; and 3) communications plans to be used during the implementation stage. Preparations that the Department of Defense and the Services make beforehand will enable an efficient implementation, should 10 U.S.C. § 654 be repealed. During this period, the Don't Ask, Don't Tell law and policy remain in effect, and the Department of Defense is obliged to and will enforce the law.

IV IMPLEMENTATION STAGE

The implementation stage would begin upon the enactment of legislation bringing about repeal of 10 U.S.C. § 654, should such legislation be enacted. This stage would last until some point after the effective date of repeal, once the roll-out of new policies has been completed. During the implementation stage, prior to the effective date of repeal, the Department of Defense and the Services would finalize the policy revisions started during the pre-repeal stage. Education and training programs necessary to prepare the force for repeal and to communicate the upcoming policy changes would then begin. Upon the effective date of repeal, the Department of Defense and the Services would put any new or revised policies into effect.

The Department of Defense and the Services must be mindful during this stage that, until the effective date of repeal, 10 U.S.C. § 654 and associated policies remain in effect, and, as such, homosexual conduct remains a basis for separation from military service. Depending on the provisions of the legislation enacted, the Department of Defense and the Services may need to adapt the content of this section.

Throughout the implementation stage, leaders should focus on the key message of **Leadership-Professionalism-Respect**. Committed, joint leadership will be the most important catalyst for success. Leaders must emphasize the professionalism of the force, and promote respect among Service members to execute the new policy effectively.

Implementation Overview

RAND's approach to implementation in its 2010 report is consistent with the Working Group's recommendations. The implementation chapter in the RAND report is a good supplement to this Support Plan that leaders, trainers, and planners may find useful in their preparation for repeal. Specifically, the following four activities are helpful in framing an execution strategy:

A. Update and Publish Policies

Policy changes drafted by the Department of Defense and the Services should be distributed quickly. These initial policies may need revision as implementation is executed.

B. Communicate the Change

Information should also be straightforward and communicated swiftly to the force. The vision for the Department of Defense should be clearly articulated and standards should be unambiguous and orientation neutral to the extent possible. A central idea that leaders should promote is that the new policies require changes in behaviors, not attitudes.

C. Provide Training

Training should be efficient and should not burden the force. Expectations for behavior should be clearly stated. Training should answer the question most Service members will ask during any change process: "How will this change affect me?" Special attention should be paid to providing education and training for deployed forces in a manner that does not impede their operations.

D. Emphasize Key Implementation Message

Leaders should promote and continually reaffirm the key implementation message: **Leadership-Professionalism-Respect** during implementation.

Implementation Analysis

A. Update and Publish Policies for Implementation

Listed below are legal, policy, and regulatory action items that the Working Group recommends the Department of Defense and the Services consider during the Implementation Stage:

1. Separation for Homosexual Conduct

- Publish new versions of DoDI 1332.14, *Enlisted Administrative Separations* (March 29, 2010), and DoDI 1332.20, *Officer Separations* (March 29, 2010), reflecting the elimination of homosexual conduct as a basis of separation.
- Publish regulations eliminating the separation code for homosexual conduct and provide guidance on how to interpret DD-214s.
- Services publish amendments to Service-specific instructions or regulations regarding separations on the basis of homosexual conduct, along with any corresponding changes to separation and re-enlistment codes.

2. Standards of Conduct

- The Department of Defense should issue generalized guidance that all standards of personal and professional conduct shall apply uniformly without regard to sexual orientation. The Department of Defense should also instruct the Services

to review their policies on standards of conduct to ensure that they are sexual orientation neutral and provide adequate guidance, to the extent each Service considers appropriate, on the following topics: public displays of affection (PDA), dress and appearance, unprofessional relationships, and harassment.

- Service standards should clearly address the responsibility of leaders, supervisors, and personnel at all levels to foster unit cohesion, good order and discipline, respect for authority, and mission accomplishment.

3. Moral and Religious Concerns

- Current DoD and Service policies on Service members' ability to freely exercise their religious beliefs are adequate. The Working Group does not recommend any new policies with respect to Service members' religious practices; however, the Department of Defense and the Services should continue to educate Service members on these policies.
- The Service should reiterate the principle that chaplains, in the context of their religious ministry, are not required to take actions inconsistent with their religious beliefs, but must continue to care for all Service members, and that evaluation, promotion, and assignment of chaplains will remain consistent with these long-standing principles.

4. Equal Opportunity

- The Department of Defense should issue guidance on the prevention of discrimination, harassment, or abuse based on sexual orientation, to include the following:
 - Sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making.
 - Gay and lesbian Service members, like all Service members, shall be evaluated only on individual merit, fitness, and capability.
 - Harassment or abuse based on sexual orientation is unacceptable.
 - All Service members are to treat one another with dignity and respect regardless of sexual orientation.
- The Department of Defense and the Services should issue appropriate policy guidance reaffirming DoD's commitment to promoting "an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible" and prohibiting the evaluation of Service members on bases other than "individual merit, fitness, and capability," within the confines of the law and existing DoD policy.
- Execute new training requirements to include updates to existing MEO training, Prevention of Sexual Harassment (POSH) training, UCMJ training under UCMJ Article 137, complaint procedures under UCMJ Article 138, and Sexual Assault Response Coordinator (SARC) training.

- Services should review and update existing Service MEO programs to ensure that they are consistent with the updated DoD program. Consider:
 - Means of referring complaints of discrimination/harassment based on sexual orientation to leadership, to include level of commander discretion to either initiate investigation (command investigation, IG investigation) or resolve without an investigation using techniques of conflict resolution.
 - Methods to refer complaints of harassment to military law enforcement for criminal investigation, where appropriate.
 - Use of existing MEO resources to investigate complaints that allege same-sex harassment or “sex stereotyping” as opposed to discrimination based on sexual orientation.
- Commanding Officers should be trained on the possible implications for failing to take action on complaints that allege discrimination based on sexual orientation.

5. Collection and Retention of Sexual Orientation Data

- The Working Group recommends no new policies. The Department of Defense and the Services should continue their policy against collecting or retaining information on Service members’ sexual orientation.

6. UCMJ

- The Department of Defense should proceed with the Joint Service Committee (JSC) proposals to seek repeal of Article 125 of the UCMJ in its entirety and to amend Article 120 of the UCMJ to include forcible sodomy and sodomy offenses against children. The Department of Defense should also proceed with the JSC’s related proposal to amend the *Manual for Courts-Martial* (MCM) to include other aspects of Article 125 not barred by Federal court decisions (e.g., sodomy that is Service discrediting) in the punitive offenses section of the MCM under Article 134.
- JSC should continue to review all other UCMJ offenses involving sexual conduct or inappropriate relationships to ensure sexual orientation-neutral application, and take actions as appropriate.
- Update MCM training materials as necessary.

7. Privacy and Cohabitation

- The Department of Defense should issue guidance prohibiting berthing or billeting assignments being based on sexual orientation, except that commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of mission.

- The Department of Defense should issue guidance prohibiting the designation of separate bathroom or bathing facilities based on sexual orientation except that commanders have the authority to accommodate privacy requests on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of mission.

8. Benefits

- Where it is permissible to do so under existing statutory definitions and where justified by policy, fiscal, and feasibility considerations, the Department of Defense should redefine the eligibility for benefits and/or support resources to allow Service members to designate a beneficiary or supporter of their choosing. (See "Benefits" in section III.)
- The Department of Defense and Services should continue to study extension of benefits in accordance with the law.
- The Department of Defense should provide clear guidance on benefits to all Service members so they have the information needed to properly designate beneficiaries for relevant benefits, including notification to appropriate family or support persons in the event the member dies or is missing.

9. Duty Assignments

- The Department of Defense and Services should develop and implement the appropriate guidance on lawful and unlawful behaviors for individual countries for pre-departure briefings when Service members are traveling to OCONUS assignments.
- The Services should make voluntary counseling available to gay and lesbian Service members on issues relating to same-sex partnerships and family relationships in various U.S. jurisdictions and foreign countries.

10. Accessions and Recruiting Policy

- The Department of Defense and the Services should ensure that recruiters, Military Entrance Processing Command personnel, Service Academy Liaison Officers and other accessions and recruiting personnel understand accessions and recruiting policies as described in "Accessions and Recruiting Policy" in section III.

11. Release from Service Commitments

- Services should communicate to the force that no new procedures will be developed for the early separation of Service members based on opposition to repeal or to serving and living with gay and lesbian Service members. Service members may request to be voluntarily discharged under the Military Department Secretary's plenary authority, which will be granted only when the Secretary has determined the early separation would be in the best interest of the Service.

12. Family Readiness

- Publish and distribute printed materials on repeal to family support organizations, counseling centers, pediatric clinics, family practice clinics, and other areas frequented by military families.
- Publish information for families on appropriate websites (e.g., MilitaryOneSource.com) and social media sites (e.g., Facebook.com).
- Ensure family support staff, including counselors and military chaplains, are prepared to assist Service members and their families in discussing issues related to repeal.

13. Re-Accession

- Services review and publish regulations pertaining to Service Boards for Correction of Military Records and Discharge Review Boards as required.
- Services, in consultation with OUSD(P&R), issue guidance to their military personnel commands detailing necessary changes to separation codes to be executed promptly.
- Services should develop a communication plan to inform former Service members about the Department of Defense and Service policies regarding re-accession, as well as separation and reentry codes. This plan should include communications to the public to assist previously separated Service members, whose records were completed using pre-repeal codes.

14. Follow-On Review

- Identify new or existing review and monitoring processes (see Appendix E) that the Department of Defense and the Services can use to collect appropriate data to analyze success in implementing repeal.
- Establish a program of ongoing review of the implementation of repeal, to include reviewing and updating policy related to same-sex partner benefits when appropriate.

B. Implementation Communication

The senior leader communication announcing the change in policy should be clear and candid. All communications should capture the broader strategic vision and be grounded in professional military values such as respect, integrity, and service. Leaders at all levels of the chain of command must deliver consistent messages about the change in policy. Recommended talking points for leaders are provided in Appendix A to assist in developing and delivering the message. Tools for leaders and Service members such as the Leadership Implementation Guide (see Appendix C) and the FAQs and vignettes (see Appendix D) should also be disseminated quickly to provide accurate information about the change as soon as practical.

The Department of Defense should develop and execute an overarching communications plan that delivers a consistent message tailored to the wide range of interested parties. Interested parties will include uniformed Service members (both active and reserve), DoD civilians, family members, retirees and veterans, Veteran Service organizations, advocacy groups, and potential recruits. Central to this communications plan will be the vision and a statement from senior leaders explaining the rationale for repeal and the related policy changes.

Behaviors, not attitudes. Part of the communicated message should be a focus on behaviors rather than private attitudes, which will help promote unit cohesion and military effectiveness in environments of diverse opinions.

The Working Group recognizes that some Service members object to the repeal of Don't Ask, Don't Tell on religious or moral grounds. The Department of Defense and the Services should emphasize that no Service member is being asked to change his or her personal beliefs as a result of repeal of Don't Ask, Don't Tell. The United States is characterized by great diversity of religious and spiritual practices; it follows that there is diversity of opinion on homosexuality. Focusing on behaviors not attitudes will allow for this diversity of personal opinion while also leading to the most successful and least disruptive implementation of policy change.

Military leaders must lead all members without prejudice regardless of their religious or personal conviction, and Service members are expected to act professionally at all times even when they strongly disagree with another Service member's beliefs or sexual orientation. All personnel are subject to uniform standards of conduct as published by their Service and their Commands. Harassment and discrimination will not be tolerated.

C. Provide Implementation Education and Training

As discussed in the previous section, Services should provide specialty (Tier 1) and leadership (Tier 2) training as early as practical in the implementation stage, after the development of policies.⁹ Tier 3 training for all members of the force should occur as soon as practical after leadership is trained on the new policies.

It is important that leaders and specialists be the first to be trained so the force will receive a consistent and accurate message about repeal. Methods of training delivery are left to the discretion of the individual Service training commands.

Education and Training for Deployed Forces. The U.S. military has forces deployed worldwide in a variety of high stress assignments such as battlefields in the CENTCOM AOR, Training Teams in South America and Africa, and U.S. Embassy Guards. Training and education for deployed forces must not in any way impede the operations of forces directly engaged with the enemy. When training is delivered to

⁹ See Appendix B for the Working Group recommended training framework.

deployed forces, it must be concisely written and efficiently delivered. Commanders ensure minimum disruption by keeping the training requirement for all Service members simple, and this requirement is even more critical the closer the Service member is to the fight.

Commanders should become familiar with the information in the Leadership Implementation Guide, FAQs, and vignettes as they apply to deployed troops. Information that is applicable only to garrison settings, such as base housing assignments, should be omitted from training until the force returns to a garrison setting. The Services should include a training session on omitted information when deployed Service members return to garrison.

Combatant commanders must ensure that Service members have the information from their chain of command before hearing about it on the news or other social and media outlets. Leaders should use the Leadership Implementation Guide, FAQs, and vignettes to prepare their message to the troops. At a minimum, all Service members must understand the expectations for exemplary conduct and the key elements of the policy change. (See the Tier 3 training requirements in Appendix B.) The best place to start with the expectations for exemplary conduct is to emphasize the key implementation themes of **Leadership-Professionalism-Respect**.

The key elements to be communicated to deployed Service members should include the following:

- The Department of Defense will no longer separate service members solely for engaging in homosexual conduct.
- The Department of Defense will not require anyone to disclose their sexual orientation.
- Local commanders are authorized to determine potential privacy requirements and accommodations based on mission and supportability.
- All Service members are expected to conduct themselves in a professional manner that maintains good order and discipline within the force.
- All Service members will treat each other with dignity and respect in keeping with Service core values.
- Leaders at all levels will comply with this change in policy and establish a climate that fosters tolerance and respect of all individuals within their command.
- Any issues or questions about the policy change should be handled through respective Service member's chain of command.
- Harassment or violence towards another Service member will not be tolerated and will be swiftly and appropriately dealt with.

Finally, when units return to their forward operating base and have an opportunity to further consider the change in DoD policy, front line leaders must proactively address issues and concerns with their troops as soon as they are able. Leaders must be comfortable with the information in the FAQs and vignettes in order to discuss concerns of their troops when behind the wire and have free time on their hands. The most likely place for incidents of harassment and abuse is when Service members have disengaged from combat operations and have the free time to process and discuss the new policy. Maintaining good order and discipline will require leaders to support the new policy in their actions and words, fairly enforce orientation-neutral standards of conduct, and be role models of leadership, professionalism, and respect.

D. Emphasize Key Implementation Message

The Working Group has identified the key implementation message for implementation as **Leadership-Professionalism-Respect**. Each of those three elements is examined in greater detail here:

1. **Leadership matters most.** The message “leadership matters most” has been repeated throughout this Support Plan because the Working Group’s research indicates that this is the most critical predictor of successful implementation. Without strong leadership, the views of a vocal minority could negatively impact cohesion, readiness, and, ultimately, the effectiveness of a given unit.¹⁰ This research clearly indicates that the best mitigator for potential problems post-repeal is the frontline leader. For the past 17 years under Don’t Ask, Don’t Tell, leaders have successfully led Service members with widely divergent opinions on gay and lesbian military service. After repeal, leaders will continue to lead Service members with widely divergent opinions on gay and lesbian military service. The policy will have changed, but the leadership challenges will remain the same: the leader’s task is to build unit cohesion and maintain readiness in a diverse force so the unit is able to accomplish the mission effectively. By providing leaders at all levels with accurate information and the appropriate authority to carry out the mission, we enhance our ability to assure a smooth transition with minimal disruption to the force.
2. **Focus on professionalism.** The American military mirrors the diversity of the broader United States in many respects. As such, the force will have diverse opinions on complex social issues. Nonetheless, all Service members have taken oaths as military professionals to support and defend the U.S. Constitution, and have made a commitment to their Service’s core values. Emphasizing these professional obligations in a post-repeal environment will reinforce behavior that helps a unit accomplish its mission, thereby reducing any impact a policy change may have on military effectiveness.

¹⁰ For further information on this issue, see the USAFA White Paper, p.18, which discusses the concept of pluralistic ignorance—a situation where fear of judgment and the passionate expression of a minority opinion suppresses opposing views. This can lead to a false perception that a minority perspective is the norm in the community—particularly where there is an emotional component to the view, as is frequently the case with views on gay and lesbian military service.

- 3. Promote strength through respect.** Each Service should capitalize on the strengths of their values and traditions as the foundation for maintaining the strength of our force. An important aspect of that strength is respect for the dignity of all people. Even where a Service member may personally object to another Service member's sexual orientation, the Service member is expected to treat that person with respect. Service leaders should emphasize the value of every member of the team.

V SUSTAINMENT STAGE

The sustainment stage would begin at some point after the new policies have been put into effect, and would be ongoing. The sustainment stage would involve follow-on review and ongoing monitoring of implementation of repeal, in order to make adjustments to implementation based on the experiences of the Department of Defense and the Services to that point.

Successful sustainment of a repeal of Don't Ask, Don't Tell depends upon continued leadership support and responsiveness to the results of monitoring efforts. The Department of Defense and Service implementation plans must continue to provide leaders and Service members with the information and support they need to continue to implement repeal effectively. The Department of Defense should devise and employ appropriate monitoring mechanisms that will identify key metrics measuring implementation success in policy areas of concern, collect sufficient data for meaningful analysis at regular intervals, and determine and make appropriate adjustments to implementation.

Sustainment Overview

To accomplish an effective program of sustainment and analysis, the Department of Defense and the Services should:

- A. Identify and monitor policies and regulations in those areas that will be the greatest barometers of implementation success.
- B. Devise and employ a follow-on review strategy that will help OUSD(P&R) and the Services adapt and refine the policies and training approaches for greater implementation success.
- C. Adapt education and training tools to better implement repeal and continue to reduce potential impact to unit cohesion, effectiveness, and readiness.

Sustainment Analysis

A. Legal, Policy, and Regulatory Monitoring

The Department of Defense and the Services should monitor and evaluate the success of all the policy and regulatory changes identified in previous sections of this Support Plan; they are not all listed here. A small number of policies, however, would require additional specific sustainment action to continue facilitating a repeal with minimal disruption to the force. Those policies and the related additional actions are as follows:

1. Equal Opportunity

The Department of Defense and the Services should seek input from leaders to assess whether the DoD MEO policy has been successful in handling complaints based on sexual orientation as follows:

- The Department of Defense and the Services should collect data to determine the number of cases involving sexual orientation that have been filed/adjudicated. These cases would include military justice, complaints of wrongdoing filed under UCMJ Article 138, IG investigations, and complaints submitted (but not actionable) under MEO policy.
- The Department of Defense and Service legal communities should monitor legislation and Federal case law regarding sexual orientation, sex stereotyping, and related issues, and modify or update policies accordingly.
- The Department of Defense and the Services should survey the force to measure reactions to additions to the MEO training to determine whether the training needs modification.
- At some time interval after repeal, the Department of Defense and the Services should assess whether DoD policy on sexual orientation-based complaints is consistent with any changes in legislation and/or Federal case law.

2. UCMJ

At an interval determined by OUSD(P&R), the Department of Defense should request feedback from the Service military justice legal communities to determine whether additional changes to the MCM or UCMJ should be made to facilitate the most effective administration of justice post-repeal. The Services should review the data collected regarding the number of cases involving sexual orientation (e.g., hate crimes, harassment), to determine whether the force requires additional training to decrease the frequency of such behaviors. The Service legal communities should monitor Federal statutes and case law for any changes concerning crimes committed against or involving gays and lesbians. This information should be relayed to the Department of Defense so that, where appropriate, recommendations can be made for changes to the MCM and UCMJ.

3. Privacy and Cohabitation

Services retain the discretion—as budgetary constraints and mission needs permit—to modify facilities to provide one or more private showering/ changing areas consistent with current DoD design guidance. Small modifications to improve privacy, such as installing privacy curtains where feasible, can be accomplished at the unit level with little impact on the force. As in civilian society, there will be locations, either at the fitness facility or in the field, where privacy will be minimal. Members of the Military Services must understand that the mission frequently demands operations in austere conditions where privacy is not a concern to operational planning.

As with shower and bathroom facilities, the Working Group does not recommend any new construction or modifications to facilities beyond low-cost, unit-funded adaptations where appropriate. Existing design criteria are adequate to support most billeting and berthing concerns in the the Department of Defense. DoD Unified Facilities Criteria (UFC) require that all new permanent party unaccompanied housing be designed to afford members private bedrooms and bathrooms shared by not more than one person (the “1+1” standard). DoD UFC will remain in effect regardless of repeal of 10 U.S.C § 654, as will existing Service waivers or exceptions and Services’ ability to apply for such waivers and exceptions. The continued construction of unaccompanied housing facilities in accordance with the 1+1 standard, subject to Service waivers and exceptions, will, over time, provide greater personal privacy to Service members as budgetary constraints and mission needs permit. Regardless of the availability of individual bedrooms for Service members, such construction would not affect berthing or billeting in deployed or shipboard environments.

4. Benefits

OUSD(P&R) should revisit the issue of benefits eligibility again in the future, specifically during the designated follow-on review, and perhaps periodically after that, as the national debate on same-sex marriage and partner benefits is ongoing and the judicial and legislative landscape is in a state of flux. During this review, depending in part on the degree to which the external landscape may have changed, the Department of Defense may consider creating a “qualifying relationship” status for same-sex relationships, or for both same-sex and unmarried opposite-sex relationships, if the experience of repeal to that point indicates that the extension of benefits in this manner would be desirable.

To effectively implement repeal, the Department of Defense must continually monitor and evaluate changes to the law throughout the implementation process. The Department of Defense should be especially attentive to changes in law that could trigger swift and unexpected changes in benefit eligibility for all Service members and their families.

Legislative changes could occur at the Federal or state level, with Federal changes likely to have a more immediate impact on the expansion of benefit entitlements than would be the case for changes at the state level. For example, changes to, or repeal of, the Defense of Marriage Act (DOMA), 1 U.S.C. § 7, and similar laws, would change the legal and regulatory definition of “spouse” upon which the Department of Defense and Services currently rely to determine eligibility. Likewise, Federal legislation redefining “dependent” to include a same-sex partner, or child of a same-sex partner, would broaden benefit eligibility.

5. Family Readiness

Readiness of Service members’ families has a direct impact on the overall military readiness of the force. As such, in the event of repeal, the Working

Group recommends that OUSD(P&R) engage with Service family members on a regular basis to reassess their readiness as part of ongoing sustainment efforts. OUSD(P&R) should address, at minimum, the three major subcategories of family readiness: mobilization and deployment readiness (deployment); mobility and economic readiness (relocation/PCS); and personal and family life readiness (garrison). Further, OUSD(P&R) should develop and employ the appropriate tools to gather data directly from the force and also from the various Service support centers catering to families' needs. OUSD(P&R) should work with the Services to assess and, where needed, improve family engagement initiatives that facilitate the transition from an environment in which gay and lesbian family matters have not been contemplated to an environment in which they are.

B. Devise and Employ Follow-On Review Strategy

1. Monitoring and Assessment

The Department of Defense and the Services should consider using exit surveys to assess Service member reasons for separating from the military and be able to measure success of implementation and any attendant changes in retention. Tracking and monitoring the number of reentry applications submitted by former Service members discharged under Don't Ask, Don't Tell is another means of evaluating success in communicating the change to former Service members and the public. The Department of Defense and the Services should utilize existing surveys and assessments already developed across the Services to monitor implementation of repeal on an ongoing basis. (See Appendix E.)

2. Fiscal Impact

OUSD(P&R) and the Services should, in conjunction with standard budgetary analysis and management procedures, track any costs directly attributable to repeal of Don't Ask, Don't Tell. Services should also account for those costs in budget projections for future fiscal years. Such costs might include benefits adjusted so that all Service members may designate a beneficiary of their choosing regardless of relationship.

C. Adapt Education and Training

Education and training programs will also need to adapt to the changing landscape of the public debate over gay rights. The first several years after repeal may produce adjustments to policies and regulations based on legislative and legal changes that may occur. The Department of Defense and the Services should posture themselves so that they do not have to react without preparation to new laws, judicial rulings, or executive directives. Similar to the contingent nature of this support plan, the Department of Defense and the Services should continue with a contingency planning process that anticipates future changes and prepares appropriate education and training programs.

Senior leaders should also continue to engage the force, both to monitor implementation and continue to reinforce the key implementation message.

Summary

OUSD(P&R) and the Services should engage in a systematic sustainment effort by collecting data, analyzing trends, and making policy adjustments as needed to better implement repeal of Don't Ask, Don't Tell. Each of the policy areas of concern discussed in sections III and IV of this Support Plan should, at least initially, be monitored as part of the sustainment effort, and amended as needed.

A

RECOMMENDED TALKING POINTS

Background: If Congress repeals 10 U.S.C. § 654, commonly known as “Don’t Ask, Don’t Tell,” then Service members must be informed of repeal, how it occurred, and new policies and practices.

- During the January 2010 State of the Union address, the President called on Congress to repeal 10 U.S.C. § 654.
- In support of the President, on March 2, 2010, the Secretary of Defense established an intra-Department, inter-Service working group to conduct a comprehensive review of the issues associated with a repeal of Don’t Ask, Don’t Tell.
- The review was completed on November 30, 2010, and assessed and considered the impacts a change in the law might have on military readiness, military effectiveness, unit cohesion, retention, recruiting, and family readiness, and how to best manage any such impacts during implementation.

The New Policy: Service members will no longer be discharged for engaging in homosexual conduct. This includes homosexual acts; statements that they are gay, lesbian, or bisexual; or marriage to someone of the same sex.

- Sexual orientation remains a personal and private matter.
- It remains the policy of the Department of Defense to evaluate all Service members on the basis of their individual merit, fitness, and capability.
- Sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making.
- This policy change recognizes that the most valuable component of our national defense is the men and women in uniform who make up America’s all-volunteer force.
- Our military remains a lethal and professional fighting force. Fidelity in our values and our culture of mutual respect and obedience to orders provides the foundation for the superior strength of the U.S. military. The hallmark of military culture is professionalism: our laws, rules, customs, and traditions require adherence to high standards of personal and professional conduct to ensure mission accomplishment.

Details Regarding the New Policy: Regardless of sexual orientation, we will continue to hold Service members to the same high standards of conduct.

- Applicants for military service will not be asked or required to reveal their sexual orientation.
- Service members will not be involuntarily separated for lawful, consensual homosexual acts; a statement by a Service member that he or she is a homosexual or bisexual, or words to that effect; or marriage or attempted marriage to a person known to be the same biological sex.
- The Department of Defense is committed to maintaining an environment that is free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible.
- The UCMJ remains the legal foundation of good order and discipline in the Military Services and is the vehicle for enforcement of proper conduct.

Key Messages For Our Leaders: In accordance with our mission to fight and win our nation's wars, our military will foster a climate of mutual respect consistent with our standards of professional conduct and core values.

- A clear focus on **Leadership-Professionalism-Respect** will enable this change in policy to be executed with minimal disruption to our already combat-stressed force.
- Commanders and leaders at every level must work to reinforce the importance of dignity and respect for all Service members. We promote these values by living them, and reaffirm our commitments to enforcing standards of conduct and the expectations for a military culture where Service members are valued for their contributions to national defense.
- The views and beliefs of those who are opposed to "open" service by gays and lesbians on well-founded moral or religious grounds are not being rejected, and leaders have not turned their backs on them. We do not expect individual Service members to change their personal religious or moral beliefs about homosexuality, but we do expect every Service member to treat all others with dignity and respect, consistent with the core values that already exist in each Service.
- Commanders remain responsible for maintaining good order and discipline. Harassment or violence among Service members will not be tolerated.
- Leaders reinforce standards of conduct and expectations for exemplary conduct of all Service members. Commanders' leadership and personal commitment to implementation must be visible and unequivocal.
- Commanders are expected to communicate standards of professional conduct and build on their Service cultures where members are valued for their contributions and performance, respected, and treated fairly.
- The core of this issue is allowing all qualified citizens to serve based on individual merit, fitness, and capability, without regard to sexual orientation.

B**RECOMMENDED EDUCATION AND TRAINING FRAMEWORK****Education and Training Framework**

The intent of providing an Education and Training Framework is to assist the Services in developing Service member knowledge of issues related to repeal based on their subject matter needs, rather than to provide a checklist of topics or number of hours of instruction required. As a starting point for commanders, leaders, training managers, trainers, and those being trained, the framework is organized by tier and describes the target audience, learning objectives, and training guidance for each policy issue topic. Education and training guidance at Tiers 1 and 2 include more detailed information for senior leaders, commanders, and personnel responsible for implementation that expands what is provided to all Service members in Tier 3. Tiers 1 and 2 are designed as discretionary education requirements based on the needs of leaders and specialists who will be charged with leading repeal efforts. Tier 3 is recommended mandatory education and training of all personnel. The Education and Training Framework provides three levels of understanding for the following categories of DoD personnel:

Tier 1 (Expert Level). Material targeted toward Service members responsible for administration or policy implementation, or whose occupation specialty requires that the Service member needs to understand the implications of any policy change. At a minimum this includes: judge advocates and civilian lawyers, chaplains, recruiters, personnel specialists, military law enforcement personnel, military criminal investigators, family support staff, military equal opportunity advisors, and health services personnel.

Tier 2 (Leader Level). Material targeted toward Service members in leadership positions who are responsible for maintaining standards of conduct, good order and discipline, and military effectiveness. At a minimum this includes: senior leaders (general/flag officers and Senior Executive Service), commanding officers, chief warrant officers, senior enlisted advisors, and senior non-commissioned officers and chief petty officers, and civilian supervisors.

Tier 3 (Service Member Level). Material designed for all members of the Services, to be distributed as soon as repeal is effective, and during accessions training for all personnel. At a minimum, all Service members should be briefed on the new policy and expectations of personal conduct in the Military Services.

Services should determine appropriate measures of effectiveness for each training area. This appendix provides a basis for the content Services should consider in their education and training lesson plans. The Services are responsible for education and

training program delivery to support implementation. This framework was written in close collaboration with OUSD(P&R), and while it anticipates key elements of a successful implementation, it should be acknowledged that this issue is dynamic and subject to a shifting legal and legislative landscape. OUSD(P&R) and the Services may need to deviate from some of the recommendations found in this appendix to reflect any changes in policy that occur after the Support Plan was written.

Education and Training Principles

Based on the Working Group's engagements with the force and research, the Working Group recommends the following principles when the Department of Defense and the Services are creating lesson plans to support repeal:

- Develop tools so leaders at all levels can deliver the key messages to the force as much as possible. The most important message in mitigating potential concerns related to repeal is: leadership matters most.
- Conduct training and education in a manner that minimizes the burden on the force to ensure military mission is not negatively impacted: keep it simple.
- Maximize autonomy of the Services for execution.
- Embed training and education in existing programs to the greatest extent possible.
- Promote sexual orientation-neutral execution to greatest extent possible.

Education and Training Guidance

The framework below lays out a statement of each policy topic and a basic explanation of education and training on that policy. The training guidance further expands the basic issue and how it should be approached in implementation. Service education and training programs should impress on all Service members the importance of exemplary conduct. This framework is designed to assist the Services in:

- Achieving and maintaining adequate and applicable uniformity of education and training requirements in support of the implementation of repeal.
- Understanding and interpreting standards of conduct and new policies for all tiers of training (Tier 1 Expert Level, Tier 2 Leader Level, and Tier 3 Service Member Level).
- Achieving consistency across implementation of education and training programs, mandatory instructional information, and discretionary materials.

- Developing instructional material related to implementation of repeal in a manner that is grounded in the profession of arms and an organizational climate of dignity and respect for all Service members.

Learning Objectives

1. Topic: Standards of Conduct

- Training guidance: Tiers 1 & 2.
 - Services will conduct a review of existing standards to ensure that they provide adequate guidance in relevant areas, to the extent the Service consider appropriate, and that they apply uniformly without regard to sexual orientation. Services will place special emphasis in their review on standards for personal displays of affection, dress and appearance, unprofessional relationships, and harassment.
 - Standards shall clearly address the responsibility of leaders, supervisors, and subordinate personnel at all levels to foster unit cohesion, good order and discipline, respect for authority, and mission accomplishment.
 - Leaders at all levels are trusted to ensure the impartial administration of these standards. Service members will be held accountable without regard to their own, or another's sexual orientation. In cases where conduct is prohibited, leaders shall be expected to take such corrective or disciplinary action as necessary to preserve morale, good order and discipline, unit cohesion, military readiness, and combat effectiveness.
- Training guidance: Tier 3.
 - Service members occupy a unique position in society and represent the military establishment. This special status brings with it a responsibility to uphold and maintain the dignity and high standards of the Military Services at all times and in all places. Service members must be ready at all times for worldwide deployment. This fact carries with it a requirement that Service members possess high standards of morale, good order, discipline, and cohesion. As a result, military laws, rules, customs, and traditions include restrictions on personal behavior that may be different from civilian life.
 - Standards of conduct regulate many aspects of Service members' personal lives that generally are not regulated in civilian society. The unique nature of military service requires regulation of behavior that brings discredit on the Military Services, adversely affects good order and discipline, or is inconsistent with military customs, traditions, and decorum.
 - The Uniform Code of Military Justice remains the legal foundation of good order and discipline in the Military Services and is the vehicle for enforcement of Service standards of conduct.
 - Service-specific standards of personal and professional conduct shall apply uniformly without regard to sexual orientation.

- The Uniform Code of Military Justice remains the legal standard for enforcing proper conduct, to include existing laws against harassment or violence against any Service member, for any reason.
- Violations of Service standards of conduct may be punished as violations of lawful regulations, orders, or derelictions of duty, as the case may be, under the Uniform Code of Military Justice.
- Service members may be involuntarily separated prior to the expiration of their term of service for various reasons established by law and military regulations, to include violations of Service standards of conduct.

2. Topic: Moral and Religions Concerns (Chaplains)

- Training guidance: Tiers 1 & 2.
- Chaplains facilitate the free exercise of religion for all personnel, regardless of religious affiliation of either the chaplain or the individual.
- Chaplains, in the context of their religious ministry, are not required to take actions that are inconsistent with their religious beliefs. Existing policy regarding chaplains' free exercise of religion and duty to care for all continues to apply.
- Evaluation, promotion, and assignment of chaplains will continue to be consistent with these long-standing Service policies.

3. Topic: Moral and Religions Concerns (Service Members)

- Training guidance: Tiers 1 & 2.
- Existing policies regarding Service members' freedom of expression and free exercise of religion continue to apply.
- Service members can continue to freely practice their religion, being aware of the expectations set forth by the UCMJ and appropriate Service standards of conduct.
- Service members are not expected to change their personal religious or moral beliefs; however, they are expected to treat all others with dignity and respect, consistent with the core values that already exist within each Service.
- Service members do not have the right to refuse duty or duty assignments based on a moral objection to another's sexual orientation.
- Service members remain obligated to follow orders that involve interaction with others who are gay or lesbian, even if an unwillingness to do so is based on strong, sincerely held, moral or religious beliefs. As expressed in the *Manual for Courts-Martial* regarding a Service member's obligation to obey

orders: “the dictates of a person’s conscience, religion, or personal philosophy cannot justify or excuse the disobedience of an otherwise lawful order.”

- Service members may, in appropriate circumstances and within the limitations of law and policy, express their moral or religious beliefs regarding sexual orientation. However, Service members may not make statements detrimental to good order and discipline and must obey lawful orders. Service members who feel that their religious beliefs regarding homosexuality require religious accommodation, may request such accommodation of that belief under DoDI 1300.17.

4. Topic: Equal Opportunity

- Training guidance: Tiers 1, 2 & 3.
- Sexual orientation is not specified as a class eligible for the MEO complaint resolution process.
- Gay and lesbian Service members are treated under the same general principles of military equal opportunity policy to “promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible” and Service members are evaluated “only on individual merit, fitness, and capability.”
- Sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making. Gay and lesbian Service members, like all Service members, are evaluated only on individual merit, fitness, and capability.
- Harassment or abuse based on sexual orientation is unacceptable. All Service members are to treat one another with dignity and respect regardless of sexual orientation.
- If a Service member experiences inappropriate interpersonal behavior where sexual orientation is a factor, he or she should use existing (non-MEO) mechanisms to file the proper complaint, namely the chain of command, the Inspector General, and other means as may be determined by the Services.
- Tiers 1 and 2 personnel should be trained on the possible implications for failing to take action on complaints that are not cognizable under MEO, but allege discrimination based on sexual orientation. Possible implications include being the subject of an IG investigation, being the subject of a complaint of wrongs filed under UCMJ Article 138, being the subject of a Command Investigation, or being investigated for possible criminal misconduct under the UCMJ (e.g., dereliction of duty).

5. Topic: Collection and Retention of Sexual Orientation Data

- Training guidance: Tiers 1 & 2.
 - Sexual orientation is a personal and private matter.
 - The Department of Defense and the Services will not create a data category for Service member sexual orientation.
 - Service members will not be required to identify their sexual orientation, nor will any such information be collected and maintained in a system of records.
 - Information implicating a Service member's sexual orientation could be incidentally collected when, for example, a Service members designates a same-sex partner as an SGLI beneficiary, or a person to whom emergency notifications may be made.

6. Topic: Uniform Code of Military Justice (UCMJ)

- Training guidance: Tiers 1, 2, & 3.
 - Service members occupy a unique position in society and represent the military establishment. This special status brings with it a responsibility to uphold and maintain the dignity and high standards of the Military Services at all times and in all places. Service members must be ready at all times for worldwide deployment. This fact carries with it a requirement for Service members to possess high standards of morale, good order and discipline, and cohesion.
 - The UCMJ remains the legal foundation for good order and discipline in the Military Services and is the vehicle for enforcement of proper conduct.
 - Harassment, sexual assault, or other violence against any Service member, for any reason, is prohibited.
 - Violations of Service standards of conduct pertinent to professional relationships, and public displays of affection may be punished as violations of lawful regulations, orders, or derelictions of duty, as the case may be.
 - Sodomy under Article 125 of the UCMJ may be punishable if it is without consent (forcible). In light of decisions by the Supreme Court and the Court of Appeals for the Armed Forces, private acts of sodomy between consenting adults, regardless of their sex, are not punishable absent factors unique to the military environment (such as a superior-subordinate relationship or other circumstance adverse to good order and discipline). In light of these decisions, and the repeal of 10 U.S.C. § 654, conforming amendments to Article 125 of the UCMJ may be considered for presentation to the Congress and/or action by President.
 - The Department of Defense is considering other changes to the *Manual for Courts-Martial* to ensure sexual orientation-neutral application. For example, the adultery offense may be redefined to include both homosexual and heterosexual sex.

7. Topic: Privacy and Cohabitation (Showers, Dressing Areas, and Comparable Facilities)

- Training guidance: Tiers 1 & 2.
 - Service in the military makes it necessary at times for Service members to accept living and working conditions characterized by little or no privacy.
 - Sexual orientation is considered a personal and private matter.
 - Berthing or billeting assignments based on sexual orientation are prohibited, except that commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with performance of mission.
 - Compliance with professional standards of conduct will be essential to fostering respect among fellow Service members and resolving concerns about privacy. Commanders should use existing tools, to include counseling, non-judicial punishment, and court-martial, to deal with misconduct in living quarters or showers.

8. Topic: Benefits

- Training guidance: Tiers 1 & 2.
 - The Defense of Marriage Act and current benefit laws do not allow the Department of Defense to extend many key benefits—including dependent medical coverage, dependent-rate BAH, and dependent-based travel and transportation allowances—to a Service member in a relationship with a same-sex partner.
 - Federal law and DoD regulations do not restrict a Service member from designating a same-sex partner as a beneficiary for certain benefits such as the posthumous disbursement of funds from the Service member's Thrift-Savings Plan, or the selection of a beneficiary for the proceeds from a life insurance policy provided under Servicemembers' Group Life Insurance (SGLI). Service members should be informed about these benefits so that they may take advantage of them for their same-sex partners, should they desire to do so.
 - The Department of Defense and the Services are studying whether some benefits may, consistent with current law, be revised to give the Service member the discretion to designate a person or persons of their choosing as a beneficiary. By extending these benefits and resources, the Department of Defense would enhance the vital role that a Service member's supporters can play in enabling Service members to accomplish the mission, especially during times of deployment stress.

9. Topic: Benefits (Military Family Housing)

- Training guidance: Tiers 1 & 2.
 - The Department of Defense and the Services currently authorize assignment to military family housing (MFH) to those Service members eligible for Basic Allowance for Housing (BAH) at the with-dependent rate.
 - Current federal law including the Defense of Marriage Act precludes the Department of Defense from providing BAH to Service members at the with-dependent rate unless the Service member has a statutorily authorized dependent such as a child.
 - Current Service policies state that non-dependents are not allowed to reside in military family housing. There have been no changes to these policies.
 - Any exception to policy to allow a non-dependent to reside in military family housing must be administered without regard to sexual orientation.

10. Topic: Privacy and Cohabitation (Berthing/Billeting)

- Training guidance: Tiers 1 & 2.
 - Services maintain individual unaccompanied housing policies in accordance with DoD guidance.
 - Service in the Military Services makes it necessary at times for Service members to accept living and working conditions characterized by little or no privacy.
 - Sexual orientation is considered a personal and private matter.
 - Service members shall not be asked to identify sexual orientation as part of any routine application for assignment to unaccompanied quarters.
 - The Services shall not establish quarters or berthing assignment regulations or policies that segregate Service members according to sexual orientation. Applicable male/female segregation requirements remain in effect.
 - Commanders retain the authority to alter berthing or billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission.
 - Compliance with professional standards of conduct will be essential to engender respect among fellow Service members and resolve concerns about privacy.

11. Topic: Benefits (Committed Same-Sex Relationships)

- Training guidance: Tiers 1 & 2.
 - The Department of Defense is not at this time creating a new relationship status applicable to same-sex relationships for purposes of eligibility for benefits or personnel management policies and practices.

- As part of the post-repeal follow-on review, the Department of Defense will revisit the issue of benefits and support resources eligibility, including whether a “qualifying relationship” status should be established for committed same-sex relationships, or for both committed same-sex and committed unmarried opposite-sex relationships, for these purposes.
- The national debate on same-sex marriage and partner benefits is ongoing, and the judicial and legislative landscape is in a state of flux. It is possible that, in the future, additional policy options may be available.

12. Topic: Duty Assignments (Co-Location)

- Training guidance: Tiers 1 & 2.
 - The Department of Defense provides the Services discretion to consider dual-military spouse status in matters of duty assignment. The term “spouse” can only refer to opposite-sex married couples under the Defense of Marriage Act. As a result, a Service member in a same-sex relationship with another Service member is not eligible for collocation consideration.
 - The Department of Defense is not at this time creating a new relationship status applicable to same-sex relationships for purposes of eligibility for benefits or personnel management policies and practices.
 - Gay and lesbian Service members in committed same-sex relationships, like their unmarried heterosexual counterparts, can make an individualized, hardship-based request for accommodation in assignment.
 - As part of the post-repeal follow-on review, the Department of Defense will revisit the issue of eligibility for personnel management policies and practices, including whether a “qualifying relationship” status should be established for committed same-sex relationships, or for both committed same-sex and committed unmarried opposite-sex relationships, for these purposes.
 - The national debate on same-sex marriage and partner benefits is ongoing, and the judicial and legislative landscape is in a state of flux. It is possible that, in the future, additional policy options may be available.

13. Topic: Duty Assignments (Overseas Assignments)

- Training guidance: Tiers 1 & 2.
 - There are no restrictions on overseas assignments of gay and lesbian personnel.
 - All Service members will be provided with information on host-country laws and related military policies regarding homosexuality and homosexual conduct in standard overseas deployment briefings.
 - Current law limits the ability of the Department of Defense to fund and support accompanying travel for a Service member’s same-sex partner.

- Gay and lesbian Service members in committed same-sex relationships, like their unmarried heterosexual counterparts, can make an individualized, hardship-based request for accommodation in assignment.

14. Topic: Medical

- Training guidance: Tiers 1 & 2.
 - No modifications to existing medical policies have been made. Existing policies and procedures for HIV screening and testing, management of HIV-positive personnel, and management of the military blood supply continue to be effective.
 - The Service Surgeons General have determined that repeal does not affect the medical readiness of the force and that changes to medical policies are not necessary.
 - Member information revealed during medical evaluations and treatments continues to be protected under the Health Insurance Portability and Accountability Act (HIPAA).
 - Current policy that HIV-infected members shall not be retired or separated solely on the basis of HIV infection remains in place. Active duty members with HIV determined to be fit for duty are allowed to serve in a manner that ensures access to appropriate medical care.
 - Annual Service medical and first aid/buddy care training will continue to focus on modes of transmission and the prevention of HIV and other sexually transmitted diseases, with a requirement that more detailed education and training continue to be provided to healthcare professionals and other individuals working within patient care.

15. Topic: Accessions and Recruiting Policy

- Training guidance: Tiers 1 & 2.
 - The Department of Defense will not create a new policy for recruiting.
 - The current policy of not requiring an applicant to declare his/her sexual orientation remains in effect.
 - Sexual orientation alone is not a bar to military service or continued service.
 - The requirement for briefings given to applicants for enlistment and appointment regarding personal conduct in the Military Services and separation policy remains in effect. Previous provisions pertaining to homosexual conduct as a basis for discharge have been deleted.

16. Topic: Re-Accession

- Training guidance: Tiers 1 & 2.
 - Prior Service members discharged on the basis of homosexual conduct who seek reentry are evaluated according to the same criteria as other Service members seeking reentry, which may include their past record of performance, characterization of service, and needs of the Service.
 - In considering requests for reentry for those previously separated on the basis of homosexual conduct, the fact that the basis for separation was homosexual conduct is not considered to the detriment of the applicant, and those personnel who have DD Form 214 documents that show an honorable discharge (or an uncharacterized discharge for those occurring during initial training) and a separation code reflecting homosexual conduct are to be considered for reentry.
 - Services have discretion to determine whether to change reentry codes in some uniform manner or to issue guidance to ensure that a disqualifying reentry code on a DD Form 214 will not prohibit consideration of a qualified candidate for reentry.
 - Services shall not require all Service members to first petition a Board for Correction of Military Records to change adverse reentry codes prior to applying for reentry as this may substantially delay consideration of applications.
 - Prior service personnel—whether applying for reentry or not—who seek a change to adverse reentry codes or discharge characterizations or other redress may petition their Service Board for Correction of Military Records and Discharge Review Boards for relief under existing procedures.

17. Topic: Release from Service Commitments

- Training guidance: Tiers 1 & 2.
 - The Department of Defense does not establish a specific policy permitting the early discharge of Service members based upon opposition to repeal or to serving or living with gay and lesbian Service members.
 - Service members may request to be voluntarily discharged under the Military Department Secretary's plenary authority. As under current policy, such discretionary discharge may only be granted when the Military Department Secretary has determined the early separation would be in the best interest of the Service.
 - Service members are not guaranteed a certain legal or policy landscape for the duration of their service commitment.
 - If a chaplain is unable to reconcile serving with or caring for gay and lesbian Service members with his or her faith, the chaplain may request that the relevant endorsing agency withdraw its ecclesiastical endorsement for him or her. This would trigger an administrative separation under DoDI 1304.28.

18. Topic: Re-Accession (Claims for Compensation and Other Redress)

- Training guidance: Tier 1 & 2.
- There is no change to existing policy regarding compensation, separation pay, or other redress for Service members previously discharged on the basis of homosexual conduct.
- Lawful standards in effect at the time of a Service member's separation are not changed with retroactive effect.
- Service members separated on the basis of homosexual conduct (or any other reason) may petition for redress through the Service Boards for the Correction of Military Records or Service Discharge Review Boards under existing procedures and standards.

19. Topic: Separation for Homosexual Conduct

- Training guidance: Tiers 1 & 2.
- Service members are no longer subject to administrative separation on the basis of homosexual conduct (homosexual acts, statements, or marriage).
- Sexual misconduct, regardless of sexual orientation, that violates a Service standard, rule, regulation, policy or law, will still be considered grounds for administrative or legal action, to include possible discharge.
- The Department of Defense and the Services are updating training modules regarding administrative separation to remove references to homosexual conduct as a basis for separation.

20. Topic: Key Policy Features

- Training guidance: Tiers 1, 2 & 3.
- Sexual orientation remains a personal and private matter. Service members and applicants to military service will not be asked or required to reveal their sexual orientation.
- Sexual orientation is not a bar to service entry or continued service.
- Service members will not be subject to administrative separation for otherwise lawful homosexual acts, statements, or marriage.
- The Military Services do not tolerate harassment or violence against any Service member, for any reason.

21. Topic: Frequently Asked Questions

Consist of issues and answers to a range of questions derived from the Working Group's engagement of the force.

- Training guidance: Tiers 1 & 2.
 - Provide standardized responses to the range of issues associated with repeal.
 - Reinforce expectations of exemplary conduct and professionalism in the force.
 - Reinforce DoD policies and directives to address practical issues for commanders and leaders.

22. Topic: Vignettes

Consist of hypothetical, policy-related teaching scenarios for training created to assist commanders and leaders implement the change in policy. Not meant to provide "correct" outcomes, but serve to illustrate approaches to the range of issues associated with repeal.

- Training guidance: Tiers 1 & 2.
 - Reinforce expectations of exemplary conduct and professionalism in the force.
 - Achieve minimum disruption through practical examples.
 - Ensure common examples of personal and professional behavior.
 - Ensure leaders and commanders have significant practice applying the change in policy with fact-based scenarios.

C

**RECOMMENDED LEADERSHIP
IMPLEMENTATION GUIDE**

This Leadership Implementation Guide is a tool to help leaders at all levels address practical issues associated with a repeal of the Don't Ask, Don't Tell law and policy.

Key Implementation Message

Based on engagements with the force and the assessment of the potential effect of repeal, the Working Group distills the key message for risk mitigation and successful implementation to **Leadership-Professionalism-Respect**.

Leadership. The clear message from the Working Group's assessment is "leadership matters most." Leaders at all levels of the chain of command set the example for members in the unit and must be fully committed to DoD policy to sustain unit effectiveness, readiness, and cohesion.

Professionalism. Leaders must emphasize Service members' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion.

Respect. Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect.

A clear focus on **Leadership-Professionalism-Respect** will enable any change in policy to be executed with minimum disruption to the force. Strong and supportive leadership rather than over-regulation will ensure successful implementation. Leadership guiding principles are:

- Leadership matters most. Leaders at all levels are responsible for mission accomplishment, unit cohesion, and the care and treatment of all those under their command.
- Leaders are responsible for ensuring that personnel are evaluated on individual merit, fitness, and capability.
- Sexual orientation is considered a personal and private matter. All members of the unit must be treated with respect and dignity.

- Service members will not be required to change their personal views and religious beliefs. They must, however, continue to respect and serve with others who hold different views and beliefs.
- All Service members will be held to the same standards of conduct. Harassment, bullying, or victimization of any kind is unprofessional and will not be tolerated.

This guide, along with vignettes and Frequently Asked Questions (FAQs), are available to provide leaders and Service members with the facts about repeal, but it cannot account for every situation that might occur. Leaders are expected to use their judgment and knowledge of regulations and standards to ensure a smooth post-repeal transition with minimum disruption to the force. Leaders, both officer and enlisted, are essential to implementing this change in policy fairly and consistently.

Summary of the Working Group's Report

What follows is a very brief summary of the work of the Comprehensive Review Working Group and the Report provided by its Co-Chairs to the Secretary of Defense.

Leaders should review the Working Group's Report to obtain a complete account of Co-Chairs' assessment and recommendations.

Mission

On March 2, 2010, the Secretary of Defense established a working group to undertake a comprehensive review of the impacts of repeal, should it occur, of Section 654 of Title 10 of the United States Code, commonly known as the Don't Ask, Don't Tell law. The Working Group's assignment from the Secretary was two-fold: 1) assess the impact of repeal of Don't Ask, Don't Tell on military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness; and 2) recommend appropriate changes, if necessary, to existing regulations, policies, and guidance in the event of repeal. The Secretary of Defense also directed the Working Group to develop a plan of action to support implementation of a repeal of Don't Ask, Don't Tell.

The Secretary of Defense directed the Working Group to "thoroughly, objectively and methodically examine all aspects of this question," and include, most importantly, the views of men and women in uniform.

Engagement of the Force

During the course of its review, the Working Group, among other things:

- solicited the views of nearly 400,000 active duty and reserve component Service members with an extensive and professionally-developed survey, which prompted 115,052 responses—one of the largest surveys in the history of the U.S. military;

- solicited the views of over 150,000 spouses of active duty and reserve component Service members, because of the influence and importance families play in the lives of Service members and their decisions to join, leave, or stay in the military, and received 44,266 responses;
- created an online inbox for Service members and their families to offer their views, through which a total of 72,384 entries were received;
- conducted 95 face-to-face “information exchange forums” at 51 bases and installations around the world, where the Working Group interacted with over 24,000 Service members;
- conducted 140 smaller focus group sessions with Service members and their families.

What the Working Group Heard

Survey Results. The results of the Service member survey revealed a widespread attitude among a solid majority of Service members that repeal of Don’t Ask, Don’t Tell will not have a negative impact on their ability to conduct their military mission. The results of the survey are best represented by the answers to three questions:

- When asked about how having a Service member in their immediate unit who said he or she is gay would affect the unit’s ability to “work together to get the job done,” 70% of Service members predicted it would have a positive, mixed, or no effect. (Question 68a.)
- When asked “in your career, have you ever worked in a unit with a co-worker that you believed to be homosexual,” 69% of Service members reported that they had. (Question 36.)
- When asked about the actual experience of serving in a unit with a co-worker who they believed was gay or lesbian, 92% stated that the unit’s “ability to work together” was “very good,” “good,” or “neither good nor poor.” (Question 47a.)

Consistently, the survey results revealed a large group of around 50–55% of Service members who thought that repeal of Don’t Ask, Don’t Tell would have mixed or no effect; another 15–20% who said repeal would have a positive effect; and about 30% who said it would have a negative effect. When spouses were asked about whether repeal of Don’t Ask, Don’t Tell would affect their preference for their Service member’s future plans to stay in the military, 74% said repeal would have no effect, while only 12% said “I would want my spouse to leave earlier.”

These survey results did reveal a significant minority—around 30% overall (and 40–60% in the Marine Corps and in various combat arms specialties)—who predicted in some form and to some degree negative views or concerns about the impact of a repeal

of Don't Ask, Don't Tell. However, there were a number of other factors that still led the Co-Chairs to conclude that the risk of repeal to overall military effectiveness is low.

Frequently raised issues. In the Working Group's other engagements with the force (information exchange forums, focus groups, online inbox, confidential online communications), certain issues and concerns were raised repeatedly. Three of these are summarized below:

Standards of conduct. Many Service members raised the possibility of inappropriate conduct that might take place in the event of repeal, including unprofessional relationships between Service members; public displays of affection; inappropriate dress and appearance; and acts of violence, harassment, and disrespect.

Moral and religious concerns. A large number of Service members raised religious and moral objections to homosexuality or to serving alongside someone who is gay. Some feared repeal of Don't Ask, Don't Tell might limit their individual freedom of expression and free exercise of religion, or require them to change their personal beliefs about the morality of homosexuality. Some of the most intense and sharpest divergence of views about Don't Ask, Don't Tell was found among the chaplains corps.

Privacy. A large number of Service members expressed discomfort with sharing bathroom facilities or living quarters with those they know to be gay or lesbian.

Assessment

Based on all they saw and heard, the assessment of the Co-Chairs of the Working Group was that, when coupled with the prompt implementation of the recommendations they provided, the risk of repeal of Don't Ask, Don't Tell to overall military effectiveness is low. The Co-Chairs concluded that, while a repeal of Don't Ask, Don't Tell will likely, in the short term, bring about some limited and isolated disruption to unit cohesion and retention, they do not believe this disruption will be widespread or long-lasting, and can be adequately addressed by the recommendations they offered. The Co-Chairs stated that longer term, with a continued and sustained commitment to core values of leadership, professionalism, and respect for all, they are convinced that the U.S. military can adjust and accommodate this change, just as it has others in history.

Summary of Working Group Recommendations

The most significant policy change resulting from repeal is that Service members will no longer be separated solely on the basis of homosexual conduct (acts, statements, same-sex marriage).

The Working Group provided a number of recommendations for other policies in the event of repeal. These recommendations were based on the conclusion that repeal will work best if it is accompanied by a message and policies that promote fair and equal

treatment of all Service members, minimize differences among Service members based on sexual orientation, and disabuse Service members of any notion that, with repeal, gay and lesbian Service members will be afforded some type of special treatment.

A brief summary of post-repeal policy guidance based on the Working Group's recommendations follows. Leaders should review the Working Group report and Support Plan for Implementation and subsequent DoD and Service-level policy guidance to ensure they understand current policies in full. Leaders must also stay aware of future changes and developments related to implementation of repeal.

- **Standards of Conduct:** Service standards of conduct must be sexual orientation neutral. All members are responsible for upholding and maintaining the high standards of the U.S. military at all times and in all places.
- **Privacy and Cohabitation:** Berthing or billeting assignments or the designation of bathroom facilities based on sexual orientation are prohibited. Commanders retain the authority to alter berthing or billeting assignments or accommodate privacy concerns (to include concerns regarding privacy in bathing facilities) on an individualized, case-by-case basis, in the interests of morale, good order and discipline, and consistent with performance of mission.
- **Moral and Religious Concerns:** Service members will not be required to change their personal views and religious beliefs; they must, however, continue to respect and serve with others who hold different views and beliefs. Consistent with existing policies, in the context of their religious ministry chaplains are not required to take actions inconsistent with their religious beliefs, but must still care for all Service members.
- **Benefits:** For the time being, all Service members not in a Federally-recognized marriage will be treated as "single" for the purposes of benefits eligibility. The Department of Defense is studying ways to extend additional benefits to Service members to improve personal readiness, especially during deployments and other stressful times.
- **Equal Opportunity:** Sexual orientation is not specified as a class eligible for complaint resolution processes under the MEO Program. Sexual orientation is treated under the same general principles of MEO policy that apply to all Service members. Sexual orientation may not, in and of itself, be a factor in accession, promotion, or other personnel decision-making, and gay and lesbian Service members, like all Service members, are evaluated only on individual merit, fitness, and capability.

Command and Supervisory Responsibilities and Guidance

- Remember the key implementation message of **Leadership-Professionalism-Respect** at all times when interacting with the people in your unit.

- You will encounter situations that are not covered in this guidance. Many Service members have strong personal opinions about the repeal of Don't Ask, Don't Tell, which will likely cause spirited debate and raise difficult questions. Key to successful implementation is the application of well-informed and firm leadership and a common-sense approach. You are encouraged to seek further advice and guidance from your chain of command, legal advisors, and appropriate command staffs.
- Commanders and leaders at every level must work to reinforce the dignity and respect of all Service members within Service cultures, courtesies, traditions, and core values. We promote these values best by living them.
- Uniform, dress, and appearance standards are not modified with the repeal of the Don't Ask, Don't Tell legislation. All Services will continue to enforce their respective standards as prescribed by their traditions and values.
- Service members will refrain from unwanted discussions of sexual desires, practices, and experiences that could cause offense to others. These types of discussions are unprofessional and are not conducive to ensuring or maintaining a unit's morale, cohesion, and good order and discipline.
- Commanders and supervisors at all levels have the authority and the responsibility to maintain good order, discipline, and morale within their units. They are accountable for their actions in all cases.
 - As indicated above, some specialty areas, especially in the combat arms, expressed more concerns about repeal than other specialties. However, this is not to say all combat units oppose repeal while all support units are in favor of repeal. Each unit and individual Service member is unique. Leaders must take the time to get to know their people and the concerns of their particular unit in order to guard against stereotypes negatively impacting the cohesion and effectiveness of their unit.
- Leaders must never use their position of authority to inappropriately or illegally benefit or disadvantage another person for any reason. Misconduct involving abuse of position, trust, or rank is particularly egregious and will be dealt with swiftly and severely.
- As a general rule, leaders intervene in the private lives of their subordinates only where it is necessary in the interest of accomplishing the mission or to ensure the health and well-being of the force.
- Typically, early and effective counseling can curtail unprofessional conduct. More serious cases may warrant administrative action, non-judicial punishment, or court-martial.
- Devotion to our values, our culture of mutual respect, and our obedience to lawful orders is one reason why we remain the world's greatest military power.

- Personal privacy is a concern for many Service members. Service members accept living and working conditions that are often austere, primitive, and characterized by forced intimacy with little or no privacy. Leaders continue to have the discretion to grant privacy requests (e.g., related to latrines, showers, billeting) where necessary in the interest of maintaining morale, good order and discipline, and consistent with performance of mission.
- Commanders' leadership and personal commitment to implementation must be visible and unequivocal. Commanders are expected to exemplify standards of professional conduct and build on their Service cultures to ensure all Service members are respected, treated fairly, and valued for their contributions and performance.
- Misconduct must be addressed quickly, appropriately, and in proportion to the seriousness of the offense. A leader's initial response may constitute a formal warning, official censure, or other disciplinary action. In particularly serious cases, or where an individual persists with or has a history of acts of social misconduct, formal disciplinary or administrative action should be taken.
- Service members have the right to reveal their sexual orientation or keep it private. Leaders must ensure that unit members are respectful and do not refer to individuals or groups in a derogatory way. This includes gay and lesbian individuals as well as people who have moral or religious concerns with repeal, all of whom could be stereotyped in a negative way.
- Military life is fundamentally different from civilian life. The military society is characterized by its own laws, rules, customs, and traditions. Service members accept numerous restrictions on personal behavior, which require them to routinely subjugate personal desires and well-being for the good of the unit. While the traditions and standards of military service may not be acceptable in much of civilian society, they are necessary to accomplish the duties of military service. Repeal of Don't Ask, Don't Tell does not alter this fundamental characteristic of military service. Leaders must exemplify and develop in others the ability to put Service before self to execute the mission.
- The bonds of trust among individual Service members are important to the combat effectiveness of a unit. Leaders must continue to create within their units strong bonds of trust in training to ensure success in the field.
- The standards of conduct for members of the military regulate a Service member's life 24 hours a day, 7 days a week. The consistent, unwavering application of the standards of conduct is necessary because Service members must be ready at all times for worldwide deployment.

D**FREQUENTLY ASKED QUESTIONS
AND VIGNETTES**

Frequently Asked Questions (FAQs) and training vignettes were developed as an efficient and effective way to get information rapidly to the force. The Leadership Implementation Guide in Appendix C and the FAQs and vignettes in this appendix are designed to give the Services a basis from which they can develop education and training materials.

The FAQs can be adapted to many audiences, to include Service members, families, and the public. The vignettes were developed as tools for leaders and trainers to address some of the areas of concern the Working Group heard in its engagements with the force. The FAQs and vignettes are not all-inclusive. The Services should review the content and subject areas represented in this appendix to ensure they address Service-specific areas of concern and that the language is appropriate for their Service culture. Service Headquarters Training representatives, Service academy and war college academic faculty, Office of the Under Secretary of Defense for Personnel & Readiness (OUSDP&R) representatives, and Defense Equal Opportunity Management Office (DEOMI) personnel assisted in the creation of these tools.

As the Department of Defense and the Services adapt the FAQs and the vignettes for their use, they should continue to work with DEOMI training specialists. In addition, the Department of Defense and the Services should consider creating an online resource where Service members and their families can ask questions not covered in the tools provided. The Working Group used the following framework to create the FAQs and vignettes and recommends that the Department of Defense and the Services follow similar guidance when working with these products.

- Use language that is respectful of all perspectives and does not inadvertently refer to individuals or communities in a derogatory way. This includes gay and lesbian individuals as well as people of faith who have moral concerns with repeal, all of whom can be stereotyped in a negative way. The Working Group recommends following American Psychological Association conventions on sexual orientation and suggests using the terms "gay" (or gay men), "lesbian" (or lesbians), and "bisexual" (or bisexual individuals) instead of the term "homosexual" (or homosexuals) as the use of "homosexual" tends to be associated with more negative stereotypes. Similarly, the Working Group recommends avoiding language that stereotypes people of faith (e.g., extremist, fundamentalist, fanatic) who hold strong moral convictions about homosexuality.

- While it is critical to address the issues and concerns Service members expressed in the Working Group's engagements with the force, this should be done without validating stereotypes and misperceptions regarding gay men and lesbians. FAQs and vignettes should be phrased to ask broad, neutral questions. Language that perpetuates a stereotype of any group, as well as hypothetical situations based on stereotype, should be avoided.
- FAQs and vignettes should be written in clear, concise, jargon-free language and cover topics and issues that are either frequent concerns in the force or have the potential for high negative impact if not addressed.
- The Working Group's research indicates that existing policies and regulations will adequately address most of the concerns and issues regarding repeal. This research also suggests that unified leadership along with the professionalism of the force will mitigate most concerns. Therefore, the Working Group does not find it necessary to address every possible variation of repeal and recommends that the Services adapt the FAQs and vignettes to meet their needs and concerns.

Frequently Asked Questions (FAQs)

1. What is the new policy on sexual orientation in the military?

Service members will not be involuntarily separated for lawful homosexual conduct.

Sexual orientation remains a personal and private matter. Sexual orientation or homosexual conduct (statements, acts, same-sex marriage) are not a basis for separation, reassignment, or special consideration. Service members may inform others of their sexual orientation at their own discretion.

The Department of Defense will not ask Service members to identify their sexual orientation. The Department of Defense will not collect or maintain data on an individual's sexual orientation.

2. How will repeal of Don't Ask, Don't Tell affect recruitment and retention policies?

If otherwise qualified, individuals may join and serve in the Military Services without regard to sexual orientation.

Sexual orientation is not a factor in recruitment or retention in the Military Services, and the Department of Defense does not have sexual orientation targets or quotas for recruiting.

3. Will Service members honorably discharged under Don't Ask, Don't Tell be allowed to reenter the Military Services?

All honorably discharged Service members have an equal opportunity to apply for reentry. Services will determine re-accession based on need and a number of other factors, but sexual orientation will not be a factor.

4. Can transgender or transsexual individuals join the Military Services?

No. Transgender and transsexual individuals are not permitted to join the Military Services. The repeal of Don't Ask, Don't Tell has no effect on these policies.

5. Does repeal of Don't Ask, Don't Tell affect benefits for partners of gay and lesbian Service members?

Gay and lesbian Service members are eligible for the same benefits as any single Service member. For example, any single Service member may extend to someone of their choosing benefits such as notification instructions on their Form 93, *Record of Emergency Data* (RED), and listing the designated individual as an SGLI beneficiary. The Department of Defense is also examining other benefits that may be included in this set.

Context: Under the Defense of Marriage Act (DOMA), the Federal Government defines marriage as a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife. Under DOMA, married/spouse benefits cannot be extended to an unmarried partner, to include same-sex partners.

6. Does repeal of Don't Ask, Don't Tell affect the religious rights of chaplains?

No. Chaplains will continue to have freedom to practice their religion according to the tenets of their faith. In the context of their religious ministry, chaplains are not required to take actions that are inconsistent with their religious beliefs (e.g., altering the content of sermons or religious counseling, sharing a pulpit with other chaplains, or modifying forms of prayer or worship).

Chaplains of all faiths care for all Service members and facilitate the free exercise of religion for all personnel, regardless of religious affiliation of either the chaplain or the individual.

Chaplains minister to members and provide advice to commanders on matters of religion, morals, ethics, and morale in accordance with, and without compromising, the tenets or requirements of their faith. If, in a

chaplain's discharge of his/her broader duties within the unit, he/she is faced with an issue contrary to his/her individual faith, he/she may refer the Service member to other appropriate counsel.

If a chaplain is unable to discharge his/her duties as a result of a repeal, current regulations permit a chaplain to request that the relevant endorsing agency withdraw its ecclesiastical endorsement of the individual chaplain.

7. Does repeal of Don't Ask, Don't Tell affect the speech, morals, or religious rights of Service members?

No. There will not be any modifications or revisions to policy regarding Service members' protections and obligations with respect to free speech and free exercise of religion.

The Department of Defense recognizes the right of all Service members of the Military Services to hold individual beliefs consistent with their moral foundations and conscience and does not seek to change them.

Service members can continue to freely practice their religion and express their personal views within the limitations of the UCMJ and Service standards of conduct.

8. Will the Department of Defense establish a new category of early release from service commitments for Service members based on moral, religious, or other objections to the repeal of Don't Ask, Don't Tell?

No. The Department of Defense does not permit the early discharge of Service members based upon their opposition to the repeal of any new policy. This includes Don't Ask, Don't Tell or objection to serving with or living in the company of any Service member.

Existing regulations allow Service members with a service commitment to request early, voluntary discharge under their Service Secretary's plenary authority. Granting these types of requests is at the discretion of the Service Secretary and is granted only when the early separation would be in the best interest of the Service. Commanders retain their current authority under existing Service personnel management policies to assist personnel within their units who desire to separate from the Service when in the best interest of the Service, the unit, and/or the individual in question. Service members are advised to talk to their chain of command and/or seek legal assistance to ensure they understand the available options within their Service for pursuing separation for any reason.

9. Will repeal of Don't Ask, Don't Tell have health implications for the military?

No. DoD research found that there would be no increase in Service member health risk. Existing policies and procedures for HIV screening and testing, management of HIV-positive personnel, and management of the military blood supply will continue to be effective following a repeal of the law. The Service Surgeons General have examined this issue and determined there would be no increased risk.

10. Does the new policy apply equally to all Active, Reserve, and Guard components?

Yes. DoD regulations generally apply equally to all members of the Active, Reserve, and National Guard (when in Federal status) components.

Note: Leaders can clarify for Reserve and National Guard personnel which policies apply in a non-duty or Title 32 status.

11. Are there any new restrictions on duty assignments or employment?

No. There will be no special treatment or special arrangement for the assignment or employment of gay and lesbian Service members. In these matters, all Service members will be considered equally regardless of sexual orientation.

12. Will the Department of Defense build separate living or bathroom facilities for gay and straight Service members?

No. Building separate facilities would create divisions within units and inappropriately isolate a portion of the force.

13. Does a Service member have the legal right to refuse to share accommodations and/or facilities with a gay and lesbian Service member?

No. Service members do not have a legal right to reject (or select) assignment with any other Service member within shared military accommodations and facilities. In addition, Service members do not have the legal right to refuse work or duty assignments based on a moral objection to another individual's sexual orientation.

If a Service member has a concern with a billeting or work arrangement for any reason, he or she should address those concerns appropriately within their chain of command. Commanders may use discretion in personnel assignments to berthing, housing and other facilities to maintain morale, good order, and discipline based on Service policies and space available.

Accommodation requests for any reason are considered on a case-by-case basis.

Mission readiness, unit effectiveness, and good order and discipline, remain the priority. Refusal to comply with lawful orders may result in disciplinary action.

14. Does repeal affect standards of conduct?

No. Standards for personal and professional conduct apply uniformly without regard to sexual orientation.

Service members will continue to conduct themselves consistent with Service customs and traditions, and the law. Service members are expected to conduct themselves professionally at all times.

Unprofessional behavior by any Service member that fails to meet standards of conduct should be corrected by explanation, counseling, administrative action, or legal action depending on the nature, severity, or repetition of the offense.

Sexual misconduct of any kind is inconsistent with our values and will be dealt with swiftly and severely. Harassment or violence of any kind between Service members will not be tolerated.

15. Is consensual sodomy still a punishable offense under the Uniform Code of Military Justice?

Only in limited circumstances. Unrelated to Don't Ask, Don't Tell, the U.S. Supreme Court and the Court of Appeals for the Armed Forces found that private, consensual sexual activity, to include consensual sodomy, regardless of sexual orientation, is a protected liberty under the Fourteenth Amendment. Consensual sodomy can only be punished if it is prejudicial to good order and discipline or service discrediting (e.g., in public, between a superior and a subordinate), or there are other factors involved in the commission of the act such as force, coercion, or involvement of a minor. This was true before repeal and it remains true now.

16. How will the military handle discrimination towards gay and lesbian Service members?

Unlawful discrimination against any individual or group is unacceptable.

General MEO policy requires the promotion of "an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible" and prohibits the

evaluation of Service members on bases other than “individual merit, fitness, and capability.”

Complaints regarding harassment or discrimination based on sexual orientation are dealt with through the chain of command, the Inspector General, and other means established by the Services. Criminal harassment should be referred to appropriate law enforcement agencies for investigation.

17. What training will be required for Service members and their families when repeal occurs?

Service members will be informed of the change in policy and expectations for behavior. Members involved in certain functions (e.g., administrative, legal, investigative) may receive additional training focused on specific changes to their specialty. Family members will be informed of the changed policy and advised where to go to seek any specific information they need.

Further guidance is available from the chain of command, the appropriate Service policy staff, lawyers, chaplains, and medical personnel.

Vignettes

The following training vignettes consist of hypothetical, policy-related teaching scenarios that commanders and leaders can use to assist them in implementing the change in policy. They are not meant to provide all the “correct” outcomes, but serve to illustrate approaches to a sample of issues that may arise should 10 U.S.C. § 654 be repealed. The vignettes will assist leaders in addressing potential issues related to repeal in order to:

- Reinforce expectations of exemplary conduct and professionalism from all Service members.
- Achieve minimum disruption through practical examples.
- Provide commanders with common examples of personal and professional behavior.

As a general guide, Service members should attempt to resolve issues at the lowest level of the chain of command appropriate for the situation. Leaders should mentor Service members in means of resolving individual disagreements and conflict by instilling in their subordinates a willingness to properly confront and, where required, correct improper behavior.

The best way to work through most conflict is to clarify the situation and seek understanding with the other person. Most of the time, talking with a teammate will clear up the misunderstanding. If an informal meeting does not address the concern,

have a formal meeting that includes, for example, a senior mentor, outside observer, or chaplain. Try to be developmental, not punitive. If these meetings do not resolve the issue, then bring in the chain of command. Hold people accountable when they misuse their authority for any reason. If the chain of command cannot resolve the issue, then the IG and other grievance processes are available and appropriate to use when other options are exhausted.

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- 1. SITUATION: You are the Senior Non-Commissioned Officer at a high tempo recruiting office. Your top notch, high performing recruiter who has served in the military for 14 years asks to meet with you. Due to his personal religious beliefs, he tells you he cannot process an outstanding applicant who voluntarily states he is gay.**
-

Issue: Accessions and Recruiting Policy. What actions should the SNCOIC do? Has the Service member committed misconduct?

Discussion: Normally, counseling and education should be your first course of action. As his supervisor, you counsel him on the new policy, informing him that sexual orientation is not a bar to military service, and his duty is to recruit the best qualified applicants within the enlistment standards set by the Service. Due to the Service member's stated religious concern, you may suggest the Service member meet with the chaplain or another spiritual advisor. If the recruiter continues to refuse to process an otherwise qualified recruit, he could be subject to disciplinary or adverse administrative action. However, if the recruiter's performance and professionalism is otherwise high, and he is able to carry out assigned duties, but still cannot resolve the conflict with his personal beliefs, the SNCOIC could work with the chain of command to explore their available options to include possible reassignment. In all situations, leaders are expected to enforce standards and correct behaviors that undermine unit cohesion. Positive leadership with a focus on professional obligations to uphold the policy while recruiting the best qualified applicants should be reinforced. Service members are expected to obey lawful orders and could be subject to discipline or adverse administrative action if they refuse orders, even if such refusal is based on strong, sincerely held, moral or religious beliefs.

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- 2. SITUATION: You are the Senior Non-Commissioned Officer at a high tempo recruiting office. Your top notch, high performing recruiter from Situation 1 has been doing a good job for the past couple of months after your discussion with him about Don't Ask, Don't Tell. He requested a reassignment but it was denied. The recruiter asks to see you and informs you that while he appreciates how the situation was handled, he has tried but he cannot resolve his personal beliefs with the repeal of Don't Ask, Don't Tell. He has two years remaining on his current enlistment and wants to know how he can request an early separation.**
-

Issue: Release from Service Commitments. What actions should the SNCOIC do? Can the recruiter be released early from his service commitment?

Discussion: The Department of Defense does not permit the early discharge of Service members based upon their opposition to a new policy. This includes a repeal of Don't Ask, Don't Tell. Service members with a service commitment may request early, voluntary discharge under the plenary authority of their Military Department Secretary. Granting these types of requests is at the discretion of the Military Department Secretary and is granted only when the early separation would be in the best interest of the Service. Your best option would be to keep your chain of command informed of the situation and contact the legal office for advice on pursuing early separation within existing Service policy.

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3. **SITUATION:** An applicant comes into a recruiting station and says that he would like to enlist. In accordance with DoD policy, the recruiter does not ask any questions about the applicant's sexual orientation; however, the applicant reveals of his own accord that he is gay.

Issues: Accessions and Recruiting Policy; Collection and Retention of Sexual Orientation Data. What should the recruiter do after hearing the applicant's statement?

Discussion: Applicants will not be asked or required to reveal their sexual orientation during the accession process. If an applicant comes into a recruiting office and volunteers a statement that he or she is gay or lesbian, the recruiter should explain to the applicant that sexual orientation is considered a personal and private matter and no Service member is required to declare their sexual orientation. The recruiter should continue to administer the application unless the applicant is otherwise ineligible for service in the military.

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4. **SITUATION:** A junior officer complains to her immediate supervisor that she believes that the reason for her non-selection to a much-desired school was due to her sexual orientation. The supervisor informs the member that the panel used for the selection process had no way of knowing her orientation, but he would check into the situation and get back to her. After an informal inquiry of the panel members, the supervisor concludes that the selection process used was fair and equitable. The member is still not satisfied and wants to know what other course of action she can take. You refer her to the Commander who understands the Service member has a right to redress suspected wrongs in the selection process, but is unsure if this is a matter for the Equal Opportunity Advisor, the IG, or the chain of command.
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Issue: Equal opportunity. The commander wonders if this is an issue under the Military Equal Opportunity Program, the IG, or something the chain of command should be made aware of to determine if the selection board acted appropriately.

Discussion: Service members should be evaluated only on individual merit. The supervisor's attempt to resolve the complaint through informal inquiry did not satisfy the Service member's concerns. The Service member should attempt to continue to resolve the complaint within the chain of command, if possible. If the complaint is not resolved within the chain of command the Service member can seek resolution through the Inspector General or other means established by the Services. In this case, the MEO program is not appropriate for resolution because sexual orientation is not specified as a class eligible for the MEO complaint resolution process.

5. SITUATION: A Service member requests emergency leave after receiving a Red Cross message concerning the critical condition of his same-sex partner.

Issue: Benefits. Is the Service member eligible for Emergency Leave?

Discussion: Yes. If the situation places a severe or unusual hardship on the Service member, he or she is eligible for Emergency Leave. The sexual orientation of the Service member's partner has no bearing on the decision.

DoDI 1327.06 states that emergency leave may be appropriate when:

- A member of the household or immediate family has died.
- The Service member's presence would contribute to the welfare of a dying member of the household or immediate family.
- Serious illness of a member of the household or immediate family imposes a demand on the Service member that must be met immediately and cannot be accomplished from the duty station or by any other means.
- The Service member's failure to return home places a severe or unusual hardship on the Service member, his or her household or immediate family.

Commanders may grant up to 30 days of emergency leave. In this situation, the leave may or may not qualify as emergency leave depending on the circumstances. The Commander should meet with the Service member to obtain information about the emergency and verify that the Service member's presence can resolve or alleviate the situation. If in doubt, the Commander should seek legal advice and consult the chain of command. If

circumstances and the military mission warrant granting emergency leave, the Commander should ensure swift processing of the request. If the situation does not fall within the guidelines of emergency leave and the mission will not be unacceptably impacted, every attempt should be made to resolve the situation swiftly and compassionately through other authorized alternatives. Considerate, professional understanding is the humane approach to granting leave requests, regardless of the situation or circumstances.

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- 6. SITUATION:** You are the leading Chief Petty Officer aboard ship. A top performing Petty Officer, who is known to be a lesbian, approaches you and states she can no longer tolerate her roommate. Through positive reinforcement, counseling, and mentorship, you attempt to resolve the issue at the lowest level in the chain of command. However, you notice her performance starting to diminish and she and her roommate are making derogatory comments to co-workers about each other. The behavior has become disruptive to the entire unit and others are starting to complain. She puts in a request to be re-assigned to another berthing area onboard ship.
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Issue: Privacy and Cohabitation. What options does the leading Chief Petty Officer have to address conflicts between roommates? What actions should the chain of command take to address this issue?

Discussion: The Chief Petty Officer must take a very active and positive leadership approach with a focus on conflict resolution and professional obligations to uphold the policy. The Chief Petty Officer should counsel the individuals and help them to resolve their personal differences. A clear message must be received by both, that respecting each other's rights within a closed space is critical to maintaining good order and discipline. Standards of conduct apply equally to all Service members and inappropriate conduct by either roommate should be corrected appropriately. If the issue cannot be resolved and alternative berthing arrangements can be made within command policy and without degrading good order and discipline of the unit, the Commander may consider reassignment of roommates.

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- 7. SITUATION:** You are the admin chief of a unit personnel office. A newly commissioned Lieutenant reports to the unit with the expectation of starting his BAH at the "with dependent" rate. He informs you that he got married while executing PCS orders. He presents his marriage certificate. While reviewing the documents, you notice the Service member was married to his same-sex partner in Vermont where same-sex marriage is legal. The newly-reported member informs you he thought he would receive BAH at the "with dependent" rate once Don't Ask, Don't Tell was rescinded.
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Issue: Benefits. What entitlements are available to same-sex partners?

Discussion: Because the Federal government does not recognize same-sex marriages, a Service member cannot claim dependency for a same-sex partner, for BAH purposes. You inform the Lieutenant that he's not entitled to BAH at the "with dependent" rate based on a marriage to a same-sex partner. However, if the Service member has a qualifying dependent such as a dependent child, then he is eligible for BAH at the "with dependent" rate. The question of benefits for unmarried partners is being studied by the DoD at this time. For further explanation of the law and current entitlements available to the Service member and his family, refer the Lieutenant to the Legal Office or Family Support Center.

8. **SITUATION:** You are the supervisor of a Service member who wants to file a complaint against a chaplain. The Service member informs you that she attended a worship service at the base chapel over the weekend and the chaplain's sermon included several direct statements that homosexuality is a sin and that marriage should be only between a man and woman. The Service member disagreed with the chaplain's remarks and felt they were discriminatory and biased and should not be allowed.

Issue: Moral and Religious Concerns. Can the Service member file a complaint of discrimination or harassment against the chaplain? Should chaplains revise their sermons to avoid the perception of discrimination? What alternatives are available to assist the member or the chaplain?

Discussion: Chaplains have the right to express their religious beliefs during their conduct of a service of worship or religious study. Unless a chaplain's speech is otherwise prohibited, such as publically maligning senior leaders, their sermons and/or teachings cannot be restricted, even with regard to socially controversial topics. This situation is an excellent opportunity to have a discussion with the Service member about religious respect and the proper boundaries of religious expression within the military. You could offer to meet with the Service member and the chaplain to facilitate a discussion on the topic. If either the chaplain or the Service member feels that due to their religious views, speech, or practice, they have been improperly treated, redress is available through their chain of command, existing Service policy, or the IG if necessary. Chaplains facilitate the free exercise of religion for all personnel, regardless of the religious affiliation of either the chaplain or the individual. At the same time, regulations also recognize that chaplains minister to members in accordance with, and without compromising, the tenets of their faith. These boundaries are not always clearly defined. Finally, the Service member may request assistance from the chaplain's office in finding a different religious service to attend.

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9. **SITUATION:** You are a Senior NCO. After a company run, you witness two of your fellow Service members in the locker room joking and having a loud inappropriate conversation about gays and lesbians. The comments were directly related to their refusal to be naked and shower in front of a gay Service member.
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Issues: Standards of Conduct; Privacy. How do you address this situation? Is there a violation of the Standards of Conduct?

Discussion: Leaders at all levels are responsible for maintaining trust, cohesion, effectiveness, and readiness of the all-volunteer force. Leaders are expected to dispassionately enforce standards and correct behaviors that undermine unit cohesion. You should advise them of the Service policy and inform them that discrimination or harassment against any Service member is inappropriate. If a request is made to avoid showering with an individual, Commanders have the discretion to grant personal requests within unit policies and if the mission is not unacceptably impacted. As a general rule, the person making the request would have the burden of adapting to a different schedule. However, publicly joking about this issue is inappropriate behavior.

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10. **SITUATION:** You are a civilian working in the housing office. A Service member, who is known to be a lesbian, recently adopted a son and reports to your office to discuss her Military Family Housing application. She requests to be assigned specific quarters that are more isolated than others, for concerns of potential harassment of her family. She also requests that her same-sex partner, who is her son's primary care provider, occupy the quarters as well.
-

Issues: Benefits; Standards of Conduct. Are there guidelines for same-sex partners occupying Military Family Housing? How should the housing office consider the request for specific quarters?

Discussion: You should inform the Service member that because she has a qualifying dependent son that she is indeed authorized Military Family Housing. Local policies regarding live-in child care providers or other non-dependents living in base housing should be followed for the same-sex partner. You explain to her that in accordance with the Military Family Housing assignment policy, she will be given several options pertaining to assignment of quarters, but her special request to be assigned isolated quarters may not necessarily fall within the guidelines of "special considerations." If quarters are found inadequate for her needs, she has the option to obtain outside housing or discuss the issue with her chain of command. Since the Service member also expressed a concern about harassment, it would be appropriate to refer her to her chain of command to discuss these concerns. Harassment for any reason is not tolerated within the Department of Defense and should be appropriately reported and corrected at all times.

11. SITUATION: You are the Executive Officer of your unit. While shopping at the local mall over the weekend, you observe two junior male Service members assigned to your unit and in civilian clothes kissing and hugging in the food court.

Issue: Standards of Conduct. Is this within standards of personal and professional conduct?

Discussion: Standards of conduct regarding public displays of affection (PDA) are orientation-neutral. If the observed behavior crosses acceptable boundaries as defined in applicable standards of conduct for your unit and Service, then an appropriate correction should be made. Your assessment should be made without regard to sexual orientation.

12. SITUATION: A Service member has been observed entering, leaving, and generally “hanging around” a gay bar. The Commander is notified of the observations but isn’t sure what action, if any, she should take.

Issue: Standards of Conduct. What should the Commander do? Can the Commander take administrative disciplinary action and charge the Service member for going to a gay bar? Should she conduct a Commander’s inquiry?

Discussion: Installation Commanders can place an establishment off-limits for certain reasons, such as known or suspected criminal activity or drug use. An establishment would not be placed off-limits just for catering to gay clientele. Unless the establishment is designated off-limits by the installation Commander or there is evidence of behavior by the Service member that is counter to Service and/or Command standards of conduct, there is no prohibition against going to a gay bar. In this case, the Commander should take no action.

13. SITUATION: A Warrant Officer is watching the local TV news coverage of a gay rights parade when he notices a female Service member assigned to his unit marching in the parade in civilian clothes, carrying a handmade placard. As the television camera zooms in on the Service member’s sign, the Warrant Officer can clearly read the handwritten words “Support Gays and Lesbians in the military!” The next morning, he reports the incident to his Commander.

Issue: Standards of Conduct. Is this prohibited activity? Should the Commander inquire into what meaning this Service member had intended to convey by carrying that particular sign in the gay rights parade?

Discussion: A Service member’s participation and carrying a banner or sign in a gay rights activity would not in and of itself constitute misconduct unless the Service member’s actions are otherwise prohibited or would discredit the military. For example, participating in uniform or while on duty hours

would be prohibited unless approved by authorized command authorities. In this case, the Service member chose to carry a sign that acknowledged positive support for gay and lesbian Service members serving in the military. The parade was a local community-sanctioned event and was not a protest or dissident activity prohibited by existing policy. Furthermore, the Service member was off-duty and in civilian clothes. Participation in the parade as described is within the Service member's right of expression and consistent with good order and discipline. However, if there is any doubt about participating in any off-base event, the Commander should contact the JAG for advice.

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- 14. SITUATION:** You are the Command Master Chief of a base. A Service member with 16 years of service requests to see you about her next assignment. Due to a medical concern of her same-sex partner, she would like to request a base where she has access to the medical care she requires. She states that if she cannot get the care, she intends to turn down her next assignment. She wants to know if she can receive any assignment priority based on the needs of her partner.
-

Issue: Duty Assignments. What actions should the Command Master Chief take? Can the Assignment Officer take into consideration the member's honest acknowledgement concerning her partner and assign her to the desired location? Can the member decline assignment orders without consequences?

Discussion: Service members are assigned permanent change of station orders based on the needs of the Service. Service members can share personal information with assignment personnel for consideration in making assignments. Assignment personnel then make assignments within existing Service assignment policy. In general, a Service member's sexual orientation should have no bearing on the assignments process. In this case, the same-sex partner would not qualify the Service member for assignment priority under existing DoD policy. However, the Service member can provide any information that she is comfortable sharing for consideration. The Service member could also share her concerns with the Commander who could make an input to the assignment process within existing Service regulations. If the assignment can be made within existing assignment policy and the needs of the Service, then this request could be considered. The Service member may turn down the assignment and separate if she does not have an existing service commitment that would prevent her from separating. If the Service member has further questions about assignment priority based on her situation, she should be referred to the legal office.

E**RECOMMENDED FOLLOW-ON
REVIEW STRATEGIES**

The Terms of Reference from the Secretary of Defense direct that the Working Group “assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.” This appendix identifies methods that may be used to accomplish that task should repeal of 10 U.S.C. § 654 occur. Monitoring methodologies are currently available through a variety of resources and tools that DoD entities already use. The Working Group reviewed these existing DoD surveys and assessments; a brief summary of those instruments is provided here. As much as possible, follow-on review and monitoring should use existing processes and minimize disruption to the force that might result from establishing new, potentially burdensome reporting instruments.

There is no single, unified instrument for collecting and assessing organizational data within the Department of Defense. At present, the Department of Defense uses a variety of interrelated resources; several entities conduct analyses that could be adapted to collect data on, and monitor the success of, implementation of repeal. These entities and instruments include:

- Defense Manpower Data Center (DMDC) – “Status of Forces” Surveys. Periodic, fast, accurate assessments of attitudes and opinions of the entire DoD community. Capable of developing additional evaluations targeting specific interests.
- Defense Equal Opportunity Management Institute (DEOMI) – “Command Climate” surveys. Allows leaders to proactively assess critical organizational climate dimensions that can impact their organization.
- Inspector General – “Command Assessments.” Inspections of commands and leadership to ensure proper application and enforcement of policies.
- Sexual Assault Prevention and Response Office (SAPRO). Single point of contact for accountability and oversight of sexual assault policy, facilitates resolution of issues common to all Military Services and joint commands, submits annual report on sexual harassment, assault, and violence to the Department of Defense.

The Working Group recommends that OUSD(P&R) work with established DoD entities that specialize in surveys and assessment, and leverage their resources to conduct follow-on review and monitoring of implementation of repeal of 10 U.S.C. § 654. The list below highlights reporting instruments routinely used across the Department of Defense that could be adapted for follow-on review purposes:

- “Status of the Forces” Surveys – Defense Manpower Data Center (DMDC)
 - Provide the Department of Defense with fast, accurate assessments of attitudes and opinions of the entire DoD community to: 1) evaluate existing programs/policies, 2) establish baseline measures before implementing new programs/policies and, 3) monitor progress of programs/policies and their effects on the total force.
- Command Climate Surveys – Defense Equal Opportunity Management Institute (DEOMDoDD 1350.2: *DoD Military Equal Opportunity (MEO) Program Assessments*)
 - DoDD 1350.2: *DoD Military Equal Opportunity (MEO) Program Assessments*
 - DEOMI Organizational Climate Survey (DEOCS): The questionnaire uses shared perceptions of an organization’s members to measure climate factors associated with military equal opportunity (MEO) and civilian equal employment opportunity (EEO) issues, as well as organizational effectiveness (OE) factors. This survey allows leaders to proactively assess critical organizational climate dimensions that can impact their organization. There are 13 Climate Factors:
 1. Sexual Harassment and Sex Discrimination
 2. Differential Command Behavior Toward Minorities
 3. Positive Equal Opportunity Behaviors
 4. Racist Behaviors
 5. Religious Discrimination
 6. Age Discrimination
 7. Disability Discrimination
 8. Organizational Commitment
 9. Trust in the Organization
 10. Work Group Effectiveness
 11. Work Group Cohesion
 12. Leadership Cohesion
 13. Job Satisfaction
 - Commanders can add up to 10 locally-developed questions and five short-answer questions to their survey, helping them target specific areas of concern.

- Command Assessments – Inspector General
 - Service Inspectors General could include, as an item of specific interest in their inspection, the training of those charged with application and enforcement of the policies related to repeal, and implementation of sexual orientation-neutral policies.
- Sexual Assault Prevention and Response (SAPR)/Drug and Alcohol Program Advisor (DAPA)/Sexual Harassment
 - The Sexual Assault Prevention and Response Office (SAPRO) serves as the single point of accountability and oversight for sexual assault policy, provides guidance to the DoD components, and facilitates the resolution of issues common to all Military Services and joint commands. The objectives of DoD's Sexual Assault Prevention and Response policy are to specifically enhance and improve: 1) prevention through training and education programs, 2) treatment and support of victims, and 3) system accountability.
 - DoD Annual Report: The Department of Defense is required to submit to Congress an annual report on sexual assault in the military. The report is divided into the following major sections: DoD SAPR Program Overview, Program Highlights, Aggregate Report of Sexual Assault Incidents, Way Ahead for Program, and Strategic Observations.
 - *Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies*: The annual reports on sexual harassment and violence at the three Service academies provide data on reported sexual assaults involving cadets and/or midshipmen, as well as policies, procedures, and processes implemented in response to sexual harassment and violence during the Academic Program Year.
 - DoDI 6495.02: *SAPR Program Procedures*.
 - DoDD 6495.01: *Sexual Assault Prevention and Response (SAPR) Program*.

Support Plan for Implementation
Report of the Comprehensive Review of the Issues Associated
with a Repeal of “Don’t Ask, Don’t Tell”

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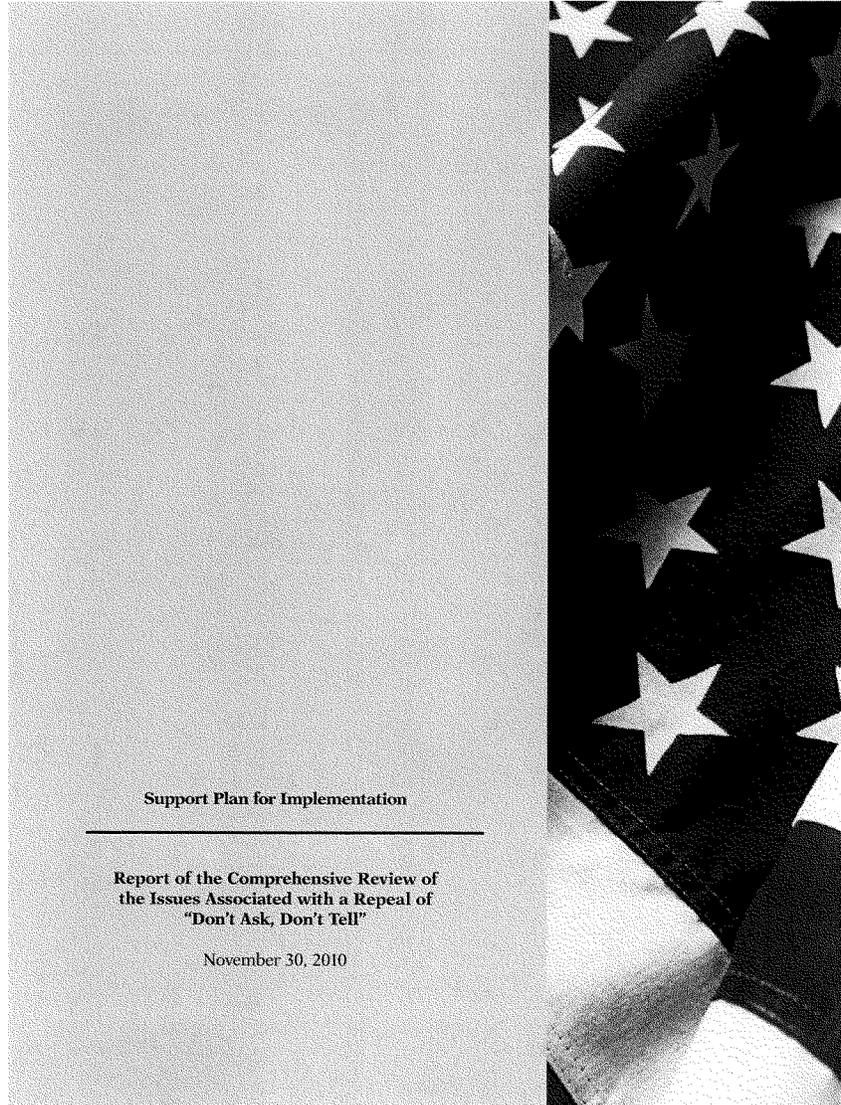
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Support Plan for Implementation

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November 30, 2010

[Whereupon, at 12:18 p.m., the committee adjourned.]

