

**HEARING TO CONTINUE TO RECEIVE TESTI-
MONY ON THE REPORT OF THE DEPART-
MENT OF DEFENSE WORKING GROUP THAT
CONDUCTED A COMPREHENSIVE REVIEW
OF THE ISSUES ASSOCIATED WITH A RE-
PEAL OF SECTION 654 OF TITLE 10, UNITED
STATES CODE, “POLICY CONCERNING HO-
MOSEXUALITY 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 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; Lenwood Landrum and Sandra Luff, assistants 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; Charles Prosch, assistant to Senator Brown; and Ryan Kaldahl, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

The CHAIRMAN. Good morning, everybody.

The committee meets this morning to continue receiving testimony on the Department of Defense's report on implementation of a repeal of "Don't Ask, Don't Tell." Yesterday we heard from Secretary Gates, the Chairman of the Joint Chiefs Admiral Mullen, and the Co-Chairs of the Department'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 General Norton Schwartz; and Commandant of the Coast Guard Admiral Robert Papp.

The chiefs are tasked to organize, train, and equip our military forces. That's an important and challenging task and we are all grateful to the service of each of you to this Nation. If we repeal "Don't Ask, Don't Tell," as I believe we should, the legislation stipulates that repeal will not take effect unless and until there is a certification by the President, 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 and effectiveness, unit cohesion, and recruiting and retention.

Several of you have testified before this committee that you had concerns about repeal of "Don't Ask, Don't Tell." 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.

The Working Group found that training, education, and leadership will be vital in mitigating those concerns. And, of great importance, 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 war-fighting 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 "Don't Ask, Don't Tell," 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, most 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

“Don’t Ask, Don’t Tell” 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 the Congress’s 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, and I repeat, is that leadership means knowing what your subordinates think, including on whether they think the current law in this case 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, always said, that I would listen to and fully consider the advice of our military regarding the potential repeal of “Don’t Ask, Don’t Tell.” I did that yesterday. I will do that today. I will continue to do that, and anyone who 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, and 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 the 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 comprehensive review working group regarding the potential impact of repealing Title 10 U.S. Code 654 and the associated Department of Defense policy, commonly referred to as "Don't Ask, Don't Tell."

The critical question is not the issue of acceptance, but how repeal might affect or impact military effectiveness. The Secretary and the Chairman 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 implementation of a new Department 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 seems enormous. By contrast, in times of conflict the focus is on the war effort. U.S. servicemembers 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, frankly, 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 are almost universally experienced—they 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 the Department 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 the Department will retain the ability to manage implementation. Legislation can provide the structure and predictability the Department'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 in 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 Title 10 U.S. Code 654 and the associated DOD policy known as "Don't Ask, Don't Tell."

Thank you, sir.

[The prepared statement of General Cartwright follows:]

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 "Don't Ask, Don't Tell" and I want to be able to provide my informed military advice to the committee. I'll begin by relating how I see the military risks, the risks from a military perspective, and then I'll give you my views on the impact on the force if "Don't Ask, Don't Tell" is repealed.

First, I think it's important that we're clear about the military risks. Implementation of the repeal of "Don't Ask, Don't Tell" 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 "Don't Ask, Don't Tell" in the near term will: one, add another level of stress to an already stretched force; two, be more difficult in our combat arms units; and, three, 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 plans that will mitigate the risks that I just described. Properly implemented, I do not envision that the repeal of "Don't Ask, Don't Tell" 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 as they wrestle with implementing repeal simultaneously with the other challenges that they're facing after 9 years at war.

So 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 "Don't Ask, Don't Tell" is repealed, the Army will work with the Department 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:]
Chairman LEVIN. General, thank you so much.
Admiral.

STATEMENT OF ADM GARY ROUGHEAD, USN, CHIEF OF NAVAL OPERATIONS

Admiral ROUGHEAD. Thank you, Mr. Chairman. Chairman Levin, Senator McCain, distinguished members of the committee: Thank you for the opportunity to appear before you today to address the report of the Comprehensive Review Working Group and my perspective of the issues associated with the potential repeal of 10 U.S. Code 654.

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 United States 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 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 and 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 7500 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.

10 U.S. Code 654 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 10 U.S. Code 654. I have the ultimate confidence in the men and women of the United States Navy and in their character, in their discipline, and in their 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:]

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 Department of Defense Working Group that conducted a comprehensive review of the issues associated with repeal of Section 654, Title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces."

I would like to begin by stating for the record that the study conducted by the Department's Comprehensive Working Group is a valuable examination of the issues associated with repealing the policy concerning homosexual 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 their 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 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 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 ninth 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, as 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 is, could we? 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, and health and welfare of the Corps are as high as it has been in my nearly 40- year 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 of 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:]

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 chiefs to offer testimony and our best military advice on the proposed repeal of 10 United States Code 654.

The DOD study confirms that Air Force attitudes run roughly 70–30 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 75–25, and lower for close combat Air Force skill sets, at about 60–40.

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 to repeal of “Don’t Ask, Don’t Tell” with modest risk to military readiness and 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 officer and NCO leaders in 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 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 “Don’t Ask, Don’t Tell” 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 certification until 2012, while initiating training and education efforts soon after you take 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. Pre-

capitous repeal is not—it is not—a place where your Armed Forces wants to be.

Mr. Chairman, along with my colleagues I look forward to your questions.

[The prepared statement of General Schwartz follows:]

Chairman LEVIN. Thank you very much, General Schwartz.

Admiral Papp.

**STATEMENT OF ADM ROBERT J. PAPP, JR., USCG,
COMMANDANT, U.S. 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 repeal's findings and the potential impacts of repealing "Don't Ask, Don't Tell" 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 Coast Guardsmen and family members in reply to the surveys put out by the report. Our active duty response rate was 54 percent, our Reserve response rate was 39 percent, and our spouse response rate was 39 percent, which demonstrates 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 Coast Guardsmen who are already serving capably and who have been forced to hide or even lie about their sexual orientation. Forcing these Coast Guardsmen 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 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 Coast Guardsmen 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:]

Chairman LEVIN. I think we are going to start on 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 "Don't Ask, Don't Tell" can be done without unacceptable risks to standards of military readiness and effectiveness. And your testimony indicates your agreement with that.

My first question to you is this. You are a Marine. General Amos is a Marine, sitting right next to you, and 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, apparently, General Cartwright, from that of General Amos. His testimony is that particularly the negative perceptions that are held by Marines create, could create a problem for the day to day operations in Afghanistan.

Can you comment on General Amos's testimony?

General CARTWRIGHT. Well, first out, we sat next to each other as second lieutenants overseas in our first overseas deployment, and we've served together ever since, and 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, probably because of my billet and because of my time joint, 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 ambi-

guities 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 mark in 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, the 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 talking to Marines, and 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 and lesbian, then the facts tend to weigh heavier on your mind, and in the study they showed, again, 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 they change was made in those militaries than it is now for our military.

That I think 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—when it came after implementation, that the attitudes were not only different, but, most importantly, that the change in those militaries had no negative impact on morale, recruitment, retention, readiness, or overall combat effectiveness.

So I'm wondering whether or not—let me start maybe at the other end of the line here. General Casey, let me start with you. Have you discussed the impact of repealing "Don't Ask, Don't Tell" 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. So in October I sat down with my counterparts from the United Kingdom, Germany, France, 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 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 our cases, 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. So 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, but—

General CARTWRIGHT. Well, 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 NATO 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, General Amos?

General AMOS. Chairman, we have so few other marine corps 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. So I find no fault in that, and I suspect it's absolutely correct.

But we are the United States 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 tran-

sition. 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 and fire departments, municipal public servants, that that 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; we actually exchange quite a bit with foreign countries, primarily with Canada, but we also put law enforcement detachments on British ships, Dutch ships, French ships, work with the Australians and others in the Northern Arabian Gulf in terms of counter-piracy and other operations.

So 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: 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, etcetera. I work on a daily basis with services that have openly gay or lesbian members, and we actually 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 “Don’t Ask, Don’t Tell.” A couple of you have commented on that issue, but I want to ask all of you about that. So let me ask you again, starting with you, General Casey: Would you agree that if “Don’t Ask, Don’t Tell” 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, though, that, as I mentioned in my opening statement, one of the concerns I have is that our captains, the company commanders and first sergeants and mid-level leaders, officers and noncommissioned officers, 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. Well, 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. And I can’t tell you specifically what it will be. I’m talking about the totality of the tasks.

Chairman LEVIN. Admiral Roughead, leadership?

Admiral ROUGHEAD. Leadership, 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—in some cases, in any event, but 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, if you have not commented on that, 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, morale, that that certification, which will take time, and then there's a 60-day delay after that, is of great value in this process, and that that is not assured at all if there's going to be a court opinion.

For those of you who haven't commented—and I forgot, frankly, who has and who hasn't—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 the Congress or the courts I think is immaterial. But no matter what happens, we have to have the time to appropriately prepare.

Chairman LEVIN. And 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. 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, which is the second part I think of what you're asking, 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, getting ready to go.

If that's the case—and it is for me, 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 would be 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, year, 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.

So my recommendation would be not necessarily—I can't tie a time line to the certification process, but my recommendation, 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. Well, 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 certainly the chiefs of staff, 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 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, senior enlisted personnel 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 “Don't Ask, Don't Tell” originally passed in 1993 there were some 13 hearings held on this issue and much more extensive examination.

So I don't have a lot of questions. General Cartwright, I guess when you look at any report it's like—a little bit like studying the Bible. You can draw most any conclusion from what part of it that 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 in both Army and Marine Corps combat arms was 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 “one, add another level of stress to an already stretched force”—I think that's one thing that we can all agree on, that the force is very badly stretched—and 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. So 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. And at this time, 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 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 MCCAIN. No.

General SCHWARTZ. If you—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, I believe, 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, again, particularly 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.

So I want to thank the witnesses. I want to thank those of you that have given us a very frank and forthright opinion, and 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. I think 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 "Don't Ask, Don't Tell." 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 really 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."

So 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. I'm repeating again. I think 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. So 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 I'd say—I apologize if I'm misstating—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 "Don't Ask, Don't Tell," but not now, for the reasons that you've stated.

And even General Amos—but I want to let you respond to this—you said at the end of your testimony, which is the second question you answered: "Should we at this time repeal?" You said: "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 "Don't Ask, Don't Tell"?

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 yesterday, 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 VTC. Then I talked to our battalion commander, who is absolutely in our 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 "Don't Ask, Don't Tell" 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 machs 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. So this is serious business for them. So I think it 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 and Senator Graham and Senator Gillibrand and I were over and visited that unit. They're doing remarkable work and showing extraordinary progress on the ground in Afghanistan.

My conclusion is that really in the end all six of you favor the repeal of "Don't Ask, Don't Tell." I don't mean to put words in your mouth, but the questions that the three of you have have to do with timing.

Yesterday Secretary Gates—let me step back. I'm sure you know, but I just want to state for the record that the provision in the National Defense Authorization Act before us that repeals "Don't Ask, Don't Tell" does give—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, etcetera.

I was part of drafting that and we intentionally did not put a time limit in that. 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 chiefs of the services. 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 the Department. 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. Well, 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 the Chairman 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 that would—it sounds very selfish. That would probably be very—that would probably be acceptable for us.

But back to your first question, we've had 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. Well, 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 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. So 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 would leave or think about leaving sooner than planned.

The question I would ask the two of you is, what would you—how would you face a 23 percent drop in retention? What does that do to you, General Casey? Start with you.

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. So 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. So 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.

General Roughead, I believe that you're the one—I'm sorry. Admiral Roughead. In your prepared statement you stated that 60 percent of the sailors believe the impact on effectiveness and 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 that, 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. So 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:]

[COMMITTEE INSERT]

Senator INHOFE. We talked yesterday about the fact that only a third of the people responded to this, to this survey. I have felt that the reason for that was that they weren't really asked the right questions. I mean, they didn't ever—they were never asked the question, do you think we should repeal "Don't Ask, Don't Tell." 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 of 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. So, 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. And now that was sensed by, certainly by then-Commandant Conway, and he in turn went out to his Marine Corps and said: Okay, Marines; this is—set that aside. We need your honest opinions on this thing. And then our inputs jumped up almost two or threefold.

So I think we got what we needed, Senator.

Senator INHOFE. Going from the time back when I was in the United States 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 Comprehensive Review Working Group conducted 95 information exchange forums. They contacted over 24,000 servicemembers, 140 smaller focus groups. This is quite an extensive thing. And 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."

You know, why—instead of just saying "against the repeal," would any of you like to have the information as to quantify that in some way? I mean, 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 kind of 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 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 little bit of the stampede theory. So I don't know how they could have done that. I've thought about that. I've wondered, because it would have been—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, I think 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. Is that—again, is that your conclusion? I don't want to read—

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. Well, I think that's a significant point, because I think—and again, 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.

And yet, what the survey seems to suggest to you—and I'll ask your colleagues, too—is that that has not caused significant problem with the readiness or good order and discipline. What it has, I think—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 and first sergeants and platoon leaders—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? And we're arguing here about whether that individual, if he can be sort of 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? And 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, knowing it. And I think the soldiers might react differently to that.

General CASEY. 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. And 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, however, when I look at this—and 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, 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 is 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.

So this distinction of believing and knowing at a level, a higher level, might be valid. I think we're really talking about people whose beliefs have some basis in kind of 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, I think again this is a rather open-ended question, but your advice, please?

General AMOS. Senator, the Marine Corps is the smallest force, as you know. We recruit a little bit differently. We recruit principally on a warrior ethos. We take less than one-tenth of one percent of the American population. So that automatically begins to winnow out large portions of American society.

The survey said that across all MOS's in the Marine Corps, military occupational specialties, 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.

So 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 platoon 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 hesitance 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 those are the—the Marines are at, and the soldiers and the sailors and the airmen and the Coast Guardsmen, at the tip of the spear, as they say. So that's your job.

Just one point because my time has expired. General Schwartz, I'd like you to respond for the record, and Admiral Papp, I'd appreciate it. But 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. I think that will continue, and that's another factor that we have to reckon with.

But I think it comes down to also, I think, 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. I think you're saying, what you just said, General Amos, is that it has to be done in a way that it does not provide such an immediate and disruptive effect.

I think, 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, 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, your sailors, your airmen and your Marines is unquestioned.

Mr. Chairman, I just want to correct something that you inferred in your opening statement. That is 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 IEFs, the on-line 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 that, General Casey and General Amos, that combat troops, the guys who are in the foxhole, 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.

So I want to direct this question, General Casey, to you and General Amos. Would the repeal of "Don't Ask, Don't Tell" 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 that as a projection that it would.

Senator CHAMBLISS. General Amos, let me ask that same question. Would it impact readiness of Marines?

General AMOS. Sir, I don't—I don't—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 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 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 unique fabric, that tightly woven fabric of that bonded unit, heavily engaged, tightly focused, 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, and 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've got 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 I think 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.

But again, 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. I think 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.

But from what I'm hearing—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, but—

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. We would look at it and I think that we would look at it from the perspective of the chiefs, but also the combatant commander, in this particular case CENTCOM and the ISAF commander, to ensure that whatever implementation plan we came up with made sense on the battlefield.

Senator WEBB. So it's not off the table? It's something that there is mixed opinion on it among the chiefs?

General CARTWRIGHT. I think where our opinion probably varies is in the how, whether it's time, whether it's by service, whether it's by unit, whether it's by deployment cycle, whether 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, etcetera.

So 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. But 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 and we do it by—

Senator WEBB. So basically it's not?

General CARTWRIGHT. It's not locked down.

Senator WEBB. It's not being—

General CARTWRIGHT. But 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. So 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.

Well, I don't think anybody at the table is advocating that those people who are now in the military under "Don't Ask, Don't Tell" should leave other than for the reasons of conduct. Is there anybody who would disagree with me on that? [No response.]

So 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 "Don't Ask, Don't Tell." If we have someone who has given 10, 15 years 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. And 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 you understand the human dimension?

General CASEY. I do. 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 what are gay and lesbian—they are forced to compromise our core values. And 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.

I think, 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. So 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, 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."

But 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.

Senator Thune.

[The material referred to follows:]

[COMMITTEE INSERT]

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 I do not recommend its repeal." And your prepared statement for today's hearing repeats that view.

I guess I would just pose the question of you that I did of the panel yesterday, Secretary Gates and Admiral Mullen. How should we as members of Congress weigh the fact that there isn't consensus among the servicemembers and the Secretary and the Chairman on this important issue? General Casey?

General CASEY. Senator, I think you should be grateful for that. I think what we're trying to do is provide our military advice, our informed military advice, so that you can understand all of the aspects of the problem. I think you will get a better decision out of it.

Senator THUNE. Do you believe that the implementing legislation, if in fact this moves forward, should allow for the chiefs, the servicemembers, 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. And I think Senator Lieberman asked the question earlier today about consulting with the chiefs. There's a big difference between consulting and having the 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. So you could put it in there, but I don't think it's necessary.

Senator THUNE. But would you agree that that's a very different standard, though? I mean, if you had to certify as the Secretary and the 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, I think it undercuts the Goldwater-Nichols, that we've been trying to put the Chairman as the principal provider of military advice. So 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. So 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 about there's a statement that I think that Senator Chambliss mentioned earlier today, that there were other comments that were provided, emails, etcetera, through the process, that suggested that the majority view was against repeal of the current policy. It was mentioned yesterday that that wasn't scientific because it wasn't part of the "survey" and that the statistical—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 just—I mean, we all hear, you've heard 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 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, as are what we in the Navy call "all hands calls," where we talk to our sailors. And 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 we don't—that's not how we do business. And 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. And 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, people engaged in combat. 57 percent I think was the number for Army, and 66.5 percent for Marines of people who

thought that this change would impact negatively or very negatively.

But 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. And yet the Working Group focused on, the report, the positive and mixed number, at 70 percent.

So 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 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?

General SCHWARTZ. Senator, my take is that—

Chairman LEVIN. Is your microphone on?

General SCHWARTZ.—categorizing the mixed group on the positive side does not undermine the basic credibility of the conclusions of the report. And 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 of this, the anecdotal—

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. So this was a fairly comprehensive effort on everyone's part.

General CARTWRIGHT. I would just add, Senator, just real quickly, 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 numbers as, etcetera. And 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 numbers here, what does this mean to you, what does it mean to your service, what did you find out working the deckplates? And that helped us also.

Senator THUNE. Well, and I appreciate the fact that not all of this entirely can be—I should say, 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.

But I appreciate your testimony. I think I know where all this is headed. But 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, and I know you all take that responsibility very seriously. And as you consider final conclusions about this, I hope that that will be the bottom line consider-

ation, 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 of course 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 "Don't Ask, Don't Tell."

[The material referred to follows:]

[COMMITTEE INSERT]

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 that 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 that concerns that we do not know what the troops say if asked whether they support repeal are not based on 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 or 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 in fact Gallop's editor in chief said yesterday that this survey represented a huge sample compared to most surveys. And 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 "Don't Ask, Don't Tell" has been effective is inconsistent with the evidence. A U.S. district court found that, according to all available research, "Don't Ask, Don't Tell" has actually harmed the military in several ways, including wasting valuable talent and undermining cohesion and morale.

A GAO 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 'Don't Ask, Don't Tell' promotes cohesion or is working in any way."

So I wanted that to be in the record, Mr. Chairman.

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 and training and changing of regulation, 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 the 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 here today, that we had in fact mitigated, if not eliminated, to the extent possible, risks to combat readiness, to unit cohesion, and effectiveness.

I'd like, in that spirit, to ask each of you if Secretary Gates's comments alleviate some, if not all, of your concerns? General Casey, perhaps I could start with you.

General CASEY. Secretary Gates's comments that he's not going to certify until the implementation is—we told him we're okay with it?

Senator UDALL. Yes. I think, so I'm fair to Secretary Gates, I think 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. And 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 would add—and I'm going to editorialize and then I've got one final question—that 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 the Congress to repeal "Don't Ask, Don't Tell." But my worry is that the courts may actually move in a much more hasty and chaotic fashion, and that were the 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.

So 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 and with a final question. I'd just like to again 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 this end of the line, 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, as do 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?

And 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. And 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 and 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 lame duck 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, should we 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 and 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 teams—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 kind of 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." And I think we would all agree with that. He says that "Any element of sexual"—"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."

So that's the essence of what he said, sir.

Senator WICKER. Well, 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 that situation is going to be that different in 2012 for that Marine lieutenant, or in 2013. We're always going to be asking that type of fighting man to operate under those types of conditions. And 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." And 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, is there 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, with all the many things—language, culture, IED training—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 probably we could do this.

Okay, I appreciate your answer. One final line of questioning. It's been suggested that "Don't Ask, Don't Tell" has hurt military readiness by the separation of many individuals what 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 United States Air Force involved in separation of homosexualities back during an earlier law. I didn't serve on active duty during "Don't Ask, Don't Tell." 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 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. We didn't—under "Don't Ask, Don't Tell," if they're not willing to admit it then there's no separation.

How many—let me ask you, General Schwartz, since we're both Air Force. I would—am I incorrect in assuming that a significant portion of the Air Force members who were separated during this last 17 years actually voluntarily came forward and asked for separation on those grounds?

General SCHWARTZ. Separations in support of 654 were less than 1 percent of the entire flow of individuals who separated. And 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 has since 1993 discharged a little over 625,000 Marines, not for this but just normal discharges, honorable discharges, retirements. And of that 625,000-plus Marines that have returned back to the United States of America, we have discharge 1304 Marines for homosexuality.

Of note, in that 1304, 400 of them happened at boot camp, the first 12 weeks of a Marine's career. I was at Parris Island just about 3 weeks, 4 weeks ago, and was there talking to a senior drill instructor, and it had just happened that day and he talked to me about a young Marine that had come forward. 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. So I want to thank you for the 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. And the armed services, you know they're 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. I think, 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, counseling. But that's all going to be a function of what the benefits are that are decided upon.

So 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. There's no—I guess, 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. And 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 Department-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 there a little bit more rapid than intended?

General CASEY, if you want to start on your end.

General CASEY. I have, Senator. And 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 about 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 2800 Army chaplains from about 200 different faith groups. And 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 of moral, on moral grounds, they have some issues, 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 “Don’t Ask, Don’t Tell” 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 is that the chaplains practice the protocols and the discipline of their faith and what have you, 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 United States 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 or 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?

I’ll start, 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, he has the statutory authority to suspend certain laws relating to promotion, retirement, or separation? Is there anyone can comment to that?

General SCHWARTZ. Sir, I’d like to take that question for the record to give you an accurate answer.

[The information referred to follows:]

[COMMITTEE INSERT]

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.

General CASEY. Me either.

Senator MANCHIN. I meant the pay grade. [Laughter.]

If you could, that would be very helpful.

I just—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 I think loud and clear that you would like to have that time guideline in your purview rather than ours. And 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?

I would just observe that I believe Senator Chambliss is correct. The report says: Total evaluation of the members of the military, 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 Marines, 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, I think, that go into that.

I want to take—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've got a plan for that. One of the competitors' supporter, a Mr. Warren Thompson of the Lexington Institute, has complained about this, and 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 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.

Senator SESSIONS. Well—

General SCHWARTZ. If I may, sir.

Senator SESSIONS. Yes.

General SCHWARTZ. 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, 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 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 and the military and the Department of Defense effectively in the California case. The way that was done was to obtain a letter from the chief counsel at the Department of Defense 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 committee. 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 and 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 Marines it was 45 percent, I think 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.

So it's 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.

[The information referred to follows:]

[COMMITTEE INSERT]

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 also know that—I want you to know that I'm extremely proud of all the great men and women that we have in our 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.

Well, 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 and 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 movements. But I think 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.

So it would be a holistic effort that would include all the services, the Department of Defense, 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. I think we're all a little—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 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 I think 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 challenged unit, 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 National Defense Authorization Act 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? So the impact of the uncertainty that we're operating under right now.

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 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 we had to—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.

So 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. And as I stated earlier, this ambiguity that's created for our, particularly our junior leaders, 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 certain 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 the time of war is not an issue. He put forth an example that in 1948 when President Truman ordered the military to racially integrate our forces, which was implemented throughout the Korean War. Admiral Mullen added that war facili-

tates change and our forces are completely different than they were back in 1993 when this existing law was passed.

Secretary Gates indicated with enough time and preparation the 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 we are at war complicates repeal. And I describe 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 there is a tight bond and a 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 servicemembers 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 servicemembers 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 ROUGHEAD. 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. And even with—the Coast Guard Academy was the first Federal academy to introduce women, and we put women out into the fleet very early. And 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. So 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, many times, and I always said that I would pledge to have an open mind and 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 and Petraeus and McChrystal and a whole host of probably about a thousand people, not only in 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, I think, 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 a JAG I read the rules and regs concerning this issue.

I am a little—Senator Inhofe asked a question about—and I've done many surveys in the Army. I don't ever remember them being voluntary. 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.

So 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 our 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. So this in our opinion was a good way to sample the force.

Senator BROWN. That's interesting. Like I said, I've been in 31 years and I don't ever remember—and I've taken a ton of surveys—they saying, oh, it's voluntary, just get it back. This is one thing that we're dealing with that 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. So I'll just note that for the record.

It seems in listening—as I said, I've tried to—I read the report, I've spoken to at least a thousand people in Afghanistan, National Guard, Reserves, Active Army, etcetera, getting their input. It seems to me that each and every one of you says: Yes, 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? And if it isn't, if someone could clarify that for me. Sir, 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 handle or some other method has to handle before we're ready to move forward. Clearly, this issue of can we put one more stone in the rucksack, what are the implications, 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 only issue that's the important issue in my mind right now while we're fighting two wars, is 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, number one. 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'm hopeful that if in fact we do move forward with this at some point—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 this "Don't Ask, Don't Tell" 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.

So let's assume for argument 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, very comfortable with, sirs, is that you will do your utmost to convey to the three certifiers that, yes, we're ready, we're ready to implement the back home troops first, we have a plan for education, we have a plan for implementation, we've done our due diligence, this is our strategy, this is what we're going to do, we're going to focus on the troops that are home first, the kind of back line, transportation, DISCOMs, those types of units, service and support units; and 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, we're going to give them the education, we're going to work it through, and we're going to cycle it in.

I think it would potentially be detrimental to just all of a sudden, if the courts in fact do something like that, to just go overnight. I think 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 that I have said there, sirs—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 I think 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've got great confidence in the leadership of the Department of Defense to do this thing the right way.

Senator BROWN. General Casey, I've got 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 just haven't had enough time.

Senator BROWN. It's premature, obviously.

General CASEY. Yes.

Senator BROWN. Well, listen. 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, it is what it is. We're here; we might as well work.

So I want to thank you all for your accessibility in answering not only me, but my staff's questions, and getting us to appropriate information and guidance. I want to say thank you also for you 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 I warfighting units predict"—and that word is in italics to emphasize it—"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 believe 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 combat arms units, all very high percentages.”

And then the report continues: “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.’”

Well, General Amos, that guy was not apparently in the Marines. He was a Special Operations Force warfighter. I’m not sure what force he was in. But would you say that that expression of his about no one cared he was gay, we have a gay guy here, he’s big, he’s mean, and he kills a lot of bad guys—shouldn’t that be read two or three times also?

General AMOS. Chairman, I don’t doubt at any given base or combat outpost that we’ll find men and women that are out there just 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. And the ones who have?

General AMOS. And 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. Well, I understand that, sir.

Chairman LEVIN. Well, 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’ve got to look at this entire picture. I don’t know what percentage of our men and women in the military are in, kind of at the point of the spear. I don’t know what that percentage is.

Maybe, General Cartwright, you know. How many people in the military? All together, how many are there?

General CARTWRIGHT. All together?

Chairman LEVIN. Yes.

General CARTWRIGHT. Somewhere, 2.2 million.

Chairman LEVIN. And what percentage would you say are in combat, combat arms units?

General CARTWRIGHT. I’d have to go back and look, Senator.

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?

General SCHWARTZ. Because—

Chairman LEVIN. There may be people in combat.

General SCHWARTZ. There may well be, sir. It's my conviction, though, that 2011—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. And you don't know how many people will be in combat in 2012, and yet: Hey, 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, the joint team.

Chairman LEVIN. No, I happen to agree with you on that, by the way. I agree with your point that you cannot, I think, kind of have a different phase-in for a different place. I think, Admiral Roughead, you also I think 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, we think, 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've got to wait, obviously, for them to come home, be rotated home.

So there are things you can do. But I just think to say 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. And my forecast would be, unlike others, that it's not a matter of months.

Chairman LEVIN. For the implementation stage, even it takes a year to begin, you've got to begin with the repeal or else you can't be implementing a repeal. So the first step is to repeal.

Why now? Why in a lame duck? That wasn't our timing. We had this bill I believe in March. What was the month? 6 months ago, we adopted a defense authorization bill. The majority of the committee, I think 16 to 12, said we should repeal a provision which the committee had adopted 8 years before, more than that, 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 are in the bill. 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.

But in the mean time, the bill is being held up from getting to the floor. A bill which contains the provisions for the tools and the resources for our troops 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 bill to the floor. We've been trying for a long time. We didn't pick the lame duck to bring this up. People understandably said: Wait until we have the report. Okay, that was a reasonable request. Many felt strongly it was important that we have a report. Well, we didn't set the timing for the report. The report came in—I believe it was due December 1st.

And we got 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. So we're trying to get the bill 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.

So the timing isn't our choice. We've been trying to get this to the floor for 6 or 8 months, and we're going to hopefully be able to find a way to get this to the floor this month. But there's a lot in that bill that is essential for the wellbeing of our troops.

For those who think this is a mistake—and I respect their position, although I disagree with it because of the caution that's in term in terms of the implementation phase and the certification. And 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 bill. 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, and this is part of the bill by a majority vote of the committee. Because it was this committee that put "Don't Ask, Don't Tell" 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. Well, thank you, Mr. Chairman. I am sure that our witnesses were intrigued by the lecture on

the legislative process here in the United States 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 all over my State for nearly 2 years, no one came up to me and, with military retirees and military bases and presence, none of them, no one, came up to me and said: Gee, please, Senator McCain, get to work on "Don't Ask, Don't Tell."

In fact, every place I went members of the military came up to me and said: Things are fine; it's working. But most importantly, they said they want to get their 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.

So the fact is that—and again, this morning we find out an increase in the unemployment rate up 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. So it's tough sometimes to disagree with the Commander in Chief. It's tough to disagree with powerful members of Congress that literally have the influence and power over whether your service receives the necessary training, equipment, and everything else to make you function effectively.

So I'd like to thank every member of this body—of this panel this morning, for their candor, from 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. And the military is functioning in the most efficient, most professional, most courageous fashion in any time in our history.

So to somehow believe that this is some kind of compelling issue, at a time we're in two wars, as General Amos's 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 "Don't Ask, Don't Tell" was enacted. I look forward to joining with you and Senator Lieberman and other members of this committee next year in taking up this issue again and examining all the ramifications of it—by the way, 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 lame duck 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've got 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've also got the underlying National Defense Authorization Act, which, as the witnesses know, contains within it a series, a large number of authorizations that are really important to the troops, to the military, and particularly the troops in combat. And if we don't pass that, they're not going to be supported in the way that they deserve to be supported.

So 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. But we're also—we're here in part, I think, because some of us think that the current—and Admiral Mullen particularly spoke to this yesterday—the current policy of “Don't Ask, Don't Tell” 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. So we lost all—talk about money. I saw one estimate that we spent \$500 million training those. 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, probably, several hundred of those had mission-critical skills, like translators and health personnel and intelligence analysts. We need those people in combat to support our combat troops.

And this policy I think 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 where they're living—for fear that they'll be outed.

You know, there was a really interesting part of the survey which I quoted yesterday and I'm going to quote again today. It struck me really 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, 1–5 percent, of the gay and lesbian servicemembers who responded to the survey said they would want their sexual orientation known throughout their unit. This sort of gets in a way beyond the “believe or know” 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.”

So I think that—and 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 on hours when they're not on duty and somebody will report that, and 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 so-called 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. We all say—a lot of other institutions say we do, including this one, but we don't do it as well as we should.

So I think all of this soliloquy is to answer the relevant question that Senator Wicker asked, which is why are we here? I think we're here because we think this is, the current policy—those of us who advocate to 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.

I think your testimony—we'll all take from it, I suppose, what we will and what we want to take from it. But I think your testimony—and 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, the repeal, giving the Secretary unlimited time to certify—I heard the Secretary, incidentally, said yesterday he's not going to certify to this theoretically if the repeal passes. In other words, he's not going to certify to this because he believes it can be done without effect on the military morale, unit cohesion, 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.

So I just hope, one, we can find a way to agree that this underlying defense authorization bill is so important to our military in combat that we've got 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—a Congress will not have passed a defense authorization bill. And second, that we let there be a free debate on the "Don't Ask, Don't Tell," 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, is implemented so as to, to use Secretary Gates's words, mitigate or eliminate any of the risks that a few of you have quite sincerely expressed your concerns about here this morning

So 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, our military leaders—and we need the testimony of our enlisted leadership, who we rely on so much, our senior enlisted personnel as well.

But the fact is that the testimony today clearly indicates that we don't—we should not rush forward to judgment 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 a billion dollars worth of unmitigated outrageous pork that was added in the authorization bill, 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. So the problem with the defense authorization bill isn't confined to the "Don't Ask, Don't Tell" 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've got the highest retention, the best recruitment, and the most professional military in our history. We just have a difference of opinion.

I thank the chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Let me say first of all 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 defense authorization bill to come out of committee, and the only way those issues can be addressed is to debate them, 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, and I hope that we can somehow or other 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.

Second, 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 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 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 the 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, and we will now stand adjourned.

[Whereupon, at 12:18 p.m., the committee adjourned.]