

Written Statement of
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Senate Committee on Armed Services

Thank you, Mr. Chairman, Senator McCain, distinguished members of the Committee, good morning. I appreciate the opportunity to comment on the final report from the Comprehensive Review Working Group regarding the potential impacts of repealing 10 USC 654 and the associated Department of Defense policy commonly referred to as “Don’t Ask, Don’t Tell.”

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 here today, by commending the Comprehensive Review Working Group on its efforts in reaching out across the force and to their families to ensure the opportunity to participate was broad and far-reaching.

As expected, the data assimilated by the working group reflects a wide range of views on the service of men and women known to be gay or lesbian in the U.S. military. Many favor such a policy change, others are neutral, and some are opposed. That said, the critical question is not the issue of acceptance, but what if any, impact repeal would have on military effectiveness. I will focus my comments on this issue.

Should the current law be repealed, it is my view implementation of a new Department policy would involve manageable risk in regards to military effectiveness – even during the high tempo of wartime operations. It is clear to me, based on my observations throughout 40 years of military service and reinforced by the findings of the report, that the men and women of the U.S. Armed Forces form the best trained and most professional military organization

in history. Our servicemembers tend to think in terms of mission accomplishment and look beyond issues of race, religion, gender and, frankly, sexual orientation. I do not say this to suggest that making such a significant personnel policy shift would be a simple matter. Certainly, not. If the law is repealed, implementation of a more transparent policy will be challenging and will require the deliberate and disciplined attention of leaders at all levels.

So, you may ask why now? Why not wait for a more timely opportunity to consider this issue. Waiting for a more ideal time to decide this question is obviously one option; however, difficult tasks are rarely well served by delay. It is hard to foresee a time when the men and women of the U.S. military will be more focused and disciplined than they are today. We must be prudent in our approach, but there is little to suggest that the issues associated with a change in the law and DoD policy will diminish if we wait on the uncertain promise of a less challenging future.

In times of conflict, whether one is in direct contact with the enemy or serving in a support role, the focus is on the war effort. The challenges associated with making a change of any kind that seem enormous during periods of inactivity become less distracting when you are defending your Nation and comrades. U.S. servicemembers engaged in combat operations rely on the expertise and reliability of their fellow service men and women. The character of the individual becomes the focal point, not presumed or known attitudes or lifestyles. The findings of the report would seem to confirm this view.

The study reveals that the combat arms communities predicts repeal would have a substantially higher negative effect on the force than the predictive view of the force as a whole. The perspectives of these warfighters is important and I respect their opinion; however, I agree with the report that this view is more likely the result of the lack of actual experience with serving in

units with someone believed to be gay, in addition to the typical misperceptions and stereotyping.

While the percentage of “predictive” negative effects was higher within the combat arms communities, it is important to note that the numbers in the report shift dramatically to the very positive when this same combat arms subgroup was asked about their actual experiences when serving in a unit with someone believed to be homosexual. In terms of actual disruption experienced, as opposed to predicted disruption, the distinction between combat arms communities and the force as a whole is negligible.

Some may look at the numbers and suggest they are merely an indicator and not a complete picture. To that observation I say yes, a principal purpose of surveying the force was to obtain an indication of how change would impact unit cohesion, bonds of trust and the like. These indicators give me confidence that the risk to military effectiveness is manageable in much the same manner the Department manages other challenges and shortfalls that have a potential impact on readiness and effectiveness in general.

In some respects the risk we will encounter should the law and policy change will be driven by how the law and policy is changed. Repealing the existing law by an act of Congress will enhance the Department’s ability to manage risk; whereas if the law is rescinded through the judicial process then, in my view, the Department’s ability to manage the risk of implementation is made more difficult. Legislation will provide the structure and predictability that the Department’s civilian and military leadership require to effectively and efficiently transition to a change in policy with the least disruption. It is impossible to predict what will happen in the courts and unpredictability fuels risk. My greatest concern, should the law change through the judicial process, is the Department could lose the ability to transition in a way that facilitates managed implementation.

We pride ourselves as a Nation that does not merely tolerate diversity, varying orientations and attitudes, but as a Nation that embraces and is strengthened by the many differences among us. A preeminent strength of our Nation is the willingness to acknowledge diverse views, engage in respectful debate, and at the end of the dialogue unite under the rule of law to pursue our national interests. The character and appeal of the U.S. Armed Forces lies in the inclusivity, equality and opportunity resident in our organizational ethos; being more inclusive, in my view, will improve the institution as a whole. Strong and committed leadership has plotted the course of the U.S. Armed Forces throughout history. It is a certainty that change brings challenge, but challenges demand leadership. The quality of leadership that has been the hallmark of our military institution will be the determining factor on the question at issue today.

My faith in our leadership, from top to bottom, the fair-minded temperament of the American public, and the reputational benefit derived from being a force identified by honesty and inclusivity, rather than concealment causes me to favor repeal of 10 USC 654 and revocation of the associated DoD policy known as “Don’t Ask, Don’t Tell.”